



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

PAT MCCRORY
GOVERNOR

ANTHONY J. TATA
SECRETARY

March 8, 2013

Addendum No. 1

RE: Contract ID C202155

WBS # 34531.3.1

F. A. # STP-0133(7)

Brunswick County (R-3324)

New Route From NC-133 (Long Beach Road) To NC-133

March 19, 2013 Letting

To Whom It May Concern:

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

The following revisions have been made to the Roadway plans:

New Sheet No. 2-N has been added to include a detail for "Temporary Steel Plate Covers for Masonry Drainage Structures". Please staple new Sheet No. 2-N after Sheet No. 2-M in your plans.

Sheet Nos. UC-3F, UC-4, UC-12 and UC-15 have been revised to correspond with the below listed utility construction quantity changes. Please void Sheet Nos. UC-3F, UC-4, UC-12 and UC-15 in your plans and staple the revised Sheet Nos. UC-3F, UC-4 and UC-12 and UC-15 thereto.

The following revision has been made to the Structure plans:

Sheet No. C-5 was inadvertently omitted from the original printing. Please staple Sheet No. C-5 after Sheet No. C-4 in your plans.

The following revisions have been made to the proposal:

Page No. R-1 has been revised to show that the 404 permit has been received. Please void Page No. R-1 in your proposal and staple the revised Page No. R-1 thereto. Also, New Page Nos. R-89 thru R-98 have been added to include the Army Corps of Engineers 404 permit. Please staple New Page Nos. R-89 thru R-98 after Page No. R-88 in your proposal.

MAILING ADDRESS:
NC DEPARTMENT OF TRANSPORTATION
CONTRACT STANDARDS AND DEVELOPMENT UNIT
1591 MAIL SERVICE CENTER
RALEIGH NC 27699-1591

TELEPHONE: 919-707-6900
FAX: 919-250-4119

WEBSITE: www.NCDOT.GOV

LOCATION:
CENTURY CENTER COMPLEX
ENTRANCE B-2
1020 BIRCH RIDGE DRIVE
RALEIGH NC 27610

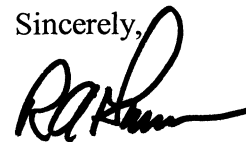
On the item sheets the following pay item quantities have been revised, added or deleted:

<u>Item</u>	<u>Description</u>	<u>Old Quantity</u>	<u>New Quantity</u>
149-5325600000-E-1510	6" Water Line	2,359 LF	2,709 LF
154-5540000000-E-1515	6" Valve	5 EA	8 EA
178-5836400000-E-1540	36" Encasement Pipe	100 LF	DELETED
181-5872400000-E-1550	Trenchless Installation of 36" In Soil (Change to Trenchless Installation of 24" In Soil)	50 LF	50 LF
182-5872410000-E-1550	Trenchless Installation of 36" Not In Soil (Change to Trenchless Installation of 24" Not In Soil)	50 LF	50 LF
284-5679000000-E-1515	12" Line Stop	NEW ITEM	3 EA
285-567920000-E-1515	16" Line Stop	NEW ITEM	1 EA
286-2190000000-N-828	Temporary Steel Plate Covers for Masonry Drainage Structures	NEW ITEM	29 EA
260-8594000000-E-876	Rip Rap, Class B	40 TON	125 TON

The Contractor's bid must be based on this revised pay item quantities and new pay items. The contract will be prepared accordingly.

The Expedite File has been updated to reflect these revisions. Please download the Expedite Addendum File and follow the instructions for applying the addendum. Bid Express will not accept your bid unless the addendum has been applied.

Sincerely,



R. A. Garris, PE
Contract Officer

Attachments

cc: Mr. Ron Hancock, PE
Ms. Karen Fussell, PE
Ms. D. M. Barbour, PE
Mr. J. V. Barbour, PE
Mr. Jay Bennett, PE
Mr. R.E. Davenport, PE
Mr. Dewayne Sykes, PE
Mr. G. R. Perfetti, PE
Project File (2)

Mr. Ray Arnold, PE
Ms. Natalie Roskam, PE
Ms. Penny Higgins
Ms. Jaci Kincaid
Mr. Ronnie Higgins
Mr. Larry Strickland
Ms. Marsha Sample
Ms. Lori Strickland

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.

<u>PERMIT</u>	<u>AUTHORITY GRANTING THE PERMIT</u>
Dredge and Fill and/or Work in Navigable Waters (404)	U. S. Army Corps of Engineers
State Dredge and Fill and/or CAMA	Division of Coastal Management, DENR State of North Carolina
Water Quality (401)	Division of Environmental Management, DENR State of North Carolina
Stormwater	Division of Environmental and Natural Resources, 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 107-13 of the *2012 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.

