

DEPARTMENT OF THE ARMY PERMIT

Permittee: SC DEPARTMENT OF TRANSPORTATION (SCDOT)
C/O SECRETARY CHRISTY HALL

P. O. BOX 191
COLUMBIA, SC 29202

Permit No: SAC 2008-1333

Issuing Office: CHARLESTON DISTRICT

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 work consists of constructing a new, limited access, approximately 75-mile long, four lane, interstate facility beginning at SC 22, northwest of Conway, South Carolina, extending through Horry, Marion, Dillon and Marlboro Counties and ending at the North Carolina/South Carolina State line, northeast of Bennettsville, South Carolina to serve residents, businesses, and travelers while fulfilling congressional intent in an environmentally sensitive manner in accordance with the attached drawings entitled: PIN_36358 RD01, PROPOSED INTERSTATE 73, MARLBORO, DILLON, MARION AND HORRY COUNTIES, S.C. APPLICATION BY SCDOT. Sheets 1 thru 178 of 178 dated June 6, 2016.

Project Location:

The proposed project begins at SC-22 near Conway, South Carolina and ends at the North Carolina/South Carolina State line, northeast of Bennettsville, South Carolina and crosses various waterbodies to include Newton Bay, Beverly Creek, Cottingham Creek, Hagins Prong, Little Reedy Creek, The Gulley, Maidendown Swamp, Little Sister Bay, Back Swamp, Little Pee Dee River, Black Creek, Hannah Bay, Lake Swamp, Rattlesnake Branch, Long Branch, Joiner Swamp, Loosing Swamp, Watery Bay, Mose Swamp, Chinnners Swamp, and Cross Branch.

| | | | |
|-----------------------|------------|-----------------|-------------|
| From: Latitude North: | 34.79250 N | Longitude West: | -79.66042 W |
| To: Latitude North: | 33.93806 N | Longitude West: | -79.06833 W |

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **30 June 2047**. 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 PAGES 4, 5 & 6.

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.

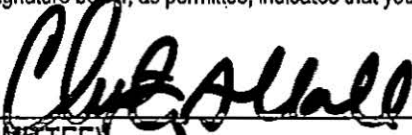
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

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.

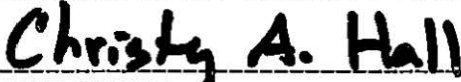
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable 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)

SC DEPARTMENT OF TRANSPORTATION (SCDOT)
C/O SECRETARY CHRISTY HALL

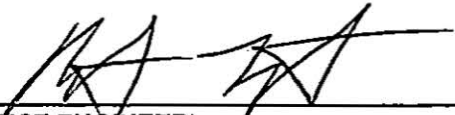


PRINT NAME

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

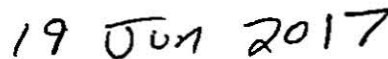


(DATE)



(DISTRICT ENGINEER)

MATTHEW W. LUZZATTO, P.E., PMP, LTC



(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)

SPECIAL CONDITIONS FOR PERMIT #: SAC 2008-1333

- a. That the permittee agrees to provide all contractors associated with construction of the authorized activity a copy of the permit and drawings. A copy of the permit will be available at the construction site at all times.
- b. That the permittee shall submit a signed compliance certification to the Corps within 60 days following completion of the authorized work and any required mitigation. The certification will include:
 1. A copy of this permit;
 2. A statement that the authorized work was done in accordance with the Corps authorization, including any general or specific conditions;
 3. A statement that any required mitigation was completed in accordance with the permit conditions;
 4. The signature of the permittee certifying the completion of the work and mitigation.
- c. The permittee understands and agrees that the Department of the Army permit has been issued based upon the permittee's intended purpose to construct and operate an interstate facility in accordance with the permitted plans. The permittee recognizes that its commitment to construct and operate the interstate facility and comply with the proposed mitigation for the impacts resulting from the project as described in the Department of the Army permit application, as well as the environmental commitments that were made as part of the development of the EISs for the I-73 project which were revised and/or re-affirmed, was a deciding factor in the favorable decision on this permit. In addition, the permittee recognizes further that a deviation from such details may be grounds for modification, suspension or revocation of this Department of the Army authorization.
- d. The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
- e. That the permittee shall not interfere with the public's right to free navigation on all navigable waters of the United States, and therefore, at no time shall work impede more than 50% any navigable channel.
- f. The permittee must install and maintain, at their expense, any safety lights and signals prescribed by the U.S. Coast Guard (USCG), through regulations or otherwise, on authorized facilities. The USCG may be reached at the following address and telephone number: U. S. Coast Guard District Seven, Waterways Management Branch, 909 SE 1st Ave, Suite 406, Miami, FL. 33131, and 305-415-6755 or 305-415-6750.
- g. The permittee understands and agrees that the Department of the Army permit has been issued based upon the permittee's intended purpose to construct and operate an interstate facility in accordance with the permitted plans. The permittee recognizes that its commitment to construct and operate the interstate facility and comply with the proposed mitigation for the impacts resulting from the project as described in the Department of the Army permit application, as well as the environmental commitments that were made as part of the development of the EISs for the I-73 project which were revised and/or re-affirmed, was a deciding factor in the favorable decision on this permit. In addition, the permittee recognizes further that a deviation from such details may be grounds for modification, suspension or revocation of this Department of the Army authorization.

