



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

ROY COOPER
GOVERNOR

J. ERIC BOYETTE
SECRETARY

April 16, 2021

Addendum No. 2

RE: Contract # C204571

WBS # 44997.3.1

STATE FUNDED

Columbus County (R-5797)

DRAINAGE, GRADING, PAVING, AND STRUCTURE ON US-74 AT SR-1506

April 20, 2021 Letting

To Whom It May Concern:

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

The following revisions have been made to the proposal:

Page No.	Revision
Proposal Cover	Note added that reads "Includes Addendum No.2 Dated 04-16-2021"
P-1	Revised to reflect the Department's receipt of the permits
New Pages P-2 thru P-36	Pages added to include project permit in the proposal

Please void the above listed existing Pages in your proposal and staple the revised Pages thereto. Staple New Pages P-2 thru P-36 after revised Page P-1 in your proposal.

The contract will be prepared accordingly.

Sincerely,

DocuSigned by:
Ronald E. Davenport, Jr.
F81B6038A47A442...
Ronald E. Davenport, Jr., PE
State Contract Officer

RED/jjr
Attachments

Mailing Address:
NC DEPARTMENT OF TRANSPORTATION
CONTRACT STANDARDS AND DEVELOPMENT
1591 MAIL SERVICE CENTER
RALEIGH, NC 27699-1591

Telephone: (919) 707-6900
Fax: (919) 250-4127
Customer Service: 1-877-368-4968

Location:
1020 BIRCH RIDGE DR.
RALEIGH, NC 27610

Website: www.ncdot.gov

cc: Mr. Lamar Sylvester, PE
Mr. H.L. "Drew" Cox, PE
Mr. Boyd Tharrington, PE
Mr. Jon Weathersbee, PE
Mr. Ken Kennedy, PE
Project File (2)

Mr. Ray Arnold, PE
Ms. Jaci Kincaid
Ms. Lori Strickland
Mr. Mike Gwyn
Ms. Penny Higgins
Mr. Kyle Kempf

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

PROPOSAL

INCLUDES ADDENDUM No.2 DATED 04-16-2021

DATE AND TIME OF BID OPENING: **APRIL 20, 2021 AT 2:00 PM**

CONTRACT ID C204571
WBS 44997.3.1

FEDERAL-AID NO. STATE FUNDED
COUNTY COLUMBUS
T.I.P. NO. R-5797
MILES 1.006
ROUTE NO. US 74
LOCATION US-74 AT SR-1506.

TYPE OF WORK DRAINAGE, GRADING, PAVING, AND STRUCTURE.

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 SPECIALTY 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. NOTWITHSTANDING THESE LIMITATIONS ON BIDDING, THE BIDDER WHO IS AWARDED ANY FEDERAL - AID FUNDED PROJECT SHALL COMPLY WITH CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA FOR LICENSING REQUIREMENTS WITHIN 60 CALENDAR DAYS OF BID OPENING.

BIDS WILL BE RECEIVED AS SHOWN BELOW:

THIS IS A ROADWAY & STRUCTURE PROPOSAL

5% BID BOND OR BID DEPOSIT REQUIRED

PROJECT SPECIAL PROVISION

(10-18-95) (Rev. 3-21-17))

Z-1a

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, DEQ 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 107-13 of the *2018 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 restricted waters, wetlands or buffer zones, provided that activities outside those areas is done in such a manner as to not affect the restricted waters, wetlands or buffer zones.



DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
69 DARLINGTON AVENUE
WILMINGTON, NORTH CAROLINA 28403-1343

April 16, 2021

Regulatory Division

Action ID. SAW-2018-00552

Mr. Gregory W. Price
North Carolina Department of Transportation
Division 6
500 Transportation Drive
Fayetteville, North Carolina 28302
Gwprice2@ncdot.gov

Dear Mr. Price,

In accordance with the written request of November 18, 2020, and the ensuing administrative record, enclosed is a permit to discharge dredged or fill material into waters of the U.S. in association with construction activities related to the upgrade of the existing interchange along U.S. Highway 74 and SR 1506 (Old Boardman Road/Macedonia Church Road), in Boardman, Columbus County, North Carolina. This project is identified as R-5797.

Any deviation in the authorized work will likely require modification of this permit. If any change in the authorized work is necessary, you should promptly submit revised plans to the Corps showing the proposed changes. You may not undertake the proposed changes until the Corps notifies you that your permit has been modified.

Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant general conditions require that:

- a. You must complete construction before December 31, 2026.
- b. You must notify this office in advance as to when you intend to commence and complete work.
- c. You must allow representatives from this office to make periodic visits to your worksite as deemed necessary to assure compliance with permit plans and conditions.

You should address all questions regarding this authorization to Ms. Liz Hair at the Wilmington Regulatory Field Office, telephone 910-251-4049.

FOR THE CHIEF, REGULATORY DIVISION

*Monte
Matthews*

Date: 2021.04.16

07:28:50 -04'00'

Monte Matthews
Lead Project Manager
Wilmington District

Enclosures:

Electronic Copies Furnished (with enclosures):

Chief, Source Data Unit
NOAA/National Ocean Service
1315 East-west Highway, Room 7316
Silver Spring, Maryland 20910-3282

Electronic Copies Furnished with Special Conditions and Plans:

U. S. Fish and Wildlife Enhancement
Fish and Wildlife Enhancement
Post Office Box 33726
Raleigh, North Carolina 27636-3726

Dr. Pace Wilber
National Marine Fisheries Service
101 Pivers Island Road
Beaufort, North Carolina 28516

Mr. Todd Bowers
Wetlands and Marine Regulatory Section
Water Protection Division – Region IV
U. S. Environmental Protection Agency
61 Forsyth St. SW
Atlanta, Georgia 30303-8931

Mr. Jonathan Howell
Division of Coastal Management
North Carolina Department of
Environmental Quality
400 Commerce Avenue
Morehead City, North Carolina 28557

Ms. Amy Chapman
Transportation Permitting Unit
Division of Water Resources
Department of Environmental Quality
1617 Mail Service Center
Raleigh, North Carolina 27699

DEPARTMENT OF THE ARMY PERMIT

Permittee: North Carolina Department of Transportation
ATTN: Greg Price

Permit No.: SAW-2018-00552

Issuing Office: CESA-W-RG-L

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 NCDOT proposes to convert the at-grade intersection at US 74 and SR 1506 (Old Boardman Road/Macedonia Church Road) to an interchange. The interchange will consist of constructing a diamond interchange at US 74/SR 1506 east of the current interchange with roundabouts north and south of US 74, realigning Old Boardman Road onto a structure over US 74, and upgrading US 74 within the project limits to interstate standards. The project is approximately 0.9 mile in length.

Proposed total impacts associated with the overall R-5797 project include permanent impacts 13.35 acres of wetlands (direct fill, excavation and mechanized land clearing). There would be a total of 11.40 acres of permanent wetland impacts associated with this project due to fill, 1.89 acres due to mechanized clearing, and 0.06 acres due to excavation. No impacts to wetlands resulting from utilities or hand clearing are proposed.

Project Location: The proposed project is located in western Columbus County, along U.S. Highway 74 and SR 1506 (Old Boardman Road/Macedonia Church Road) in Boardman, Columbus County, North Carolina.

General Conditions:

1. The time limit for completing the work authorized ends on **December 31, 2026**. 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.

P-6

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).
- 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.

P-7

- 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.

