

## 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.

PERMITAUTHORITY GRANTING THE PERMIT

Special Use Permit

U. S. Department of the Interior,  
National Park Service

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.**

Name Govt and Utilities  
of Use:

Permit Review Date:

Permit Expires: Dec.31, 2010

Long Term

Permit No.: GOV09 - CAHA - 5700 - 052

Short Term

Name of Area: Cape Hatteras National Seashore

Jerry Jennings, PE & North Carolina Department of  
Transportation of

Edenton, NC (252) 482-7977

Name of Permittee

Address

Phone

is hereby authorized during the period of 8:00:00 AM on 04 8, 2009 and expiring at Dec.31, 2010, to use the following described land or facilities in the above named area:

on lands of the Cape Hatteras National Seashore located on Ocracoke Island to resurface 13.3 mi. of NC 12 from the North Ferry Terminal to the Village and to provide bike lane and/or to construct a multi use path, each on preapproved designated sections of Hwy 12

**SUPERSEDING PRIOR PERMIT OF THE SAME NUMBER W/SIGNATURE DATE OF 4/8/2009**

For the purpose(s) of: **resurfacing NC 12, widening and/or constructing a bike/multi-use trail in accordance with the drawings, maps, letters and representation made by NCDOT in support of the application for this permit.**

Authorizing legislation or other authority: 36 CFR: Chapter 1, Part 1.6

NEPA Compliance:  Categorically Excluded  EA/FONSI  EIS  Other Approved Plans

Performance Bond:  Required  Not Required Amount \$0.00

Liability Insurance:  Required  Not Required Amount \$1,000,000.00

ISSUANCE of this permit is subject to the conditions on the reverse hereof and appended pages and when appropriate to the payment to the U.S. Department of the Interior, National Park Service, of the sum of \$0.00.

The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

PERMITTEE

Signature

5/4/09  
Date

Authorizing Official

Signature

for Darrell L. Echols  
Deputy Superintendent

4/23/2009  
Date

Additional Authorizing Official  
(If Required)

Signature

Title

Date

PERMITTEE

ADDENDUM  
Cape Hatteras National Seashore

Special Use Permit #GOV09-CAHA-5700-052

1. The permittee shall exercise this privilege subject to the supervision of the Superintendent, and shall comply with all applicable laws and regulations of the area.
2. Damages - The permittee shall pay the United States for any damage resulting from this use which would not reasonably be inherent in the use which the permittee is authorized to make of the land described in this permit.
3. Benefit - Neither Members of, nor Delegates to Congress, or Resident Commissioners shall be admitted to any share or part of this permit or derive, either directly or indirectly, any pecuniary benefits to arise therefrom: Provided, however, that nothing herein contained shall be construed to extend to any incorporated company, if the permit be for the benefit of such corporation.
4. Assignment - This permit may not be transferred or assigned without the consent of the Superintendent, in writing.
5. Revocation - This permit may be terminated upon breach of any of the conditions herein or at the discretion of the Superintendent.
6. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation [Re: 36 CFR 2.32(a) (4)].
7. Permittee will comply with applicable public health and sanitation standards and codes.
8. The permittee and all participants authorized herein must comply with all conditions of this permit including all exhibits, amendments and/or written directions of the Park Superintendent.
9. This permit is applicable only for the use of the area(s) indicated under the terms detailed on Special Use Permit (Form 10-114) and the additional provisions listed below.
10. Special Park Uses Coordinator Steve Thompson is the Service's representative regarding permit preparation and can be reached at (252) 473-2111, ext. 121. Ocracoke Island District Ranger Kenny Ballance at (252) 928-5111 or his designee will serve as the Service's representative during the Project. The permittee must immediately notify Ranger Ballance in the event of any accidents or emergencies.
11. This permit does not authorize exclusive use of any public lands. The permittee shall insure to the fullest practicable extent that the rights of the general public visiting Cape Hatteras National Seashore will not be infringed upon by this activity.
12. An on-site survey of archeological and/or cultural resources by a mutually agreed upon professional archeologist must be conducted prior to commencement of the Project. The authorized activities shall be suspended immediately should any unidentified archeological or other cultural resources be encountered within the permitted area. The Service's Resource Chief Thayer Broili, 473-2111, ext. 137 or Historian/Cultural Resources Manager Doug Stover, 473-2111, ext. 153 must be notified immediately.
13. The permittee will exercise particular care to avoid disturbing or destroying wildlife and vegetation.

