

INVITATION FOR BIDS

Bid Opening Date:

See Page A-3, Block 13A

Solicitation No. DTFH70-07-B-00017

**AK PRA DENA 10(18)
PARK ROAD, 4 MILE SLUMP
AND 4.5 AUFEIS SECTION**

Competition for this solicitation is limited to eligible HUBZone firms. For details, see FAR Clause 52.219-3. (Clauses begin on page C-1.)

QUICK INDEX

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A-1 Notice to Bidders

BID REMINDERS

Electronic bids will not be accepted. Submit printed copy of bid to the address listed on the enclosed SF 1442. Before submitting your bid, please review the following:

- Have you rechecked your bid figures?
- Have you completed the bid schedule?
- Have you completed and signed the SF 1442, Solicitation, Offer & Award?
- Have you acknowledged all amendments?
- Have you completed the Representations & Certifications (Page B-1)?
- Is your bid guarantee enclosed in proper form and amount (see FAR Clause 52.228-1), including Power of Attorney affidavit?
- Does the lower left corner of the proposal envelope state "Bid Enclosed"?
- Does the lower left corner include the Solicitation Number and the project number/name?

**Solicitation, Offer & Award, Bid Schedule, Contract Clauses,
Minimum Wage Schedule, Special Contract Requirements, and Plans**

This solicitation cites

***Standard Specifications for Construction of Roads and Bridges
on Federal Highway Projects, FP-03 U.S. Customary***

ISSUING OFFICE:



**U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
610 EAST FIFTH STREET**

VANCOUVER, WA 98661-3801

Phone: (360) 619-7520 – FAX: (360) 619-7932

Web site: www.wfl.fhwa.dot.gov/edi/

e-mail: contracts@mail.wfl.fhwa.dot.gov

PROJECT NAME **AK PRA DENA 10(18)**
PARK ROAD, 4 MILE SLUMP AND 4.5 AUFEIS SECTION

BEGINNING AT **MP 4.0 198+00**

ENDING AT **MP 4.5 242+50**

NATIONAL PARK **DENALI NATIONAL PARK**

COUNTY **DENALI BOROUGH**

STATE **ALASKA**

LENGTH **0.843 MILES**

FIXED COMPLETION DATE **See FAR Clause 52.211-10**
(FAR Clauses begin on page C-1)

Bid Submittal Checklist

Before submitting your bid, please review the following:	Done?	Is this in the envelope?
Bid Envelope		
Did I correctly address the envelope? (See page A-3, blocks 7 & 8)		
Does the lower left corner of the envelope include the Solicitation Number and the project name/number?		
Pages A-3 & A-4 (SF 1442, Solicitation Offer & Award)		
Did I include our firm name and address in block 14?		
Did I include our firm's phone number in block 15?		
Did I include our firm's remittance address in block 16? (Use when different than block 14)		
Did I include my DUNS number?		
Did I include the number & date of <u>all</u> amendments in block 19?		
Did the appropriate official sign/date in block 20A, 20B & 20C?		
Bid Schedule (see page A-7)		
Did I insert "Unit Bid Price" and "Amount Bid" for each bid item?		
Did the appropriate official initial corrections?		
Did I include the "Total" on the last page of each bid schedule?		
Did I include the firm's name on the last page of each bid schedule?		
When applicable, did I include the totals for each schedule in the summary page? (see last page of bid schedules.)		
Bid Bond (Standard Form 24)		
Bids received without a valid bid bond will be rejected.		
Did I complete my bid bond correctly?		
Did I attach the Power of Attorney to the bid bond?		
Authority to Sign		
Did I include a completed form for <u>each</u> person signing the SF1442 and Bid Bond?		
Representations & Certifications & other fill-ins		
Did I include the completed B-pages (beginning on B-1)?		
Did I include the completed clause <i>1252.228-73 Notification of Miller Act Payment Bond Protection</i> (clauses begin on page C-1)?		
Online Representations & Certifications Application (ORCA) http://orca.bpn.gov		
Do we have up-to-date data in ORCA ?		
Central Contractor Registration (CCR) http://www.ccr.gov		
Did I ensure our firm is currently registered in CCR?		
Vets100 Reporting http://vets.dol.gov/vets100/		
Did I ensure our firm has completed this annual report?		

NOTE: The Contractor is fully responsible to verify that all data is correct each time a bid package is submitted. Failure to properly input and/or update your data may cause the bid to be rejected.

Bid Submittal Checklist

Driving Directions to our Vancouver Washington Office:

See our web page at <http://www.wfl.fhwa.dot.gov/about/directions.htm>

INSTRUCTIONS: When the offeror/principal is a corporation, include this certification with your offer/bid.

Corporate Certificate

I, _____ (name), certify that I am the

_____ (title), of the corporation named as

the Offeror/Principal herein;

that _____ (name), who signed this

offer and/or bid bond on behalf of _____ (company name) is

_____ (title) of this corporation;

that the offer was duly signed for and on behalf of said corporation by authority and

scope of its governing body, and within the scope of its corporate powers.

_____ (signature)

Affix Corporate Seal

_____ (title)

Authority to Sign

Project: AK PRA DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

INSTRUCTIONS: When the offeror/principal is a limited liability company, include this certification with your offer/bid.

Limited Liability Certificate

I, _____ (name), certify that I am the
_____(title), of the limited liability company

named as the Offeror/Principal herein;

that _____(name), who signed this

offer and/or bid bond on behalf of _____ (company name) is

_____(title) of this company;

that the offer was duly signed for and on behalf of said company by authority and

scope of its governing body, and within the scope of its powers.

_____(signature)

_____(title)

Affix Company Seal
(as applicable)

Authority to Sign

Project: AK PRA DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

INSTRUCTIONS: When the offeror/principal is a partnership, include this certification with your offer/bid.

Authority to Bind Partnership

This certifies that the names and signatures of all partners are listed below, and that the person signing the proposal has the authority to actually bind the partnership pursuant to its partnership agreement. Each of the partners individually has full authority to enter into and execute contractual instruments on behalf of said partnership, except as follows:

(State "None" or describe limitations, if any)

This authority shall remain in full force and effect until such time as the revocation of authority by any cause whatsoever has been furnished in writing to and acknowledge by the Contracting Officer.

(Include names and signatures of all partners)

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Authority to Sign

Project: AK PRA DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

INSTRUCTIONS: When the offeror/principal is a joint venture, include this certification with your offer/bid.

Authority to Bind Joint Venture

This certifies that the person signing the proposal has the authority to actually bind the joint venture pursuant to its joint venture agreement, and that each of the named persons listed below individually has full authority to enter into and execute contractual instruments on behalf of said joint venture, except as follows:

(State "None" or describe limitations, if any)

This authority shall remain in full force and effect until such time as the revocation of authority by any cause whatsoever has been furnished in writing to and acknowledge by the Contracting Officer.

(Include names and signatures of all applicable individuals)

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Authority to Sign

Project: AK PRA DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

INSTRUCTIONS: When the offeror/principal is a sole proprietorship, the signature on the offer/bid and on the bonds must be as follows:

Sole Proprietorship Requirement

An Offeror/Principal that is a sole proprietorship must submit an offer/bid and a bond signed by the sole proprietor, or by one duly authorized to sign for the sole proprietor. If the signature is by someone other than the sole proprietor, a copy of the power of attorney authorizing the individual to sign must be provided with the offer/bid.

Authority to Sign

Project: AK PRA DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

BID BOND <i>(See instruction on reverse)</i>	DATE BOND EXECUTED <i>(Must not be later than bid opening date)</i>	OMB NO.: 9000-0045
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Public reporting burden for this collection of information is estimated to average 25 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the FAR Secretariat (MVR), Federal Acquisition Policy Division, GSA, Washington, DC 20405.

PRINCIPAL <i>(Legal name and business address)</i>	TYPE OF ORGANIZATION <i>("X" one)</i> <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> JOINT VENTURE <input type="checkbox"/> CORPORATION STATE OF INCORPORATION
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SURETY(IES) *(Name and business address)*

PENAL SUM OF BOND				BID IDENTIFICATION		
PERCENT OF BID PRICE	AMOUNT NOT TO EXCEED				BID DATE	INVITATION NO.
	MILLION(S)	THOUSAND(S)	HUNDRED(S)	CENTS		DTFH70-07-B-00017
					FOR <i>(Construction, Supplies, or Services)</i>	AK PRA DENA 10(18) PARK ROAD, 4 MILE SLUMP AND 4.5 AUFEIS SECTION

OBLIGATION:

We, the Principal and Surety(ies) are firmly bound to the United States of America (hereinafter called the Government) in the above penal sum. For payment of the penal sum, we bind ourselves, our heirs, executors, administrators, and successors, jointly and severally. However, where the Sureties are corporations acting as co-sureties, we, the Sureties, bind ourselves in such sum "jointly and severally" as well as "severally" only for the purpose of allowing a joint action or actions against any or all of us. For all other purposes, each Surety binds itself, jointly and severally with the Principal, for the payment of the sum shown opposite the name of the Surety. If no limit of liability is indicated, the limit of liability is the full amount of the penal sum.

CONDITIONS:

The Principal has submitted the bid identified above.

THEREFORE:

The above obligation is void if the Principal - (a) upon acceptance by the Government of the bid identified above, within the period specified therein for acceptance (sixty (60) days if no period is specified), executes the further contractual documents and gives the bond(s) required by the terms of the bid as accepted within the time specified (ten (10) days if no period is specified) after receipt of the forms by the principal; or (b) in the event of failure to execute such further contractual documents and give such bonds, pays the Government for any cost of procuring the work which exceeds the amount of the bid.

Each Surety executing this instrument agrees that its obligation is not impaired by any extension(s) of the time for acceptance of the bid that the Principal may grant to the Government. Notice to the surety(ies) of extension(s) are waived. However, waiver of the notice applies only to extensions aggregating not more than sixty (60) calendar days in addition to the period originally allowed for acceptance of the bid.

WITNESS:

The Principal and Surety(ies) executed this bid bond and affixed their seals on the above date.

PRINCIPAL				
SIGNATURE(S)	1.	2.	3.	<i>Corporate Seal</i>
	<i>(Seal)</i>	<i>(Seal)</i>	<i>(Seal)</i>	
NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.	3.	

INDIVIDUAL SURETY(IES)		
SIGNATURE(S)	1.	2.
	<i>(Seal)</i>	<i>(Seal)</i>
NAME(S) <i>(Typed)</i>	1.	2.

CORPORATE SURETY(IES)				
SURETY A	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)
	SIGNATURE(S)	1.	2.	<i>Corporate Seal</i>
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.	

SURETY B	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY C	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY D	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY E	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY F	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		
SURETY G	NAME & ADDRESS		STATE OF INC.	LIABILITY LIMIT (\$)	<i>Corporate Seal</i>
	SIGNATURE(S)	1.	2.		
	NAME(S) & TITLE(S) <i>(Typed)</i>	1.	2.		

INSTRUCTIONS

1. This form is authorized for use when a bid guaranty is required. Any deviation from this form will require the written approval of the Administrator of General Services.
2. Insert the full legal name and business address of the Principal in the space designated "Principal" on the face of the form. An authorized person shall sign the bond. Any person signing in a representative capacity (e.g., an attorney-in-fact) must furnish evidence of authority if that representative is not a member of the firm, partnership, or joint venture, or an officer of the corporation involved.
3. The bond may express penal sum as a percentage of the bid price. In these cases, the bond may state a maximum dollar limitation (e.g., (e.g., 20% of the bid price but the amount not to exceed _____ dollars).
4. (a) Corporations executing the bond as sureties must appear on the Department of the Treasury's list of approved sureties and must act within the limitation listed therein. where more than one corporate surety is involved, their names and addresses shall appear in the spaces (Surety A, Surety B, etc.) headed "CORPORATE SURETY(IES)." In the space designed "SURETY(IES)" on the face of the form, insert only the letter identification of the sureties.

 (b) Where individual sureties are involved, a completed Affidavit of Individual surety (Standard Form 28), for each individual surety, shall accompany the bond. The Government may require the surety to furnish additional substantiating information concerning its financial capability.
5. Corporations executing the bond shall affix their corporate seals. Individuals shall execute the bond opposite the word "Corporate Seal"; and shall affix an adhesive seal if executed in Maine, New Hampshire, or any other jurisdiction requiring adhesive seals.
6. Type the name and title of each person signing this bond in the space provided.
7. In its application to negotiated contracts, the terms "bid" and "bidder" shall include "proposal" and "offeror."

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SPECIAL CONTRACT REQUIREMENTS (SCRs)	
The following Special Contract Requirements amend and supplement the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary Units.	
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NOTICE TO BIDDERS

I. Project Location.

The project work is located in Denali National Park 4 miles west of the Park Headquarters on the Denali Park Road.

Signs have not been erected to identify the project limits. No Government personnel will be available for show-me tours.

II. Pre-bid Information.

This solicitation is a HUBZone small business set-aside. Offers are solicited only from HUBZone small business concerns; see FAR Clause 52.219-3, *Notice of HUBZone Set-Aside* (page C-1). Offers received from concerns that are not HUBZone small business concerns shall not be considered.

Since this solicitation is a HUBZone small business set-aside, at least 50 percent of the cost of the contract performance incurred for personnel must be spent on the prime Contractor's employees or the employees of other qualified HUBZone small business concerns. See Subsection 108.02A.

This solicitation includes electronic plan sheets. Plan sheets can be found at <http://www.wfl.fhwa.dot.gov/edi/plans/akpradena1018/> and viewed by individual sections, downloaded by individual sections, or the entire plan set downloaded in a zip file. A paper copy of the plan sheets is available by submitting the form included in this solicitation.

Requests for technical information (Plan and Division 100 – 700 Specification questions only) about this project will only be accepted in writing (see Block 9 on page A-5).

REPS & CERTS. Submit or update Representations and Certifications online at <http://orca.bpn.gov> prior to bid submittal. For more details go to FAR Provision 52.204-8 *Annual Representations and Certifications* (see page B-2). If you have previously registered on-line and the NAICS code for this solicitation is different than the code listed in your online file, please note the amended changes on the lines provided in FAR 52.204-8.

Particular attention should be paid to Standard Form 1442, Solicitation, Offer and Award, to assure that Blocks 14, 15, 16, 19, 20A, and 20C are completed correctly. Sign Block 20B according to the instructions in Subsection 102.02. You must submit a completed 'Authority to Sign' document see Bidder's packet. You must also complete the representations and certifications contained in the Contract Provisions beginning on page B-1. Failure to furnish or complete any of the above may result in your bid being considered nonresponsive and being rejected.

Facsimile bids are not authorized for this solicitation. Bids may be modified or withdrawn by facsimile, if such notice is received by the time specified for receipt of bids. The Government

Notice to Bidders

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

will not be responsible for any failure attributable to the transmission or receipt of facsimile data. See FAR Provision 52.214-5, Submission of Bids. FAX 360.619.7932.

Notice of CCR Registration. You must register in the Central Contract Registration (CCR) prior to award of this contract. Failure to register prior to contract award will require award to be offered to the next successful registered Offeror. See FAR Subpart 4.1103(c). Register online at www.ccr.gov or call toll free: 888.227.2423.

III. Post Award Information.

Insurance requirements are set forth in Subsection 107.05.

Contractor Performance Evaluations. FHWA is now posting evaluations in the National Institutes of Health's Contractor Performance System (CPS) for completed projects. Register at <https://cpscontractor.nih.gov> to view and comment on evaluations. Registration is only required once into the system. A user's manual can be found at <https://cps.nih.gov/infopage.asp> by selecting the "CPS Info" button and then the "Contractor's User Manual" link located in the "Contractor Information" column. Review the evaluation and submit comments within 30 days of notification. Reviewing the evaluation and submitting comments is limited to one entry. If unable to register, call 360.619.7520 for assistance or a copy of the evaluation.

IV. Specifications and Permits.

This solicitation and subsequent contract are governed by the Federal Acquisition Regulation (FAR), agency supplemental regulations, and the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary Units. Obtain paper copies of the FP-03 by calling 360.619.7520, e-mailing at plans_spec@fhwa.dot.gov, or writing Federal Highway Administration, 610 East Fifth Street, Vancouver, WA 98661, Attention: Specification Engineer. An electronic version may be found at <http://www.wfl.fha.dot.gov/design/specs/fp03.htm>.

Geotechnical, hydraulic, bridge, and design data applicable to this project is listed in FAR Clause 52.236-4, Physical Data. See Continuation of SF 1442, Block 9, for information to obtain this data.

Material sources for Sections 204, 308, and 403 have not been identified for this project. Water sources have not been identified for this project. Secure all permits and clearances for Contractor-located sites and sources. See Subsection 105.02(b) and 107.10.

Carefully review Section 153 Contractor Quality Control of the Special Contract Requirements. New requirements have been included that substantially change work required for this Section compared to previous versions.

The contractor should be aware of the following conditions and restrictions of the project::

- There is no housing provided within the park.
- There is no electricity provided within the park.

Notice to Bidders

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

A-2a

- Obey all posted speed limits within the park.
- Do not feed wildlife, approach wildlife, or in any way harass or harm wildlife.
- The park road must remain open to tour bus traffic at all times. The maximum delay for any traffic shall be 5 minutes between the hours of 5 a.m. and 11 p.m., and emergency traffic shall be granted immediate passage.
- Do not expect cell phones to work within the park.
- Garbage must be taken out of the park daily.
- Store food and garbage in bear proof containers or in locked vehicles at all times.

See additional requirements in Sections 105, 107, 108, and 156.

TECHNICAL QUESTIONS REGARDING PROPOSED WORK FOR THIS PROJECT WILL NOT BE ACCEPTED AFTER THE CLOSE-OF-BUSINESS ON MARCH 24, 2008.

Questions can be submitted and answers viewed by going to project information at
<http://www.wfl.fha.dot.gov/edi/current.htm>

A-2b

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SOLICITATION, OFFER, AND AWARD <i>(Construction, Alteration, or Repair)</i>	1. Solicitation No. DTFH70-07-B-00017	2. Type of Solicitation <input checked="" type="checkbox"/> Sealed Bid (IFB) <input type="checkbox"/> Negotiated (RFP)	3. Date Issued 02/26/2008	Page A-3
	IMPORTANT – The “offer” section on the reverse must be fully completed by offeror.			
4. Contract No. -	5. Requisition/Purchase Request No. N/A	6. Project No. AK PRA DENA 10(18) Park Road, 4 Mile Slump and 4.5 Aufeis Section		
7. Issued By U.S. Department of Transportation Federal Highway Administration 610 East Fifth Street Vancouver WA 98661-3801	Code: N/A	8. Address Offer to Attn: Contracts Section	Code: N/A	
9. For Information Call:	A. Name See page A-5.	B. Telephone No. <i>(Include area code) (No Collect Calls)</i> 360.619.7520		
SOLICITATION				
NOTE: In sealed bid solicitation “offer” and “offeror” mean “bid” and “bidder”				

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS: *(Title, Identifying No., Date)*

This solicitation is designated **AK PRA DENA 10(18), Park Road, 4 Mile Slump And 4.5 Aufeis Section, Denali National Park, Denali Borough, Alaska**

IN STRICT ACCORDANCE WITH:

Bid Schedule

Federal Acquisition Regulations (FAR) and Transportation Acquisition Regulations (TAR)

General Wage Decision

Special Contract Requirements

Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary

11. The Contractor shall begin performance within 10 calendar days and complete it within * calendar days after receiving the award, notice to proceed. This performance period is mandatory negotiable. (See *see page A-5 .)

12A. The Contractor must furnish any required performance and payment bonds?
(If “YES”, indicate within how many calendar days after award in item 12B.)
 Yes No

12B. Calendar Days

10

13. Additional Solicitation Requirements:

- A. Sealed offers in original and 0 copies to perform the work required are due at the place specified in Item 8 by 2:00 PM local time **03/27/2008**. If this is a sealed bid solicitation, offers must be publicly opened at that time. Sealed envelopes containing offers shall be marked to show the offeror’s name and address, the solicitation number, and the date and time offers are due.
- B. An offer guarantee is is not required.
- C. All offers are subject to the (1) work requirements, and (2) other provisions and clauses incorporated in the solicitation in full text or by reference.
- D. Offers providing less than 60 calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.

OFFER (Must be fully completed by offeror)

14. Name and Address of Offeror <i>(Include ZIP Code)</i>	15. Telephone No. <i>(Include are code)</i>
16. Remittance Address <i>(Include on it different than Item 14)</i>	
DUNS number:	

17. The offeror agrees to perform the work required at the prices specified below in strict accordance with the terms of this solicitation, if this is accepted by the Government in writing within 60 calendar days after the date offers are due. *(Insert any number equal to or greater than the minimum requirement stated in Item 13D. Failure to insert any number means the offeror accepts the minimum in Item 13D.)*

AMOUNTS	See Bid Schedule
----------------	------------------

18. The offeror agrees to furnish any required performance and payment bonds.

19. ACKNOWLEDGEMENT OF AMENDMENTS
(The offeror acknowledges receipt of amendment to the solicitation - give number and date of each)

AMENDMENT No.									
DATE									

20A NAME, TITLE OF PERSON AUTHORIZED TO SIGN OFFER <i>(Type or Print)</i>	20B. SIGNATURE	20c. OFFER DATE
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AWARD (to be completed by Government)

21. ITEM(S) ACCEPTED
 All items on Bid Schedule.

22. Amount	23. Accounting and Appropriation Data
------------	---------------------------------------

24. Submit Invoices to Address shown in <i>(4 copies unless otherwise specified)</i>	Item See Page A-5	25. Other Than full and open competition pursuant to
		<input type="checkbox"/> 10 U.S.C. 2304(c) (____) <input type="checkbox"/> 41 U.S.C 253 (c) (____)

26. Administered by Federal Highway Administration Western Federal Lands Highway Division 610 East Fifth Street Vancouver WA 98661-3801	Payment will be made by Finance Section Western Federal Lands Highway Division 610 East Fifth Street Vancouver WA 98661-3801
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CONTRACTING OFFICER WILL COMPLETE ITEM 28 OR 29 AS APPLICABLE

<input type="checkbox"/> 28. NEGOTIATED AGREEMENT <i>(Contractor is required to sign this document and return _____ copies to issuing office)</i> Contractor agrees to furnish and deliver all items or perform all work requirements identified on this form and any continuation sheets for the consideration stated in this contract. The rights and obligations of the parties to this contract shall be governed by (a) this contract award, (b) the solicitation, and(c) the clauses, representations, certifications, and specifications incorporated by reference in or attached to this contract.	<input checked="" type="checkbox"/> 29. AWARD <i>(Contractor is not required to sign this document.)</i> Your offer on this solicitation, is hereby accepted as to the items listed. This award consummates the contract, which consists of (a) the Government solicitation and your offer, and (b) this contract award. No further contractual document is necessary.
--	--

30A. Name and Title of Contractor or Person authorized to sign <i>(Type or Print)</i>	31A. Name of Contracting Officer <i>(Type or Print)</i>		
	Julee McTaggart		
30b. Signature	30C. Date	31B. United States of America	31C. Award Date
		By	

Block 9 **FOR GENERAL INFORMATION**, call **360.619.7520** from the hours of 8:00 a.m. to 4:00 p.m. local time or e-mail us at contracts@mail.wfl.fhwa.dot.gov. You can also submit questions online from our Western Federal Lands webpage as described below.

FOR TECHNICAL INFORMATION (plan and specification questions only), requests for technical information about this project will only be accepted in writing. Submit questions via fax (360.619.7932) or e-mail at plans_spec@fhwa.dot.gov (plans_spec@fhwa.dot.gov). You can also submit questions online from our Western Federal Lands webpage as described below.

SUBMIT QUESTIONS ONLINE. You can submit your questions from our Western Federal Lands website <http://www.wfl.fha.dot.gov/edi/current.htm>. In “Advertised Projects”, scroll to the project and click on “Technical Information Question” or “General Information Question”, as applicable. Previously asked and answered questions will be available for viewing on the website.

FOR DAVIS-BACON WAGE RATE INFORMATION call the Department of Labor at **415.848.6616**.

FOR PHYSICAL DATA, See FAR Contract Clause 52.236-4, Physical Data, (clauses begin on page C-1) for a listing of available data. To obtain copies of Physical Data, submit a written request to the Contracts Section, **FAX 360.619.7932** or e-mail us at contracts@mail.wfl.fhwa.dot.gov. The Government requires 3 working days to print documents. Requests should be made early to assure timely arrival.

FOR BID RESULTS, call **360.619.7773**. Bid tabulations will be available on our website approximately 3 work days after the bid opening. Our website is located at: www.wfl.fhwa.dot.gov/edi/.

Block 11 **COMPLETION DATE:** Work shall be completed on or before the date specified in FAR Clause 52.211-10, *Commencement, Prosecution, and Completion of Work*, subject to such extensions as may be authorized by the terms of the contract and the specifications made a part thereof. Contract Clauses begin on pages C-1.

Block 12A **PERFORMANCE & PAYMENT BONDS:** See FAR Clause, 52.228-15, *Performance and Payment Bonds - Construction* (clauses begin on page C-1) and Subsection 102.06 of the *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary Units*.

Block 13B **BID BOND AMOUNT:** See FAR Clause 52.228-1, Bid Guarantee (clauses begin on page C-1).

ADDITIONAL INFORMATION: See Subsections 102.03 and 102.04 of *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary Units*.

Block 24 **SUBMITTING INVOICES:** See Subsection 109.08 of the *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03 U.S. Customary Units*.

HUBZONE SMALL BUSINESS SET-ASIDE: This solicitation is a total HUBZone Small Business Set-aside. Offers are solicited only from HUBZone small business concerns. Offers received from concerns that are not HUBZone small business concerns will be rejected.

ESTIMATED PRICES. The price range of the project work is between **\$2,000,000** and **\$3,000,000**.

Bid Schedule

Project: AK PRA-DENA 10(18)
4 MILE SLUMP & MP 4.5 AUF EIS SECTION

Bidder please note: Before preparing the bid, carefully read the Solicitation Provisions.

Insert a unit bid price, in figures, for each pay item for which a quantity appears in the bid schedule. Multiply the unit price by the quantity for each pay item and show the amount bid. Should any mathematical check made by the Government show a mistake in the amount bid, the Amount Bid for the item will be based on the Unit Bid Price.

When "LPSM" (Lump Sum) appears as a unit bid price, insert an amount for each lump sum pay item.

When a sum based on a fixed rate appears for any pay item in the amount bid column, include the Government inserted amount bid for the item in the total bid amount.

Total the amounts bid for all pay items and insert the total bid amount.

The quantity for the following item of work is a Contract Quantity (see FP-03, Subsection 109.02):
20101-0000

Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
15101-0000	MOBILIZATION		
	ALL	Lump Sum	\$ _____
15201-0000	CONSTRUCTION SURVEY AND STAKING		
	ALL	Lump Sum	\$ _____
15301-0010	CONTRACTOR QUALITY CONTROL AND ASSURANCE		
	ALL	Lump Sum	\$ _____
15401-0000	CONTRACTOR TESTING		
	ALL	Lump Sum	\$ _____
15501-0000	CONSTRUCTION SCHEDULE		
	ALL	Lump Sum	\$ _____
15705-0100	SOIL EROSION CONTROL, SILT FENCE		
	5,550.0		
	LNFT	\$ _____	\$ _____

Bid Schedule A

Project: AK PRA-DENA 10(18)
4 MILE SLUMP & MP 4.5 AUF EIS SECTION

Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
15801-0000	WATERING FOR DUST CONTROL 100.00 MGAL	\$ _____	\$ _____
20101-0000	CLEARING AND GRUBBING 6.909 ACRE	\$ _____	\$ _____
20301-1900	REMOVAL OF PIPE CULVERT 10 EACH	\$ _____	\$ _____
20401-0000	ROADWAY EXCAVATION 28,800.0 CUYD	\$ _____	\$ _____
20402-0000	SUBEXCAVATION 1,050 CUYD	\$ _____	\$ _____
20410-0000	SELECT BORROW 1,050.0 CUYD	\$ _____	\$ _____
20466-0000	CONSERVE AND STOCKPILE TOPSOIL 3,150 CUYD	\$ _____	\$ _____
20701-0800	EARTHWORK GEOTEXTILE, TYPE II-B 1,100 SQYD	\$ _____	\$ _____
20701-1100	EARTHWORK GEOTEXTILE, TYPE III-B 2,750 SQYD	\$ _____	\$ _____
20705-1000	INSULATION BOARD, POLYSTYRENE FOAM 2,100 SQYD	\$ _____	\$ _____
21101-1000	ROADWAY OBLITERATION, METHOD 1 7,000 SQYD	\$ _____	\$ _____
25101-2000	PLACED RIPRAP, CLASS 2 1,600 CUYD	\$ _____	\$ _____

Bid Schedule A

Project: AK PRA-DENA 10(18)
4 MILE SLUMP & MP 4.5 AUFES SECTION

Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
30802-2000	ROADWAY AGGREGATE, METHOD 2 7,150 TON	\$ _____	\$ _____
40301-0300	HOT ASPHALT CONCRETE PAVEMENT, GRADING C 1,750 TON	\$ _____	\$ _____
60201-0800	24-INCH PIPE CULVERT 165.0 LNFT	\$ _____	\$ _____
60201-1000	36-INCH PIPE CULVERT 50 LNFT	\$ _____	\$ _____
60201-1800	84-INCH PIPE CULVERT 820.0 LNFT	\$ _____	\$ _____
60501-0000	STANDARD UNDERDRAIN SYSTEM 320.0 LNFT	\$ _____	\$ _____
62201-0250	DUMP TRUCK, 10 CUBIC YARD MINIMUM CAPACITY 40 HOUR	\$ _____	\$ _____
62201-0700	BACKHOE LOADER, 1 CUBIC YARD MINIMUM CAPACITY FRONTEND BUCKET, 10 CUBIC FOOT MINIMUM CAPACITY BACKHOE BUCKET, 90 HP 40 HOUR	\$ _____	\$ _____
62201-1000	WHEEL LOADER, 4 CUBIC YARD MINIMUM RATED CAPACITY 40 HOUR	\$ _____	\$ _____
62201-1650	BULLDOZER, UNIVERSAL BLADE, 170HP MINIMUM CAPACITY 40 HOUR	\$ _____	\$ _____
62201-2800	MOTOR GRADER, 8 FOOT MINIMUM BLADE 20 HOUR	\$ _____	\$ _____

Bid Schedule A

Project: AK PRA-DENA 10(18)
4 MILE SLUMP & MP 4.5 AUFELS SECTION

Pay Item No.	Estimated Quantity	Unit Bid Price	Amount Bid
62301-0000	GENERAL LABOR 40 HOUR	\$ _____	\$ _____
62405-0400	PLACING CONSERVED TOPSOIL, 6-INCH DEPTH 7,050 SQYD	\$ _____	\$ _____
63401-0300	PAVEMENT MARKINGS, TYPE B, SOLID YELLOW 18,000 LNFT	\$ _____	\$ _____
63502-0600	TEMPORARY TRAFFIC CONTROL, BARRICADE TYPE 3 2 EACH	\$ _____	\$ _____
63502-1250	TEMPORARY TRAFFIC CONTROL, TUBULAR MARKER, TYPE 42-INCH 30 EACH	\$ _____	\$ _____
63502-1300	TEMPORARY TRAFFIC CONTROL, DRUM 90 EACH	\$ _____	\$ _____
63502-1500	TEMPORARY TRAFFIC CONTROL, WARNING LIGHT TYPE A 16 EACH	\$ _____	\$ _____
63502-1700	TEMPORARY TRAFFIC CONTROL, WARNING LIGHT TYPE C 40 EACH	\$ _____	\$ _____
63504-1000	TEMPORARY TRAFFIC CONTROL, CONSTRUCTION SIGN 120.0 SQFT	\$ _____	\$ _____
63506-0500	TEMPORARY TRAFFIC CONTROL, FLAGGER 1,040.0 HOUR	\$ _____	\$ _____

TOTAL \$ _____

Submitted by: _____
Name of Bidder

Bid Schedule A

Project: AK PRA-DENA 10(18)
4 MILE SLUMP & MP 4.5 AUFES SECTION

SOLICITATION PROVISIONS

A. Provisions Incorporated by Reference

52.252-1 Solicitation Provisions Incorporated by Reference

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available; phone (360) 619-7520 and FAX (360) 619-7932. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of a solicitation provision may be accessed electronically at this site: www.arnet.gov/far/.

I. Representations, Certifications and Other Statements of Offeror (by reference)

52.203-11 Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions (Sep 2007)

52.222-23 Notice of Requirement for Affirmative Action to Ensure Equal Employment Opportunity for Construction (Feb 1999)

(b) Goals for minority participation for each trade 15.1%

Goals for female participation for each trade 6.9%

(e) As used in this Notice, and in any contract resulting from this solicitation, the "covered area" is Denali Borough, Alaska.

II. Instructions, Conditions and Notices to Offeror (by reference)

52.204-6 Data Universal Numbering System (DUNS) Number (Oct 2003)

52.214-3 Amendments to Invitations for Bids (Dec 1989)

52.214-4 False Statements in Bids (Apr 1984)

52.214-5 Submission of Bids (Mar 1997)

52.214-6 Explanation to Prospective Bidders (Apr 1984)

52.214-7 Late Submissions, Modifications, and Withdrawals of Bids (Nov 1999)

52.214-18 Preparation of Bids - Construction (Apr 1984)

52.214-19 Contract Award - Sealed Bidding - Construction (Aug 1996)

52.214-34 Submission of Offers in the English Language (Apr 1991)

52.214-35 Submission of Offers in U.S. Currency (Apr 1991)

52.236-27 Site Visit (Construction) (Feb 1995)

Prospective offerors were encouraged by letter of August 29, 2007 to inspect the site prior to onset of adverse weather conditions. Currently, the site may not be accessible. There will be no government arranged site visits.

B. Full Text Provisions

I. Representations, Certifications & Other Statements of Bidders (full text)

Completing FAR provision 52.204-8 Annual Representation and Certifications.

- This solicitation is issued under **NAICS 237310 – Highway, Street & Bridge Construction** with a small business size standard of **\$31 million**. If your average annual gross receipts for the past 3 years are **above \$31.0 million** you are a large business for this solicitation. If they are **below \$31.0 million** you are a small business. Please complete the certification listed in paragraph (b).
- Your small business information is pulled into ORCA from the Central Contractor Registration (CCR). Please include NAICS **237310** in the Central Contractor Registration (CCR) at <http://www.ccr.gov/>. Please note that if you are currently using a NAICS code beginning in **234**, you are using an **outdated** code. Please update your files to **237310 – Highway, Street & Bridge Construction**.
- Before submitting bids, please ensure you have completed your annual representations and certifications electronically at the ORCA website, <http://orca.bpn.gov>.

52.204-8 Annual Representation and Certifications (Jan 2006)

(a) (1) The North American Industry Classification (NAICS) code for this solicitation is **237310 – Highway, Street & Bridge construction** *[insert NAICS code]*.

(2) The small business size standard is **\$31 million** *[insert size standard]*.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) (1) If the clause at 52.204-7, Central Contractor Registration, is included in this solicitation, paragraph (c) of this provision applies.

(2) If the clause at 52.204-7 is not included in this solicitation, and the offeror is currently registered in CCR, and has completed the ORCA electronically, the offeror may choose to use paragraph (c) of this provision instead of completing the corresponding individual representations and certifications in the solicitation. The offeror shall indicate which option applies by checking one of the following boxes:

(i) Paragraph (c) applies.

(ii) Paragraph (c) does not apply and the offeror has completed the individual representations and certifications in the solicitation.

(c) The offeror has completed the annual representations and certifications electronically via the **Online Representations and Certifications Application (ORCA)** website at <http://orca.bpn.gov>. After reviewing the ORCA database information, the offeror verifies by submission of the offer that the representations and certifications currently posted electronically have been entered or updated within the last 12 months, are current, accurate, complete, and applicable to this solicitation (including the business size standard applicable to the NAICS code referenced for this solicitation), as of the date of this offer and are incorporated in this offer by reference (see FAR 4.1201); **except for the changes identified below [offeror to insert changes, identifying change by clause number, title, date]**. These amended representation(s) and/or certification(s) are also incorporated in this offer and are current, accurate, and complete as of the date of this offer.

Far Clause #	Title	Date	Change
52.219-1	Small Business Program Representations		Under NAICS Code <u>237310</u> the offeror <u>represents as part of its offer that it () is, () is not a small business.</u>

Any changes provided by the offeror are applicable to this solicitation only, and do not result in an update to the representations and certifications posted on ORCA.

52.225-10 Notice of Buy American Act Requirement—Construction Materials (May 2002)

(a) *Definitions.* “Construction material,” “domestic construction material,” and “foreign construction material,” as used in this provision, are defined in the clause of this solicitation entitled “Buy American Act—Construction Materials” (Federal Acquisition Regulation (FAR) clause 52.225-9).

(b) *Requests for determinations of inapplicability.* An offeror requesting a determination regarding the inapplicability of the Buy American Act should submit the request to the Contracting Officer in time to allow a determination before submission of offers. The offeror shall include the information and applicable supporting data required by paragraphs (c) and (d) of the clause at FAR 52.225-9 in the request. If an offeror has not requested a determination regarding the inapplicability of the Buy American Act before submitting its offer, or has not received a response to a previous request, the offeror shall include the information and supporting data in the offer.

(c) Evaluation of offers.

(1) The Government will evaluate an offer requesting exception to the requirements of the Buy American Act, based on claimed unreasonable cost of domestic construction material, by adding to the offered price the appropriate percentage of the cost of such foreign construction material, as specified in paragraph (b)(3)(i) of the clause at FAR 52.225-9.

(2) If evaluation results in a tie between an offeror that requested the substitution of foreign construction material based on unreasonable cost and an offeror that did not request an exception, the Contracting Officer will award to the offeror that did not request an exception based on unreasonable cost.

(d) Alternate offers.

(1) When an offer includes foreign construction material not listed by the Government in this solicitation in paragraph (b)(2) of the clause at FAR 52.225-9, the offeror also may submit an alternate offer based on use of equivalent domestic construction material.

(2) If an alternate offer is submitted, the offeror shall submit a separate Standard Form 1442 for the alternate offer, and a separate price comparison table prepared in accordance with paragraphs (c) and (d) of the clause at FAR 52.225-9 for the offer that is based on the use of any foreign construction material for which the Government has not yet determined an exception applies.

(3) If the Government determines that a particular exception requested in accordance with paragraph (c) of the clause at FAR 52.225-9 does not apply, the Government will evaluate only those offers based on use of the equivalent domestic construction material, and the offeror shall be required to furnish such domestic construction material. An offer based on use of the foreign construction material for which an exception was requested—

- (i) Will be rejected as nonresponsive if this acquisition is conducted by sealed bidding; or
- (ii) May be accepted if revised during negotiations

Use of Recovered Materials on Federal Lands Highway Projects

Section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA) of 1976, as amended (42 U.S.C. 6901 *et seq.*), requires Federal, State, and local procuring agencies using appropriated Federal funds to purchase items composed of the highest percentage of recovered materials practical. Use of recovered materials is strongly encouraged on Federal Lands Highway Projects. Highway construction items covered by the Environmental Protection Agency's *Comprehensive Guidelines for Procurement of Products Containing Recovered Materials* include fly ash, ground granulated blast furnace slag, traffic barricades, traffic cones, hydraulic mulch and compost for mulch.

Use of **fly ash** and ground **granulated blast furnace slag** and construction materials containing fly ash and ground granulated blast furnace slag on Federal Lands Highway Projects:

- It is the policy of the United States Government that fly ash and ground granulated blast furnace slag and materials containing fly ash and ground granulated blast furnace slag shall have maximum practicable opportunity for incorporation into its construction projects.
- The Contractor agrees to investigate the use of fly ash and ground granulated blast furnace slag and materials containing fly ash and ground granulated blast furnace slag to the fullest extent consistent with the efficient performance of this contract. Both the contractor and the subcontractors are urged to seek out suppliers of fly ash and ground granulated blast furnace slag, cement and concrete containing fly ash and ground granulated blast furnace slag and to solicit bids for these materials.
- Names of firms that supply fly ash and ground granulated blast furnace slag and materials containing fly ash and ground granulated blast furnace slag are available from the American Coal Ash Association and the National Slag Association.

THE FOLLOWING IS NOT A SOLICITATION PROVISION

PARTNERING

A Partnership recognizes the Government and the Contractor are both responsible for and can affect the successful completion of this project. Partnering is a vehicle to ensure the partnership has structure and quality. It recognizes the strengths of each party and uses those strengths to identify and achieve shared goals. One of the primary objectives of Partnering is to facilitate the resolution of disputes in a timely, professional, and non-adversarial manner with the outcome focused on achieving those shared goals.

WFLHD supports the concepts and tenets of Partnering and as such is encouraging the Contractor and its Subcontractors to establish a Partnering relationship on this project.

A formal Partnering meeting can help facilitate this relationship by helping to document the parties' common purpose and goals, and ensuring alignment. The goals are mutually agreed to and address effective and efficient performance within the scope of the contract.

Solicitation Provisions

Project: AK PRA DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

Participation in a formal Partnering meeting is voluntary. Costs of implementing and maintaining the partnership would be agreed to by both parties and shared equally. These costs would be in addition to the contract amount.

Please indicate your desire to participate in a formal partnering meeting on this project.

- We would like to participate in a formal partnering meeting.
- We do not want to participate in a formal partnering meeting.

THE FOLLOWING ARE REQUESTED FOR REPORTING PURPOSES ONLY:

1. Your firm's Dun & Bradstreet Number: _____
2. Your firm's U.S. Representative _____ (insert representative's name)
3. Your Firm's U.S. Representative District _____ (insert the district number)

(To obtain a Dun & Bradstreet number call 800.333.0505.)

(Access US Representative information on-line at www.house.gov/writerep/. Enter your State and zip code to obtain your representative's name and district number.)

II. Instructions, Conditions, and Notices to Bidders - (full text)

52.211-1 Availability of Specifications Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29 (Aug 1998)

(a) The GSA Index of Federal Specifications, Standards and Commercial Item Descriptions, FPMR Part 101-29, and copies of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained for a fee by submitting a request to—

GSA Federal Supply Service
Specifications Section, Suite 8100
470 East L'Enfant Plaza, SW
Washington, DC 20407
Telephone: (202) 619-8925
Facsimile: (202) 619-8978.

(b) If the General Services Administration, Department of Agriculture, or Department of Veterans Affairs issued this solicitation, a single copy of specifications, standards, and commercial item descriptions cited in this solicitation may be obtained free of charge by submitting a request to the addressee in paragraph (a) of this provision. Additional copies will be issued for a fee.

52.211-3 Availability of Specifications Not Listed in the GSA Index of Federal Specifications, Standards and Commercial Item Descriptions (Jun 1988)

The specifications cited in this solicitation may be obtained from:

Activity: **Federal Highway Administration, Western Federal Lands Highway Division**
Complete Address: **610 East Fifth Street, Vancouver, WA 98661-3801**
Telephone Number: **(360) 619-7520**
Contact: **Contracts Section**

The request should identify the solicitation number and the specification requested by date, title, and number, as cited in the solicitation.