Gregory W Price 4/16/2021
 (PERMITTEE) NC DEPARTMENT OF TRANSPORTATION (DATE)
 ATTN: GREG PRICE

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

 FOR THE DISTRICT COMMANDER BENJAMIN A. BENNETT, 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)

*U.S. GOVERNMENT PRINTING OFFICE: 1986 - 717-425

**SPECIAL CONDITIONS
SAW-2018-00552
R-5797**

WORK LIMITS / NOTIFICATION

1. **Work Limits:** All work authorized by this permit shall be performed in strict compliance with the attached permit plans entitled Wetland and Surface Water Impacts-R-5797 sheets 1-16 and the Wetland and Surface Water Impacts Summary Table dated January 24, 2019. The Permittees shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Any modification to the attached permit plans must be approved by the U.S. Army Corps of Engineers (Corps) prior to any active construction in waters or wetlands.
2. **Unauthorized Dredge and/or Fill:** Except as authorized by this permit or any Corps 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, or shall any activities take place that cause the degradation of waters or wetlands. 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 waste activities connected with this project. 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.
3. **Permit Distribution:** The Permittees shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions and drawings shall be available at the project site during construction and maintenance of this project.
4. **Preconstruction Meeting:** The Permittee shall schedule and attend a preconstruction meeting between its representatives, the contractors representatives, and the Corps, Wilmington 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 the terms and conditions contained with this Department of Army Permit. The Permittee shall provide the Corps, Wilmington Field Office, NCDOT Project Manager, with a copy of the final permit plans at least two weeks prior to the preconstruction meeting along with a

**SPECIAL CONDITIONS
SAW-2018-00552
R-5797**

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 frame when the Corps and North Carolina Division of Water Resources (NCDWR) Project Managers can attend. The Permittee shall invite the Corps and NCDWR 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. The thirty (30) day requirement can be waived with the concurrence of the Corps.

5. **Notification of Construction Commencement and Completion:** The Permittees shall notify the Corps in writing prior to beginning the work authorized by this permit and again upon completion of the work authorized by this permit.
6. **Reporting Address:** All reports, documentation, and correspondence required by the conditions of this permit shall be submitted to the following: U.S. Army Corps of Engineers, Wilmington District Wilmington Field Office, Attn: Liz Hair at 910-251-4049 / sarah.e.hair@usace.army.mil. The Permittees shall reference the following permit number, SAW-2018-00552, on all submittals.
7. **Permit Revocation:** The Permittees, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.
8. **Reporting Violations:** Violation of these permit conditions or violation of Section 404 of the Clean Water Act shall be reported to the Corps in writing and by telephone at: 910-251-4049 / sarah.e.hair@usace.army.mil within 24 hours of the Permittee's discovery of the violation.
9. **Endangered Species Act:** The Permittees shall implement all necessary measures to ensure the authorized activity does not kill, injure, capture, harass, or otherwise harm any federally-listed threatened or endangered species. While accomplishing the authorized work, if the Permittees discover or observe an injured or dead threatened or endangered species, the U.S. Army Corps of Engineers, Wilmington District Wilmington Field Office, Attn: Liz Hair at 910-251-4049/ sarah.e.hair@usace.army.mil will be immediately notified to initiate the required Federal coordination.
10. The U.S. Fish and Wildlife Service's (USFWS's) Programmatic Biological Opinion (PBO) titled, "NCDOT Program Effects on the Northern Long-eared Bat in Divisions 1-8", dated November 6, 2020, contains agreed upon conservation measures for the NLEB. As noted in the PBO, applicability of these conservation

SPECIAL CONDITIONS
SAW-2018-00552
R-5797

measures varies depending on the location of the project. Your authorization under this Department of the Army permit is conditional upon your compliance with all applicable agreed upon conservation measures in the PBO, which are incorporated by reference in this permit. Failure to comply with the applicable these conservation measures would constitute non-compliance with your Department of the Army permit. The USFWS is the appropriate authority to determine compliance with the terms and conditions of its PBO, and with the ESA.

11. **National Historic Preservation Act:** While accomplishing the authorized work, if the Permittees discover any previously unknown cultural resources, the District Engineer will be immediately notified so that required coordination can be initiated with the North Carolina Division of Natural and Cultural Resources.

12. **Culverts:**

- a. Unless otherwise requested in the application and depicted on the approved permit plans, culverts greater than 48 inches in diameter shall be buried at least one foot below the bed of the stream. Culverts 48 inches in diameter and less shall be buried or placed on the stream bed as practicable and appropriate to maintain aquatic passage, and every effort shall be made to maintain existing channel slope. The bottom of the culvert shall be placed at a depth below the natural stream bottom to provide for passage during drought or low flow conditions. Culverts shall be designed and constructed in a manner that minimizes destabilization and head cutting.
- b. Measures shall be included in the construction/installation that will promote the safe passage of fish and other aquatic organisms. The dimension, pattern, and profile of the stream above and below a pipe or culvert shall not be modified by widening the stream channel or by reducing the depth of the stream in connection with the construction activity. The width, height, and gradient of a proposed opening shall be such as to pass the average historical low flow and spring flow without adversely altering flow velocity. Spring flow should be determined from gauge data, if available. In the absence of such data, bankfull flow can be used as a comparable level.
- c. The Permittee shall implement all reasonable and practicable measures to ensure that equipment, structures, fill pads, work, and operations associated with this project do not adversely affect upstream and/or downstream reaches. Adverse effects include, but are not limited to, channel instability, flooding, and/or stream bank erosion. The Permittee shall routinely monitor for these effects, cease all work when detected,

SPECIAL CONDITIONS
SAW-2018-00552
R-5797

take initial corrective measures to correct actively eroding areas, and notify this office immediately. Permanent corrective measures may require additional authorization by the Corps.

- d. Culverts placed within wetlands must be installed in a manner that does not restrict the flows and circulation patterns of waters of the United States. Culverts placed across wetland fills purely for the purposes of equalizing surface water shall not be buried, but the culverts must be of adequate size and/or number to ensure unrestricted transmission of water.

13. Maintain Flows and Circulation Patterns of Waters: Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters and/or wetlands.

14. Sediment and Erosion Control:

- a. During the clearing phase of the project, heavy equipment shall 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 non-erodible materials. Grubbing of riparian vegetation will not occur until immediately before construction begins on a given segment of stream channel.
- b. No fill or excavation impacts for the purposes of sedimentation and erosion control shall occur within jurisdictional waters, including wetlands, unless the impacts are included on the plan drawings and specifically authorized by this permit. This includes, but is not limited to, sediment control fences and other barriers intended to catch sediment losses.
- c. The Permittees shall remove all sediment and erosion control measures placed in waters and/or wetlands, and shall restore natural grades on those areas, prior to project completion.
- d. The Permittees 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 ensure compliance with the appropriate turbidity water quality standard. Erosion and sediment control practices shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to ensure compliance with the appropriate turbidity water quality

SPECIAL CONDITIONS
SAW-2018-00552
R-5797

standards. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project shall 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 shall be implemented prior to any ground disturbing activities to minimize impacts to downstream aquatic resources. These measures shall be inspected and maintained regularly, especially following rainfall events. All fill material shall be adequately stabilized at the earliest practicable date to prevent sediment from entering adjacent waters or wetlands.