14. Prior to resurfacing taking place between the Northern Ferry Dock and the Pony Pens, NCDOT and the contractor will consult with the NPS biologist to identify any Nesting Sites along this section. If Nesting Sites are present, these sites will be avoided as directed by the NPS biologist.
15. Permittee vehicles and equipment must not interfere with or impede routine visitor traffic or use of park resources in any manner other than permitted hereunder. Equipment utilized during the Project shall be strategically placed and operated as to avoid damage to ocean side dunes and/or marsh habitat. Equipment will not be permitted to operate from or on the ocean beach. The permittee is responsible for any and all damage resulting from the operation of all equipment and vehicles used during this Project regardless of equipment ownership or operator.
16. All construction activity including vehicle operation, excavation, material storage, etc., will occur within the construction limits shown on the Plans for the Project. Thirty days before the commence of the project, the Permittee will cause the site to be "staked" with 3 foot high markers bearing red ribbon which will be visible to all work crews at the site designating the authorized work areas and staging areas in within which the permittee may work.
17. No staging of materials is permitted on Park property outside the staging areas designated on the Plans for this Project.
18. Within the construction limits shown on the Plans for the Project, appropriate measures will be taken to minimize damage or disturbance of vegetation and soil. The disturbed areas will not be re-seeded unless required by the Superintendent with the exception being the road shoulder. A meeting between the NCDOT and Service representatives must occur on-site to review and approve materials and acceptable plant species prior to planting cover on the road shoulder.
19. During the relocation of any waterline, flushing of chlorine sterilizing solution is permitted on Service land provided dechlorinators are utilized. Groundwater pumped during the permitted activity must be discharged in compliance with all applicable laws. Any discharge allowed beyond the construction limits shown on the Plans for the Project must be accomplished by hand. Specifically, discharge pipes will be laid and removed by hand, motorized equipment may not be used outside of this zone. The specific location of any water discharge pipe shall be negotiated and approved in advance during an on-site between the contractor and Service representative.
20. The permittee must properly dispose of all refuse generated by the permitted activity. Clean up to the satisfaction of the Service is the responsibility of the permittee. The permittee shall be liable for any damages to any government property resulting from these activities.
21. Upon expiration or termination of this permit, the permittee shall restore the site as nearly as possible to its natural state, under the direction of the Superintendent or his designee. Restoration to any damaged areas will include but not be limited to vehicular tracks being raked smooth, holes filled, and native vegetation restored. Damage to property shall be repaired to a condition that is as good as or better than original.
22. The Superintendent shall be notified in writing no less than fifteen (15) days prior to

the start of initial construction on Park lands. An on-site meeting will be conducted immediately prior to start of construction between representatives of the Service and the Permittee's construction/maintenance supervisor and contractor representatives to determine and clarify the scope of the project and any requirements of the Service. The Permittee construction/maintenance supervisor will contact the District Ranger on the morning of the first and last day of work, advising the location and extent of work crews and equipment in the Park.

23. The Permittee and its contractors/subcontractors will coordinate with NPS staff to reduce disruption of normal park activities. At least 48-hours prior to arrival, contractors will notify the District Ranger when heavy construction equipment will be delivered to the site to minimize traffic delays that may occur as trailers carrying equipment turn off Highway 12 or access other areas of the park.
24. No permanent buildings will be constructed at the staging areas and no workers or visitors will be housed or allowed to camp at the site; however, temporary trailers will be permitted if necessary for personnel and equipment and to accommodate night-watchmen for the contractor.
25. During construction, sediment traps and/or silt fencing will be placed along edges of the proposed construction area before any construction activity occurs and then removed upon completion of the project under guidelines provided by the Superintendent or his designee.
26. The Permittee and any of its Contractors or Sub-contractors shall comply with all State of North Carolina, Department of Environmental Quality and National Park Service rules and regulations during construction including, but not limited to, the handling and storage of fuel, oil and other liquids.
27. All construction vehicles will be pressure cleaned with water prior to arriving at and departing from the construction site to minimize the potential for introducing exotic plant species. North Carolina Highway 12 will be kept clean and free from debris.
28. Contractors/subcontractors will be informed about the special sensitivity of park values, regulations, and appropriate grounds maintenance during construction periods.
29. Safety fences and signs will exclude park visitors from construction and access areas, and will explain the reasons for the project. The Permittee will maintain fences and signs in good repair during project activities and promptly remove them following completion of construction.
30. To the extent that work undertaken under this permit is performed by other than the Permittee's employees, it shall require such person or corporation to:
  - Procure public and employee liability insurance from a responsible company or companies with an aggregated limitation of One Million Dollars (\$1,000,000) for any number of claims arising from any one incident. The policies shall name the United States as an additional insured, shall specify that the insured shall have no right of subrogation against the United States for payments of any premiums or deductibles due thereunder, and shall specify that the insurance shall be assumed by, be for the account of, and be at the insured's sole risk. Prior to beginning the project authorized herein, Permittee shall provide the NPS written confirmation of

such insurance coverage.