52.216-1 Type of Contract (Apr 1984)

The Government contemplates award of a **firm fixed-price** contract resulting from this solicitation.

52.222-5 Davis-Bacon Act—Secondary Site of the Work (July 2005)

(a)(1) The offeror shall notify the Government if the offeror intends to perform work at any secondary site of the work, as defined in paragraph (a)(1)(ii) of the FAR clause at 52.222-6, Davis-Bacon Act, of this solicitation.

(2) If the offeror is unsure if a planned work site satisfies the criteria for a secondary site of the work, the offeror shall request a determination from the Contracting Officer.

(b)(1) If the wage determination provided by the Government for work at the primary site of the work is not applicable to the secondary site of the work, the offeror shall request a wage determination from the Contracting Officer.

(2) The due date for receipt of offers will not be extended as a result of an offeror's request for a wage determination for a secondary site of the work.

52.233-2 Service of Protest (Sep 2006)

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the Government Accountability Office (GAO), shall be served on the Contracting Officer (addressed as follows) by obtaining written and dated acknowledgment of receipt from **Contracting Officer, Contracts Section, Federal Highway Administration, 610 East Fifth Street, Vancouver, WA 98661-3801.**

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

CONTRACT CLAUSES

1. Clauses Incorporated by Reference

Federal Acquisition Regulation (FAR) clauses begin with “52” and are available online at: <http://acquisition.gov/far/index.html>. Transportation Acquisition Regulation (TAR) clauses begin with “1252” and are available online at: <http://www.dot.gov/ost/m60/tamtar/tar.htm>.

52.252-2 Clauses Incorporated by Reference (Feb 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available; phone (360) 619-7520 and FAX (360) 619-7932. Also, you may access the full text of a clause electronically at this site: www.arnet.gov/far/.

52.202-1	Definitions (Jul 2004)
52.203-3	Gratuities (Apr 1984)
52.203-5	Covenant Against Contingent Fees (Apr 1984)
52.203-6	Restrictions on Subcontractor Sales to the Government (Sep 2006)
52.203-7	Anti-Kickback Procedures (Jul 1995)
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity (Jan 1997)
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (Jan 1997)
52.203-12	Limitation on Payments to Influence Certain Federal Transactions (Sep 2007)
52.204-4	Printed or Copied Double-Sided on Recycled Paper (Aug 2000)
52.204-7	Central Contractor Registration (Jul 2006)
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Sep 2006)
52.211-12	Liquidated Damages-Construction (Apr 1984) <p style="margin-left: 40px;">(a) If the Contractor fails to complete the work within the time specified in the contract, or any extension, the Contractor shall pay to the Government as liquidated damages the sum of <u>See Special Contract Requirements, Subsection 108.04</u> .</p>
52.211-18	Variation in Estimated Quantity (Apr 1984)
52.214-26	Audit and Records - Sealed Bidding (Oct 1997)
52.214-27	Price Reduction for Defective Cost or Pricing Data-Modifications-Sealed Bidding (Oct 1997)
52.214-28	Subcontractor Cost or Pricing Data -- Modifications -- Sealed Bidding (Oct 1997)
52.219-3	Notice of total HUBZone Set-Aside (Jan 1999) <p style="margin-left: 40px;">(See special contract requirement 108.02A, which incorporates increased minimum work requirements)</p>
52.219-8	Utilization of Small Business Concerns (May 2004)
52.222-3	Convict Labor (Jun 2003)
52.222-4	Contract Work Hours and Safety Standards Act-Overtime Compensation (Jul 2005)
52.222-6	Davis-Bacon Act (Jul 2005)
52.222-7	Withholding of Funds (Feb 1988)
52.222-8	Payrolls and Basic Records (Feb 1988)
52.222-9	Apprentices and Trainees (Jul 2005)
52.222-10	Compliance with Copeland Act Requirements (Feb 1988)
52.222-11	Subcontracts (Labor Standards) (Jul 2005)
52.222-12	Contract Termination-Debarment (Feb 1988)

- 52.222-13 Compliance with Davis-Bacon and Related Act Regulations (Feb 1988)
- 52.222-14 Disputes Concerning Labor Standards (Feb 1988)
- 52.222-15 Certification of Eligibility (Feb 1988)
- 52.222-21 Prohibition of Segregated Facilities (Feb 1999)
- 52.222-26 Equal Opportunity (Mar 2007)
- 52.222-27 Affirmative Action Compliance Requirements for Construction (Feb 1999)
- 52.222-35 Equal Opportunity for Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sep 2006)
- 52.222-36 Affirmative Action for Workers with Disabilities (Jun 1998)
- 52.222-37 Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans (Sep 2006)
- 52.222-50 Combating Trafficking in Persons (Aug 2007)
- 52.223-3 Hazardous Material Identification and Material Safety Data (Jan 1997) Alternate I (July 1995)
- 52.223-6 Drug-free Workplace (May 2001)
- 52.223-14 Toxic Chemical Release Reporting (Aug 2003)
- 52.225-13 Restrictions on Certain Foreign Purchases (Feb 2006)
- 52.227-1 Authorization and Consent (Dec 2007)
- 52.227-2 Notice and Assistance Regarding Patent and Copyright Infringement (Dec 2007)
- 52.227-4 Patent Indemnity-Construction Contracts (Dec 2007)
- 52.228-1 Bid Guarantee (Sep 1996)
 - (c) **The amount of the bid guarantee shall be 20 percent of the bid price or \$3 million, whichever is less.**
 - (d) **..furnish executed bond(s) within 10 days after receipt of the forms...**
- 52.228-2 Additional Bond Security (Oct 1997)
- 52.228-11 Pledges of Assets (Feb 1992)
- 52.228-12 Prospective Subcontractor Requests for Bonds (Oct 1995)
- 52.228-14 Irrevocable Letter of Credit (Dec 1999)
- 52.228-15 Performance and Payment Bonds-Construction (Nov 2006)
- 52.229-3 Federal, State, and Local Taxes (Apr 2003)
- 52.232.5 Payments Under Fixed-Price Construction Contracts (Sep 2002)
- 52.232-17 Interest (Jun 1996)
- 52.232-23 Assignment of Claims (Jan 1986)
- 52.232-27 Prompt Payment for Construction Contracts (Sep 2005)
- 52.232-34 Payment by Electronic Funds Transfer--Other than Central Contractor Registration (May 1999)
- 52.232-35 Designation of Office for Government Receipt of Electronic Funds Transfer Information (May 1999)
 - Name: **Contracts Section**
 - Mailing Address: **Federal Highway Administration, 610 East Fifth Street, Vancouver, WA 98661-3801**
 - Telephone Number: **360.619.7520**
 - Person to Contact: **Julee McTaggart**
 - Electronic Address: **contracts@mail.wfl.fhwa.dot.gov**
- 52.233-1 Disputes (July 2002) Alternate 1 (Dec 1991)
- 52.233-3 Protest after Award (Aug 1996)
- 52.233-4 Applicable Law for Breach of Contract Claim (Oct 2004)
- 52.236-2 Differing Site Conditions (Apr 1984)
- 52.236-3 Site Investigation and Conditions Affecting the Work (Apr 1984)
- 52.236-5 Material and Workmanship (Apr 1984)
- 52.236-6 Superintendence by the Contractor (Apr 1984)
- 52.236-7 Permits and Responsibilities (Nov 1991)

Contract Clauses

Project: AK PRA DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

- 52.236-8 Other Contracts (Apr 1984)
- 52.236-9 Protection of Existing Vegetation, Structures, Equipment, Utilities and Improvements (Apr 1984)
- 52.236-10 Operations and Storage Areas (Apr 1984)
- 52.236-11 Use and Possession Prior to Completion (Apr 1984)
- 52.236-12 Cleaning up (Apr 1984)
- 52.236-13 Accident Prevention (Nov 1991) - Alternate 1 (Nov 1991)
- 52.236-15 Schedules for Construction Contracts (Apr 1984)
- 52.236-17 Layout of Work (Apr 1984)
- 52.236-21 Specifications and Drawings for Construction (Feb 1997)
- 52.236-26 Preconstruction Conference (Feb 1995)
- 52.242-13 Bankruptcy (Jul 1995)
- 52.242-14 Suspension of Work (Apr 1984)
- 52.243-4 Changes (June 2007)
- 52.244-2 Subcontracts (June 2007)
- 52.244-6 Subcontracts for Commercial Items (Sep 2006)
- 52.246-12 Inspection of Construction (Aug 1996)
- 52.247-64 Preference for Privately Owned U.S. Flag Commercial Vessels (Feb 2006)
- 52.248-3 Value Engineering-Construction (Sep 2006) Alternate 1 (Apr 1984)
- 52.249-2 Termination for Convenience of the Government (Fixed Price) (May 2004)—
Alternate 1 (Sep 1996)
- 52.249-10 Default (Fixed-Price Construction) (Apr 1984)
- 52.253-1 Computer Generated Forms (Jan 1991)
- 1252.211-70 Index for Specifications (Apr 2005)
- 1252.223-73 Seat Belt Use Policies and Programs (Apr 2005)
- 1252.228-73 Notification of Miller Act Payment Bond Protection (Apr 2005)
- (c) **The surety which has provided the payment bond under the prime contract is:**
 - _____ (name)
 - _____ (Street Address)
 - _____ (City, State, Zip Code)
 - _____ (Contact & Telephone number)
- 1252.242-73 Contracting Officer's Technical Representative (Oct 1994)

2. Full Text Clauses

52.204-1 Approval of Contract (Dec 1989)

This contract is subject to the written approval of the Western Federal Lands' Division Engineer (or delegate) or one level above the Contracting Officer, and shall not be binding until so approved.

52.211-10 Commencement, Prosecution, and Completion of Work (Apr 1984) Alternate I (Apr 1984)

The Contractor shall be required to (a) commence work under this contract within 10 calendar days after the date the Contractor receives the notice to proceed, (b) prosecute the work diligently, and (c) complete the entire work ready for use not later than **August 27, 2008** subject to such extensions as may be authorized. The time stated for completion shall include final cleanup of the premises.

The completion date is based on the assumption that the successful offeror will receive the notice to proceed **by May 01, 2008**. The completion date will be extended by the number of calendar days after the above date that the contractor receives the notice to proceed, except to the extent that the delay in issuance of the notice to proceed results from the failure of the contractor to execute the contract and give the required performance and payment bonds within the time specified in the offer.

52.219-28 Post-Award Small Business Program Re-Representation (June 2007)

(a) *Definitions.* As used in this clause –

“Long term contract” means a contract of more than five years in duration, including options. However, the term does not include contracts that exceed five years in duration because the period of performance has been extended for a cumulative period not to exceed six months under the clause 52.217-8, Option to Extend Services, or other appropriate authority.

“Small business concern” means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR part 121 and the size standard in paragraph (c) of this clause.

(b) If the Contractor represented that it was a small business concern prior to award of this contract, the Contractor shall re-represent its size status according to paragraph (e) of this clause or, if applicable, paragraph (g) of this clause, upon the occurrence of any of the following:

(1) Within 30 days after execution of a novation agreement or within 30 days after modification of the contract to include this clause, if the novation agreement was executed prior to inclusion of this clause in the contract.

(2) Within 30 days after a merger or acquisition that does not require a novation or within 30 days after modification of the contract to include this clause, if the merger or acquisition occurred prior to inclusion of this clause in the contract.

(3) For long-term contracts ---

(i) Within 60 to 120 days prior to the end of the fifth year of the contract; and

(ii) Within 60 to 120 days prior to the exercise date specified in the contract for any option thereafter.

(c) The Contractor shall re-represent its size status in accordance with the size standard in effect at the time of this re-representation that corresponds to the North American Industry Classification System (NAICS) code assigned to this contract. The small business size standard corresponding to this NAICS code can be found at <http://www.sba.gov/services/contractingopportunities/sizestandardsttopics/>.

(d) The small business size standard for a Contractor providing a product which it does not manufacture itself, for a contract other than a construction or service contract, is 500 employees.

(e) Except as provided in paragraph (g) of this clause, the Contractor shall make the re-representation required by paragraph (b) of this clause by validating or updating all its representations in the Online Representations and Certifications Application and its data in the Central Contractor Registration, as necessary, to ensure they reflect current status. The Contractor shall notify the contracting office by email, or otherwise in writing, that the data have been validated or updated, and provide the date of the validation or update.

(f) If the Contractor represented that it was other than a small business concern prior to award of this contract, the Contractor may, but is not required to, take the actions required by paragraphs (e) or (g) of this clause,

(g) If the Contractor does not have representations and certifications in ORCA, or does not have a representation in ORCA for the NAICS code applicable to this contract, the Contractor is required to complete the following re-representation and submit it to the contracting office, along with the contract number and the date on which the re-representation was completed:

(NOTE: Do not complete this clause at time of initial offer/bid.)

The Contractor represents that it ()is ()is not a small business concern under NAICS Code [237310 \(Highway/Bridge construction\)](#) assigned to contract number _____.

Name: _____

Title: _____

Date: _____ Signature: _____

[Contractor to sign and date and insert authorized signer's name and title.]

52.222-39 Notification of Employee Rights Concerning Payment of Union Dues or Fees (Dec 2004)

(a) *Definition.* As used in this clause—

“United States” means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, American Samoa, Guam, the U.S. Virgin Islands, and Wake Island.

(b) Except as provided in paragraph (e) of this clause, during the term of this contract, the Contractor shall post a notice, in the form of a poster, informing employees of their rights concerning union membership and payment of union dues and fees, in conspicuous places in and about all its plants and offices, including all places where notices to employees are customarily posted. The notice shall include the following information (except that the information pertaining to National Labor Relations Board shall not be included in notices posted in the plants or offices of carriers subject to the Railway Labor Act, as amended (45 U.S.C. 151-188)).

Notice to Employees

Under Federal law, employees cannot be required to join a union or maintain membership in a union in order to retain their jobs. Under certain conditions, the law permits a union and an employer to enter into a union-security agreement requiring employees to pay uniform periodic dues and initiation fees. However, employees who are not union members can object to the use of their payments for certain purposes and can only be required to pay their share of union costs relating to collective bargaining, contract administration, and grievance adjustment.

If you do not want to pay that portion of dues or fees used to support activities not related to collective bargaining, contract administration, or grievance adjustment, you are entitled to an appropriate reduction in your payment. If you believe that you have been required to pay dues or fees used in part to support activities not related to collective bargaining, contract administration, or grievance adjustment, you may be entitled to a refund and to an appropriate reduction in future payments.

For further information concerning your rights, you may wish to contact the National Labor Relations Board (NLRB) either at one of its Regional offices or at the following address or toll free number:

National Labor Relations Board
Division of Information
1099 14th Street, N.W.
Washington, DC 20570
1-866-667-6572
1-866-316-6572 (TTY)

To locate the nearest NLRB office, see NLRB's website at <http://www.nlr.gov>.

(c) The Contractor shall comply with all provisions of Executive Order 13201 of February 17, 2001, and related implementing regulations at 29 CFR Part 470, and orders of the Secretary of Labor.

(d) In the event that the Contractor does not comply with any of the requirements set forth in paragraphs (b), (c), or (g), the Secretary may direct that this contract be cancelled, terminated, or suspended in whole or in part, and declare the Contractor ineligible for further Government contracts in accordance with procedures at 29 CFR Part 470, Subpart B—Compliance Evaluations, Complaint Investigations and Enforcement Procedures. Such other sanctions or remedies may be imposed as are provided by 29 CFR Part 470, which implements Executive Order 13201, or as are otherwise provided by law.

(e) The requirement to post the employee notice in paragraph (b) does not apply to—

(1) Contractors and subcontractors that employ fewer than 15 persons;

(2) Contractor establishments or construction work sites where no union has been formally recognized by the Contractor or certified as the exclusive bargaining representative of the Contractor's employees;

(3) Contractor establishments or construction work sites located in a jurisdiction named in the definition of the United States in which the law of that jurisdiction forbids enforcement of union-security agreements;

(4) Contractor facilities where upon the written request of the Contractor, the Department of Labor Deputy Assistant Secretary for Labor-Management Programs has waived the posting requirements with respect to any of the Contractor's facilities if the Deputy Assistant Secretary finds that the Contractor has demonstrated that—

(i) The facility is in all respects separate and distinct from activities of the Contractor related to the performance of a contract; and

(ii) Such a waiver will not interfere with or impede the effectuation of the Executive order; or

(5) Work outside the United States that does not involve the recruitment or employment of workers within the United States.

(f) The Department of Labor publishes the official employee notice in two variations; one for contractors covered by the Railway Labor Act and a second for all other contractors. The Contractor shall—

(1) Obtain the required employee notice poster from the Division of Interpretations and Standards, Office of Labor-Management Standards, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-5605, Washington, DC 20210, or from any field office of the Department's Office of Labor-Management Standards or Office of Federal Contract Compliance Programs;

(2) Download a copy of the poster from the Office of Labor-Management Standards website at <http://www.olms.dol.gov>; or

(3) Reproduce and use exact duplicate copies of the Department of Labor's official poster.

(g) The Contractor shall include the substance of this clause in every subcontract or purchase order that exceeds the simplified acquisition threshold, entered into in connection with this contract, unless exempted by the Department of Labor Deputy Assistant Secretary for Labor-Management Programs on account of special circumstances in the national interest under authority of 29 CFR 470.3(c). For indefinite quantity subcontracts, the Contractor shall include the substance of this clause if the value of orders in any calendar year of the subcontract is expected to exceed the simplified acquisition threshold. Pursuant to 29 CFR Part 470, Subpart B—Compliance Evaluations, Complaint Investigations and Enforcement Procedures, the Secretary of Labor may direct the Contractor to take such action in the enforcement of these regulations, including the imposition of sanctions for noncompliance with respect to any such subcontract or purchase order. If the Contractor becomes involved in litigation with a subcontractor or vendor, or is threatened with such involvement, as a result of such direction, the Contractor may request the United States, through the Secretary of Labor, to enter into such litigation to protect the interests of the United States.

52.225-9 Buy American Act—Construction Materials (Jan 2005)

(a) *Definitions.* As used in this clause—

“Component” means an article, material, or supply incorporated directly into a construction material.

“Construction material” means an article, material, or supply brought to the construction site by the Contractor or a subcontractor for incorporation into the building or work. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site. Materials purchased directly by the Government are supplies, not construction material.

“Cost of components” means—

(1) For components purchased by the Contractor, the acquisition cost, including transportation costs to the place of incorporation into the construction material (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(2) For components manufactured by the Contractor, all costs associated with the manufacture of the component, including transportation costs as described in paragraph (1) of this definition, plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the construction material.

“Domestic construction material” means—

(1) An unmanufactured construction material mined or produced in the United States; or

(2) A construction material manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic.

“Foreign construction material” means a construction material other than a domestic construction material.

“United States” means the 50 States, the District of Columbia, and outlying areas.

(b) Domestic preference.

(1) This clause implements the Buy American Act (41 U.S.C. 10a - 10d) by providing a preference for domestic construction material. The Contractor shall use only domestic construction material in performing this contract, except as provided in paragraphs (b)(2) and (b)(3) of this clause.

(2) This requirement does not apply to the construction material or components listed by the Government as follows:

None

[Contracting Officer to list applicable excepted materials or indicate “none”]

(3) The Contracting Officer may add other foreign construction material to the list in paragraph (b)(2) of this clause if the Government determines that—

(i) The cost of domestic construction material would be unreasonable. The cost of a particular domestic construction material subject to the requirements of the Buy American Act is unreasonable when the cost of such material exceeds the cost of foreign material by more than 6 percent;

(ii) The application of the restriction of the Buy American Act to a particular construction material would be impracticable or inconsistent with the public interest; or

(iii) The construction material is not mined, produced, or manufactured in the United States in sufficient and reasonably available commercial quantities of a satisfactory quality.

(c) Request for determination of inapplicability of the Buy American Act.

(1) (i) Any Contractor request to use foreign construction material in accordance with paragraph (b)(3) of this clause shall include adequate information for Government evaluation of the request, including—

(A) A description of the foreign and domestic construction materials;

(B) Unit of measure;

(C) Quantity;

(D) Price;

(E) Time of delivery or availability;

(F) Location of the construction project;

(G) Name and address of the proposed supplier; and

(H) A detailed justification of the reason for use of foreign construction materials cited in accordance with paragraph (b)(3) of this clause.

(ii) A request based on unreasonable cost shall include a reasonable survey of the market and a completed price comparison table in the format in paragraph (d) of this clause.

(iii) The price of construction material shall include all delivery costs to the construction site and any applicable duty (whether or not a duty-free certificate may be issued).

(iv) Any Contractor request for a determination submitted after contract award shall explain why the Contractor could not reasonably foresee the need for such determination and could not have requested the determination before contract award. If the Contractor does not submit a satisfactory explanation, the Contracting Officer need not make a determination.

(2) If the Government determines after contract award that an exception to the Buy American Act applies and the Contracting Officer and the Contractor negotiate adequate consideration, the Contracting Officer will modify the contract to allow use of the foreign construction material. However, when the basis for the exception is the unreasonable price of a domestic construction material, adequate consideration is not less than the differential established in paragraph (b)(3)(i) of this clause.

(3) Unless the Government determines that an exception to the Buy American Act applies, use of foreign construction material is noncompliant with the Buy American Act.

(d) *Data*. To permit evaluation of requests under paragraph (c) of this clause based on unreasonable cost, the Contractor shall include the following information and any applicable supporting data based on the survey of suppliers:

Foreign and Domestic Construction Materials Price Comparison

<u>Construction Material</u>	<u>Unit of Measure</u>	<u>Quantity</u>	<u>Price (Dollars)*</u>
Description			
Item 1:			
Foreign construction material	_____	_____	_____
Domestic construction material	_____	_____	_____
Item 2:			
Foreign construction material	_____	_____	_____
Domestic construction material	_____	_____	_____

[List name, address, telephone number, and contact for suppliers surveyed. Attach copy of response; if oral, attach summary.]

[Include other applicable supporting information.]

[Include all delivery costs to the construction site and any applicable duty (whether or not a duty-free entry certificate is issued).]*

52.236-4 Physical Data (Apr 1984)

Data and information furnished or referred to below is for the Contractor’s information. The Government shall not be responsible for any interpretation of or conclusion drawn from the data or information by the Contractor.

(a) The indications of physical conditions on the drawings and in the specifications are the result of site investigations by: N/A.

(b) Weather conditions: N/A.

(c) Transportation facilities: N/A.

(d) Hydrological data consisting of flow rates, water surface elevations, velocities, and hydraulic permit information may be inspected at Western Federal Lands Highway Division, Contracts Section, 610 East Fifth Street, Vancouver, Washington 98661.

(e) Geotechnical data, subsurface investigation information, and design data, consisting of the following, may be obtained upon request. Written requests are required and may be submitted to the

Contracts Section at the above address, by FAX at (360) 619-7932, or by e-mail at *contracts@mail.wfl.fhwa.dot.gov*.

- (1) **Geotechnical Memorandum GM 18-05** - Options for Slide Repair, Mile 4 Landslide Denali Park Road, AK PRA DENA 10(18)
- (2) **Staking report** listing slope ratios, cut-and-fill heights, and distance to catch points.
- (3) **Earthwork data listing end areas**, adjusted volumes, and mass ordinates.
- (4) **Plotted cross-sections of earthwork**.

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GENERAL DECISION: **AK20080006** 02/15/2008 AK6

Date: February 15, 2008

General Decision Number: **AK20080006** 02/15/2008

Superseded General Decision Number: AK20070006

State: Alaska

Construction Type: Highway

Counties: Aleutians East, Aleutians West, Anchorage, Bethel, Bristol Bay, Dillingham, Fairbanks North Star, Kenai Peninsula, Kodiak Island, Matanuska-Susitna, Nome, North Slope, Northwest Artic, Southeast Fairbanks, Valdez-Cordova, Wade Hampton and Yukon-Koyukuk Counties in Alaska.

Highway Construction Projects

Modification Number	Publication Date
0	02/08/2008
1	02/15/2008

CARP1243-004 07/01/2007

North of the 63rd Parallel

	Rates	Fringes
CARPENTER.....	\$ 31.93	17.15

CARP1281-006 07/01/2007

South of the 63rd Parallel

	Rates	Fringes
CARPENTER.....	\$ 31.54	16.53

CARP2520-004 07/01/2007

	Rates	Fringes
Piledriver		
Carpenter.....	\$ 31.54	16.53
Piledriver, Skiff		
operator, Rigger.....	\$ 30.54	16.53
Sheet Stabber.....	\$ 31.54	16.53
Welder.....	\$ 32.54	16.53

ELEC1547-004 09/01/2007

	Rates	Fringes
Cable splicer.....	\$ 35.97	3%+\$16.80
Electrician;Technician.....	\$ 34.22	3%+\$16.80

Wage Determinations

AK PRA-DENA 10(18), Park Road 4 Mile Slump and 4.5 Aufeis Section

ELEC1547-005 04/30/2007

Line Construction

	Rates	Fringes
Cable splicer.....	\$ 41.10	3%+19.05
Line Construction:		
(Tree Trimmer Shredder).....	\$ 28.15	3%+19.05
Linemen (Including Equipment		
Operators, Technician).....	\$ 39.35	3%+19.05
Powderman.....	\$ 37.35	3%+19.05
TREE TRIMMER.....	\$ 39.35	3%+19.05

ENGI0302-002 04/01/2007

	Rates	Fringes
Power equipment operators:		
GROUP 1.....	\$ 34.37	13.83
GROUP 1A.....	\$ 36.00	13.83
GROUP 2.....	\$ 33.66	13.83
GROUP 3.....	\$ 32.99	13.83
GROUP 4.....	\$ 27.25	13.83
TUNNEL WORK		
GROUP 1.....	\$ 37.81	13.83
GROUP 1A.....	\$ 39.60	13.83
GROUP 2.....	\$ 37.03	13.83
GROUP 3.....	\$ 36.29	13.83
GROUP 4.....	\$ 29.98	13.83

POWER EQUIPMENT OPERATOR CLASSIFICATIONS

GROUP 1: Asphalt Roller; Back Filler; Barrier Machine (Zipper); Batch Plant Operator: Batch and Mixer over 200 yds.; Beltcrete with power pack and similar conveyors; Bending Machine; Boat Coxwains; Bulldozers; Cableways, Highlines and Cablecars; Cleaning Machine; Coating Machine; Concrete Hydro Blaster; Cranes-45 tons and under or 150 foot boom and under (including jib and attachments): (a) Shovels, Backhoes, Draglines, Clamshells; Gradalls-3 yards and under; (b) Hydralifts or Transporters, all track or truck type, (c) Derricks; Crushers; Deck Winches-Double Drum; Ditching or Trenching Machine (16 inch or over); Drilling Machines, core, cable, rotary and exploration; Finishing Machine Operator, concrete paving, Laser Screed, sidewalk, curb and gutter machine; Helicopters; Hover Craft, Flex Craft, Loadmaster, Air Cushion, All Terrain Vehicle, Rollagon, Bargecable, Nodwell Sno Cat; Hydro Ax: Feller Buncher and similar; Loaders: Forklifts with power boom and swing attachment, Overhead and front end, 2 1/2 yards through 5 yards, Loaders with forks or pipe clamps, Loaders, elevating belt type, Euclid and similar types; Mechanics, Bodyman; Micro Tunneling Machine; Mixers: Mobile type w/hoist combination; Motor Patrol Grader; Mucking Machines: Mole, Tunnel Drill, Horizontal/Directional Drill

Wage Determinations

AK PRA-DENA 10(18), Park Road 4 Mile Slump and 4.5 Aufeis Section

Operator, and/or Shield; Operator on Dredges; Piledriver Engineers, L. B. Foster, Puller or similar Paving Breaker; Power Plant, Turbine Operator, 200 k.w. and over (power plants or combination of power units over 300 k.w.); Sauerman-Bagley; Scrapers-through 40 yards; Service Oiler/Service Engineer; Sidebooms-under 45 tons; Shot Blast Machine; Spreaders, Blaw Knox, Cedarapids, Barber Greene, Slurry Machine; Sub-grader (Gurries, C.M.I. and C.M.I. Roto Mills and similar types); Tack tractor; Truck mounted Concrete Pumps, Conveyor, Creter; Water Kote Machine; Unlicensed off road hauler

GROUP 1A: Cranes-over 45 tons or 150 foot (including jib and attachments): (a) Shovels, backhoes, draglines, clamshells-over 3 yards, (b) Tower cranes; Loaders over 5 yds.; Motor Patrol Grader (finish: when finishing to final graders and/or to hubs, or for asphalt); Power Plants: 1000 k.w. and over; Quad; Screed; Sidebooms over 45 tons; Slip Form Paver C.M.I. and similar types; Scrapers over 40 yards

GROUP 2: Batch Plant Operators: Batch and Mixer 200 yds. per hour and under; Boiler-fireman; Cement Hog and Concrete Pump Operator; Conveyors (except as listed in group 1); Hoist on steel erection; Towermobiles and Air Tuggers; Horizontal/Directional Drill Locator; Loaders, Elevating Grader, Dumor and similar; Locomotives: rod and geared engines; Mixers; Screening, Washing Plant; Sideboom (cradling rock drill regardless of size); Skidder; Trenching Machine under 16 inches.

GROUP 3: "A" Frame Trucks, Deck Winches: single power drum; Bombardier (tack or tow rig); Boring Machine; Brooms-power; Bump Cutter; Compressor; Farm tractor; Forklift, industrial type; Gin Truck or Winch Truck with poles when used for hoisting; Grade Checker and Stake Hopper; Hoist, Air Tuggers, Elevators; Loaders: (a) Elevating-Athey, Barber Green and similar types (b) Forklifts or Lumber Carrier (on construction job site) (c) Forklifts with Tower (d) Overhead and Front-end, under 2 1/2 yds. Locomotives: Dinkey (air, steam, gas and electric) Speeders; Mechanics (light duty); Mixers: Concrete Mixers and Batch 200 yds. per hour and under; Oil, Blower Distribution; Post Hole Diggers, mechanical; Pot Fireman (power agitated); Power Plant, Turbine Operator, under 300 k.w.; Pumps-water; Rig oiler/assistant engineer, over 45 ton, over 3 yards or over 150 foot boom; Roller-other than Plantmix; Saws, concrete; Straightening Machine; Tow Tractor

GROUP 4: Rig Oiler/Assistant Engineer (Advances to Group III if over 45 tons or 3 yards or 150 ft. boom); Swamper (on trenching machines or shovel type equipment); Spotter; Steam Cleaner

FOOTNOTE: Groups 1-4 receive 10% premium while performing tunnel or underground work.

Wage Determinations

AK PRA-DENA 10(18), Park Road 4 Mile Slump and 4.5 Aufeis Section

 IRON0751-003 09/01/2007

	Rates	Fringes
Ironworkers:		
BRIDGE, STRUCTURAL, ORNAMENTAL, REINFORCING MACHINERY MOVER, RIGGER, SHEETER, STAGE RIGGER, BENDER OPERATOR.....	\$ 30.79	18.20
FENCE, BARRIER AND GUARDRAIL INSTALLERS.....	\$ 27.29	17.95
GUARDRAIL LAYOUT MAN.....	\$ 28.03	17.95
HELICOPTER, TOWER.....	\$ 31.79	18.20

 LABO0341-007 07/01/2007

	Rates	Fringes
Laborers: North of the 63rd Parallel & East of Longitude 138 Degrees		
GROUP 1.....	\$ 27.41	14.25
GROUP 2.....	\$ 28.27	14.25
GROUP 3.....	\$ 29.04	14.25
GROUP 3A.....	\$ 31.82	14.25
GROUP 3B.....	\$ 32.53	14.25
GROUP 4.....	\$ 18.55	14.25
TUNNELS, SHAFTS, AND RAISES		
GROUP 1.....	\$ 29.50	13.50
GROUP 2.....	\$ 30.41	13.50
GROUP 3.....	\$ 30.63	13.50
GROUP 3A.....	\$ 35.09	13.50
GROUP 3B.....	\$ 35.18	13.50
Laborers: South of the 63rd Parallel & West of Longitude 138 Degrees		
GROUP 1.....	\$ 27.41	14.25
GROUP 2.....	\$ 28.27	14.25
GROUP 3.....	\$ 29.04	14.25
GROUP 3A.....	\$ 31.82	14.25
GROUP 3B.....	\$ 32.53	14.25
GROUP 4.....	\$ 18.55	14.25
TUNNELS, SHAFTS, AND RAISES		
GROUP 1.....	\$ 30.11	14.25
GROUP 2.....	\$ 31.05	14.25
GROUP 3.....	\$ 31.90	14.25
GROUP 3A.....	\$ 34.95	14.25
GROUP 3B.....	\$ 35.75	14.25

LABORERS CLASSIFICATIONS

GROUP 1: Asphalt Workers (shovelman, plant crew); Brush
 Cutters; Camp Maintenance Laborer; Carpenter Tenders; Choke
 Setters, Hook Tender, Rigger, Signalman; Concrete
 Laborer (curb and gutter, chute handler, grouting, curing,

Wage Determinations

AK PRA-DENA 10(18), Park Road 4 Mile Slump and 4.5 Aufeis Section

screeding); Crusher Plant Laborer; Demolition Laborer; Ditch Diggers; Dump Man; Environmental Laborer (asbestos (limited to nonmechanical systems), hazardous and toxic waste, oil spill); Fence Installer; Fire Watch Laborer; Flagman; Form Strippers; General Laborer; Guardrail Laborer, Bridge Rail Installers; Hydro-Seeder Nozzleman; Laborers (building); Landscape or Planter; Laying of Decorative Block (retaining walls, flowered decorative block 4 feet and below); Material Handlers; Pneumatic or Power Tools; Portable or Chemical Toilet Serviceman; Pump Man or Mixer Man; Railroad Track Laborer; Sandblast, Pot Tender; Saw Tenders; Scaffold Building and Erecting; Slurry Work; Stake Hopper; Steam Point or Water Jet Operator; Steam Cleaner Operator; Tank Cleaning; Utiliwalk, Utilidor Laborer and Conduit Installer; Watchman (construction projects); Window Cleaner

GROUP 2: Burning and Cutting Torch; Cement or Lime Dumper or Handler (sack or bulk); Choker Splicer; Chucktender (wagon, airtrack and hydraulic drills); Concrete Laborers (power buggy, concrete saws, pumpcrete nozzleman, vibratorman); Culvert Pipe Laborer; Cured in place Pipelayer; Environmental Laborer (marine work, oil spill skimmer operator, small boat operator); Foam Gun or Foam Machine Operator; Green Cutter (dam work); Gunnite Operator; Hod Carriers; Jackhammer or Pavement Breakers (more than 45 pounds); Laying of Decorative Block (retaining walls, flowered decorative block above 4 feet); Mason Tender and Mud Mixer (sewer work); Pilot Car; Plasterer, Bricklayer and Cement Finisher Tenders; Power Saw Operator; Railroad Switch Layout Laborer; Sandblaster; Sewer Caulkers; Sewer Plant Maintenance Man; Thermal Plastic Applicator; Timber Faller, chain saw operator, filer; Timberman

GROUP 3: Alarm Installer; Bit Grinder; Guardrail Machine Operator; High Rigger and tree topper; High Scaler; Multiplate; Slurry Seal Squeegee Man

GROUP 3A: Asphalt Raker, Asphalt Belly dump lay down; Drill Doctor (in the field); Drillers (including, but not limited to, wagon drills, air track drills; hydraulic drills); Powderman; Pioneer Drilling and Drilling Off Tugger (all type drills); Pipelayers

GROUP 3B: Grade checker (setting or transferring of grade marks, line and grade)

GROUP 4: Final Building Cleanup

TUNNELS, SHAFTS, AND RAISES CLASSIFICATIONS

GROUP 1: Brakeman; Muckers; Nippers; Topman and Bull Gang; Tunnel Track Laborer

GROUP 2: Burning and Cutting Torch; Concrete Laborers; Jackhammers; Nozzleman, Pumpcrete or Shotcrete.

Wage Determinations

AK PRA-DENA 10(18), Park Road 4 Mile Slump and 4.5 Aufeis Section

GROUP 3: Miner; Retimberman

GROUP 3A: Asphalt Raker, Asphalt Belly dump lay down; Drill Doctor (in the field); Drillers (including, but not limited to, wagon drills, air track drills; hydraulic drills); Powderman; Pioneer Drilling and Drilling Off Tugger (all type drills); Pipelayers.

GROUP 3B: Grade checker (setting or transferring of grade marks, line and grade)

Tunnel shaft and raise rates only apply to workers regularly employed inside a tunnel portal or shaft collar.

* PLAS0867-004 02/01/2008

	Rates	Fringes
CEMENT MASON/CONCRETE FINISHER		
NORTH OF THE 63RD PARALLEL..\$	31.54	14.40
North of the 63rd parallel..\$	32.79	14.90
SOUTH OF THE 63RD PARALLEL..\$	31.29	14.40
South of the 63rd parallel..\$	32.54	14.90

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	Rates	Fringes
TRUCK DRIVER		
GROUP 1.....\$	33.72	13.05
GROUP 1A.....\$	34.85	13.05
GROUP 2.....\$	32.60	13.05
GROUP 3.....\$	31.87	13.05
GROUP 4.....\$	31.36	13.05
GROUP 5.....\$	30.68	13.05

GROUP 1: Semi with Double Box Mixer; Dump Trucks (including rockbuggy and trucks with pups) over 40 yards up to and including 60 yards; Deltas, Commanders, Rollogans and similar equipment when pulling sleds, trailers or similar equipment; Boat Coxswain; Lowboys including attached trailers and jeeps, up to and including 12 axles; Ready-mix over 12 yards up to and including 15 yards); Water Wagon (250 Bbls and above); Tireman, Heavy Duty/Fueler

GROUP 1A: Dump Trucks (including Rockbuggy and Trucks with pups) over 60 yards up to and including 100 yards; Jeeps (driver under load)

GROUP 2: Turn-O-Wagon or DW-10 not self-loading; All Deltas, Commanders, Rollogans, and similar equipment; Mechanics; Dump Trucks (including Rockbuggy and Trucks with pups) over 20 yards up to and including 40 yards; Lowboys including attached trailers and jeeps up to and including 8 axles; Super vac truck/cacasco truck/heat stress truck; Ready-mix over 7 yards up to and including 12 yards;

Wage Determinations

AK PRA-DENA 10(18), Park Road 4 Mile Slump and 4.5 Aufeis Section

GROUP 3: Dump Trucks (including Rockbuggy and Trucks with pups) over 10 yards up to and including 20 yards; batch trucks 8 yards and up; Oil distributor drivers; Partsman; Oil Distributor Drivers; Trucks/Jeeps (push or pull); Traffic Control Technician

GROUP 4: Buggymobile; Semi or Truck and trailer; Dumpster; Tireman (light duty); Dump Trucks (including Rockbuggy and Truck with pups) up to and including 10 yards; Track Truck Equipment; Stringing Truck; Grease Truck; Flat Beds, dual rear axle; Hyster Operators (handling bulk aggregate); Lumber Carrier; Water Wagon, semi; Water Truck, dual axle; Gin Pole Truck, Winch Truck, Wrecker, Truck Mounted "A" Frame manufactured rating over 5 tons; Bull Lifts and Fork Lifts with Power Boom and Swing attachments, over 5 tons; Front End Loader with Forks; Bus Operator over 30 passengers; All Terrain Vehicles; Boom Truck/Knuckle Truck over 5 tons; Foam Distributor Truck/dual axle; Hydro-seeders, dual axle; Vacuum Trucks, Truck Vacuum Sweepers; Loadmaster (air and water); Air Cushion or similar type vehicle; Fire Truck/Ambulance Driver; Combination Truck-fuel and grease; Compactor (when pulled by rubber tired equipment); Rigger (air/water/oilfield); Ready Mix, up to and including 7 yards;

GROUP 5: Gravel Spreader Box Operator on Truck; Flat Beds, single rear axle; Boom Truck/Knuckle Truck up to and including 5 tons; Pickups (Pilot Cars and all light duty vehicles); Water Wagon (Below 250 Bbls); Gin Pole Truck, Winch Truck, Wrecker, Truck Mounted "A" Frame, manufactured rating 5 tons and under; Bull Lifts and Fork Lifts (fork lifts with power broom and swing attachments up to and including 5 tons); Buffer Truck; Tack Truck; Farm type Rubber Tired Tractor (when material handling or pulling wagons on a construction project); Foam Distributor, single axle; Hydro-Seeders, single axle; Team Drivers (horses, mules and similar equipment); Fuel Handler (station/bulk attendant); Batch Truck, up to and including 7 yards; Gear/Supply Truck; Bus Operator, Up to 30 Passengers; Rigger/Swamper

WELDERS - Receive rate prescribed for craft performing operation to which welding is incidental.
=====

Unlisted classifications needed for work not included within the scope of the classifications listed may be added after award only as provided in the labor standards contract clauses (29 CFR 5.5 (a) (1) (ii)).

In the listing above, the "SU" designation means that rates listed under the identifier do not reflect collectively bargained wage and fringe benefit rates. Other designations indicate unions whose rates have been determined to be

prevailing.

WAGE DETERMINATION APPEALS PROCESS

1.) Has there been an initial decision in the matter? This can be:

- * an existing published wage determination
- * a survey underlying a wage determination
- * a Wage and Hour Division letter setting forth a position on a wage determination matter
- * a conformance (additional classification and rate) ruling

On survey related matters, initial contact, including requests for summaries of surveys, should be with the Wage and Hour Regional Office for the area in which the survey was conducted because those Regional Offices have responsibility for the Davis-Bacon survey program. If the response from this initial contact is not satisfactory, then the process described in 2.) and 3.) should be followed.

With regard to any other matter not yet ripe for the formal process described here, initial contact should be with the Branch of Construction Wage Determinations. Write to:

Branch of Construction Wage Determinations
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

2.) If the answer to the question in 1.) is yes, then an interested party (those affected by the action) can request review and reconsideration from the Wage and Hour Administrator (See 29 CFR Part 1.8 and 29 CFR Part 7). Write to:

Wage and Hour Administrator
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

The request should be accompanied by a full statement of the interested party's position and by any information (wage payment data, project description, area practice material, etc.) that the requestor considers relevant to the issue.

3.) If the decision of the Administrator is not favorable, an interested party may appeal directly to the Administrative Review Board (formerly the Wage Appeals Board). Write to:

Administrative Review Board
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

4.) All decisions by the Administrative Review Board are final.

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END OF GENERAL DECISION

RESERVED



ATTENTION

The following Special Contract Requirements (SCRs) are only a portion of the specifications for this project. These SCRs amend and supplement the Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects, FP-03. The FP-03 U.S. Customary Units is a separately published book. In order to understand the solicitation properly you need to have the FP-03 U.S. Customary Units as well as this packet. Pay particular attention to the provisions of Subsection 104.04 in the FP-03. This Subsection explains how each of the many contract documents fit together.