15. **Clean Fill:** The Permittees shall use only clean fill material for this project. The fill material shall be free of items such as trash, construction debris, metal and plastic products, and concrete block with exposed metal reinforcement bars. Soils used for fill shall not be contaminated with any toxic substance in concentrations governed by Section 307 of the Clean Water Act. Unless otherwise authorized by this permit, all fill material placed in waters or wetlands shall be generated from an upland source.
16. **Temporary Fills:** Within thirty (30) days of the date of completing the authorized work, the Permittee shall remove all temporary fills in waters of the United States and restore the affected areas to pre-construction contours and elevations. The affected areas shall be re-vegetated with native, non-invasive vegetation as necessary to minimize erosion and ensure site stability.
17. **Borrow and Waste:** To ensure that all borrow and waste activities occur on high ground and do not result in the degradation of adjacent waters and wetlands, except as authorized by this permit, the Permittee shall require its contractors and/or agents to identify all areas to be used as borrow and/or waste sites associated with this project. The Permittee shall provide the Corps with appropriate maps indicating the locations of proposed borrow and/or waste sites as soon as such information is available. The Permittee shall submit to the Corps site-specific information needed to ensure that borrow and/or waste sites comply with all applicable Federal requirements, to include compliance with the Endangered Species Act and the National Historic Preservation Act, such as surveys or correspondence with agencies (e.g., the USFWS, the NC-HPO, etc.). The required information shall also include the location of all aquatic features, if any, out to a distance of 400 feet beyond the nearest boundary of the site. The Permittee shall not approve any borrow and/or waste sites before receiving written confirmation from the Corps that the proposed site meets all Federal requirements, whether or not waters of the U.S., including wetlands, are located in the proposed borrow and/or waste site. All delineations of aquatic sites on

**SPECIAL CONDITIONS
SAW-2018-00552
R-5797**

borrow and/or waste sites shall be verified by the Corps and shown on the approved reclamation plans. The Permittee shall ensure that all borrow and/or waste sites comply with Special Condition 2 of this permit. Additionally, the Permittee shall produce and maintain documentation of all borrow and waste sites associated with this project. This documentation will include data regarding soils, vegetation, hydrology, any delineation(s) of aquatic sites, and any jurisdictional determinations made by the Corps to clearly demonstrate compliance with Special Condition 2. All information will be available to the Corps upon request. The Permittee shall require its contractors to complete and execute reclamation plans for each borrow and/or waste 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 within 30 days of the completion of the reclamation work.

18. **Water Contamination:** All mechanized equipment shall be regularly inspected and maintained to prevent contamination of waters and wetlands from fuels, lubricants, hydraulic fluids, or other toxic materials. In the event of a spill of petroleum products or any other hazardous waste, the Permittees shall immediately report it to the N.C. Division of Water Resources at (919) 733-3300 or (800) 858-0368 and provisions of the North Carolina Oil Pollution and Hazardous Substances Control Act shall be followed.

AQUATIC LIFE

19. **Aquatic Life Movement:** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area. All discharges of dredged or fill material within waters of the United States shall be designed and constructed, except as authorized as indirect impacts, to maintain low flows to sustain the movement of aquatic species.
20. **Prohibitions on Concrete:** The Permittees shall take measures necessary to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with any water in or entering waters of the United States. Water inside coffer dams or casings that has been in contact with concrete shall only be returned to waters of the United States when it no longer poses a threat to aquatic organisms (concrete is set and cured).

* **COMPENSATORY MITIGATION**

21. In order to compensate for impacts associated with this permit, mitigation shall be provided in accordance with the provisions outlined on the most recent version of the attached Compensatory Mitigation Responsibility Transfer Forms.

P-14

**SPECIAL CONDITIONS
SAW-2018-00552
R-5797**

The requirements of these forms, including any special conditions listed on these forms, are hereby incorporated as special conditions of this permit.

P-15

DocuSign Envelope ID: CDBB41CA-5D7E-4351-A076-80F36889AB1C



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

S. DANIEL SMITH

Director

January 6, 2021

Mr. Philip S. Harris, III, P.E., CPM
Natural Environment Section Head
Project Development and Environmental Analysis
North Carolina Department of Transportation
1598 Mail Service Center
Raleigh, North Carolina, 27699-1598

Subject: 401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act with
ADDITIONAL CONDITIONS for Proposed upgrades to the interchange at US 74 and SR 1506 in
Columbus County, TIP R-5797.
NCDWR Project No. 20201516

Dear Mr. Harris:

Attached hereto is a copy of Certification No. WQC004279 issued to The North Carolina Department of
Transportation (NCDOT) dated January 6, 2021.

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

Sincerely,

DocuSigned by:

Amy Chapman

9C8888312DCD474...

S. Daniel Smith, Director

Division of Water Resources

Attachment

Electronic copy only distribution:

Liz Hair, US Army Corps of Engineers, Wilmington Field Office
Greg Price, Division 6 Environmental Officer
Chris Rivenbark, NC Department of Transportation
Gary Jordan, US Fish and Wildlife Service
Travis Wilson, NC Wildlife Resources Commission
Beth Harmon, Division of Mitigation Services
File Copy



North Carolina Department of Environmental Quality | Division of Water Resources
512 North Salisbury Street | 1617 Mail Service Center | Raleigh, North Carolina 27699-1617
919.707.9000

P-16

DocuSign Envelope ID: CDBB41CA-5D7E-4351-A076-80F36889AB1C

401 Water Quality Certification Pursuant to Section 401 of the Federal Clean Water Act 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 Resources (NCDWR) Regulations in 15 NCAC 2H .0500. This certification authorizes the NCDOT to impact 13.345 acres of jurisdictional wetlands in Columbus County. The project shall be constructed pursuant to the application dated received September 28, 2020. The authorized impacts are as described below:

Wetland Impacts in the Lumber River Basin

Site	Fill (ac)	Fill (temporary) (ac)	Excavation (ac)	Mechanized Clearing (ac)	Hand Clearing (ac)	Area under Bridge (ac)	Total Wetland Impact (ac)
1 - L - 16+45 to 20+67 Fill slope and tail ditch	0.09		0.01	0.09			0.19
2 - L 40+30 to 57+01 LT Fill slopes/exit ramp/round about	5.10			0.71			5.81
3 -L40+68 to 68+00 RT Fill slopes/exit ramp/round about	6.17		0.04	1.05			7.26
4- Y1C- 43+07 to 43+88 Ditch and RR pad				0.005			0.005
5-L-78+60 to 81+10 LT Fill slope	0.04			0.04			0.08
Total	11.40		0.05	1.895			13.345

Total Wetland Impact for Project: 13.345 acres.

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

This approval is only valid for the purpose and design that you submitted in your application dated received September 28, 2020. Should your project change, you are required to notify the NCDWR 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:

Project Specific Conditions

1. The NCDOT Division Environmental Officer or Environmental Assistant will conduct a pre-construction meeting with all appropriate staff to ensure that the project supervisor and essential staff understand the potential issues with stream and pipe alignment at the permitted site. NCDWR staff shall be invited to the pre-construction meeting. [15A NCAC 02H.0506(b)(2) and (b)(3)]
2. Pipes and culverts used exclusively to maintain equilibrium in wetlands, where aquatic life passage is not a concern, shall not be buried. These pipes shall be installed at natural ground elevation.) [15A NCAC 02H.0506(b)(2) and (b)(3)]
3. Tall fescue shall not be used in the establishment of temporary or permanent groundcover within riparian areas. For the establishment of permanent herbaceous cover, erosion control matting shall be used in conjunction with an appropriate native seed mix on disturbed soils within the riparian area and on disturbed steep slopes with the following exception. Erosion control matting is not necessary if the area is contained by perimeter erosion control devices such as silt fence, temporary sediment ditches, basins, etc. Matting should be secured in place with staples, stakes, or wherever possible, live stakes of native trees. Erosion control matting placed in riparian areas shall not contain a nylon mesh grid, which can impinge and entrap small animals. For the establishment of temporary groundcover within riparian areas, hydroseeding along with wood or cellulose based hydro mulch applied from a fertilizer- and limestone-free tank is allowable at the appropriate rate in conjunction with the erosion control measures. Discharging hydroseed mixtures and wood or cellulose mulch into surface waters is prohibited. Riparian areas are defined as a distance 25 feet landward from top of stream bank.

