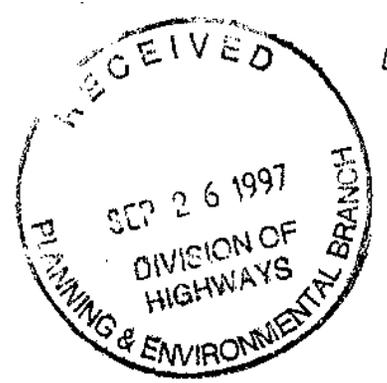




DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
P.O. BOX 1890
WILMINGTON, NORTH CAROLINA 28402-1890



IN REPLY REFER TO

September 25, 1997

Regulatory Branch

Action ID. 199300243, Greensboro Northern Loop, U-2525A

Mr. H. Franklin Vick, P.E., Manager
Planning and Environmental Branch
North Carolina Department of Transportation
Division of Highways
Post Office Box 25201
Raleigh, North Carolina 27611-5201

Dear Mr. Vick:

In accordance with your written request of September 20, 1996, subsequently revised, and the ensuing administrative record enclosed is a Department of the Army (DA) permit to authorize the discharge of dredge and fill material, for construction of Section A of the Eastern/Northern Greensboro Loop (T.I.P. No. U-2525A), and Section D of the I-85 Greensboro Bypass (T.I.P. No. I-2402D), crossing Little Alamance Creek, South Buffalo Creek, unnamed tributaries of South Buffalo Creek and adjacent wetlands, from I-85 to US 70, east of Greensboro, in Guilford County, North Carolina.

If any change in the authorized work is required because of unforeseen or altered conditions or for any other reason, the plans revised to show the change must be sent promptly to this office. Such action is necessary, as revised plans must be reviewed and the permit modified.

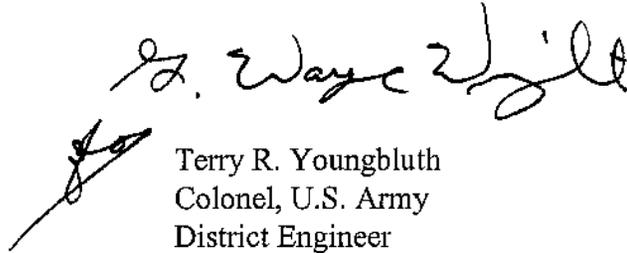
Carefully read your permit. The general and special conditions are important. Your failure to comply with these conditions could result in a violation of Federal law. Certain significant general conditions require that:

- a. You must complete construction before December 31, 2000.
- 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.

The enclosed Notice of Authorization, ENG Form 4336, must be conspicuously displayed at your worksite.

Sincerely,



Terry R. Youngbluth
Colonel, U.S. Army
District Engineer

Enclosures

Copy Furnished with enclosures:

Chief, Source Data Unit
NOAA/National Ocean Service
ATTN: Sharon Tear N/CS261
1315 East-west Hwy., Rm 7316
Silver Spring, MD 20910-3282

Mr. Thomas Welborn, Chief
Wetlands Protection Section - Region IV
Water Management Division
U.S. Environmental Protection Agency
61 Forsyth Street
Atlanta, Georgia 30303

Copies Furnished with special conditions
and plans:

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

Mr. John Parker
Division of Coastal Management
N.C. Department of Environment, Health
and Natural Resources
Post Office Box 27687
Raleigh, North Carolina 27611-7687

Mr. Larry Hardy
National Marine Fisheries Service
Pivers Island
Beaufort, North Carolina 28516

RECEIVED
SEP 15 1997
REGULATORY BRANCH

DEPARTMENT OF THE ARMY PERMIT

North Carolina Department of Transportation
Division of Highways

Permittee _____

199300243

Permit No. _____

CESAW-CO-R

Issuing Office _____

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

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

Project Description:

Place fill material impacting a total of 7.57 acres of waters of the United States, including 5.89 acres of wetlands and 4,516 linear feet of stream, for construction of Section A of the Eastern/Northern Greensboro Loop (T.I.P. No. U-2525A), and Section D of the I-85 Greensboro Bypass (T.I.P. No. I-2402D). Crossing Little Alamance Creek, South Buffalo Creek, unnamed tributaries of South Buffalo Creek, and adjacent wetlands.