If you would like to view the FP-03 U.S. Customary Units electronically, go to:
<http://www.wfl.fha.dot.gov/design/specs/fp03.htm>

If you would like a printed copy of the FP-03 U.S. Customary Units, contact the:

Contracts Section
Federal Highway Administration
Western Federal Lands Highway Division
610 East Fifth Street
Vancouver, WA 98661
Phone: 360.619.7520
Fax: 360.619.7520
E-mail: contracts@mail.wfl.fha.dot.gov

(printed copies of the FP-03 will be distributed to the successful bidder)

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(This page intentionally left blank.)

Section 101.—TERMS, FORMAT, AND DEFINITIONS

101.04 Definitions. Add the following:

Holidays — Holidays occur on the following days:

- 1st day of January - New Year's Day
- 3rd Monday of January - Martin Luther King, Jr. Day
- 3rd Monday in February - Presidents' Day
- Last Monday in May - Memorial Day
- 4th day of July - Independence Day
- 1st Monday in September - Labor Day
- 2nd Monday in October - Columbus Day
- 11th day in November - Veterans Day
- 4th Thursday in November - Thanksgiving Day
- 25th day in December - Christmas Day
- Other days declared holidays by the Congress or the President
- If a holiday falls on a Saturday, the preceding Friday is also a legal holiday. If a holiday falls on a Sunday, the Monday following is also a legal holiday.

**Section 102.—BID, AWARD, AND
EXECUTION OF CONTRACT**

102.05 Public Opening of Bids. Delete this Subsection.

102.05A Contract Award. (Added Subsection.)

Follow the requirements of FAR Clause 52.214-19, Contract Award - Sealed Bidding - Construction.

The successful bidder will be awarded all pay items listed in the bid schedule.

102.06 Performance and Payment Bonds. Delete the text of the first paragraph and substitute the following:

Follow the requirements of FAR Clause 52.228-15 Performance and Payment Bonds – Construction. Furnish a performance bond and a payment bond each in the penal amount of 100 percent of the original task order price.

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 natural disasters. This paragraph does not affect the respective responsibilities of the parties under Subsection 107.06. Provide cost proposals and perform work as ordered by the CO.

103.06 Issue Resolution. (Added Subsection.)

Resolve project issues at the lowest authorized level and in the most expedient manner possible. Escalate unresolved issues to the next higher level in a timely manner to avoid adverse impacts to costs, risks, or time. Either party may request an issue be escalated. Submit requests in writing. Upon the request of either party, both parties must escalate the issue. An exception to escalating an issue may be observed when both parties agree extra time is needed for the development of facts.

Decision making is encouraged to be made at the lowest authorized level. Recommendations, options, and ideas by all team members are requested. Decisions made at the lowest level possible will be supported by all management levels. Countermands of decisions will not be permitted, except where there is a conflict with code, regulation, law, the contract, or a change of critical facts or information which causes a re-evaluation of the resolution. Support of a countermand by the original decision team is critical. All Contractor and Government team members must understand why the change is necessary and must be able to support it.

Section 104.—CONTROL OF WORK

104.03 Specifications and Drawings. Add the following paragraph:

(c) As-built working drawings. Furnish two sets of as-built working drawings. The Government will provide two sets of contract drawings to be used exclusively for recording the as-built details of the project. Use red pencil or red ink to record the information described below.

Note all additions or revisions to the location, character, and dimensions of the prescribed work shown on the contract drawings. Line out all details shown that are not applicable to the completed work. Check off details shown that were incorporated into the completed work without change.

Retain the drawings at the project site and, as work progresses, continuously update them to reflect the as-built details. Upon request, make the drawings available to the CO to review for compliance with these specifications.

As a minimum, show the following types of changes on the as-built drawings:

(1) Typical section(s)

(a) Revisions in dimensions; and

(b) Revisions in materials.

(2) Plan and profile

(a) Plan

(1) Revisions to the alignment;

(2) Changes in the construction limits;

(3) Location, size, and type of underdrains;

(4) Skew of culverts; and

(5) Channel changes.

(b) Profile

(1) Revisions to grades, elevations, and stationing of intersection PIs;

(2) Equations;

(3) Culvert diameter, length, type, and stationing;

- (4) Length of culvert extension and length of existing culvert; and
- (5) Location, length, stationing, and type of retaining walls.

Furnish the as-built working drawings to the CO before the final inspection. Correct all details found during the final inspection that are not shown on the as-built drawings and return to the CO within 5 working days.

Section 105.— CONTROL OF MATERIAL**105.02 Material Sources.** Amend as follows:**(a) Government-provided sources.** Add the following:

There are no Government-provided sources for this project.

(b) Contractor-located sources. Add the following to the first paragraph:

Obtain permits and clearances according to Subsection 107.10.

There are no water sources available within the park.

105.04 Storing and Handling Material. Delete the text of the second paragraph and substitute the following:

Use Staging Area at MP 5.0 or portions of the right-of-way approved by the CO for staging or storing of materials such as culverts, geotextile fabric, temporary traffic control devices; and for equipment parking. Contractor may set up office trailer, but there is no electricity, water, or sewage available.

Provide additional space as needed. Do not use private property for staging or storage without written permission of the owner or lessee. Furnish copies of all agreements. Secure all permits and clearances for use of the storage area and provide copies of the documents. Obtain permits according to Subsection 107.10. Restore all Government-provided storage sites to their original condition.

Section 106.— ACCEPTANCE OF WORK

106.01 Conformity with Contract Requirements. Amend as follows:

Delete the second paragraph and substitute the following:

References to standard test methods of AASHTO, ASTM, GSA, and other recognized standard authorities refer to the methods in effect on the date of solicitation for bids. Use the 26th edition of the AASHTO Standard Specifications for Transportation Materials and Methods of Sampling and Testing, and Appendix A and B of the Federal Lands Highway Field Materials Manual for this project. Use the modified AASHTO procedures for sampling and testing contained in Appendix B of the Federal Lands Highway Field Materials Manual; except, when a specified sampling or test method is not included in Appendix B, sample and test according to the referenced AASHTO test procedure. Appendix A of the Federal Lands Highway Field Materials Manual contains several sampling and testing methods which may be required for this project that are not found in AASHTO.

Delete the eighth paragraph and substitute the following:

Remove, repair, or replace work that does not conform to the contract, or to prevailing industry standards where no specific contract requirements are noted. Removing, repairing, or replacing work; providing temporary traffic control; and any other related work to accomplish conformity will be at no cost to the Government.

Add the following:

Obtain copies of the following documents by going to our webpage at:

<http://www.wfl.fha.dot.gov/construction/cmr/>

- Appendices A and B of the Federal Lands Highway Field Materials Manual, dated 02/10/97. For an electronic version see <http://www.wfl.fha.dot.gov/construction/cmr/>;
- Standard WFLHD Method of Test for Accelerated Weathering of Aggregate by Use of Dimethyl Sulfoxide (DMSO);
- Standard WFLHD Test Method for Determining Asphalt Content in Asphalt Paving Mixtures by the Ignition Method;
- Field Note Samples, dated April 2004.

- **106.02 Visual Inspection.** Delete the text of this Subsection and substitute the following:

Acceptance is based on visual inspection of the work for compliance with the specific contract requirements. In the absence of specific contract requirements or tolerances, prevailing industry standards may be used.

106.03 Certification. Add the following after the second paragraph:

Maintain records of all required certifications according to Subsections 103.04, 153.04, and 154.04. Submit certifications to the CO.

Check certifications, prior to incorporating the materials into the work, to ensure that the requirements of the contract have been met. Mark the certifications with the following information: project name, project number, contract item number, item description, Contractor's signature, and date.

Section 107.— LEGAL RELATIONS AND RESPONSIBILITY TO THE PUBLIC

107.01 Laws to be Observed. Delete the third paragraph and substitute the following:

Comply with the terms and conditions included in all permits and agreements obtained by the Government for performing the work included in this contract (See Section H). Notify the CO immediately of any changes, including modifications to government-obtained permits, or any additional permits or agreements that are required by the Contractor's methods of operation. Allow adequate time in the construction schedule for any additional permits or changes to government-obtained permits. Furnish copies of all acquired permits and agreements not in the contract.

Comply with the terms and conditions included in the Storm Water Pollution Prevention Plan (See Section I).

Prior to ground disturbing activities, install silt fence in accordance to Subsection 157. All temporary erosion control measures will be removed by the National Park Service after final site stabilization is achieved.

107.02 Protection and Restoration of Property and Landscape. Add the following to the fourth paragraph:

Paleontological remains and archeological specimens found within the construction area are the property of the National Park Service and will be removed only by the National Park Service or designated representatives. Notify the CO within one hour of any discovery. The notification will include a brief statement of the location and details of the finding.

107.03 Bulletin Board. Add the following:

(g) The "Beck" poster, according to FAR Clause 52.222-39 Notification of Employee Rights Concerning Payment of Union Dues or Fees.

107.08 Sanitation, Health, and Safety. Add the following after the first paragraph:

Submit an accident prevention plan for implementing safety and health standards at the Preconstruction Conference. Use the Government furnished Form WFLHD-28, *Guide Outline of Contractor's Accident Prevention Plan*.

Equip all motor vehicles which have an obstructed view to the rear and all material handling equipment (as described in 29 CFR Sections 1926.601 and 1926.602) operating on the project with a reverse signal alarm audible above the surrounding noise level. An observer in lieu of the alarm is not acceptable.

All equipment and vehicles equipped with headlights will operate with lights on at all times.

107.10 Environmental Protection. Delete the text of this Subsection and substitute the following:

Conform to the following:

(a) The Federal Water Pollution Control Act (33 USC § 1251 et seq.).

(1) Except as authorized by this contract, do not operate mechanized equipment, discharge or place material within the boundaries of any U.S. waters as identified by the ordinary high water mark, high tide line, or edge of the wetland. This includes wetlands, unless authorized by a permit issued by the U.S. Army Corps of Engineers according to 33 USC § 1344, and if required by the state agency having jurisdiction over the discharge of material into the waters of the U.S. In the event of an unauthorized discharge:

- (a) immediately prevent further contamination;
- (b) immediately notify appropriate authorities and the CO; and
- (c) mitigate damages as required.

(2) Separate work areas, including material sources by the use of a suitable barrier that prevents sediment, petroleum products, chemicals, other liquids, or solid materials from entering the waters of the U.S. Construct and remove barriers to avoid discharge of material into the waters of the U.S. Remove and properly dispose of sediment or other material collected by the barrier.

(b) Construction Activities Outside Construction Limits. Before beginning construction activities outside the construction limits (such as material sources, disposal sites, waste areas, access roads, water sources, stockpiles and staging areas) that will require ground disturbance, occupation, clearing, or other environmental impacts provide the following documents.

The requirements below do not apply to commercial sources that are established, have provided material to public and private entities on a regular basis over the last two years, have appropriate State and local permits, and do not require expansion outside their currently established and permitted area.

(1) Proposed Activity Description. Submit a description, schedule, and location of the proposed activities for approval of the CO. Include maps of the area and other relevant information.

(2) Cultural Resources. Submit written documentation satisfactory to the CO for a finding of either "no historic properties affected" or "no effect" according to 36 CFR 800.4(d)(1) for historic properties on or eligible for listing to the National Register of Historic Places. Provide either:

(a) Documentation showing there are no cultural resources present, and a finding of either "no historic properties affected" or "no effect" according to 36 CFR 800.4(d)(1). Documents must be prepared by an individual qualified under the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, 48 FR 44716-44740.

Documentation must be satisfactory to the State Historic Preservations Officer (SHPO) or Tribal Historic Preservations Officer (THPO) as appropriate, according to 36 CFR 800.3(c).

The CO will forward the documentation to the SHPO or THPO. Anticipate a minimum of 30 days from receipt of the documentation by the SHPO or THPO before use of the site may be approved; or

(b) Documentation showing a finding of either "no historic properties affected" or "no effect" according to 36 CFR 800.4(d)(1) has been previously obtained for the proposed activities from the State, Tribal Government or Federal Land Management Agency responsible for the land. Include attached copies of SHPO concurrence, or Memorandum of Agreement (MOA) where concurrence is not required.

(3) Species Protected Under the Endangered Species Act of 1973. Submit written documentation satisfactory to the CO that the proposed action will have no effect to any threatened or endangered species or their critical habitat. Provide either:

(a) A current list of all threatened or endangered species in the site of proposed activities from the U.S. Fish and Wildlife Service; and a recommendation of a "no effect" determination according to Section 7 of the Endangered Species Act prepared by a biological specialist with a minimum of 3 years of experience in Endangered Species Act compliance or other qualifications acceptable to the CO. Allow up to 30 days to obtain the current list of all threatened or endangered species from the U.S. Fish and Wildlife Service; or

(b) Documentation showing the proposed activities have previously been determined to comply with the Endangered Species Act and this determination remains valid. This documentation must be from the State, Tribal Government or Federal Land Management Agency responsible for the land. Attach evidence of compliance, including correspondence with the U.S. Fish and Wildlife Service.

(4) Wetlands as Defined by the U.S. Army Corps of Engineers' 1987 Wetland Delineation Manual (WDM). Submit written documentation satisfactory to the CO, that the proposed action will comply with Section 404 of the Clean Water Act, Executive Order 11990, and will not affect any wetlands. Documentation must be prepared by a wetland specialist with a minimum of 3 years of experience in wetland delineation using WDM or other qualifications acceptable to the CO.

(5) Federal Lands. Before use of sites on federal lands, submit a copy of the Letter of Approval or Special Use Permit from the applicable federal agency allowing use of the site for intended purposes.

(6) Tribal, State and Local Approvals. Comply with applicable laws regarding the proposed activities. Submit copies of required clearances, including hazardous waste compliance, tribal, State and local permits and approvals.

Allow 12 days (in addition to other agency time requirements) for approval of documents submitted to the CO.

(c) Oil and Hazardous Substances. Submit a Hazardous Spill Plan describing what actions will be taken in case of a spill, and incorporate preventative measures to be implemented (such as the placement of refueling facilities, storage and handling of hazardous materials, etc).

Submit the plan at least 2 days before beginning work.

Repair leaks on equipment immediately. Do not use equipment that is leaking. Keep a supply of acceptable absorbent materials at the job site in the event of spills. Acceptable absorbent materials are those that are manufactured specifically for the containment and clean up of hazardous materials.

Immediately notify the CO of all hazardous spills.

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

(a) Pressure-wash all construction equipment and vehicles prior to entering Denali National Park to remove soil that may contain weed seeds.

(b) Obtain gravel and borrow material entering the Park from a weed-free source (as verified by CO) or heat-treat to kill any plant material or seeds.

(c) Turn off construction equipment when not in use.

(d) Equip all noise –producing construction equipment with working mufflers, air-inlet silencers, or other noise-reducing features.

(e) Use noise producing signals for safety warning purposes only.

(f) Apply water only for dust abatement to construction sites.

(g) Obey the speed limit in the Park. Proceed no faster than 5 mph past animals that will not vacate the road. Do not use horns or any other noise to frighten wildlife from the roadway. Expect delays during tour bus wildlife viewing stops. Citations can be written for wildlife disturbances. A no dust speed policy is in effect whenever pedestrians or bicyclists are encountered on the roadway.

(h) Store any food, liquids, pet food, and garbage in bear proof containers or in locked vehicles at all times. Garbage must be removed from the park on a daily basis. No pets are allowed within the park.

(i) Any mishandling of garbage, trash, food, and other potential bear attractants described above will result in the responsible person, or Contractor, receiving a citation subject to a fine and/or court appearance before a U.S. Magistrate.

(j) Do not approach or feed wildlife.

(k) The posted speed limit of 35 mph (or as otherwise posted at various locations) must be obeyed at all times or;

(1) citations will be issued by the park; or

(2) Remedial action will be initiated by the CO

(l) Do not use Jake brakes within the park boundary after 10 PM and before 5 AM.

(m) Project excavations will be monitored by the NPS. If cultural resources are uncovered during construction, activities will be stopped until evaluation by NPS.

(n) The NPS will remove trees from within the project construction limits, outside of the bird nesting season (April through July 15). Any active nest encountered during construction will be protected from destruction.

107.12 Remedial Action (Added Subsection.)

Upon receipt of an allegation of non-compliance with traffic laws, public courtesy, or specific requirements of Section 107, the Contractor shall provide the alleged violator's name, contact information, company name, and company contact information to the CO within 24 hrs. Should the CO determine that the incident documentation likely substantiates non-compliance, the CO may:

(a) Require the Contractor to prohibit the individual from continued performance of the work activity within the park boundary (eg: prohibiting the individual from driving within the park boundary due to non-compliance with speed limits); or

(b) Require the Contractor to prohibit a subcontractor or supplier from continued performance for the work activity within the park boundary (eg: prohibiting the subcontractor or supplier from driving within the park boundary due to non-compliance with "no dust" policy when passing pedestrians).

Special Contract Requirements

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

Section 108.— PROSECUTION AND PROGRESS

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

Furnish at least 48 hours advance notice before changing the current work schedule. Work schedule changes that include additional shifts require 14 days notice.

Perform work under this contract according to the following:

- (a) Do not perform construction operations between 6 p.m. Friday and 6 a.m. the following Tuesday of the Memorial Day weekend and 6 p.m. Thursday and 6 a.m. Monday of the July 4th weekend.
- (b) Limit work as provided for in Subsection 156.06.
- (c) Limit work as provided for in Subsection 107.10 and 107.11.

108.01A Labor. (Added Subsection.)

Follow the requirements of FAR Clause 52.222-6 Davis Bacon Act.

Adjacent or virtually adjacent work sites are defined to be work sites within ½ mile of the project. Application of the Davis-Bacon Act for work sites beyond ½ mile of the project will be determined by the CO.

108.02 Subcontracting. Amend as follows:

Delete the first paragraph and substitute the following:

FAR clauses 52.219-3, Notice of Total HUBZone Set-Aside and 52.222-11 Subcontracts (Labor Standards) are supplemented as follows.

Delete the fourth paragraph and substitute the following:

In FAR Clauses 51.219-8, Utilization of Small Business Concerns and 52.237-27, Prompt Payment for Construction Contracts, the subcontracts include both on-site work and supply contracts.

In FAR Clause 52.219-3, Notice of Total HUBZone Set-Aside, the percentage of the cost of contract performance incurred for personnel will be computed according to the following formula:

$$P = H / T$$

Where:

Special Contract Requirements

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

P = Percent of the cost of contract performance incurred for personnel working for HUBZone firms

T = Total wages/benefits paid during the life of the contract

H = Total wages/benefits paid to employees working for HUBZone firms (prime and subcontractors)

Certified payrolls will be used to determine Davis-Bacon wages and benefits paid. Submit certified statements, at least monthly, declaring the wages and benefits paid to non-Davis Bacon personnel under this contract.

108.02A Prime HUBZone contractors and subcontracting. (Added Subsection.)

Follow the requirements of §126.700 of Title 13 of the Code of Federal Regulations (13 CFR 126.700). In addition to the requirements in paragraph (c)(3) of FAR Clause 52.219-3 Notice of Total HUBZone Set-aside, comply with the following:

- At least 50 percent of the cost of the contract performance incurred for personnel will be spent on the Prime HUBZone contractor's employees or the employees of other qualified HUBZone small business concerns.
- This requirement may be met by expending at least 50% of the cost of the contract incurred for personnel on the Prime HUBZone contractor's employees or it may subcontract up to 35% of the cost of the contract performance incurred for personnel to one or more qualified HUBZone Small Business Concerns (SBCs).
- A qualified Prime HUBZone SBC may not subcontract more than 50% of the cost of the contract incurred for personnel to non-qualified HUBZone SBCs.

108.04 Failure to Complete Work on Time. Delete the text and table of this Subsection and substitute the following:

Follow the requirements of FAR Clause 52.211-12 Liquidated Damages — Construction.

Liquidated damages in the amount specified in Table 108-1 will be assessed for each calendar day beyond the time specified in the contract until substantial completion of the work.

Liquidated damages will not be assessed for the following:

- (a) The day of the final inspection.
- (b) Days required to perform work added to the contract after substantial completion including items identified during the final inspection that were not required before that time.
- (c) Delays by the Government after all work is complete and before a formal acceptance is executed.
- (d) Periods of time when all work is complete but acceptance is delayed pending the plant establishment period or similar warranty period.
- (e) During winter shutdown periods ordered by the CO.

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	\$ 500
1,000,000	2,000,000	1,100
2,000,000	5,000,000	2,200
5,000,000	10,000,000	2,700
10,000,000	and more	3,300

Section 109.— MEASUREMENT AND PAYMENT

109.01 Measurement of Work. Delete the first sentence of paragraph six and substitute the following:

Prepare pay item measurement notes on “*Record of Miscellaneous Items*” (Form FHWA 17348). For an electronic version of the form go to:

<http://www.wfl.fha.dot.gov/other/it/forms/17348.pdf>.

109.02 Measurement Terms and Definitions. Amend as follows:

Delete the second paragraph (b) designator and substitute the following:

(c) Cubic yard.

Delete the text of paragraph (m) and substitute the following:

(m) Square yard. 9 square feet. Longitudinal and transverse measurements for area computations will be made horizontally. No deductions from the area computation will be made for individual fixtures having area of 9 square feet or less. Do not measure overlaps.

Add the following:

(p) Fixed hourly rate. Measure the actual number of hours ordered by the CO and performed by the Contractor.

109.03 Weighing Procedures and Devices. (c) Project weighing system. Delete the text of the first paragraph and substitute the following:

Furnish, erect, and maintain acceptable automatic digital scales. For small quantities, manual scales may be used when approved in writing by the CO and if the method of weighing meets all other contract requirements. Provide scales that record mass at least to the nearest 100 pounds. Maintain the scale accuracy to within 0.5% of the correct mass throughout the range of use.

109.08 Progress Payments. Amend as follows:

Delete the text of paragraph (b) and substitute the following:

(b) Closing date and invoice submittal date. The closing date for progress payments will be designated by the CO. Include work performed after the closing date in the following month's invoice. For work performed between September and July of any year, 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, for work included in the September through July invoices, will not be accepted for payment processing that month. For work included in the August invoice, submit the invoice to the

designated billing office by the 5th day after the closing date. Invoices received by the designated billing office after the 5th day following the closing date, for work included in the August invoice, will not be accepted for payment processing that month. Include late, unprocessed invoice submittals in the following month's invoice.

Delete the text of paragraph (e) and substitute the following:

(e) Processing progress payment requests. No payment will be made for work unless field note documentation for the work was provided by the closing date.

(1) Work performed between September and July

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

(1) 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.

(2) 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 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 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.

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

(1) 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.

(2) 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 after receiving the invoice. The contractor will be notified, within 7 days of the Government's receipt of the invoice, of the reasons for any changes to the invoice.

(2) Work performed during August

(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 after receiving the invoice. The contractor will be notified, within 7 days of the Government's receipt of the invoice, of the reasons for any changes to the invoice.

Delete the text of paragraph (f) and substitute the following:

(f) Partial payments. Invoices may include the following:

(1) Progress payments may include partial payment for material to be incorporated in the work, 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 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.

(2) Partial payment for preparatory work. Partial payment for preparatory work does not constitute acceptance of work.

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

- 80 percent of the contract bid price for the item; or
- 100 percent of amount supported by copies of invoices submitted.

The quantity paid will not exceed the corresponding quantity estimated in the contract.

Submit pay notes according to Section 153. Provide a cost breakdown of the bid item components and submit invoices or other documents supporting the partial payment.

The CO may adjust partial payments as necessary to protect the Government.

Section 152.— CONSTRUCTION SURVEY AND STAKING

Construction Requirements

152.02 General. Delete the text of this Subsection and substitute the following:

At the preconstruction conference, submit a cost breakdown of the individual items included in the lump sum item for use in making progress payments.

(a) Survey schedule. Include staking activities in the construction schedule submitted according to Section 155. Include the dates and sequence of each staking activity.

(b) Government set reference lines and points. The Government will set initial reference lines, will set horizontal and vertical control points, and will furnish the data for use in establishing control for completion of each element of the work.

(1) Reference lines.

(a) Roadway centerline, Station 198+00 to 242+50;

(2) Control points.

(a) Horizontal and vertical control points. The location and identity of each control point are shown on the plans.

Before beginning construction, notify the CO of any missing initial reference lines, control points, or stakes. The Government will reestablish initial reference lines, control points, and stakes missing before the beginning of construction.

(c) Government furnished information. The Government will furnish the following data relating to horizontal and vertical alignment and theoretical slope stake catch points, and other design data:

(1) Computer listings containing horizontal alignment, vertical profile, superelevation, excavation and embankment slope ratios, and earthwork quantities;

(2) Computer generated construction staking notes showing theoretical slope stake catch points and reference points;

(3) Computer generated clearing notes (based on theoretical catch points);

(4) X, Y, Z coordinates (horizontal and vertical control points);

(5) X, Y, Z coordinates (subgrade centerline and shoulders); and

(6) Plotted cross sections (earthwork).

Perform additional calculations for convenient use of Government-furnished data. Provide immediate notification of apparent errors in the initial staking or in the furnished data.

(d) Pre-survey meeting. Before surveying or staking, discuss and coordinate the following with the CO:

- (1) Surveying and staking methods;
- (2) Stake marking;
- (3) Grade control for courses of material;
- (4) Referencing;
- (5) Structure control; and
- (6) Any other procedures and controls necessary for the work.

Preserve all initial reference and control points. After beginning construction, replace all destroyed or disturbed initial reference or control points necessary to the work.

Prepare field notes in an approved format. Sample note formats are available as listed in Subsection 106.01. Furnish all survey notes at least weekly.

Survey and establish controls within the tolerances shown in Table 152-1. The construction survey and staking work may be spot-checked for accuracy, and unacceptable portions of work may be rejected. Resurvey rejected work, and correct work that is not within the tolerances specified in Table 152-1. Acceptance of the construction staking does not relieve the Contractor of responsibility for correcting errors discovered during the work and for bearing all additional costs associated with the error.

Start work only after staking for the affected work is accepted.

Compute and furnish calculations supporting pay quantities. Measure quantities within the tolerances shown in Table 152-2.

All field notes, pay notes, and supporting documentation become the property of the Government upon completion of the work.

Support roadway prism excavation quantities according to Subsection 204.16 **(a)(1)(a)**. Adjust roadway prism excavation quantities for volume changes resulting from slope stake variations. See Subsection 152.03(c), Slope stakes and references.

Remove and dispose of all flagging, lath, stakes, and other staking material after the project is complete. Remove visible portions of brushes if used to mark grade finishing stakes.

152.03 Survey and Staking Requirements (b) Roadway cross-sections. Add the following:

Do not take roadway cross-sections unless required for volume adjustments according to Subsection 204.16(a)(1)(a).

Add the following:

(m) Asphalt paver reference line. Set adequate horizontal control points or reference lines for asphalt concrete paver as specified in Subsection 401.13.

Add the following to Table 152-1.

**Table 152-1
Construction Survey and Staking Tolerances
(continued)**

Staking Phase	Horizontal	Vertical
Asphalt paver reference line	±2 inches	—

Added Table.

**Table 152-2
Measurement Tolerances**

Pay Unit	Horizontal	Vertical
Acre	1.0 feet or 1:100 whichever is greater	—
Cubic Yard	0.2 foot or 1:500 whichever is greater	0.3 foot or 1:333 whichever is greater
Linear Foot	0.2 foot or 1:500 whichever is greater	—
Square Foot	0.1 feet or 1:1000 whichever is greater	—
Station	1.0 feet or 1:1000 whichever is greater	—

Payment

152.06 Delete the second paragraph and substitute the following:

Payment for lump sum items will be prorated based on the progress of the work under this Section.

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Section 153.— CONTRACTOR QUALITY CONTROL

Delete the text of this Section and substitute the following:

Description

153.01 This work consists of obtaining samples for quality control testing, performing quality control tests, providing inspection, and exercising management control to ensure that work conforms to the contract requirements. See FAR Clause 52.246-12 Inspection of Construction.

Construction Requirements

153.02 Personnel Qualifications. Furnish a quality control manager with at least five years experience as superintendent of highway construction projects.

153.03 General. Provide a quality control system that plans, performs, and documents quality control activities.

Alternative quality control systems that meet the intent of this specification may be approved by contract modification if approved by the CO.

Provide a quality control manager on-project during work with the authority to stop work not in compliance or cease work that will result in non-compliance with contract requirements.

Identify an alternate in the manager's absence. The alternate must meet the qualifications for a quality control manager. An alternate may not act for the quality control manager for a period greater than 3 days unless approved by the CO.

Submit names and qualifications of the quality control manager and any alternate to the CO for approval 14 days before start of work.

Furnish additional quality control staff (inspectors, testers, reviewers, and clerical assistants) to complete the work as specified in this Section. Provide names and qualifications of additional personnel to the CO 14 days before start of work.

(a) Development. Develop quality control plans for the following work features:

- Clearing and Grubbing (Section 201);
- Excavation and Embankment, sloping and shaping (Section 204);
- Excavation and Embankment, finishing subgrade (Section 204);
- Aggregate Courses (Sections 308);

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- Asphalt Pavement (Sections 403); and
- Drainage Structures (Sections 602, 605)

Use “*Contractor Quality Control Plan*” (Form WFLHD 471) to prepare the quality control plan for each work feature. For an electronic version of the form go to <http://www.wfl.fha.dot.gov/other/it/forms/wflhd471.xls>.

Complete the first three columns of form WFLHD 471 and submit to the CO for acceptance at least 7 days before commencing work. Address the following activities on the worksheet:

- (1) Review contract requirements, plans and specifications independently and with construction supervisory staff;
- (2) Check and verify submittals, plans, and materials certifications meet contract requirements and submit to CO for approval. Provide statement and signature of verification according to Subsection 106.03;
- (3) Check site conditions for constructability, including staging, disposal and storage areas. Verify materials delivered to the site conform to accepted materials certifications, submittals, plans and contract requirements prior to incorporating into the project.
- (4) Review construction staking to assure it meets contract requirements, accuracy and sufficiency for each work feature;
- (5) Provide an operational work plan. Include a brief written narrative of the work activity for the feature describing methods, locations, crews, equipment and methods to be used to complete the work;
- (6) Conduct pre-work meetings. Review contract requirements with construction crew, foremen, and Government personnel before beginning work. Provide an overview of the operational work plan;
- (7) Ensure construction methods will result in the end product meeting the contract requirements. Verify by including as a minimum the:
 - quality control inspection and measurement requirements in Table 153-2;
 - quality control sampling and testing requirements in Table 153-1; and
 - sampling and testing requirements at the end of each specific Section.

Perform corrective actions as needed to ensure work meets contract requirements.

- (8) Provide immediate on-site presence to communicate status of work to FHWA personnel and contractor personnel and for quality control issue resolution;
- (9) Verify completed work meets contract requirements.

Revise quality control plans when personnel, activities, or processes change or when deficiencies occur in the work.

The CO may request additional quality control plans for work features not listed above if work in progress or completed work is in nonconformance with contract requirements or is lacking an effective quality control process

(b) Implementation. Implement quality control activities as described in the accepted plan. Do not begin a work feature until the plan is approved by the CO and a prework meeting (Activity 6) is performed.

(1) QC Reports - Report quality control meetings, reviews, inspections, measurements, testing activities, corrective actions, and discussions that verify work meets requirements as quality control activities listed in “*Contractor Quality Control Plan*” (Form WFLHD 471) are completed. Provide narrative and original support data. Document findings such as deficiencies found in the work and describe corrective actions, adjustments to frequency of quality control activities, and method or process changes to correct and eliminate future deficiencies. Provide reports daily to the CO or as specified in the quality control plan. Include the following certification:

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

(2) Notification of Completion of Work - Submit a completed “*Notification of Completion of Work*” (Form WFLHD 470) when work listed in Subsection 153.06 is ready for inspection.

(c) Post-Work Quality Control. As quality control activities listed in Subsection 153.04(a) are completed, fill in the last two columns of WFLHD 471. Maintain and update the worksheet and make available to the CO upon request. Provide the completed worksheet and attachments to the CO within one day of substantially completing the work feature.

153.04 Quality Control Sampling and Testing. Provide sampling and testing as listed in Table 153-1.

Testing of trial samples may be required to demonstrate testing competence.

Sample and split samples according to AASHTO or other acceptable procedures. Allow the CO the opportunity to witness all sampling. Immediately perform splits when required. Deliver the Government’s portion of the sample or split sample in an acceptable container suitable for shipment. Label all samples with the following information:

- Project number;
- Source of material;
- Pay item number;

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- Sample number;
- Date sampled;
- Time sampled;
- Location sample taken;
- Name of person sampling;
- Name of person witnessing sampling; and
- Type of test required on sample.

Provide the following documentation:

(a) Quality Control Test Results. Report test results on forms containing all sample information required by Subsection 153.05. Attach worksheets used to determine test values to the test result forms when submitted.

(b) Control Charts. Maintain linear control charts that identify the project number, contract item number, test number, each test parameter, the upper and/or lower specification limit applicable to each test parameter, and test results. Use the control charts to document the variability of the process, identify production and equipment problems, and identify potential pay factor adjustments. Make corrections to the process when problems are evident. Post charts at the Contractor's project testing lab and on site.

153.05 Government Quality Assurance Inspection. Submit a "*Notification of Completion of Work*" (Form WFLHD 470) when the following work is ready for inspection:

(a) Allow 1 working day for the following work to be inspected.

(1) Survey and staking (field stakes and notes). Provide survey notes for the following:

- (a) Control points – before disturbing original control points;
- (b) Clearing limits – before starting clearing and grubbing operations;
- (c) Slope stakes – before starting excavation;

(2) Construction work.

- (a) Subgrade – before placing pavement structure;
- (b) Any layer of pavement structure requiring hubs – before placing next layer; and
- (c) Structural excavation – before backfilling.

(b) Allow 1 working day (except as noted) to inspect the following work. Do not continue work on items listed below until receipt of WFLHD 470 indicating the work will not be

inspected, the work was inspected and no deficiencies were found, or unless authorized by the CO. Work delayed in excess of the inspection period will be evaluated according to FAR Clause 52.242-14 Suspension of Work.

(1) Forms and reinforcing steel – before placing concrete.

(2) Concrete deck – before placing concrete (perform checks of all deck pour requirements, including dry run results prior to inspection).

153.06 Acceptance. Contractor quality control will be evaluated under Subsections 106.02 and 106.04 based on the demonstrated ability of Contractor's quality control system to ensure work meets the contract requirements.

If the Government's testing and inspection (quality assurance) indicate that the Contractor's quality control system is ineffective or the plans are not being followed; make immediate improvements to correct inadequacies. Furnish notification in writing of improvements and modifications to the system.

A maximum of 10 percent of the total progress payment amount will be retained and affected project work may be stopped if a quality control plan is not accepted, the plan is not being followed, or work does not meet contract requirements.

Measurement

153.07 Measure the Section 153 items listed in the bid schedule according to Subsection 109.02.

Payment

153.08 The accepted quantities, measured as provided in Subsection 109.02 and above, will be paid at the contract price per unit of measurement for the Section 153 pay items listed in the bid schedule. Payment will be full compensation for the work prescribed in this Section. See Subsection 109.05.

Payment for the lump sum item will be prorated based on the total work completed for this Section.

**Table 153-1
Quality Control Sampling and Testing Requirements**

Material or Product	Characteristic	Test Method or Specification	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time
Sections 401, 402, or 403 Hot Asphalt Concrete Pavement						
Aggregate ⁽¹⁾ (Aggregate Production)	Gradation	AASHTO T 27 & AASHTO T 11	1 for each 6 hours of production but not less than 2 for each day	Flowing aggregate stream (bin or belt discharge) or conveyor belt	Yes, when requested	End of shift
	Fractured faces	ASTM D 5821	"	"	"	"
	Fine Aggregate Angularity ⁽⁵⁾	AASHTO T 304, Method A	"	"	"	"
	Flat & Elongated Particles	ASTM D 4791	"	"	"	"
	Sand equivalent	AASHTO T 176 Alternate Method No. 2, Referee Method	"	"	"	"

(1) If aggregate is separated into two or more stockpiles, sample and test each stockpile.

**Table 153-2
Quality Control Inspection and Measurement Requirements**

Activity	Characteristic	Specification or Activity	Tolerance and Reference	Measurement or Inspection Frequency	Point of Inspection or Measurement	Reporting Time
Section 152 Construction Survey and Staking						
Construction staking	Construction staking	Measurements to check accuracy and adequacy of construction staking	Subsection 152.03 and Table 152-1	15% of staked, lines points or marks. and 100% of staked or surveyed points, marks or lines on bridges, walls or other major structures	Completed staking	End of shift
Section 201 Clearing and Grubbing						
General clearing	Clearing and grubbing preparation, preservation of adjacent vegetation	Visual inspection	Subsection 201.03	Daily	Clearing operation	24 hrs
Clearing	Falling, rounding areas and trimming	"	Subsection 201.04	"	"	"
Grubbing	Grubbing excavation and embankment areas and backfill	"	Subsection 201.05	"	"	"

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Table 153-2, continued
Quality Control Inspection and Measurement Requirements

Activity	Characteristic	Specification or Activity	Tolerance and Reference	Measurement or Inspection Frequency	Point of Inspection or Measurement	Reporting Time
Section 203 Removal of Structures and Obstructions						
Removing material	Saw cutting, debris containment removal of culverts and structures and obstructions	"	Subsection 203.04	"	Removing operation	"
Disposing material	Remove, burn, bury	"	Subsection 203.05	"	Disposing operation	"
Section 204 Roadway Excavation						
Preparation for Roadway excavation and embankment	Preparation for cut or embankment	Visual inspection	Subsection 204.04	Daily	Preparatory Grading Operation	24 hrs
Conserved topsoil	Conserving, stockpiling and separating	"	Subsection 204.05	"	Topsoil removal operation	"
Roadway excavation general	General requirements Rock cuts Earth cuts	"	Subsection 204.06	"	Grading operation	"
Subexcavation	Cross section prevent contamination, disposal, backfill and compaction	"	Subsection 204.07	"	"	"
Preparing foundation for embankment construction	Less than 4 feet above natural ground. Scarification of existing asphalt, concrete or gravel. Across ground not capable of supporting equipment. Existing slopes steeper than 1:3, embankment benching	"	Subsection 204.09 (a), (b),(c),(d)	"	"	"
Embankment construction	General, Embankment within roadway prism, Individual rock fragments and boulders, Outside roadway prism, other embankments	"	Subsection 204.10 (a) through (f)	"	"	"
Sloping, Shaping and finishing	Sloping, stepped slopes, shaping, finishing	"	Subsection 204.13 (a) through(d)	"	"	"

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Table 153-2, continued
Quality Control Inspection and Measurement Requirements

Activity	Characteristic	Specification or Activity	Tolerance and Reference	Measurement or Inspection Frequency	Point of Inspection or Measurement	Reporting Time
Section 207 Earthwork Geotextiles						
Geotextiles general	General	Visual inspection	Subsection 207.03	Daily	Geotextile placement	24 hrs
Application	Grade preparation, placement, overlap, cover	"	Subsection 207.04	"	"	"
Permanent erosion control applications	Grade preparation, placement, overlap, cover	"	Subsection 207.05	"	"	"
Section 209 Structure Excavation and Backfill						
Preparation for structural excavation	Preparation	Visual inspection	Subsection 209.03	Daily	Structural excavation	24 hrs
General structure excavation	Excavation, OSHA, saw cutting, conserving stockpiling and disposing	"	Subsection 209.04	"	"	"
Foundation preparation	Unsuitable material and keying	"	Subsection 209.08	"	"	"
Bedding	For box culverts and structures other than pipe culverts. For pipe culverts	"	Subsection 209.09	"	"	"
Backfill	Pipe culverts, arch culverts with headwalls, patching existing pavement, loads against concrete, lift thickness	"	Subsection 209.10	"	"	"
Section 211 Roadway Obliteration						
Roadway obliteration description	Method 1, full obliteration, Method 2, localized obliteration	Visual inspection	Subsection 211.01	Daily	Obliteration	24 hrs
Rigid material, non rigid material	Non-asphalt material, asphalt material, asphalt contaminated material	"	Subsection 211.02	"	"	"
Section 251 Riprap						
Riprap, general	Preparatory work in accordance with sections 209 and 207	Visual inspection	Subsection 251.03	Daily	Riprap placement	24 hrs
Placed riprap	Placement	"	Subsection 251.04	"	"	"
Energy dissipaters	"	"	Subsection 251.06	"	Installation	"

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Table 153-2, continued
Quality Control Inspection and Measurement Requirements

Activity	Characteristic	Specification or Activity	Tolerance and Reference	Measurement or Inspection Frequency	Point of Inspection or Measurement	Reporting Time
Section 308 Minor Crushed Aggregate						
Preparing surface	Roadway aggregate, bedding and backfill aggregate	Visual inspection and verification measurement see Subsection 303.07	Subsection 308.03	Daily	Roadway	24 hrs
Placing	Roadway aggregate, bedding and backfill aggregate	Visual inspection and verification measurement see Subsection 308.05(a)	Subsection 308.04	"	"	"
Compacting and finishing	Roadway aggregate, bedding and backfill aggregate	Visual inspection and verification measurement see Subsections 204.11 & 301.06	Subsection 308.05	Daily and Minimum of one finish tolerance verification measurement every 200 feet horizontal	"	4 hrs
Sections 401, 402, or 403 Hot Asphalt Concrete Pavement						
See Subsection 401.12 for inspection, measuring, testing and reporting requirements of production start up procedures						
Mixing plant	All plants, drum dryer-mixer plants, batch and continuous plants	Visual inspection	Subsection 401.04(a),(b) or (c)	Once at initial set up of plant or change in plant system	Installation	End of shift
Pavers	Screeds, augers, heated, paving width, hopper, automatic feed controls, speed, smoothness, automatic screed controls	"	Subsection 401.05 (a) through (h)	Once at mobilization of paving machine or change of equipment	"	"
Surface preparation	Tack application	"	Subsection 401.06	Daily	Roadway	"
Weather limitations	Temperature, moisture	Verification measurement and visual inspection	Subsection 401.07	"	"	"
Asphalt preparation	Heating asphalt	Visual inspection	Subsection 401.08	"	"	"
Aggregate preparation	Mineral filler, mixing, pugmill, moisture content	"	Subsection 401.09	"	Plant	"
Mixing	Mixing and discharge temperature	"	Subsection 401.10	"	Plant	"
Hauling	Coating trailer beds, covers, access ports for checking temperature	"	Subsection 401.11	"	Plant or roadway	"
Production startup procedures	Pre-paving Conference and control strip	See Subsection 401.12 for testing and reporting requirements	Subsection 401.12	Before production paving	Plant and Roadway	
Placing and finishing	Placement temperature, line and grade control, offset longitudinal joint	"	Subsection 401.13	"	Roadway	"

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Table 153-2, continued
Quality Control Inspection and Measurement Requirements

Activity	Characteristic	Specification or Activity	Tolerance and Reference	Measurement or Inspection Frequency	Point of Inspection or Measurement	Reporting Time
Sections 401, 402, or 403 Hot Asphalt Concrete Pavement, continued						
Compacting		Visual inspection, and see Section 401 under Table 153-1 for testing requirements	Subsection 401.14			
Joints, trimming and cleanup	Completion of adjacent lanes, connections, tack for joints	"	Subsection 401.15	"	"	"
Section 602 Culverts and Drains						
General	Contiguous materials, location, length, Section 209, excavation, backfill	Visual inspection and verification measurements of culvert staking and lift thickness See Section 209 and 152 See Table 153-2 for quality control testing	Subsection 602.03	Daily	Installation	24 hrs
Laying metal pipe	Metal lap joint location, coupling bands	"	Subsection 602.05	"	"	"
Section 605 Underdrains, Sheet Drains, and Pavement Edge Drains						
General	Contiguous materials, location, Section 209, excavation, backfill, geotextiles, outlet pipe	Visual inspection see Section 209 for quality control testing	Subsection 605.03	Daily	Installation	End of shift
Placing underdrain	Granular backfill, coupling, collector pipes, geocomposite underdrain	Visual inspection	Subsection 605.04	"	"	24 hrs
Section 624 Topsoil						
Preparing areas	Shaping, disking, scarifying	Visual inspection	Subsection 624.03	Daily	Installation	24 hrs
Placing topsoil	Notification, ground conditions, spreading, compacting	"	Subsection 624.04	"	"	"

Special Contract Requirements

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Table 153-2, continued
Quality Control Inspection and Measurement Requirements

Activity	Characteristic	Specification or Activity	Tolerance and Reference	Measurement or Inspection Frequency	Point of Inspection or Measurement	Reporting Time
Section 634 Permanent Pavement Markings						
General	Location of markings, surface condition, manufacturers recommendation, packaging, shipping,	Visual inspection	Subsection 634.03	As required	Installation	24 hrs
Waterborne traffic paint	Type B, surface conditions, temperature, application rates, glass bead application rate, number of coats	Visual inspection and verification measurement and documentation of application rates	"	"	"	"
Section 635 Temporary Traffic Control						
Temporary traffic control	See Section 156.08 for temporary traffic control inspection and reporting requirements.					