- Pay the United States the full value for all damages to the lands or other property of the United States caused by the said person or organization, its representatives, or employees.
  - Indemnify, save and hold harmless, and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of, or from, any omission or activity of the said person or organization, its representatives, or employees.
31. Mining the removal of natural substances such as sand and gravel is prohibited. Digging, excavation work and fill work during the construction process will only be permitted with the express written consent of the Superintendent.
  32. The permittee shall abide by and insure that all personnel at the site abide by the rules and regulations of the National Park Service now existing or subsequently promulgated and pertaining to the Cape Hatteras National Seashore.
  33. The Permittee agrees to do everything reasonably within its power, both independently and on request of the Superintendent, to prevent and suppress fires resulting from the Permittee's activities on and adjacent to the site.
  34. This permit is issued subject to the permittee obtaining all required permits from local, state, and federal agencies. Copies of permit must be available at the request of the Superintendent.
  35. The State of North Carolina will indemnify, save, and hold harmless and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of or from any omission or activity of the Permittee, or its employees to the extent allowable under North Carolina law.

**This permit may be revoked at any time at the discretion of the Superintendent without compensation to the permittee or liability to the United States.**



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

Beverly Perdue  
GOVERNOR

Gene Conti  
SECRETARY

March 6, 2009

Attention: Steve Thompson

Cape Hatteras National Seashore  
1401 National Park Drive  
Manteo, NC 27954

Dear Mr. Thompson,

The purpose of this letter is to request a Special Use Permit for the widening of NC 12 from 24 ft. to 32 ft. to accommodate pedestrian bicycle traffic. This widening will begin at the Pony Pen location and continue south for approximately 3.35 miles to the NPS Camp Ground. The pedestrian bike shoulder will have a 3-4 ft. travel lane on either side of NC 12, as depicted on the provided drawing. In conjunction with this symmetrical widening for a bike lane, NCDOT is also proposing to build a separated bike path from the NPS Camp Ground to Ocracoke Village. This portion of the project is approximately 3.5 miles in length. The path will be located within the existing NCDOT maintained shoulder on the east side of NC 12. The path will be 10 feet in width and have an asphalt surface as depicted in the provided drawing. The purpose of this project is to provide a safer transportation facility for bicyclists. All work will stay within the existing maintained shoulder area of NC 12. Traffic will be maintained along NC 12 with temporary one lane closures during work hours. I have included the environmental documentation, vicinity map and drawing depicting the proposed cross-section. If you have any questions about the request, please give Clay Willis a call at 252-482-7977. Thanks for your efforts in this matter.