Project Location:

From I-85 to US 70, east of Greensboro, in Guilford County, North Carolina

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2000. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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

Special Conditions:

See enclosed sheet.

Further Information:

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



This notice of authorization must be conspicuously displayed at the site of work.

United States Army Corps of Engineers

September 25, 1997

discharge dredge and fill material, for construction of Section A of the Eastern/Northern Greensboro Loop (T.I.P. No. U-2525A), and Section D of the I-85 Greensboro Bypass (T.I.P. No. I-2402D)

~~X~~ crossing Little Alamance Creek, South Buffalo Creek, unnamed tributaries of South Buffalo Creek and adjacent wetlands, from I-85 to US 70, east of Greensboro, Guilford County, North Carolina, has been issued to NCDOT - Division of Highways on Sept. 25, 1997

Address of Permittee Post Office Box 25201
Raleigh, North Carolina 27611-5201

Permit Number

ACTION ID. 199300243

Terry R. Youngbluth
District Commander
TERRY R. YOUNGBLUTH
COL, EN



SPECIAL CONDITIONS

a. All work authorized by this permit must be prepared in strict compliance with the attached plans, which are a part of this permit.

SOUTH BUFFALO CREEK WETLANDS MITIGATION

b. The permittee shall implement the compensatory wetland mitigation at the 58 acre South Buffalo Creek Wetlands Mitigation Site, as described in the enclosed "South Buffalo Creek Wetlands Mitigation Plan," dated April 30, 1997, and the enclosed Addendum to the Plan, dated June 10, 1997.

c. Construction may not commence on U-2525A or I-2402D until the permittee has provided boundary surveys of the South Buffalo Creek Wetlands Mitigation Site property to the District Engineer.

d. The permittee shall mitigate for 5.89 acres of unavoidable impacts to wetlands associated with this project with 9.1 acres of wetland restoration (2:1 ratio), and 9.4 acres of wetland preservation (7:1 ratio), for a total of 18.5 acres, at the South Buffalo Creek Mitigation Site.

e. NCDOT will survey the 18.5 acres of wetland restoration and preservation at the South Buffalo Creek Mitigation Site, and submit a copy of the survey to the District Engineer within 90 days after construction of the site is completed. NCDOT shall maintain this acreage in the condition achieved by implementation of the mitigation plan, and approved by the Corps of Engineers, in perpetuity.

f. All site preparation activities at the South Buffalo Creek Wetlands Mitigation Site shall be completed by March 31, 1999. An "as built" plan, which depicts location of sample plots, number of individuals of each tree species within each sample plot, location of monitoring wells, final project elevations, and photographs shall be submitted to the District Engineer within 60 days of mitigation site completion.

g. The permittee shall convey the South Buffalo Creek Wetlands Mitigation Site to the City of Greensboro within one year after monitoring shows that the site has been successful. The South Buffalo Creek Wetlands Mitigation Site shall be maintained in its natural condition, as modified by work

performed pursuant to the mitigation plan, in perpetuity. Prohibited activities within the mitigation areas specifically include, but are not limited to, the construction or placement of structures of any kind (i.e., billboards, interior fences, etc.) the discharge of dredged or fill material (including wasting debris, trash, etc.), excavation, the cutting, removal or damage of any vegetation, grading, leveling, or any other earth moving activity, except as may be authorized by the mitigation plans.

h. The permittee shall not sell or otherwise convey the properties used to satisfy mitigation requirements for this permit, or any interest therein, to any third party, other than the City of Greensboro, without the express written consent of the Corps of Engineers. It is the intent of the Corps of Engineers and the permittee that the properties be conveyed to, or remain the property of, the City of Greensboro, which is willing to hold the areas in perpetuity for conservation purposes.

i. Any sale, lease or other conveyance of the South Buffalo Creek Wetlands Mitigation Site, including the conveyance to the City of Greensboro, shall include restrictions on the use of the property as described in these conditions, which conditions shall be enforced by the North Carolina Department of Transportation.