Special Contract Requirements

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

Section 154.— CONTRACTOR SAMPLING AND TESTING

Construction Requirements

154.02 Sampling. Add the following to the first paragraph:

When samples are required at the Vancouver Laboratory, send to

Material Section
Western Federal Lands Highway Division
610 East Fifth Street
Vancouver, Washington 98661

If samples are sent other than normal delivery vendors, call 360.619.7747 or 360.619.7592 prior to delivery. Deliveries will be accepted from 7 a.m. to 2:30 p.m. PT (Monday - Friday).

Access to the government complex is controlled, check-in is required at the main building entrance located on East Fifth Street. Directions will be given for delivery of samples.

The sampling frequencies and reporting times are listed in the individual sections ordering the work. See Sections 204, 308, and 403 for additional sampling and testing requirements.

Payment

154.07 Delete the text of the fifth paragraph and substitute the following:

Payment for all or part of this item may be retained, if Government verification testing invalidates the Contractor testing or the CO determines that documentation of sampling and testing is not adequate.

Section 155.— SCHEDULES FOR CONSTRUCTION CONTRACTS

Delete this Section and substitute the following:

Description

155.01 This work consists of scheduling and monitoring all construction activities. Follow the requirements of FAR Clause 52.236-15, Schedules for Construction Contracts.

Construction Requirements

155.02 General. Submit 3 copies of a preliminary work plan at least 7 days before the preconstruction conference.

A preliminary work plan is a written narrative with a detailed breakdown of all contract activities for the first 21 days after the notice to proceed is issued. Within 7 days after the preconstruction conference, the preliminary work plan will be accepted or rejected. If rejected, submit a revised plan within 3 days. Do not begin work, except mobilization, traffic control, and Section 637 work, without an accepted preliminary work plan.

155.03 Bar Chart Method (BCM). The BCM construction schedule consists of a progress bar chart and a written narrative. Include the contract number, project number, project name, Contractor name, current fixed completion date, date of submittal, and submittal number.

(a) Progress bar chart. The following applies to the initial submission and all updates:

- (1) Use a time scale to graphically show the percentage of work scheduled for completion during the contract time;
- (2) Define and relate activities to the contract pay items;
- (3) Show all activities in the order the work will be performed, including submittals, submittal reviews, fabrication, and delivery;
- (4) Show all critical (major) activities that are controlling factors in the completion of the work;
- (5) Show the time needed to perform each activity and its relationship in time to other activities;
- (6) Show the total expected time to complete all work; and

Special Contract Requirements

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

(7) Provide enough space for each activity to permit 2 additional plots parallel to the original time span plot. Use one space for revision of the planned time span, and one for showing actual time span achieved.

(b) Written narrative. Furnish a written narrative of the activities displayed in the progress bar chart. The following applies to the written narrative:

- (1) Estimate starting and completion dates of each activity;
- (2) Describe work to be done within each activity including the type and quantity of equipment, labor, and material to be used;
- (3) Describe the location on the project where each activity occurs;
- (4) Describe planned production rates by pay item quantities (e.g., cubic yards of excavation per day/week);
- (5) Describe work days per week, holidays, number of shifts per day, and number of hours per shift;
- (6) Estimate any periods during which an activity is idle or partially idle. Show the beginning and end dates for reduced production or idle time;
- (7) Describe expected and critical delivery dates for equipment or material that can affect timely completion of the project;
- (8) Describe critical completion dates for maintaining the construction schedule; and
- (9) Identify the vendor, supplier, or subcontractor to perform the activity. State all assumptions made in the scheduling of the subcontractor's or supplier's work.

155.04 Schedule Updates. Review the construction schedule to verify or adjust; start dates of activities underway and finish dates of completed activities; remaining duration of uncompleted activities; planned start and finish dates and durations; and proposed logic. Inform the CO of all changes.

Submit three copies of an updated construction schedule for acceptance by the 15th day of each month or when:

- (a) A delay occurs in the completion of a critical (major) activity;
- (b) A delay occurs which causes a change in a critical activity for BCM schedules;
- (c) The actual prosecution of the work is different from that represented on the current construction schedule;

(d) There is an addition, deletion, or revision of activities caused by a contract modification;
or;

(e) There is a change in the schedule logic.

Show completion of work within the contract time.

Allow 7 days for approval or rejection of the schedule. If rejected, submit a revised schedule within 7 days.

Use the approved initial or previous construction schedule as the baseline for the current construction schedule update.

A maximum of 10 percent of the total progress payment amount will be retained if an acceptable schedule is not received by the 15th day of the month.

155.05 Records. Submit a list of all records and documents that track progression of work. Indicate who will be responsible for maintaining the records and where the records will be located.

Provide the following documents:

(a) **Notification of Completion of Work.** Submit a completed WFLHD 470 *Notification of Completion of Work* when work is ready for inspection by the Government according to Subsection 153.06.

(b) **Construction Operations Report.** For each day of work, submit a completed “*Contractor's Daily Record of Construction Operations*” (Form WFLHD 465) or an approved alternate form within one day of the work being performed.

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

For an electronic version of the form go to:

<http://www.wfl.fha.dot.gov/other/it/forms/wflhd465A.pdf>.

155.06 Acceptance. Construction schedules, records, and documents will be evaluated under Subsection 106.02.

Measurement

155.07 Measure the Section 155 items listed in the bid schedule according to Subsection 109.02.

Special Contract Requirements

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Payment

155.08 The accepted quantities will be paid at the contract price per unit of measurement for the Section 155 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 construction schedule will be paid as follows:

- (a)** 25 percent of the item amount, not to exceed 0.5 percent of the original contract amount, will be paid after the construction schedule is accepted.
- (b)** Payment of the remaining portion of the lump sum will be prorated based on the total work completed.

Section 156.— PUBLIC TRAFFIC

Construction Requirements

156.03 Accommodating Traffic During Work. Add the following:

Allow emergency vehicles to pass through the project without delay:

156.04 Maintaining Roadways During Work. Delete the text of paragraph (c) and substitute the following:

(c) Snow removal to provide public access is the responsibility of the maintaining agency and will be performed at the maintaining agency's discretion. Allow the maintaining agency access to perform snow removal. Snow removal to facilitate the work within the project limits is the Contractor's responsibility. Perform snow removal on Denali Park Road as follows:

- (1) Perform plowing in a manner to preserve and protect adjacent vegetation and features along the roadway, to prevent damage to culverts and bridges, to prevent erosion, material loss and damage to roads, streams, and Park resources.
- (2) Remove snow from the entire travel way including pullouts and pile on the out slope or downhill side of the roadbed. Divert melt water to ditch lines and insure flow to culverts. Do not allow water to flow across the traveled way.
- (3) Remove snow without disturbing the road surface. Do not undercut slopes nor remove gravel or other surfacing material from roads. Replace in-kind and quantity any surfacing removed from the road.
- (4) Maintain all snow/culvert markers during and after snow plowing operations. Reset markers to their original location and plumb if disturbed.
- (5) Meet the following requirements for equipment:
 - (a) Do not use equipment that will cause damage to the road, ditch lines, culverts or other Park resources.
 - (b) Use of track-mounted equipment to remove snow will require written approval by the CO. Equip blades with shoes or runners to keep the blade a minimum of 2 inches above the roadway surface, unless otherwise approved by the CO.
 - (c) Do not turn equipment in such a manner as to damage the roadway surface.

156.06 Limitations on Construction Operations. Amend as follows:

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

- (c) Provide minimum lane widths of 11 feet during construction periods.

Delete paragraph (g) and substitute the following:

- (g) Provide two-way radio communications between Traffic and Safety Supervisor, flaggers, and pilot cars. Provide two-way radio communications between flaggers unless flaggers are able to see each other and communicate. Citizen band radios are not acceptable. Make radio equipment available to the CO as necessary.

Delete the text of paragraph (i) and substitute the following:

- (i) Limit construction-caused delays to public traffic to a maximum of 5 minutes per passage through the project from May 15, 2008 through September 11, 2008. Before May 15, 2008 and after September 11, 2008, delays may be a maximum of 30 minutes.

Add the following:

- (k) For purposes of facilitating traffic, perform grading or surfacing part-width at a time. Make the width not under construction available to public traffic under alternate one-way control. Furnish flaggers as ordered by the CO, to direct traffic through sections of road under one-way control.
- (l) Do not perform construction operations which interfere with public travel on the roadway between 6 p.m. Friday, May 23, 2008 and 6 a.m. the following Tuesday, May 27, 2008 and between 6 p.m. Thursday, July 3, 2008 and 6 a.m. the following Monday, July 7, 2008 unless otherwise authorized by the CO.
- (m) Provide a 22 foot travel way during non active construction periods.

Section 157.— SOIL EROSION CONTROL

Construction Requirements

157.04 Controls and Limitations on Work. Delete the paragraph (g) and substitute the following:

(g) Install and maintain silt fence around stockpiles that are created or added to in the 5 Mile Pit. Install silt fence a minimum of 3 feet from the toe of the stockpile.

157.13 Maintenance and Cleanup. Delete the third paragraph and substitute the following:

Removal and disposal of erosion control devices designated to remain will be performed by the park.

Section 201.— CLEARING AND GRUBBING**Description**

201.01 Delete the text of this Subsection and substitute the following:

This work consist of clearing and grubbing within the clearing limits designated on the plans. Due to nesting restrictions, all the trees have been felled by the Park, but have not been removed.

Measurement

201.08 Add the following:

Where the new construction follows the existing road, exclude that portion of the old roadbed within the clearing and grubbing limits from the measurement width. Also exclude the area of any body of water and non-vegetated portions of its shoreline within the clearing and grubbing limits.

Section 204.— EXCAVATION AND EMBANKMENT

Description

204.02 Definitions. (c) Conserved topsoil. Add the following:

Topsoil refers to the uppermost soil horizon, usually 1 foot deep. Live vegetation and organic duff shall be left in the topsoil.

Construction Requirements

204.05 Conserved Topsoil. Delete this Subsection and substitute the following:

Conserve 1 foot of topsoil from the roadway excavation in the designated areas. Remove topsoil prior to other operations. Do not conserve or place topsoil when wet or frozen. Do not compact or drive upon topsoil during removal. Remove the topsoil in one pass. Do not mix topsoil with subsoils.

Stockpile topsoil in the 5 Mile Pit at locations identified by the CO. Stockpile topsoil in windrows less than 3 feet high. Place conserved topsoil over the obliterated roadway section as shown on the plans.

204.06 Roadway Excavation. (a) General. Delete the text of the second paragraph and substitute the following:

Excavate material suitable for backfill or other purposes in a sequence that permits the placement of the excavation directly into its final position or in stockpiles for subsequent placing.

204.10 Embankment Construction. (b) Embankment within the roadway prism. Add the following:

Construct the top 24 inches of the embankment for 221+00 to 241+00 with material excavated from the old roadbed at Stations 202+50 to 213+00.

204.14 Disposal of Unsuitable or Excess Material. Amend as follows:

Delete the text of the first paragraph and substitute the following:

There are no designated waste sites for this project. Dispose of unsuitable or excess material legally outside of the park. If material is disposed of off the project, comply with Subsection 107.10 as well as any applicable local, State, and Federal laws.

Add the following:

All existing pavement within the construction limits is to be removed and disposed of in the 5 Mile Pit at locations identified by the CO.

Measurement

204.16 Add the following to paragraph (a)(1)(a) Roadway prism excavation:

Use the volume shown in the plan column on the summary of quantities sheet of the plans. The volume includes quantities removed from the old roadbed as shown in the plans. The volume is subject to adjustments resulting from changes to slope stakes. See Subsection 152.03(c), Slope stakes and references.

Delete paragraph (a)(1)(e) and substitute the following:

Conserved topsoil will not be measured under roadway excavation

Section 207.— EARTHWORK GEOTEXTILES

Description

207.01 Add the following:

This work consists of furnishing and installing insulation board in subexcavation areas.

Material

207.02 Add the following to the material list:

Insulation board (polystyrene foam)	714.04
-------------------------------------	--------

Construction Requirements

207.03 **General.** Add the following:

Subexcavate according to Subsection 204.07. Blade, shape, and compact the excavated area with eight passes of a 10 ton compressive-type roller. Do not compact in vibratory mode. Place a bed course of select borrow according to Section 204.

207.05B **Polystyrene Foam.** (Added Subsection.)

Place insulation board on the geomembrane in two layers, staggering joints between the layers. Secure boards to each other with an adhesive approved by the insulation manufacturer.

Cover the insulation board with a 1 foot lift of select borrow according to Section 204, and spread the full width of the insulation board layer. Do not operate equipment directly on the insulation board. Replace damaged or broken insulation board. Compact the select borrow area with eight passes of a 10 ton compressive-type roller. Do not compact in vibratory mode.

207.06 Acceptance. Materials for geomembrane and insulation board will be evaluated under Subsection 106.03.

Installation of geomembrane and insulation board will be evaluated under Subsections 106.02 and 106.04.

Section 251.— RIPRAP

Delete Table 251-1 and substitute the following:

**Table 251-1
Sampling and Testing Requirements**

Material or Product	Type of Acceptance (Subsection)	Characteristic	Category	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time
Riprap (705.02)	Measured and tested for conformance (106.04)	Apparent specific gravity & absorption Coarse durability index	—	AASHTO T 85 AASHTO T 210	1 per material type “	Source of material “	Yes “	Before using in work “
Mortar	Measured and tested for conformance (106.04)	Making test specimens Compressive strength	—	AASHTO T 23 & T 22	1 per mix design	—	Yes, when requested	Before using in work

Section 403. — HOT ASPHALT CONCRETE PAVEMENT

Delete Table 403-1 and substitute the following:

**Table 403-1
Sampling, Testing and Acceptance Requirements**

Material or Product	Type of Acceptance (Subsection)	Characteristic	Category	Test Methods Specifications	Sampling Frequency	Point of Sampling	Split Sample	Reporting Time	
Hot asphalt concrete pavement	Measured and tested for conformance (106.04)	Job-mix formula verification	—	Subsection 403.03	1 per aggregate stockpile	Flowing aggregate stream (bin or belt discharge) or off of conveyor	—	21 days before approval of job-mix formula	
		Gradation	—	AASHTO T 30	1 per 700 tons	Behind paver before compacting	Yes, when requested	24 hours	
Asphalt binder		Asphalt content	—	AASHTO T 308 & T 329	"	"	"	"	
		Compaction	—	ASTM D 2950 or other approved procedures	"	Completed roadway after rolling	"	"	
		Smoothness	—	Subsection 403.16	—	—	—	—	—
		Quality	—	Subsection 702.01	1 per 130 tons of liquid	Line between storage tank & asphalt plant	2 - 1 quart samples	Tested by Government	

Section 412.— ASPHALT TACK COAT

Construction Requirements

412.07 Acceptance. Delete the text of the first paragraph and substitute the following:

Emulsified asphalt will be evaluated under Subsections 106.02, 106.03, and 702.09.

Measurement

412.08 Delete the text of the Subsection and substitute the following:

Do not measure tack coat.

Section 602.— CULVERTS AND DRAINS

Construction Requirements

602.06 Laying Plastic Pipe. Delete the second paragraph and substitute the following:

Provide soil-tight bell and spigot joints for plastic pipe culverts.

**Section 605.— UNDERDRAINS, SHEET DRAINS,
AND PAVEMENT EDGE DRAINS**

Description

605.01 Add the following:

This work also consists of furnishing and installing underdrain systems using pipe, granular backfill, geotextile, and low-permeable material as shown in the plans.

Section 622.— RENTAL EQUIPMENT

Description

622.01 Delete the text of this Subsection and substitute the following:

This work consists of furnishing and operating equipment for the construction work as ordered by the CO and listed below. Work under this Section does not include equipment time used to perform work provided for under any other pay item shown in the bid schedule. The work anticipated under this Section includes:

- (a) Minor landscaping as directed by the CO;
- (b) Miscellaneous erosion control, drainage correction, and other work as directed by the CO;
- (c) Snow plowing according to Section 156.04;
- (d) Where encountered during excavation of the flat bottom ditch from 218+50 to 242+00 remove and dispose of blue EPS foam and geotextile fabric material from the old underdrain system to a depth of 1 foot below the bottom of the new ditch grade. Ensure that old underdrain material is not visible in the finished ditch.

Construction Requirements

622.02 Rental Equipment. Delete the text of the first paragraph and substitute the following:

Furnish and operate the following equipment:

<u>Number of Units</u>	<u>Type of Equipment</u>
1	Dump truck, 10 cy minimum capacity
1	Backhoe loader, 1 cy minimum capacity frontend bucket, 10 cubic foot minimum capacity backhoe bucket, 90 hp
1	Wheel loader, 4 cy minimum rated capacity
1	Bulldozer, universal blade, 170 hp minimum capacity
1	Motor grader, 8 foot minimum blade

Submit the model number and serial number for each piece of equipment before use. Make equipment available for inspection and approval before use.

Special Contract Requirements

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

Section 635.— TEMPORARY TRAFFIC CONTROL

Description

635.01 Add the following:

This work also includes providing the services of a Traffic and Safety Supervisor.

635.02 Add the following to the materials list:

Untreated wood posts	716.01
----------------------	--------

Construction Requirements

635.03 General. Add the following:

All existing traffic control and informational signs are to remain in place throughout the duration of the project unless designated for removal by the CO.

635.08A Traffic and Safety Supervisor. (Added Subsection.)

Perform services as described in Subsection 156.08. Provide all vehicles and incidentals necessary to perform the work.

635.17 Pavement Patch. Add the following:

Remove all cold asphalt mix from patches less than two years old as directed by the CO and replace with hot asphalt mix before placing hot asphalt on succeeding lifts.

Measurement

635.26 Delete the sixth paragraph and substitute the following:

Measure flaggers, for each hour a person is actually flagging. Round portions of an hour up to the half hour. Measure time in excess of 40 hours per week at the same rate as the first 40 hours.

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Section 703.— AGGREGATE

703.06 Crushed Aggregate. Furnish hard, durable particles or fragments of crushed stone or gravel conforming to the size and quality requirements for crushed base course aggregate, grading D-1, according to Section 703-2.03 of the 2004 Alaska Department of Transportation standard specifications.

Section 704.— SOIL

704.07 Select Borrow. Delete the text of this Subsection and substitute the following:

Furnish granular material, well graded from coarse to fine, free of excess moisture, muck, frozen lumps, roots, sod, or other deleterious material conforming to the following:

- | | |
|--|-------------|
| (a) Gradation | Table 704-1 |
| (b) Liquid limit, AASHTO T 89 | 30 max. |
| (c) Los Angeles abrasion, AASHTO T 96 | 50% |
| (d) Sodium sulfate soundness loss (5 cycles),
AASHTO T 104 (coarse and fine) | 12 % max. |
| (e) Durability index, AASHTO T 210 (coarse and fine) | 35 min. |
| (f) Dimethyl sulfoxide (DMSO), WFLHD test for accelerated
weathering by use of dimethyl sulfoxide | 12 % max. |

**Table 704-1
Select Borrow Gradation**

Sieve Size	Percent by Mass Passing Designated Sieve (AASHTO T 27 & T 11)
3 inch	100
1 inch	70-100
No. 4	30-70
No. 200	0-5

PERMITS

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Spencer, Diane F.

From: EPACDX@csc.com
Sent: Wednesday, October 10, 2007 9:07 PM
To: Thomas, Terri
Cc: Spencer, Diane F.
Subject: Approval Acknowledgement for Your Stormwater eNOI Submission

Attachments: AKR10C13020071011000717.pdf



AKR10C130200710
11000717.pdf (3...

*** This is an automated response ***
*** Please DO NOT REPLY to this email. ***
*** Replies will not be answered ***

Operator: FHWA-WESTERN FED LANDS HWY DIV
ATTN: TERRI L. THOMAS
610 EAST FIFTH STREET
VANCOUVER, WA 98661

Facility: MP 4.0-4.5 AK PRA DENA 10(18) DENALI PARK ROAD MP 4.0-4.5 DENALI PARK , AK 99755

TRACKING NUMBER: AKR10C130

This email acknowledges that a complete Notice of Intent (NOI) form seeking coverage under EPA's Construction General Permit is now active. Your NOI was completed and submitted on 10/04/2007. Coverage under this permit began at the conclusion of your 7 day waiting period on 10/04/2007, unless otherwise notified by EPA. For tracking purposes, the following number has been assigned to your Notice of Intent Form: AKR10C130. Attached to this email, you will find an electronic copy of your completed NOI which should be posted at your site.

As stated above, this email acknowledges receipt of a complete Notice of Intent. However, it is not an EPA determination of the validity of the information you provided. Your eligibility for coverage under this Permit is based on the validity of the certification you provided. Your electronic signature on this form certifies that you have read, understood, and are implementing all of the applicable requirements. An important aspect of this certification requires that you have correctly determined whether you are eligible for coverage under this permit.

As you know, the CGP requires you to have developed and begun implementing a Stormwater Pollution Prevention Plan (SWPPP). It also outlines important inspection and record keeping requirements. You must also comply with any additional location-specific requirements applicable to your state or tribal area. A copy of the CGP must be kept with your SWPPP. An electronic copy of the CGP and additional guidance materials can be viewed and downloaded at <http://cfpub.epa.gov/npdes/stormwater/cgp.cfm> .

If you have general questions regarding the stormwater program or your responsibilities under the CGP, please call:

Region: 10
Misha Vakoc (206) 553-6650

If you have questions about your form, please call the EPA NOI Processing Center at 1-866-352-7755 (toll free) or send an inquiry via the online form at <http://cfpub.epa.gov/npdes/stormwater/noicontact.cfm> .

If you have difficulty accessing CDX, please contact the CDX Help Desk at: (888) 890-1995.

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

You can return to the eNOI system using the following link at any time
<https://cdx.epa.gov/SSL/cdx/login.asp> .

EPA NOI Processing Center
Operated by Avanti Corporation
1200 Pennsylvania Ave., NW
Mail Code: 4203M
Washington, DC 20460
1-866-352-7755

This Form Replaces Form 3510-9 (8-98) Refer to the Following Pages for Instructions		Form Approved OMB Nos. 2040-0188 and 2040-0211	
NPDES Form		United States Environmental Protection Agency Washington, DC 20460 Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit	
Submission of this Notice of Intent (NOI) constitutes notice that the party identified in Section II of this form requests authorization to discharge pursuant to the NPDES Construction General Permit (CGP) permit number identified in Section I of this form. Submission of this NOI also constitutes notice that the party identified in Section II of this form meets the eligibility requirements of the CGP for the project identified in Section III of this form. Permit coverage is required prior to commencement of construction activity until you are eligible to terminate coverage as detailed in the CGP. To obtain authorization, you must submit a complete and accurate NOI form. Refer to the instructions at the end of this form.			
I. Permit Number			
AKR1000000			
II. Operator Information			
Name: FHWA Western Fed Lands Hwy Div			
IRS Employer Identification Number (EIN):			
Mailing Address:			
Street: 610 East Fifth Street			
City: Vancouver State: WA Zip Code: 98661			
Phone: 360 - 619 - 7785 Fax (optional): 360 - 619 - 7846			
E-mail (optional): diane.spencer@fhwa.dot.gov			
III. Project/Site Information			
Project/Site Name: Rehab MP 4.0 to 4.5 AK PRA DENA 10 (18)			
Project Street/Location: Denali Park Road			
City: Denali Park State: AK Zip Code: 99755			
County or similar government subdivision: Denali			
Latitude/Longitude (Use one of three possible formats, and specify method)			
Latitude 1. ° ' " N (degrees, minutes, seconds)		Longitude 1. ° ' " W (degrees, minutes, seconds)	
2. 63° 43' 24" N (degrees, minutes, decimal)		2. 148° 58' 72" W (degrees, minutes, decimal)	
3. ° ' " N (decimal)		3. ° ' " W (decimal)	
Method: <input type="checkbox"/> U.S.G.S. topographic map <input type="checkbox"/> EPA web site <input type="checkbox"/> GPS Other:			
• If you used a U.S.G.S. topographic map, what was the scale:			
Project Located in Indian country? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
If so, name of Reservation or if not part of a Reservation, put "Not Applicable":			
Estimated Project Start Date: 05 / 30 / 2008 Estimated Project Completion Date: 10 / 30 / 2008			
Estimated Area to be Disturbed (to the nearest quarter acre): 9.71			

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

NPDES General Permit for Storm Water Discharges From Construction Activities

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As modified effective January 21, 2005

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**National Pollutant Discharge Elimination System
General Permit for Discharges from
Large and Small Construction Activities**

In compliance with the provisions of the Clean Water Act, 33 U.S.C. §1251 *et. seq.*, (hereafter CWA or the Act), as amended by the Water Quality Act of 1987, P.L. 100-4, operators of large and small construction activities that are described in Subpart 1.3 of this National Pollutant Discharge Elimination System (NPDES) general permit, except for those activities excluded from authorization of discharge in Subpart 1.3.C of this permit are authorized to discharge pollutants to waters of the United States in accordance with the conditions and requirements set forth herein. Permit coverage is required from the "commencement of construction activities" until "final stabilization" as defined in Appendix A.

This permit shall become effective on July 1, 2003 (as modified effective January 21, 2005).

This permit and the authorization to discharge shall expire at midnight, July 1, 2008.

Signed:

Linda M. Murphy, Director, Office of Ecosystem Protection
EPA Region 1

Kevin Bricke, Acting Director, Division of Environmental Planning and Protection
EPA Region 2

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EPA Region 8

Nancy Woo, Acting Director, Water Division
EPA Region 9

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EPA Region 10

The signatures are for the permit conditions in Parts 1 through 9 and Appendices A through G and for any additional conditions which apply to facilities located in the corresponding state, Indian country, or other area.

PART 1: COVERAGE UNDER THIS PERMIT**1.1 Introduction**

This Construction General Permit (CGP) authorizes storm water discharges from large and small construction activities that result in a total land disturbance of equal to or greater than one acre, where those discharges enter surface waters of the United States or a municipal separate storm sewer system (MS4) leading to surface waters of the United States subject to the conditions set forth in this permit. This permit also authorizes storm water discharges from any other construction activity designated by EPA where EPA makes that designation based on the potential for contribution to an excursion of a water quality standard or for significant contribution of pollutants to waters of the United States. This permit replaces two permits issued in 1998 (63 FR 7858, February 17, 1998 for EPA Regions 1, 2, 3, 7, 8, 9, and 10 and 63 FR 36489, July 6, 1998 for EPA Region 6). Any references to the 1998 CGP in this permit refer to those two permits.

This permit is presented in a reader-friendly, plain language format. This permit uses the terms "you" and "your" to identify the person(s) who owns or operates a "facility" or "activity" as defined in Appendix A and who must comply with the conditions of this permit. This format should allow you, the permittee and operator of a large or small construction activity, to easily locate and understand applicable requirements.

The goal of this permit is to reduce or eliminate storm water pollution from construction activity by requiring that you plan and implement appropriate pollution control practices to protect water quality.

1.2 Permit Area

If your large or small construction activity is located within the areas listed in Appendix B, you may be eligible to obtain coverage under this permit. Permit coverage is actually provided by legally separate and distinctly numbered permits covering each of the areas listed in Appendix B.

1.3 Eligibility

Permit eligibility is limited to discharges from "large" and "small" construction activity as defined in Appendix A or as otherwise designated by EPA. This general permit contains eligibility restrictions, as well as permit conditions and requirements. You may have to take certain actions to be eligible for coverage under this permit. In such cases, you must continue to satisfy those eligibility provisions to maintain permit authorization. If you do not meet the requirements that are a pre-condition to eligibility, then resulting discharges constitute unpermitted discharges. By contrast, if you do not comply with the requirements of the general permit, you may be in violation of the general permit for your otherwise eligible discharges.

A. Allowable Storm Water Discharges

Subject to compliance with the terms and conditions of this permit, you are authorized to discharge pollutants in:

1. Storm water associated with large and small construction activity as defined in Appendix A;
2. Storm water discharges designated by EPA as needing a storm water permit under 40 CFR §122.26(a)(1)(v) or §122.26(b)(15)(ii);
3. Discharges from support activities (e.g., concrete or asphalt batch plants, equipment staging yards, material storage areas, excavated material disposal areas, borrow areas) provided:
 - a. The support activity is directly related to the construction site required to have NPDES permit coverage for discharges of storm water associated with construction activity;
 - b. The support activity is not a commercial operation serving multiple unrelated construction projects by different operators, and does not operate beyond the completion of the construction activity at the last construction project it supports; and
 - c. Appropriate controls and measures are identified in a Storm Water Pollution Prevention Plan (SWPPP) covering the discharges from the support activity areas; and
4. Discharges composed of allowable discharges listed in 1.3.A and 1.3.B commingled with a discharge authorized by a different NPDES permit and/or a discharge that does not require NPDES permit authorization.

B. Allowable Non-Storm Water Discharges

You are authorized for the following non-storm water discharges, provided the non-storm water component of the discharge is in compliance with Subpart 3.5 (Non-Storm Water Discharge Management):

1. Discharges from fire-fighting activities;
2. Fire hydrant flushings;
3. Waters used to wash vehicles where detergents are not used;
4. Water used to control dust in accordance with Subpart 3.4.G;
5. Potable water including uncontaminated water line flushings;
6. Routine external building wash down that does not use detergents;
7. Pavement wash waters where spills or leaks of toxic or hazardous materials have not occurred (unless all spilled material has been removed) and where detergents are not used;
8. Uncontaminated air conditioning or compressor condensate;
9. Uncontaminated ground water or spring water;
10. Foundation or footing drains where flows are not contaminated with process materials such as solvents;
11. Uncontaminated excavation dewatering;
12. Landscape irrigation.

C. Limitations on Coverage

1. This permit does not authorize post-construction discharges that originate from the site after construction activities have been completed and the site has achieved final stabilization, including any temporary support activity. Post-construction storm water discharges from industrial sites may need to be covered by a separate NPDES permit.
2. This permit does not authorize discharges mixed with non-storm water. This exclusion does not apply to discharges identified in Subpart 1.3.B, provided the discharges are in compliance with Subpart 3.5 (Non-Storm Water Discharge Management).
3. This permit does not authorize storm water discharges associated with construction activity that have been covered under an individual permit or required to obtain coverage under an alternative general permit in accordance with Subpart 4.2.
4. This permit does not authorize discharges that EPA, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. Where such a determination is made prior to authorization, EPA may notify you that an individual permit application is necessary in accordance with Subpart 4.2. However, EPA may authorize your coverage under this permit after you have included appropriate controls and implementation procedures in your SWPPP designed to bring your discharge into compliance with water quality standards.
5. *Discharging into Receiving Waters With an Approved Total Maximum Daily Load Analysis*
 - a. You are not eligible for coverage under this permit for discharges of pollutants of concern to waters for which there is a total maximum daily load (TMDL) established or approved by EPA unless you incorporate into your SWPPP measures or controls that are consistent with the assumptions and requirements of such TMDL. To be eligible for coverage under this general permit, you must incorporate into your SWPPP any conditions applicable to your discharges necessary for consistency with the assumptions and requirements of such TMDL. If a specific wasteload allocation has been established that would apply to your discharge, you must incorporate that allocation into your SWPPP and implement necessary steps to meet that allocation.
 - b. In a situation where an EPA-approved or established TMDL has specified a general wasteload allocation applicable to construction storm water discharges, but no specific requirements for construction sites have been identified in the TMDL, you should consult with the State or Federal TMDL authority to confirm that adherence to a SWPPP that meets the requirements of the CGP will be consistent with the approved TMDL. Where an EPA-approved or established TMDL has not

specified a wasteload allocation applicable to construction storm water discharges, but has not specifically excluded these discharges, adherence to a SWPPP that meets the requirements of the CGP will generally be assumed to be consistent with the approved TMDL. If the EPA-approved or established TMDL specifically precludes such discharges, the operator is not eligible for coverage under the CGP.

6. *Endangered and Threatened Species and Critical Habitat Protection*

- a. Coverage under this permit is available only if your storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities, as defined in Appendix A, are not likely to jeopardize the continued existence of any species that are federally-listed as endangered or threatened ("listed") under the Endangered Species Act (ESA) or result in the adverse modification or destruction of habitat that is federally-designated as critical under the ESA ("critical habitat").
- b. You are not eligible to discharge if the storm water discharges, allowable non-storm water discharges, or storm water discharge-related activities would cause a prohibited "take" of federally-listed endangered or threatened species (as defined under section 3 of the ESA and 50 CFR 17.3), unless such takes are authorized under sections 7 or 10 of the ESA.
- c. **Determining Eligibility:** You must use the process in Appendix C (ESA Review Procedures) to determine eligibility *PRIOR* to submittal of the Notice of Intent (NOI). You must meet one or more of the following six criteria (A-F) for the entire term of coverage under the permit:

- Criterion A. No federally-listed threatened or endangered species or their designated critical habitat are in the project area as defined in Appendix C; or
- Criterion B. Formal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded and that consultation:
 - i. Addressed the effects of the project's storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and
 - ii. The consultation resulted in either:
 - a. Biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat, or
 - b. written concurrence from the Service(s) with a finding that the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat; or
- Criterion C. Informal consultation with the Fish and Wildlife Service and/or the National Marine Fisheries Service under section 7 of the ESA has been concluded and that consultation:
 - i. Addressed the effects of the project's storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities on federally-listed threatened or endangered species and federally-designated critical habitat, and
 - ii. The consultation resulted in either:
 - a. Biological opinion finding no jeopardy to federally-listed species or destruction/adverse modification of federally-designated critical habitat, or
 - b. written concurrence from the Service(s) with a finding that the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect federally-listed species or federally-designated critical habitat; or
- Criterion D. The construction activities are authorized through the issuance of a permit under section 10 of the ESA, and that authorization addresses the effects of the storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities on federally-listed species and federally-designated critical habitat; or
- Criterion E. Storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities are not likely to adversely affect any federally-listed

threatened or endangered species or result in the destruction or adverse modification of federally-designated critical habitat; or

- Criterion F. The project's storm water discharges, allowable non-storm water discharges, and storm water discharge-related activities were already addressed in another operator's valid certification of eligibility under Criteria A-E which included your construction activities and there is no reason to believe that federally-listed species or federally-designated critical habitat not considered in the prior certification may be present or located in the project area. By certifying eligibility under this criterion, you agree to comply with any measures or controls upon which the other operator's certification was based.

You must comply with any applicable terms, conditions, or other requirements developed in the process of meeting the eligibility requirements of the criteria in this section to remain eligible for coverage under this permit. Such terms and conditions must be documented and incorporated into your SWPPP.

7. Historic Properties

[Reserved]

You are reminded that you must comply with applicable state, tribal and local laws concerning the protection of historic properties and places.

1.4 Waivers for Certain Small Construction Activities

Three scenarios exist under which small construction activities (see definition in Appendix A) may be waived from the NPDES permitting requirements detailed in this general permit. These exemptions are predicated on certain criteria being met and proper notification procedures being followed. Details of the waiver options and procedures for requesting a waiver are provided in Appendix D.

PART 2: AUTHORIZATION FOR DISCHARGES OF STORM WATER FROM CONSTRUCTION ACTIVITY

To obtain coverage under this general permit, you, the operator, must prepare and submit a complete and accurate Notice of Intent (NOI), as described in this Part. Discharges are not authorized if your NOI is incomplete or inaccurate or if you were never eligible for permit coverage.

2.1 Authorization to Discharge Date

This permit is effective as of the publication date in the Federal Register and is effective for five years, expiring at midnight on the anniversary of publication in the fifth year.

- A. If you submit an NOI during the first 90 days after the issuance date of this permit you are authorized to discharge storm water from construction activities under the terms and conditions of this permit seven (7) calendar days after submittal to EPA of a complete and accurate NOI (i.e., 7 days from date of postmark), except as noted in Subpart 2.1.C.
- B. If you submit an NOI after the first 90 days of this permit and prior to the expiration date of this permit, you are authorized to discharge storm water from construction activities under the terms and conditions of this permit seven (7) calendar days after acknowledgment of receipt of your complete NOI is posted on EPA's NPDES website <http://www.epa.gov/npdes/stormwater/cgp>, except as noted in Subpart 2.1.C.
- C. EPA may delay your authorization based on eligibility considerations of Subpart 1.3 (e.g., ESA concerns). In these instances, you are not authorized for coverage under this permit until you receive notice from EPA of your eligibility.

2.2 Notice of Intent Contents

- A. You must use the NOI form provided in Appendix E (or a photocopy thereof) and available at www.epa.gov/npdes/stormwater/cgp. If EPA makes other NOI forms available (either directly, by public notice, or by making information available on the Internet), you may take advantage of any of those options to satisfy the NOI use requirements of this Subpart.
- B. You must provide the following information on the NOI form:
 1. The applicable permit number for which you are requesting coverage (See Appendix B);

2. Operator name, address, telephone number, and Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
3. Project/Site name, address, county or similar governmental subdivision, and latitude/longitude of your construction project or site;
4. Whether your site is located in Indian country and if so, the name of the Reservation, if applicable;
5. Whether the SWPPP has been prepared in advance of filing of this NOI and the location where the applicable SWPPP may be viewed;
6. Name of the water(s) of the U.S. into which your site discharges;
7. Indication whether your discharge is consistent with the assumptions and requirements of applicable EPA approved or established TMDLs;
8. Estimated dates of commencement of construction activity and final stabilization (i.e., project start and completion dates);
9. Total acreage (to the nearest quarter acre) to be disturbed for which you are requesting permit coverage;
10. Whether any federally-listed threatened or endangered species, or federally-designated critical habitat are in your project area to be covered by this permit, and the basis for certifying eligibility for permit coverage based on the instructions in Appendix C;
11. A certification statement, signed and dated by an authorized representative as defined in Appendix G, Section 11, and the name and title of that authorized representative.

2.3 Submission Deadlines

- A. *New Projects*: To obtain coverage under this permit, you must submit a complete and accurate NOI and be authorized consistent with Subpart 2.1 prior to your commencement of construction activities.
- B. *Permitted Ongoing Projects (only applicable for first 90 days after this permit is issued)*: If you previously received authorization to discharge for your project under the 1998 CGP and you wish to continue coverage under this permit:
 1. Except as noted in 2.3.B.2, you must:
 1. Submit an NOI within 90 days of the issuance date of this permit, and
 2. Until you are authorized under this permit consistent with Subpart 2.1, comply with the terms and conditions of the 1998 CGP under which you were previously authorized.
 2. If you meet the termination of coverage requirements in accordance with Subpart 5.1 within 90 days of the issuance date of this permit (e.g., construction will be finished and final stabilization achieved) you must:
 1. Submit an NOT consistent with the 2003 CGP using the NOT form provided in Appendix F, and
 2. Until coverage is no longer required, comply with the terms and conditions of the 1998 CGP under which you were previously authorized.
- C. *Unpermitted Ongoing Projects (only applicable for first 90 days after this permit is issued)*: If you previously did not receive authorization to discharge for your project under the 1998 CGP and you wish to obtain coverage under this permit:
 1. Except as noted in 2.3.C.2, you must:
 1. Submit an NOI within 90 days of the issuance date of this permit, and
 2. Until you are authorized under this permit consistent with Subpart 2.1, comply with an interim Storm Water Pollution Prevention Plan (SWPPP) consistent with the 1998 CGP.
 2. If you meet the termination of coverage requirements in accordance with Subpart 5.1 within 90 days of the issuance date of this permit (e.g., construction will be finished and final stabilization achieved) you must comply with an interim Storm Water Pollution Prevention Plan (SWPPP) consistent with the 1998 CGP until permit coverage is no longer required.

- D. *Late Notifications*: Operators are not prohibited from submitting NOIs after initiating clearing, grading, excavation activities, or other construction activities. When a late NOI is submitted, authorization for discharges occurs consistent with Subpart 2.1. The Agency reserves the right to take enforcement action for any unpermitted discharges that occur between the commencement of construction and discharge authorization.

2.4 Where to Submit

- A. Except as noted in Subpart 2.3.B, you must send your complete and accurate NOI to EPA at one of the following addresses:

For Regular U.S. Mail Delivery:

EPA Storm Water Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:

EPA Storm Water Notice Processing Center
Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

- B. In lieu of Subpart 2.4.A, when available, you may submit your NOI using EPA's electronic NOI system (i.e., eNOI) as detailed at www.epa.gov/npdes/stormwater/cgp.

PART 3: STORM WATER POLLUTION PREVENTION PLANS (SWPPPS)

3.1 Storm Water Pollution Prevention Plan Framework

- A. A SWPPP must be prepared prior to submission of an NOI as required in Part 2. At least one SWPPP must be developed for each construction project covered by this permit and such SWPPP must be prepared in accordance with good engineering practices.
- B. The SWPPP must:
1. Identify all potential sources of pollution which may reasonably be expected to affect the quality of storm water discharges from the construction site;
 2. Describe practices to be used to reduce pollutants in storm water discharges from the construction site; and
 3. Assure compliance with the terms and conditions of this permit.
- C. Once a definable area has been finally stabilized, you may mark this on your SWPPP and no further SWPPP or inspection requirements apply to that portion of the site (e.g., earth-disturbing activities around one of three buildings in a complex are done and the area is finally stabilized, one mile of a roadway or pipeline project is done and finally stabilized, etc).
- D. You must implement the SWPPP as written from commencement of construction activity until final stabilization is complete.

