

DEPARTMENT OF THE ARMY PERMIT

Permittee: UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL

Permit No: SAW-2010-01840

Issuing Office: USAED, WILMINGTON

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 the office acting under the authority of the commanding officer.

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

Project Description: The project involves the expansion of the existing University of North Carolina – Chapel Hill campus and is identified as Carolina North. The project involves the development approximately 9 million square feet on 228 acres over 50 years. Total permanent impacts for the construction of this project include the placement of fill material within 452 linear feet of jurisdictional stream channel and 2.184 acres of jurisdictional wetlands. Total temporary impacts will be 70 linear feet of jurisdictional stream channel. The project will also impact 100 linear feet of isolated stream channel and 0.228 acre of isolated wetlands. This includes all roadways, utility lines, and building lots. Construction of the project will occur in two (2) phases. Impacts proposed for Phase I include 0.005 acre of permanent wetland impacts, 31 linear feet of permanent stream impacts and 10 linear feet of temporary stream impacts. All the remaining impacts described above will occur in Phase II.

To mitigate for the impacts, the permittee will make payment into the North Carolina Ecosystem Enhancement Program (NCEEP) for 552 Warm Stream Mitigation Units and 2.42 Riparian Wetland Units, within the Cape Fear River Basin (03030002).

Project Location: The project, identified as Carolina North is a 947 acre property, with approximately 643 acres located within the Town of Chapel Hill and approximately 304 acres located within the Town of Carrboro. The parcel is bounded by Martin Luther King, Jr. Boulevard (North Carolina Highway 86) to the east, Homestead Road (State Route 1777) to the north, single family residences fronting on Cobblestone Drive to the west and Estes Drive Extension (State Route 1780) to the south. It is divided on the north/south axis by Seawell School Road (State Route 1843) and the Norfolk Southern Railroad line, in Orange County, North Carolina. The geographic coordinates (in decimal degrees) for the site are 35.9351 N. and -79.0647 W (NAD83/WGS84). All jurisdictional wetlands, streams and open water are hydrologically connected to Bolin Creek or to Crow Branch, which flows into Booker Creek. Both Bolin Creek and Booker Creek flow into Little Creek, which flows into Jordan Lake. Jordan Lake flows into the Haw River, a traditionally navigable water, which is joined by the Deep River approximately 4 miles downstream of Jordan Lake, where it forms the Cape Fear River. The Cape Fear River is currently, and historically has been, a navigable water of the United States.

Permit Conditions:

General Conditions:

1. The time Limit for completing the work authorized ends on December 31, 2062. 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 Conditions 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 eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

SEE ATTACHED SPECIAL CONDITIONS

Further Information:

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

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33CFR 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 measure 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.

Karol Kain Gray 4/12/2012
(PERMITEE) UNIVERSITY OF NORTH CAROLINA at CHAPEL HILL (DATE)
ATTN: MS. KAROL KAIN GRAY
Vice Chancellor for Finance and Administration

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

S. Bennett Kelly 4/27/12
(DISTRICT ENGINEER) STEVEN A. BAKER, COLONEL (DATE)
for

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)