j. The permittee will monitor the site in August or September of each year, and document tree mortality and stress within the mitigation site and within the reference ecosystem. A minimum of seven 0.05 acre sample plots will be used in the restoration portion of the mitigation site, and a minimum of eight 0.05 acre sample plots will be used in the preservation portion of the mitigation site.

k. The permittee will monitor site hydrology through the use of monitoring wells on the wetland mitigation site and the reference ecosystem site. Hydrologic monitoring will continue for each growing season until the permittee shows hydrologic conditions on the mitigation site similar to the reference site over a full growing season.

l. The permittee will submit yearly mitigation monitoring reports within 60 calendar days of each assessment period for five years following final site manipulation. These reports will include, at a minimum, sample plot, well and rainfall data; photographs; and problems/ resolution, and will be provided to both the Corps and the North Carolina Division of Water Quality.

STREAM MITIGATION

m. The permittee shall mitigate for 2,585 feet of unavoidable impacts to perennial stream channel associated with this project with 2,585 feet of stream restoration as described in the "Conceptual Stream Restoration Plans," dated July 10, 1997, for Mile Run Creek in Sussman's Park, and/or for a tributary of North Buffalo Creek in Starmount Park.

n. The permittee shall submit a completed, final compensatory stream mitigation plan for the Sussman's Park and/or Starmount Park mitigation sites to the District Engineer, the U.S. Fish and Wildlife Service, the U.S. Environmental Protection Agency, the North Carolina Division of Water Quality, and the North Carolina Wildlife Resources Commission, for a 15-day review (minimum). Construction of the stream mitigation sites shall begin only after approval by the District Engineer of the final stream mitigation plan, and planting of the stream mitigation sites will be completed by May 31, 1999. The permittee shall implement the final approved plan.

o. Construction within waters and/or wetlands on U-2525A and I-2402D shall begin only after the permittee has documented granting of a construction easement, or similar legal authorization, from the City of Greensboro, for access to all of the construction for the proposed stream mitigation. The permittee shall provide the District Engineer a copy of the documentation for all stream mitigation sites.

p. The permittee shall develop a monitoring plan to assess and insure complete stabilization of the mitigation stream segments. This monitoring plan, which must be included in the final mitigation plan discussed in Condition n. above, shall include adequate monitoring of planted vegetation for a minimum of one year after final planting, and appropriate remedial actions (e.g., replanting, streambank grading, etc.).

GENERAL MITIGATION

q. The permittee shall contact the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager, and provide that individual with the opportunity to attend the yearly mitigation monitoring efforts.

r. Failure to institute and carry out the details of special conditions a. - q., above, will result in a directive to cease all ongoing and permitted work within waters and/or wetlands associated with U-2525A and I-2402D, or such other remedy as the District Engineer or his authorized representatives may seek.

OTHER CONDITIONS

s. All stream relocations and stream restoration shall be constructed in accordance with the North Carolina Wildlife Resources Commission's (NCWRC) "Stream Relocation Guidelines." NCDOT shall consult with NCWRC on all stream relocations and restoration and implement all practicable recommendations in the design of specific site requirements for re-establishment of bank vegetation, and placement of meanders and habitat structures. Vegetation shall be used to the maximum extent practicable to stabilize banks, and riprap and other man-made structural measures shall be minimized.

t. The permittee shall schedule an onsite preconstruction meeting between their representatives, the contractor's representatives, and the Corps of Engineers, Raleigh Regulatory Field Office NCDOT Regulatory Project Manager prior to any work within jurisdictional waters and wetlands to ensure that there is a mutual understanding of all of the terms and conditions contained within this Department of the Army Permit. The permittee shall 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.

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

v. To ensure that all borrow and waste activities occur on high ground, except as authorized by this permit, the permittee shall require its contractors and/or agents to identify all areas to be used to borrow material, or to dispose of dredged, fill, or waste material. The permittee shall ensure that all such areas

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

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

ff. This permit does not grant any property rights or exclusive privileges.

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

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