3.2 Requirements for Different Types of Operators

You may meet one or both of the operational control components in the definition of operator found in Appendix A. Subpart 3.2.C applies to all permittees having control over only a portion of a construction site.

- A. If you have operational control over construction plans and specifications, you must ensure that:
1. The project specifications meet the minimum requirements of this Subpart and all other applicable permit conditions;
 2. The SWPPP indicates the areas of the project where the operator has operational control over project specifications, including the ability to make modifications in specifications;
 3. All other permittees implementing portions of the SWPPP (or their own SWPPP) who may be impacted by a change to the construction plan are notified of such changes in a timely manner; and
 4. The SWPPP indicates the name of the party(ies) with day-to-day operational control of those activities necessary to ensure compliance with the SWPPP or other permit conditions.

- B. If you have operational control over day-to-day activities, you must ensure that:
1. The SWPPP meets the minimum requirements of this Subpart and identifies the parties responsible for implementation of control measures identified in the plan;
 2. The SWPPP indicates areas of the project where you have operational control over day-to-day activities;
 3. The SWPPP indicates the name of the party(ies) with operational control over project specifications (including the ability to make modifications in specifications).
- C. If you have operational control over only a portion of a larger project (e.g., one of four homebuilders in a subdivision), you are responsible for compliance with all applicable terms and conditions of this permit as it relates to your activities on your portion of the construction site, including protection of endangered species, critical habitat, and historic properties, and implementation of best management practices (BMPs) and other controls required by the SWPPP. You must ensure either directly or through coordination with other permittees, that your activities do not render another party's pollution control ineffective. You must either implement your portion of a common SWPPP or develop and implement your own SWPPP.

For more effective coordination of BMPs and opportunities for cost sharing, a cooperative effort by the different operators at a site to prepare and participate in a comprehensive SWPPP is encouraged. Individual operators at a site may, but are not required to, develop separate SWPPPs that cover only their portion of the project provided reference is made to other operators at the site. In instances where there is more than one SWPPP for a site, cooperation between the permittees is encouraged to ensure the storm water discharge controls and other measures are consistent with one another (e.g., provisions to protect listed species and critical habitat).

3.3 Pollution Prevention Plan Contents: Site and Activity Description

- A. The SWPPP must identify all operators for the project site, and the areas of the site over which each operator has control.
- B. The SWPPP must describe the nature of the construction activity, including:
1. The function of the project (e.g., low density residential, shopping mall, highway, etc.);
 2. The intended sequence and timing of activities that disturb soils at the site;
 3. Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas; and
 4. A general location map (e.g., USGS quadrangle map, a portion of a city or county map, or other map) with enough detail to identify the location of the construction site and waters of the United States within one mile of the site.
- C. The SWPPP must contain a legible site map, showing the entire site, identifying:
1. Direction(s) of storm water flow and approximate slopes anticipated after major grading activities;
 2. Areas of soil disturbance and areas that will not be disturbed;
 3. Locations of major structural and nonstructural BMPs identified in the SWPPP;
 4. Locations where stabilization practices are expected to occur;
 5. Locations of off-site material, waste, borrow or equipment storage areas;
 6. Locations of all waters of the United States (including wetlands);
 7. Locations where storm water discharges to a surface water; and
 8. Areas where final stabilization has been accomplished and no further construction-phase permit requirements apply.
- D. The SWPPP must describe and identify the location and description of any storm water discharge associated with industrial activity other than construction at the site. This includes storm water discharges from dedicated asphalt plants and dedicated concrete plants, that are covered by this permit.

3.4 Pollution Prevention Plan Contents: Controls to Reduce Pollutants

- A. The SWPPP must include a description of all pollution control measures (i.e., BMPs) that will be implemented as part of the construction activity to control pollutants in storm water discharges. For each major activity identified in the project description the SWPPP must clearly describe appropriate control measures, the general sequence during the construction process in which the measures will be implemented, and which operator is responsible for the control measure's implementation.
- B. The SWPPP must include a description of interim and permanent stabilization practices for the site, including a schedule of when the practices will be implemented. Site plans should ensure that existing vegetation is preserved where possible and that disturbed portions of the site are stabilized. Use of impervious surfaces for stabilization should be avoided.
- C. The following records must be maintained as part of the SWPPP:
 - 1. Dates when major grading activities occur;
 - 2. Dates when construction activities temporarily or permanently cease on a portion of the site; and
 - 3. Dates when stabilization measures are initiated.
- D. The SWPPP must include a description of structural practices to divert flows from exposed soils, retain/detain flows or otherwise limit runoff and the discharge of pollutants from exposed areas of the site. Placement of structural practices in floodplains must be avoided to the degree practicable.
- E. The SWPPP must include a description of all post-construction storm water management measures that will be installed during the construction process to control pollutants in storm water discharges after construction operations have been completed. Structural measures should be placed on upland soils to the degree practicable. Such measures must be designed and installed in compliance with applicable federal, local, state or tribal requirements.
- F. The SWPPP must describe measures to prevent the discharge of solid materials, including building materials, to waters of the United States, except as authorized by a permit issued under section 404 of the CWA.
- G. The SWPPP must describe measures to minimize, to the extent practicable, off-site vehicle tracking of sediments onto paved surfaces and the generation of dust.
- H. The SWPPP must include a description of construction and waste materials expected to be stored on-site with updates as appropriate. The SWPPP must also include a description of controls, including storage practices, to minimize exposure of the materials to storm water, and spill prevention and response practices.
- I. The SWPPP must include a description of pollutant sources from areas other than construction (including storm water discharges from dedicated asphalt plants and dedicated concrete plants), and a description of controls and measures that will be implemented at those sites to minimize pollutant discharges.

3.5 Non-Storm Water Discharge Management

The SWPPP must identify all allowable sources of non-storm water discharges listed in Subpart 1.3.B of this permit, except for flows from fire fighting activities, that are combined with storm water discharges associated with construction activity at the site. Non-storm water discharges should be eliminated or reduced to the extent feasible. The SWPPP must identify and ensure the implementation of appropriate pollution prevention measures for the non-storm water component(s) of the discharge.

3.6 Maintenance of Controls

- A. All erosion and sediment control measures and other protective measures identified in the SWPPP must be maintained in effective operating condition. If site inspections required by Subpart 3.10 identify BMPs that are not operating effectively, maintenance must be performed as soon as possible and before the next storm event whenever practicable to maintain the continued effectiveness of storm water controls.
- B. If existing BMPs need to be modified or if additional BMPs are necessary for any reason, implementation must be completed before the next storm event whenever practicable. If implementation before the next storm event is impracticable, the situation must be documented in the SWPPP and alternative BMPs must be implemented as soon as possible.
- C. Sediment from sediment traps or sedimentation ponds must be removed when design capacity has been reduced by 50 percent.

3.7 Documentation of Permit Eligibility Related to Endangered Species

The SWPPP must include documentation supporting a determination of permit eligibility with regard to Endangered Species, including:

- A. Information on whether federally-listed endangered or threatened species, or federally-designated critical habitat may be in the project area;
- B. Whether such species or critical habitat may be adversely affected by storm water discharges or storm water discharge-related activities from the project;
- C. Results of the Appendix C listed species and critical habitat screening determinations;
- D. Confirmation of delivery of NOI to EPA or to EPA's electronic NOI system. This may include an overnight, express or registered mail receipt acknowledgment; or electronic acknowledgment from EPA's electronic NOI system.
- E. Any correspondence for any stage of project planning between the U.S. Fish and Wildlife Service (FWS), EPA, the U.S. National Marine Fisheries Service (NMFS), or others and you regarding listed species and critical habitat, including any notification that delays your authorization to discharge under this permit;
- F. A description of measures necessary to protect federally-listed endangered or threatened species, or federally-designated critical habitat. The permittee must describe and implement such measures to maintain eligibility for coverage under this permit.

3.8 Copy of Permit Requirements

Copies of this permit and of the signed and certified NOI form that was submitted to EPA must be included in the SWPPP. Also, upon receipt, a copy of the letter from the EPA Storm Water Notice Processing Center notifying you of their receipt of your administratively complete NOI must also be included as a component of the SWPPP.

3.9 Applicable State, Tribal, or Local Programs

The SWPPP must be consistent with all applicable federal, state, tribal, or local requirements for soil and erosion control and storm water management, including updates to the SWPPP as necessary to reflect any revisions to applicable federal, state, tribal, or local requirements for soil and erosion control.

3.10 Inspections

- A. Inspections must be conducted in accordance with one of the two schedules listed below. You must specify in your SWPPP which schedule you will be following.
 1. At least once every 7 calendar days, OR
 2. At least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater.
- B. Inspection frequency may be reduced to at least once every month if:
 1. The entire site is temporarily stabilized,
 2. Runoff is unlikely due to winter conditions (e.g., site is covered with snow, ice, or the ground is frozen), or
 3. Construction is occurring during seasonal arid periods in arid areas and semi-arid areas.
- C. A waiver of the inspection requirements is available until one month before thawing conditions are expected to result in a discharge if all of the following requirements are met:
 1. The project is located in an area where frozen conditions are anticipated to continue for extended periods of time (i.e., more than one month);
 2. Land disturbance activities have been suspended; and
 3. The beginning and ending dates of the waiver period are documented in the SWPPP.
- D. Inspections must be conducted by qualified personnel (provided by the operator or cooperatively by multiple operators). "Qualified personnel" means a person knowledgeable in the principles and practice of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact

storm water quality and to assess the effectiveness of any sediment and erosion control measures selected to control the quality of storm water discharges from the construction activity.

- E. Inspections must include all areas of the site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Inspectors must look for evidence of, or the potential for, pollutants entering the storm water conveyance system. Sedimentation and erosion control measures identified in the SWPPP must be observed to ensure proper operation. Discharge locations must be inspected to ascertain whether erosion control measures are effective in preventing significant impacts to waters of the United States, where accessible. Where discharge locations are inaccessible, nearby downstream locations must be inspected to the extent that such inspections are practicable. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.
- F. Utility line installation, pipeline construction, and other examples of long, narrow, linear construction activities may limit the access of inspection personnel to the areas described in Subpart 3.10.E above. Inspection of these areas could require that vehicles compromise temporarily or even permanently stabilized areas, cause additional disturbance of soils, and increase the potential for erosion. In these circumstances, controls must be inspected on the same frequencies as other construction projects, but representative inspections may be performed. For representative inspections, personnel must inspect controls along the construction site for 0.25 mile above and below each access point where a roadway, undisturbed right-of-way, or other similar feature intersects the construction site and allows access to the areas described above. The conditions of the controls along each inspected 0.25 mile segment may be considered as representative of the condition of controls along that reach extending from the end of the 0.25 mile segment to either the end of the next 0.25 mile inspected segment, or to the end of the project, whichever occurs first.
- G. For each inspection required above, you must complete an inspection report. At a minimum, the inspection report must include:
1. The inspection date;
 2. Names, titles, and qualifications of personnel making the inspection;
 3. Weather information for the period since the last inspection (or since commencement of construction activity if the first inspection) including a best estimate of the beginning of each storm event, duration of each storm event, approximate amount of rainfall for each storm event (in inches), and whether any discharges occurred;
 4. Weather information and a description of any discharges occurring at the time of the inspection;
 5. Location(s) of discharges of sediment or other pollutants from the site;
 6. Location(s) of BMPs that need to be maintained;
 7. Location(s) of BMPs that failed to operate as designed or proved inadequate for a particular location;
 8. Location(s) where additional BMPs are needed that did not exist at the time of inspection; and
 9. Corrective action required including any changes to the SWPPP necessary and implementation dates.

A record of each inspection and of any actions taken in accordance with this Part must be retained as part of the SWPPP for at least three years from the date that permit coverage expires or is terminated. The inspection reports must identify any incidents of non-compliance with the permit conditions. Where a report does not identify any incidents of non-compliance, the report must contain a certification that the construction project or site is in compliance with the SWPPP and this permit. The report must be signed in accordance with Appendix G, Section 11 of this permit.

3.11 Maintaining an Updated Plan

- A. The SWPPP, including the site map, must be amended whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to the waters of the United States that has not been previously addressed in the SWPPP.
- B. The SWPPP must be amended if during inspections or investigations by site staff, or by local, state, tribal or federal officials, it is determined that the SWPPP is ineffective in eliminating or significantly minimizing pollutants in storm water discharges from the construction site.
- C. Based on the results of an inspection, the SWPPP must be modified as necessary to include additional or modified BMPs designed to correct problems identified. Revisions to the SWPPP must be completed within

seven (7) calendar days following the inspection. Implementation of these additional or modified BMPs must be accomplished as described in Subpart 3.6.B.

3.12 Signature, Plan Review and Making Plans Available

- A. A copy of the SWPPP (including a copy of the permit), NOI, and acknowledgement letter from EPA must be retained at the construction site (or other location easily accessible during normal business hours to EPA, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service) from the date of commencement of construction activities to the date of final stabilization. If you have day-to-day operational control over SWPPP implementation, you must have a copy of the SWPPP available at a central location on-site for the use of all those identified as having responsibilities under the SWPPP whenever they are on the construction site. If an on-site location is unavailable to store the SWPPP when no personnel are present, notice of the plan's location must be posted near the main entrance at the construction site.
- B. A sign or other notice must be posted conspicuously near the main entrance of the construction site. If displaying near the main entrance is infeasible, the notice can be posted in a local public building such as the town hall or public library. The sign or other notice must contain the following information:
1. A copy of the completed Notice of Intent as submitted to the EPA Storm Water Notice Processing Center; and
 2. If the location of the SWPPP or the name and telephone number of the contact person for scheduling SWPPP viewing times has changed (i.e., is different than that submitted to EPA in the NOI), the current location of the SWPPP and name and telephone number of a contact person for scheduling viewing times.

For linear projects, the sign or other notice must be posted at a publicly accessible location near the active part of the construction project (e.g., where a pipeline project crosses a public road).

- C. SWPPPs must be made available upon request by EPA; a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to the requestor. The copy of the SWPPP that is required to be kept on-site or locally available must be made available, in its entirety, to the EPA staff for review and copying at the time of an on-site inspection.
- D. All SWPPPs must be signed and certified in accordance with Appendix G, Section 11.

3.13 Management Practices

- A. All control measures must be properly selected, installed, and maintained in accordance with any relevant manufacturer specifications and good engineering practices. If periodic inspections or other information indicates a control has been used inappropriately, or incorrectly, the operator must replace or modify the control for site situations as soon as practicable.
- B. If sediment escapes the construction site, off-site accumulations of sediment must be removed at a frequency sufficient to minimize off-site impacts.
- C. Litter, construction debris, and construction chemicals that could be exposed to storm water must be prevented from becoming a pollutant source in storm water discharges.
- D. Except as provided below, stabilization measures must be initiated as soon as practicable in portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased.
1. Where stabilization by the 14th day is precluded by snow cover or frozen ground conditions, stabilization measures must be initiated as soon as practicable.
 2. Where construction activity on a portion of the site is temporarily ceased, and earth disturbing activities will be resumed within 14 days, temporary stabilization measures do not have to be initiated on that portion of the site.

3. In arid, semiarid, and drought-stricken areas where initiating perennial vegetative stabilization measures is not possible within 14 days after construction activity has temporarily or permanently ceased, final vegetative stabilization measures must be initiated as soon as practicable.
- E. A combination of sediment and erosion control measures are required to achieve maximum pollutant removal.
1. **Sediment Basins:** For common drainage locations that serve an area with 10 or more acres disturbed at one time, a temporary (or permanent) sediment basin that provides storage for a calculated volume of runoff from the drainage area from a 2-year, 24-hour storm, or equivalent control measures, must be provided where attainable until final stabilization of the site. Where no such calculation has been performed, a temporary (or permanent) sediment basin providing 3,600 cubic feet of storage per acre drained, or equivalent control measures, must be provided where attainable until final stabilization of the site. When computing the number of acres draining into a common location, it is not necessary to include flows from offsite areas and flows from on-site areas that are either undisturbed or have undergone final stabilization where such flows are diverted around both the disturbed area and the sediment basin. In determining whether installing a sediment basin is attainable, the operator may consider factors such as site soils, slope, available area on-site, etc. In any event, the operator must consider public safety, especially as it relates to children, as a design factor for the sediment basin, and alternative sediment controls must be used where site limitations would preclude a safe design.
 2. For drainage locations which serve 10 or more disturbed acres at one time and where a temporary sediment basin or equivalent controls is not attainable, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions).
 3. For drainage locations serving less than 10 acres, smaller sediment basins and/or sediment traps should be used. At a minimum, silt fences, vegetative buffer strips, or equivalent sediment controls are required for all down slope boundaries (and for those side slope boundaries deemed appropriate as dictated by individual site conditions) of the construction area unless a sediment basin providing storage for a calculated volume of runoff from a 2-year, 24-hour storm or 3,600 cubic feet of storage per acre drained is provided.
- F. Velocity dissipation devices must be placed at discharge locations and along the length of any outfall channel to provide a non-erosive flow velocity from the structure to a water course so that the natural physical and biological characteristics and functions are maintained and protected (e.g., no significant changes in the hydrological regime of the receiving water).

3.14 Documentation of Permit Eligibility Related to Total Maximum Daily Loads

The SWPPP must include documentation supporting a determination of permit eligibility with regard to waters that have an EPA-established or approved TMDL, including:

- A. Identification of whether your discharge is identified, either specifically or generally, in an EPA-established or approved TMDL and any associated allocations, requirements, and assumptions identified for your discharge;
- B. Summaries of consultation with State or Federal TMDL authorities on consistency of SWPPP conditions with the approved TMDL, and
- C. Measures taken by you to ensure that your discharge of pollutants from the site is consistent with the assumptions and requirements of the EPA-established or approved TMDL, including any specific wasteload allocation that has been established that would apply to your discharge.

See section 1.3.C.5 for further information on determining permit eligibility related to TMDLs.

PART 4: SPECIAL CONDITIONS, MANAGEMENT PRACTICES AND OTHER NON-NUMERIC LIMITATIONS

4.1 Continuation of the Expired General Permit

If this permit is not reissued or replaced prior to the expiration date, it will be administratively continued in accordance with the Administrative Procedure Act and remain in force and effect. If you were granted permit coverage prior to the expiration date, you will automatically remain covered by the continued permit until the earliest of:

- A. Reissuance or replacement of this permit, at which time you must comply with the conditions of the new permit to maintain authorization to discharge; or
- B. Your submittal of a Notice of Termination; or
- C. Issuance of an individual permit for the project's discharges; or
- D. A formal permit decision by EPA to not reissue this general permit, at which time you must seek coverage under an alternative general permit or an individual permit.

4.2 Requiring an Individual Permit or an Alternative General Permit

- A. EPA may require you to apply for and/or obtain either an individual NPDES permit or an alternative NPDES general permit. Any interested person may petition EPA to take action under this paragraph. If EPA requires you to apply for an individual NPDES permit, EPA will notify you in writing that a permit application is required. This notification will include a brief statement of the reasons for this decision and an application form. In addition, if you are an existing permittee covered under this permit, the notice will set a deadline to file the application, and will include a statement that on the effective date of issuance or denial of the individual NPDES permit or the alternative general permit as it applies to you, coverage under this general permit will automatically terminate. Applications must be submitted to EPA at the applicable EPA Regional offices listed in Appendix B of this permit. EPA may grant additional time to submit the application upon your request. If you are covered under this permit and you fail to submit in a timely manner an individual NPDES permit application as required by EPA, then the applicability of this permit to you is automatically terminated at the end of the day specified by EPA as the deadline for application submittal.
- B. You may request to be excluded from the coverage of this general permit by applying for an individual permit. In such a case, you must submit an individual application in accordance with the requirements of 40 CFR §122.26(c)(1)(ii), with reasons supporting the request, to EPA at the applicable EPA Regional office listed in Appendix B of this permit. The request may be granted by issuance of an individual permit or an alternative general permit if your reasons are adequate to support the request.
- C. When an individual NPDES permit is issued to you, who are otherwise subject to this permit, or you are authorized to discharge under an alternative NPDES general permit, the applicability of this permit to you is automatically terminated on the effective date of the individual permit or the date of authorization of coverage under the alternative general permit, whichever the case may be. If you, who are otherwise subject to this permit, are denied an individual NPDES permit or an alternative NPDES general permit, the applicability of this permit to you is automatically terminated on the date of such denial, unless otherwise specified by EPA.

4.3 Releases in Excess of Reportable Quantities

The discharge of hazardous substances or oil in storm water discharges from the construction site must be prevented or minimized in accordance with the SWPPP. This permit does not relieve you of the federal reporting requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 relating to spills or other releases of oils or hazardous substances.

Where a release containing a hazardous substance or oil in an amount equal to or in excess of a reportable quantity established under either 40 CFR Part 110, 40 CFR Part 117 or 40 CFR Part 302, occurs during a 24-hour period:

- you must provide notice to the National Response Center (NRC) (800-424-8802; in the Washington, DC, metropolitan area call 202-426-2675) in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 as soon as site staff have knowledge of the discharge; and
- you must modify the SWPPP as required under Subpart 3.11 within 7 calendar days of knowledge of the release to: provide a description of the release, the circumstances leading to the release, and the date of the release. Plans must identify measures to prevent the reoccurrence of such releases and to respond to such releases.

4.4 Spills

This permit does not authorize the discharge of hazardous substances or oil resulting from an on-site spill.

4.5 Attainment of Water Quality Standards After Authorization

- A. You must select, install, implement and maintain BMPs at your construction site that minimize pollutants in the discharge as necessary to meet applicable water quality standards. In general, except in situations explained in Subpart 4.5.B below, your SWPPP developed, implemented, and updated consistent with Part 3.0 is considered as stringent as necessary to ensure that your discharges do not cause or contribute to an excursion above any applicable water quality standard.
- B. At any time after authorization, EPA may determine that your storm water discharges may cause, have reasonable potential to cause, or contribute to an excursion above any applicable water quality standard. If such a determination is made, EPA will require you to:
- i. Develop a supplemental BMP action plan describing SWPPP modifications in accordance with Subpart 3.11 to address adequately the identified water quality concerns;
 - ii. Submit valid and verifiable data and information that are representative of ambient conditions and indicate that the receiving water is attaining water quality standards; or
 - iii. Cease discharges of pollutants from construction activity and submit an individual permit application according to Subpart 4.2.

All written responses required under this part must include a signed certification consistent with Appendix G, Section 11.

PART 5: TERMINATION OF COVERAGE**5.1 Requirements**

You may only submit a Notice of Termination (NOT) after one or more of the following conditions have been met:

- A. Final stabilization has been achieved on all portions of the site for which you are responsible;
- B. Another operator has assumed control according to Appendix G, Section 11.C over all areas of the site that have not been finally stabilized;
- C. Coverage under an individual or alternative general NPDES permit has been obtained; or
- D. For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

The NOT must be submitted within 30 days of one of the above conditions being met. Authorization to discharge terminates at midnight of the day the NOT is signed.

5.2 Submitting a Notice of Termination

It is your responsibility to submit a complete and accurate Notice of Termination (NOT), using the form provided in Appendix F (or a photocopy thereof) available at www.epa.gov/npdes/stormwater/cgp. If EPA notifies dischargers (either directly, by public notice, or by making information available on the Internet) of other NOT form options (e.g., electronic submission), you may take advantage of those options to satisfy the requirements of Part 5.

- A. The Notice of Termination must include the following information:
1. The NPDES permit tracking number for the storm water discharge;
 2. The basis for submission of the NOT, including: final stabilization has been achieved on all portions of the site for which the permittee is responsible; another operator/permittee has assumed control over all areas of the site that have not been finally stabilized; coverage under an alternative NPDES permit has been obtained; or, for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner;
 3. You, the operator's name, address, telephone number and your organization's Employer Identification Number (EIN) as established by the U.S. Internal Revenue Service;
 4. The name of the project and address (or a description of location if no street address is available) of the construction site for which the notification is submitted; and
 5. A certification statement, signed and dated by an authorized representative as defined in Appendix G, Section 11 and the name and title of that authorized representative.

5.3 Where to Submit

A. All NOTs must be submitted to one of the following addresses:

For Regular U.S. Mail Delivery:

EPA Storm Water Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

For Overnight/Express Mail Delivery:

EPA Storm Water Notice Processing Center
Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

B. In lieu of Subpart 5.3.A, you can submit your NOT to EPA using EPA's electronic system (i.e., eNOI), when available. Check www.epa.gov/npdes/stormwater/cgp for updates.

PART 6: RETENTION OF RECORDS

Copies of the SWPPP and all documentation required by this permit, including records of all data used to complete the NOI to be covered by this permit, must be retained for at least three years from the date that permit coverage expires or is terminated. This period may be extended by request of EPA at any time.

PART 7: REOPENER CLAUSE**7.1 Procedures for Modification or Revocation**

Permit modification or revocation will be conducted according to 40 CFR §122.62, §122.63, §122.64 and §124.5.

7.2 Water Quality Protection

If there is evidence indicating that the storm water discharges authorized by this permit cause, have the reasonable potential to cause or contribute to an excursion above any applicable water quality standard, you may be required to obtain an individual permit in accordance with Part 4.5 of this permit, or the permit may be modified to include different limitations and/or requirements.

7.3 Timing of Permit Modification

EPA may elect to modify the permit prior to its expiration (rather than waiting for the new permit cycle) to comply with any new statutory or regulatory requirements, such as for effluent limitation guidelines, that may be promulgated in the course of the current permit cycle.

PART 8: STANDARD PERMIT CONDITIONS

The federal regulations require that the Standard Conditions provisioned at 40 CFR §122.41 be applied to all NPDES permits. You are required to comply with those Standard Conditions, details of which are provided in Appendix G.

PART 9: PERMIT CONDITIONS APPLICABLE TO SPECIFIC STATES, INDIAN COUNTRY, OR TERRITORIES

The provisions of this Part provide modifications or additions to the applicable conditions of this permit to reflect specific additional conditions required as part of the state or tribal CWA Section 401 certification process, or the Coastal Zone Management Act (CZMA) certification process, or as otherwise established by the permitting authority. The specific additional revisions and requirements only apply to activities in those specific states, Indian country, and federal facilities. States, Indian country, and federal facilities not included in this Part do not have any modifications or additions to the applicable conditions of this permit.

State Coastal Zone Management Act (CZMA) certification was not received from Massachusetts in time for that state to be included in this permit. As such, large construction activities in Massachusetts covered under the 1998 CGP will continue to be covered under that permit. EPA will reissue the CGP for Massachusetts for large and small construction activities at a later date, and will include any state-specific modifications or additions as part of the State's CZMA certification process.

A. Region 1

1. MAR100000: Commonwealth of Massachusetts, except Indian country

a. State Water Quality Statutes, Regulations, and Policies:

- i. You must comply with the Massachusetts Clean Waters Act (Ch. 21, ss. 23-56).
- ii. You must comply with the conditions in 314 CMR 4.00 - Surface Water Quality Standards.
- iii. You must comply with the conditions in 314 CMR 3.00 - Surface Water Discharge Permit Program.
- iv. You must comply with the Wetlands Protection Act, Ch. 131, s. 40 and its regulations, 310 CMR 10.00 and any order of Conditions issued by a Conservation Commission or a Superseding Order of Conditions issued by the Massachusetts Department of Environmental Protection.

b. Department of Environmental Protection Storm Water Management Policy:

- i. You must comply with the Massachusetts Storm Water Management Policy, March 1997 and applicable Storm Water Performance Standards, as prescribed by state regulations promulgated under the authority of the Massachusetts Clean Waters Act, MGL Ch. 21, ss. 23-56 and the Wetlands Protection Act Ch. 131, s. 40.

c. Other State Environmental Laws, Regulations, Policies:

- i. You must comply with the Massachusetts Endangered Species Act [MESA] (MGL Ch. 313A and regulations at 321 CMR 10.00) and any actions undertaken to comply with this storm water permit, shall not result in non-compliance with the MESA.
- ii. You must not conduct activities under this permit that will interfere with implementation of mosquito control work conducted in accordance with Chapter 252 including, s. 5A thereunder and DEP Guideline Number BRP G01-02, West Nile Virus Application of Pesticides to Wetland Resource Areas and Buffer Zones, and Public Water Systems.

d. Other Department Directives:

- i. The Department may require you to perform water quality monitoring during the permit term if monitoring is necessary for the protection of public health or the environment as designated under the authority at 314 CMR 3.00.
- ii. The Department may require you to provide measurable verification of the effectiveness of BMPs and other control measures in your management program, including water quality monitoring.
- iii. The Department has determined that compliance with this permit does not protect you from enforcement actions deemed necessary by the Department under its associated regulations to address an imminent threat to the public health or a significant adverse environmental impact which results in a violation of the Massachusetts Clean Waters Act, Ch. 21, ss. 26-53.
- iv. The Department reserves the right to modify the 401 Water Quality Certification if any changes, modifications or deletions are made to the general permit. In addition, the Department reserves the right to add and/or alter the terms and conditions of its 401 Water Quality Certification to carry out its responsibilities during the term of this permit with respect to water quality, including any revisions to 314 CMR 4.00, Surface Water Quality Standards.

e. Permit Compliance

- i. Should any violation of the Massachusetts Surface Water Quality Standards (314 CMR 4.00) or the conditions of this certification occur, the Department will direct you to correct the violation(s). The Department has the right to take any action as authorized by the General Laws of the Commonwealth to address the violation of this permit or the MA Clean Waters Act and the regulations promulgated thereunder. Substantial civil and criminal penalties are authorized under MGL Ch. 21, s. 42 for discharging into Massachusetts' waters in violation of an order or permit issued by this Department. This certification does not relieve the you of the duty to comply with other applicable Massachusetts statutes and regulations.

2. NHR100000: State of New Hampshire

- a. If you disturb 100,000 square feet or more of contiguous area, you must also apply for a "Significant Alteration of the Terrain Permit from DES pursuant to RSA 485-A:17 and Env-Ws 415. This requirement

applies to the disturbances of only 50,000 square feet when construction occurs within the protected shoreline (see RSA 483-B and Env-Ws 1400).

- b. You must determine that any excavation dewatering discharges are not contaminated before they will be authorized as an allowable non-storm water discharge under this permit (see Subpart 1.3.B). The water is considered uncontaminated if there is no groundwater contamination within 1,000 feet of the discharge. Information on groundwater contamination can be generated over the Internet via the NHDES web site www.des.state.nh.us (One Stop Data Retrieval, Onestop Master Site Table). The web site also provides E-mail access to an NHDES Site Remediation Contact to answer questions about using the Web site.
- c. You must treat any uncontaminated excavation dewatering discharges as necessary to remove suspended solids and turbidity. The discharges must be sampled at a location prior to mixing with storm water at least once per week during weeks when discharges occur. The samples must be analyzed for total suspended solids (TSS) and must meet monthly average and maximum daily TSS limitations of 50 milligrams per liter (mg/L) and 100 mg/L, respectively. TSS (a.k.a. Residue, Nonfilterable) analysis and sampling must be performed in accordance with Tables IB (parameter, units and method) and II (required containers, preservation techniques and holding times) in 40 CFR 136.3 (see: http://www.access.gpo.gov/nara/cfr/waisidx_02/40cfr136_02.html). Records of any sampling and analysis must be maintained and kept with the SWPPP for at least three years after final site stabilization.
- d. During site design and preparation of the storm water pollution prevention plan (SWPPP), you must consider opportunities for groundwater recharge using on-site infiltration. The SWPPP must include a description of any on-site infiltration that will be installed as a post construction storm water management measure (see Subpart 3.4.E) or reasons for not employing such measures. For design considerations for infiltration measures see the September 2001 DES publication titled "Managing Storm Water as a Valuable Resource" which is available online at: www.des.state.nh.us/StormWater/construction.htm. Loss of annual recharge to groundwater should be minimized through the use of infiltration measures wherever feasible.

B. Region 2

1. NYR10000I: Indian country within the State of New York

St. Regis Mohawk Territory at Akwesasne

- a. NOIs shall also be submitted to the St. Regis Mohawk Tribe, Environment Division, at the same time they are submitted to EPA, at the following address:

St. Regis Mohawk Tribe, Environment Division
412 State Route 37
Akwesasne, NY 13655
Attn: Clean Water Program Manager.

- b. In addition, Storm Water Pollution Prevention Plans (and any updates or amendments thereto) must be submitted to the Environment Division and to the Tribal Historic Preservation Officer at least thirty (30) days in advance of corresponding Notices of Intent. This will allow the Environment Division and the THPO to make an informed determination as to whether any proposed discharges might adversely impact the quality of its surface or groundwater, or disturb sites of historic or cultural significance to the Tribe that may be listed, or eligible to be listed, on the National Register of Historic Places.
- c. Within 10 days of the inspection required under Subpart 3.10.G of this permit, the permittee shall provide a copy of the Inspection Report to the Environment Division.

C. Region 6

1. NMR150000: The State of New Mexico, except Indian country

NOTE: Conditions in the New Mexico Environment Department (NMED) certification of the permit resulted in permit requirements adding further restrictions on eligibility for discharges to Outstanding National Resource Waters (ONRWs), expanding on requirements for pollution prevention plans, and limiting options provided in the permit related to inspection frequency and final stabilization.

- a. In addition to all other provisions of this permit, operators who intend to obtain authorization under this permit for all new storm water discharges must satisfy the conditions in Subpart 9.C.1.a.i, unless a TMDL has been established for the receiving stream which specifies a waste load allocation (WLA) for

construction storm water discharges or the receiving stream is a Tier 3 water, in which case Subpart 9.C.1.a.ii applies.

- i. The operator must include a Sediment Control Plan (SCP) as a part of the Storm Water Pollution Prevention Plan (SWPPP). The SCP must include site-specific interim and permanent stabilization, managerial, and structural solids, erosion, and sediment control BMPs and/or other controls that are designed to prevent an increase in the sediment yield and flow velocity from pre-construction, undisturbed conditions. This applies to discharges both during construction and after construction operations have been completed. The SCP must identify, and document the rationale for selecting these BMPs and/or other controls. The SCP must also describe design specifications, construction specifications, maintenance schedules (including a long term maintenance plan), criteria for inspections, as well as expected performance and longevity of the BMPs. Using appropriate soil loss prediction models (such as SEDCAD 4.0, RUSLE, SEDIMONT II, MULTISED, etc.), the operator(s) must demonstrate, and include documentation in the SCP, that implementation of the site-specific practices will result in sediment yields that will not be greater than the sediment yield levels from pre-construction, undisturbed conditions. The SCP must be prepared in accordance with good engineering practices and certified by a registered professional engineer. The operator(s) must design, implement, and maintain BMPs in the manner specified in the SCP and the SWPPP.
 - ii. Operators are not eligible to obtain authorization under this permit for all new storm water discharges to outstanding national resource waters (ONRWs) (also referred to as "Tier 3: waters). According to the Antidegradation Policy at Paragraph 3 of Subsection A of 20.6.4.8 NMAC, in part, "ONRWs may include, but are not limited to, surface waters of the state within national and state monuments, parks, wildlife refuges, waters of exceptional recreational or ecological significance, and waters identified under the Wild and Scenic Rivers Act." No ONRWs exist at the time this permit is being finalized; however, during the term of the permit, if a receiving water is designated as an ONRW, the operator must obtain an individual permit for storm water discharges from large and small construction activities.
- b. Storm water discharges associated with industrial activity to Clean Water Act section 303(d) waters as well as all other "waters of the State" that the New Mexico Environment Department, Surface Waters Quality Bureau (SWQB) has determined to be or may reasonably be expected to be contributing to a violation of a water quality standard and/or that do not comply with the applicable anti-degradation provisions of the State's WQS are not authorized by this permit.

Note: Upon receipt of this determination, NMED anticipates that, within a reasonable period of time, EPA will notify the general permittee to apply for and obtain an individual NPDES permit for these discharges per 40 CFR Part 122.28(b)(3).

- c. Inspections required under Subpart 3.10 must be conducted at least once every 14 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater. The option for inspections at least once per 7 calendar days is not available. The Inspection Waivers provided in Parts 3.10.B and C still apply.
 - d. Permittees can not use temporary erosion controls as described in item 3 of the Appendix A definition of "Final Stabilization" as a method for final stabilization under the permit.
 - e. Signed copies of discharge monitoring reports, individual permit applications, and all other reports required by the permit to be submitted, shall also be sent to:

Program Manager
Point Source Regulation Section
Surface Water Quality Bureau
New Mexico Environment Department
P.O. Box 26110
Santa Fe, NM 87502
2. NMR15000I: Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I
- a. *Pueblo of Acoma* The following conditions apply only to discharges on the Pueblo of Acoma.

- i. A copy of the storm water pollution prevention plan, Notice of Intent, and Notice of Termination must be submitted to the Haaku Water Office at the address below. The pollution prevention plan must be submitted to the Pueblo at least thirty (30) days in advance of submitting the Notice of Intent to EPA.

HAAKU WATER OFFICE
 Pueblo of Acoma
 P.O. Box 309
 Pueblo of Acoma, NM 87034

- b. *Pueblo of Isleta* The following conditions apply only to discharges on the Pueblo of Isleta.

- i. Subpart 1.3.C.4, (Eligibility, Limitations on Coverage) first sentence, is revised to read: "This permit does not authorize discharges that EPA or the Pueblo of Isleta, prior to authorization under this permit, determines will cause, have the reasonable potential to cause, or contribute to an excursion above any applicable water quality standard or impairment of a designated use of receiving waters."
- ii. Subpart 2.4. (Where to Submit) is amended to add the following section (2.4.C):
- C. Copies of all Notices of Intent submitted to EPA must also be sent concurrently to the Pueblo of Isleta at the following address. Discharges are not authorized by this permit unless an accurate and complete Notice of Intent has been submitted to the Pueblo of Islet

Regular U.S. Mail Delivery

OR

Overnight/Express Mail Delivery

Environment Department
 Pueblo of Isleta
 P.O. Box 1270
 Isleta, NM 87022

Environment Department
 Building L
 11000 Broadway, SE
 Albuquerque, NM 87105

- iii. Part 2 (Authorizations for Discharges of Storm Water from Construction Activity), second sentence, is amended to read: "Discharges are not authorized if your NOI is incomplete or inaccurate, if you failed to submit a copy of the NOI to the Pueblo of Isleta, or if you were never eligible for permit coverage."
- iv. Subpart 3.4. (Pollution Prevention Plan Contents: Controls to Reduce Pollutants), section A, last sentence, is amended to read: "For each major activity identified in the project description the SWPPP must clearly describe appropriate control measures, the general sequence during the construction process in which the measures will be implemented, and which operator is responsible for the control measure's implementation and maintenance."
- v. Subpart 3.8 (Copy of Permit Requirements), first sentence, is revised to read "Copies of this permit and of the signed and certified NOI form that was submitted to the Pueblo of Isleta and EPA must be included in the SWPPP."
- vi. Subpart 3.10.(Inspections), section A is revised to read "Inspections must be conducted at least once every 7 calendar days and within 24 hours of the end of a storm event of 0.5 inches or greater."
- vii. Subpart 3.10. (Inspections), section G, last paragraph, is amended to add: "Copies of inspection reports that identify incidents of noncompliance shall be sent to Pueblo of Isleta at the address listed in Subpart 2.4.C." (See above)
- viii. Subpart 3.12. (Signature, Plan Review and Making Plans Available), section A, first sentence is amended to read: "A copy of the SWPPP (including a copy of the permit) must be retained at the construction site (or other location easily accessible during normal business hours to the Pueblo of Isleta's Environmental Department, EPA, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service) from the date of commencement of construction activities to the date of final stabilization."
- ix. Subpart 3.12. (Signature, Plan Review and Making Plans Available), section C. is amended to read: "SWPPPs must be made available upon request by EPA; representatives of the Pueblo of Isleta Environment Department, a state, tribal or local agency approving sediment and erosion plans, grading plans, or storm water management plans; local government officials; the operator of a municipal separate storm sewer receiving discharges from the site; and representatives of the U.S. Fish and Wildlife Service or the National Marine Fisheries Service to the requestor. The copy of the

SWPPP that is required to be kept on-site or locally available must be made available, in its entirety, to the EPA staff and the Pueblo of Isleta's Environment Department staff for review and copying at the time of an on-site inspection.

- x. Subpart 3.13. (Management Practices), section A is amended to add: "Erosion and sediment controls shall be designed to retain sediment on-site."
- xi. Subpart 4.3 (Releases in Excess of Reportable Quantities), first bullet is amended to read: "you must provide notice to the Pueblo of Isleta Environment Department (505-869-5748) and the National Response Center (NRC) (800-424-8802; in the Washington, DC, metropolitan area call 202-426-2675) in accordance with the requirements of 40 CFR Part 110, 40 CFR Part 117 and 40 CFR Part 302 as soon as site staff have knowledge of the discharge; and"
- xii. Subpart 4.5 (Attainment of Water Quality Standards After Authorization), is amended to add the following fourth bullet:
 "You must provide the Pueblo of Isleta, at the address listed in Subpart 2.4.C, with a copy of the EPA notification, the supplemental action plan, data and certification required by EPA."
- xiii. Subpart 5.3. (Where to Submit) is amended to add the following section (5.3.C):
 C. Copies of all Notices of Termination submitted to EPA must also be sent concurrently to the Pueblo of Isleta at the following address.

Regular U.S. Mail Delivery

OR

Overnight/Express Mail Delivery

Environment Department
 Pueblo of Isleta
 P.O. Box 1270
 Isleta, NM 87022

Environment Department
 Building L
 11000 Broadway, SE
 Albuquerque, NM 87105

- xiv. Any correspondence, other than NOIs and NOTs, with the Pueblo of Isleta concerning storm water discharges authorized by this permit shall sent one of the addresses in Subpart 5.3.C (see above).
- xv. Appendix G, Section 9, first sentence is amended to read:
 "You must allow the Pueblo of Isleta's Environment Department, EPA, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:"
- xvi. Appendix G, Section 12, subsections A, B, C, F, G and H are amended to require that when you must notify EPA of an event (e.g., planned changes, anticipated noncompliance, transfers, required reporting due to potential adverse effects or environmental impacts or other noncompliance matters), the Pueblo of Isleta must also be notified.
- xvii. Parties wishing to apply for an Equivalent Analysis Waiver (see Appendix D, Section C) must provide a copy of the waiver analysis to the Pueblo of Isleta at the address specified in Subpart 5.3.C (See above) at the time it is submitted to EPA.
- c. *Pueblo of San Juan.* The following conditions apply only to discharges on the Pueblo of San Juan.
 - i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pueblo at the time it is provided to the Environmental Protection Agency, at the following address:
 Office of Environmental Affairs
 Pueblo of San Juan
 P.O. Box 717
 San Juan, NM 87566
 - ii. Appendix G, Section 10 (Monitoring and records), item D is amended to add:
 "All monitoring must be conducted in accordance with the Pueblo of San Juan's Quality Assurance Project Plan."
- d. *Pueblo of Sandia.* The following conditions apply only to discharges on the Pueblo of Sandia.

