SPECIAL CONTRACT REQUIREMENTS

The following Special Contract Requirements amend and supplement the *Standard Specifications for Construction of Roads and Bridges, on Federal Highway Projects (FP-14),* U.S. Department of Transportation, Federal Highway Administration.

Section 101. — TERMS, FORMAT, AND DEFINITIONS

101.03 Abbreviations.

(a) Acronyms. Add the following:

EEBACS — Engineer's Estimating, Bidding, Award, and Construction System
GSA – General Services Administration

(b) US Customary abbreviations and symbols. Delete the text and substitute the following:

ºF	—	degrees Fahrenheit	temperature
A	—	ampere	electric current
ac.	—	acre	area
BTU	—	British Thermal Unit	energy
cu. in. or **in^3**	—	cubic inches	volume
cu. ft., **cf**, **ft^3** or **CUFT**	—	cubic feet	volume
cu. yd., **cy**, **yd^3** or **CUYD**	—	cubic yards	volume
D	—	day	time
deg. or **º**	—	degree	plane angle
Fc	—	foot-candles	luminous intensity
fl. oz.	—	fluid ounces	volume
ft. or **'**	—	foot or feet	length
gal. or **GAL**	—	gallon	volume
H	—	Henry	inductance
hr. or **HR**	—	hour	time
Hz	—	hertz (s^{-1})	frequency
in. or **"**		inch or inches	length
K	—	kelvin	temperature
lb or **LB, lbs**	—	pound, pounds	mass
Lbf	—	pound-force	force
lnft or **LNFT**		linear foot	length
mi.	—	miles	length
min. or **m**	—	minute	time
min. or **'**	—	minute	plane angle

oz.	—	ounces	mass
Psi	—	pounds/square inch	pressure
Q	—	cubic feet/second	flow rate
sec. or **s**	—	second	time
sec. or **"**	—	second	plane angle
sq. in. or **in^2**	—	square inches	area
sq. ft., **sf**, **ft^2** or **SQFT**	—	square feet	area
sq. yd., **sy**, **yd^2** or **SQYD**	—	square yards	area
T	—	short ton (2000 lbs)	mass
V	—	volt (W/A)	electric potential
W	—	watt (J/s)	power
yd or YD	—	yard or yards	length
Ω	—	ohm V/A	electric resistance

(c) Metric unit abbreviations and symbols. Delete the text and substitute the following:

A	—	ampere	electric current
Cd	—	candella	luminous intensity
°C	—	degree Celsius	temperature
D	—	day	time
deg. or **°**	—	degree	plane angle
g or **gram**	—	gram	mass
H	—	Henry	inductance
Ha	—	hectare	area
hr. or **HR**	—	hour	time
Hz	—	hertz (s^{-1})	frequency
J	—	Joule ($N \cdot m$)	energy
K	—	kelvin	temperature
Kg	—	kilogram	mass
L	—	liter	volume
Lx	—	lux	illuminance
M	—	meter	length
mm	—	millimeter	length
m^2	—	meter squared	area
m^3	—	cubic meter	volume
min. or **m**	—	minute	time
min. or **'**	—	minute	plane angle
N	—	Newton ($kg \cdot m/s^2$)	force
Pa	—	Pascal (N/m^2)	pressure
sec. or **s**	—	second	time
sec. or **"**	—	second	plane angle
T	—	metric ton	Mass
V	—	volt (W/A)	electric potential

W	—	watt (J/s)	Power
Ω	—	ohm V/A	electric resistance

101.04 Definitions.

Add the following:

EEBACS — Engineer's Estimating, Bidding, Award, and Construction System. A web-based system used by the Government, Construction Contractors, and Subcontractors on this Government contract to prepare "*Inspector's Daily Record of Construction Operations"* (*Contractors Daily Reports)* and measurement notes (pay notes and field measurement documentation).

Roadway Prism Delete the text and substitute the following:

Roadway Prism – The volume defined by the area between the original terrain cross-section and the final design cross-section multiplied by the horizontal distance between the centroids (geometric center) of the area.

Subcontractor Delete the text and substitute the following:

Subcontractor – An individual or legal entity with which the Contractor sublets part of the work. This includes subcontractors and material suppliers at any tier.

Section 103. — SCOPE OF WORK

103.01 Intent of Contract. Add the following:

Additional work on sites within or in the vicinity of the project may be requested by the CO. Such work generally will be in response to additional natural disasters and may include, but are not limited to, Nacimiento-Fergusson Road. Provide cost proposals and perform work as requested by the CO.

Section 105. — CONTROL OF MATERIAL

105.01 Source of Supply and Quality Requirements. Add the following:

Materials containing petroleum-based solvents such as cutback asphalts and traffic paints may be restricted from use by local laws or ordinances in certain geographic areas. Upon presenting proof of such restrictions, alternate materials considered acceptable to the CO may be substituted for the materials specified in the contract.

Add the following:

Certify, according to Subsection 107.10 (d)(2), that sources of rock, sand, gravel, earth, subsoil, or other natural material imported into the project construction limits are noxious weed free.

105.04 Storing and Handling Material. Add the following after the third sentence of the second paragraph:

For Contractor-located, non-commercial staging, storing, and material handling areas, secure environmental clearances according to Subsection 107.10.

Add the following:

The Contractor may use any closed portions of the roadway for staging and storage.

Use all products according to the manufacturer's recommendations for handling, storage, and disposal. Follow the requirements of FAR Clause 52.236-10 Operations and Storage Areas and FAR Clause 52.236-12 Cleaning Up. Maintain the staging and storage areas in a clean, neat, and orderly condition satisfactory to the CO.

Store construction materials within the limits indicated on the contract drawings. Properly store materials according to the applicable permit and the requirements in Section 107, 157, 203, 204, 624, and 625. Check the storage areas weekly and according to the applicable permit.

Store construction, building and waste materials, and containers in designated areas indoors or protect with a suitable covering.

Submit a site map showing the material storage and stockpile locations at least 14 calendar days prior to the start of construction activities.

Keep the manufacturer's MSDS, an inventory of the material, and emergency numbers near the storage area. Take appropriate measures to ensure that incompatible chemicals are not stored next to each other.

Section 106. — ACCEPTANCE OF WORK

106.01 Conformity with Contract Requirements. Delete (a) and (b) and substitute the following:

(a) Disputing Government test results. If the accuracy of Government test results is disputed, promptly inform the CO. If the dispute is unresolved after reasonable steps are taken to resolve the dispute, further evaluation may be obtained by written request. Include a narrative describing the dispute and a proposed resolution protocol that addresses the following:

(1) Sampling method

(2) Number of samples

(3) Sample transport

(4) Test procedures

(5) Testing laboratories

(6) Reporting

(7) Estimated time and costs

(8) Validation process

(b) Alternatives to removing and replacing non-conforming work. As an alternative to removal and replacement, the Contractor may submit a written request to:

(1) Have the work accepted at a reduced price; or

(2) Be given permission to perform corrective measures to bring the work into conformity.

The request must contain supporting rationale and documentation. Include references or data justifying the proposal based on an evaluation of test results, effect on service life, value of material or work, quality, aesthetics, and other tangible engineering basis. The CO will determine disposition of the nonconforming work.

Add the following after (b):

The number of significant figures used in the calculations will be according to ASTM E 29, absolute method.

Where sample/testing procedures make reference to AASHTO, ASTM, or other standards (designated as FLH T), the procedure as modified in the Materials Manual shall govern. Where the specifications make reference to AASHTO Test T11, "Procedure B - Washing Using a Wetting Agent" shall be the procedure followed.

Where the specifications make reference to AASHTO Test T310, "Direct Transmission Method of In-Place Nuclear Density and Moisture Content" shall be the procedure followed.

106.02 Visual Inspection. Delete the Subsection and substitute the following:

106.02 Visual Inspection. Acceptance is based on visual inspection of the work for compliance with the contract requirements. In the absence of specific contract requirements or tolerances, use prevailing industry standards.

106.03 Certification. Add the following after the second paragraph:

See Table 106-3 for schedule for full or partial acceptance by material certification. Submit certification and sample of material for testing as required.

Delete the third paragraph and substitute the following:

Check certifications before incorporating the material into the work to ensure that the requirements of the contract have been met. Mark the certifications with the following information:

- Project number and name;
- Pay item number and description;
- Contractor signed certification stating "to the best of our knowledge the materials certified by the attached certification represent the materials incorporated into the work of this contract"; and
- Date.

Table 106-3 Schedule For Full or Partial Acceptance by Materials Certification. Add Table 106-3 following Table 106-2.

Table 106-3
Schedule For Full or Partial Acceptance by Materials Certification

Section	Description	Material	Material Property Or Specification	Frequency	
				Certification	Sample
302	Minor Crushed Aggregate	Crushed Aggregate	Source, Quality and Gradation	1 per source	1 per source
312	Dust Palliative	Calcium Chloride Magnesium Chloride, Lignosulfonate,	As specified	1 per shipment	First shipment
403	Asphalt Concrete	Aggregate Asphalt Mix	Source quality, Gradation, Stability, and Grade	1 per mix	1 per source
634 and 635	Permanent Pavement Markings, Temporary Traffic Control	634.02 as applicable, 635 as applicable	As specified	1 per source	-----
701	Hydraulic Cement	Portland Cement, Blended Hydraulic Cement, Masonry and Mortar Cement	AASHTO M 85, M 240, ASTM C 91 and ASTM C1392 as applicable	1 per shipment	1 per 100 tons
702.01	Asphalt Material	Asphalt Cement	AASHTO M 226 or M 320, as applicable	1 per shipment	1 per shipment
702.02	Asphalt Material	Emulsified Asphalt	AASHTO M 140 or M 208 as applicable	1 per shipment	1 per shipment
702.03	Asphalt Material	Asphalt Materials used for Damproofing and Waterproofing	As specified for each type of asphalt material	1 per shipment	-----

Section	Description	Material	Material Property Or Specification	Frequency	
				Certification	Sample
		Concrete and Masonry Surfaces			
702.05	Antistrip	As specified	As applicable	1 per shipment	-----
706	Concrete and Plastic Pipe	As specified	As applicable	1 per shipment	-----
707	Metal Pipe	As specified	As applicable	1 per shipment	-----
708	Plastic Pipe	As specified	As applicable	1 per shipment	-----
709	Reinforcing and Prestressing Steel	As specified	As applicable	1 per shipment	For 709.01 submit 3, 1-yard (1-meter) bars of each size and grade of bar furnished. 709.02 submit 1 6-foot (2-meter) length for each size furnished
710	Fence and Guardrail	As specified	As applicable	1 per shipment	-----
711	Concrete Curing Material and Admixtures	As specified	As applicable	1 per material source per material type	-----
712	Joint Material (all)	As specified	As applicable	1 per shipment	-----
713	Roadside Improvement Materials (all)	As specified	As applicable	1 per shipment	-----
714	Geosynthetic Material (all)	As specified	As applicable	1 per shipment	1 per project per type
715	Piling	As specified	As applicable	1 per shipment	-----
716	Material for Timber Structures	Timber and Hardware	As applicable	1 per shipment	-----
717	Structural Metal	As specified	As applicable	1 per shipment	717.01(e) minimum 6 per shipment for each size used. 717.10 1 per project
718	Traffic Signing and Marking Material (all)	As specified	As applicable	1 per shipment	-----
719	Paint	As specified	As applicable	1 per batch\lot	1 sample for quantities

Section	Description	Material	Material Property Or Specification	Frequency	
				Certification	Sample
					> 25 gallons (100L)
720	Structural Wall and Stabilized Embankment Material (all)	As specified	As applicable	1 per shipment per material type	-----
721	Electrical and Illumination Material (all)	As specified	As applicable	1 per shipment per material type	-----
722	Anchor Material	As specified	As applicable	1 per shipment per material type	-----
725	Miscellaneous materials	As specified	As applicable	1 per shipment per material type	-----

Section 107. — LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

107.01 Laws to be Observed. Add the following:

Section 401 and 404 of the Clean Water Act.

Comply with the terms and conditions of any permits that authorize the discharge of dredged or fill material in waters of the U.S., including Section 404 permits and Section 401 water quality certifications.

https://www.spk.usace.army.mil/Portals/12/documents/regulatory/nwp/2021-nwps/NWP-Info-Sheets/2021-NWP-14.pdf

National Pollutant Discharge Elimination System (NPDES)

Comply with the requirements of California Construction General Permit (CGP); Permit No. 2009-0009-DWQ amended by 2010-0014-DWQ & 2012-0006-DWQ.

https://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.html

This permit expired on 9/2/2014 but has been administratively extended pending issuance of a new general permit. Amend the SWPPP and site plan when a new permit goes into effect to meet new permit conditions.

Allow 7 days after the receipt of payment for coverage to become effective.

(a) General. Designate a qualified Erosion Control Supervisor according to Subsection 157.03.

Obtain a separate NPDES permit associated with industrial activity for any mobile asphalt and concrete plants that provide material for the project. Provide a copy of the permit and acknowledgement letter to the CO for their records.

(b) Notice of Intent (NOI). The Government will file a NOI once the SWPPP is approved and provide that information to the Contractor for inclusion in the SWPPP. Do not perform any ground disturbing activities including clearing, grubbing, or earthwork until an acknowledgement letter is received from the regulatory agency and best management practices have been installed.

Post all project authorization numbers near the entrance to the site and on the bulletin board.

(c) Payment of Permit Fees. Submit the appropriate permit fee to the regulatory agency once the Government submits the NOI.

107.02 Protection and Restoration of Property and Landscape.

Add the following at the end of this subsection:

There are no known utilities within the project limits.

107.05 Responsibility for Damage Claims. Delete the first sentence of the third paragraph and substitute the following:

Before work begins, submit "*certificates of insurance*" certifying that the policies will not be changed or canceled until 30 days written notice has been given to the Government.

107.10 Environmental Protection.

(a) Federal Water Pollution Control Act (Clean Water Act) 33 USC § 1251 et seq. Add the following:

(4) Do not ford running streams with construction equipment. Obtain approval from the CO to use temporary bridges or other structures whenever crossings are necessary.

(5) Immediately clear ephemeral drainages, intermittent and perennial streams, lakes and reservoirs of all work items, debris or other obstructions placed by or resulting from construction operations.

(6) Locate machinery servicing and refueling areas away from streambeds and washes to reduce the possibility and minimize the impacts of accidental spills or discharges.

(b) Oil and hazardous substances. Add the following to the end of the third paragraph:

Sand or soils are not approved absorbent materials.

Add the following to the end of the fourth paragraph:

Report the spill to the appropriate federal, state, and local authorities as required by the SPCC plan or hazardous spill plan.

(c) Dirt, plant, and foreign material. Add the following:

All vehicles and equipment entering the project area must be clean of noxious weeds and free from oil leaks and are subject to inspection. Wash all construction equipment to thoroughly remove all dirt, plant, and other foreign material prior to entering the project. Particular attention must be shown to the under carriage and any surface where soil containing exotic seeds may exist. Allow the CO to inspect each piece of equipment before entering the project. Provide the cleaning and inspection records to the CO. Equipment found operating on the project that has not been inspected or has oil leaks will be shut down and subject to citation.

(d) Clearances for Contractor-selected, noncommercial areas. Add the following to the end of the first paragraph:

Use rock, sand, gravel, earth, subsoil, or other natural materials from a Contractor-selected non-commercial materials source that has been certified free of noxious weeds. Materials imported into the project limits which do not include a noxious weed free certification may be rejected and ordered by the CO to be removed from the project limits. The CO has the discretion of requesting inspection of certified materials by a third party and rejecting the use of the source if noxious weeds or seeds thereof are found to be present.

Add the following:

(5) Any required Certifications.

Add the following:

(e) Project-specific commitments.

(1) Hire one or more biologists according to Subsection 623.05 to provide technical support as described below.

(2) Prepare training materials for worker awareness training about sensitive plant and wildlife species that could be found in the area, as well as approved condor hazing measures, and submit to the CO for review. Participate in a training presentation by the biologist prior to initiating any on-site work. Ensure all staff working on-site attend a training (may require multiple presentations) and sign a log confirming receipt of training and the date received. Provide a copy of the log to the CO.

(3) Conduct pre-construction surveys in the clearing limits before work at each repair site begins according to the following:

- Nesting bird surveys are required at the repair sites where work is scheduled between March 15 and July 31 within 1 week before work starts (multiple visits may be necessary to ensure appropriate timing). If active nests are observed,

notify the CO and coordinate on additional protection measures (e.g., delaying work or vegetation removal until nest is no longer active).

- Surveys for host, or other, plants associated with Smith's blue butterfly and Monarch butterfly and Forest Service sensitive species should be scheduled during the appropriate plant blooming periods if feasible before work at the repair sites begins, otherwise conduct them within 2 weeks before starting the work. If any of the above plants are observed in the clearing limits, notify the CO and coordinate on avoidance measures if feasible, including flagging areas to avoid.

(4) Submit a report documenting the methodology and results of the surveys to the CO within 1 week after completion of surveys. Provide interim results of positive observations immediately after surveys via email or phone.

(5) Do not disturb, damage, or remove any milkweed or buckwheat plants unless authorized by the CO. These plants have been documented near repair sites 12 and 16 and noted on the design plans as environmentally sensitive areas. At the discretion of the CO, install exclusionary fencing around or clearly mark with stakes, flags, or other methods the environmentally sensitive area for avoidance. If removal of buckwheat plants is required and authorized by the CO, remove and relocate it by cutting at the base and placing it near other buckwheat plants, but not on top of them, and outside the clearing limits. Also collect duff around the plants and scatter it in a thin layer on the ground around, but not directly under, living buckwheat plants outside the clearing limits. Maintain a count of how many buckwheat plants are removed and report that to the CO.

(6) Do not disturb California condors if observed in or near the repair sites. Immediately stop work if a condor is observed and notify the CO. Upon authorization from the CO, either allow the bird to leave the area on its own or encourage the bird to leave using non-injuring hazing measures as approved by the U.S. Fish and Wildlife Service, which includes yelling, clapping, stomping, the use of leashed barking dogs, and the use of low pressure water hoses.

(7) Provide additional on-call support, such as monitoring active nest sites or recording locations and amounts of protected or sensitive plants that require removal, in coordination with the CO. Submit a report of additional biological support that was provided to the CO by the end of the construction period.

107.11 Protection of Forests, Parks, and Public Lands. Add the following:

The fire prevention plan involving emergency curtailment of operations is included in the Appendix and is in effect on this project. The CO will order the suspension of operations when conditions are unsafe as determined by the CO and the land management agency.

Section 108. — PROSECUTION AND PROGRESS

108.01 Commencement, Prosecution, and Completion of Work. Add the following:

Limit operations according to Subsection 107.10(e) and Section 156.

Limit operations as follows:

(a) Restrict major ground disturbing activities to the dry season, which is defined as April 1 - December 15 of each year. This restriction does not include work that can be done without major ground disturbing activities, including the following items:

- Minor culverts, where the required excavation is less than 5-ft in depth, including headwalls, inlets, outlets, and riprap.
- Other activities that do not require major ground disturbing activities as approved by the CO.

All activities performed between December 15 and April 1 must be approved by the CO. All requests for work to be performed during this period must be accompanied by an approved, updated construction schedule.

(b) Nacimiento-Fergusson Road and the detour (Coastal Ridge Trail Road/Los Burros Road) is closed to public traffic and will remain closed throughout construction. Local residents have access to the project area and existing closure gates that is coordinated by the Los Padres National Forest. Residental traffic counts are estimated to be less than 10 vehicles per day. Maintain resident access to Coastal Ridge Trail Road at all times.

(c) Limit full roadway closures to only the western segment. Do not have concurrent construction closures (full or temporary) on both western and eastern segments. The eastern segment is defined as eastbound from the Coastal Ridge Trail Road thru all eastern repairs sites. The western segment is defined as westbound from the Coastal Ridge Trail Road through all western repair sites.

(d) Perform no work at Sites 2 and 3 between February 1 and August 15.

Perform no work except to maintain traffic control devices, erosion control devices, the roadway driving surface, and to control dust during the listed Federal holidays and surrounding days as shown in Table 108-2.

Table 108-2
Federal Holidays and Surrounding Days

Federal Holiday	Time	Remarks
Memorial Day	12:00 Noon Friday to 6:00 am Tuesday	-
Juneteenth	6:00 pm June 18 to 6:00 am June 20	
Independence Day	6:00 pm July 3 to 6:00 am July 5	If July 4 falls on a weekend, Friday, or Monday, do not work the weekend.

Labor Day	6:00 pm Friday to 6:00 am Tuesday	-
Thanksgiving	6:00 pm Wednesday to 6:00 am Monday	-
Christmas / New Year's	6:00 pm December 23 to 6:00 am January 2	If December 23 or January 1 falls on a Monday, do not work the adjacent weekend and do not work on December 23. If January 1 falls on a Friday, do not work the weekend.

Schedule at least 2 non-work days out of every 14 calendar days. The selected non-work days do not need to be consecutive, but they must be scheduled. Notify the CO at least 2 weeks before changing the scheduled days off.

The CO may grant written approval for exemptions to scheduled days off for specific project operations and for periods of limited duration.

Add the following:

The CO will issue a Notice to Proceed before commencement of any work. The contract completion date is December 15, 2023.