General Conditions

4. Unless otherwise approved in this certification, placement of culverts and other structures in open waters and streams 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 NCDWR. If this condition is unable to be met due to bedrock or other limiting features encountered during construction, please contact NCDWR for guidance on how to proceed and to determine whether or not a permit modification will be required. [15A NCAC 02H.0506(b)(2)]
5. If concrete is used during construction, a dry work area shall be maintained to prevent direct contact between curing concrete and stream water. Water that inadvertently contacts uncured concrete shall not be discharged to surface waters due to the potential for elevated pH and possible aquatic life and fish kills. [15A NCAC 02B.0200]
6. 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. [15A NCAC 02H.0506(b)(2)]

P-18

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7. The dimension, pattern and profile of the stream above and below the crossing shall not be modified. Disturbed floodplains and streams shall be restored to natural geomorphic conditions. [15A NCAC 02H.0506(b)(2)]
8. The use of rip-rap above the Normal High Water Mark shall be minimized. Any rip-rap placed for stream stabilization shall be placed in stream channels in such a manner that it does not impede aquatic life passage. [15A NCAC 02H.0506(b)(2)]
- * 9. The Permittee shall ensure that the final design drawings adhere to the permit and to the permit drawings submitted for approval. [15A NCAC 02H .0507 (c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
10. 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. [15A NCAC 02H.0506(b)(3) and (c)(3)]
11. 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. [15A NCAC 02H.0506(b)(3)]
12. 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. [15A NCAC 02H.0506(b)(3)]
13. No rock, sand or other materials shall be dredged from the stream channel except where authorized by this certification. [15A NCAC 02H.0506(b)(3)]
14. Discharging hydroseed mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is prohibited. [15A NCAC 02H.0506(b)(3)]
15. The permittee and its authorized agents shall conduct its activities in a manner consistent with State water quality standards (including any requirements resulting from compliance with §303(d) of the Clean Water Act) and any other appropriate requirements of State and Federal law. If the NCDWR 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, the NCDWR may reevaluate and modify this certification. [15A NCAC 02B.0200]
16. All fill slopes located in jurisdictional wetlands shall be placed at slopes no flatter than 3:1, unless otherwise authorized by this certification. [15A NCAC 02H.0506(b)(2)]
17. A copy of this Water Quality Certification shall be maintained on the construction site at all times. In addition, the Water Quality Certification and all subsequent modifications, if any, shall be maintained with the Division Engineer and the on-site project manager. [15A NCAC 02H .0507(c) and 15A NCAC 02H .0506 (b)(2) and (c)(2)]
18. The outside buffer, wetland or water boundary located within the construction corridor approved by this authorization, including all non-commercial borrow and waste sites associated with the project, 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. [15A NCAC 02H.0501 and .0502]

19. The issuance of this certification does not exempt the Permittee from complying with any and all statutes, rules, regulations, or ordinances that may be imposed by other government agencies (i.e. local, state, and federal) having jurisdiction, including but not limited to applicable buffer rules, stormwater management rules, soil erosion and sedimentation control requirements, etc.
20. The Permittee shall report any violations of this certification to the Division of Water Resources within 24 hours of discovery. [15A NCAC 02B.0506(b)(2)]
- * 21. Upon completion of the project (including any impacts at associated borrow or waste sites), the NCDOT Division Engineer shall complete and return the enclosed "Certification of Completion Form" to notify the NCDWR when all work included in the 401 Certification has been completed. [15A NCAC 02H.0502(f)]
22. Native riparian vegetation must be reestablished in the riparian areas within the construction limits of the project by the end of the growing season following completion of construction. [15A NCAC 02H 0506(b)(2)]
23. There shall be no excavation from, or waste disposal into, jurisdictional wetlands or waters associated with this permit without appropriate modification. Should waste or borrow sites, or access roads to waste or borrow sites, be located in wetlands or streams, compensatory mitigation will be required since that is a direct impact from road construction activities. [15A NCAC 02H.0506(b)(3) and (c)(3)]
24. 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 [15A NCAC 02H.0506(b)(3) and (c)(3)]
 - 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.
25. Sediment and erosion control measures shall not be placed in wetlands or waters unless otherwise approved by this Certification. [15A NCAC 02H.0506(b)(3) and (c)(3)]
26. Compensatory mitigation for impacts to 13.345 acres of wetlands is required (0.190 Riparian and 13.155 Non-Riparian). We understand that you have chosen to perform compensatory mitigation for impacts to wetlands through the Juniper Bay Mitigation Bank through the Division of Mitigation Services (DMS) and that DMS has agreed to implement the mitigation for the project. The DMS has indicated in a letter dated December 21, 2020 that they will assume responsibility for satisfying the Federal Clean Water Act compensatory mitigation requirements for the above-referenced project.

P-20

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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 you wish to contest any statement in the attached Certification you must file a petition for an administrative hearing. You may obtain the petition form from the office of Administrative hearings. You must file the petition with the office of Administrative Hearings within sixty (60) days of receipt of this notice. A petition is considered filed when it is received in the office of Administrative Hearings during normal office hours. The Office of Administrative Hearings accepts filings Monday through Friday between the hours of 8:00am and 5:00pm, except for official state holidays. The original and one (1) copy of the petition must be filed with the Office of Administrative Hearings.

The petition may be faxed-provided the original and one copy of the document is received by the Office of Administrative Hearings within five (5) business days following the faxed transmission. The mailing address for the Office of Administrative Hearings is:

Office of Administrative Hearings
6714 Mail Service Center
Raleigh, NC 27699-6714
Telephone: (919) 431-3000. Facsimile: (919) 431-3100

A copy of the petition must also be served on DEQ as follows:

Mr. Bill F. Lane, General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

This the 6th day of January 2021
DIVISION OF WATER RESOURCES

DocuSigned by:

Amy Chapman

9C6886312DC047A...