Sincerely,

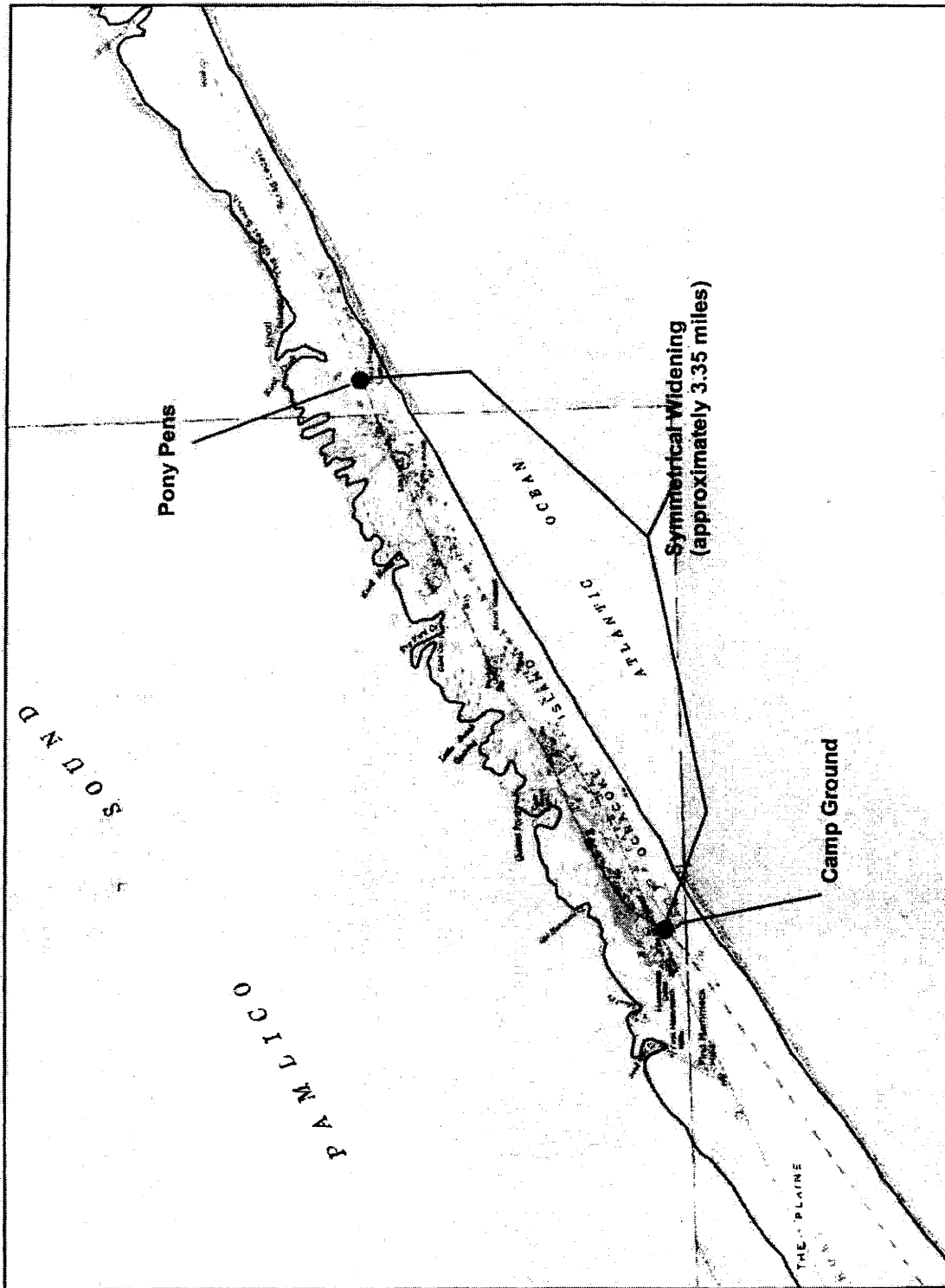
Jerry Jennings, PE  
Division One Engineer

Clay Willis   
Division One Environmental Officer

Cc: Gretchen Byrum, P.E.  
Sterling Baker, P.E.