Add the following:

Use the Government's web-based system, *Engineer's Estimating, Bidding, Award, and Construction System (EEBACS),* to prepare all "*Inspector's Daily Record of Construction Operations"* (*Contractors Daily Reports)* and measurement notes (pay notes and field measurement documentation).

Attend a training session on the use of EEBACS. The training session will require up to 4 hours. No more than 3 Contractor staff may attend the training unless approved by the CO. The Contractor shall be responsible for training additional staff.

Complete and electronically submit *"EEBACS User Account Form"* (Form EEBACS-001) for each individual requiring EEBACS access. Submit forms to the CO at the preconstruction conference or at least 10 days prior to the start of any contract work or EEBACS training. As needed, request additional system access using Form EEBACS-001 and allow 7 days for system access.

Maintain active EEBACS accounts for all contractor staff who use EEBACS and ensure that the CO is notified within 24 hours after an account holder is reassigned or no longer employed by the Contractor. Within 24 hours after an account holder is reassigned or no longer employed by the Contractor, submit an EEBACS-001 form requesting that the account be disabled.

The electronic version of EEBACS-001 is available at:

https://highways.dot.gov/federal-lands/estimates/forms

108.02 Subcontracting. Delete the third paragraph and substitute the following:

Within 14 days of subcontract award, submit a completed SF 1413 and 1413S. Complete Part I for each Subcontractor and include Part II when the Subcontractor performs on-site work. Complete other forms that may be required by the Government to show the work subcontracted and the total dollar amount of the subcontract. Submit the above required information for each Subcontractor at lower tiers.

108.04 Failure to Complete Work on Time.

Delete Table 108-1 and substitute the following:

Table 108-1
Charge for Liquidated Damages for Each Day Work Is Not Substantially Completed

Original Contract Price		Daily Charge
From More Than —	To and Including —	
$ 0	$ 1,000,000	$ 1,600
$ 1,000,000	$ 2,000,000	$ 2,400
$ 2,000,000	$ 5,000,000	$ 4,100
$ 5,000,000	$ 10,000,000	$ 5,600
$ 10,000,000	and more	$ 6,500

Section 109. — MEASUREMENT AND PAYMENT

109.01 Measurement of Work. Add the following after the sixth paragraph:

Prepare, sign, and submit electronic measurement notes (pay notes and supporting field documentation) using EEBACS. Measurement notes will be reviewed by the CO. Unacceptable measurement notes will be electronically rejected and returned. Correct rejected measurement notes and resubmit electronically.

109.02 Measurement Terms and Definitions.

(c) Cubic yard (Cubic meter).

(1) Cubic yard (Cubic meter) in-place. Delete this subsection and substitute the following:

Measure the solid volumes by a method approved by the CO, or by a surface to surface method approved by the CO.

(o) Square foot and Square yard (Square meter). Add the following: Do not measure overlaps.

109.08 Progress Payments.

(a) General. Delete the last sentence and substitute the following:

The CO may withhold partial progress payment according to Subsection 109.08 (g) for failure to make satisfactory progress until a construction schedule or schedule update is approved by the CO.

(b) Closing date and invoice submittal date. Delete the text and substitute the following:

Submit invoices to the designated billing office by the 7th day after the closing date. Invoices received by the designated billing office after the 16th day following the closing date will not be accepted for payment processing that month. Include late, unprocessed invoice submittals in the following months invoice.

(d) Government's receiving report. Delete the first sentence and substitute the following:

The Government's receiving report will be developed using the measurements and quantities from Pay Notes received by the CO in EEBACS and determined acceptable.

(e) Processing progress payment requests.

(1) Proper invoices. Delete the title and text and substitute the following:

(1) Invoices received by the 7th day following the closing date.

(a) Proper invoices. If the invoice meets the requirements of Subsection 109.08(c), and the quantities and unit prices shown on the Contractor's invoice agree with the corresponding quantities and unit prices shown on the Government's receiving report, the invoice will be paid.

(b) Defective invoices. If the invoice does not meet the requirements of Subsection 109.08(c), or if any of the quantities or unit prices shown on the Contractor's invoice exceed the corresponding quantities and unit prices shown on the Government's receiving report, the invoice will be deemed defective and the Contractor so notified according to FAR Clause 52.232-27(a)(2). Defective invoices will not be corrected

by the Government and will be returned to the Contractor within 7 days after the Government's designated billing office receives the invoice.

Revise and resubmit returned invoices by the 18th day following the closing date. The CO will evaluate the revised invoice. If the invoice still does not meet the requirements of Subsection 109.08(c), the Contractor will be so notified according to FAR Clause 52.232-27(a)(2), and no progress payment will be made that month. Correct the deficiencies and resubmit the invoice the following month.

If the revised invoice meets the requirements of Subsection 109.08(c), but still had quantities or unit prices exceeding the corresponding quantities and unit prices shown on the Government's receiving report, the Government's data for that item or work will be used. The Contractor's invoice, as revised by the Government's receiving report, will be forwarded for processing by the 23rd day following the closing date. The Contractor will be notified by the 23rd day following the closing date of the reasons for any changes to the invoice.

(2) Defective invoices. Delete the title and text and substitute the following:

(2) Invoices received between the 8th and 16th day following the closing date.

(a) Proper invoices. If the invoice meets the requirements of Subsection 109.08(c), and the quantities and unit prices shown on the Contractor's invoice agree with the corresponding quantities and unit prices shown on the CO's receiving report, the invoice will be deemed proper and forwarded for processing within 7 days of receipt.

(b) Defective invoices. If the invoice does not meet the requirements of Subsection 109.08(c), the invoice will be deemed defective, the Contractor so notified according to FAR Clause 52.232-27(a)(2), and no progress payment will be made that month. Correct the deficiencies and resubmit the invoice the following month.

If the invoice meets the requirements of Subsection 109.08(c), but has quantities or unit prices exceeding the corresponding quantities and unit prices shown on the Government's receiving report, the Government's data for that item of work will be used. The Contractor's invoice, as revised by the Government's receiving report, will be forwarded for processing within 7 days of the Government's receipt of the invoice. The Contractor will be notified of the reasons for any changes to the invoice.

(f) Partial payments. Delete the subsection and substitute the following:

(f) Partial payments. Progress payments may include partial payment for material to be incorporated in the work according to FAR Clause 52.232-5(b)(2), provided the material meets the requirements of the contract and is delivered on, or in the vicinity of, the project site or stored in acceptable storage places.

Partial payments for stockpiled manufactured material (aggregates) will be based on Contractor process control test results. If test results show the material to be out-of-

specification, or in "reject" where statistical evaluation procedures are used, no payment for stockpiled materials will be made.

Partial payment for material does not constitute acceptance of such material for use in completing items of work. Partial payments will not be made for living or perishable material until incorporated into the project.

Individual and cumulative partial payments for preparatory work and material will not exceed the lesser of:

(1) 80 percent of the contract bid price for the item; or

(2) 100 percent of amount supported by copies of invoices submitted.

The quantity paid will not exceed the corresponding quantity estimated in the contract. The CO may adjust partial payments as necessary to protect the Government.

Section 152. — CONSTRUCTION SURVEY AND STAKING

Construction Requirements

152.01 Add the following to the first paragraph:

This work consists of performing the surveying required for repairing the roadway, replacing or installing culverts, and installing MSE walls.

152.04 General. Add the following to the second paragraph:

The Government will establish basic survey control points for vertical and horizontal control of the project.

The Government will furnish the following:

(1) 3D coordinates and offset distance from centerline for subgrade and surface course finishing stakes at 10-foot (20-meter) intervals and miscellaneous intermediate stations.

(2) Slope stake data containing centerline grade and slope staking information at 10-foot (20-meter) station intervals and miscellaneous intermediate stations.

(3) Computer listings containing: horizontal alignment, vertical alignment, earthwork quantities, and staking details showing superelevation template data and slope information.

Perform additional conversions and calculations as necessary for convenient use of Government-furnished data. The Contractor is responsible for the accuracy of all information converted from

the Government-furnished data. Provide immediate notification of apparent errors in the furnished data.

Delete the last sentence of the fourth paragraph from the bottom of the subsection and substitute the following:

Reestablish missing control points and stakes before slope staking begins.

152.05 Survey and Staking Requirements.

(d) Slope and references stakes.

(2) Conventional survey methods. Add the following:

When the centerline curve radius is less than or equal to 250 feet (75 meters), use a maximum longitudinal spacing between stakes of 25 feet (8 meters). When the centerline is on a tangent or the curve radius is greater than 250 feet (75 meters), use a maximum longitudinal spacing between stakes of 50 feet (15 meters).

(f) Grade-finishing stakes. Delete both paragraphs under (1) AMG method.

(g) Culverts. Delete the text and substitute the following:

Verify and set culvert locations at the inlet, outlet, and inlet basin points according to the plans. Plot the centerline of the proposed culvert at a 1:20 scale. Show the natural ground, the flow line, the roadway section, and the culvert including end treatments and other appurtenances. Provide the elevations, grade, culvert length, degree of elbow, catch points, and hinge points on the plot.

Perform the following if the culvert design shown in the plans does not fit field conditions, when the CO requires adjustment to a culvert location, or when a culvert design isn't provided for a new culvert, culvert replacement, or culvert extension:

(1) Recommend a revised culvert location and alignment if needed.

(2) Survey and record the ground profile along the culvert centerline;

(3) Determine the slope catch points at the inlet and outlet;

(4) Set reference points and record information necessary to determine culvert length and end treatments;

(5) Plot to scale the profile along the culvert centerline. Show the natural ground, the flow line, the roadway section, and the culvert including end treatments and other appurtenances. Show elevations, grade, culvert length, and degree of elbow.

(a) For single skewed culverts, submit a plotted field-design cross-section normal to roadway centerline and at each end section. Plot the offset and elevation of natural ground at the end section and at proposed template break points between centerline and the end section. Ensure the template design embankment slope is not exceeded;

(b) For multiple skewed culverts, submit a plotted field design cross-section normal to roadway centerline and at the end sections (left and right) nearest to the shoulder. Plot the offset and elevation of natural ground at the end section and at proposed template break points between centerline and the end section. Ensure the template design embankment slope is not exceeded;

(c) Submit the plotted field-design cross-section for approval of final culvert length and alignment. Plot at a clear and readable scale;

(d) Set inlet, outlet, and reference stakes when the field design has been approved. Stake inlet and outlet ditches to make sure the culvert and end treatments (such as drop inlets) are functional; and

(e) Adjust slope, reference, and clearing stakes as necessary to provide for culvert inlet treatments in cut slopes. Readjust slope, reference, and clearing stakes as necessary when culvert inlets are moved from their plan locations. Review slope adjustments with the CO and obtain approval.

(i) Retaining walls and reinforced soil slopes. Delete the Subsection and substitute the following:

(i) Retaining walls. Survey and record profile measurements along the face of the proposed wall at 5 feet (1.5 meters), 10 feet (3 meters), and in front of the wall face. Take cross-sections every 25 feet (8 meters) along the length of the wall and at major breaks in terrain within the limits designated by the CO. Measure and record points every 25 feet (8 meters) and at major breaks in terrain for each cross-section. Set additional references and control points to perform the work.

Measurement

152.07 Delete the third paragraph and substitute the following:

Do not measure miscellaneous survey and staking.

152.07 Add the following to the fourth paragraph:

Reestablishing missing control points and stakes will be measured under Special labor, Hired survey services when it is paid by the hour.

Section 153. — CONTRACTOR QUALITY CONTROL

Description

153.01 Add the following:

This work also consists of using EEBACS to prepare electronic "*Inspector's Daily Record of Construction Operations"* (*Contractors Daily Reports)* and measurement notes (pay notes), including entering labor, equipment, subcontractors, and inspection records into the system.

Construction Requirements

153.02 Qualifications.

(a) Quality Control Manager (QCM). Delete the first sentence and substitute for the following:

Provide a QCM according to (1) below.

(a)(1) Full-time, on-site QCM. Delete subsections *(a)* and *(b)* and substitute the following:

(a) Four years of experience managing quality control on highway construction projects of similar type and scope, and

(b) National Institute for Certification in Engineering Technologies (NICET) Level III certification, or equivalent, in highway construction or highway material.

153.03 Quality Control Plan (QCP).

(b) Quality control procedures

(2) Add the following: List the material to be tested by pay item, tests to be conducted, the location of sampling, and the frequency of testing.

Add the following:

(d) Subcontractors and suppliers. Include the work of all subcontractors. If a subcontractor is to perform work under this Section, explain how the subcontractor's inspection plan will interface with the Prime Contractor first tier subcontractors and lower tier subcontractors and organizations, and the CO. Include the work of major suppliers and suppliers of structural and geotechnical services and materials.

Add the following:

Modifications or additions may be required to any part of the plan that is not adequately covered. Acceptance of the quality control plan will be based on the inclusion of the required information. Acceptance does not imply any warranty by the Government that the plan will result in consistent

contract compliance. It remains the responsibility of the Contractor to demonstrate such compliance.

153.04 Prosecution of Work. Delete this Subsection and substitute the following:

Address each of the subjects shown for each phase of construction:

(a) Preparatory phase.

(1) In a preparatory phase meeting, review the contract requirements for the work; the process for constructing the work; and the plan for inspecting, testing, measuring, and reporting the work. Include the project superintendent, the quality control manager (QCM), the foreman for the work to be performed, and the CO in the meeting. Schedule and conduct a preparatory meeting for each type of work to be performed at least one week prior to beginning the work.

(2) Review and coordinate certifications, submittals, plans, drawings, and permits.

(3) Verify the capabilities of equipment, material, and personnel. Provide training as necessary.

(4) Establish a detailed testing schedule based on the production schedule.

(5) Ensure preparatory testing and inspection is accomplished.

(6) Review accuracy of the surveying and staking.

(b) Start-up phase.

(1) In a start-up phase meeting, review the contract requirements and the processes for constructing the work with the personnel who will be performing the work. Invite the CO, project superintendent, QCM, testers, and inspectors of the work being performed, and the personnel directly supervising and performing the work. Review the planned testing, inspection, and reporting requirements with the quality control personnel responsible for the testing and inspection. Explain the reporting procedures to be used when defective work is identified. Conduct a start-up meeting for each type of work to be performed upon beginning the work.

(2) Inspect, test, and report start-up work according to the QCP and ensure the work conforms to the contract.

(c) Production phase.

(1) Inspect, test, and report according to the QCP and evaluate the acceptability of the work produced.

(2) Identify and correct deficiencies.

(3) Request Government inspection and acceptance.

(4) Provide feedback on processes and deficiencies. Identify root causes of deficiencies

and make timely and effective changes to work processes to prevent repeated deficiencies.

(d) Construction progress meeting.

(1) Schedule and facilitate a weekly construction progress meeting. Invite the CO, project superintendent, QCM, and any other personnel directly supervising or managing the project. At a minimum, discuss the Working Schedule according to Subsection 155.06(f).

153.05 Sampling and Testing. Delete the text and substitute the following:

153.05 Sampling and Testing.

Perform sampling and testing required by the accepted QCP. As a minimum perform process control testing according to the Sampling, Testing and Acceptance Requirements tables at the end of each Section where applicable. Where no minimums are specified, submit proposed tests to be performed and the proposed sampling and testing frequencies.

(a) Sample splitting. Schedules and times or locations for obtaining on-site split samples for Government use will be provided by the CO using a procedure for random sampling. Sample any material that appears defective or inconsistent with similar material being produced, unless such material is voluntarily removed and replaced or otherwise corrected according to Subsection 106.01

(b) Testing. Furnish a laboratory equipped with all test equipment necessary to satisfy the requirements of the contract. Ensure test equipment has been checked, calibrated, standardized and/or otherwise verified in accordance with AASHTO and ASTM standards by an individual qualified to perform the work. Perform an equipment inspection after the laboratory has been moved to its permanent location on the project site, and anytime it is moved thereafter. Inspect equipment within 45 days of actual use for project testing, and at least once a year thereafter. Do not use equipment that has not been inspected or is found to be deficient. Mark deficient equipment and take it out-of-service until repaired or replaced and shown by subsequent inspection to perform as required. Maintain records documenting laboratory equipment inspections. Provide certification(s) stating the equipment conforms to testing requirements and provide evidence of current inspection. Keep laboratory facilities clean and maintain equipment in proper working condition. Allow the CO unrestricted access to the laboratory for inspection and review.

The CO may require a demonstration of proficiency in sampling and testing capabilities. One or more proficiency samples may be provided by the Government to verify basic qualifications. Provide the results of the proficiency samples to the CO within 48 hours of receipt of the material.

153.06 Certifications. Delete the text and substitute the following:

For materials or work accepted by certification according to Subsection 106.03, review all certifications to ensure compliance with the requirements of the contract prior to incorporating

materials into the work and provide a signed copy of the reviewed certification(s) to the CO. According to FAR Subpart 46.407, materials or work without proper certification will be rejected in writing, and payment for such material or work will be withheld until proper certification has been provided to the CO.

153.07 Records and Control Charts. Delete the first sentence and substitute the following:

Maintain complete testing and inspection records by pay item number and make them accessible to the CO.

(a) Quality control and construction operations reports. Delete the text and substitute the following:

For each day of the contract, prepare an "*Inspector's Daily Record of Construction Operations"* (*Contractors Daily Reports (CDR))* using EEBACS. Enter initial data for Labor/Equipment and Subcontractors prior beginning any work. Maintain and update the Labor/Equipment and Subcontractors data to reflect ongoing changes as they occur. Report operations or items of work separately, with manpower and equipment assigned to each operation separately. Detail inspection results, including deficiencies observed and corrective actions taken. Complete a CDR for each contractor and subcontractor working that day.

When submitting test results on material being incorporated into the work, report test results within the reporting times indicated in the sampling and testing requirements at the end of each section or as specified in the contract.

Enter the following data into EEBACS:

(1) Subcontractors data.

(2) Labor/Equipment.

(a) All manpower and equipment, including contractor and subcontractors. Complete all data fields.

(b) Labor: Type/classification, move-in date, move-out date, hourly rate, the contractor or subcontractor, and name.

(c) Equipment: Type/classification, move-in date, move-out date, make, model, and year of equipment manufacture.

Certify all CDR's using the following statement:

"I certify that the information contained in this record is accurate and that work documented herein complies with the contract. Exceptions to this certification are documented as a part of this record."

Submit certified CDR's that have been signed by a person who has both responsibility for the inspection system and signature authority.

Submit the record and certification within 24 hours of the work being performed. If the CDR is incomplete, in error, or otherwise misleading, the CDR will be rejected and returned within EEBACS with corrections noted. Correct rejected CDRs and resubmit the revised CDR within 24 hours. When chronic errors or omissions occur, correct the procedures by which the records are produced.

153.08 Acceptance. Add the following:

Performance of the work may be stopped according to Subsection 108.05, either in whole or in part, for failure to comply with the requirements of this Section. The Government may charge to the Contractor the cost of any additional inspections required when the work being inspected is found not to comply with contract requirements during the initial inspection. Work stop orders, due to recurring deficiencies of work required by this Section, will be rescinded after the Contractor demonstrates to the CO that changes were made to the quality control plan and system which resulted in the correction of those deficiencies. There will be no adjustment in the contract time, or payments to the Contractor for any impacts, delays or other costs due to any periods of work stoppage resulting from failure to comply with the requirements of this Section.

EEBACS electronic documentation will be evaluated under Subsection 106.02.

153.09 Measurement and Payment. Delete the text and substitute the following:

Measurement

153.09 Measure contractor quality control according to Subsection 109.02.

Do not measure EEBACS electronic documentation for payment.

Payment

153.10 The accepted quantities will be paid at the contract price per unit of measurement for the Section 153 pay item listed in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

Progress payments for Contractor quality control will be paid as follows:

(1) 25 percent of the item amount, not to exceed 0.5 percent of the original contract amount, will be paid after the contractor quality control plan is accepted; all testing facilities are in place; qualified quality control supervisor, inspection, and sampling and testing personnel are in position to provide quality control activities; and the work being inspected or tested has started.

(2) 65 percent of the total lump sum will be prorated for payment based on the completed portion of the total work not including the original 25 percent completed under **(1)** above.

(3) Payment of the remaining 10 percent of the lump sum will be paid when all inspections, test results, submittals, and reports are complete and accepted.

Section 154. — CONTRACTOR SAMPLING AND TESTING

Construction Requirements

154.03 Sampling. Add the following:

Perform the initial curing of all concrete test cylinders. Provide for transporting the government verification cylinders to the FHWA-Central Federal Lands Highway's Laboratory unless other testing facilities are authorized by the CO.

Label each concrete mold with the name and number of the Project, the cylinder number, date molded, location of the sample, and the test age (i.e. – 7, 14, or 28 days). Label the mold after casting and the cylinder after stripping to ensure the sample can be identified throughout the entire curing process.

Provide the required cylinder molds.

154.04 Testing Add the following:

Where Process Control Sampling and Testing frequencies are identical to the Sampling, Testing, and Acceptance Tables at the end of each Section for all applicable work, the Process Control Samples may be used for acceptance.

154.04B Field Laboratory (Contractor-Furnished). Furnish a laboratory equipped with all test equipment necessary to satisfy the requirements of the contract.

The sampling and testing services of a commercial laboratory meeting or exceeding the requirements described herein may be used if all contract sampling and testing requirements are satisfied by the use of the commercial facility.