S. Daniel Smith, Director

WQC No. WQC004279

STATE OF NORTH CAROLINA
DIVISION OF HIGHWAYS

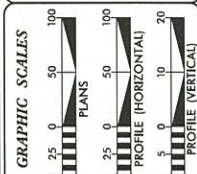
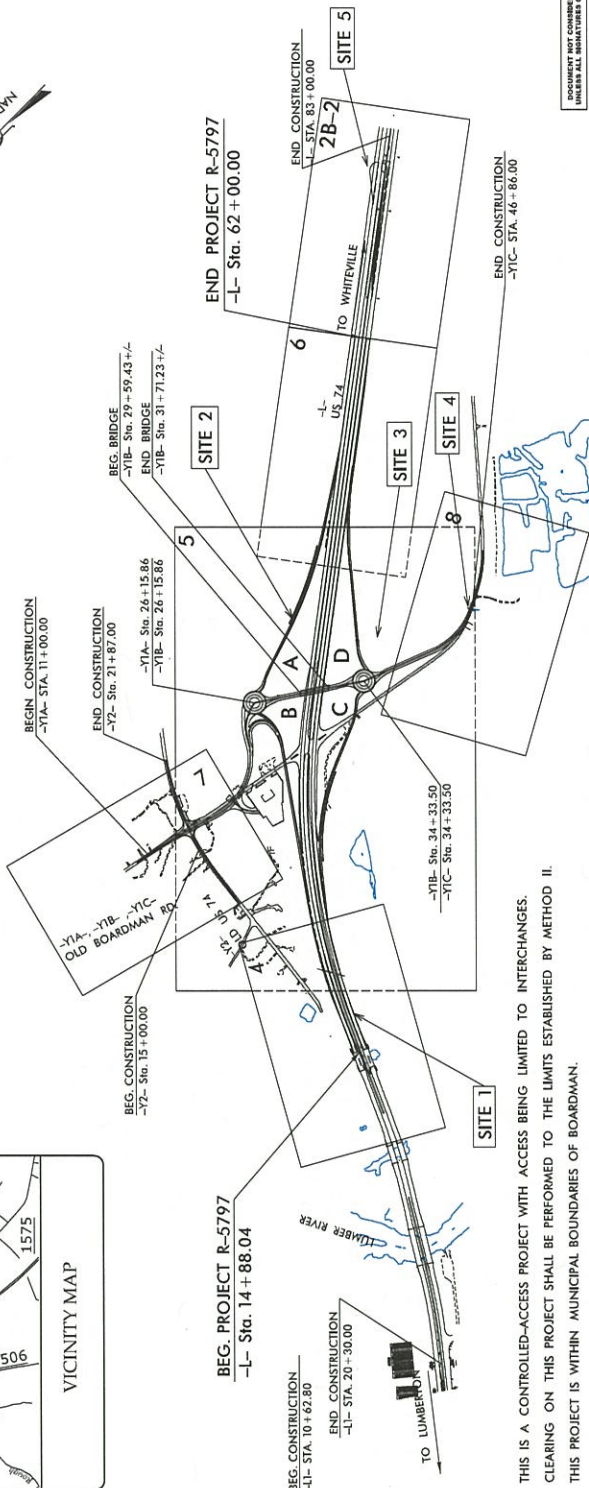
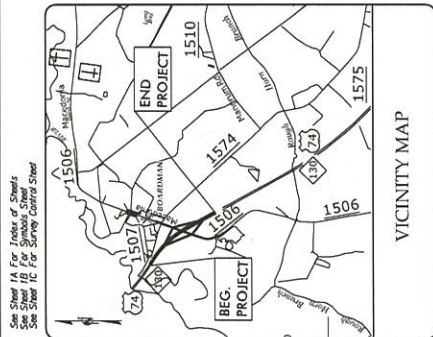
COLUMBUS COUNTY

LOCATION: US 74 AT SR 1506 (OLD BOARDMAN RD/
MACEDONIA CHURCH RD.)

TYPE OF WORK: GRADING, DRAINAGE, PAVING AND STRUCTURES
WETLAND AND SURFACE WATER IMPACTS PERMIT

STATE	N.C.	PROJECT NUMBER	R-5797
DATE	4/09/11	DATE	10/31/18
DESIGNER	ROWJIL	PERMIT NUMBER	1
DATE	4/09/11	DATE	10/31/18
DESIGNER	ROWJIL	DATE	10/31/18

ROW PLANS
OCTOBER 31, 2018
PERMIT DRAWING
SHEET 1 OF 16



DESIGN DATA

ADT 2020	= 13,700
ADT 2040	= 20,110
K	= 9 %
D	= 55 %
T	= 19 %
V	= 70 MPH
* TIST	= 15% DUAL = 4%
FUNC. CLASS	= FUTURE INTERSTATE

PROJECT LENGTH

LENGTH ROADWAY TIP PROJECT R-5797	= 0.892 MILES
TOTAL LENGTH TIP PROJECT R-5797	= 0.892 MILES

Prepared in the Office of:
McKENNEN ENGINEERING
1223 Thomas Drive, Suite 200
Raleigh, NC 27606
Tel: 919.877.8888
Fax: 919.877.8889

Project Engineer: GREG PURVIS, PE
Project Designer: ROBERT O'DELL, JR.
Division Project Manager: JOHN GAUTHIER

Division of Highways
Division 6
549 Transylvania Drive
Fayetteville, NC 28404

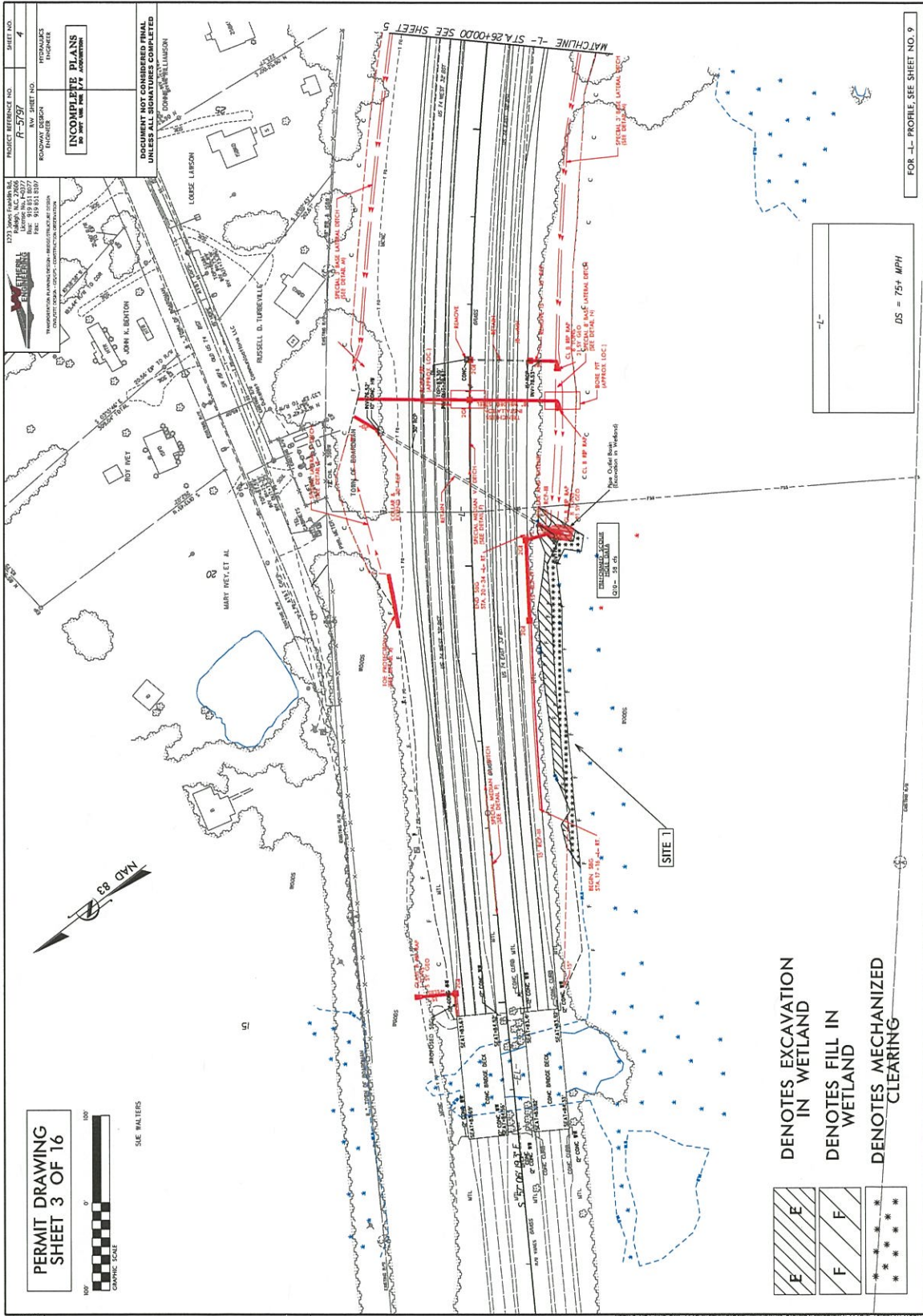
Hydraulics Engineer
Roadway Design Engineer