- h. The permittee recognizes that its commitment to perform and implement the following was a deciding factor in the favorable decision on this permit, and recognizes further that a failure on its part to both actively pursue and implement these conditions may be grounds for modification, suspension or revocation of this Department of the Army authorization:
 - 1. As compensatory mitigation to offset impacts to aquatic resources, the permittee will implement and fully comply with the mitigation plan dated May 3, 2017, and entitled "I-73 Compensatory Mitigation Plan Dillon, Horry, Marion, and Marlboro Counties, SC SAC 2008-1333-DIS".
 - 2. That the permittee must submit evidence of protection of the site to both the Corps of Engineers and DHEC, prior to the commencement of authorized work.
- i. During bridge construction, access to the project site must be attained from highland, from the portions of the bridge already completed ("end on end construction") or from floating barges or mats (instead of barge canals or causeways).
- j. The permittee must implement appropriate best management practices that will minimize erosion and migration of sediments on and off the project site during and after construction. These practices should include the use of appropriate grading and sloping techniques, mulches, silt fences, or other devices capable of preventing erosion, migration of sediments, and bank failure. All disturbed land surfaces and sloped areas affected by the project must be stabilized upon project completion.
- k. Only clean earthen material free of all potential sources of pollution must be used as fill.
- l. Construction activities shall be confined within the permitted limits to prevent the unnecessary disturbance of adjacent wetland areas.
- m. Measures must be taken to prevent the spread and establishment of invasive species to the extent practicable.
- n. Appropriate containment measures must be taken to prevent pollutants such as gasoline, oil, tar, and debris and other pollutants from entering the adjacent waters or wetlands.
- o. A sufficient number of adequately sized culverts must be placed at the same elevation as the streams and wetlands to maintain flows, wetland hydrology, and unrestricted aquatic life passage.
- p. That the permittee shall comply with the following conditions during construction in the Little Pee Dee River in order to minimize potential adverse impacts to sturgeon and other anadromous fish:
 - 1. The permittee shall implement an in-water work moratorium from February 1 to April 30.
 - 2. Construction of cofferdams may take place before or after the moratorium, but not during the moratorium. However, once a coffer dam is built, work inside it may continue year-round.
 - 3. Bridge construction will never obstruct more than half of the river at any one time.
- q. The permittee shall comply with the stipulations described in the two Memorandum of Agreements among the Federal Highway Administration, the South Carolina Department of Transportation and the South Carolina State Historic Preservation Officer regarding the Interstate 73 Project in Marlboro and Dillon Counties, South Carolina last signed on January 13, 2017 and July 17, 2008 to ensure responsibilities under Section 106 of the NHPA are fulfilled.
- r. That the permittee agrees to comply with all FEMA regulations and requirements. The permittee is advised that development activities in a Special Flood Hazard Area (i.e 100-year floodplain), as designated in the

Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM), are subject to the floodplain management regulations of the National Flood Insurance Program [(NFIP)(44CFR)]. The NFIP prohibits any development within a designated floodway, including placement of fill, without a No Impact Certification from FEMA or the local NFIP representative. The permittee shall provide this office with a copy of the No Impact Certification prior to the commencement of authorized work.

- s. For I-73 North, the permittee agrees that the drainage/conveyance system shall be designed by a licensed Professional Engineer (PE) and constructed by the permittee (or his designated assignee) to provide for the proper drainage of surface water of the drainage area of which it is a part, to permit the flow of natural or manmade watercourses, and to maintain positive drainage for adjacent properties. In addition, the drainage/conveyance system shall be sufficient to prevent any appreciable increase in water surface elevations or expansion/increases of the flood hazard area.
 1. Sufficient documentation, signed by a PE, shall be provided to the Corps for review/approval 120 days prior to the anticipated commencement of authorized work. Documentation, in the form of summaries of modeling/calculations, shall verify that there is no adverse change in water surface elevations or expansion/increases of the flood hazard area on adjacent properties.
 2. In cases where increases in water surface elevations or expansion/increases of the flood hazard area are unavoidable, the permittee shall submit to the Corps, 120 days prior to the anticipated commencement of authorized work, all information (including summaries of all data, modeling and/or studies, and inundation maps of the impacted area) supporting the determination that the increases in the flood risk are not appreciable. Written authorization/ concurrence must be received from the Corps indicating that any increases are not considered appreciable before work can commence.