Ensure test equipment has been checked, calibrated, standardized and/or otherwise verified in accordance with AASHTO and ASTM standards by an individual qualified to do this work. Ensure mobile laboratories receive an equipment inspection after the laboratory has been moved to its permanent location on the project site and anytime it is moved thereafter. Inspect equipment within 45 days of actual use in project testing and at least once a year thereafter. Do not use equipment that has not been inspected or is found to be deficient. Mark deficient equipment and it take out-of-service until it is repaired or replaced and shown by subsequent inspection to perform as required. Maintain records documenting these inspections in the

laboratory. Provide certification(s) stating the equipment conforms to testing requirements and provide evidence of current inspection.

The CO may require the Contractor to perform testing to demonstrate acceptable equipment and an acceptable level of technician competence. The CO may also check equipment and inspection records to verify condition. Repair or replace equipment not meeting applicable requirements. Keep laboratory facilities clean and maintain equipment in proper working condition. Provide the CO unrestricted access to the laboratory for inspection and review.

Section 155. — SCHEDULES FOR CONSTRUCTION CONTRACTS

Construction Requirements

155.04 Preliminary Construction Schedule.

Add the following:

(j) A list of the permits required for the contract. See Section 107.

155.05 Initial and Baseline Construction Schedule.

Delete (a) (1) *(c)* and substitute the following:

> *(c)* Show activities in the order the work will be performed, including submittals, submittal reviews, permit applications, permit reviews, fabrication, and delivery.

Delete the second sentence of (b) (2) *(g)* and substitute the following:

> Non-construction activities include mobilization, drawing and sample submittals by pay item number, permit applications, and the fabrication and delivery of key material.

Add the following to the end of (b) (2) *(g)*:

> Refer to the permitting agencies to determine an appropriate duration for permit application review, permit approval, and distribution of permits.

(f) Submission and approval. Add the following to the end of the second paragraph:

No progress payments will be made until an initial construction schedule is approved by the CO.

155.06 Baseline Schedule Updates. Delete the second paragraph and substitute the following:

Unless previously approved by the CO, changes to the construction schedule for the work that is still to be completed, can only be changed with a Time Impact Analysis according to Subsection

108.03, and a Baseline Construction Schedule revision according to Subsection 155.07. Receipt of a baseline construction schedule update with negative float does not constitute agreement by the Government of the revised completion date.

Add the following:

(f) Working Schedule. At each construction progress meeting, provide the CO with a written summary detailing the work completed in the previous week and the proposed work activities for the following two weeks. Provide detail of proposed operations that will affect traffic flow, residents and businesses adjacent to the project. Provide the CO with a schedule revision if the written summary significantly differs from the baseline construction schedule or the latest construction schedule revision.

155.07 Baseline Schedule Revision. Delete the first paragraph and substitute the following:

Submit a time impact analysis when requesting approval of a baseline schedule revision. Submitting a proposed baseline schedule revision is not considered a notification of delay or of other basis for change. Continue to submit monthly schedule updates according to Subsection 155.06 until a baseline construction schedule revision is approved.

Section 156. — PUBLIC TRAFFIC

Construction Requirements

156.04 Accommodating Traffic During Work. Delete the first paragraph and substitute the following:

Accommodate traffic according to the MUTCD, contract traffic control drawings, Section 635, and this Section. Submit a traffic control plan for approval according to Subsection 104.03. Submit a traffic control plan at least 30 days before intended use.

Add the following:

Allowed Closure and Resident Access Table[3]							
	SUN	MON	TUES	WED	THUR	FRI	SAT
WEST SIDE (Sites 12-16) [1]	Closed	Closed	Closed	Closed	Closed	Closed	Closed
EAST SIDE (Sites 2-11)[2]	Full Resident Access	8am-6pm closure	8am-6pm closure	8am-6pm closure	8am-6pm closure	8am-6pm closure	Full Resident Access
Coastal Ridge Trail Road Detour	Full Resident Access	Full Resident Access	Full Resident Access	Full Resident Access	Full Resident Access	Full Resident Access	Full Resident Access

(1) Provide weekend or weekday resident access during any non-working times and when a minimum single-lane access is present. Use standard MUTCD devices without flaggers to provide safe resident passage through the repair sites. This may be

during periods between individual wall site construction activities. Notify the CO of any granted access periods for residential coordination.
(2) Multiple-day roadway closures (Mon-Thu only) are allowed on the East side for the construction of culvert installations with a minimum of 7 days' notice to the CO prior to the start of the closures.
(3) During non-closure times, limit construction-caused delays to resident traffic to a maximum of 30 minutes per passage through the project.

Develop an Emergency Access Communication Plan in coordination with emergency services, Monterey County, Los Padres National Forest, and the CO. Submit the Emergency Access Communication Plan for approval 7 days prior to the Preconstruction Conference so it can be reviewed and discussed at the Preconstruction conference.

Provide immediate access through the project to emergency vehicles, including firefighting equipment in the event of a forest fire. Be prepared at all times, to immediately halt construction operations and restore the roadway such that emergency vehicles may pass through the project.

156.05 Maintaining Roadways During Work.

(a) Add the following:

Do not construct diversions outside of the clearing limits or use alternate route detours without the approval of the CO.

156.07 Limitations on Construction Operations.

(c) Delete the first sentence and substitute the following:

For alternate one-way traffic control, provide a minimum lane width of 9 feet (2.7 meters). For two-way traffic, provide a minimum roadway width of 18 feet (5.4 meters) or the existing pavement width if narrower than 18 feet.

(i) Delete the text and substitute the following:

Limit operations according to Subsection 108.01.

Add the following:

(j) Perform no work between one-half hour before sunset and one-half hour after sunrise.

(k) Submit a road closure detour plan to the CO for approval 14 days prior to any road closures. See Detour Sheet of the plans for required closure signs. Coordinate with Forest permit holders to allow access throughout temporary closures.

156.09 Traffic Control Supervisor. Delete the second sentence and substitute the following:

The superintendent may serve as the traffic control supervisor provided the requirements of Subsection 156.03 are met.

Section 157. — SOIL EROSION AND SEDIMENT CONTROL

Delete the entire Section and substitute the following:

Section 157. — SOIL EROSION CONTROL, SEDIMENT CONTROL, AND STORMWATER POLLUTION PREVENTION PLAN

Description

157.01 This work consists of preparing and managing a Stormwater Pollution Prevention Plan (SWPPP) including non-stormwater pollution prevention. This work also consists of implementing the SWPPP including but not limited to furnishing, constructing, and maintaining soil erosion and sediment control devices to eliminate or minimize pollutants in stormwater discharges from the project.

Material

157.02 Conform to the following Subsections:

Backfill material	704.03
Concrete masonry unit	725.07(c)
Fertilizer	713.03
Fiber rolls and socks	713.12
Floating turbidity curtains	713.21
Gravel bags	713.13
Mulch	713.05
Plastic lining	725.12
Prefabricated filter insert	713.20
Riprap	705.02
Rock mulch	705.07
Sandbags	713.14
Sediment filter bags	713.19
Seed	713.04
Separation and stabilization geotextile and geotextile filter	714.01(a)
Silt fence	713.16
Tackifiers	713.11(a)
Temporary culvert pipe	713.15
Temporary plastic fence	710.11
Temporary rolled erosion control products	713.17
Turf reinforcement mats	713.18
Water	725.01(b)

If using materials not listed here, see Subsection 106.04.

Construction Requirements

157.03 Qualifications. Submit the names of personnel responsible for the following roles and qualifications for approval with SWPPP submittal:

(a) SWPPP Developer;
(b) Erosion Control Supervisor; and
(c) On-Site Stormwater Lead.

Provide documentation that personnel meet the qualifications set forth in the Construction General Permit of the state(s) that the project is located in, or the qualifications below, whichever is more stringent. Include certifications in those states where applicable. One person may serve in more than one role if qualified.

(a) SWPPP Developer. Provide a SWPPP Developer with all the following qualifications:

(1) Have completed 40 hours of stormwater management training;

(2) Have 5 years of highway or equivalent experience developing stormwater pollution prevention plans and designing site specific best management practices (BMPs); and

(3) Be registered or certified in the state(s) in which the project is located for one or more of the following:

(a) Registered civil engineer;

(b) Registered professional geologist or engineering geologist;

(c) Licensed landscape architect;

(d) Registered professional hydrologist; or

(e) Other state or nationally recognized certification program for erosion and sediment control professionals.

(b) Erosion Control Supervisor. Provide an Erosion Control Supervisor with the following qualifications:

(1) Both of the following:

(a) Have completed 24 hours of stormwater management training; and

(b) Have 3 years of highway or equivalent construction experience that included oversight of erosion, sediment, and pollution control best management practices; or

(2) One of the following:

(a) Meet requirements of SWPPP Developer above; or

(b) Be registered or certified as a stormwater inspector from a state or nationally recognized certification program for stormwater inspectors.

(c) On-Site Stormwater Lead. Provide a Stormwater Lead with the following qualifications:

(1) Both of the following:

(a) Have completed 8 hours of stormwater management training;

(b) Have 1 year of highway construction experience including stormwater management duties; or

(2) One of the following:

(a) Meet requirements of Erosion Control Supervisor;

(b) Be registered or certified as a stormwater inspector from a state or nationally recognized certification program for stormwater inspectors.

157.04 Roles and Responsibilities. Furnish a Stormwater Team that is qualified to perform the following roles and responsibilities:

(a) SWPPP Developer. Develop and approve the SWPPP for the project based on requirements in the Construction General Permit, contract plans, and specifications. Show construction phasing of erosion, sediment, and pollution prevention BMPs for all construction activities on a site plan to meet water quality regulations. Review field changes and provide amendments to the SWPPP when substantial changes occur.

(b) Erosion Control Supervisor. Implement the SWPPP, which includes but is not limited to scheduling installation and maintenance of all BMPs, job site inspections, and other activities for pollution prevention. Review all inspection reports and ensure that SWPPP and Site Plan are implemented and updated.

(c) Stormwater Lead. Install and maintain BMPs, conduct site inspections, monitor water quality, and perform all on-site and reporting activities required to comply with the Construction General Permit. Inform the Erosion Control Supervisor when changes are made. The Stormwater Lead is required to be on the project site during working hours, and available during non-work hours to do inspections before, during, and after qualifying rain events.

157.05 General. Develop, submit, and manage a SWPPP or SWPPP amendment according to the Construction General Permit requirements for project location. Contract permits amend the requirements of this Section. Submit SWPPP to the CO at or before the preconstruction conference. Allow 7 calendar days for CO review and approval prior to submission to regulatory agency(ies).

Basic project information typically needed to fill out an NPDES permit and produce an acceptable SWPPP will be provided by the Government for the Contractor's use in development of the SWPPP.

When soil erosion and sediment pollution control measures are not functioning as intended, take immediate corrective action to eliminate or minimize pollutants in stormwater discharges from the project.

Provide certified weed free devices.

Do not use monofilament plastic for erosion or sediment control products.

157.06 Controls and Limitations on Work. Prior to the start of a construction activity, implement appropriate pollution prevention measures for the activity. No soil disturbing construction activity may begin on the project until the SWPPP has been reviewed and approved and the NOI has been accepted by the permitting agency and is active.

157.07 Stormwater Pollution Prevention Plan. Prepare, submit, and implement a Construction SWPPP following the SWPPP template of the state in which the project is located. Include the Federal Highway Administration as an operator on the project in charge of plans and specifications. If the state does not provide a template, follow the SWPPP template provided by the Environmental Protection Agency (EPA)

(https://www.epa.gov/npdes/construction-general-permit-resources-tools-and-templates#swppp).

Provide a SWPPP according to the Stormwater Construction General Permit (CGP) and the following manual: "The Stormwater Practitioners Guide by the FHWA, Central Federal Lands Highway Division" (The CFL Stormwater Guide) which is available at:https://highways.dot.gov/federal-lands/construction/cfl-stormwater-guide

Provisions in the SWPPP are incorporated by reference into the contract. Provide an electronic copy of the SWPPP and obtain approval from the CO prior to mobilization.

Based on the approved SWPPP, provide the CO a list of the planned pollution prevention devices for each of the following: erosion controls, sediment controls, and non-stormwater controls.

Implement the SWPPP as required throughout the construction period. Modify the erosion, sediment, and non-stormwater pollution control details and SWPPP plans as necessary to accommodate project site conditions and proposed construction operations. Update the SWPPP when modifying erosion, sediment, and non-stormwater pollution controls. Provide a copy of the updated SWPPP monthly to the CO for review.

157.08 Soil Erosion Control. Apply erosion control measures to stabilize soils and to control temporary concentrated flows throughout the duration of the project. Construct and maintain measures according to manufacturer's recommendations, the project requirements, and according to the following manual: "The CFL Stormwater Guide."

157.09 Sediment Control. Apply sediment control measures to intercept, slow and detain the flow of stormwater throughout the duration of the project. Construct and maintain measures

according to manufacturer's recommendations, the project requirements, and according to the following manual: "The CFL Stormwater Guide."

157.10 Non-Stormwater Controls. Apply non-stormwater measures as needed and as required in the SWPPP to control non-stormwater discharges, and to prevent or limit potential pollutants at their source from contact with stormwater throughout the duration of the project. Construct and maintain measures according to manufacturer's recommendations, the project requirements, and according to the following manual: "The CFL Stormwater Guide."

157.11 Acceptance. Material for erosion, sediment, and non-stormwater pollution control measures will be evaluated under Subsections 106.02 and 106.03.

Construction, maintenance, and removal of erosion control, sediment control, and non-stormwater controls will be evaluated under Subsections 106.02 and 106.04.

Separation and stabilization geotextile and geotextile filter will be evaluated under Section 207.

Measurement

157.12 Measure the Section 157 pay items listed in the bid schedule according to Subsection 109.02 and the following as applicable:

Do not measure replacement erosion, sediment, or non-stormwater pollution control measures.

Do not measure additional or changed erosion, sediment, or non-stormwater pollution control measures required when planned controls are not functioning as intended and corrective actions are taken.

Payment

157.13 The accepted quantities will be paid at the contract price per unit of measurement for the Section 157 pay items listed in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

(a) Progress payments for SWPPP will be paid as follows:

(1) 25 percent of the pay item amount will be paid on the approval of the SWPPP by the CO and upon receipt of authorization from the permitting agency that the project permit is active.

(2) An additional 50 percent of the pay item amount will be prorated based on total work completed.

(3) The remaining portion of the pay item amount will be paid when a copy of the final SWPPP and all accompanying documentation, to include, inspection reports, water quality sampling results, and annual report submittals, is submitted and accepted by the CO after the final inspection and resolution of punch list items.

(b) Progress payments for erosion and sediment control measures or devices will be paid as follows:

(1) 80 percent of the pay item amount will be prorated based on total contract work completed.

(2) 20 percent of the pay item amount will be paid at completion of contract after final acceptance.

Section 203. — REMOVAL OF STRUCTURES AND OBSTRUCTIONS

Construction Requirements

203.01 Add the following:

This work includes removing existing culverts that are being replaced and debris at repair areas (old culverts, CMP troughs, etc.)

203.05 Disposing of Material.

(a) Remove from Project. Add the following:

Secure clearances according to Subsection 107.10.

(b) Burn. Delete the subsection.

(c) Bury. Delete the subsection.

Section 204. — EXCAVATION AND EMBANKMENT

Materials

Construction Requirements

204.05 Conserved Topsoil. Delete the first sentence and substitute the following:

Conserve topsoil from the roadway excavation and from embankment foundation areas to the extent and depth determined by the CO.

204.14 Disposal of Unsuitable or Excess Material. Add the following:

Secure environmental clearances according to Subsection 107.10(d).

Measurement

204.16

(a) Roadway Excavation.

(1) Include the following volumes in roadway excavation:

(e) Delete the text and substitute the following:

Conserved topsoil stripped from cuts.

(h) Delete the text and substitute the following:

Conserved material taken from stockpiles and used in Section 204 work except topsoil measured under Section 624. Only materials required to be conserved by the CO are eligible for measurement under this item.

(2) Do not include the following in roadway excavation: Add the following:

(n) Conserved topsoil stripped from fills.

(c) Embankment construction. Delete the text and substitute the following:

Measure embankment construction in its final position. Do not make deductions from the embankment construction quantity for the volume of minor structures.

(1) Include the following volumes in embankment construction:

(a) Roadway embankments;

(b) Material used to backfill holes, pits, and other depressions; and

(c) Material used for dikes, ramps, mounds, and berms.

(2) Do not include the following volumes in embankment construction:

(a) Preparing foundations for embankment construction;

(b) Adjustments for subsidence or settlement of the embankment or of the foundation on which the embankment is placed;

(c) Material used to round fill slopes;

(d) Material used to backfill subexcavated areas; and

(e) Material used to restore obliterated roadbeds to original contours.

Section 255. — MECHANICALLY-STABILIZED EARTH WALLS

Material

255.02 Add the following:

Backfill material	704.03(a)
Geocomposite drain	714.02
Granular backfill	703.03(a)
Plastic pipe	708.04
Wall facing fill	705.08

Construction Requirements

255.03 General. Add the following:

Do not disturb existing ground until limits of wall installation have been verified and the CO has approved installation drawings.

Install reinforcement elements to within 2 inches (50 millimeters) vertically from the staked location.

Install wall drainage systems according to Section 605.

255.04 Wall Erection. Delete Table 255-1 and substitute the following:

Table 255-1
Construction Tolerance

Facing Type	Vertical Tolerance[(1)]	Horizontal Tolerance[(2)]	Horizontal Straight Edge Point Check[(3)]
Precast concrete panel, masonry block	0.5 inch (13 mm)	0.5 inch (13 mm)	0.75 inch (19 mm)
Welded wire, gabions	1 inch (25 mm)	1 inch (25 mm)	2 inch (51 mm)

(1) Wall vertical tolerance at top of wall for every 10 feet (3 meters) of wall height. For example, 65 feet (20 meter) wall height multiply 6.5×value.

(2) Wall horizontal tolerance at top of wall for every 10 feet (3 meters) of wall height.

(3) Maximum horizontal deviation at a point in the wall from a 10-foot (3-meter) straightedge placed horizontally or vertically on the theoretical plane of the design face.

255.04 (b) Wire-faced. Add the following:

Cut horizontal bench into original ground to a sufficient width to accommodate placement and backfilling of the top 3 reinforcement elements. Begin bench at centerline of proposed roadway

or a minimum of 3 feet (1 meter) beyond the intersection of the original ground and the highest point of the wall excavation slope, whichever is the greatest distance from the wall face.

255.05 Backfilling. Delete the text and substitute the following:

Backfill the stabilized volume with select granular backfill and wall facing fill according to Subsection 209.09. Use wall facing fill within 18 inches (450 millimeters) of the wall face. Place select granular backfill material from the back of wall facing fill to a minimum of 12 inches (300 millimeters) past end of the reinforcement. Ensure that no voids exist below the reinforcement. Compact each layer according to Subsection 209.10, except use an acceptable lightweight mechanical or vibratory compactor within 36 inches (900 millimeters) of the wall face.

Consolidate wall facing fill by rodding or other approved means to produce a uniform, tight facing fill. Place wall facing fill in sequence with select granular backfill such that the top of the adjacent materials are within 6 inches (150 millimeters) of one another.

Where the stabilized volume supports spread footings for bridges or other structural loads, compact the top 5 feet (1.5 meters) to at least 100 percent of the maximum density.

Do not damage or disturb the facing or reinforcing elements. Do not operate equipment directly on top of the reinforcing mesh or strips. Correct damaged, misaligned, or distorted wall elements.

Backfill and compact behind the stabilized volume with backfill material according to Subsections 209.09 and 209.10. At the end of the day's operation, slope the last lift of backfill away from the wall face to direct surface runoff away from the wall. Do not allow surface runoff from adjacent areas to enter the wall construction area.

255.06 Acceptance. Delete Table 255-2 and substitute the following:

Table 255-2
Sampling, Testing, and Acceptance Requirements

Material or Product (Subsection)	Type of Acceptance (Subsection)	Characteristic	Category	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	Remarks
Source									
Select granular backfill (704.08)	Measured and tested for conformance (106.04 & 105)	Gradation		AASHTO T 27 & T 11	1 per soil type[(1)]	Source of material	Yes	Before using in work	Not required when using Government-provided source
		Angle of internal friction		AASHTO T 236 and Subsection	"	"	"	"	"

				704.08(a)(2)					
		Soundness using sodium sulfate		AASHTO T 104	"	"	"	"	"
		Plasticity index		AASHTO R 58, T 89, & T 90	"	"	"	"	"
		Resistivity(2)		AASHTO T 288	"	"	"	"	"
		pH(2)(3)		AASHTO T 289	"	"	"	"	"
		Sulfate content(2)(4)		AASHTO T 290	"	"	"	"	"
		Chloride content(2)(4)		AASHTO T 291	"	"	"	"	"

Table 255-2 (continued)
Sampling, Testing, and Acceptance Requirements

Material or Product (Subsection)	Type of Acceptance (Subsection)	Characteristic	Category	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	Remarks
Production									
Select granular backfill (704.08)	Measured and tested for conformance (106.04)	Moisture-density		AASHTO T 99, Method C(5)	1 per soil type(1)	Source of material	Yes	Before using in work	
		Density		AASHTO T 310 or other approved procedures	2 per lift	In-place	No	Before placing next layer	

(1) If on-site backfill is used, increase testing frequency to once per 500 yards of material from each source.
(2) Required for MSE walls with metallic reinforcements.
(3) Required for MSE walls with geosynthetic reinforcements.
(4) Tests for sulfate and chloride content are not required when resistivity is greater than 5000 ohm centimeters.
(5) Minimum of 5 points per proctor.