DEPARTMENT OF THE ARMY PERMIT

Permittee: North Carolina Department of Transportation (NCDOT)

Permit No.: SAW-2001-00921

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 proposed action involves the construction of a two-lane facility on new location from NC 211-133 (Southport Supply Road) to NC 87-133 (River Road), and construct the entrance road to Sunny Point Military Terminal in the city of Southport, Brunswick County.

Project Location: The proposed 2.1 mile highway improvement just outside Southport between NC 211-133 to NC 87-133 is located in southern Brunswick County. The project can be generally located at Latitude 33.9625 N and Longitude -78.0409 W. The project area crosses Dutchman and Jump and Run Creek to include their riparian wetlands and tributaries.

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2018. 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).**
- 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.



(PERMITEE) Dr. Gregory J. Thorpe, Ph.D., NCDOT

2.20.13

(DATE)

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

(DISTRICT ENGINEER) STEVEN A. BAKER
Colonel, EN
Commanding

(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.

(TRANSFEEE)

(DATE)

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

SAW-2001-00921, SPECIAL CONDITIONS

In accordance with 33 U.S.C. 1341(d), all conditions of the North Carolina Division of Water Quality (NCDWQ) 401 Water Quality Certification #3949 and the North Carolina Division of Coastal Management Consistency Determination (CD13-002) is incorporated as part of the Department of the Army permit.

1. Plans

A. The permittee will ensure that the construction design plans for this project do not deviate from the permit plans (Permit Drawings sheets 54 of 54 and Utility Permit Drawings sheets 17 of 17, both received December 2012, and revised sheets 24A, 24B, 24C, 29, 35, 36, 37, 39, and 54 dated 1/24/2013) attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the COE, Wilmington Regulatory Field Office prior to any active construction in waters or wetlands.

B. The permittee shall require its contractors and/or agents to comply with the terms and conditions of this permit in the construction and maintenance of this project, and shall provide each of its contractors and/or agents associated with the construction or maintenance of this project with a copy of this permit. A copy of this permit, including all conditions, shall be available at the project site during construction and maintenance of this project.

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

2. Pre Construction Meeting

A. The Permittee shall schedule an onsite preconstruction meeting between its representatives, the contractor's representatives and the appropriate Corps of Engineers Project Manager prior to undertaking any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all terms and conditions contained within the Department of the Army permit. The Permittee shall notify the Corps of Engineers Project Manager a minimum of thirty (30) days in advance of the scheduled meeting in order to provide that individual with ample opportunity to schedule and participate in the required meeting.

B. The permittee shall ensure that the construction design plans for this project do not deviate from the permit plans attached to this authorization. Written verification shall be provided that the final construction drawings comply with the attached permit drawings prior to any active construction in waters of the United States, including wetlands. Any deviation in the construction design plans will be brought to the attention of the Corps of Engineers, Mr. Brad Shaver, Regulatory Field Office prior to any active construction in waters or wetlands.

3. Culverts

A. Unless otherwise requested in the applicant's application and depicted on the approved work plans, culverts greater than 48 inches in diameter will 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 must be placed at a depth below the natural stream bottom to provide for passage during drought or low flow conditions. Destabilizing the channel and head cutting upstream should be considered in the placement of the culvert. The excavation required, typically noted as temporary stream impact, should be restored to its original elevation at the completion of the culvert installation.

B. Any instability of the stream channel or banks (downcutting, headcutting, or bank erosion) caused by the installation of authorized work shall be corrected before project completion. Any remedial actions to correct stream channel or bank instability shall be coordinated through the appropriate USACE field office project manager prior to execution.

C. Measures will 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 should 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 should 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.

D. Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands. Culverts placed across wetland fills purely for the purposes of equalizing surface water do not have to be buried.

E. Rip rap is prohibited from being placed in the low flow channel of any culvert along this project.

4. Sediment Erosion Control

A. 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 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 permit does not authorize

temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area.

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

D. 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. This shall include, but is not limited to, the immediate installation of silt fencing or similar appropriate devices around all areas subject to soil disturbance or the movement of earthen fill, and the immediate stabilization of all disturbed areas. Additionally, the project must remain in full compliance with all aspects of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statutes Chapter 113A Article 4). 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.

E. The permittee shall install barrier fencing around all wetlands that are not to be disturbed to make them readily visible and prevent construction equipment from inadvertently entering or disturbing these areas.

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

G. Cleared wetland areas shall be re-vegetated with a wetland seed mix or a mix of native woody species. Fescue grass or any invasive species such as Lespedeza, shall not be used within the wetland areas.