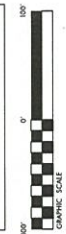
TIP PROJECT: R-5797

CONTRACT:

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PERMIT DRAWING
SHEET 3 OF 16

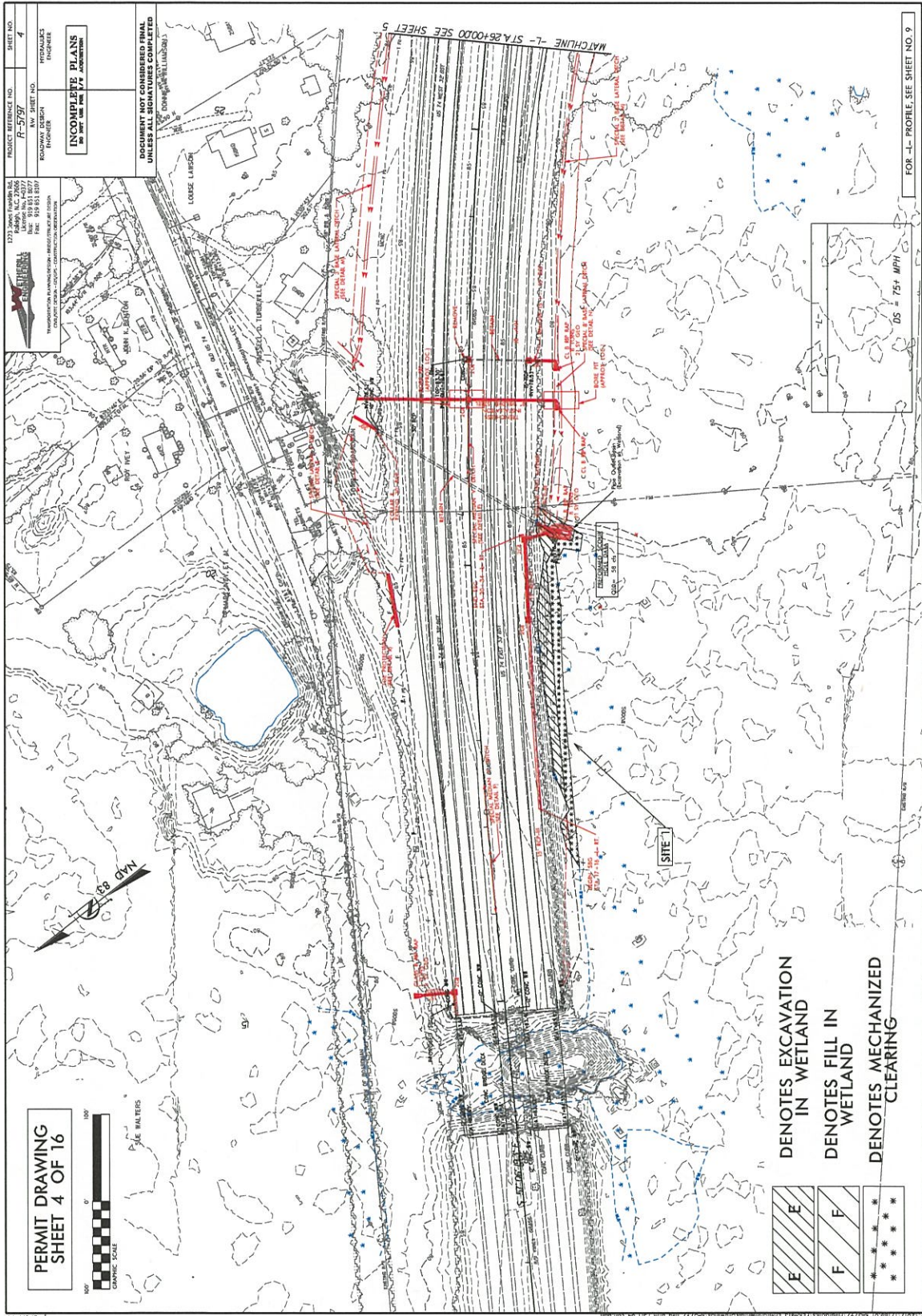


SEE RATERS

- DENOTES EXCAVATION IN WETLAND
- DENOTES FILL IN WETLAND
- DENOTES MECHANIZED CLEARING

DS = 75% MPH

FOR -L- PROFILE, SEE SHEET NO. 9