Measurement

255.07 Delete the fourth paragraph.

Section 302. — MINOR CRUSHED AGGREGATE

302.06 Acceptance. Add the following to the second paragraph:

Sample material at the frequency shown in Table 302-1. Materials that do not meet the approved certification will be considered unacceptable.

Delete Table 302-1 and substitute the following:

Table 302-1
Sampling, Testing, and Acceptance Requirements

Material or Product (Subsection)	Type of Acceptance (Subsection)	Characteristic	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	Remarks
Production								
Crushed aggregate[1]	Measured and tested for conformance (106.04)	Moisture-Density	AASHTO T 180, Method D [3]	1 per aggregate supplied	Production output or stockpile	Yes	Before using in work	
		Gradation[2]	AASHTO T11 and T27	1 per 500 tons (450 metric tons)	From the windrow or roadbed after processing.	Yes	Before placing next layer	
		Density	AASHTO T310 or other approved procedures	1 per 500 tons (450 metric tons)	In-place after compaction	No	Before placing next layer	For Method 2 compaction only
Crushed aggregate	Process control (153.03)	Moisture content (in-place)	AASHTO T310 or other approved procedures	1 per 500 tons (450 metric tons)	In-place after compaction	No	Before placement of next layer or as requested	
Finished Product								
Crushed aggregate	Measured and tested for conformance (106.04)	Surface tolerance & grade	Subsection 301.06	Determined by the CO	Surface of final course	No	Before placement of next layer or as requested	

[1] Sampling and testing required for roadway aggregate.
[2] Use only sieves indicated for the specified gradation.
[3] Minimum of 5 points per proctor.

Section 403. — ASPHALT CONCRETE

Description

403.01 Add the following:

Use an Asphalt binder that would be specified for the project location and is designated according to AASHTO M 320.

Construction Requirements

403.02 Composition of Mix (Job-Mix Formula). Add the following:

The CO may perform mix design-verification testing to confirm the mix meets the contract requirements. If verification testing is required, submit a loose mix sample to the CO 14 days prior to placement.

403.09 Compacting. Add the following:

For HMA, do not roll the mix after the surface cools below 175 ºF (80°C).

Along forms, curbs, headers, walls, and other places not accessible to the rollers, compact the mix with alternate equipment to obtain the required compaction.

403.12 Acceptance. Add the following:

During production placement of the mix, sample loose mix and compacted cores according to Table 403-2 and submit to the CO for acceptance. Materials that do not meet the approved job-mix formula are considered unacceptable.

Delete Table 403-2 and substitute the following:

Table 403-2
Sampling, Testing, and Acceptance Requirements

Material or Product (Subsection)	Type of Acceptance (Subsection)	Characteristic	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	Remarks
Mix Design								
Asphalt concrete mixture Type I (403.02(a))	Measured and tested for conformance (106.04)	Job-mix formula	Subsection 403.02(a)	When requested by the CO.	Flowing mix stream (bin or belt discharge) or behind the paver before compaction.	Yes	Before approval of job-mix formula	Tested by the CO
Production								
Asphalt concrete, Type I (403.02(a))	Measured and tested for conformance (106.04)	Job-mix formula	Subsection 403.02	1 per 700 tons (650 metric tons)	Behind the paver before compaction.	Yes		Deliver cores to CO for testing
		Density [1]	AASHTO T 166	"	In-place after Compacting	Yes		"
		Maximum specific gravity	AASHTO T 209 [2]	"	Behind the paver before compaction	Yes		"
		Surface Tolerance	Straightedge measurement, Subsection 403.11	Continuously, after compaction	Finished pavement surface	No		
		Placement temperature		First load and as determined by CO thereafter	Hauling vehicle before dumping, or windrow before pickup	No	Upon completion of measurement	

Table 403-2 (continued)
Sampling, Testing, and Acceptance Requirements

Material or Product (Subsection)	Type of Acceptance (Subsection)	Characteristic	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	Remarks
Production								
	Process control (153.03)	Gradation at the plant	AASHTO T 27 & T 11	Contractor determined	Cold feed or hot bins as applicable	No	24 hours	
		Moisture content of aggregates	AASHTO T 255	"	Stockpile	No	"	
		Density	ASTM D2950	1 per 500 feet (150 meters)	In-place after compacting	No	"	
Asphalt concrete, Type II (403.02(b))	Measured and tested for conformance (106.04)	"	"	3 per 700 tons (650 metric tons)	In-place after compacting	No	"	

(1) Dry cores to constant mass at 125±5°F (52±3 °C) or vacuum dry, ASTM D7227 before testing. For asphalt concrete Type I, cut two 6-inch (150-millimeter) diameter side by side cores. Remove them with a core retriever and fill and compact the core holes with asphalt concrete mixture. Label the cores and protect them from damage due to handling and temperature. Submit one core for verification testing. Dry the other core to constant mass at 125±5 °F (52±3 °C) or vacuum dry it according to ASTM D7227 before performing the core density and measuring the thickness. Use 62.245 pounds per cubic foot (997.1 kilograms per cubic meter) to convert specific gravity to density. Use AASHTO T 166 regardless of the volume of water absorbed. Use the average maximum specific gravity value (AASHTO T 209) of the first three samples to determine the percent compaction of each Lot.

(2) Do not use the dry back method (Section 11 of AASHTO T 209).

Section 601. — MINOR CONCRETE STRUCTURES

601.07 Acceptance. Add the following:

The concrete mixture's density, air content, slump, temperature, and compressive strength will be evaluated under Subsections 106.02 and 106.04.

Table 601-2
Sampling, Testing, and Acceptance Requirements

Material or Product (Subsection)	Type of Acceptance (Subsection)	Characteristic	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	Remarks
Source								
Aggregate (703.01 & 703.02)	Measured and tested for conformance (106.04 & 105)	Quality	Subsection 703.01 & 703.02	1 per material type	Source of material	Yes	Before producing	–
Mix Design								
Concrete Composition (601.03)	"	All	Subsection 601.03	1 per mix design	"	If requested	"	–
Production								
Concrete[1]	Measured and tested for conformance (106.04)	Density	AASHTO T 121	1 set per 30 yd^3 (25 m^3), but not less than 1 per day	Discharge stream at point of placing	No	Upon completing tests	
		Air content	AASHTO T 152 or AASHTO T 196	"	"	No	"	
		Slump	AASHTO T 119	"	"	No	"	
		Temperature	ASTM C1064	"	"	No	"	
		Compressive strength[2][3] (28-day)	AASHTO T 23 & T 22	1 set per 30 yd^3 (25 m^3), but not less than 1 per day	Discharge stream at point of placing	No	28 days	Deliver cylinders to the CO or designated laboratory for scheduled testing

(1) Sample according to AASHTO R 60, except composite samples are not required.
(2) Cast at least four compressive strength test cylinders for 6- by 12-inch (150- by 300-millimeter) specimens or six compressive strength cylinders for 4- by 8-inch (100- by 200-millimeter) and carefully transport the cylinders to the job site curing facility.
(3) A single compressive strength test result is the average result from two 6- by 12-inch (150- by 300-millimeter) or three 4- by 8-inch (100- by 200-millimeter) cylinders cast from the same load.
(4) If the point of placement is different from the point of discharge, correlate the discharge tests with the placement tests to document the changes.

Section 623. — GENERAL LABOR

Delete the text of this Section and substitute the following:

Description

623.01 This work consists of furnishing workers and hand tools for construction work, survey crews, and furnishing qualified personnel to perform technical work ordered by the CO and not otherwise provided for under the contract.

Construction Requirements

623.02 Workers and Equipment. Furnish competent workers and appropriate hand tools for the work. Provide a crew of sufficient size and qualifications necessary to accomplish the required surveying services within acceptable tolerances.

Obtain approval of the length of a workday and workweek before beginning the work. Keep daily records of the number of hours worked. Submit the records along with certified copies of the payroll.

623.03 Surveying Services. Furnish personnel, equipment, and material that conform to the requirements of Subsection 152.01. Survey according to Section 152.

Survey and establish controls within the tolerances shown in Table 152-1, or within other tolerances as established by the CO.

Prepare field notes in an approved format. Furnish calculations. All field notes, supporting documentation, and calculations become the property of the Government upon completion of the work.

623.04 Technical Services. Furnish qualified engineering personnel experienced in highway construction and design, capable of performing in a timely and accurate manner. Provide personnel with a minimum of NICET Level II certification in highway design and construction, or State (SHA) or industry certification-related design and construction equivalent to their intended responsibilities. Personnel with 2 years or more of recent job experience in the type of highway design and construction provided for under the contract may be used in lieu of certifications. Provide the names and relevant experience of all personnel. Furnish supporting tools and equipment (e.g., calculator, computer, and software, and appropriate and commonly-used drafting tools for the assigned task).

All calculations, notes, and supporting documentation become the property of the government upon completion of the work.

623.05 Technical Services Biologist.

Furnish one or more qualified biologists to provide technical support as described in Subsection 107.10(e). Provide personnel with a bachelor's degree in wildlife biology, botany, or a related field and at least 2 years of previous experience providing biological support on construction projects in California. Submit resumes of proposed personnel to the CO at least 14 days before initiating technical support.

623.06 Acceptance. General labor work will be evaluated under Subsection 106.02.

Additional surveying services will be evaluated under Section 152.

Hired technical services will be evaluated under Subsections 106.02 and 106.04

Measurement

623.07 Measure the Section 623 items listed in the bid schedule according to Subsection 109.02 and the following as applicable.

Round portions of an hour up to the nearest half hour. Measure time in excess of 40 hours per week at the same rate as the first 40 hours.

Measure surveying service by the crew hour regardless of crew size. Do not measure time spent in making preparations, performing calculations, plotting cross-sections, processing computer or other data, and other efforts necessary to successfully accomplish the ordered survey services.

Do not measure time for worker's transportation to and from the project site.

Measure office technical services by the hour, as ordered by the CO, for performing calculations, plotting cross-sections, and processing computer or other data.

Payment

623.08 The accepted quantities will be paid at the contract price per unit of measurement for the Section 623 pay item listed in the bid schedule. Payment will be full compensation for the work prescribed in this section. See Subsection 109.05.

Section 625. — TURF ESTABLISHMENT

Construction Requirements

625.03 General. Delete the first sentence and substitute the following:

Perform all seeding in the fall, ideally in conjunction with the start of fall/winter rains, and before final completion date per Subsection 108.01.

Measurement

625.11 Delete the second sentence and substitute the following:

When measuring turf establishment and supplemental applications by the acre (hectare) or square yard (square meter), measure on the ground surface.

Section 629. — ROLLED EROSION CONTROL PRODUCTS AND CELLULAR CONFINEMENT SYSTEMS

Construction Requirements

629.05 (a) Slope Installations. Delete the text and substitute the following:

(a) Slope Installations. At the top of the slope, anchor the RECP by using an anchor trench.

(1) Anchor trench. Construct a 6- by 6-inch (150- by 150-millimeter) trench. Extend the upslope terminal end of the RECP 36 inches (900 millimeters) past the trench. Use staples on 12-inch (300-millimeter) centers to fasten the RECP into the trench. Backfill the trench and compact the soil. Secure the terminal end with a single row of staples on 12-inch (300-millimeter) centers and cover the end with soil. Apply turf establishment to trench.

Securely fasten all RECP to the soil by installing staples according to the manufacturer's recommendations.

Section 635. — TEMPORARY TRAFFIC CONTROL

Description

635.01 Delete the second paragraph and substitute the following:

Arrow board, portable changeable message sign, barricade, and warning light types are designated in the MUTCD.

Material

635.02 Delete the Subsection and substitute the following:

635.02 Conform to the MUTCD and the following Sections and Subsections:

Concrete barrier (temporary)	618
Delineator and object marker retroreflectors	718.08

Guardrail (temporary)	617
Retroreflective sheeting	718.01
Sign panels	718.03
Sign posts	718.04
Sign hardware	718.06
Temporary plastic fence	710.11
Temporary pavement markings	718.16

Construction Requirements

635.07 Construction Signs. Delete the first paragraph and substitute the following:

Fabricate and install sign panels according to Subsection 633.05. Use Type III, IV, VIII, IX, or XI prismatic retroreflective sheeting. Use fluorescent sheeting for orange signs. For roll-up signs, use fluorescent Type VI retroreflective sheeting.

Add the following:

Provide the same type of sheeting on all post-mounted construction signs that pertain to the project.

Use crashworthy posts within the traversable area adjacent to traffic.

Payment

635.25 Add the following:

Progress payments for temporary traffic control lump sum will be paid as follows:

(a) 25% of the pay item amount will be paid when initial construction signs are in place and needed devices onsite for use.

(b) An additional 65% of pay item amount will be prorated based on total work complete.

(c) The remaining portion of the pay item amount will be paid when the construction signs and devices are no longer needed and have been removed from the project.

Section 637. — FACILITIES AND SERVICES

Description

637.02. General Delete the first sentence of the first paragraph and substitute the following:

Provide the facilities and services beginning no later than 3 days prior to beginning on-site construction activities and ending 14 days after final acceptance of all contract and Government option work.

637.03. Facilities Delete the last sentence of the first paragraph and substitute the following:

Locate the Government field office within miles of the project Site. The Fort Hunter Liggett Recreational Area has trailer hookups and may be a potential location. For more information, visit the following link:

https://hunterliggett.armymwr.com/programs/outdoor-recreation

Alternative locations and facilities may be proposed by the Contractor for acceptance by the CO. Obtain CO approval for field facilities, associated services, facility furnishings and office equipment prior to committing to or signing any agreements for these items.

Add the following:

(c) Equipment. Furnish the following office equipment in the Government field office:

(1) All-in-One (AIO) Device. A self-feeding plain paper printer, copier and scanner with the following minimum capabilities:

(a) Printing, copying, and scanning black and white, and color hardcopies for each size paper; 8½- by 11-inch (letter size), 8½- by 14-inch (legal size), and 11- by 17-inchpaper

(b) Equipped with 3 separate paper trays, 1 for each size paper; 8½- by 11-inch (letter size), 8½- by 14-inch (legal size), and 11- by 17-inch paper.

(c) Automatic document feeder capable of making at least 20 copies per minute for each size paper;

(d) Reducing or enlarging originals, including duplex (double-sided) copying, for each size paper;

(e) Capable of scanning at 600 dpi for each size paper;

(f) Reducing or enlarging originals, including duplex (double-sided) copying, for each size paper;

(g) Copying to Universal Serial Bus (USB) flash drive in Adobe Acrobat (*.pdf) file format; and

(h) Built-in wireless technology (Wi-Fi capable).

Furnish all necessary supplies for the AIO device, including paper.

Delete Table 637-1 and substitute the following:

Table 637-1
Minimum Requirements for Field Office and Associated Services

Property	Size or Quantity
Floor space, square feet	450
Locking outside door, deadbolt with keys	1
Steps with slip-proof tread and handrails	(1)
Windows with locks	2
Total window area, square feet	30
Ceiling height, 7 feet	✓
Rooms including toilet room	3
Room size, except toilet room, square feet	100
Closet, 45-cubic foot	✓
Electrical lighting	✓
Heat and air conditioning (2), maintain temperature of 72±7 °F	✓
Adequate electrical outlets	✓
Surge protectors (3 Total)	✓
Adequate electricity (120 and 240 V, 60 cycle as applicable)	✓
Adequate potable water supply	✓
Functioning indoor sink with faucets for both hot and cold water with paper towel supply.	✓
Functioning hot water source.	✓
Functioning indoor flushing toilet with toilet paper supply	✓

(1) As required by local code.
(2) If window air conditioning is provided, provide a separate unit for each room.

Delete Table 637-1 and substitute the following:

Table 637-2
Minimum Facility Furnishings

Property	Size or Quantity
File cabinet, 2-drawer, fire resistant, metal, with lock & keys	2
File cabinet, 4-drawer, fire resistant, metal, with lock & key	1
Table, 30 in. wide x 98 in. long x 30 in. high	2
Desk lamp (1)	2
Desk, 12-square foot (1)	2
Rolling office chair (1)	3
Office chair (1)	4

Property	Size or Quantity
Storage cabinet, 72 in. wide × 36 in. high × 18 in. deep	1
Book case, 72 in. wide x 48 in. high x 16 in. deep	1
Small metal office trash cans	3
Fire extinguisher	1
Compact refrigerator, 2.4 cubic feet	1
Microwave, 1.1 cubic feet and 1000 Watts of cooking power	1

(1) Meet industry standards for ergonomics.

637.04 Services.

(b). Communications. Add the following:

Furnish the following communication equipment and services in the Government field office:

(1) High-speed Internet access. One high-speed Internet service system with the following minimum capabilities:

(a) Download speed of 25,000 kilobits per second;

(b) Upload speed of 10,000 kilobits per second;

(c) Digital Subscriber Line (DSL), Fiber Optic Service (FIOS), a dedicated Transmission System 1 (T1), cable Internet service, or mobile hotspot (mifi);

(d) Equipped with a modem and a router with a firewall or a router and a firewall appliance;

(e) Router with Internet Protocol Version 6 (IPv6) capable, Wi-Fi Protected Access II (WPA2) or higher encryption, Simple Network Management Protocol (SNMP) Monitoring, Dynamic Host Configuration Protocol (DHCP), and at least Category 6 Registered Jack 45 (RJ45) LAN office drop cables; and

(f) Supports simultaneous Internet access of at least 3 workstations connected by Category 6 Registered Jack 45 (RJ45) LAN office drop cables.

Alternate Internet access service options may be submitted to the CO for approval.

Section 702. — ASPHALT MATERIAL

702.01 Asphalt Binder. Delete the Subsection and add the following:

702.01 Asphalt Binder. Conform to M 320, Table 1.

In AASHTO M 320, Table 1 replace footnote *g* with the following:

[g] If the creep stiffness is below 300 MPa, the direct tension test is not required. If the creep stiffness is between 301 and 600 MPa, the creep stiffness value shall be used. The *m*-value requirement must be satisfied in both cases.

Section 703. — AGGREGATE

703.01 Add the following:

703.01 Fine Aggregate for Concrete.

(c) Sand equivalent value, AASHTO T 176, Alternate Method No. 2	75 min.

Section 704. — SOIL

704.08 Select Granular Backfill.

(a) Quality requirements. Delete lines (2) and (4) and substitute the following:

(2) Peak shear maximum angle of internal friction on the portion passing the No. 4 sieve, AASHTO T 236	32° min.
(4) Plastic index, AASHTO R 58 and T 90	6 max.

(a) Quality requirements. Delete line (5)

(a) Quality requirements. Add line (6):

(6) Liquid limit, AASHTO R 58 and T 89	30 max.

(a) Quality requirements. Delete Table 704-2 and substitute the following:

Table 704-2
Select Granular Backfill Gradation

Sieve Size	Percent by Mass Passing Designated Sieve (AASHTO T 27 & AASHTO T 11)
4 inch (100 mm)	100
No. 40 (425 µm)	0 – 50
No. 200 (75 µm)	0.0 – 25.0

(b) Electrochemical requirements for MSE walls with metallic reinforcements. Delete the Note and substitute the following:

Note: Tests for sulfate and chloride content are not required when the pH is between 6.0 and 8.0 and resistivity is greater than 5000 ohm centimeters.

Section 705. — ROCK

Add the following:

705.08 Wall Facing Fill. Furnish hard, durable, angular rock that is free of organic or other unsuitable material. Angular rock is characterized by sharp, clean edges at the intersections of relatively flat surfaces. Do not use shale, rock with shale seams, or other fissile or fissured rock that may break into smaller pieces in the process of handling and placing. Conform to the following:

(a) Gradation. Furnish rock with breadth and thickness at least one-third its length with a 6 in (150 mm) maximum dimension. Ensure that 95 percent of wall facing fill particles minimum dimension exceeds welded wire facing opening with remaining 5 percent exceeding one-half welded wire facing opening.

(b) Soundness of aggregate using sodium sulfate, AASHTO T 104 (5 cycles)	15 percent loss max.
(c) Los Angeles abrasion, AASHTO T 96	50 percent max.