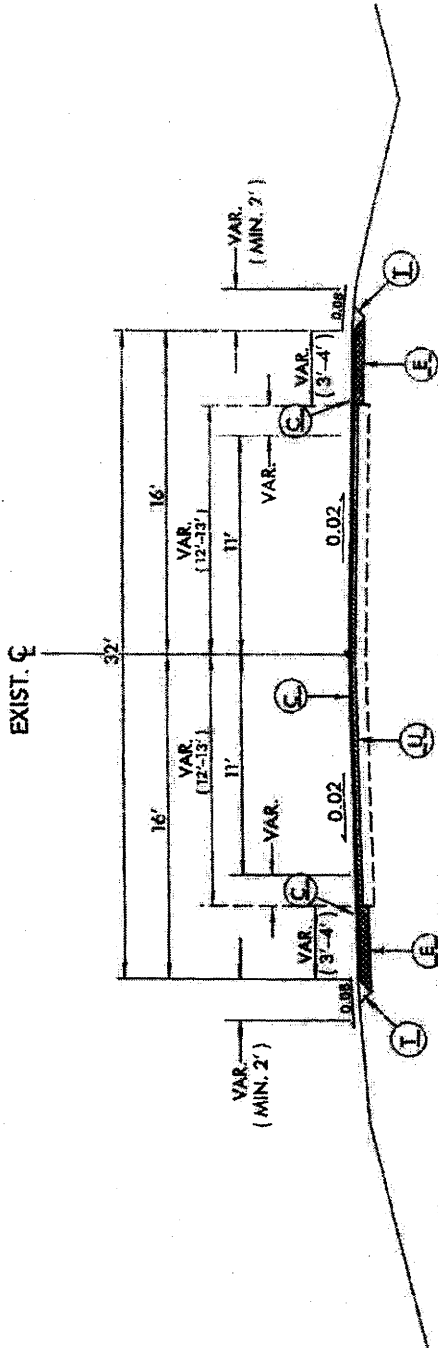


Ocracoke Paved Shoulder/Bike Lane  
NC 12





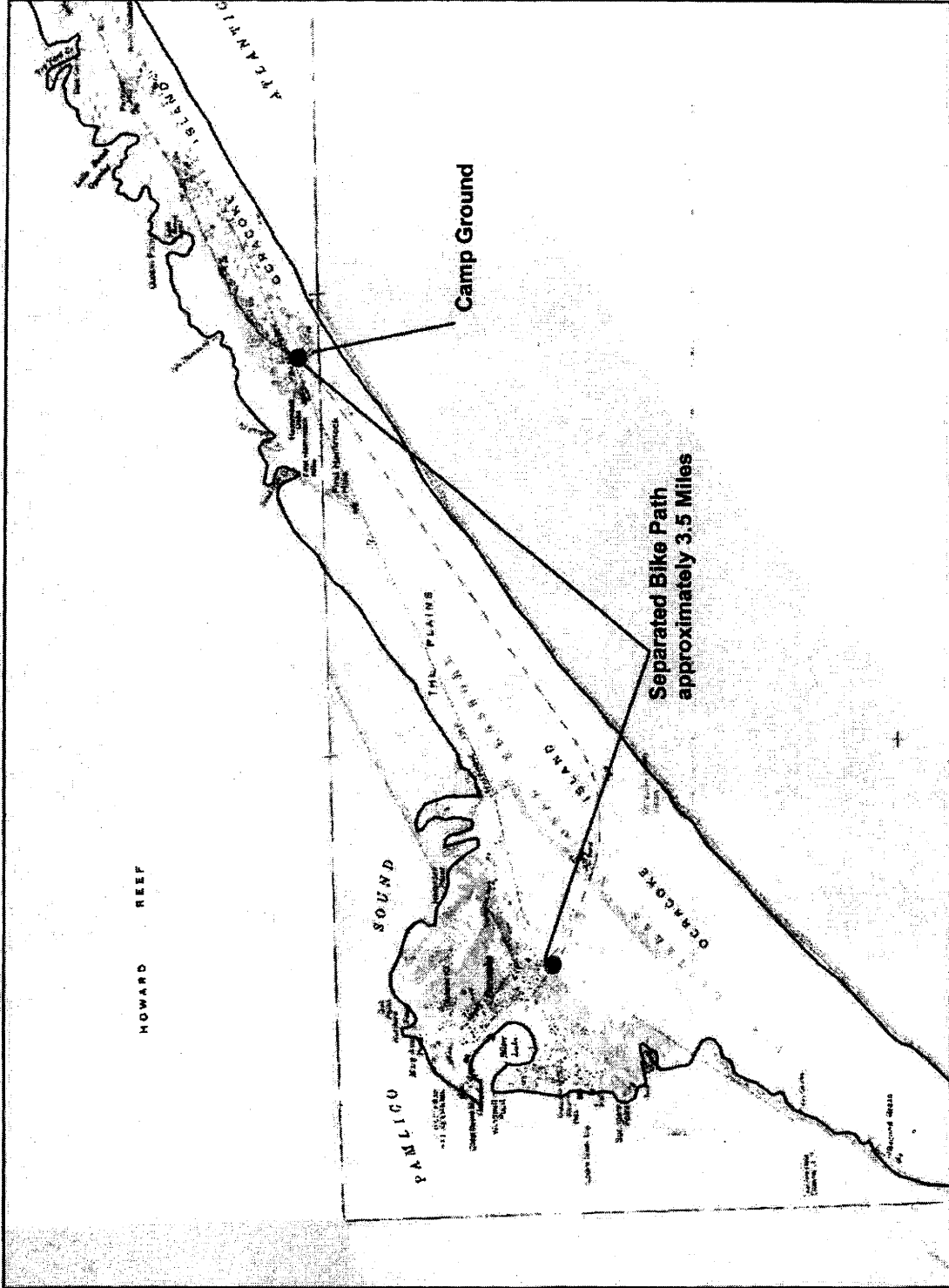
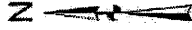
C	PROP. APPROX. 1 1/2" ASPHALT CONCRETE SURFACE COURSE, TYPE 88.5B, AT AN AVERAGE RATE OF 188 LBS. PER SQ. YD.
E	PROP. APPROX. 5 1/2" ASPHALT CONCRETE BASE COURSE, TYPE 824.0B, AT AN AVERAGE RATE OF 827 LBS. PER SQ. YD.
T	EARTH MATERIAL.
U	EXISTING PAVEMENT.