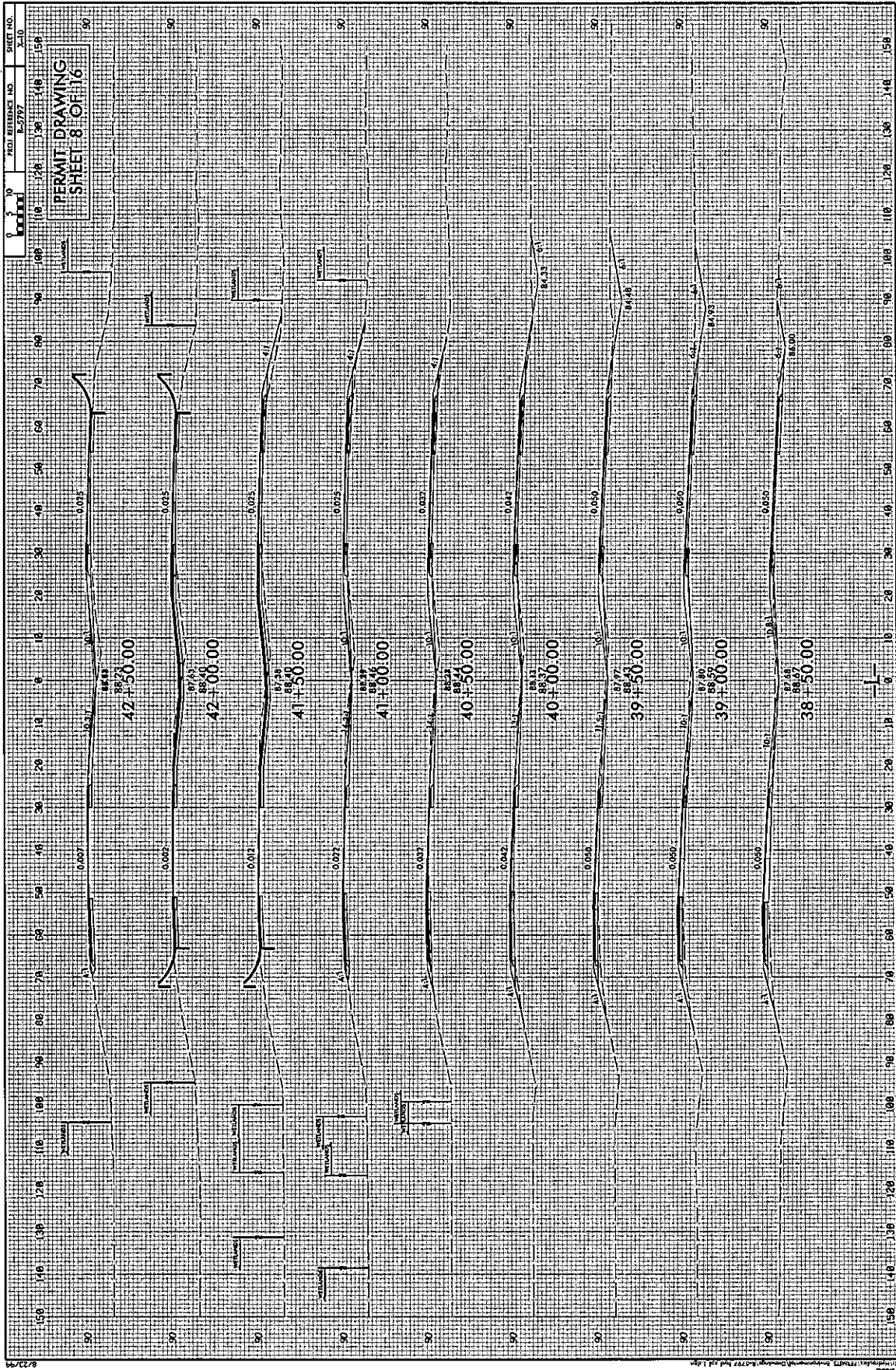


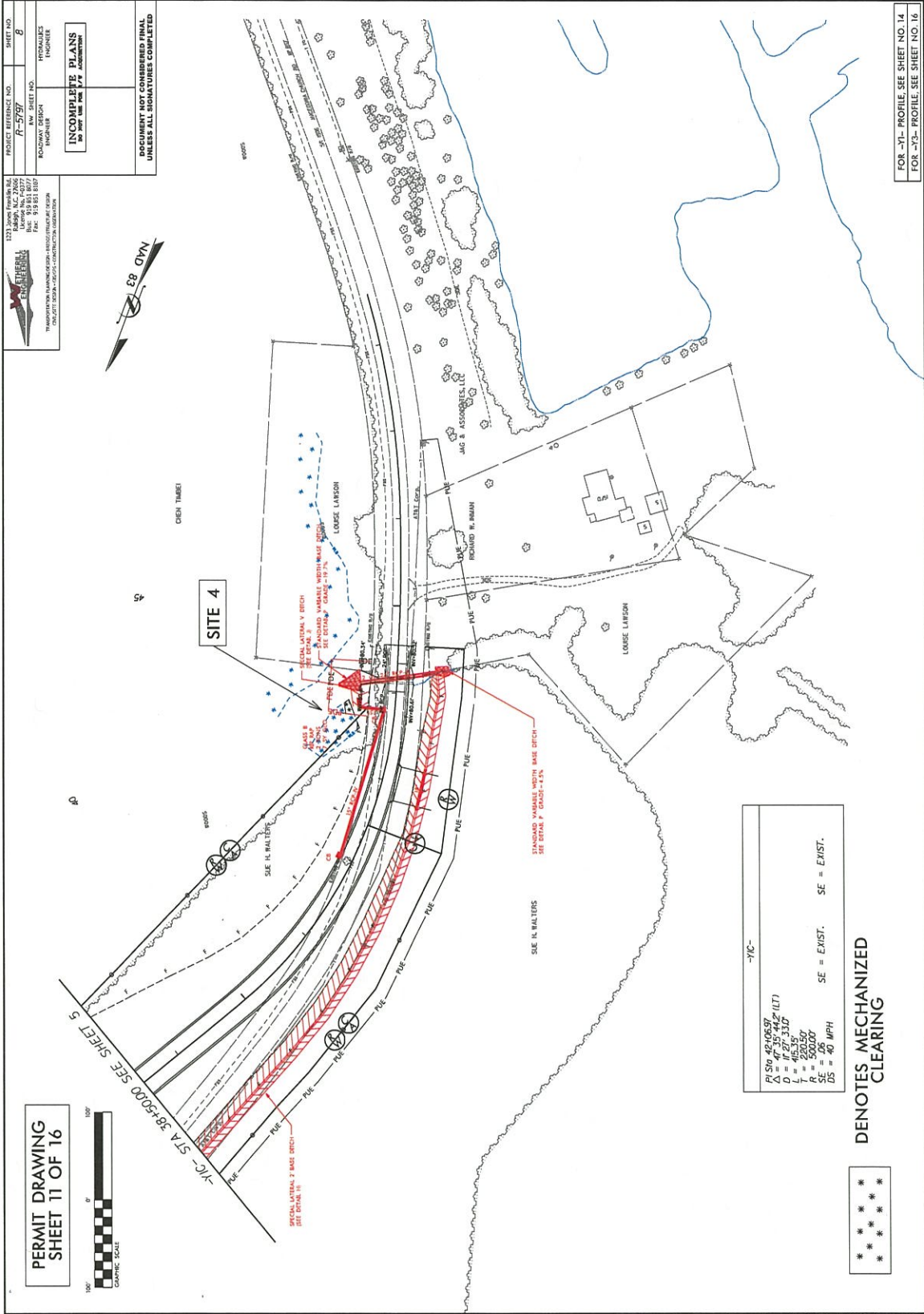
PERMIT DRAWING
SHEET 4 OF 16



1" = 50' WALKERS

- DENOTES EXCAVATION IN WETLAND
- DENOTES FILL IN WETLAND
- DENOTES MECHANIZED CLEARING





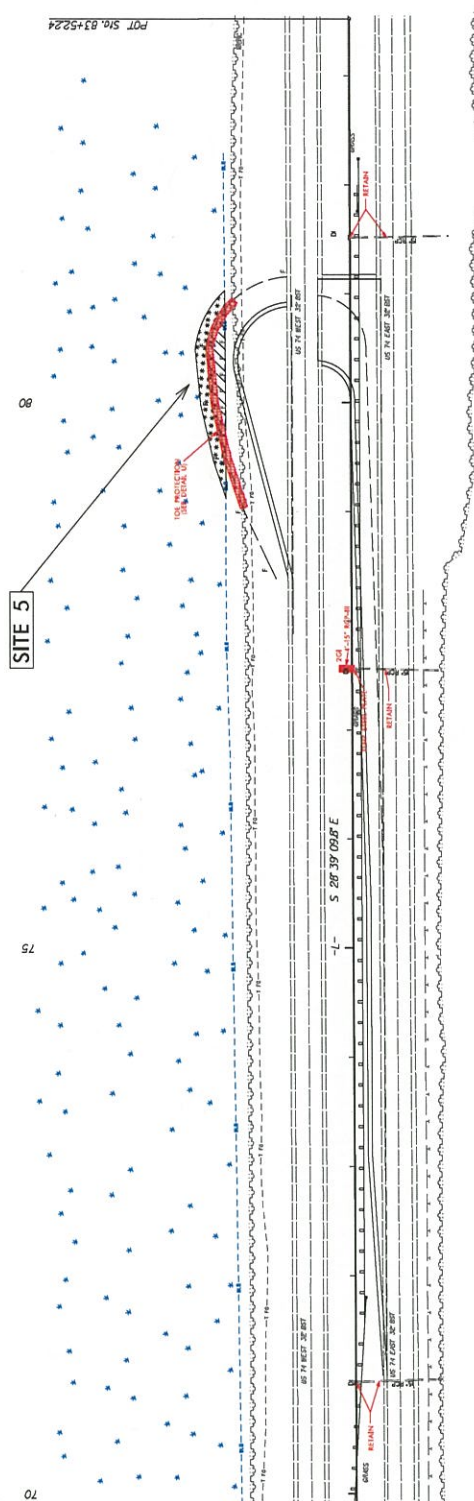
PROJECT REFERENCE NO. P-5797	SHEET NO. 28-2
ROADWAY DESIGN PLANVIEW	HYDRAULICS PROFILE