Section 713. — ROADSIDE IMPROVEMENT MATERIAL

713.04 Seed. Add the following:

Use the following seed mix:

SPECIES			FAMILY	FORM	APPLICATION RATE
SCIENTIFIC NAME	COMMON NAME	USDA CODES			POUNDS/ACRE
GRASSES					
Bromus sitchensis var. *carinatus*	California brome	BRCA5	Poaceae	PG	7
Elymus glaucus ssp. *glaucus*	blue wild-rye	ELGLG	Poaceae	PG	5
Festuca microstachys	desert fescue	FEMI2	Poaceae	AG	2
Stipa pulchra	purple needle grass	STPU2	Poaceae	PG	7
Melica imperfecta	little California melica	MEIM	Poaceae	PG	2
Stipa lepida	foothill needle grass	NALE2	Poaceae	PG	5
LEGUMES					
Acmispon glaber	deerweed	LOSC2	Fabaceae	PF/SS	2
Acmispon strigosus	strigose bird's-foot trefoil	LOST4	Fabaceae	AF	2
Lupinus albifrons	silver bush lupine	LUAL4	Fabaceae	S	1
Trifolium gracilentum	pinpoint clover	TRGR2	Fabaceae	AF	2
Acmispon americanus var. *americanu*	Spanish Clover	LOPU3	Fabaceae	AF	1
Lupinus nanus	sky lupine	LUNA3	Fabaceae	AF	1
Trifolium willdenovii	tomcat clover	TRWI3	Fabaceae	AF	2
SHRUBS					
Artemisia californica	California sagebrush	ARCA11	Asteraceae	S	2
Eriogonum fasciculatum	California buckwheat	ERFA2	Polygonaceae	S/SS	2
Hesperoyucca whipplei	chaparral yucca	HEWH	Agavaceae	S	2
Salvia mellifera	black sage	SAME3	Lamiaceae	S	2
Baccharis piluaris	coyote brush	BAPI	Asteraceae	S	1
Frangula californica	California coffee berry	FRCA12	Rhamnaceae	S	1
MILKWEEDS FOR MONARCHS					
Asclepias fascicularis	narrow-leaf milkweed	ASFA	Apocynaceae	PF	2
Asclepias eriocarpa	kotolo	ASER	Apocynaceae	PF	2
TOTAL APPLICATION RATE FOR 13 SPECIFIED SPECIES					**38**

- shaded/highlighted species serve as alternatives for the seed mix, if any of the specified species are not available.

Provide a locally available commercial seed mix to be approved by the CO prior to placement. The recommended rate is 38 lbs of seed per acre and this should be combined with fertilizer at the rate of 500 lbs/acre.

713.16 Silt Fence. Delete Subsection (a) and substitute the following:

(a) Geotextile. Conform to Table 8 of AASHTO M 288.

Section 718. — TRAFFIC SIGNING AND MARKING MATERIAL

718.01 Retroreflective Sheeting. Add the following:

Furnish fluorescent type sheeting for all signs and all devices specifying an orange or a yellow background.

APPENDIX A

Fire Plan

FIRE PLAN FOR CONSTRUCTION AND SERVICE CONTRACTS
02/18/2023

1. **SCOPE:**

The provisions set forth below outline the responsibility for fire prevention and suppression activities and establish a suppression plan for fires within the contract area. The contract area is delineated by map in the contract. The provisions set forth below also specify conditions under which contract activities will be curtailed or shut down.

2. **RESPONSIBILITIES:**

A. Contractor

(1) Shall abide by the requirements of this Fire Plan.

(2) Shall take all steps necessary to prevent his/her employees, subcontractors and their employees from setting fires not required in completion of the contract, shall be responsible for preventing the escape of fires set directly or indirectly as a result of contract operations, and shall extinguish all such fires which may escape.

(3) Shall permit and assist in periodic testing and inspection of required fire equipment. Contractor shall certify compliance with specific fire precautionary measures in the fire plan, before beginning operations during Fire Precautionary Period and shall update such certification when operations change.

(4) Shall designate in the Fire Plan and furnish on Contract Area, during operating hours, a qualified fire supervisor authorized to act on behalf of Contractor in fire prevention and suppression matters.

B. Forest Service

The Forest Service may conduct one or more inspections for compliance with the Fire Plan. The number, timing, and scope of such inspections will be at the discretion of agency employees responsible for contract administration. Such inspections do not relieve the Contractor of responsibility for correcting violations of the fire plan or for fire safety in general, as outlined in paragraph 2.A above.

3. **DEFINITIONS:**

The following definitions shall apply:

Active Landing: A location the contractor may be skidding logs into, or performing other operations such as delimbing, log manufacturing, and chipping logs. Except for EV and E days, loading logs or stockpiling chips only, on a cleared landing, does not constitute an Active Landing.

Hot Saw: A harvesting system that employs a high-speed (>1100 rpm) rotating felling head, i.e., full rotation lateral tilt head.

Mechanical Operations: The process of felling, skidding, chipping, shredding, masticating, piling, log processing and/or yarding which requires the use of motorized power which includes, chainsaws, chippers, motorized carriages, masticators, stroke delimbers, skidders, dozers etc.

4. **TOOLS AND EQUIPMENT:**

The Contractor shall comply with the following requirements during the fire precautionary period, as defined by unit administering contracts:

The Fire Precautionary Period is set by the State of California which is April 1 through December 1 of any year.

- **This contract ☐ requires, ☒ does not require, a Fire Box and associated Fire Tools according to CPRC Section 4428.**

A. Fire Tools and Equipment: Contractor shall meet minimum requirements of Section 4428 of the California Public Resources Code (C.P.R.C.). Fire tools kept at each operating landing shall be sufficient to equip all employees in the felling, yarding, loading, chipping, and material processing operations associated with each landing. Fire equipment shall include two tractor headlights for each tractor dozer used in Contractor's Operations. Tractor headlights shall be attachable to each tractor and served by an adequate power source. All required fire tools shall be maintained in suitable and serviceable condition for fire fighting purposes.

Trucks, tractors, skidders, pickups and other similar mobile equipment shall be equipped with and carry at all times a size 0 or larger shovel with an overall length of not less than 46 inches and a 2-1/2 pound axe or larger with an overall length of not less than 28 inches.

Where cable yarding is used, Contractor shall provide a size 0 or larger shovel with an overall length of not less than 46 inches and a filled backpack can (4 or 5 gallon) with hand pump within 25 feet of each tail and corner block.

B. Fire Extinguishers: Contractor shall equip each internal combustion yarder, fuel truck, and loader with a fire extinguisher for oil and grease fires (4-A:60-B:C).

Skidders and tractors shall be equipped with a minimum 5-BC fire extinguisher.

All Fire Extinguishers shall be mounted, readily accessible, properly maintained and fully charged.

Contractor shall equip each mechanized harvesting machine with hydraulic systems, powered by an internal combustion engine (chipper, feller/buncher, harvester, forwarder, hot saws, stroke delimber, etc), except tractors and skidders, with at least two 4-A:60-B:C fire extinguishers or equivalent.

C. Spark Arresters and Mufflers: Contractor shall equip each operating tractor and any other internal combustion engine with a spark arrester, except for motor vehicles equipped with a maintained muffler as defined in C.P.R.C. Section 4442 or tractors with exhaust-operated turbochargers. Spark Arresters shall be a model tested and approved under Forest Service Standard 5100-1a as shown in the. National Wildlife Coordinating Group Spark Arrester Guide, Volumes 1 and 2, and shall be maintained in good operating condition. Every motor vehicle subject to registration shall at all times be equipped with an adequate exhaust system meeting the requirements of the California Vehicle Code.

D. Power Saws: Each power saw shall be equipped with a spark arrester approved according to C.P.R.C. Section 4442 or 4443 and shall be maintained in effective working order. An Underwriters Laboratories (UL) approved fire extinguisher containing a minimum 14 ounces of fire retardant shall be kept with each operating power saw. In addition, a size 0 or larger shovel with an overall length of not less than 38 inches shall be kept with each gas can but not more than 300 feet from each power saw when used off cleared landing areas.

- **This contract ☒ requires, ☐ does not require, Section 4E of the Fire Plan.**

E. Tank Truck or Trailer: Contractor shall provide a **water tank truck or trailer** on or in proximity to Contract Area during Contractor's Operations hereunder during Fire Precautionary Period. When Project Activity Level B, C, D, Ev or E is in effect, a tank truck or trailer shall be on or immediately adjacent to each active landing, unless otherwise excepted when Hot Saws or Masticators are being used. See Section 6 for specific contract requirements.

The tank shall contain at least 300 gallons of water available for fire suppression. Ample power and hitch shall be readily available for promptly and safely moving tank over roads serving Contract Area. Tank truck or trailer shall be equipped with the following:

(1) Pump, which at sea level, can deliver 23 gallons per minute at 175 pounds per square inch measured at the pump outlet. Pumps shall be tested on Contract Area using a 5/16 inch orifice in the Forester One Inch In-Line Gauge test kit. Pump shall meet or exceed the pressure value in the following table for nearest temperature and elevation:

Temp	Sea Level		1000 Feet		2000 Feet		3000 Feet		4000 Feet		5000 Feet		6000 Feet		7000 Feet		8000 Feet		9000 Feet		10000 Feet	
55	179	23	174	23	169	23	165	22	161	22	157	22	153	22	150	21	146	21	142	21	139	21
70	175	23	171	23	166	22	162	22	158	22	154	22	150	21	147	21	143	21	139	21	136	20
85	171	23	168	23	163	22	159	22	155	22	151	21	147	21	144	21	140	21	136	20	133	20
100	168	23	164	23	159	22	155	22	152	22	148	21	144	21	141	21	137	20	133	20	131	20
	PSI	GPM	PSI	GPM	PSI	GPM	PSI	GPM	PSI	GPM	PSI	GPM	PSI	GPM	PSI	GPM	PSI	GPM	PSI	GPM	PSI	GPM

The pump outlet shall be equipped with 1-1/2 inch National Standard Fire Hose thread. A bypass or pressure relief valve shall be provided for other than centrifugal pumps.

(2) 300 feet of 3/4-inch inside diameter rubber-covered high-pressure hose mounted on live reel attached to pump with no segments longer than approximately 50 feet, when measured to the extreme ends of the couplings. Hose shall have reusable compression wedge type 1-inch brass or lightweight couplings (aluminum or plastic). One end of hose shall be equipped with a coupling female section and the other end with a coupling male section. The hose shall, with the nozzle closed, be capable of withstanding 200 PSI pump pressure without leaking, distortions, slipping of couplings, or other failures.

(3) A shut-off combination nozzle that meets the following minimum performance standards when measured at 100 P.S.I. at the nozzle:

	G.P.M.	Horizontal Range
Straight Stream	10	38 feet
Fog Spray	6 - 20	N/A

(4) Sufficient fuel to run the pump at least 2 hours and necessary service accessories to facilitate efficient operation of the pump.

When Contractor is using Hot Saws or Masticators, an additional 250 feet of light weight hose, approved by the Forest Service, shall be immediately available for use and be capable of connecting to the 300 feet of hose and appurtenances in (2) and (3) above.

This equipment and accessories shall be deliverable to a fire in the area of operations and is subject to the requirements for each specific activity level identified in Section 6.

F. Compressed Air Foam System: A Compressed Air Foam System (CAFS) is a fire suppression system where compressed air is added to water and a foaming agent. By agreement, Contractor may substitute a CAFS or functional equivalent in lieu of the tank truck, trailer or fire extinguishers, provided it meets or exceeds the following specifications and requirements:

1. Variable foam expansion ratio – 10:1 to 20:1.
2. Units shall be kept fully charged with air; water and foam concentrate as recommended by the manufacturer and have the appropriate tools to service the system.
3. The unit shall contain enough energy to empty tank and clear hose prior to exhausting propellant.
4. The unit shall be capable of being completely recharged within 10 minutes.
5. When used on cable yarding landings, the unit shall be outfitted for immediate attachment to carriage and transported without damage to the unit.

Fire extinguishers required for Hot Saws, Masticators and similar equipment identified in Section 4 B. above may be substituted with a 3 gallon CAFS.

Tank truck, trailer or equivalent may be substituted with a 30 Gallon CAFS with at least 550 feet of one inch hose and an adjustable nozzle with enough water, air and foam concentrate for at least one recharge.

This equipment and accessories shall also be deliverable to a fire in the area of operations and subject to the requirements for each specific activity level identified in Section 6.

5. **GENERAL**

A. **State Law**: In addition to the requirements in this Fire Plan, the Contractor shall comply with all applicable laws of the State of California. In particular, see California Public Resource Codes.

B. **Permits Required**: The Contractor must secure a special written permit from the District Ranger or designated representative before burning, welding or cutting metal or starting any warming fires. If contract requires Blasting and Storing of Explosives and Detonators, an Explosives Permit may be required pursuant to the California Health and Safety Code, Section 12101.

C. **Blasting**: Contractor shall use electric caps only unless otherwise agreed in writing. When blasting is necessary in slash areas, a Fire Patrolperson equipped with a size 0 or larger shovel with an overall length of not less than 46 inches and a filled backpack can (4 or 5 gallon) with hand pump shall remain in the immediate area for an hour after blasting has been completed.

D. **Smoking**: Smoking shall not be permitted during fire season, except in a barren area or in an area cleared to mineral soil at least three feet in diameter. In areas closed to smoking, the CO may approve special areas to be used for smoking. The Contractor shall sign designated smoking areas. Contractor shall post signs regarding smoking and fire rules in conspicuous places for all employees to see. Contractor's supervisory personnel shall require compliance with these rules. Under no circumstances shall smoking be permitted during fire season while employees are operating light or heavy equipment, or walking or working in grass and woodlands.

E. **Storage and Parking Areas**. Equipment service areas, parking areas, and gas & oil storage areas shall be cleared of all flammable material for a radius of at least 10 feet unless otherwise specified by local administrative unit. Small mobile or stationary internal combustion engine sites shall be cleared of flammable material for a slope distance of at least 10 feet from such engine. The COR shall approve such sites in writing.

F. **Reporting Fires**: As soon as feasible but no later than 15 minutes after initial discovery, Contractor shall notify Forest Service of any fires on Contract Area or along roads used by Contractor. Contractor's employees shall report all fires as soon as possible to any of the following Forest Service facilities and/or personnel listed below, but not necessarily in the order shown:

	Name	Office Address	Office telephone
Dispatch Center	**Los Padres N.F. Dispatch**		**(805) 961-5727**
Nearest FS Station	Monterey Ranger District Office	406 S. Mildred Ave King City, CA 93930	(831) 385-5434
Nearest Forest Service Fire Station	Pacific Valley Fire Station	68501 Hwy 1 Big Sur, CA 93920	(805) 927-3434
Inspector	TBD		TBD
COR			
District Ranger	John ‘Fin’ Eifert	406 S. Mildred Ave King City, CA 93930	(805) 680-9022

When reporting a fire, provide the following information:

- Your Name
- Call back telephone number
- Project Name
- Location: Legal description (Township, Range, Section); and Descriptive location (Reference point)
- Fire Information: Including Acres, Rate of Spread and Wind Conditions.

- **This contract ☒ requires, ☐ does not require, Section 5G of the Fire Plan.**

G. **Communications**: Contractor shall furnish a serviceable telephone, radio-telephone or radio system connecting each operating side with Contractor's headquarters. When such headquarters is at a location which makes communication to it clearly impractical, Forest Service may accept a reasonable alternative location. The communication system shall provide prompt and reliable communications between Contractor's headquarters (or agreed to alternative) and Forest Service via commercial or Forest Service telephone.

- **This contract ☐ requires, ☒ does not require, Section 5H of the Fire Plan.**

H. **Fire Patrolperson**: Contractor shall furnish a qualified fire patrolperson each operating day when Project Activity Level C, D, Ev or E is in effect. When on duty, sole responsibility of patrolperson shall be to patrol the operation for prevention and detection of fires, take suppression action where necessary and notify the Forest Service as required. This Fire patrol is required on foot, unless otherwise agreed. By agreement, one patrolperson may provide patrol on this and adjacent projects. No patrolperson shall be required on Specified Road construction jobs except during clearing operations unless otherwise specified.

The Contractor shall, prior to commencing work, furnish the following information relating to key personnel:

Title	Name	Telephone Number
Fire Supervisor		
Fire Patrolperson		

I. **Clearing of Fuels:** Contractor shall clear away, and keep clear, fuels and logging debris as follows:

Welding equipment and stationary log loaders, yarders and other equipment listed in California State Law:	10 feet slope radius
Tail or corner haulback blocks:	All running blocks shall be located in the center of an area cleared to mineral soil at least 15 feet in diameter.
Lines near, between or above blocks:	Sufficient clearing to prevent line from rubbing on snags, down logs and other dead woody material.

6. **EMERGENCY PRECAUTIONS**

Contractor's Operations shall conform to the limitations or requirements in the Project Activity Level (PAL) table below. Project Activity Levels applicable to this project shall be the predicted activity levels for the Fire Danger Rating Area(s), or fire weather station(s) stated in the Contract Area Map Legend on Integrated Resource Service Contracts (IRSC's), and other contracts where applicable.

Fire Danger Rating Area/Fire Weather Station for Project **FDRA 560 & 507 /**

Monterey County Fire Weather Zone 517 NOAA & NWS

The Forest Service, in its sole discretion, may change the predicted activity level if the current fire suppression situation, weather and vegetation conditions warrant an adjustment. If practicable, Forest Service will determine the following day's activity level by 6:00 PM. Contractor shall obtain the predicted Project Activity Level from the appropriate Ranger District Office before starting work each day.

Phone Number or Website to obtain Predicted Activity Levels:	**805-938-9142 or https://gacc.nifc.gov/oscc/ecc/lpcc/intelligence.php**

Forest Service may change the Project Activity Level Table to other values upon revision of the National Fire Danger Rating System. When Contractor is notified, the revised Project Activity Levels will supersede the levels in the Project Activity Level Table below.

PROJECT ACTIVITY LEVEL

Level	*Project Activity Minimum Requirements and Restrictions. Restrictions at each level are cumulative.*
A	Minimum requirements noted above in Sections 4 and 5.
B	1. Tank truck, trailer, or approved CAFS substitute shall be on or adjacent to the Active Landing.
C	1. When Hot Saws or Masticators are operating, a tank truck, trailer, or approved CAFS substitute shall be within ¼ mile of these operations. Effective communications shall exist between the operator and the Active Landing. 2. Immediately after Mechanical Operations cease, Fire patrol is required for two hours.
D	1. Immediately after Hot Saw or Masticator operations cease, Fire patrol is required for three hours. 2. No Dead Tree felling after 1:00 PM, except recently dead. 3 No burning, blasting, welding or cutting of metal after 1:00 PM, except by special permit.

Level	***Project Activity Minimum Requirements and Restrictions. Restrictions at each level are cumulative.***
Ev	1. The following activities may operate all day: a) Loading and hauling logs decked at approved landings. b) Loading and hauling chips stockpiled at approved landings. c) Servicing equipment at approved sites. d) Dust abatement, road maintenance (Chainsaw use prohibited), culvert installation within cleared area, chip sealing, paving, earth moving or rock aggregate stock pile loading and installation (does not include pit or quarry development). e) Chainsaw and log processing operations associated with loading logs or other forest products at approved landings. 2. Hot Saws or Masticators may operate until 1:00 PM; provided that: a) A tractor with a blade or other equipment capable of constructing fireline is on or adjacent to the active landing or within ¼ mile of the operating equipment. This piece of equipment shall have effective communication with the Hot Saw or Masticator. b) Any additional restrictions specified by the Forest. 3. All other conventional Mechanical Operations are permitted until 1:00 PM. 4. Some operations may be permitted after 1:00 PM, on a case-by-case basis, under the terms of a PAL Ev Variance Agreement. Activities for which a Variance may be issued are: • Rubber Tire Skidding • Chipping on Landings • Helicopter Yarding • Fire Salvage When approved by a Line Officer, a Variance Agreement can be implemented when the criteria specified in the agreement are met and mitigation measures are in place. This approval is good for ten (10) days unless cancelled sooner or extended by the Contracting Officer for an additional ten (10) days. Variance approval can be withdrawn at the sole discretion of the Forest Service. Variance approval is contingent on the 7-day fire weather forecast, fuel conditions, site characteristics, current fire situation, state of Contractor's equipment for prevention and suppression readiness, type of operation and social and community considerations etc. (See attached Project Activity Level Variance Agreement).
E	The following activities may operate all day: 1. Loading and hauling logs decked at approved landings. 2. Loading and hauling chips stockpiled at approved landings. 3. Servicing Equipment at approved sites. 4. Dust abatement, road maintenance (chainsaw use prohibited) or loading stock piles and rock aggregate installation (does not include pit or quarry development). 5. Chainsaw operation associated with loading at approved landings. All other activities are prohibited.

This Project utilizes "The Project Activity Level" (PAL), an industrial operation's fire precaution system. The following Climatology Chart indicates the Historic Activity Levels for the Project Fire Danger Rating Area or Fire Weather Station utilized on this Project. This is only a historical average of the Activity Levels for the identified Fire Danger Rating Area or Weather Station.

Project Activity Level Climatology								
Fire Danger Rating Area/Weather Station		**RAWS Data**			Years Analyzed 2006-2012			
	A	**B**	**C**	**D**	**Ev**	**E**	Days	

Month	Expected Days per Month at Each PAL Value						Analyzed	
July	0	4	11	8	4	3	217	
August	0	4	12	7	7	0	217	
September	0	4	14	5	6	1	210	
October	2	5	12	7	4	1	217	

Region 5 Project Activity Level (PAL) Ev Variance Application/Agreement

Project Name: _____
Contract Number: _____
Contractor Name: _____
Request #__, for period: _____
Units/Subdivisions Affected: _____

Location of operation:	
Slope	
Aspect	
Elevation	
Fuels on site	
Fuels in surrounding area	
7 Day PAL Outlook	
Short range predictions (Red Flags)	
Fuel Moistures	
Response time of suppression resources	
Potential for ignition	
RAWS location	
Current Fire Situation:	
Draw down information	
National Readiness Level	
Contractual considerations:	
Normal Operating Season	
Frequency of recent contract fires in area	
Type of operation	
Contractors past/current performance & equipment readiness	
Other site specific mitigation or precaution (i.e. Contractors proposals)	
Social & Community Considerations:	
Proximity of high value resources	
Sensitivity of location	

Proposed Actions:

Description of Mitigation Measures:

Remarks:

Fire Management Officer Concurrence | Date

Line Officer Approval | Date

I have considered the above request and determined the specified mitigation measures or actions must be implemented to continue operations in Project Activity Level Ev. Unless extended, the approval remains in effect for ten (10) calendar days unless cancelled sooner or extended by the Forest Service for an additional ten (10) days. At the sole discretion of the Forest Service, this variance can be modified and/or cancelled at no cost to the government.