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- i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Pueblo at the same time it is submitted to the Environmental Protection Agency.
 Environment Department
 Pueblo of Sandia
 Box 6008
 Bernalillo, NM 87004
 - ii. The Storm Water Pollution Prevention Plan must be available to tribal environmental personnel upon request.
 - iii. You must telephone the Pueblo of Sandia Environment Department at (505) 867-4533 of any noncompliance that may endanger human health or the environment within ten (10) hours of becoming aware of the circumstance.
 - e. *Santa Clara Pueblo*. The following conditions apply only to discharges on the Santa Clara Pueblo.
 - i. Copies of the Notice of Intent (NOI) and Notice of Termination (NOT) must be provided to the Santa Clara Pueblo Office of Environmental Affairs at the same time it is submitted to the Environmental Protection Agency.
 Santa Clara Pueblo
 Office of Environmental Affairs
 One Knee Street
 P.O. Box 580
 Espanola, NM 87532
 - f. *Pueblo of Tesuque* The following conditions apply only to discharges on the Pueblo of Tesuque.
 - i. A copy of the storm water pollution prevention plan, Notice of Intent, and Notice of Termination must be submitted to the Pueblo of Tesuque Environment Department at the address below. The Notice of Intent and the Notice of Termination must be submitted at the same time they are submitted to EPA. The pollution prevention plan must be submitted before the project begins. Phone: 505- 983-2667 FAX: 505-982-2331
 Pueblo of Tesuque
 Environment Department
 Rt. 42, Box 360-T
 Santa Fe, NM 87506
3. OKR15000F: Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
- a. Subpart 1.3.C. (Limitations on Coverage) is modified to add paragraphs 8 and 9 as follows:
 - "8. For activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or an water or watershed designated "ORW" (Outstanding Resource Water) in Oklahoma's Water Quality Standards, this permit may only be used to authorize discharges from temporary construction activities. Discharges from ongoing activities such as sand and gravel mining or any other mineral mining are not authorized.
 - 9. Activities located within the watershed of any Oklahoma Scenic River, including the Illinois River, Flint Creek, Barren Fork Creek, Upper Mountain Fork, Little Lee Creek, and Big Lee Creek or an water or watershed designated "ORW" (Outstanding Resource Water) in Oklahoma's Water Quality Standards, this permit may not be used to authorize discharges from concrete or asphalt batch plants."
- D. Region 8
- 1. MTR10000I: Indian country within the State of Montana
 - a. Confederated Salish and Kootenai Tribes of the Flathead Nation. The following conditions apply only for projects on the Flathead Indian Reservation:

- i. The permittee must send the SWPPP to the Tribes at least 30 days before construction starts. The 30 day period will give Tribal staff time to become familiar with the project site, prepare for construction inspections and determine compliance with Tribal water quality standards, as required by the Tribe's Water Quality Management Ordinance 89B (1990) and Surface Water Quality Standards & Antidegradation Policy (1995). Copies of the SWPPP should be sent to the following address:

Confederated Salish and Kootenai Tribes
Natural Resources Department
Department Head
P.O. Box 278
Pablo, MT 59855
 - ii. Before submitting the Notice of Termination, permittees must clearly demonstrate to an appointed tribal staff person during an on-site inspection that requirements for site stabilization have been met and all temporary erosion control structures removed. The staff person performing the on-site inspection will be determined by the Environmental Protection Division Manager. The staff person will draft a short letter stating the stabilization requirements have been met to add to the permittees Notice of Termination submission to EPA.
 - iii. The permittee must send a copy of the Notice of Intent (NOI) and the Notice of Termination (NOT) to the Tribes at the same time that the NOI and NOT is sent to EPA. Copies of the NOI and NOT should be sent to the address above.
 - b. Fort Peck Tribes - Assiniboine & Sioux. The following conditions apply only for projects within the Fort Peck Indian Reservation:
 - i. The permittee must send a copy of the Notice of Intent (NOI) and the Notice of Termination (NOT) to the Tribes at the same time that the NOI and NOT is sent to EPA. Copies of the NOI and NOT should be sent to the following address:

Deb Madison
Environmental Program Manager
Fort Peck Assiniboine & Sioux Tribes
P.O. Box 1027
Poplar, MT 59255
- E. Region 9
1. ASR100000: The Island of American Samoa
 - a. Discharges authorized by the general permit shall meet all applicable American Samoa water quality standards.
 - b. Permittees discharging under the general permit shall comply with all conditions of the permit.
 2. AZR100001: Indian country lands within the State of Arizona, including Navajo Reservation lands in New Mexico and Utah
 - a. White Mountain Apache Tribe. The following condition applies only for projects on the White Mountain Apache Reservation: All NOIs for proposed storm water discharge coverage shall be provided to the following address:

Tribal Environmental Planning Office
P.O. Box 2109
Whiteriver, AZ 85941
 3. NIR100000: Commonwealth of the Northern Mariana Islands (CNMI)
 - a. An Earthmoving and Erosion Control Permit shall be obtained from the CNMI DEQ prior to any construction activity covered under the NPDES general permit.
 - b. All conditions and requirements set forth in the USEPA NPDES general permit for discharges from large and small construction must be complied with.

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- c. A SWPPP for storm water discharges from construction activity must be approved by the Director of the CNMI DEQ prior to the submission of the NOI to USEPA. The CNMI address for the submittal of the SWPPP for approval is:
- Commonwealth of the Northern Mariana Islands
Office of the Governor
Director, Division of Environmental Quality (DEQ)
P.O. Box 501304 C.K.
Saipan, MP 96950-1304
- d. An NOI to be covered by the general permit for discharges from large and small construction sites must be submitted to CNMI DEQ (use above address) and USEPA, Region 9, in the form prescribed by USEPA, accompanied by a SWPPP approval letter from CNMI DEQ.
- e. The NOI must be postmarked seven (7) calendar days prior to any storm water discharges and a copy must be submitted to the Director of CNMI DEQ (use above address) no later than seven (7) calendar days prior to any stormwater discharges.
- f. Copies of all monitoring reports required by the NPDES general permit must be submitted to CNMI DEQ (use above address).
- g. In accordance with section 10.3(h) and (i) of the CNMI water quality standards, CNMI DEQ reserves the right to deny coverage under the general permit and to require submittal of an application for an individual NPDES permit based on a review of the NOI or other information made available to the Director.
- F. Region 10
1. AKR100000: The State of Alaska, except Indian country
- a. Operators of construction projects disturbing five or more acres occurring outside the Municipality of Anchorage must submit a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the Notice of Intent (NOI) to the State of Alaska Department of Environmental Conservation (ADEC) for review, and shall be accompanied by the state-required fee of \$400. Submittal of the SWPPP and the NOI to the ADEC should be made at the same time the NOI is submitted to the EPA.
- b. Operators of publicly-funded projects disturbing five or more acres occurring within the Municipality of Anchorage must submit a copy of the SWPPP and a copy of the NOI to the ADEC for review, and shall be accompanied by the state-required fee of \$400. Submittal of the SWPPP and the NOI to the ADEC should be made at the same time the NOI is submitted to the EPA.
- c. Operators of construction projects disturbing at least one acre and less than five acres must submit a copy of the NOI to the ADEC at the same time it is submitted to the EPA.
- d. Storm Water Pollution Prevention Plans and Notices of Intent must be submitted to ADEC at the following address:
- Alaska Department of Environmental Conservation
Water Quality Permitting/Storm Water
555 Cordova Street
Anchorage, Alaska 99501
- e. Operators of private construction projects disturbing one or more acres within the Municipality of Anchorage shall submit a copy of the Storm Water Pollution Prevention Plan to the Municipality at the following address:
- Municipality of Anchorage, Office of Planning Development and Public Works
4700 S. Bragaw Street
P.O. Box 196650
Anchorage, Alaska 99519-6650
- f. Submittal of the SWPPP to the Municipality of Anchorage should be made before or at the same time the NOI is submitted to the EPA and the ADEC and shall be accompanied by any Municipality-required fee.

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2. IDR100000: The State of Idaho, except Indian country
- a. Any construction related storm water discharges to impaired water bodies on Idaho's Clean Water Act (CWA) Section 303(d) list with EPA-approved Total Maximum Daily Loads (TMDL) must be consistent with any load allocations established by the applicable TMDL.
 - b. No net increase of listed pollutants is allowed in any construction related storm water discharges to an impaired water body considered "high priority" as included on Idaho's CWA Section 303(d) list that does not yet have an EPA-approved TMDL.
 - c. If a TMDL has not been established for an impaired water body considered "medium priority" or "low priority" as included on Idaho's CWA Section 303(d) list, BMPs shall be employed as necessary to prohibit further impairment of the designated or existing beneficial uses.
 - d. Only BMPs authorized by the appropriate designated agency as defined in the Idaho Water Quality Standards and Wastewater Treatment Requirements (IDAPA 58.01.02 et seq.), or otherwise approved by the Idaho Department of Environmental Quality, will be allowed.
 - e. Use of the "Equivalent Analysis Waiver" in Addendum D is not authorized.
 - f. Operators may contact the Idaho Department of Environmental Quality regional office nearest the construction activity for more information about impaired waterways:

Boise Regional Office:

1445 N. Orchard
Boise ID 83706-2239
Tel: (208)373-0550
Fax: (208)373-0287

Cascade Satellite Office:

109 N. Main St., PO Box 247
Cascade, ID 83611
Tel: (208)382-6808
Fax: (208)382-3327

Coeur d'Alene Regional Office:

2110 Ironwood Parkway
Coeur d'Alene ID 83814
Tel: (208)769-1422
Fax: (208)769-1404

Grangeville Satellite Office:

300 W. Main
Grangeville ID 83530
Tel: (208)983-0808
Fax: (208)983-2873

Idaho Falls Regional Office:

900 N. Skyline, Suite B
Idaho Falls, ID 83402
Tel: (208)528-2650
Fax: (208)528-2695

Lewiston Regional Office:

1118 "F" Street
Lewiston, ID 83501
Tel: (208)799-4370
Toll Free: 1-877-541-3304
Fax: (208)799-3451

Pocatello Regional Office:

444 Hospital Way #300
Pocatello ID 83201
Tel: (208)236-6160
Fax: (208)236-6168

Twin Falls Regional Office:

601 Pole Line Road, Suite 2
Twin Falls, ID 83301
Tel: (208)736-2190
Fax: (208)736-2194

3. ORR100001: Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9):
- a. Confederated Tribes of the Umatilla Indian Reservation. The following conditions apply only for projects within the exterior boundaries of the Umatilla Indian Reservation:
 - i. The operator shall be responsible for achieving compliance with the Confederated Tribes of the Umatilla Indian Reservation's (CTUIR) Water Quality Standards.
 - ii. The operator shall submit all Erosion Control and/or Storm Water Pollution Prevention Plans to the CTUIR Water Resources Program for review and approval by the Department of Natural Resources Director prior to submitting the Notice of Intent to EPA and prior to beginning any discharge activities.
 - iii. The operator shall contact the CTUIR Tribal Historic Preservation Office (THPO) prior to beginning any construction activities to determine whether a cultural resource survey of the project area or other investigation is required. All cultural resource fieldwork must be conducted by qualified personnel and documented using Oregon Reporting Standards. The resulting report must be submitted to the THPO for concurrence at least 30 days before any ground disturbing work can occur at the site. The operator must obtain THPO concurrence in the form of a letter, which (if necessary) will include any measures that must be taken to prevent or mitigate adverse effects to potentially eligible historic properties, prior to any ground disturbing work.
 - iv. The operator shall submit copies of the Notice of Intent to the CTUIR Water Resources Program and the CTUIR Tribal Historic Preservation Office at the same time it is submitted to EPA.

- v. Erosion Control and Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:
- Confederated Tribes of the Umatilla Indian Reservation
Water Resources Program
P.O. Box 638
Pendleton, OR 97801
(541) 276-3447
- Confederated Tribes of the Umatilla Indian Reservation
Cultural Resources Protection Program
Tribal Historic Preservation Office
P.O. Box 638
Pendleton, OR 97801
(541) 276-3629
- b. Confederated Tribes of Warm Springs. The following conditions apply only for projects on the Warm Springs Indian Reservation:
- i. All activities covered by this NPDES general permit occurring within a designated riparian buffer zone as established in Ordinance 74 (Integrated Resource Management Plan or IRMP) must be reviewed, approved and permitted through the Tribe's Hydraulic Permit Application process, including payment of any applicable fees.
 - ii. All activities covered by this NPDES general permit must follow all applicable land management and resource conservation requirements specified in the IRMP.
 - iii. Operators of activities covered by this NPDES general permit must submit a Storm Water Pollution Prevention Plan to the Tribe's Water Control Board at the following address for approval at least 30 days prior to beginning construction activity:
Chair, Warm Springs Water Control Board
P.O. Box C
Warm Springs, Oregon 97761
4. WAR10000F: Federal Facilities in the State of Washington, except those located on Indian Country
- The following conditions apply to stormwater discharges from all permitted construction sites which disturb one acre or more and which discharge to surface waters (40 CFR part 122.26(b)(14)(x) and 122.26 (b)(15)):
- a. Discharges must not cause or contribute to a violation of surface water quality standards (Chapter 173-201A WAC), sediment management standards (Chapter 173-204 WAC), ground water quality standards (Chapter 173-200 WAC), and human health-based criteria in the National Toxics Rule (Federal Register, Vol. 57, No. 246, Dec. 22, 1992, pages 60848-60923). Discharges that are not in compliance with these standards are not authorized.
 - b. You must apply all known available and reasonable methods of prevention, control and treatment (AKART), including the preparation and implementation of an adequate Stormwater Pollution Prevention Plan (SWPPP), with all appropriate BMPs installed and maintained in accordance with the SWPPP and the terms and conditions of this permit.
 - c. Stormwater BMPs must be properly designed, constructed, maintained and operated to:
 - i. Prevent pollution of state waters and protect water quality, including compliance with applicable state water quality standards;
 - ii. Satisfy state requirements for all known available and reasonable methods of prevention, control and treatment (AKART) of wastes (including construction stormwater runoff) prior to discharge to waters of the state; and
 - iii. Satisfy the federal technology-based treatment requirements under 40 CFR part 125.3.
 - d. You must document the technical basis for the design criteria used to select and design your stormwater management BMPs. You must document within your Stormwater Pollution Prevention Plan (SWPPP) how stormwater BMPs were selected, the pollutant removal performance expected from the BMP being selected, the technical basis (scientific, technical studies, and/or modeling) which support the performance claims for the BMPs being selected, and an assessment of how the selected BMP will

comply with state water quality standards, satisfy the state AKART requirements, and satisfy the federal technology-based treatment requirements.

If you choose to follow the stormwater management practices contained in stormwater technical manuals approved by Washington State, including the proper selection, implementation and maintenance of appropriate BMPs, you are presumed to have satisfied this demonstration requirement and do not need to include within the SWPPP the technical basis which support the performance claims for the BMPs being used. The SWPPP must include a reference to the manual used. Approved stormwater technical manuals include:

- i. Stormwater Management Manual for Western Washington, August 2001, for sites west of the crest of the Cascade Mountains;
 - ii. Stormwater Management Manual for Eastern Washington, (completion expected in the fall of 2003) for sites east of the crest of the Cascade Mountains; or
 - iii. Other equivalent stormwater management guidance documents approved by Ecology.
- e. Stormwater discharges from construction sites which disturb 5 acres or more (40 CFR part 122.26(b)(14)(x)) and which discharge to surface waters listed as impaired by the state under Section 303(d) of the Clean Water Act for turbidity, fine sediment, high pH, and/or phosphorus are subject to an effluent limitation that is equal to the applicable water quality standards at the point of discharge. If impairment is due to turbidity and/or fine sediment, the turbidity at the point of discharge shall not exceed the background (upstream) turbidity of the receiving water.
- i. Effluent limitations apply to direct discharges to listed waterbodies as well as indirect discharges via a stormwater conveyance system.
 - ii. All references and requirements associated with Section 303(d) of the Clean Water Act shall use the most current listing by Ecology of impaired waters that exists at the time of application for coverage under this permit
- f. Stormwater discharges from construction sites which disturb 5 acres or more (40 CFR part 122.26(b)(14)(x)) and which discharge to surface waters for which there is a total maximum daily load (TMDL) allocation or other control plan that addresses sediment (including turbidity, fine sediment, total suspended solids or siltation), high pH, or phosphorus must be consistent with the requirements in the approved TMDL or applicable control plan. Control plans may be total maximum daily load (TMDL) determinations, restrictions for the protection of endangered species, ground water management plans, or other limitations that regulate or set limits on discharges to a specific waterbody or groundwater recharge area.

Information on impaired waterways is available from the Department of Ecology web site at: <http://www.ecy.wa.gov/programs/wq/stormwater>. You may also contact the Department of Ecology for more information about impaired waterways at:

Mailing Address:

Department of Ecology
Stormwater Unit
PO Box 47600
Olympia, WA 98504-7600
Phone: 360-407-6000

Physical Address:

Department of Ecology
300 Desmond Drive
Lacey, WA 98503
Phone: 360-407-6000

5. WAR10000I: Indian country within the State of Washington
 - a. Puyallup Tribe of Indians. The following conditions apply only for projects on the Puyallup Reservation:
 - i. Each operator shall be responsible for achieving compliance with the Puyallup Tribe's Water Quality Standards.

- ii. Each operator shall submit all Pollution Prevention Plans to the Puyallup Tribe Environmental Department for review and approval prior to beginning any discharge activities.
 - iii. Each operator shall submit a copy of the Notice of Intent to the Puyallup Tribal Environmental Department at the same time it is submitted to EPA.
 - iv. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:
Puyallup Tribe Natural Resources, Environmental Department
1850 Alexander Avenue
Tacoma, WA 98421
- b. Confederated Tribes of the Chehalis Reservation. The following conditions apply only for projects on the Chehalis Reservation:
- i. The operator shall be responsible for achieving compliance with the Chehalis Tribe's Water Quality Standards.
 - ii. The operator shall submit a Storm Water Pollution Prevention Plan to the Chehalis Tribe Department of Natural Resources for review and approval at least thirty (30) days prior to beginning any discharge activities.
 - iii. The operator shall submit a copy of the Notice of Intent to the Chehalis Tribe Department of Natural Resources at the same time it is submitted to EPA.
 - iv. Storm Water Pollution Prevention Plans and Notices of Intent shall be submitted to:
Chehalis Tribe Department of Natural Resources
420 Howanut Road
Oakville, WA 98568

Appendix A - Definitions and Acronyms**Definitions**

"Arid Areas" means areas with an average annual rainfall of 0 to 10 inches.

"Best Management Practices" (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practice to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

"Commencement of Construction Activities" means the initial disturbance of soils associated with clearing, grading, or excavating activities or other construction-related activities (e.g., stockpiling of fill material).

"Control Measure" as used in this permit, refers to any BMP or other method used to prevent or reduce the discharge of pollutants to waters of the United States.

"CWA" means the Clean Water Act or the Federal Water Pollution Control Act, 33 U.S.C. section 1251 et seq.

"Discharge" when used without qualification means the "discharge of a pollutant."

"Discharge of Storm Water Associated with Construction Activity" as used in this permit, refers to a discharge of pollutants in storm water from areas where soil disturbing activities (e.g., clearing, grading, or excavation), construction materials or equipment storage or maintenance (e.g., fill piles, borrow area, concrete truck washout, fueling), or other industrial storm water directly related to the construction process (e.g., concrete or asphalt batch plants) are located.

"Eligible" means qualified for authorization to discharge storm water under this general permit.

"Facility" or "Activity" means any "point source" or any other facility or activity (including land or appurtenances thereto) that is subject to regulation under the NPDES program.

"Federal Facility" means any buildings, installations, structures, land, public works, equipment, aircraft, vessels, and other vehicles and property, owned by, or constructed or manufactured for the purpose of leasing to, the Federal government.

"Final Stabilization" means that:

1. All soil disturbing activities at the site have been completed and either of the two following criteria are met:
 - a. a uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or
 - b. equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
2. When background native vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation covers 50 percent of the ground, 70 percent of 50 percent ($0.70 \times 0.50 = 0.35$) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
3. In arid and semi-arid areas only, all soil disturbing activities at the site have been completed and both of the following criteria have been met:
 - a. Temporary erosion control measures (e.g., degradable rolled erosion control product) are selected, designed, and installed along with an appropriate seed base to provide erosion control for at least three years without active maintenance by you,
 - b. The temporary erosion control measures are selected, designed, and installed to achieve 70 percent vegetative coverage within three years.
4. For individual lots in residential construction, final stabilization means that either:
 - a. The homebuilder has completed final stabilization as specified above, or

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- b. The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
5. For construction projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "water of the United States," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (1) or (2) or (3) above.

"Indian country" is defined at 40 CFR §122.2 to mean:

1. All land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation;
2. All dependent Indian communities with the borders of the United States whether within the originally or subsequently acquired territory thereof, and whether within or without the limits of a state; and
3. All Indian allotments, the Indian titles to which have not been extinguished, including rights-of-ways running through the same.

"Large Construction Activity" is defined at 40 CFR §122.26(b)(14)(x) and incorporated here by reference. A large construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than five acres of land or will disturb less than five acres of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than five acres. Large construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Municipal Separate Storm Sewer System" or "MS4" is defined at 40 CFR §122.26(b)(8) to mean a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned and operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying storm water;
3. Which is not a combined sewer; and
4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR §122.2.

"New Project" means the "commencement of construction activities" occurs after the effective date of this permit.

"Ongoing Project" means the "commencement of construction activities" occurs before the effective date of this permit.

"Operator" for the purpose of this permit and in the context of storm water associated with construction activity, means any party associated with a construction project that meets either of the following two criteria:

1. The party has operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or
2. The party has day-to-day operational control of those activities at a project which are necessary to ensure compliance with a SWPPP for the site or other permit conditions (e.g., they are authorized to direct workers at a site to carry out activities required by the SWPPP or comply with other permit conditions). This definition is provided to inform permittees of EPA's interpretation of how the regulatory definitions of "owner or operator" and "facility or activity" are applied to discharges of storm water associated with construction activity.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the NPDES program.

"Permitting Authority" means the United States Environmental Protection Agency, EPA, a Regional Administrator of the Environmental Protection Agency or an authorized representative.

"Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

"Pollutant" is defined at 40 CFR §122.2. A partial listing from this definition includes: dredged spoil, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial or municipal waste.

"Project Area" means:

- The areas on the construction site where storm water discharges originate and flow toward the point of discharge into the receiving waters (including areas where excavation, site development, or other ground disturbance activities occur) and the immediate vicinity. (Example: 1. Where bald eagles nest in a tree that is on or bordering a construction site and could be disturbed by the construction activity or where grading causes storm water to flow into a small wetland or other habitat that is on the site that contains listed species.)
- The areas where storm water discharges flow from the construction site to the point of discharge into receiving waters. (Example: Where storm water flows into a ditch, swale, or gully that leads to receiving waters and where listed species (such as amphibians) are found in the ditch, swale, or gully.)
- The areas where storm water from construction activities discharge into receiving waters and the areas in the immediate vicinity of the point of discharge. (Example: Where storm water from construction activities discharges into a stream segment that is known to harbor listed aquatic species.)
- The areas where storm water BMPs will be constructed and operated, including any areas where storm water flows to and from BMPs. (Example: Where a storm water retention pond would be built.)
- The areas upstream and /or downstream from construction activities discharges into a stream segment that may be affected by the said discharges. (Example: Where sediment discharged to a receiving stream settles downstream and impacts a breeding area of a listed aquatic species.)

"Receiving water" means the "Water of the United States" as defined in 40 CFR §122.2 into which the regulated storm water discharges.

"Runoff coefficient" means the fraction of total rainfall that will appear at the conveyance as runoff.

"Semi-Arid Areas" means areas with an average annual rainfall of 10 to 20 inches.

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Small Construction Activity" is defined at 40 CFR §122.26(b)(15) and incorporated here by reference. A small construction activity includes clearing, grading, and excavating resulting in a land disturbance that will disturb equal to or greater than one (1) acre and less than five (5) acres of land or will disturb less than one (1) acre of total land area but is part of a larger common plan of development or sale that will ultimately disturb equal to or greater than one (1) acre and less than five (5) acres. Small construction activity does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the site.

"Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.

"Storm Water Discharge-Related Activities" as used in this permit, include: activities that cause, contribute to, or result in storm water point source pollutant discharges, including but not limited to: excavation, site development, grading and other surface disturbance activities; and measures to control storm water including the siting, construction and operation of BMPs to control, reduce or prevent storm water pollution.

"Total Maximum Daily Load" or "TMDL" means the sum of the individual wasteload allocations (WLAs) for point sources and load allocations (LAs) for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure.

"Waters of the United States" is as defined at 40 CFR §122.2.

"Wetland" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

ACRONYMS

BMP - Best Management Practices
CGP - Construction General Permit
CFR - Code of Federal Regulations
CWA - Clean Water Act
EPA - United States Environmental Protection Agency
ESA - Endangered Species Act
FWS - United States Fish and Wildlife Service
MS4 - Municipal Separate Storm Sewer System
MSGP - Multi-Sector General Permit
NHPA - National Historic Preservation Act
NMFS - United States National Marine Fisheries Service
NOI - Notice of Intent
NOT - Notice of Termination
NPDES - National Pollutant Discharge Elimination System
POTW - Publicly Owned Treatment Works
SHPO - State Historic Preservation Officer
SWPPP - Storm Water Pollution Prevention Plan
THPO - Tribal Historic Preservation Officer
TMDL - Total Maximum Daily Load
WQS - Water Quality Standard

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

Appendix B - Permit Areas Eligible for Coverage

Permit coverage for storm water discharges from construction activity occurring within the following areas is provided by legally separate and distinctly numbered permits:

1. EPA Region 1: CT, MA, ME, NH, RI, VT

US EPA, Region 01
Office of Ecosystem Protection
NPDES Storm Water Program
1 Congress St, Suite 1100 (CMU)
Boston, MA 02114-2023

The States of Connecticut, Maine, Rhode Island, and Vermont are the NPDES Permitting Authority for the majority of discharges within their respective states.

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
MAR100000	Commonwealth of Massachusetts (except Indian country)
MAR100001	Indian country within the State of Massachusetts
CTR100001	Indian country within the State of Connecticut
NHR100000	State of New Hampshire
RIR100001	Indian country within the State of Rhode Island
VTR10000F	Federal Facilities in the State of Vermont
MER100001	Indian country within the State of Maine

2. EPA Region 2: NJ, NY, PR, VI

For NJ, NY, and VI:

US EPA, Region 02
NPDES Storm Water Program
290 Broadway, 24th Floor
New York, NY 10007-1866

For PR:

US EPA, Region 02
Caribbean Environmental Protection Division
NPDES Storm Water Program
1492 Ponce de Leon Ave
Central Europa Building, Suite 417
San Juan, PR 00907-4127

The State of New York is the NPDES Permitting Authority for the majority of discharges within its state. The State of New Jersey and the Virgin Islands are the NPDES Permitting Authority for all discharges within their respective states.

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
NYR100001	Indian country within the State of New York
PRR100000	The Commonwealth of Puerto Rico

3. EPA Region 3: DE, DC, MD, PA, VA, WV

US EPA, Region 03
 NPDES Storm Water Program
 1650 Arch St
 Philadelphia, PA 19103

The State of Delaware is the NPDES Permitting Authority for the majority of discharges within its state. Maryland, Pennsylvania, Virginia, and West Virginia are the NPDES Permitting Authority for all discharges within their respective states.

<u>Permit No.</u>	<u>Areas of Coverage/Where EPA is Permitting Authority</u>
DCR100000	The District of Columbia
DER10000F	Federal Facilities in the State of Delaware

4. EPA Region 4: AL, FL, GA, KY, MS, NC, SC, TN

US EPA, Region 04
 Water Management Division
 NPDES Storm Water Program
 61 Forsyth St SW
 Atlanta, GA 30303-3104

Coverage Not Available. Construction activities in Region 4 must obtain permit coverage under an alternative permit.

5. EPA Region 5: IL, IN, MI, MN, OH, WI

US EPA, Region 05
 NPDES & Technical Support
 NPDES Storm Water Program
 77 W Jackson Blvd
 (WN-16J)
 Chicago, IL 60604-3507

The States of Michigan, Minnesota, and Wisconsin are the NPDES Permitting Authority for the majority of discharges within their respective states. The States of Illinois, Indiana, and Ohio are the NPDES Permitting Authorities for all discharges within their respective states.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
MIR10000I	Indian country within the State of Michigan
MNR10000I	Indian country within the State of Minnesota
WIR10000I	Indian country within the State of Wisconsin, except the Sokaogon Chippewa (Mole Lake) Community.

6. EPA Region 6: AR, LA, OK, TX, NM (except see Region 9 for Navajo lands, and see Region 8 for Ute Mountain Reservation lands)

US EPA, Region 06
 NPDES Storm Water Program
 1445 Ross Ave, Suite 1200
 Dallas, TX 75202-2733

The States of Louisiana, Oklahoma, and Texas are the NPDES Permitting Authority for the majority of discharges within their respective state. The State of Arkansas is the NPDES Permitting Authority for all discharges within its respective state.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
LAR15000I	Indian country within the State of Louisiana
NMR150000	The State of New Mexico, except Indian country
NMR15000I	Indian country within the State of New Mexico, except Navajo Reservation Lands that are covered under Arizona permit AZR10000I and Ute Mountain Reservation Lands that are covered under Colorado permit COR10000I.
OKR15000I	Indian country within the State of Oklahoma
OKR15000F	Discharges in the State of Oklahoma that are not under the authority of the Oklahoma Department of Environmental Quality, including activities associated with with oil and gas exploration, drilling, operations, and pipelines (includes SIC Groups 13 and 46, and SIC codes 492 and 5171), and point source discharges associated with agricultural production, services, and silviculture (includes SIC Groups 01, 02, 07, 08, 09).
TXR15000F	Discharges in the State of Texas that are not under the authority of the Texas Commission on Environmental Quality (formerly TNRCC), including activities associated with the exploration, development, or production of oil or gas or geothermal resources, including transportation of crude oil or natural gas by pipeline.
TXR15000I	Indian country within the State of Texas.

7. EPA Region 7: IA, KS, MO, NE (except see Region 8 for Pine Ridge Reservation Lands)

US EPA, Region 07
 NPDES Storm Water Program
 901 N 5th St
 Kansas City, KS 66101

The States of Iowa, Kansas, and Nebraska are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Missouri is the NPDES Permitting Authority for all discharges within its state.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
IAR10000I	Indian country within the State of Iowa
KSR10000I	Indian country within the State of Kansas
NER10000I	Indian country within the State of Nebraska, except Pine Ridge Reservation lands (see Region 8)

8. EPA Region 8: CO, MT, ND, SD, WY, UT (except see Region 9 for Goshute Reservation and Navajo Reservation Lands), the Ute Mountain Reservation in NM, and the Pine Ridge Reservation in NE.

US EPA, Region 08
 NPDES Storm Water Program
 999 18th St, Suite 300
 (EPR-EP)
 Denver, CO 80202-2466

The States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming are the NPDES Permitting Authority for the majority of discharges within their respective states.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
COR10000F	Federal Facilities in the State of Colorado, except those located on Indian country
COR10000I	Indian country within the State of Colorado, as well as the portion of the Ute Mountain Reservation located in New Mexico
MTR10000I	Indian country within the State of Montana
NDR10000I	Indian country within the State of North Dakota, as well as that portion of the Standing Rock Reservation located in South Dakota (except for the portion of the lands within the former boundaries of the Lake Traverse Reservation which is covered under South Dakota permit SDR10000I listed below)
SDR10000I	Indian country within the State of South Dakota, as well as the portion of the Pine Ridge Reservation located in Nebraska and the portion of the lands within the former boundaries of the Lake Traverse Reservation located in North Dakota (except for the Standing Rock Reservation which is covered under North Dakota permit NDR10000I listed above)
UTR10000I	Indian country within the State of Utah, except Goshute and Navajo Reservation lands (see Region 9)
WYR10000I	Indian country within the State of Wyoming

9. EPA Region 9: CA, HI, NV, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Goshute Reservation in UT and NV, the Navajo Reservation in UT, NM, and AZ, the Duck Valley Reservation in ID, and the Fort McDermitt Reservation in OR.

US EPA, Region 09
 NPDES Storm Water Program
 75 Hawthorne St
 San Francisco, CA 94105-3901

The States of Arizona, California and Nevada are the NPDES Permitting Authority for the majority of discharges within their respective states. The State of Hawaii is the NPDES Permitting Authority for all discharges within its state.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
ASR100000	The Island of American Samoa
AZR10000I	Indian country within the State of Arizona, as well as Navajo Reservation lands in New Mexico and Utah
CAR10000I	Indian country within the State of California
GUR100000	The Island of Guam
JAR100000	Johnston Atoll
MWR100000	Midway Island and Wake Island
NIR100000	Commonwealth of the Northern Mariana Islands
NVR10000I	Indian country within the State of Nevada, as well as the Duck Valley Reservation in Idaho, the Fort McDermitt Reservation in Oregon and the Goshute Reservation in Utah

10. EPA Region 10: AK, WA, ID (except see Region 9 for Duck Valley Reservation Lands), and OR (except see Region 9 for Fort McDermitt Reservation).

US EPA, Region 10
 NPDES Storm Water Program
 1200 6th Ave (OW-130)
 Seattle, WA 98101-1128
 Phone: (206) 553-6650

The States of Oregon and Washington are the NPDES Permitting Authority for the majority of discharges within their respective states.

<u>Permit No.</u>	<u>Areas of coverage/where EPA is Permitting Authority</u>
AKR100000	The State of Alaska, except Indian country
AKR10000I	Indian country within the state of Alaska
IDR100000	The State of Idaho, except Indian country
IDR10000I	Indian country within the State of Idaho, except Duck Valley Reservation lands (see Region 9)
ORR10000I	Indian country within the State of Oregon, except Fort McDermitt Reservation lands (see Region 9)
WAR10000F	Federal Facilities in the State of Washington, except those located on Indian country
WAR10000I	Indian country within the State of Washington

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

Appendix C - Endangered Species Act Review Procedures

You must meet at least one of the six criteria in Subpart 1.3.C.6 to be eligible for coverage under this permit. You must follow the procedures in this Appendix to assess the potential effects of storm water discharges and storm water discharge-related activities on listed species and their critical habitat. When evaluating these potential effects, operators must evaluate the entire project area.

For purposes of this Appendix, the term "project area" is inclusive of the term "Action Area." Action area is defined in 50 CFR §402.02 as all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. This includes areas beyond the footprint of the construction area that may be affected by storm water discharges and storm water discharge related activities. "Project area" is defined in Appendix A.

(Operators who are eligible and able to certify eligibility under Criterion B, C, D, or F of Subpart 1.3.C.6 because of a previously issued ESA section 10 permit, a previously completed ESA section 7 consultation, or because the operator's activities were already addressed in another operator's certification of eligibility may proceed directly to Step Four.)

Step One: Determine if Listed Threatened or Endangered Species are Present On or Near Your Project Area

You must determine, to the best of your knowledge, whether listed species are located on or near your project area. To make this determination, you should:

- Determine if listed species are in your county or township. The local offices of the U.S. Fish and Wildlife Service (FWS), National Marine Fisheries Service (NMFS), and State or Tribal Heritage Centers often maintain lists of federally listed endangered or threatened species on their internet sites. Visit www.epa.gov/npdes/stormwater/cgp to find the appropriate site for your state or check with your local office. In most cases, these lists allow you to determine if there are listed species in your county or township.
- If there are listed species in your county or township, check to see if critical habitat has been designated and if that area overlaps or is near your project area.
- Contact your local FWS, NMFS, or State or Tribal Heritage Center to determine if the listed species could be found on or near your project area and if any critical habitat areas have been designated that overlap or are near your project area. Critical habitat areas maybe designated independently from the listed species for your county, so even if there are no listed species in your county or township, you must still contact one of the agencies mentioned above to determine if there are any critical habitat areas on or near your project area.

You can also find critical habitat designations and associated requirements at 50 CFR Parts 17 and 226. <http://www.access.gpo.gov>.

- If there are no listed species in your county or township, no critical habitat areas on or near your project area, or if your local FWS, NMFS, or State or Tribal Heritage Center indicates that listed species are not a concern in your part of the county or township, you may check box A on the Notice of Intent Form.
- If there are listed species and if your local FWS, NMFS, or State or Tribal Heritage Center indicates that these species could exist on or near your project area, you will need to do one or more of the following:
 - Conduct visual inspections: This method may be particularly suitable for construction sites that are smaller in size or located in non-natural settings such as highly urbanized areas or industrial parks where there is little or no natural habitat, or for construction activities that discharge directly into municipal storm water collection systems.
 - Conduct a formal biological survey. In some cases, particularly for larger construction sites with extensive storm water discharges, biological surveys may be an appropriate way to assess whether species are located on or near the project area and whether there are likely adverse effects to such species. Biological surveys are frequently performed by environmental consulting firms. A biological survey may in some cases be useful in conjunction with Steps Two, Three, or Four of these instructions.
 - Conduct an environmental assessment under the National Environmental Policy Act (NEPA). Such reviews may indicate if listed species are in proximity to the project area. Coverage under the CGP does not trigger such a review because the CGP does not regulate new sources (that is, dischargers subject to New Source Performance Standards under section 306 of the Clean Water Act), and is thus statutorily

exempted from NEPA. See CWA section 511(c). However, some construction activities might require review under NEPA for other reasons such as federal funding or other federal involvement in the project.

If listed threatened or endangered species or critical habitat are present in the project area, you must look at impacts to species and/or habitat when following Steps Two through Four. Note that many but not all measures imposed to protect listed species under these steps will also protect critical habitat. Thus, meeting the eligibility requirements of this CGP may require measures to protect critical habitat that are separate from those to protect listed species.

Step Two: Determine if the Construction Activity's Storm Water Discharges or Storm Water Discharge-Related Activities Are Likely to Adversely Affect Listed Threatened or Endangered Species or Designated Critical Habitat

To receive CGP coverage, you must assess whether your storm water discharges or storm water discharge-related activities is likely to adversely affect listed threatened or endangered species or designated critical habitat that are present on or near your project area.

Potential adverse effects from storm water discharges and storm water discharge-related activities include:

- *Hydrological.* Storm water discharges may cause siltation, sedimentation or induce other changes in receiving waters such as temperature, salinity or pH. These effects will vary with the amount of storm water discharged and the volume and condition of the receiving water. Where a storm water discharge constitutes a minute portion of the total volume of the receiving water, adverse hydrological effects are less likely. Construction activity itself may also alter drainage patterns on a site where construction occurs that can impact listed species or critical habitat.
- *Habitat.* Excavation, site development, grading, and other surface disturbance activities from construction activities, including the installation or placement of storm water BMPs, may adversely affect listed species or their habitat. Storm water may drain or inundate listed species habitat.
- *Toxicity.* In some cases, pollutants in storm water may have toxic effects on listed species.

The scope of effects to consider will vary with each site. If you are having difficulty determining whether your project is likely to adversely affect listed species or critical habitat, or one of the Services has already raised concerns to you, you must contact the appropriate office of the FWS, NMFS or Natural Heritage Center for assistance. If adverse effects are not likely, then you may check box E on the NOI form and apply for coverage under the CGP. If the discharge may adversely effect listed species or critical habitat, you must follow Step Three.

Step Three: Determine if Measures Can Be Implemented to Avoid Adverse Effects

If you make a preliminary determination that adverse effects are likely to occur, you can still receive coverage under Criterion E of Subpart 1.3.C.6 of the CGP if appropriate measures are undertaken to avoid or eliminate the likelihood of adverse effects prior to applying for CGP coverage. These measures may involve relatively simple changes to construction activities such as re-routing a storm water discharge to bypass an area where species are located, relocating BMPs, or by changing the "footprint" of the construction activity. You should contact the FWS and/or NMFS to see what appropriate measures might be suitable to avoid or eliminate the likelihood of adverse impacts to listed species and/or critical habitat. (See 50 CFR §402.13(b)). This can entail the initiation of informal consultation with the FWS and/or NMFS (described in more detail in Step Four).

If you adopt measures to avoid or eliminate adverse affects, you must continue to abide by those measures for the duration of the construction project and coverage under the CGP. These measures must be described in the SWPPP and are enforceable CGP conditions and/or conditions for meeting the eligibility criteria in Subpart 1.3. If appropriate measures to avoid the likelihood of adverse effects are not available, you must follow Step Four.

Step Four: Determine if the Eligibility Requirements of Criterion B, C, D, or F of Subpart 1.3.C.6 Can Be Met

Where adverse effects are likely, you must contact the FWS and/or NMFS. You may still be eligible for CGP coverage if any likely adverse effects can be addressed through meeting Criterion B, C, D, or F of Subpart 1.3.C.6 of the CGP. These criteria are as follows:

1. *An ESA Section 7 Consultation Is Performed for Your Activity (See Criterion B or C of Subpart 1.3.C.6 of the CGP).*

Formal or informal ESA section 7 consultation is performed with the FWS and/or NMFS that addresses the effects of your storm water discharges and storm water discharge-related activities on federally-listed and threatened

species and designated critical habitat. FWS and/or NMFS may request that consultation take place if any actions are identified that may affect listed species or critical habitat. In order to be eligible for coverage under this permit, consultation must result in a "no jeopardy opinion" or a written concurrence by the Service(s) on a finding that your storm water discharge(s) and storm water discharge-related activities are not likely to adversely affect listed species or critical habitat (For more information on consultation, see 50 CFR §402). If you receive a "jeopardy opinion," you may continue to work with the FWS and/or NMFS and your permitting authority to modify your project so that it will not jeopardize listed species or designated critical habitat.

Most consultations are accomplished through informal consultation. By the terms of this CGP, EPA has automatically designated operators as non-federal representatives for the purpose of conducting informal consultations. See Subpart 1.3.C.6 and 50 CFR §402.08 and §402.13. When conducting informal ESA section 7 consultation as a non-federal representative, you must follow the procedures found in 50 CFR Part 402 of the ESA regulations. You must notify FWS and/or NMFS of your intention and agreement to conduct consultation as a non-federal representative.

Consultation may occur in the context of another federal action at the construction site (e.g., where ESA section 7 consultation was performed for issuance of a wetlands dredge and fill permit for the project or where a NEPA review is performed for the project that incorporates a section 7 consultation). Any terms and conditions developed through consultations to protect listed species and critical habitat must be incorporated into the SWPPP. As noted above, operators may, if they wish, initiate consultation with the Services at Step Four.

Whether ESA section 7 consultation must be performed with either the FWS, NMFS or both Services depends on the listed species that may be affected by the operator's activity. In general, NMFS has jurisdiction over marine, estuaries, and anadromous species. Operators should also be aware that while formal section 7 consultation provides protection from incidental takings liability, informal consultation does not.