1323 BOWEN FARM ROAD
RANDOLPH, N.C. 27055
TEL: 703.486.1111
FAX: 703.486.1117
WWW.HDR.COM
HYDRAULIC ENGINEERING & CONSULTING SERVICES
A DIVISION OF HDR CORPORATION

INCUMBENT NOT CONSIDERED FINAL
UNLESS ALL REQUIREMENTS COMPLETED

PERMIT DRAWING
SHEET 14 OF 16

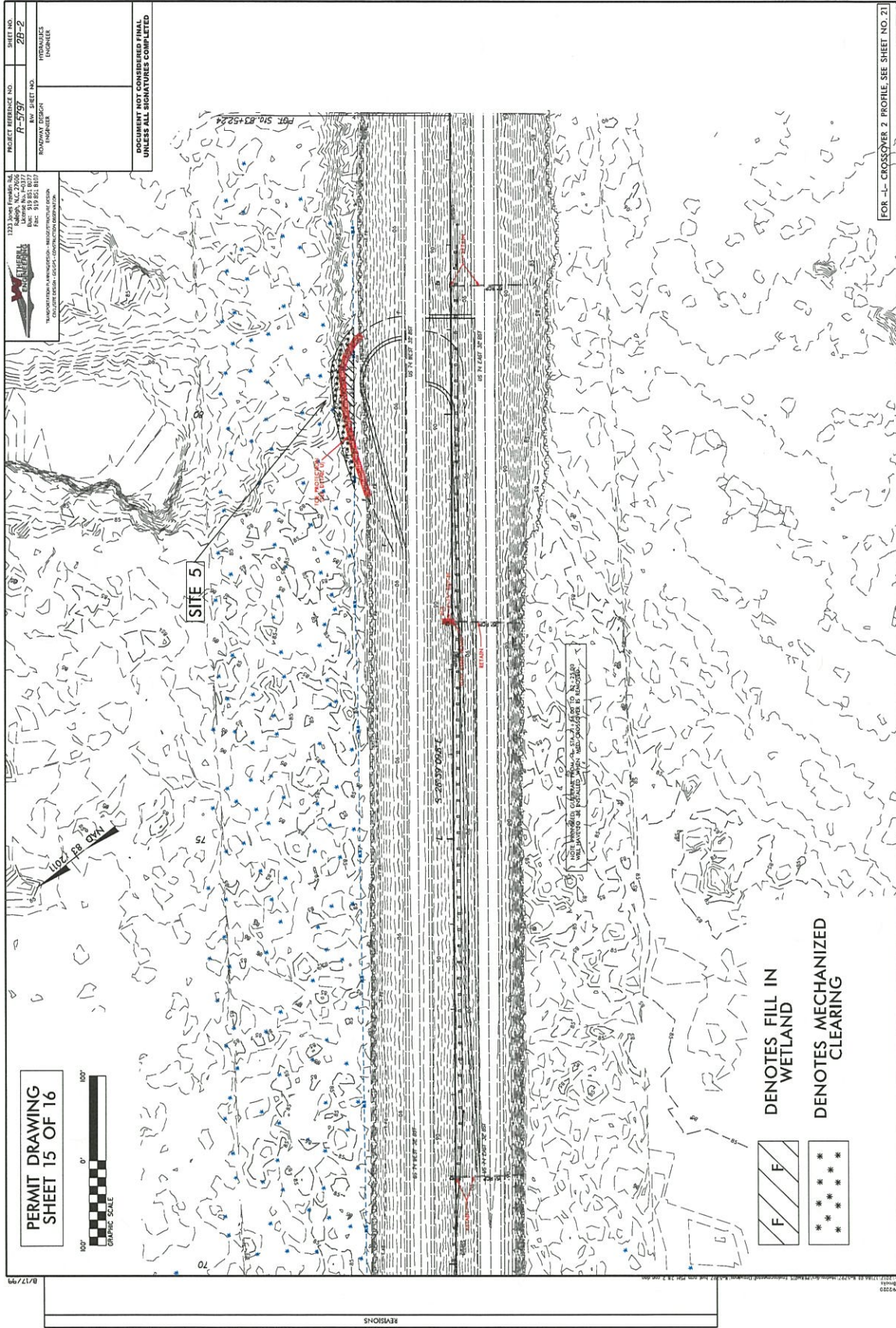
GRAPHIC SCALE



DENOTES FILL IN WETLAND
 DENOTES MECHANIZED CLEARING

FOR --L-- CROSSOVER 2 PROFILE, SEE SHEET (NO. 2)

12/20/13 11:53 AM C:\PROJECTS\13\13000\13000.dwg PLOT: 14 OF 16 PLOT DATE: 12/20/13 11:53 AM



PERMIT DRAWING
SHEET 15 OF 16



 DENOTES FILL IN WETLAND
 DENOTES MECHANIZED CLEARING

ALL MECHANIZED CLEARING SHALL BE COMPLETED PRIOR TO THE START OF CONSTRUCTION OF THE CANAL. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FOR MECHANIZED CLEARING.

FOR L-CROSSOVER 2 PROFILE, SEE SHEET NO. 21

1223 DOWNS FARM ROAD, S.W.
 KANAWHA, W. VA. 26036
 PHONE: 304.325.1111
 FAX: 304.325.1117
 WWW.RCA-INC.COM
 RAYMOND, CHANDLER & ASSOCIATES, INC.
 ENGINEERING & ARCHITECTURE
 10000 W. 10TH AVENUE, SUITE 100
 DENVER, CO 80231

PROJECT REFERENCE NO. R-5797
 SHEET NO. 28-2
 HYDRAULICS
 ENGINEERING
 RAYMOND, CHANDLER & ASSOCIATES, INC.
 ENGINEERING & ARCHITECTURE

CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND LOCATIONS UNLESS ALL DIMENSIONS COMPLETED

8/17/99

REVISIONS

WETLAND PERMIT IMPACT SUMMARY																		
Site No.	Station (From/To)	Structure Size / Type	WETLAND IMPACTS					SURFACE WATER IMPACTS										
			Permanent Fill In Wetlands (ac)	Temp. Fill In Wetlands (ac)	Excavation in Wetlands (ac)	Mechanized Clearing in Wetlands (ac)	Hand Clearing in Wetlands (ac)	Permanent SW Impacts (ac)	Temp. SW Impacts (ac)	Existing Channel Impacts Permanent (ft)	Existing Channel Impacts Temp. (ft)	Natural Stream Design (ft)						
1	-L- 16+45 to 20+67	Fill slope and tail ditch	0.09	0.01	0.01	0.09												
2	-L- 40+30 to 57+01 LT	Fill slopes/exit ramp/round about	5.10			0.71												
3	-L- 40+68 to 68+00 RT	Fill slopes/exit ramp/round about	6.17	0.04	0.04	1.05												
4	-Y1C- 43+07 to 43+88	Ditch and RR pad				< 0.01												
5	-L- 78+60 to 81+10 LT	Fill Slope	0.04			0.04												
TOTALS*			11.40	0.06	0.06	1.89							0	0				0.00

*Rounded totals are sum of actual impacts

NOTES:
Site 3, small area outside the RW at -Y1C- 38+00 LT is a total take.

NC DEPARTMENT OF TRANSPORTATION
DIVISION OF HIGHWAYS
1/24/2019
Columbus Co.
R-5797
44997.1.1