Contracting Officer | Date

Contractor Representative | Date

APPENDIX B

401 Permit

Central Coast Regional Water Quality Control Board

December 28, 2022

VIA ELECTRONIC MAIL

Curtis Scott
Federal Highway Administration (FHWA)
Central Federal Lands Highway Division
12300 W. Dakota Avenue
Lakewood, CO, 80228
Email: Curtis.scott@dot.gov

Dear Curtis Scott:

WATER QUALITY CERTIFICATION NO. 32722WQ11 FOR NACIMIENTO-FERGUSSON ROAD REPAIRS PROJECT, MONTEREY COUNTY

Thank you for the opportunity to review your December 13, 2022 application for water quality certification of the Nacimiento-Fergusson Road Repairs Project (Project). The application was completed on December 28, 2022. All supplemental information requested was received on December 28, 2022. The Project, if implemented as described in your application and with the additional mitigation and other conditions required by this Clean Water Act Section 401 Water Quality Certification (Certification), appears to be protective of beneficial uses of State waters. We are issuing the enclosed Certification. Should new information come to our attention that indicates a water quality problem, we may require additional monitoring and reporting, issue waste discharge requirements, or take other action.

Your Certification application and submitted documents indicate that Project activities have the potential to affect beneficial uses and water quality. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) issues this Certification to protect water quality and associated beneficial uses from Project activities. We need reports to determine compliance with this Certification. All technical and monitoring reports requested in this Certification, or any time after, are required per section 13383 of the California Water Code. Failure to submit reports required by this Certification, or failure to submit a report of technical quality acceptable to the Executive Officer, may subject you to enforcement action per section 13385 of the California Water Code.

Any person affected by this Central Coast Water Board action may petition the State Water Resources Control Board (State Water Board) to review this action in accordance with California Water Code section 13320; and Title 23, California Code of Regulations, sections 2050 and 3867-3869. The State Water Board, Office of Chief Counsel, PO Box 100, Sacramento, CA 95812, must receive the petition within 30 days of the date of this Certification. We will provide upon request copies of the law and regulations applicable to filing petitions.

In compliance with Title 40, Code of Federal Regulations (CFR) Part 121.7(d)(2), an explanation for each certification condition is provided in Attachment A.

If you have questions, please contact **Genevieve Holdridge** at (805) 549-3372 or via email at Genevieve.Holdridge@waterboards.ca.gov, or Phil Hammer at (805) 549-3882. Please mention the above certification number in all future correspondence pertaining to this Project.

Sincerely,

for
Matthew T. Keeling
Executive Officer

Enclosure: Action on Request for CWA Section 401 Water Quality Certification

cc: With enclosures

Julie Vance, CA Department of Fish and Wildlife: Julie.Vance@wildlife.ca.gov

Linda Connolly, CA Department of Fish and Wildlife: Linda.Connolly@wildlife.ca.gov

Randy Lovell, CA Department of Fish and Wildlife, State Aquaculture Coordinator: Randy.Lovell@wildlife.ca.gov

U.S. Environmental Protection Agency: R9cwa401@epa.gov

CWA Section 401 WQC Program, SWRCB: Stateboard401@waterboards.ca.gov

Jackson Welch, Central Coast Water Board: Jackson.Welch@waterboards.ca.gov

Genevieve Holdridge, Central Coast Water Board: Genevieve.Holdridge@waterboards.ca.gov

Phil Hammer, Central Coast Water Board: Phillip.Hammer@waterboards.ca.gov

Action on Request for
Clean Water Act Section 401 Water Quality Certification
for Discharge of Dredged and/or Fill Materials

PROJECT: Nacimiento-Fergusson Road Repairs

PERMITTEE: Curtis Scott
Federal Highway Administration (FHWA)
Central Federal Lands Highway Division
12300 W. Dakota Avenue
Lakewood, CO, 80228

ACTION:
1. ☐ Order for Standard Certification
2. ■ Order for Technically Conditioned Certification
3. ☐ Order for Denial of Certification

STANDARD CONDITIONS:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment per section 13330 of the California Water Code and section 3867 of Title 23 of the California Code of Regulations (23 CCR).

2. This Certification action is not intended to apply to any discharge from any activity involving a hydroelectric facility requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed per 23 CCR subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license was being sought.

3. The validity of any non-denial Certification action (Actions 1 and 2) is conditioned upon total payment of the fee required under 23 CCR section 3833, unless otherwise stated in writing by the certifying agency.

ADMINISTRATIVE CONDITIONS:

1. This Certification is subject to the acquisition of all local, regional, state, and federal permits and approvals as required by law. Failure to meet any conditions contained herein or any conditions contained in any other permit or approval issued by the State of California or any subdivision thereof may result in the revocation of this Certification and civil or criminal liability.

2. In the event of a violation or threatened violation of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with

the water quality standards and other pertinent requirements incorporated into this Certification.

3. In response to a suspected violation of any condition of this Certification, the Central Coast Water Board may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the Central Coast Water Board deems appropriate, provided that the burden, including costs, of the reports shall have a reasonable relationship to the need for the reports and the benefits obtained from the reports.

4. In response to any violation of the conditions of this Certification, the Central Coast Water Board may add to or modify the conditions of this Certification as appropriate to ensure compliance.

5. The Central Coast Water Board reserves the right to suspend, cancel, or modify and reissue this Certification, after providing notice to the Permittee, if the Central Coast Water Board determines that the Project fails to comply with any of the terms or conditions of this Certification.

6. A copy of this Certification, the application, and supporting documentation must be available at the Project site during construction for review by site personnel and agencies. A copy of this Certification must also be provided to the contractor and all subcontractors who will work at the Project site. All personnel performing work on the proposed Project shall be familiar with the content of this Certification and its posted location on the Project site.

7. The Permittee shall grant the Central Coast Water Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, permission to enter the Project site at reasonable times, to ensure compliance with the terms and conditions of this Certification and/or to determine the impacts the Project may have on waters of the State.

8. The Permittee must, at all times, fully comply with the application, engineering plans, specifications, and technical reports submitted to support this Certification; all subsequent submittals required as part of this Certification; and the attached Project Information and Conditions. The conditions within this Certification and attachment(s) supersede conflicting provisions within Permittee submittals.

9. The Permittee shall notify the Central Coast Water Board within 24 hours of any unauthorized discharge to waters of the U.S. and/or State; measures that were implemented to stop and contain the discharge; measures implemented to clean-up the discharge; the volume and type of materials discharged and recovered; and additional best management practices (BMPs) or other measures that will be implemented to prevent future discharges.

10. This Certification is not transferable to any person except after notice to the Executive Officer of the Central Coast Water Board. The Permittee shall submit this notice in writing at least 30 days in advance of any proposed transfer. The notice must include a written agreement between the existing and new responsible party containing a specific date for the transfer of this Certification's responsibility and coverage between the current responsible party and the new responsible party. This agreement shall include an acknowledgement that

the existing responsible party is liable for compliance and violations up to the transfer date and that the new responsible party is liable from the transfer date on.

11. This Order and conditions contained herein continue to have full force and effect regardless of the expiration or revocation of any federal license or permit issued for the Project. For purposes of Clean Water Act, section 401(d), this condition constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements of state law. This Order expires if Project construction does not begin within five years from the date of this Order.

12. The total certification fee for this Project is $0. The remaining certification fee payable to the Central Coast Water Board is $0.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS:

The Central Coast Water Board has determined that the Project is exempt from review under CEQA pursuant to California Code of Regulations, title 14, section 15061. Specifically, the issuance of this Order and the activities described herein meet the exemption criteria under California Code of Regulations, title 14, section 15301(c). Additionally, the Central Coast Water Board concludes that no exceptions to the CEQA exemption apply to the activities approved by this Order.

CENTRAL COAST WATER BOARD CONTACT PERSON:

Genevieve Holdridge
(805) 549-3372
Genevieve.Holdridge@waterboards.ca.gov

Please refer to the above certification number when corresponding with the Central Coast Water Board concerning this Project.

WATER QUALITY CERTIFICATION:

I hereby issue an order certifying that as long as all the conditions listed in this Certification are met, any discharge from the Nacimiento-Fergusson Road Repairs Project shall comply with the applicable provisions of sections 301 ("Effluent Limitations"), 302 ("Water Quality Related Effluent Limitations"), 303 ("Water Quality Standards and Implementation Plans"), 306 ("National Standards of Performance"), and 307 ("Toxic and Pretreatment Effluent Standards") of the Clean Water Act. This discharge is also regulated pursuant to State Water Board Water Quality Order No. 2003-0017-DWQ, which requires compliance with all conditions of this Certification.

Except insofar as may be modified by any preceding conditions, all Certification actions are contingent on (a) the discharge being limited and all proposed mitigation being completed in strict compliance with the Permittee's Project description, Certification conditions, and the attached Project Information and Conditions, and (b) compliance with all applicable requirements of the Central Coast Water Board's policies and Water Quality Control Plan (Basin Plan).

for
Matthew T. Keeling
Executive Officer
Central Coast Water Board

PROJECT INFORMATION AND CONDITIONS

Application Date	Received: December 13, 2022 Completed: December 28, 2022
Permittee	Curtis Scott Federal Highway Administration (FHWA) Central Federal Lands Highway Division 12300 W. Dakota Avenue Lakewood, CO, 80228 Email: Curtis.scott@dot.gov 720.963.3558
Permittee Representatives	Leslie Perry Federal Highway Administration (FHWA) Central Federal Lands Highway Division 12300 W. Dakota Avenue Lakewood, CO, 80228 Leslie.perry@dot.gov 720.963.3734
Project Name	Nacimiento-Fergusson Road Repairs
Application Number	32722WQ11
Type of Project	Transportation – Roads, Highways and Bridges
Project Location	Los Padres National Forest Latitude: 35.99829 Longitude: -121.46342
County	Monterey
Receiving Water(s)	- Eight unnamed streams tributary to the Nacimiento River; Salinas Hydrologic Unit (309); Paso Robles Hydrologic Area (309.8); Atascadero Hydrologic Sub-area (309.83) - One unnamed stream tributary to Mill Creek; Santa Lucia Hydrologic Unit (308.00)
Water Body Type	Streambed, river
Designated Beneficial Uses	All unnamed streams: Municipal and Domestic Water Supply Protection of both recreation and aquatic life
Project Description (purpose/goal)	The purpose of this Project is to repair damaged sections and crossings along Nacimiento-Fergusson Road caused by a heavy precipitation event in January 2021 that followed fires in 2020. The Central Coast Regional Water Quality Control Board (Central Coast Water Board) understands that the Project includes the following activities: 1. Conduct repair work at 12 locations along Nacimiento-Fergusson Road including: a. Remove debris from streambed b. Re-construct embankment c. Replace culvert d. Install wall e. Patch and pave asphalt

<table>
<tr><td></td><td colspan="9">2. Restore original alignment and drainage with improved safety and stabilization features
3. Construct mechanically stabilized earth or similar walls to stabilize steep slopes
4. Install culverts with larger capacity that meet current design standards</td></tr>
<tr><td>U.S. Army Corps of Engineers Permit No.</td><td colspan="9">Nationwide Permit 14 – Linear Transportation Projects</td></tr>
<tr><td>CEQA Information</td><td colspan="9">Categorical Exemption 15301(c)
Lead Agency: Central Coast Water Board</td></tr>
<tr><td>Total Certification Fee</td><td colspan="9">$0</td></tr>
<tr><td colspan="10">Total Authorized Project Fill/Excavation Quantity</td></tr>
<tr><td rowspan="3">Aquatic Resource Type</td><td colspan="3" rowspan="2">Temporary Impact</td><td colspan="6">Permanent Impact</td></tr>
<tr><td colspan="3">Physical Loss of Area</td><td colspan="3">Degradation of Ecological Condition</td></tr>
<tr><td>Acres</td><td>CY[1]</td><td>LF[1]</td><td>Acres</td><td>CY</td><td>LF</td><td>Acres</td><td>CY</td><td>LF</td></tr>
<tr><td>Stream Channel</td><td>0.05</td><td></td><td>181</td><td>0.048</td><td>231</td><td>273</td><td></td><td></td><td></td></tr>
<tr><td colspan="10">Required Project Mitigation Quantity for Temporary Impacts</td></tr>
<tr><td rowspan="2">Aquatic Resource Type</td><td rowspan="2">Units</td><td colspan="5">Method[2]</td></tr>
<tr><td>Est.</td><td>Re-est.</td><td>Reh.</td><td>Enh.</td><td>Pres.</td></tr>
<tr><td rowspan="2">Stream Channel</td><td>Acres</td><td></td><td></td><td>0.05</td><td></td><td></td></tr>
<tr><td>LF</td><td></td><td></td><td>181</td><td></td><td></td></tr>
<tr><td>Mitigation Requirements</td><td colspan="9">1. The Permittee shall implement restoration installation, maintenance, and monitoring as described in Restoration Plan dated December 2022.
2. Onsite restoration shall be installed within 12 months of completion of Project construction.</td></tr>
<tr><td>Project Requirements</td><td colspan="9"><u>The Permittee shall comply with the following requirements:</u>
1. All personnel who engage in construction activities or their oversight at the Project site (superintendent, construction manager, foreman, crew, contractor, biological monitor, etc.) must attend trainings on the conditions of this Certification and how to perform their duties in compliance with those conditions. Every person shall attend an initial training within five working days of their start date at the Project site. Trainings shall be conducted by a qualified individual with expertise in 401 Water Quality Certification conditions and compliance.
2. All work performed within waters of the State shall be completed in a manner that minimizes impacts to beneficial uses and habitat. Measures shall be employed to minimize land disturbances that will adversely impact the water quality of waters of the State. Disturbance or removal of vegetation shall not exceed the minimum necessary to complete Project implementation.
3. Portions of the Project that occur below top of creek banks or in other waters of the State shall be stabilized for the winter prior to October 31 of</td></tr>
</table>

[1] Cubic Yards (CY); Linear Feet (LF)

[2] Methods: establishment (Est.), reestablishment (Re-est.), rehabilitation (Reh.), enhancement (Enh.), preservation (Pres.)

	each year, either by completing construction of those portions of the Project (including installation of permanent erosion control measures) or by implementing winterization stabilization measures capable of effectively stabilizing the area and preventing erosion under winter rain and flow conditions generated by the 10-year 24-hour storm event**. No construction activities shall be conducted below top of creek banks or in other waters of the State during the winter period (October 31 – May 1), unless prior written approval has been obtained from the Central Coast Water Board. Requests to conduct construction activities below top of creek banks or in other waters of the State during the winter period shall be submitted to the Central Coast Water Board at least 21 days prior to the planned winter period work date.** If approval is obtained, the Permittee shall implement the approved winter work as specified in the Central Coast Water Board approval and as described in any documentation submitted by the Permittee while seeking the approval. 4. Erosion and sediment control measures shall be on site prior to the start of construction and kept on site at all times so they are immediately available for installation in anticipation of rain events. 5. The Permittee shall implement and maintain an effective combination of erosion and sediment control measures (e.g., revegetation, fiber rolls, erosion control blankets, hydromulching, compost, straw with tackifiers, temporary basins) to prevent erosion and capture sediment. The Permittee shall implement and maintain washout, trackout, dust control, and any other applicable source control BMPs. 6. Erosion and sediment control measures and other construction BMPs shall be implemented and maintained in accordance with all specifications governing their proper design, installation, operation, and maintenance. 7. At any time of year, the Permittee shall not conduct construction activities below top of creek banks or in other waters of the State during rain events or on any day for which the National Weather Service has predicted a 25% or more chance of at least 0.1-inch rain in 24 hours (Predicted Rain Event). The Permittee shall install effective erosion control, sediment control, and other protective measures no later than the day prior to the Predicted Rain Event, and prior to the start of any rainfall. Construction activities below top of creek banks or in other waters of the State may resume after the rain has ceased, the National Weather Service predicts clear weather for at least 24 hours, and site conditions are dry enough to continue work without discharge of sediment or other pollutants from the Project site. 8. Any material stockpiled that is not actively being used during construction shall be covered and surrounded with a linear sediment barrier. 9. The Permittee shall retain a spill plan and appropriate spill control and clean up materials (e.g., oil absorbent pads) onsite in case spills occur. 10. The Permittee shall confine all trash and debris in appropriate enclosed bins and dispose of the trash and debris at an approved site at least weekly.

	11. All construction vehicles and equipment used on site shall be well maintained and checked daily for fuel, oil, and hydraulic fluid leaks or other problems that could result in spills of toxic materials. 12. The Permittee shall designate a staging area for equipment and vehicle fueling and storage at least 100 feet away from waterways, in a location where fluids or accidental discharges cannot flow into waterways. 13. All vehicle fueling and maintenance activity shall occur at least 100 feet away from waterways and in designated staging areas, unless a requested exception on a case-by case basis granted by prior written approval has been obtained from the Central Coast Water Board. 14. Dewatering and stream diversion measures are not currently authorized. If the Project requires dewatering or diversion, the Permittee shall submit detailed dewatering/ diversion plans for Central Coast Water Board approval at least 21 days prior to any dewatering or diversion. Dewatering/diversion plans shall include the area to be dewatered, timing of dewatering, and method of dewatering to be implemented. All temporary dewatering/diversion methods shall be designed to have the minimum necessary impacts to waters of the State to isolate the immediate work area. All dewatering/diversion methods shall be installed such that natural flow is maintained upstream and downstream of the Project area. Any temporary dams or diversions shall be installed such that the diversion does not cause sedimentation, siltation, or erosion upstream or downstream of the Project area. All dewatering/diversion materials, including sand or gravel from coffer dams, shall be removed immediately upon completion of dewatering/diversion activities. Dewatering or diversion shall not commence until the Permittee has obtained Central Coast Water Board approval of the dewatering/diversion plans. Any dewatering/diversion must be implemented in compliance with approved dewatering/diversion plans. 15. All post-construction BMPs shall be implemented and functioning prior to completion of the Project. 16. All construction-related equipment, materials, and any temporary BMPs no longer needed shall be removed and cleared from the site upon completion of the Project. 17. The Central Coast Water Board shall be notified if mitigations as described in the 401 Water Quality Certification application for this Project are altered by the imposition of subsequent permit conditions by any local, state or federal regulatory authority. The Permittee shall inform the Central Coast Water Board of any modifications that interfere with compliance with this Certification.
Monitoring and Reporting Requirements	The Permittee shall conduct the following monitoring: 1. Visually inspect the Project site and areas of waters of the State adjacent to Project impact areas following completion of Project construction and for two subsequent rainy seasons to ensure that the Project is not causing excessive erosion, stream instability, or other water quality impacts. If the Project does cause water quality impacts, contact the Central Coast Water Board staff member overseeing the Project. You will be responsible for implementing corrective measures to protect water quality and

obtaining any additional permits necessary corrective measure implementation.

2. Monitor the compensatory mitigation site for two years. If success criteria are not achieved within that time, continue annual monitoring and maintenance until success criteria are achieved. Compensatory mitigation monitoring shall include assessment of growth, survival, general health and stature, progress towards achieving success criteria, and any other measures identified in the Restoration Plan dated December 2022.

The Permittee shall provide the following reporting to RB3_401Reporting@waterboards.ca.gov [Note: Annual fees are based on submittal and approval of reporting item 1 below]:

1. **Certification Termination Report – To terminate Certification coverage, the Permittee must submit for Central Coast Water Board review and approval a Certification Termination Report demonstrating compensatory mitigation success criteria achievement and monitoring completion.** The Certification Termination Report shall include all information required for Annual Project Status Reports as specified below. The Certification Termination Report may serve as the final Annual Project Status Report. The Certification Termination Report submittal must include "Certification Termination Report" in the title.
2. Annual Project Status Report – **The Permittee shall submit to the Central Coast Water Board an Annual Project Status Report by May 31 of each year following the issuance of this Certification, regardless of whether Project construction has started or not.** At a minimum, Annual Project Status Reports shall address activities conducted during the prior calendar year. The Permittee shall submit Annual Project Status Reports until the Permittee has conducted all required monitoring, mitigation has achieved all success criteria, and the Permittee has submitted a Certification Termination Report. Each Annual Project Status Report shall include at a minimum:
   a. The status of the Project (e.g., construction not started, construction started, or construction complete).
   b. The date of construction initiation, if applicable.
   c. The date of construction completion, if applicable.
   d. If Project construction is complete:
      i. A summary of daily activities, monitoring and inspection observations, and problems incurred and actions taken;
      ii. Status of permanent post-construction stormwater management BMPs, including photo documentation of all BMPs;
      iii. Identification of when site personnel trainings occurred, description of the topics covered during trainings, and confirmation that every person engaged in construction activities or their oversight at the Project site was trained initially.
      iv. A description of the results of the annual visual inspection of the Project site and areas of waters of the State adjacent to Project impact areas, including:

	1. Erosion conditions; 2. Stream stability conditions; 3. Water quality and beneficial use conditions; 4. Clearly identified photo-documentation of all areas of permanent and temporary impact, prior to and after Project construction; and 5. Clearly identified representative photo-documentation of other Project areas, prior to and after Project construction. v. If the visual inspection monitoring period is over, but water quality problems persist, the Annual Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the Project is no longer causing excessive erosion, stream instability, or other water quality problems. e. Mitigation reporting, if mitigation installation has started, including the following information: i. Date mitigation installation was initiated and, if applicable, the date mitigation installation was completed; ii. Confirmation that mitigation was installed according to the requirements of this Certification and as described in the application, Restoration Plan dated December 2022, and any other associated submittals; iii. Analysis of monitoring data collected in the field; iv. Survival, general health and stature, and documentation of progress toward achieving all mitigation performance criteria; v. Qualitative and quantitative comparisons of current mitigation conditions with preconstruction conditions and previous mitigation monitoring results; vi. Any remedial or maintenance actions taken or needed; vii. Any additional information specified in the Restoration Plan dated December 2022; and viii. Annual photo-documentation representative of all mitigation areas, taken from vantage points from which changes in size and cover of plants are evident. Compare photos of installed mitigation with photos of the mitigation areas prior to installation. f. A description of mitigation completion status that identifies the amount of mitigation monitoring and maintenance remaining, or certifies and demonstrates that mitigation is complete, all required mitigation monitoring and maintenance has been conducted, and all success criteria achieved. If the monitoring period is over, but all success criteria have not been achieved, the Annual Project Status Report shall identify corrective measures to be undertaken, including extension of the monitoring period until the criteria are met.