2. An Incidental Taking Permit Under Section 10 of the ESA is Issued for the Operators Activity (See Criterion D of Subpart 1.3.C.6 of the CGP).

Your construction activities are authorized through the issuance of a permit under section 10 of the ESA and that authorization addresses the effects of your storm water discharge(s) and storm water discharge-related activities on federally-listed species and designated critical habitat. You must follow FWS and/or NMFS procedures when applying for an ESA Section 10 permit (see 50 CFR §17.22(b)(1) for FWS and §222.22 for NMFS). Application instructions for section 10 permits for FWS and NMFS can be obtained by accessing the FWS and NMFS websites (<http://www.fws.gov> and <http://www.nmfs.noaa.gov>) or by contacting the appropriate FWS and NMFS regional office.

3. You are Covered Under the Eligibility Certification of Another Operator for the Project Area (See Criterion F of Subpart 1.3.C.6 of the CGP).

Your storm water discharges and storm water discharge-related activities were already addressed in another operator's certification of eligibility under Criteria A through E of Subpart 1.3.C.6 which also included your project area. For example, a general contractor or developer may have completed and filed an NOI for the entire project area with the necessary Endangered Species Act certifications (criteria A-E), subcontractors may then rely upon that certification and must comply with any conditions resulting from that process. By certifying eligibility under Criterion F of Subpart 1.3.C.6, you agree to comply with any measures or controls upon which the other operator's certification under Criterion B, C, or D of Subpart 1.3.C.6 was based. Certification under Criterion F of Subpart 1.3.C.6 is discussed in more detail in the Fact Sheet that accompanies this permit.

You must comply with any terms and conditions imposed under the eligibility requirements of Criterion A through F to ensure that your storm water discharges and storm water discharge-related activities are protective of listed species and/or critical habitat. Such terms and conditions must be incorporated in the project's SWPPP. If the eligibility requirements of Subpart 1.3.C.6 cannot be met, then you are not eligible for coverage under the CGP. In these instances, you may consider applying to EPA for an individual permit.

Appendix D - Small Construction Waivers and Instructions

These waivers are only available to storm water discharges associated with small construction activities (i.e., 1-5 acres). As the operator of a small construction activity, you may be able to qualify for a waiver in lieu of needing to obtain coverage under this general permit based on: (A) a low rainfall erosivity factor, (B) a TMDL analysis, or (C) an equivalent analysis that determines allocations for small construction sites are not needed. Each operator, otherwise needing permit coverage, must notify EPA of its intention for a waiver. It is the responsibility of those individuals wishing to obtain a waiver from coverage under this general permit to submit a complete and accurate waiver certification as described below. Where the operator changes or another is added during the construction project, the new operator must also submit a waiver certification to be waived.

A. Rainfall Erosivity Waiver

Under this scenario the small construction project's rainfall erosivity factor calculation ("R" in the Revised Universal Soil Loss Equation) is less than 5 during the period of construction activity. The operator must certify to the Permitting Authority that construction activity will occur only when the rainfall erosivity factor is less than 5. The period of construction activity begins at initial earth disturbance and ends with final stabilization. Where vegetation will be used for final stabilization, the date of installation of a stabilization practice that will provide interim non-vegetative stabilization can be used for the end of the construction period, provided the operator commits (as a condition of waiver eligibility) to periodically inspect and properly maintain the area until the criteria for final stabilization as defined in the construction general permit have been met. If use of this interim stabilization eligibility condition was relied on to qualify for the waiver, signature on the waiver with its certification statement constitutes acceptance of and commitment to complete the final stabilization process. The operator must submit a waiver certification to EPA prior to commencing construction activities.

Note: The rainfall erosivity factor "R" is determined in accordance with Chapter 2 of Agriculture Handbook Number 703, Predicting Soil Erosion by Water: A Guide to Conservation Planning With the Revised Universal Soil Loss Equation (RUSLE), pages 21–64, dated January 1997; United States Department of Agriculture (USDA), Agricultural Research Service.

EPA funded a cooperative agreement with Texas A&M University to develop an online rainfall erosivity calculator. You can access the calculator from EPA's website at: www.epa.gov/npdes/stormwater/cgp. Use of the calculator allows you to determine potential eligibility for the rainfall erosivity waiver. It may also be useful in determining the time periods during which construction activity could be waived from permit coverage. You may find that moving your construction activity by a few weeks or expediting site stabilization will allow you to qualify for the waiver.

If you are the operator of the construction activity and eligible for a waiver based on low erosivity potential, you must provide the following information on the waiver certification in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operators;
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The rainfall erosivity factor calculation that applies to the active construction phase at your project site; and
5. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection 11, that certifies that the construction activity will take place during a period when the value of the rainfall erosivity factor is less than five.

At the time of publication, a Low Erosivity Waiver Form is not available. If EPA does create a form, it will be noticed (either directly, by public notice, or by making information available on the Internet at www.epa.gov/npdes/stormwater/cgp).

Note: If the R factor is 5 or greater, you cannot apply for the rainfall erosivity waiver, and must apply for permit coverage as per Subpart 2.1 of the construction general permit, unless you qualify for the Water Quality Waiver as described below.

If your small construction project continues beyond the projected completion date given on the waiver certification, you must recalculate the rainfall erosivity factor for the new project duration. If the R factor is below five (5), you

must update all applicable information on the waiver certification and retain a copy of the revised waiver as part of the site SWPPP. The new waiver certification must be submitted prior to the projected completion date listed on the original waiver form to assure your exemption from permitting requirements is uninterrupted. If the new R factor is five (5) or above, you must submit an NOI as per Part 2.

B. TMDL Waiver

This waiver is available if EPA has established or approved a TMDL that addresses the pollutant(s) of concern and has determined that controls on storm water discharges from small construction activity are not needed to protect water quality. The pollutant(s) of concern include sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the construction activity. Information on TMDLs that have been established or approved by EPA is available from EPA online at <http://www.epa.gov/owow/tmdl/> and from state and tribal water quality agencies.

If you are the operator of the construction activity and eligible for a waiver based on compliance with an EPA established or approved TMDL, you must provide the following information on the Waiver Certification form in order to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water body(s) that would be receiving storm water discharges from your construction project;
5. The name and approval date of the TMDL;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection 11, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the TMDL.

C. Equivalent Analysis Waiver

This waiver is available for non-impaired waters only. The operator can develop an equivalent analysis that determines allocations for his small construction site for the pollutant(s) of concern or determines that such allocations are not needed to protect water quality. This waiver requires a small construction operator to develop an equivalent analysis based on existing in-stream concentrations, expected growth in pollutant concentrations from all sources, and a margin of safety.

If you are a construction operator who wants to use this waiver, you must develop your equivalent analysis and provide the following information to be waived from permitting requirements:

1. Name, address and telephone number of the construction site operator(s);
2. Name (or other identifier), address, county or similar governmental subdivision, and latitude/longitude of the construction project or site;
3. Estimated construction start and completion (i.e., final stabilization) dates, and total acreage (to the nearest quarter acre) to be disturbed;
4. The name of the water bodies that would be receiving storm water discharges from your construction project;
5. Your equivalent analysis;
6. A statement, signed and dated by an authorized representative as provided in Appendix G, Subsection 11, that certifies that the construction activity will take place and that the storm water discharges will occur, within the drainage area addressed by the equivalent analysis.

D. Waiver Deadlines and Submissions

1. Waiver certifications must be submitted prior to commencement of construction activities.

2. If you submit a TMDL or equivalent analysis waiver request, you are not waived until EPA approves your request. As such, you may not commence construction activities until receipt of approval from EPA.
3. Late Notifications: Operators are not prohibited from submitting waiver certifications after initiating clearing, grading, excavation activities, or other construction activities. The Agency reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and waiver authorization is granted.

Submittal of a waiver certification is an optional alternative to obtaining permit coverage for discharges of storm water associated with small construction activity, provided you qualify for the waiver. Any discharge of storm water associated with small construction activity not covered by either a permit or a waiver may be considered an unpermitted discharge under the Clean Water Act. As mentioned above, EPA reserves the right to take enforcement for any unpermitted discharges that occur between the time construction commenced and either discharge authorization is granted or a complete and accurate waiver certification is submitted. EPA may notify any operator covered by a waiver that they must apply for a permit. EPA may notify any operator who has been in non-compliance with a waiver that they may no longer use the waiver for future projects. Any member of the public may petition EPA to take action under this provision by submitting written notice along with supporting justification.

Complete and accurate Rainfall Erosivity waiver certifications must be sent to the following address:

Regular U.S. Mail Delivery

EPA Storm Water Notice Processing Center
Mail Code 4203M
U.S. EPA
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Overnight/Express Mail Delivery

EPA Storm Water Notice Processing Center
Room 7420
U.S. EPA
1201 Constitution Avenue, NW
Washington, DC 20004

Complete and accurate TMDL or equivalent analysis waiver requests must be sent to the applicable EPA Region office specified in Appendix B.

Appendix E - Notice of Intent Form and Instructions

From the effective date of this permit, operators are to use the Notice of Intent Form contained in this Appendix to obtain permit coverage.

Instructions for Completing EPA Form 3510-9

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit

NPDES Form

This Form Replaces Form 3510-9 (8/98)

Form Approved OMB Nos. 2040-0188 and 2040-0211

Who Must File an NOI Form

Under the provisions of the Clean Water Act, as amended (33 U.S.C. 1251 et seq.; the Act), federal law prohibits storm water discharges from certain construction activities to waters of the U.S. unless that discharge is covered under a National Pollutant Discharge Elimination System (NPDES) Permit. Operator(s) of construction sites where one or more acres are disturbed, smaller sites that are part of a larger common plan of development or sale where there is a cumulative disturbance of at least one acre, or any other site specifically designated by the Director, must submit an NOI to obtain coverage under an NPDES general permit. Each person, firm, public organization, or any other entity that meets either of the following criteria must file this form: (1) they have operational control over construction plans and specifications, including the ability to make modifications to those plans and specifications; or (2) they have day-to-day operational control of those activities at the project necessary to ensure compliance with SWPPP requirements or other permit conditions. If you have questions about whether you need an NPDES storm water permit, or if you need information to determine whether EPA or your state agency is the permitting authority, refer to www.epa.gov/npdes/stormwater/cgp or telephone the Storm Water Notice Processing Center at (866) 352-7755.

Where to File NOI Form

See the applicable CGP for information on where to send your completed NOI form.

Completing the Form

Obtain and read a copy of the appropriate EPA Storm Water Construction General Permit for your area. To complete this form, type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks (abbreviate if necessary to stay within the number of characters allowed for each item). Use one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions on this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone the Storm Water Notice Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Permit Number

Provide the number of the permit under which you are applying for coverage (see Appendix B of the general permit for the list of eligible permit numbers).

Section II. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this

application. An operator of a project is a legal entity that controls at least a portion of site operations and is not necessarily the site manager. Provide the employer identification number (EIN from the Internal Revenue Service; IRS), also commonly referred to as your taxpayer ID. If the applicant does not have an EIN enter "NA" in the space provided. Also provide the operator's mailing address, telephone number, fax number (optional) and e-mail address (if you would like to be notified via e-mail of NOI approval when available). Correspondence for the NOI will be sent to this address.

Section III. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for permit coverage to be granted.

The applicant must also provide the latitude and longitude of the facility either in degrees, minutes, seconds; degrees, minutes, decimal; or decimal format. The latitude and longitude of your facility can be determined in several different ways, including through the use of global positioning system (GPS) receivers, U.S. Geological Survey (U.S.G.S.) topographic or quadrangle maps, and EPA's web-based siting tools, among others. Refer to www.epa.gov/npdes/stormwater/cgp for further guidance on the use of these methodologies. For consistency, EPA requests that measurements be taken from the approximate center of the construction site. Applicants must specify which method they used to determine latitude and longitude. If a U.S.G.S. topographic map is used, applicants are required to specify the scale of the map used.

Indicate whether the project is in Indian country, and if so, provide the name of the Reservation. If the project is in Indian Country Lands that are not part of a Reservation, indicate "not applicable" in the space provided.

Enter the estimated construction start and completion dates using four digits for the year (i.e., 05/27/1998). Enter the estimated area to be disturbed including but not limited to: grubbing, excavation, grading, and utilities and infrastructure installation. Indicate to the nearest quarter acre. Note: 1 acre = 43,560 sq. ft.

Section IV. SWPPP Information

Indicate whether or not the SWPPP was prepared in advance of filing the NOI form. Check the appropriate box for the location where the SWPPP may be viewed. Provide the name,

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Instructions for Completing EPA Form 3510-9

Notice of Intent (NOI) for Storm Water Discharges Associated with Construction Activity Under an NPDES General Permit

NPDES Form

This Form Replaces Form 3510-9 (8/98)

Form Approved OMB Nos. 2040-0188 and 2040-0211

fax number (optional), and e-mail address (optional) of the contact person if different than that listed in Section II of the NOI form.

Section V. Discharge Information

Enter the name(s) of receiving waterbodies to which the project's storm water will discharge. These should be the first bodies of water that the discharge will reach. (Note: If you discharge to more than one waterbody, please indicate all such waters in the space provided and attach a separate sheet if necessary.) For example, if the discharge leaves your site and travels through a roadside swale or a storm sewer and then enters a stream that flows to a river, the stream would be the receiving waterbody. Waters of the U.S. include lakes, streams, creeks, rivers, wetlands, impoundments, estuaries, bays, oceans, and other surface bodies of water within the confines of the U.S. and U.S. coastal waters. Waters of the U.S. do not include man-made structures created solely for the purpose of wastewater treatment. U.S. Geological Survey topographical maps may be used to make this determination. If the map does not provide a name, use a format such as "unnamed tributary to Cross Creek". If you discharge into a municipal separate storm sewer system (MS4), you must identify the waterbody into which that portion of the storm sewer discharges. That information should be readily available from the operator of the MS4.

Indicate whether your storm water discharges from construction activities will be consistent with the assumptions and requirements of applicable EPA approved or established TMDL(s). To answer this question, refer to www.epa.gov/npdes/stormwater/cgp for state- and regional-specific TMDL information related to the construction general permit. You may also have to contact your EPA regional office or state agency. If there are no applicable TMDLs or no related requirements, please check the "yes" box in the NOI form.

Section VI. Endangered Species Information

Indicate for which criterion (i.e., A, B, C, D, E, or F) of the permit the applicant is eligible with regard to protection of federally listed endangered and threatened species, and designated critical habitat. See Part 1.3.C.6 and Appendix C of the permit. If you select criterion F, provide the permit tracking number of the operator under which you are certifying eligibility. The permit tracking number is the number assigned to the operator by the Storm Water Notice Processing Center after EPA acceptance of a complete NOI.

Section VII. Certification Information

All applications, including NOIs, must be signed as follows:
For a corporation: By a responsible corporate officer. For the purpose of this Section, a responsible corporate officer means:

(i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOI form will not be considered eligible for permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 3.7 hours. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form, including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460. Include the OMB control number on any correspondence. Do not send the completed form to this address.

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Appendix F - Notice of Termination Form and Instructions

From the effective date of this permit, operators are to use the Notice of Termination Form contained in this Appendix to terminate permit coverage.

This Form Replaces Form 3517-7 (8-98) Refer to the Following Page for Instructions	Form Approved OMB Nos. 2040-0086 and 2040-0211
NPDES Form	 United States Environmental Protection Agency Washington, DC 20460 Notice of Termination (NOT) of Coverage Under an NPDES General Permit for Storm Water Discharges Associated with Construction Activity
Submission of this Notice of Termination constitutes notice that the party identified in Section II of this form is no longer authorized to discharge storm water associated with construction activity under the NPDES program from the site identified in Section III of this form. All necessary information must be included on this form. Refer to the instructions at the end of this form.	
I. Permit Information	
NPDES Storm Water General Permit Tracking Number: <input style="width: 100px;" type="text"/>	
Reason for Termination (Check only one):	
<input type="checkbox"/> Final stabilization has been achieved on all portions of the site for which you are responsible.	
<input type="checkbox"/> Another operator has assumed control, according to Appendix G, Section 11.C of the CGP, over all areas of the site that have not been finally stabilized.	
<input type="checkbox"/> Coverage under an alternative NPDES permit has been obtained.	
<input type="checkbox"/> For residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.	
II. Operator Information	
Name: <input style="width: 100%;" type="text"/>	
IRS Employer Identification Number (EIN): <input style="width: 100%;" type="text"/>	
Mailing Address:	
Street: <input style="width: 100%;" type="text"/>	
City: <input style="width: 100%;" type="text"/> State: <input style="width: 100%;" type="text"/> Zip Code: <input style="width: 100%;" type="text"/>	
Phone: <input style="width: 100%;" type="text"/> Fax (optional): <input style="width: 100%;" type="text"/>	
E-mail (optional): <input style="width: 100%;" type="text"/>	
III. Project/Site Information	
Project/Site Name: <input style="width: 100%;" type="text"/>	
Project Street/Location: <input style="width: 100%;" type="text"/>	
City: <input style="width: 100%;" type="text"/> State: <input style="width: 100%;" type="text"/> Zip Code: <input style="width: 100%;" type="text"/>	
County or similar government subdivision: <input style="width: 100%;" type="text"/>	
IV. Certification Information	
I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.	
Print Name: _____	
Print Title: _____	
Signature: _____	
Date: _____	

EPA Form 3510-13 (Rev. 6/03)

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Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

**Instructions for Completing EPA Form 3510-13
Notice of Termination (NOT) of Coverage Under an NPDES General Permit for
Storm Water Discharges Associated with Construction Activity**

NPDES Form

This Form Replaces Form 3517-7 (8-98)

Form Approved OMB Nos. 2040-0086 and 2040-0211

Who May File an NOT Form

Permittees who are presently covered under the EPA-issued National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity may submit an NOT form when final stabilization has been achieved on all portions of the site for which you are responsible; another operator has assumed control in accordance with Appendix G, Section 11.C of the General Permit over all areas of the site that have not been finally stabilized; coverage under an alternative NPDES permit has been obtained; or for residential construction only, temporary stabilization has been completed and the residence has been transferred to the homeowner.

"Final stabilization" means that all soil disturbing activities at the site have been completed and that a uniform perennial vegetative cover with a density of at least 70% of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed. See "final stabilization" definition in Appendix A of the Construction General Permit for further guidance where background native vegetation covers less than 100 percent of the ground, in arid or semi-arid areas, for individual lots in residential construction, and for construction projects on land used for agricultural purposes.

Completing the Form

Type or print, using uppercase letters, in the appropriate areas only. Please place each character between the marks. Abbreviate if necessary to stay within the number of characters allowed for each item. Use only one space for breaks between words, but not for punctuation marks unless they are needed to clarify your response. If you have any questions about this form, refer to www.epa.gov/npdes/stormwater/cgp or telephone the Storm Water Notice Processing Center at (866) 352-7755. Please submit original document with signature in ink - do not send a photocopied signature.

Section I. Permit Number

Enter the existing NPDES Storm Water General Permit Tracking Number assigned to the project by EPA's Storm Water Notice Processing Center. If you do not know the permit tracking number, refer to www.epa.gov/npdes/stormwater/cgp or contact the Storm Water Notice Processing Center at (866) 352-7755.

Indicate your reason for submitting this Notice of Termination by checking the appropriate box. Check only one:

Final stabilization has been achieved on all portions of the site for which you are responsible.

Another operator has assumed control according to Appendix G, Section 11.C over all areas of the site that have not been finally stabilized.

Coverage under an alternative NPDES permit has been obtained.

For residential construction only, if temporary stabilization has been completed and the residence has been transferred to the homeowner.

Section II. Operator Information

Provide the legal name of the person, firm, public organization, or any other entity that operates the project described in this application and is covered by the permit tracking number identified in Section I. The

operator of the project is the legal entity that controls the site operation, rather than the site manager. Provide the employer identification number (EIN from the Internal Revenue Service; IRS). If the applicant does not have an EIN enter "NA" in the space provided. Enter the complete mailing address and telephone number of the operator. *Optional:* enter the fax number and e-mail address of the operator.

Section III. Project/Site Information

Enter the official or legal name and complete street address, including city, state, zip code, and county or similar government subdivision of the project or site. If the project or site lacks a street address, indicate the general location of the site (e.g., Intersection of State Highways 61 and 34). Complete site information must be provided for termination of permit coverage to be valid.

Section IV. Certification Information

All applications, including NOIs, must be signed as follows:

For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or

For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).

Include the name and title of the person signing the form and the date of signing. An unsigned or undated NOT form will not be considered valid termination of permit coverage.

Paperwork Reduction Act Notice

Public reporting burden for this application is estimated to average 0.5 hours per notice, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Send comments regarding the burden estimate, any other aspect of the collection of information, or suggestions for improving this form including any suggestions which may increase or reduce this burden to: Chief, Information Policy Branch, 2136, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Include the OMB number on any correspondence. Do not send the completed form to this address.

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

Appendix G - Standard Permit Conditions**STANDARD PERMIT CONDITIONS****1. Duty To Comply**

You must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the Clean Water Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

- A. You must comply with effluent standards or prohibitions established under section 307(a) of the Clean Water Act for toxic pollutants and with standards for sewage sludge use or disposal established under section 405(d) of the CWA within the time provided in the regulations that establish these standards or prohibitions or standards for sewage sludge use or disposal, even if the permit has not yet been modified to incorporate the requirement.
- B. The Clean Water Act provides that any person who violates section 301, 302, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any such sections in a permit issued under section 402, or any requirement imposed in a pretreatment program approved under sections 402(a)(3) or 402(b)(8) of the Act, is subject to a civil penalty not to exceed the maximum amounts authorized by Section 309(d) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$27,500 per day for each violation).

The Clean Water Act provides that any person who negligently violates sections 301, 302, 306, 307, 308, 318, or 405 of the Act, or any condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, or any requirement imposed in a pretreatment program approved under section 402(a)(3) or 402(b)(8) of the Act, is subject to criminal penalties of \$2,500 to \$25,000 per day of violation, or imprisonment of not more than 1 year, or both. In the case of a second or subsequent conviction for a negligent violation, a person shall be subject to criminal penalties of not more than \$50,000 per day of violation, or by imprisonment of not more than 2 years, or both. Any person who knowingly violates such sections, or such conditions or limitations is subject to criminal penalties of \$5,000 to \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. In the case of a second or subsequent conviction for a knowing violation, a person shall be subject to criminal penalties of not more than \$100,000 per day of violation, or imprisonment of not more than 6 years, or both. Any person who knowingly violates section 301, 302, 303, 306, 307, 308, 318 or 405 of the Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of the Act, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000 or imprisonment of not more than 15 years, or both. In the case of a second or subsequent conviction for a knowing endangerment violation, a person shall be subject to a fine of not more than \$500,000 or by imprisonment of not more than 30 years, or both. An organization, as defined in section 309(c)(3)(B)(iii) of the CWA, shall, upon conviction of violating the imminent danger provision, be subject to a fine of not more than \$1,000,000 and can be fined up to \$2,000,000 for second or subsequent convictions.

- C. Any person may be assessed an administrative penalty by the Administrator for violating section 301, 302, 306, 307, 308, 318 or 405 of this Act, or any permit condition or limitation implementing any of such sections in a permit issued under section 402 of this Act. Pursuant to 40 CFR Part 19 and the Act, administrative penalties for Class I violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(A) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per violation, with the maximum amount of any Class I penalty assessed not to exceed \$27,500). Pursuant to 40 CFR Part 19 and the Act, penalties for Class II violations are not to exceed the maximum amounts authorized by Section 309(g)(2)(B) of the Act and the Federal Civil Penalties Inflation Adjustment Act (28 U.S.C. §2461 note) as amended by the Debt Collection Improvement Act (31 U.S.C. §3701 note) (currently \$11,000 per day for each day during which the violation continues, with the maximum amount of any Class II penalty not to exceed \$137,500).

2. Duty to Reapply

If you wish to continue an activity regulated by this permit after the expiration date of this permit, you must apply for and obtain a new permit.

3. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for you in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

4. Duty to Mitigate

You must take all reasonable steps to minimize or prevent any discharge or sludge use or disposal in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment.

5. Proper Operation and Maintenance

You must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by you to achieve compliance with the conditions of this permit. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by you only when the operation is necessary to achieve compliance with the conditions of this permit.

6. Permit Actions

This permit may be modified, revoked and reissued, or terminated for cause. Your filing of a request for a permit modification, revocation and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

7. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privileges.

8. Duty to Provide Information

You must furnish to EPA, within a reasonable time, any information which EPA may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. You must also furnish to EPA upon request, copies of records required to be kept by this permit.

9. Inspection and Entry

You must allow EPA, or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon presentation of credentials and other documents as may be required by law, to:

- A. Enter upon your premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of this permit;
- B. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- C. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
- D. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act, any substances or parameters at any location.

10. Monitoring and Records

- A. Samples and measurements taken for the purpose of monitoring must be representative of the monitored activity.
- B. You must retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of EPA at any time.
- C. Records of monitoring information must include:
 1. The date, exact place, and time of sampling or measurements;
 2. The individual(s) who performed the sampling or measurements;
 3. The date(s) analyses were performed

4. The individual(s) who performed the analyses;
 5. The analytical techniques or methods used; and
 6. The results of such analyses.
- D. Monitoring results must be conducted according to test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, unless other test procedures have been specified in the permit.
- E. The Clean Water Act provides that any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this permit shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this paragraph, punishment is a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

11. Signatory Requirements

- A. All applications, including NOIs, must be signed as follows:
1. For a corporation: By a responsible corporate officer. For the purpose of this Part, a responsible corporate officer means: (i) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or (ii) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long term environmental compliance with environmental laws and regulations; the manager can ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit application requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. For a partnership or sole proprietorship: By a general partner or the proprietor, respectively; or
 3. For a municipality, state, federal, or other public agency: By either a principal executive officer or ranking elected official. For purposes of this Part, a principal executive officer of a federal agency includes (i) the chief executive officer of the agency, or (ii) a senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrator of EPA).
- B. All reports required by this permit, including SWPPPs, must be signed by a person described in Appendix G, Subsection 11.A above or by a duly authorized representative of that person. A person is a duly authorized representative only if:
1. The authorization is made in writing by a person described in Appendix G, Subsection 11.A;
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity such as the position of plant manager, operator of a well or a well field, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 3. The signed and dated written authorization is included in the SWPPP. A copy must be submitted to EPA, if requested.
- C. Changes to Authorization. If an authorization under Subpart 2.1 is no longer accurate because a different operator has responsibility for the overall operation of the construction site, a new NOI satisfying the requirements of Subpart 2.1 must be submitted to EPA prior to or together with any reports, information, or applications to be signed by an authorized representative. The change in authorization must be submitted within the time frame specified in Subpart 2.2, and sent to the address specified in Subpart 2.3.
- D. Any person signing documents required under the terms of this permit must include the following certification:
- "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is,

to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- E. The CWA provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this permit, including monitoring reports or reports of compliance or non-compliance shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than 6 months per violation, or by both.

12. Reporting Requirements

- A. **Planned changes.** You must give notice to EPA as soon as possible of any planned physical alterations or additions to the permitted facility. Notice is required only when:
1. The alteration or addition to a permitted facility may meet one of the criteria for determining whether a facility is a new source in 40 CFR §122.29(b); or
 2. The alteration or addition could significantly change the nature or increase the quantity of pollutants discharged. This notification applies to pollutants which are subject neither to effluent limitations in the permit, nor to notification requirements under 40 CFR §122.42(a)(1).
- B. **Anticipated noncompliance.** You must give advance notice to EPA of any planned changes in the permitted facility or activity which may result in noncompliance with permit requirements.
- C. **Transfers.** This permit is not transferable to any person except after notice to EPA. EPA may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary under the Clean Water Act. (See 40 CFR §122.61; in some cases, modification or revocation and reissuance is mandatory.)
- D. **Monitoring reports.** Monitoring results must be reported at the intervals specified elsewhere in this permit.
1. Monitoring results must be reported on a Discharge Monitoring Report (DMR) or forms provided or specified by EPA for reporting results of monitoring of sludge use or disposal practices.
 2. If you monitor any pollutant more frequently than required by the permit using test procedures approved under 40 CFR Part 136 or, in the case of sludge use or disposal, approved under 40 CFR Part 136 unless otherwise specified in 40 CFR Part 503, or as specified in the permit, the results of this monitoring must be included in the calculation and reporting of the data submitted in the DMR or sludge reporting form specified by EPA.
 3. Calculations for all limitations which require averaging of measurements must use an arithmetic mean.
- E. **Compliance schedules.** Reports of compliance or noncompliance with, or any progress reports on, interim and final requirements contained in any compliance schedule of this permit must be submitted no later than 14 days following each schedule date.
- F. **Twenty-four hour reporting.**
1. You must report any noncompliance which may endanger health or the environment. Any information must be provided orally within 24 hours from the time you become aware of the circumstances. A written submission must also be provided within five days of the time you become aware of the circumstances. The written submission must contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the noncompliance.
 2. The following shall be included as information which must be reported within 24 hours under this paragraph.
 - a. Any unanticipated bypass which exceeds any effluent limitation in the permit. (See 40 CFR §122.41(g).)
 - b. Any upset which exceeds any effluent limitation in the permit
 - c. Violation of a maximum daily discharge limitation for any of the pollutants listed by EPA in the permit to be reported within 24 hours. (See 40 CFR §122.44(g).)

3. EPA may waive the written report on a case-by-case basis for reports under Appendix G, Subsection 12.F.2 if the oral report has been received within 24 hours.
- G. Other noncompliance. You must report all instances of noncompliance not reported under Appendix G, Subsections 12.D, 12.E, and 12.F, at the time monitoring reports are submitted. The reports must contain the information listed in Appendix G, Subsection 12.F.
- H. Other information. Where you become aware that you failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Permitting Authority, you must promptly submit such facts or information.

13. Bypass

A. Definitions.

1. Bypass means the intentional diversion of waste streams from any portion of a treatment facility
2. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

- B. Bypass not exceeding limitations. You may allow any bypass to occur which does not cause effluent limitations to be exceeded, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Appendix G, Subsections 13.C and 13.D.

C. Notice—

1. Anticipated bypass. If you know in advance of the need for a bypass, you must submit prior notice, if possible at least ten days before the date of the bypass.
2. Unanticipated bypass. You must submit notice of an unanticipated bypass as required in Appendix G, Subsection 12.F (24-hour notice).

D. Prohibition of bypass.

1. Bypass is prohibited, and EPA may take enforcement action against you for bypass, unless:
 - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - c. You submitted notices as required under Appendix G, Subsection 13.C.
2. EPA may approve an anticipated bypass, after considering its adverse effects, if EPA determines that it will meet the three conditions listed above in Appendix G, Subsection 13.D.1.

14. Upset

- A. Definition. Upset means an exceptional incident in which there is unintentional and temporary noncompliance with technology based permit effluent limitations because of factors beyond your reasonable control. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- B. Effect of an upset. An upset constitutes an affirmative defense to an action brought for noncompliance with such technology based permit effluent limitations if the requirements of Appendix G, Subsection 14.C are met. No determination made during administrative review of claims that noncompliance was caused by upset, and before an action for noncompliance, is final administrative action subject to judicial review.
- C. Conditions necessary for a demonstration of upset. A permittee who wishes to establish the affirmative defense of upset must demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 1. An upset occurred and that you can identify the cause(s) of the upset;
 2. The permitted facility was at the time being properly operated; and

3. You submitted notice of the upset as required in Appendix G, Subsection 12.F.2.b(24 hour notice).
 4. You complied with any remedial measures required under Appendix G, Section 4.
- D. Burden of proof. In any enforcement proceeding, you, as the one seeking to establish the occurrence of an upset, has the burden of proof.



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, ALASKA
REGULATORY DIVISION
P.O. BOX 6898
ELMENDORF AFB, ALASKA 99506-0898

JAN 07 2008

Regulatory Division
POA-2007-1663-D

Ms. Diane F. Spencer
FHWA, Western Federal Lands Highway Division
610 East Fifth Street
Vancouver, WA 98661

Dear Ms. Spencer:

This is in response to your application for a Department of the Army (DA) permit to realign and improve the Denali Park Road between MP 4.0 and 4.5. It has been assigned file number POA-2007-1663-D, Hines Creek, which should be referred to in all future correspondence with us. The project site is located within Section 7, T. 14 S., R. 7 W., Fairbanks Meridian; USGS Quad Map Healy C-4; latitude 63.7207 N., longitude 148.9787 W.; in Denali National Park, Alaska.

Based on our review of the information you furnished, we have determined that the above property contains waters of the United States (U.S.), including wetlands, under Corps of Engineers regulatory jurisdiction (see enclosure titled, Jurisdictional Determination).

This approved jurisdictional determination is valid for five (5) years from the date of this letter, unless new information supporting a revision is provided to us before the expiration date. Enclosed is a Notification of Administrative Appeals Options and Process and Request for Appeal form regarding this approved jurisdictional determination (see section titled "Approved Jurisdictional Determination").

DA permit authorization is necessary because your project would involve placement of fill material into waters of the U.S. under our regulatory jurisdiction.

Based upon the information and plans you provided, we hereby verify that your proposed work, which would be performed in accordance with the plans and mitigation (22 pages) submitted with your application, is authorized by Nationwide Permit (NWP) No. 23, Approved Categorical Exclusions. NWP No. 23 and its associated Regional and General Conditions can be accessed on our website at www.poa.usace.army.mil/reg or, at your request, a paper copy will be provided to you. You must comply with all terms and conditions associated with NWP No. 23.

Further, please note General Condition 26 requires that you submit a signed certification to us once any work and required mitigation are completed. Enclosed is the form for you to complete and return to us.

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

This verification will be valid for two years from the date of this letter, unless the NWP authorization is modified, suspended, or revoked.

Nothing in this letter excuses you from compliance with other Federal, State, or local statutes, ordinances, or regulations.

You may contact me via email at don.p.kuhle@usace.army.mil, by mail at the address above, by phone at (907) 753-2780, or toll free from within Alaska at (800) 478-2712, if you have questions. For additional information about our Regulatory Program, visit our web site at www.poa.usace.army.mil/reg.

Sincerely,



Don P. Kuhle
Project Manager

Enclosures

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL		
Applicant: FHWA , Western Federal Lands Highway Div.		File Number: POA-2007-1663-D
Date: January 11, 2007		
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of Permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of Permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E
THIS REQUEST FOR APPEAL FORM MUST BE RECEIVED BY: March 11, 2007		
SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at: http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.		
<p>A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.</p> <ul style="list-style-type: none"> ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit. OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the District Engineer. Your objections must be received by the District Engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the District Engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or, (c) not modify the permit, having determined that the permit should be issued as previously written. After evaluating your objections, the District Engineer will send you a proffered permit for your reconsideration, as indicated in Section B below. 		
<p>B: PROFFERED PERMIT: You may accept or appeal the permit</p> <ul style="list-style-type: none"> ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the District Engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit. APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice. 		
<p>C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice.</p>		
<p>D: APPROVED JURISDICTIONAL DETERMINATION (JD): You may accept or appeal the approved JD or provide new information.</p> <ul style="list-style-type: none"> ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD. APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer. This form must be received by the Division Engineer within 60 days of the date of this notice. 		
<p>E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the Preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also, you may provide new information for further consideration by the Corps to reevaluate the JD.</p>		

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

<p>SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT</p> <p>REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)</p>				
<p>ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.</p> <p>In order for a Request For Appeal to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR Part 331.5, and that it has been received by the Division Office within 60 days of the date of the Notice of Appeal Process. It is not necessary to submit a Request For Appeal form to the Division office if you do not object to the decision.</p>				
<p>POINT OF CONTACT FOR QUESTIONS OR INFORMATION:</p> <table border="1"> <tr> <td> <p>If you have questions regarding this decision and/or the appeal process you may contact:</p> <p>Don P. Kuhle, Project Manager Alaska District Corps of Engineers CEPOA-RD-S P.O. Box 6898 Elmendorf AFB, AK 99506-0898 (907) 753-2780 (800) 478-2712 (toll free in AK)</p> </td> <td> <p>If you only have questions regarding the appeal process you may also contact:</p> <p>Commander USAED, Pacific Ocean Division ATTN: CEPOD-PDC/Linda Hihara-Endo, P.E. Building 525 Fort Shafter, HI 96858-5440</p> <p>To submit this form, mail to the address above</p> </td> </tr> </table>			<p>If you have questions regarding this decision and/or the appeal process you may contact:</p> <p>Don P. Kuhle, Project Manager Alaska District Corps of Engineers CEPOA-RD-S P.O. Box 6898 Elmendorf AFB, AK 99506-0898 (907) 753-2780 (800) 478-2712 (toll free in AK)</p>	<p>If you only have questions regarding the appeal process you may also contact:</p> <p>Commander USAED, Pacific Ocean Division ATTN: CEPOD-PDC/Linda Hihara-Endo, P.E. Building 525 Fort Shafter, HI 96858-5440</p> <p>To submit this form, mail to the address above</p>
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<p>RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15-day notice of any site investigation, and will have the opportunity to participate in all site investigations.</p>				
<p>_____ Signature of appellant or agent.</p>	<p>Date:</p>	<p>Telephone number:</p>		

**APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers**

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): 11/21/07

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Alaska District, POA-2007-1663

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: Alaska Borough: Denali City: Denali NP
 Center coordinates of site (lat/long in degree decimal format, NAD-83): Lat. 63.7207° N, Long. 148.9787° W;
 Universal Transverse Mercator: N/A; Within section(s) 7, T. 14 S., R. 7 W., Fairbanks Meridian
 Name of nearest water body: Hines Creek
 Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Nenana River
 Name of watershed or Hydrologic Unit Code (HUC): N/A
 Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.
 Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: 11/21/07
 Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There ~~are~~ **no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. **[Required]**

- Waters subject to the ebb and flow of the tide.
 - Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. **[Required]**

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres
 Wetlands: .903 acres

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual.

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.
- Explain:

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW:

Summarize rationale supporting determination:

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent":

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, fill out Section III.D.2 and Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the water body⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the water body has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: Pick List
Drainage area: Pick List
Average annual rainfall: inches
Average annual snowfall: inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

- Tributary flows directly into TNW.
- Tributary flows through Pick List tributaries before entering TNW.

Project waters are Pick List river miles from TNW.
Project waters are Pick List river miles from RPW.
Project waters are Pick List aerial (straight) miles from TNW.
Project waters are Pick List aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:
Tributary stream order, if known:

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

(b) General Tributary Characteristics (check all that apply):

- Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: Pick List

Primary tributary substrate composition (check all that apply):

- | | | |
|--|--|-----------------------------------|
| <input type="checkbox"/> Silts | <input type="checkbox"/> Sands | <input type="checkbox"/> Concrete |
| <input type="checkbox"/> Cobbles | <input type="checkbox"/> Gravel | <input type="checkbox"/> Muck |
| <input type="checkbox"/> Bedrock | <input type="checkbox"/> Vegetation. Type/% cover: | |
| <input type="checkbox"/> Other. Explain: | | |

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: Pick List

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: Pick List

Estimate average number of flow events in review area/year: Pick List

Describe flow regime:

Other information on duration and volume:

Surface flow is: Pick List. Characteristics:

Subsurface flow: Pick List. Explain findings:

- Dye (or other) test performed:

Tributary has (check all that apply):

- | | |
|---|---|
| <input type="checkbox"/> Bed and banks | |
| <input type="checkbox"/> OHWM ⁶ (check all indicators that apply): | |
| <input type="checkbox"/> clear, natural line impressed on the bank | <input type="checkbox"/> the presence of litter and debris |
| <input type="checkbox"/> changes in the character of soil | <input type="checkbox"/> destruction of terrestrial vegetation |
| <input type="checkbox"/> shelving | <input type="checkbox"/> the presence of wrack line |
| <input type="checkbox"/> vegetation matted down, bent, or absent | <input type="checkbox"/> sediment sorting |
| <input type="checkbox"/> leaf litter disturbed or washed away | <input type="checkbox"/> scour |
| <input type="checkbox"/> sediment deposition | <input type="checkbox"/> multiple observed or predicted flow events |
| <input type="checkbox"/> water staining | <input type="checkbox"/> abrupt change in plant community |
| <input type="checkbox"/> other (list): | |
| <input type="checkbox"/> Discontinuous OHWM. ⁷ Explain: | |

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- | | |
|--|--|
| <input checked="" type="checkbox"/> High Tide Line indicated by: | <input checked="" type="checkbox"/> Mean High Water Mark indicated by: |
| <input type="checkbox"/> oil or scum line along shore objects | <input type="checkbox"/> survey to available datum; |
| <input type="checkbox"/> fine shell or debris deposits (foreshore) | <input type="checkbox"/> physical markings; |
| <input type="checkbox"/> physical markings/characteristics | <input type="checkbox"/> vegetation lines/changes in vegetation types. |
| <input type="checkbox"/> tidal gauges | |
| <input type="checkbox"/> other (list): | |

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain:

Identify specific pollutants, if known:

⁶A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the water body's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

(iv) **Biological Characteristics. Channel supports (check all that apply):**

- Riparian corridor. Characteristics (type, average width):
- Wetland fringe. Characteristics:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

2. **Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW**

(i) **Physical Characteristics:**

(a) General Wetland Characteristics:

Properties:

Wetland size: acres

Wetland type. Explain:

Wetland quality. Explain:

Project wetlands cross or serve as state boundaries. Explain:

(b) General Flow Relationship with Non-TNW:

Flow is: Pick List. Explain:

Surface flow is: Pick List

Characteristics:

Subsurface flow: Pick List. Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain:

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are Pick List river miles from TNW.

Project waters are Pick List aerial (straight) miles from TNW.

Flow is from: Pick List.

Estimate approximate location of wetland as within the Pick List floodplain.