5. Temporary Fills

A. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

B. Due to the possibility that compaction, mechanized clearing and/or other site alterations resulting from the authorized temporary fill that might prevent the wetland area at Site # 6 from re-attaining pre-project wetland functions, the permittee shall monitor temporary

wetland impacts for three years after project completion. The permittee shall first schedule a meeting with USACE and NCDWQ to verify the extent and location of temporary impacts upon project completion. The permittee shall then provide an annual update for 3 years on this wetland area impacted by this project. This annual update shall consist of photographs and written report on the progress of this impacted area in re-attaining wetland jurisdictional status. Three years after project completion, the permittee shall schedule an agency field meeting with USACE and NCDWQ to determine if the wetland area impacted by the project has re-attained pre-project wetland functions. If at the end of 3 years the wetland area impacted by the project has not re-attained pre-project wetland functions, USACE and NCDWQ shall determine whether compensatory wetland mitigation shall be required.

6. Borrow and Waste

A. 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 COE 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 COE before approving any borrow or waste sites that are within 400 feet of any streams or wetlands. The evaluation of impacts to jurisdictional resources (waters and wetlands) associated with borrow/waste sites should include any haul roads or other access points.

B. 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. Soils used for fill shall not be contaminated with any toxic substance in concentrations governed by Section 307 of the Clean Water Act.

7. Mitigation

A. The permittee, NCDOT, is the party responsible for the implementation and performance and long term management of the compensatory mitigation project.

B. The permittee shall maintain the entire mitigation site in its natural condition, as altered by the work in the mitigation plan, in perpetuity. Prohibited activities within the mitigation site specifically include, but are not limited to: Filling; grading; excavating; earth movement of any kind; construction of roads, walkways, buildings, signs, or any other structure; any activity that may alter the drainage patterns on the property; the destruction, cutting, removal, mowing, or other alteration of vegetation on the property; disposal or storage of any garbage, trash, debris or other waste material; graze or water animals, or use for any agricultural or horticultural purpose; or any other activity which will result in the property being adversely impacted or destroyed, except as specifically authorized by this permit.

C. The permittee shall not sell or otherwise convey any interest in the mitigation property used to satisfy the mitigation requirements for this permit to any third party, without written approval from the Wilmington District COE.

D. 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 Form. The requirements of this form, including any special conditions listed on this form, are hereby incorporated as special conditions of this permit authorization.

** Note, breakdown of impacts to required mitigation:

- The total non-riparian impact amount for this project is 7.33 acres. This is broken down to 4.78 acres of permanent impact (fill, excavation, and or mechanized land clearing) for project construction, 0.85 acre permanent forest conversion, and 1.7 acres of drainage through the relocation of highways ditches. The permanent impact and drainage from ditch relocation will be mitigated through the purchase of credits from NCEEP at a 2:1 ratio since the work will not be on-site. The 0.85 acre impact associated with the utility work is being mitigated at a 0.25/1 ratio since it will not be a complete loss of resource just a conversion type. Applying these ratios the NCDOT will debit 13.1725 acres of non-riparian credits.

- The total amount of riparian impact for this project is 1.51 acres. This fill will be mitigated again through the purchase of credits from NCEEP at a 2:1 ratio again since mitigation will come from off-site. The Department will debit 3.02 acres of riparian credits.

- The amount of stream mitigation required for the project would be 992 linear feet and will come from NCEEP credits at a 2:1 ratio since off-site. The Department will debit 1,984 linear feet of stream credits.

E. Prior to the introduction of stream flow, the relocated channel will be allowed to stabilize for one growing season or until such time as the permittee can demonstrate to the COE satisfaction that the channel has adequately stabilized.

8. Enforcement

A. The permittee, upon receipt of a notice of revocation of this permit or upon its expiration before completion of the work will, without expense to the United States and in such time and manner as the Secretary of the Army or his authorized representative may direct, restore the water or wetland to its pre-project condition.

B. Violations of these conditions or violations of Section 404 of the Clean Water Act must be reported in writing to the Wilmington District U.S. Army COE within 24 hours of the permittee's discovery of the violation.

C. If the permittee discovers any previously unknown historic or archaeological sites while accomplishing the authorized work, he shall immediately stop work and notify the Wilmington District Commander who will initiate the required State/Federal coordination.

D. A representative of the Corps of Engineers will periodically and randomly inspect the work for compliance with these conditions. Deviations from these procedures may result in an administrative financial penalty and/or directive to cease work until the problem is resolved to the satisfaction of the Corps.

9. Jurisdiction Note

The final jurisdictional determination which is defined by the purchased right of way has been completed and attached to this permit decision. The appeals information has been returned to the Department as an attachment to the permit.