Attachment A - 40 CFR Part 121.7 Information

The purpose of Attachment A is to provide information pursuant to title 40, Code of Federal Regulations (40 CFR) part 121.7(d)(2), which necessitates that all Certification conditions be accompanied by an explanation of why the condition is necessary to assure that any discharge authorized under the Certification will comply with water quality requirements, and a citation to federal, state, or tribal law that authorizes the condition.

Notwithstanding any determinations by the U.S. Army Corps of Engineers or other federal agency made pursuant to 40 CFR section 121.9, dischargers must comply with the entirety of this Certification because the Certification also serves as waste discharge requirements in accordance with State Water Resources Control Board (State Water Board) Water Quality General Order No. 2003-0017-DWQ.

This attachment includes citations to some sources of authority that are applicable to all Certification conditions. These sources are specifically identified where they are most relevant but are also generally applicable to the conditions below. California Code of Regulations, title 23,[3] chapter 28 sets forth regulations pertaining to water quality certifications. Conditions are set forth in this Certification to assure that the discharge complies with water quality objectives adopted or approved under sections 13170 or 13245 of the California Water Code. These conditions are also generally required to comply with the state's Anti-Degradation Policy (State Water Board Resolution No. 68-16), which requires that for any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." All Regional Water Boards' Water Quality Control Plans incorporate the state's Anti-Degradation Policy by reference. The state Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR Part 131.12 (a)(1)), which requires "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to the United States Environmental Protection Agency (USEPA), discharges of dredged or fill material comply with the federal Antidegradation Policy by complying with USEPA's section 404(b)(1) Guidelines. The State Water Board adopted a modified version of USEPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines).

STANDARD CONDITIONS

Standard Condition No. 1

This is a standard condition that "shall be included as conditions of all water quality certification actions" (California Code of Regulations section 3860(a)).

[3] Unless as otherwise noted, all citations are to title 23 of California Code of Regulations.

Standard Condition No. 2
This is a standard condition that "shall be included as conditions of all water quality certification actions" (California Code of Regulations section 3860(a)).

Standard Condition No. 3
This is a standard condition that "shall be included as conditions of all water quality certification actions" (California Code of Regulations section 3860(a)). This fee requirement condition is also required pursuant to California Code of Regulations sections 3861(c)(4) and 3833(b), which require payment of fees by Project proponents discharging dredge or fill material.

ADMINISTRATIVE CONDITIONS

Administrative Condition No. 1
This condition is required pursuant to California Code of Regulations section 3856(e), which requires that copies be provided to the Water Boards of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

Administrative Condition No. 2
This condition provides notice of the Water Boards' rights to levee penalties as allowed by state law in order to protect water quality.

Administrative Condition No. 3
California Water Code section 13267 authorizes the Central Coast Water Board to require any person or entity who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste within the region to furnish, under penalty of perjury, technical or monitoring reports when necessary to investigate the quality of any waters of the state. These reports are necessary to ensure compliance with water quality standards.

Administrative Condition Nos. 4, 5
In the event of non-compliance, modified conditions may be necessary to return the discharger to compliance and prevent violation of water quality standards. If a Permittee is violating the terms of a Certification that protect water quality standards, canceling the Certification halts authorization to discharge, which can ensure compliance with water quality standards. California Water Code section 13381 states that waste discharge requirements or dredged or fill material permits may be terminated or modified for cause, including, but not limited to, all of the following: (a) Violation of any condition contained in the requirements or permits; (b) Obtaining the requirements by misrepresentation, or failure to disclose fully all relevant facts; and (c) A change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge.

Administrative Condition No. 6
This condition requires site personnel and agencies to be familiar with the content of the Certification and availability of the document at the Project site. This condition is required to assure that any authorized discharge will comply with the terms and conditions of the Certification, which requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the California Water Code.

Administrative Condition No. 7
Conditions related to site access requirements are authorized pursuant to the Central Coast Water Board's authority to investigate the quality of any waters of the state within its region under California Water Code section 13267. California Water Code section 13267(c) provides that "the regional board may inspect the facilities of any person to ascertain whether the purposes of this division are being met and waste discharge requirements are being complied with."

Administrative Condition No. 8
This Certification is issued based on information submitted by the applicant. If the applicant does not implement the Project in accordance with the submitted information, the Project may not comply with water quality standards. Therefore, the applicant must implement the Project as described in order for compliance with water quality standards to be assured, in accordance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the California Water Code.

Administrative Condition No. 9
This condition related to the accidental discharge of hazardous materials is necessary to assure that discharges comply with any water quality objectives adopted or approved under sections 13170 or 13245 of the California Water Code. Conditions related to notification and reporting requirements in the event of an accidental discharge of hazardous materials are required pursuant to section 13271 of the California Water Code, which requires immediate notification of the Office of Emergency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to article 3.7 (commencing with Section 8574.16) of chapter 7 of division 1 of title 2 of the Government Code. These monitoring and reporting requirements are also consistent with the Central Coast Water Board's authority to investigate the quality of any waters of the state within its region under California Water Code sections 13267 and 13383. The reports related to accidental discharges also ensure that corrective actions, if any, that are necessary to minimize the impact or clean up such discharges can be taken as soon as possible in order to achieve compliance with water quality standards.

Administrative Condition No. 10
Authorization under this Certification is granted based on the application information submitted, including the legally responsible party. Notification is necessary to confirm whether the new owner wishes to assume legal responsibility for compliance with this Certification. If not, the original discharger remains responsible for compliance with this Certification. Correct identification of a legally responsible party is necessary to ensure compliance with water quality standards. California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification.

Administrative Condition No. 11
In accordance with State Water Resources Control Board Water Quality Order No. 2003-0017-DWQ, waste discharge requirements are issued to all persons proposing to discharge dredged or fill material to waters of the United States where such discharge is also subject to the water quality certification requirements of Clean Water Act section 401 and such certification has been issued by the Central Coast Water Board. In order to meet the provisions contained in Division 7 of Clean Water Act and regulations adopted thereunder, Order No. 2003-0017-DWQ requires dischargers to implement all the terms and conditions of the applicable certification issued for

the discharge irrespective of whether the federal license or permit for which the Certification was obtained is subsequently deemed invalid because the water body subject to the discharge has been deemed outside of federal jurisdiction. In addition, continued compliance with certification/waste discharge requirements is necessary, regardless of federal permit status, to ensure compliance with water quality standards is maintained.

Administrative Condition No. 12
This fee requirement condition is required pursuant to California Code of Regulations sections 3861(c)(4) and 3833(b), which require payment of fees by Project proponents enrolling in this Certification. Federal agencies are exempt from fees.

PROJECT INFORMATION AND CONDITIONS

Required Project Mitigation and Compensatory Mitigation Quantities; Compensatory Mitigation Requirements

Conditions related to restoration and/or mitigation of temporary impacts are required to assure that the discharge complies with water quality standards adopted or approved under sections 13170 or 13245 of the California Water Code. These conditions are also consistent with the Dredge or Fill Procedures, which require "in all cases where temporary impacts are proposed, a draft restoration plan that outlines design, implementation, assessment, and maintenance for restoring areas of temporary impacts to pre-project conditions" (Dredge or Fill Procedures section IV. A.2(d) and B.4). Restoration and/or mitigation of temporary impacts is necessary to control discharges of waste, such as sediment from disturbed areas, so that compliance with water quality standards is maintained. Restoration requirements for temporary impacts are also authorized by California Water Code section 13263, which requires the imposition of requirements that implement water quality control plans and take into consideration the beneficial uses to be protected and the need to prevent nuisance.

Conditions regarding compensatory mitigation are necessary to ensure compliance with state and federal anti-degradation policies. Compensatory mitigation requirements are consistent with State Supplemental Guidelines section 230.10 restrictions on discharge and Dredge or Fill Procedures section IV.B.1.a (California Code of Regulations section 3013), which specifies that the Water Boards will approve a project only after it has been determined that a sequence of actions has been taken to first avoid, then to minimize, and lastly to compensate for adverse impacts that cannot be practicably avoided or minimized (see also California Code of Regulations section 3856(h), requiring submittal of proposed mitigation and description of steps taken to avoid, minimize, or compensate). Compensatory mitigation conditions are consistent with Executive Order W-59-93, commonly referred to as California's "no net loss" policy for wetlands. Compensatory mitigation requirements are also authorized by California Water Code section 13263, which requires the imposition of requirements that implement water quality control plans and take into consideration the beneficial uses to be protected and the need to prevent nuisance.

Project Requirements

Project Requirement No. 1
This condition requires site personnel and agencies to be familiar with the content of the Certification. Familiarity with the requirements of this Certification is necessary to assure that any authorized discharge will comply with the terms and conditions of the Certification, which

requires compliance with water quality objectives and beneficial uses adopted or approved under sections 13170 or 13245 of the California Water Code.

Project Requirement No. 2

Conditions related to compliance with water quality objectives and designated beneficial uses are required pursuant to the state's Anti-Degradation Policy (State Board Resolution No. 68-16), which requires that for any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." The state Anti-Degradation Policy incorporates the federal Antidegradation Policy (40 CFR Part 131.12 (a)(1)), which states: "[e]xisting instream water uses and the level of water quality necessary to protect the existing uses shall be maintained and protected." According to USEPA, dischargers of dredged or fill material comply with the federal Antidegradation Policy by complying with USEPA's section 404(b)(1) Guidelines. The State Water Boards adopted a modified version of USEPA's section 404(b)(1) Guidelines in the Dredge or Fill Procedures (State Supplemental Guidelines).

Project Requirements Nos. 3-8

Disturbed areas in delineated waters must be stabilized prior to a rainfall event to assure that sediment is controlled and the discharge from the proposed Project will comply with water quality objectives established for surface waters. The Water Quality Control Plan for the Central Coastal Region, section 4.8.5.2, states: "timing [of construction activities] should be established with reference to environmental sensitivity factors such as fish migrations, spawning or hatching, and minimum stream flow conditions."

Conditions related to stormwater management are required to comply with Water Quality Control Plans and to assure that the discharge complies with water quality objectives adopted or approved under Sections 13170 or 13245 of the California Water Code. Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Design, implementation, and maintenance of control measures and best management practices (BMPs) described in the conditions will assure compliance with water quality objectives for sediment, turbidity, temperature, suspended material, and settleable material. The Water Quality Control Plan for the Central Coastal Region, section 3.3.2, prohibits alteration of the suspended sediment load and suspended sediment discharge rate of surface waters in such as manner as to cause nuisance or adversely affect beneficial uses.

Conditions related to erosion and sediment control design requirements are required to sustain fluvial geomorphic equilibrium. Improperly designed and installed BMPs result in excess sediment, which impairs surface waters, adversely affect beneficial uses, and results in violations of water quality objectives in the Water Quality Control Plans in California. Water Quality Control Plans impose design requirements to ensure excess stormwater sediment does not exceed water quality objectives in the plans. For example: "The discharge or threatened discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials into any stream in the basin in violation of best management practices for timber harvesting, construction, and other soil disturbance activities and in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited. The placing or disposal of soil, silt, bark, slash, sawdust, or other organic and earthen materials from timber harvesting, construction, and other soil

disturbance activities at locations above the anticipated high-water line of any stream in the basin where they may be washed into said waters by rainfall or runoff in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited" (Water Quality Control Plan for the Central Coastal Basin, section 4.8.5.1).

Many waters in California are high in mercury either naturally or due to historic mining activities. This mercury, when discharged to waters of the state can become bioavailable and impair beneficial uses including Subsistence Fishing (SUB) and Tribal Subsistence Fishing (T-SUB). Effective sediment control is required under the Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions (Cal. Code of Reg., section 3010.)

In addition, disturbed areas in delineated waters must be stabilized prior to a rainfall event to assure that the discharge from the proposed Project will comply with water quality objectives established for surface waters. For example, the Water Quality Control Plan for the Central Coastal Region, section 3.3.2, prohibits the suspended sediment load and suspended sediment discharge rate of surface waters not to be altered in such as manner as to cause nuisance or adversely affect beneficial uses.

Conditions related to stormwater management are required to comply with the Water Quality Control Plans and to assure that the discharge complies with water quality objectives adopted or approved under sections 13170 or 13245 of the California Water Code. Post-rain erosion and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to eliminate such discharges in order to avoid or minimize such degradation. Implementation of control measures and BMPs described in the conditions will assure compliance with water quality objectives for sediment, turbidity, temperature, suspended material, and settleable material. For example, the Water Quality Control Plan for the Central Coastal Region, section 4.6.4.1, prohibits the discharge of solid wastes "to rivers, streams, creeks, or any natural drainageways or flood plains of the foregoing."

Project Requirement No. 9

On-site availability of materials and supplies assures BMPs can be reasonably implemented and that the discharge complies with water quality objectives. This condition and other conditions related to BMPs are consistent with the Central Coast Water Board's authority to establish, "[w]ater quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area" pursuant to Water Code section 13241(c). The activities authorized under this Certification have the potential to result in a discharge that exceed water quality objectives and work in waters of the state must not cause an exceedance of water quality objectives. As required by California Water Code section 13369, all Water Quality Control Plans incentivize the use of BMPs to prevent prohibited discharges into waters of the state.

Project Requirement No. 10

California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification. This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. Water Quality Control Plans prohibit the discharge of construction materials and byproducts from being discharged into waters of the state. For example, section 4.6.4.1 of the Water Quality Control Plan for the Central Coast Region prohibits the discharge of solid wastes "to rivers, streams, creeks, or any natural drainageways or flood plains of the foregoing."

This condition prohibiting discharge of materials detrimental to water quality or hazardous to aquatic life is also consistent with the Dredge or Fill Procedures, Appendix A, Subpart H, which requires actions to minimize and avoid adverse effects, including actions concerning the location of discharged material and controlling the material after the discharge (section 230.70 et seq.).

Project Requirements Nos. 11 - 13
These conditions are required pursuant to the Water Quality Control Plan for the Central Coastal Basin and the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays, and Estuaries of California (SIP), which prohibit the discharge of substances in concentrations toxic to human, plant, animal, or aquatic life. For example, the SIP states: "All waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in, human, plant, animal, or aquatic life." In addition, "Survival of aquatic life in surface waters subjected to a waste discharge or other controllable water quality conditions, shall not be less than that for the same waterbody in areas unaffected by the waste discharge …" (Water Quality Control Plan for the Central Coastal Basin, section 3.3.2.1). Conditions related to toxic and hazardous materials are necessary to assure that discharges comply with any water quality objectives adopted or approved under sections 13170 or 13245 of the California Water Code.

Project Requirement No. 14
Work in waters of the state must not cause exceedances of water quality objectives; accordingly, these conditions require implementation of best practicable treatments and controls to prevent pollution and nuisance and to maintain water quality. Consistent with the Dredge or Fill Procedures section IV.A.2.c, water quality monitoring plans are required for any in-water work, including temporary dewatering or diversions. Appropriate stream diversion and dewatering measures are BMPs needed to assure that 1) the discharge shall not adversely affect the beneficial uses of the receiving water or cause a condition of nuisance; 2) the discharge shall comply with all applicable water quality objectives; and 3) treatment and control of the discharge shall be implemented to assure that pollution and nuisance will not occur, and the highest water quality is maintained.

These conditions are also required pursuant to the state's Anti-Degradation Policy (State Water Board Resolution No. 68-16), which requires that any "activity which produces or may produce a waste or increased volume or concentration of waste and which discharges or proposes to discharge to existing high quality waters will be required to meet waste discharge requirements which will result in the best practicable treatment or control of the discharge necessary to assure that (a) a pollution or nuisance will not occur and (b) the highest water quality consistent with maximum benefit to the people of the state will be maintained." All Water Quality Control Plans incorporate the state's Anti-Degradation Policy by reference.

If surface waters or ponded waters are not appropriately diverted from areas undergoing grading, construction, excavation, and/or vegetation removal, the waters will be susceptible to erosion and increased sediment loads, contamination and pollution from construction equipment, temperature fluctuations, etc. Diverting waters away from these areas will ensure that the discharge will not exceed water quality objectives, adversely affect beneficial uses of the receiving waters, or cause a condition of nuisance. Dewatered areas must also be stabilized prior to a rainfall event to assure that the discharge from the proposed Project will comply with water quality objectives established for surface waters. For example, the Water Quality Control Plan for the Central Coastal Region, section 3.3.2, prohibits alteration of the suspended

sediment load and suspended sediment discharge rate of surface waters in such as manner as to cause nuisance or adversely affect beneficial uses.

Project Requirement No. 15
Authorization under this Certification is granted based on the application information submitted. California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification. Conditions related to post-construction stormwater management are required to comply with Water Quality Control Plans and to assure that the discharge complies with water quality objectives adopted or approved under Sections 13170 or 13245 of the California Water Code. Post-construction pollution, erosion, and sedimentation problems can contribute to significant degradation of the waters of the state; therefore, it is necessary to take corrective action to control the volume, velocity, frequency, and discharge duration of such discharges in order to avoid or minimize such degradation. Design, implementation, and maintenance of control measures and BMPs described in the conditions will assure compliance with water quality objectives including pollutants, toxic compounds, sediment, turbidity, suspended material, and settleable material that may result from modification of watershed processes. The Water Quality Control Plan for the Central Coastal Region, section 3.3.2, prohibits alteration of the suspended sediment load and suspended sediment discharge rate of surface waters in such as manner as to cause nuisance or adversely affect beneficial uses. Section 3.3.2 also requires that all waters shall be maintained free of toxic substances in concentrations which are toxic to, or which produce detrimental physiological responses in human, plant, animal, or aquatic life. As such, dischargers must inform the Central Coast Water Board of modifications so they may be addressed. California Water Code sections 13267 and 13383 authorize the Central Coast Water Board to require submittal of information.

Project Requirement No. 16
California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification. This condition is necessary to prevent violation of state discharge prohibitions that protect water quality objectives. Water Quality Control Plans prohibit the discharge of construction materials and byproducts from being discharged into waters of the state. For example, “The discharge or threatened discharge of soil, silt, bark, slash, sawdust, or other organic and earthen materials into any stream in the basin in violation of best management practices for timber harvesting, construction, and other soil disturbance activities and in quantities deleterious to fish, wildlife, and other beneficial uses is prohibited.” (Water Quality Control Plan for the Central Coast Basin, section 4.8.5.1).

This condition prohibiting discharge of materials detrimental to water quality or hazardous to aquatic life is also consistent with the Dredge or Fill Procedures, Appendix A, Subpart H, which requires actions to minimize and avoid adverse effects, including actions concerning the location of discharged material and controlling the material after the discharge (section 230.70 et seq.).

Project Requirement No. 17
Authorization under this Certification is granted based on the submitted application information. California Water Code section 13264 prohibits any discharge that is not specifically authorized in this Certification. As such, dischargers must inform the Central Coast Water Board of modifications so they may be addressed. This condition is necessary to ensure the Project remains eligible for coverage under this Certification if Project modifications become necessary after Certification has occurred. California Water Code sections 13267 and 13383 authorize the Central Coast Water Board to require submittal of information.

Monitoring and Reporting Requirements

These monitoring and reporting requirements are also consistent with the Central Coast Water Board's authority to investigate the quality of any waters of the state within its region under California Water Code sections 13267 and 13383. The reports confirm that the BMPs and other measures required under this order are sufficient to protect beneficial uses and water quality objectives. Conditions regarding monitoring and reporting of BMP implementation and mitigation are necessary to ensure compliance with state and federal anti-degradation policies and Executive Order W-59-93, commonly referred to as California's "no net loss" policy for wetlands.

The condition for a streamed alteration agreement submittal is required pursuant to California Code of Regulations section 3856(e), which requires that copies be provided to the Water Boards of "any final and signed federal, state, and local licenses, permits, and agreements (or copies of the draft documents, if not finalized) that will be required for any construction, operation, maintenance, or other actions associated with the activity. If no final or draft document is available, a list of all remaining agency regulatory approvals being sought shall be included."