TYPICAL SECTION NO. 1

USE WITH MAP 2

Ocracoke Separated Bike Path  
NC 12



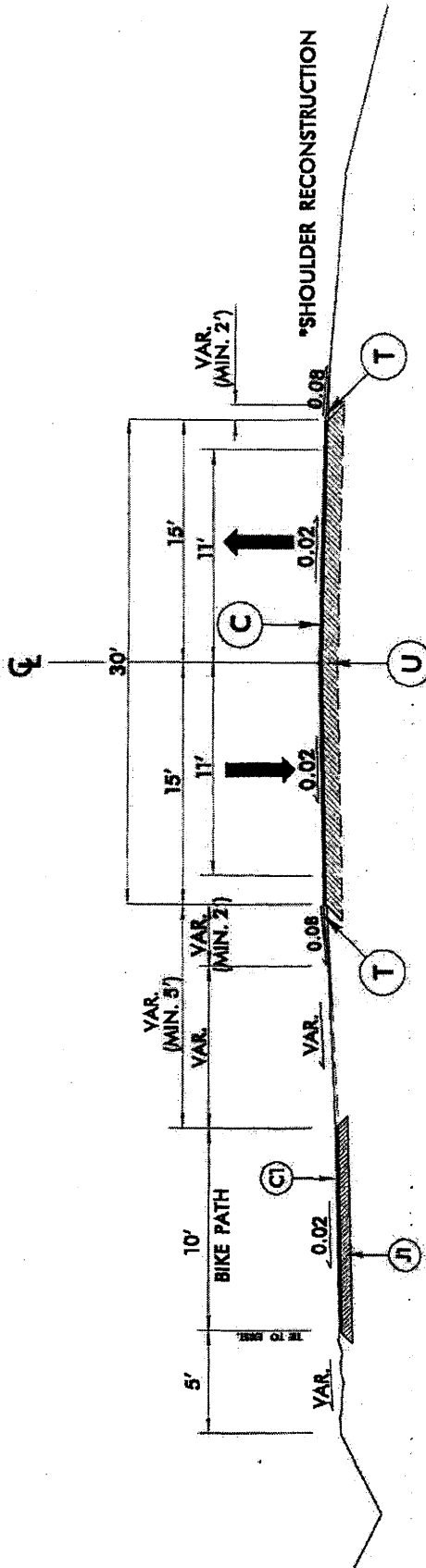
PROJECT NUMBER: 15-500  
 SHEET NO. 2

PAVEMENT SCHEDULE

D1	PROP. APPROX. 1.5" ASPHALT CONCRETE SURFACE COURSE, TYPE B, 1.5% AT 2% STRENGTH RATE OF 100 LBS. PER SQ. YD.
J1	PROP. APPROX. 6" AGGREGATE BASE COURSE
T	EARTH MATERIAL
U	EXISTING PAVEMENT

NOTE: PAVEMENT SLOPE SLOPES ARE 1:1 UNLESS SHOWN OTHERWISE.

NOTE:  
 THE CONTRACTOR SHALL MAKE ALL ATTEMPTS TO BALANCE THE EARTHWORK MATERIAL ON THIS PROJECT, BUT IF ADDITIONAL MATERIAL IS NEEDED THEN THE CONTRACTOR SHALL BE REQUIRED TO PROVIDE ADDITIONAL SUITABLE BORROW MATERIAL. THE CONTRACTOR WILL ALSO BE RESPONSIBLE FOR DISPOSAL OF EXCESS MATERIAL.  
 THIS WORK WILL BE CONSIDERED INCIDENTAL TO THE LINE ITEM "GRADING".



TYPICAL SECTION

NOTE TO CONTRACTORS

THE CONSTRUCTION OF WIDENED PAVED SHOULDERS AND REBURFACING OF NC 12 (SHOWN ABOVE), WILL RUN CONCURRENTLY WITH THIS PROJECT.

THE CONTRACTOR ON THIS PROJECT SHALL COOPERATE WITH THE CONTRACTOR WORKING WITHIN OR ADJACENT TO THE LIMITS OF THIS PROJECT TO THE EXTENT THAT THE WORK CAN BE CARRIED OUT TO THE BEST ADVANTAGE OF ALL CONCERNED.