APPENDIX C

404 Permit

DECISION DOCUMENT
NATIONWIDE PERMIT 14

This document discusses the factors considered by the Corps of Engineers (Corps) during the issuance process for this Nationwide Permit (NWP). This document contains: (1) the public interest review required by Corps regulations at 33 CFR 320.4(a)(1) and (2); (2) a discussion of the environmental considerations necessary to comply with the National Environmental Policy Act; and (3) the impact analysis specified in Subparts C through F of the 404(b)(1) Guidelines (40 CFR Part 230). This evaluation of the NWP includes a discussion of compliance with applicable laws, consideration of public comments, an alternatives analysis, and a general assessment of individual and cumulative effects, including the general potential effects on each of the public interest factors specified at 33 CFR 320.4(a).

1.0 Text of the Nationwide Permit

Linear Transportation Projects. Activities required for crossings of waters of the United States associated with the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, driveways, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge of dredged or fill material cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work, including the use of temporary mats, necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges of dredged or fill material, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge of dredged or fill material in a special aquatic site, including wetlands. (See general condition 32.) (Authorities: Sections 10 and 404)

Note 1: For linear transportation projects crossing a single waterbody more than one time at separate and distant locations, or multiple waterbodies at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. Linear transportation projects must comply with 33 CFR 330.6(d).

Note 2: Some discharges of dredged or fill material for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Note 3: For NWP 14 activities that require pre-construction notification, the PCN must include any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings that require Department of the Army authorization but do not require pre-construction notification (see paragraph (b)(4) of general condition 32). The district engineer will evaluate the PCN in accordance with Section D, “District Engineer’s Decision.” The district engineer may require mitigation to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see general condition 23).

General Conditions: The following general conditions must be followed in order for any authorization by an NWP to be valid:

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) 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 or her 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.

2. Aquatic Life Movements. 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, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species. If a bottomless culvert cannot be used, then the crossing should be designed and constructed to minimize adverse effects to aquatic life movements.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization, storm water management activities, and temporary and permanent road crossings, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow, or during low tides.

13. Removal of Temporary Structures and Fills. Temporary structures must be removed, to the maximum extent practicable, after their use has been discontinued. 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.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. (a) No NWP activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status.

(b) If a proposed NWP activity will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the permittee must submit a pre-construction notification (see general condition 32). The district engineer will coordinate the PCN with the Federal agency with direct management responsibility for that river. Permittees shall not begin the NWP activity until notified by the district engineer that the Federal agency with direct management responsibility for that river has determined in writing that the proposed NWP activity will not adversely affect the Wild and Scenic River designation or study status.

(c) Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service). Information on these rivers is also available at: http://www.rivers.gov/.

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify designated critical habitat or critical habitat proposed for such designation. No activity is authorized under any NWP which "may affect" a listed species or critical habitat, unless ESA section 7 consultation addressing the consequences of the proposed activity on listed species or critical habitat has been completed. See 50 CFR 402.02 for the definition of "effects of the action" for the purposes of ESA section 7 consultation, as well as 50 CFR 402.17, which provides further explanation under ESA section 7 regarding "activities that are reasonably certain to occur" and "consequences caused by the proposed action."

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA (see 33 CFR 330.4(f)(1)). If pre-construction notification is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation has not

been submitted, additional ESA section 7 consultation may be necessary for the activity and the respective federal agency would be responsible for fulfilling its obligation under section 7 of the ESA.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat or critical habitat proposed for such designation, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation), the pre-construction notification must include the name(s) of the endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or that utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. For activities where the non-Federal applicant has identified listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) that might be affected or is in the vicinity of the activity, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification that the proposed activity will have "no effect" on listed species (or species proposed for listing or designated critical habitat (or critical habitat proposed for such designation), or until ESA section 7 consultation or conference has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation or conference with the FWS or NMFS the district engineer may add species-specific permit conditions to the NWPs.

(e) Authorization of an activity by an NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the FWS or the NMFS, the Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) If the non-federal permittee has a valid ESA section 10(a)(1)(B) incidental take permit with an approved Habitat Conservation Plan for a project or a group of projects that includes the proposed NWP activity, the non-federal applicant should provide a copy of that ESA section 10(a)(1)(B) permit with the PCN required by paragraph (c) of this general condition. The district engineer will coordinate with the agency that issued the ESA section 10(a)(1)(B) permit to determine whether the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation conducted for the ESA section 10(a)(1)(B) permit. If that coordination results in concurrence from the agency that the proposed NWP activity and the associated incidental take were considered in the internal ESA section 7 consultation for the ESA section 10(a)(1)(B) permit, the district engineer does not need to conduct a separate ESA section 7 consultation for the proposed NWP activity. The district engineer will notify the non-federal applicant within 45 days of receipt of a complete pre-construction notification whether the ESA section 10(a)(1)(B) permit covers the proposed NWP activity or whether additional ESA section 7 consultation is required.

(g) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.nmfs.noaa.gov/pr/species/esa/ respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for ensuring that an action authorized by an NWP complies with the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. The permittee is responsible for contacting the appropriate local office of the U.S. Fish and Wildlife Service to determine what measures, if any, are necessary or appropriate to reduce adverse effects to migratory birds or eagles, including whether "incidental take" permits are necessary and available under the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act for a particular activity.

20. Historic Properties. (a) No activity is authorized under any NWP which may have the potential to cause effects to properties listed, or eligible for listing, in the National Register of Historic Places until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)(1)). If pre-construction notification is required for the proposed NWP activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will verify that the appropriate documentation has been submitted. If the appropriate documentation is not submitted, then additional consultation under section 106 may be necessary. The respective federal agency is responsible for fulfilling its obligation to comply with section 106.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the NWP activity might have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties might have the potential to be affected by the proposed NWP activity or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of, or potential for, the presence of historic properties can be sought from the State Historic Preservation Officer, Tribal Historic Preservation Officer, or designated tribal representative, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts commensurate with potential impacts, which may include background research, consultation, oral history interviews, sample field investigation, and/or field survey. Based on the information submitted in the PCN and these identification efforts, the district engineer shall determine whether the proposed NWP activity has the potential to cause effects on the historic properties. Section 106 consultation is not required when the district engineer determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). Section 106 consultation is required when the district engineer determines that the activity has the potential to cause effects on historic properties. The district engineer will conduct consultation with consulting parties identified under 36 CFR 800.2(c) when he or she makes any of the following effect determinations for the purposes of section 106 of the NHPA: no historic properties affected, no adverse effect, or adverse effect.

(d) Where the non-Federal applicant has identified historic properties on which the proposed NWP activity might have the potential to cause effects and has so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects to historic properties or that NHPA section 106 consultation has been completed. For non-federal permittees, the district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA section 106 consultation is required. If NHPA section 106 consultation is required, the district engineer will notify the non-Federal applicant that he or she cannot begin the activity until section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (54 U.S.C. 306113) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. Permittees that discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by an NWP, they must immediately notify the district engineer of what they have found, and to the maximum extent practicable, avoid

construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal, and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, 52, 57 and 58 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, 38, and 54, notification is required in accordance with general condition 32, for any activity proposed by permittees in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after she or he determines that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the individual and cumulative adverse environmental effects are no more than minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects.

(d) Compensatory mitigation at a minimum one-for-one ratio will be required for all losses of stream bed that exceed 3/100-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse environmental effects of the proposed activity are no more than minimal, and provides an activity-specific waiver of this requirement. This compensatory mitigation requirement may be satisfied through the restoration or enhancement of riparian areas next to streams in accordance with paragraph (e) of this general condition. For losses of stream bed of 3/100-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in only minimal adverse environmental effects. Compensatory mitigation for losses of streams should be provided, if practicable, through stream rehabilitation, enhancement, or preservation, since streams are difficult-to-replace resources (see 33 CFR 332.3(e)(3)).

(e) Compensatory mitigation plans for NWP activities in or near streams or other open waters will normally include a requirement for the restoration or enhancement, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, the restoration or maintenance/protection of riparian areas may be the only compensatory mitigation required. If restoring riparian areas involves planting vegetation, only native species should be planted. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to restore or maintain/protect a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or

maintaining/protecting a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of minimization or compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(f) Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in no more than minimal adverse environmental effects. For the NWPs, the preferred mechanism for providing compensatory mitigation is mitigation bank credits or in-lieu fee program credits (see 33 CFR 332.3(b)(2) and (3)). However, if an appropriate number and type of mitigation bank or in-lieu credits are not available at the time the PCN is submitted to the district engineer, the district engineer may approve the use of permittee-responsible mitigation.

(2) The amount of compensatory mitigation required by the district engineer must be sufficient to ensure that the authorized activity results in no more than minimal individual and cumulative adverse environmental effects (see 33 CFR 330.1(e)(3)). (See also 33 CFR 332.3(f).)

(3) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, aquatic resource restoration should be the first compensatory mitigation option considered for permittee-responsible mitigation.

(4) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) through (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)). If permittee-responsible mitigation is the proposed option, and the proposed compensatory mitigation site is located on land in which another federal agency holds an easement, the district engineer will coordinate with that federal agency to determine if proposed compensatory mitigation project is compatible with the terms of the easement.

(5) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan needs to address only the baseline conditions at the impact site and the number of credits to be provided (see 33 CFR 332.4(c)(1)(ii)).

(6) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan (see 33 CFR 332.4(c)(1)(ii)).

(g) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any NWP activity resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that an NWP activity already meeting the established acreage limits also satisfies the no more than minimal impact requirement for the NWPs.

(h) Permittees may propose the use of mitigation banks, in-lieu fee programs, or permittee-responsible mitigation. When developing a compensatory mitigation proposal, the permittee must consider appropriate and practicable options consistent with the framework at 33 CFR 332.3(b). For activities resulting in the loss of marine or estuarine resources, permittee-responsible mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(i) Where certain functions and services of waters of the United States are permanently adversely affected by a regulated activity, such as discharges of dredged or fill material into waters of the United States that will convert a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse environmental effects of the activity to the no more than minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state or federal, dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. (a) Where the certifying authority (state, authorized tribe, or EPA, as appropriate) has not previously certified compliance of an NWP with CWA section 401, a CWA section 401 water quality certification for the proposed discharge must be obtained or waived (see 33 CFR 330.4(c)). If the permittee cannot comply with all of the conditions of a water quality certification previously issued by certifying authority for the issuance of the NWP, then the permittee must obtain a water quality certification or waiver for the proposed discharge in order for the activity to be authorized by an NWP.

(b) If the NWP activity requires pre-construction notification and the certifying authority has not previously certified compliance of an NWP with CWA section 401, the proposed discharge is not authorized by an NWP until water quality certification is obtained or waived. If the certifying authority issues a water quality certification for the proposed discharge, the permittee must submit a copy of the certification to the district engineer. The discharge is not authorized by an NWP until the district engineer has notified the permittee that the water quality certification requirement has been satisfied by the issuance of a water quality certification or a waiver.

(c) The district engineer or certifying authority may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). If the permittee cannot comply with all of the conditions of a coastal zone management consistency concurrence previously issued by the state, then the permittee must obtain an individual coastal zone management consistency concurrence or presumption of concurrence in order for the activity to be authorized by an NWP. The district engineer or a state may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its CWA section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is authorized, subject to the following restrictions:

(a) If only one of the NWPs used to authorize the single and complete project has a specified acreage limit, the acreage loss of waters of the United States cannot exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

(b) If one or more of the NWPs used to authorize the single and complete project has specified acreage limits, the acreage loss of waters of the United States authorized by those NWPs cannot exceed their respective specified acreage limits. For example, if a commercial development is constructed under NWP 39, and the single and complete project includes the filling of an upland ditch authorized by NWP 46, the maximum acreage loss of waters of the United States for the commercial development under NWP 39 cannot exceed 1/2-acre, and the total acreage loss of waters of United States due to the NWP 39 and 46 activities cannot exceed 1 acre.

29. Transfer of Nationwide Permit Verifications. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____
(Transferee)

_____
(Date)

30. Compliance Certification. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and implementation of any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

(a) A statement that the authorized activity was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the activity and mitigation.

The completed certification document must be submitted to the district engineer within 30 days of completion of the authorized activity or the implementation of any required compensatory mitigation, whichever occurs later.

31. Activities Affecting Structures or Works Built by the United States. If an NWP activity also requires review by, or permission from, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers (USACE) federally authorized Civil Works project (a "USACE project"), the prospective permittee must submit a pre-construction notification. See paragraph (b)(10) of general condition 32. An activity that requires section 408 permission and/or review is not authorized by an NWP until the appropriate Corps office issues the section 408 permission or completes its review to alter, occupy, or use the USACE project, and the district engineer issues a written NWP verification.

32. Pre-Construction Notification. (a) *Timing*. Where required by the terms of the NWP, the prospective permittee must notify the district engineer by submitting a pre-construction notification (PCN) as early as possible. The district engineer must determine if the PCN is complete within 30 calendar days of the date of receipt and, if the PCN is determined to be incomplete, notify the prospective permittee within that 30 day period to request the additional information necessary to make the PCN complete. The request must specify the information needed to make the PCN complete. As a general rule, district engineers will request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the district engineer will notify the prospective permittee that the PCN is still incomplete and the PCN review process will not commence until all of the

requested information has been received by the district engineer. The prospective permittee shall not begin the activity until either:

(1) He or she is notified in writing by the district engineer that the activity may proceed under the NWP with any special conditions imposed by the district or division engineer; or

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or are in the vicinity of the activity, or to notify the Corps pursuant to general condition 20 that the activity might have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or section 106 of the National Historic Preservation Act (see 33 CFR 330.4(g)) has been completed. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

(b) *Contents of Pre-Construction Notification*: The PCN must be in writing and include the following information:

(1) Name, address and telephone numbers of the prospective permittee;

(2) Location of the proposed activity;

(3) Identify the specific NWP or NWP(s) the prospective permittee wants to use to authorize the proposed activity;

(4) (i) A description of the proposed activity; the activity's purpose; direct and indirect adverse environmental effects the activity would cause, including the anticipated amount of loss of wetlands, other special aquatic sites, and other waters expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; a description of any proposed mitigation measures intended to reduce the adverse environmental effects caused by the proposed activity; and any other NWP(s), regional general permit(s), or individual permit(s) used or intended to be used to authorize any part of the proposed project or any related activity, including other separate and distant crossings for linear projects that require Department of the Army authorization but do not require pre-construction notification. The description of the proposed activity and any proposed mitigation measures should be sufficiently detailed to allow the district engineer to determine that the adverse environmental effects of the activity will be no more than minimal and to determine the need for compensatory mitigation or other mitigation measures.

(ii) For linear projects where one or more single and complete crossings require pre-construction notification, the PCN must include the quantity of anticipated losses of wetlands, other special aquatic sites, and other waters for each single and complete crossing of those wetlands, other special aquatic sites, and other waters (including those single and complete crossings authorized by an NWP but do not require PCNs). This information will be used by the district engineer to evaluate the cumulative adverse environmental effects of the proposed linear project, and does not change those non-PCN NWP activities into NWP PCNs.

(iii) Sketches should be provided when necessary to show that the activity complies with the terms of the NWP. (Sketches usually clarify the activity and when provided results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(5) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial and intermittent streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is

large or contains many wetlands, other special aquatic sites, and other waters. Furthermore, the 45-day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(6) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands or 3/100-acre of stream bed and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse environmental effects are no more than minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(7) For non-federal permittees, if any listed species (or species proposed for listing) or designated critical habitat (or critical habitat proposed for such designation) might be affected or is in the vicinity of the activity, or if the activity is located in designated critical habitat (or critical habitat proposed for such designation), the PCN must include the name(s) of those endangered or threatened species (or species proposed for listing) that might be affected by the proposed activity or utilize the designated critical habitat (or critical habitat proposed for such designation) that might be affected by the proposed activity. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with the Endangered Species Act;

(8) For non-federal permittees, if the NWP activity might have the potential to cause effects to a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, the PCN must state which historic property might have the potential to be affected by the proposed activity or include a vicinity map indicating the location of the historic property. For NWP activities that require pre-construction notification, Federal permittees must provide documentation demonstrating compliance with section 106 of the National Historic Preservation Act;

(9) For an activity that will occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, the PCN must identify the Wild and Scenic River or the "study river" (see general condition 16); and

(10) For an NWP activity that requires permission from, or review by, the Corps pursuant to 33 U.S.C. 408 because it will alter or temporarily or permanently occupy or use a U.S. Army Corps of Engineers federally authorized civil works project, the pre-construction notification must include a statement confirming that the project proponent has submitted a written request for section 408 permission from, or review by, the Corps office having jurisdiction over that USACE project.

(c) *Form of Pre-Construction Notification*: The nationwide permit pre-construction notification form (Form ENG 6082) should be used for NWP PCNs. A letter containing the required information may also be used. Applicants may provide electronic files of PCNs and supporting materials if the district engineer has established tools and procedures for electronic submittals.

(d) *Agency Coordination*: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the activity's adverse environmental effects so that they are no more than minimal.

(2) Agency coordination is required for: (i) all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States; (ii) NWP 13 activities in excess of 500 linear feet, fills greater than one cubic yard per running foot, or involve discharges of dredged or fill material into special aquatic sites; and (iii) NWP 54 activities in excess of 500 linear feet, or that extend into the waterbody more than 30 feet from the mean low water line in tidal waters or the ordinary high water mark in the Great Lakes.

(3) When agency coordination is required, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (FWS, state natural resource or water quality agency, EPA, and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to notify the district engineer via telephone, facsimile transmission, or e-mail that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse environmental effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for

mitigation to ensure that the net adverse environmental effects of the proposed activity are no more than minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

(4) In cases of where the prospective permittee is not a Federal agency, the district engineer will provide a response to NMFS within 30 calendar days of receipt of any Essential Fish Habitat conservation recommendations, as required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act.

(5) Applicants are encouraged to provide the Corps with either electronic files or multiple copies of pre-construction notifications to expedite agency coordination.

Final 2021 Nationwide Permit (NWP) Regional Conditions for the State of California

1. The permittee shall submit a pre-construction notification (PCN) for all 2021 NWPs, in accordance with General Condition 32, in the following circumstances:

    a. Activities involving new bank stabilization that do not incorporate bioengineering techniques. Bioengineering techniques include using live plants alone or in combination with dead or inorganic materials, including rock, sand, or gravel;

    b. Activities resulting in a discharge of dredged or fill material in waters of the U.S. on Tribal Lands*;

    c. Activities involving the permanent channelization, realignment, or relocation of streams; and,

    d. Activities that have the potential to adversely affect Essential Fish Habitat (EFH), as designated by the Pacific Fishery Management Council. The PCN shall include an EFH assessment and analysis of effects of the action on EFH, in accordance with 50 C.F.R. § 600.920 (e). For Federal permittees, if a PCN is required for the proposed activity, the Federal permittee must provide the district engineer with the appropriate documentation to demonstrate compliance with the Magnuson-Stevens Fishery Conservation and Management Act;

2. In the desert regions of Los Angeles District *(USGS Hydrologic Unit Code accounting units: Lower Colorado -150301, Northern Mojave-180902, Southern Mojave-181001, and Salton Sea-181002)*, the use of any NWP resulting in greater than 0.10-acre loss** of wetlands, mudflats, vegetated shallows, or riffle and pool complexes, as defined at 40 CFR Part 230.40-45, is prohibited.

3. In the Los Angeles District, NWPs 29, 39, 42 and 43, and NWP 14 combined with any of those NWPs, cannot authorize a loss** of waters of the United States greater than 0.25 acre Within the Murrieta Creek and Temecula Creek watersheds in Riverside County.

4. In the Los Angeles District, all 2021 NWPs are revoked within the Special Area Management Plans areas of the San Diego Creek Watershed and San Juan Creek/Western San Mateo Creek Watersheds in Orange County, California. Additional information is available here: https://www.spl.usace.army.mil/Missions/Regulatory/Established-LOP-Procedures/

5. In the Los Angeles District, the permittee shall submit a pre-construction notification (PCN) for all 2021 NWPs, in accordance with General Condition 32, in the following circumstances:

a. Activities that would result in a loss** of waters of the United States within the Murrieta and Temecula Creek watersheds in Riverside County, California; and,

b. Activities that would result in a loss** of waters of the United States within Santa Clara River watershed in Los Angeles and Ventura County, California, including but not limited to Aliso Canyon, Agua Dulce Canyon, Sand Canyon, Bouquet Canyon, Mint Canyon, South Fork of the Santa Clara River, San Francisquito Canyon, Castaic Creek, Piru Creek, Sespe Creek and the main-stem of the Santa Clara River; and,

c. Activities that would result in a loss** of waters of the United States within all watersheds in the Santa Monica Mountains in Los Angeles and Ventura County, California, bounded by Calleguas Creek on the west, by Highway 101 on the north and east, and by Sunset Boulevard and Pacific Ocean on the south; and,

d. Activities that would result in a loss** of waters of the United States within all perennial waterbodies and special aquatic sites.

** "Tribal Lands" refers to any lands title to which is either: 1) held in trust by the United States for the benefit of any Indian tribe or individual; or 2) held by any Indian tribe or individual subject to restrictions by the United States against alienation.*
*** "Loss" means waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity.*