(ii) **Chemical Characteristics:**

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain:

Identify specific pollutants, if known:

(iii) **Biological Characteristics. Wetland supports (check all that apply):**

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain:
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings:

3. **Characteristics of all wetlands adjacent to the tributary (if any)**

All wetland(s) being considered in the cumulative analysis: Pick List

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW. Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. TNWs and Adjacent Wetlands. Check all that apply and provide size estimates in review area:
 - TNWs: linear feet width (ft), Or, acres.
 - Wetlands adjacent to TNWs: acres.
2. RPWs that flow directly or indirectly into TNWs.
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: USGS map Healy C-4 shows Hines Creek as a perennial stream that flows to the Nenana River, a TNW.
 - Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft)
 - Other non-wetland waters: acres
- Identify type(s) of waters:

3. **Non-RPW⁸ that flow directly or indirectly into TNWs.**

- Water body that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres
- Identify type(s) of waters:

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: Wetlands mapping by NPS shows project wetlands immediately abutting Hines Creek.
- Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW:

Provide acreage estimates for jurisdictional wetlands in the review area: acres

5. **Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres

6. **Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.**

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres

7. **Impoundments of jurisdictional waters.⁹**

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
- Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
- Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY).¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
- from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- which are or could be used for industrial purposes by industries in interstate commerce.
- Interstate isolated waters. Explain:
- Other factors. Explain:

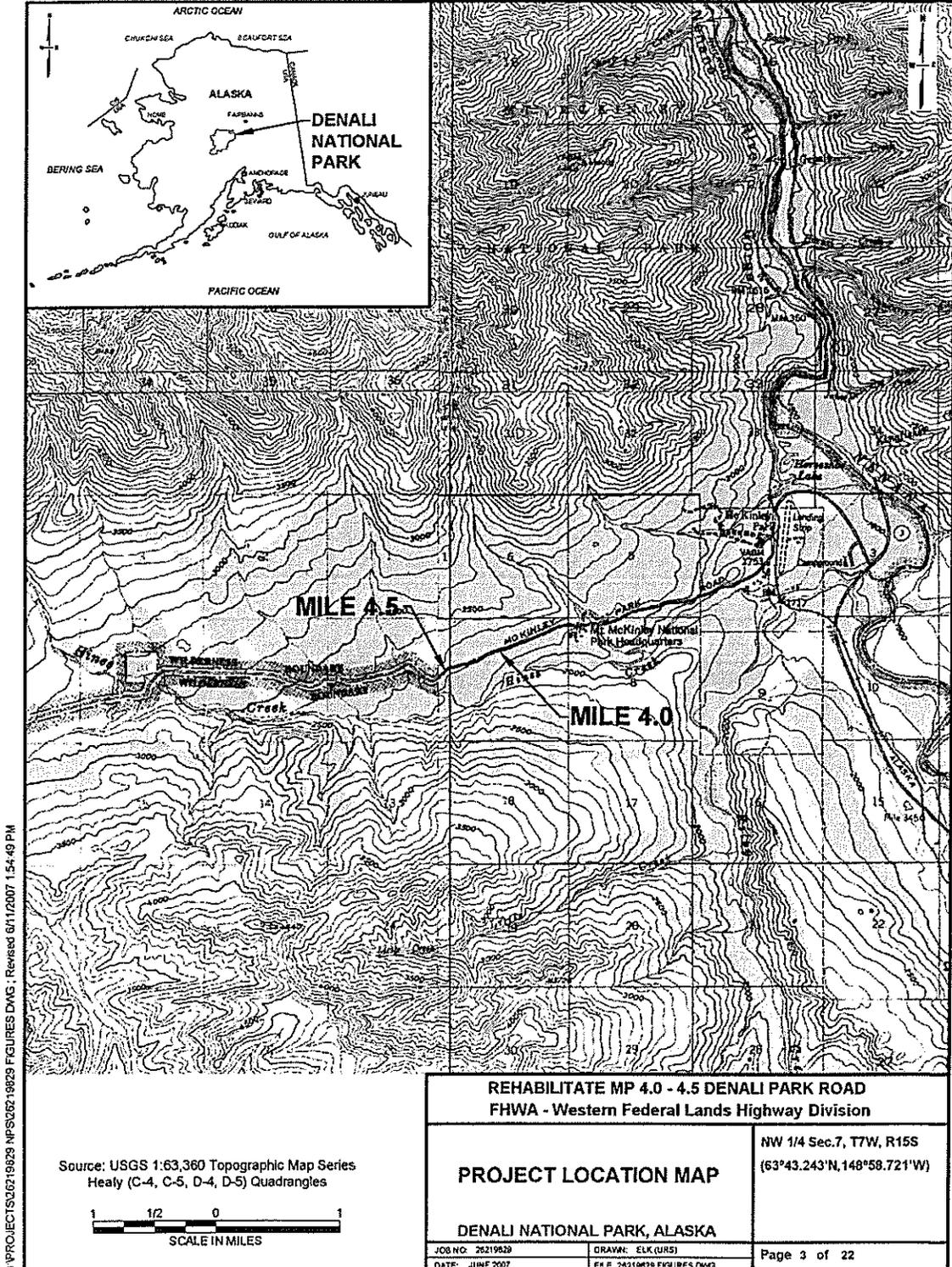
Identify water body and summarize rationale supporting determination:

⁸See Footnote # 3.

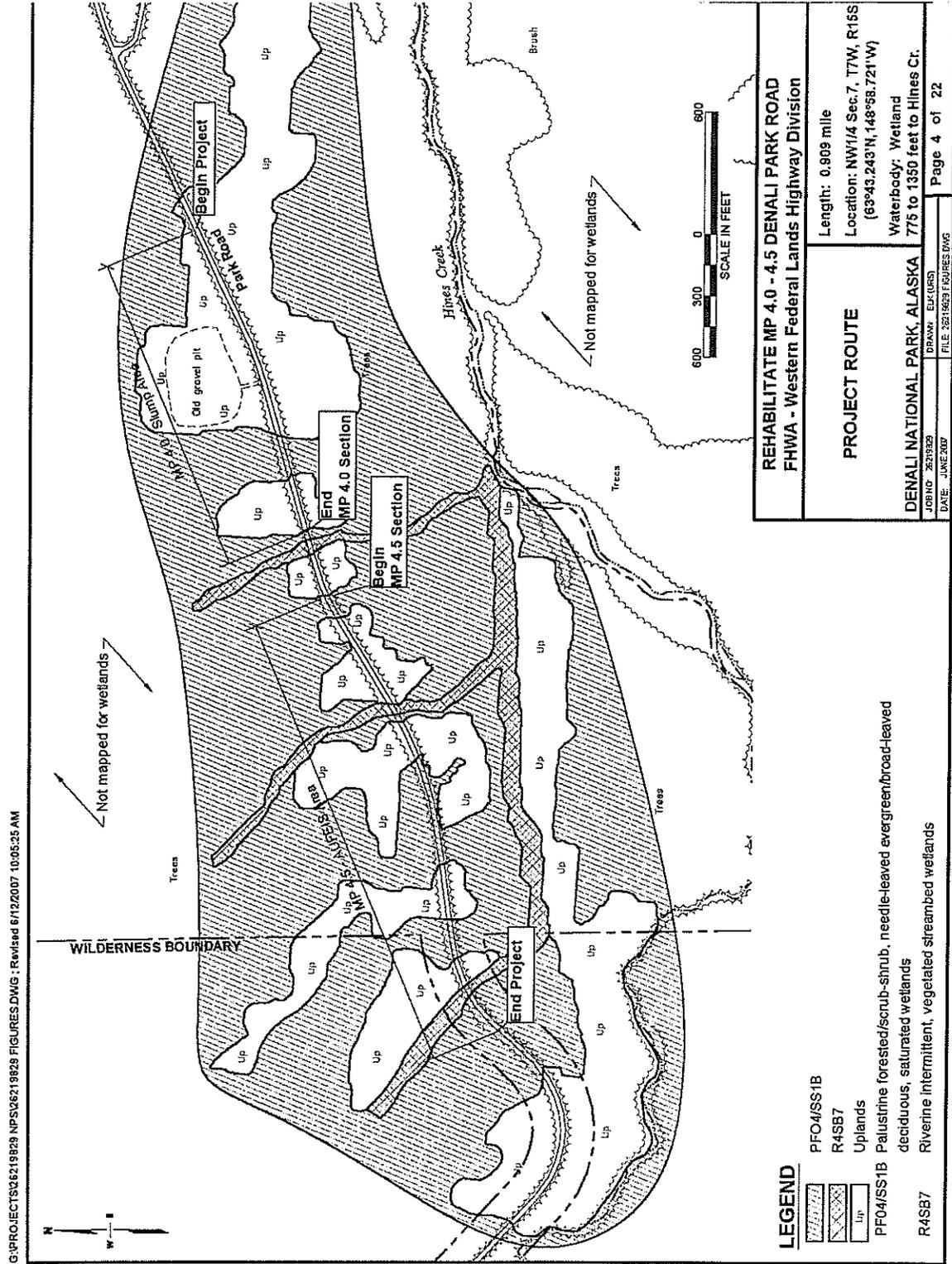
⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

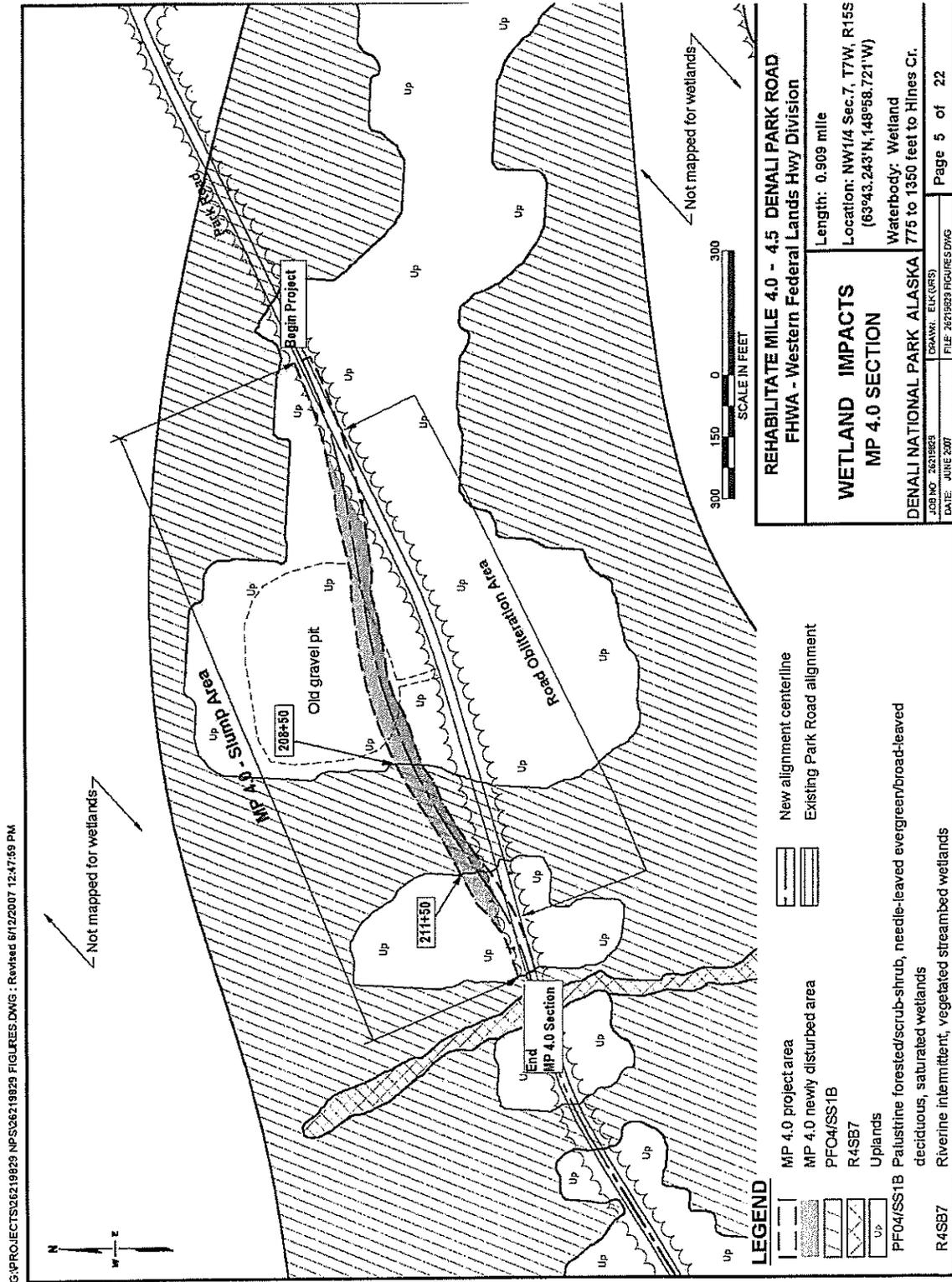
Summary of Wetland Fill						
AK PRA DENA 10(18) - Denali Park Road MP 4.0 to 4.5						
Station	Wetland Fill		Wetland Fill Acres	Removal of Existing Wetland Fill Cu Yd	Removal of Existing Wetland Fill Acres	
	Material	Cu Yd				
208+50 to 211+50	Asphalt	72	0.741	4142	0.084	
	Aggregate	229				
	Subexcavation (select borrow)	785				
218+00 to 219+50	Underdrain (granular free-draining aggregate)	66	0.009	n/a	n/a	
	Asphalt	36				
	Aggregate	117				
224+50 to 225+50	1-84" Culvert (with bedding aggregate)	9	0.009	n/a	n/a	
	Asphalt	24				
	Aggregate	77				
227+00 to 233+00	Rip rap	160	0.096	n/a	n/a	
	Asphalt	144				
	Aggregate	461				
235+50 to 237+50	Rip rap	602	0.018	n/a	n/a	
	2-84" Culverts (with bedding aggregate)	18				
	Asphalt	48				
238+80 to 242+00	Aggregate	156	0.03	n/a	n/a	
	Rip rap	118				
	2-84" Culverts (with bedding aggregate)	18				
Total =	Asphalt	77	0.903	4142	0.084	
	Aggregate	249				
	Rip rap	380				
2-84" Culverts, 1-36" Culvert (with bedding aggregate)		22				
Total =		3868	0.903	4142	0.084	

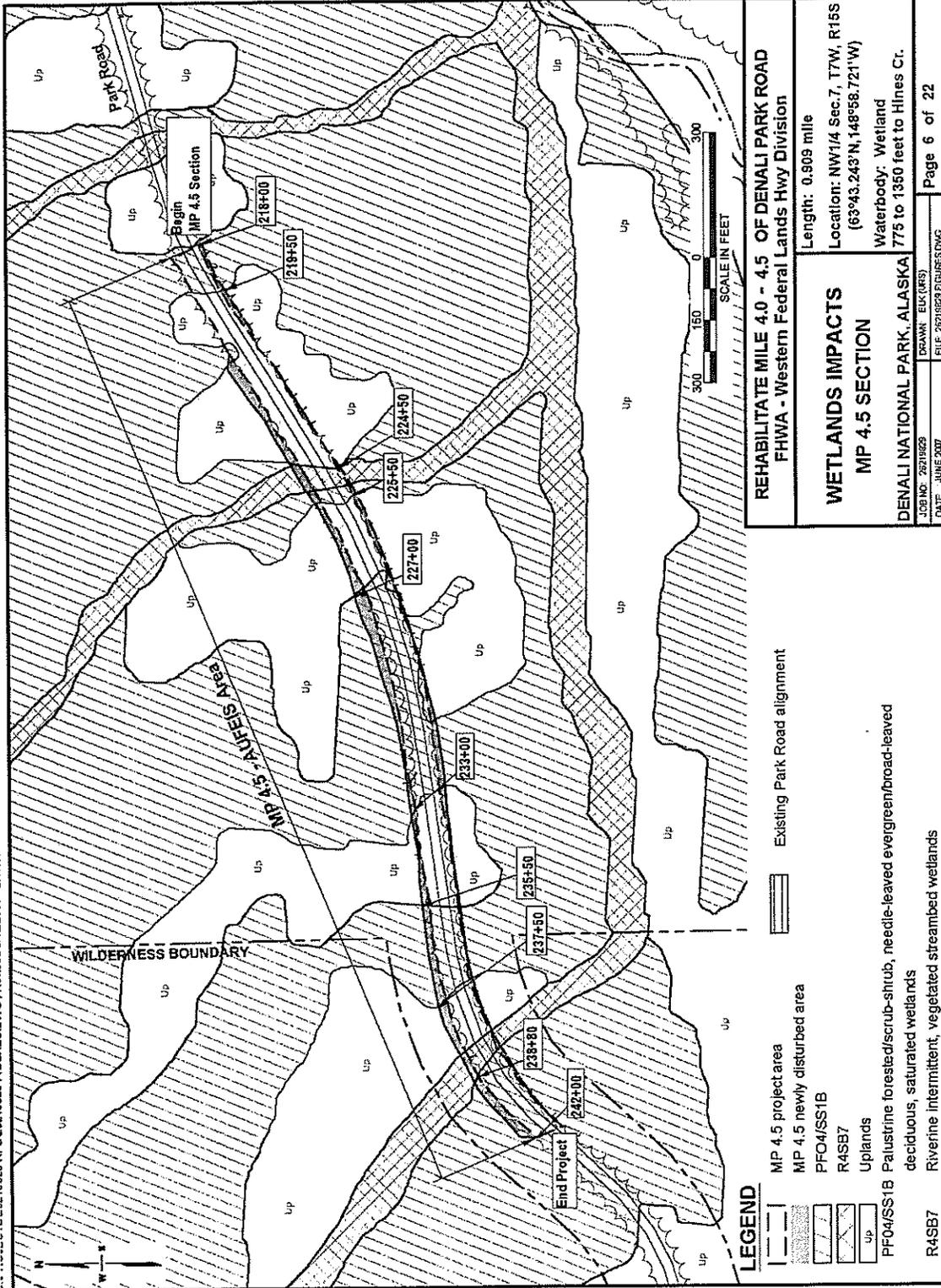


Permits
Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

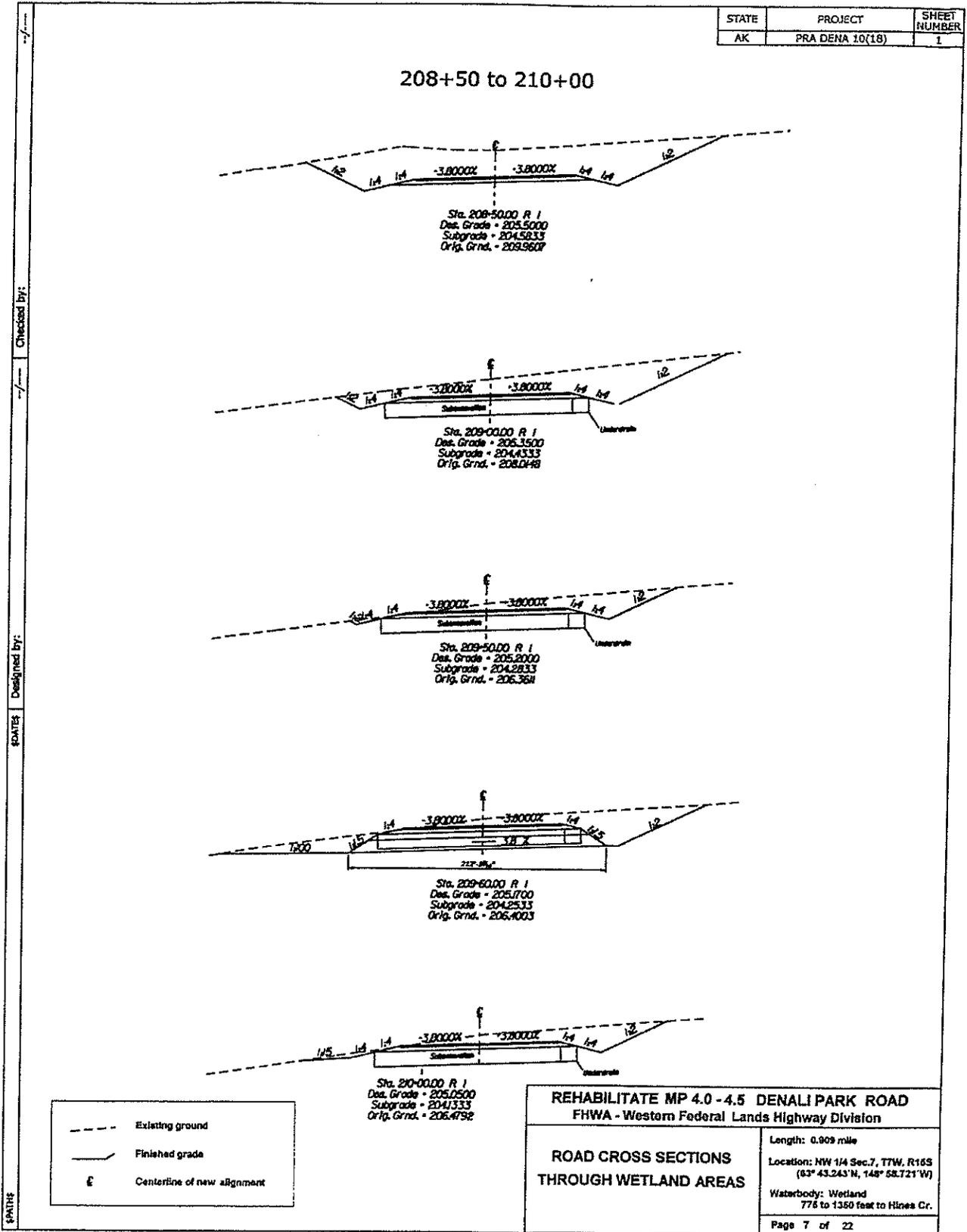


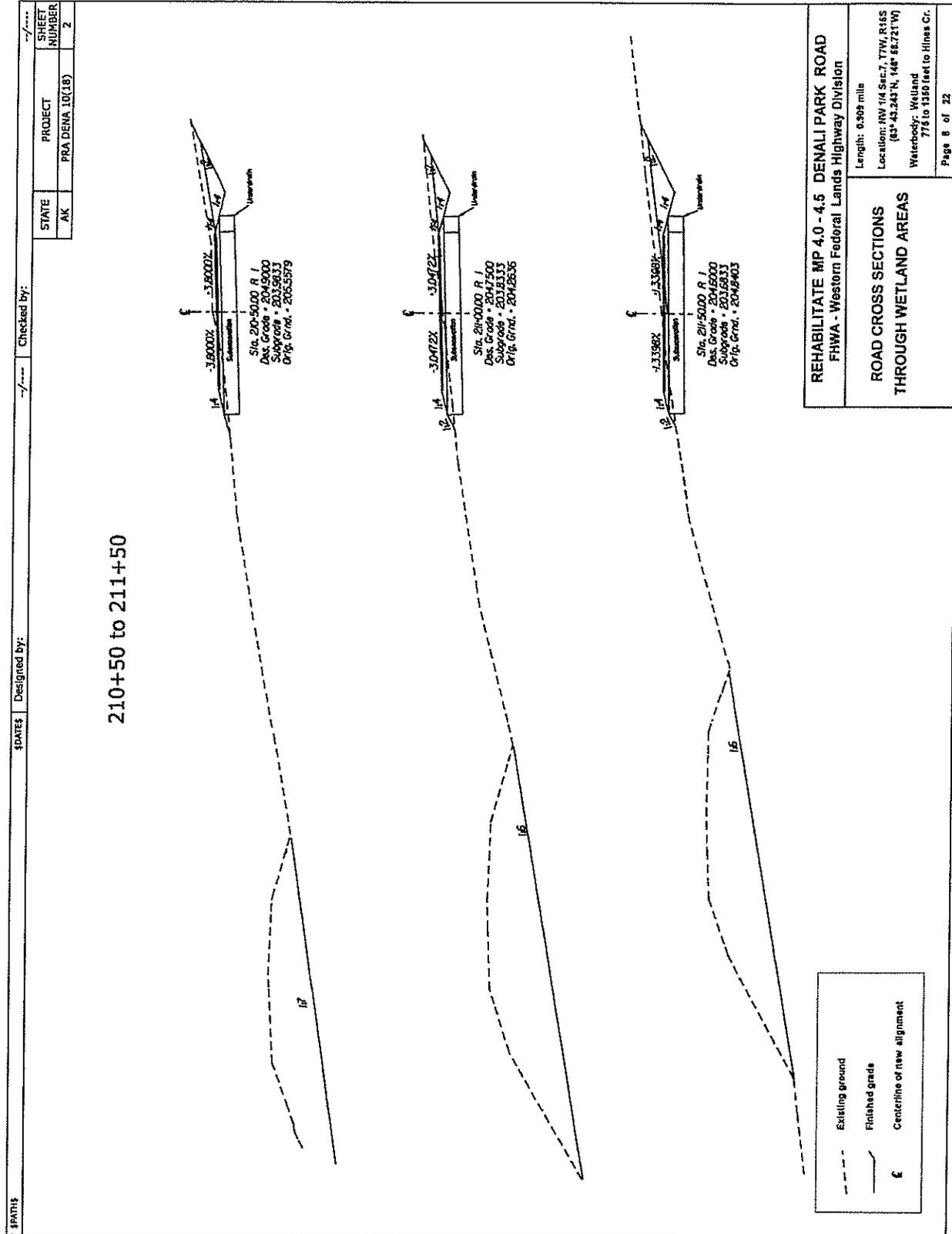
Permits
 Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

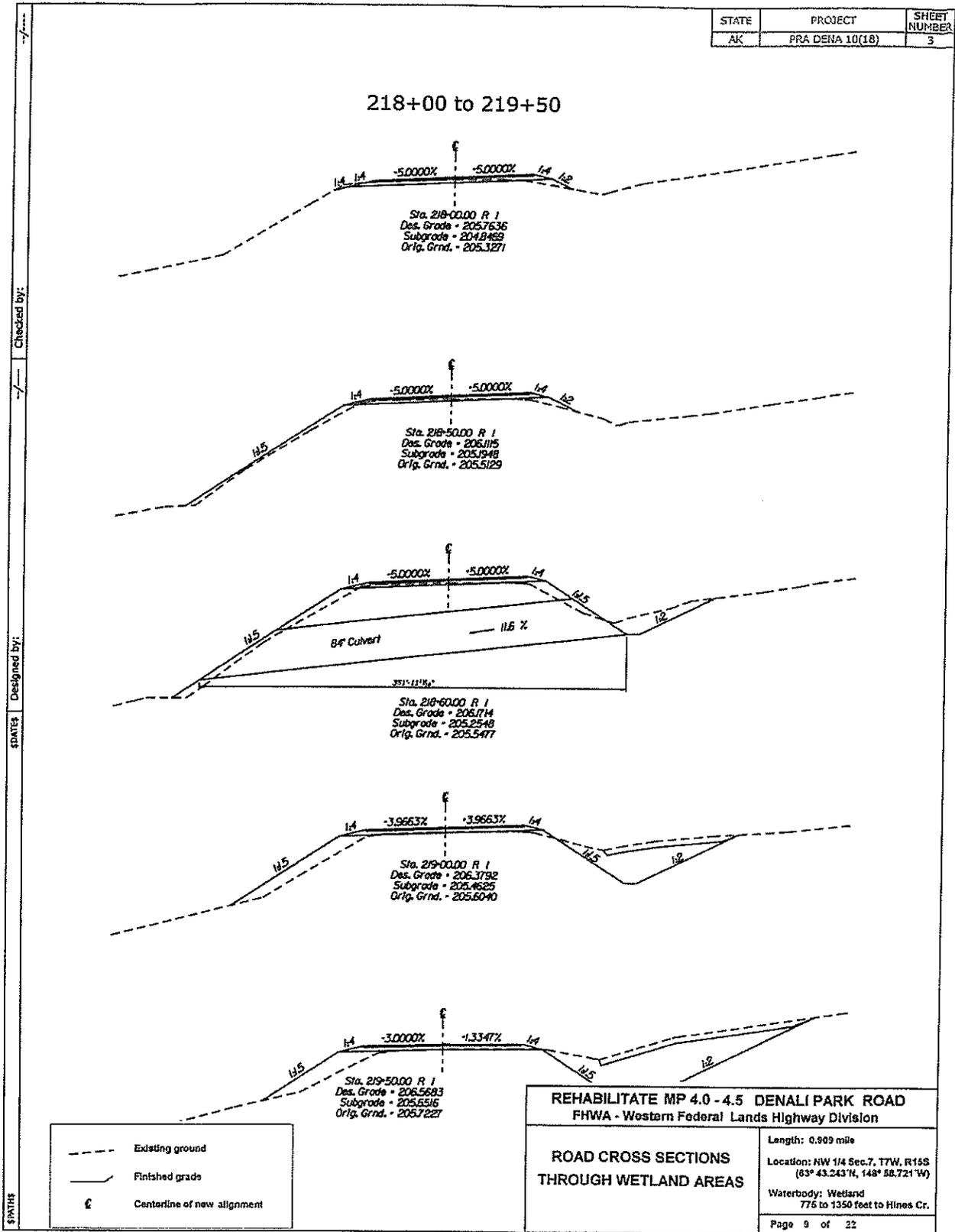


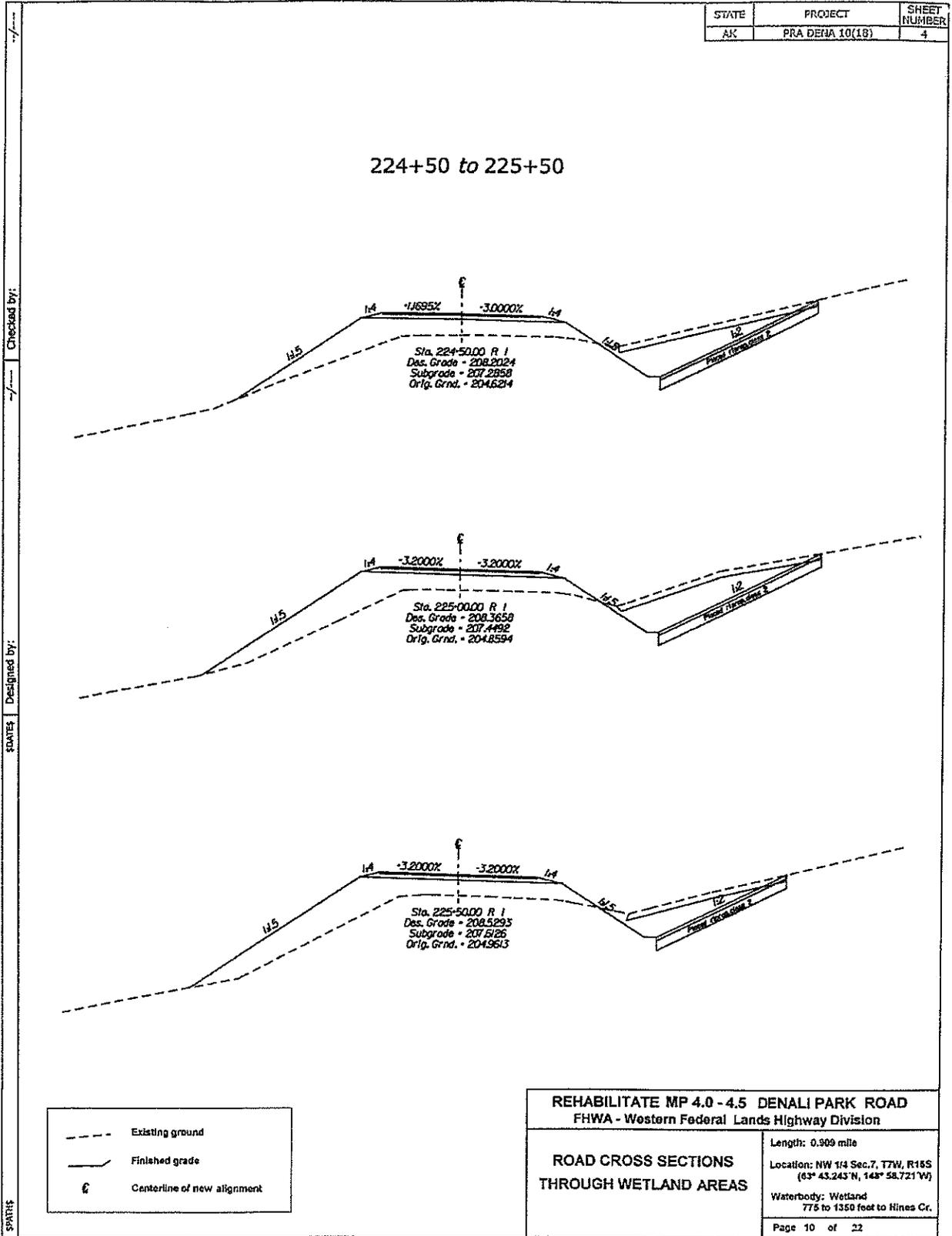


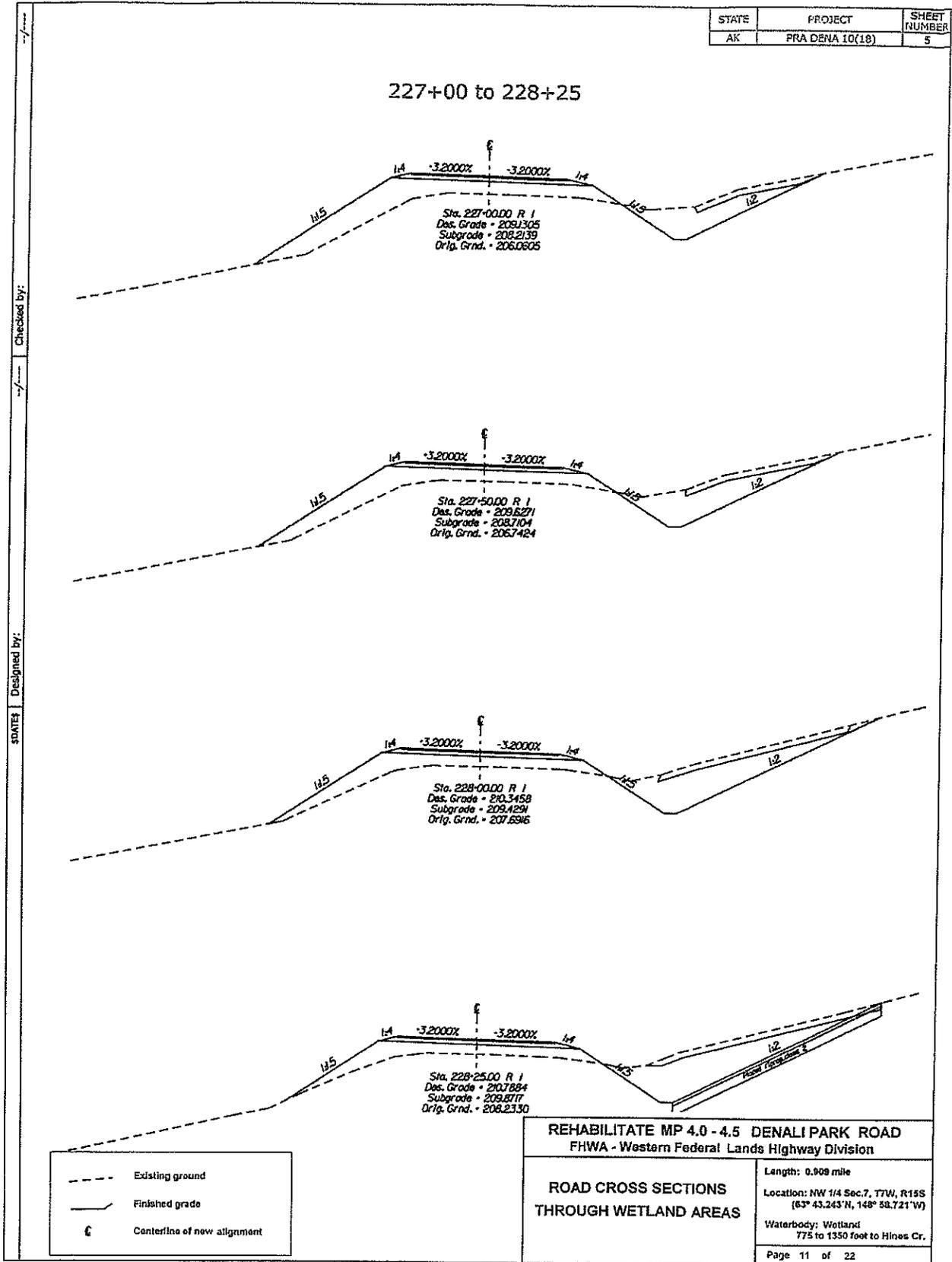
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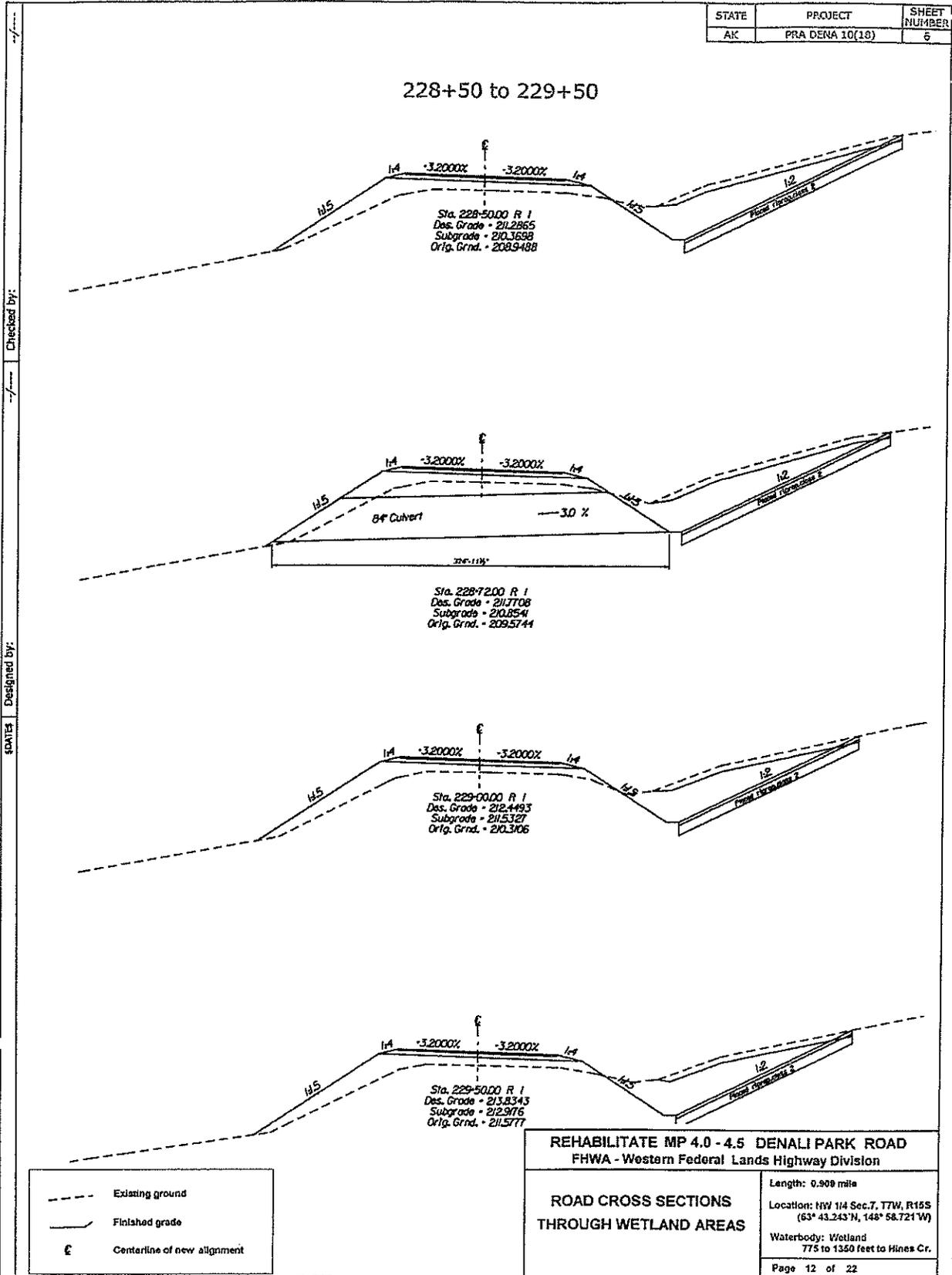






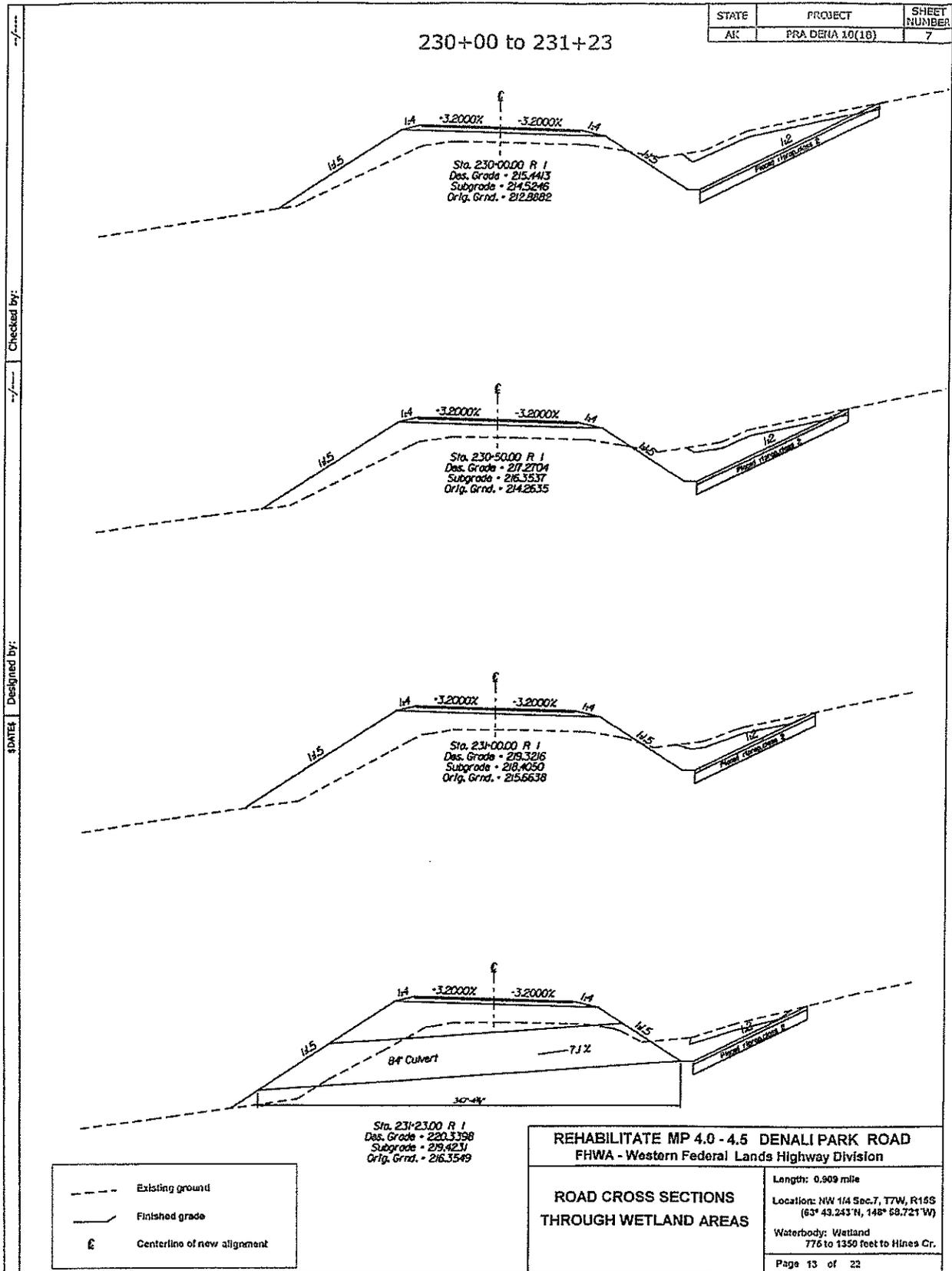
Permits

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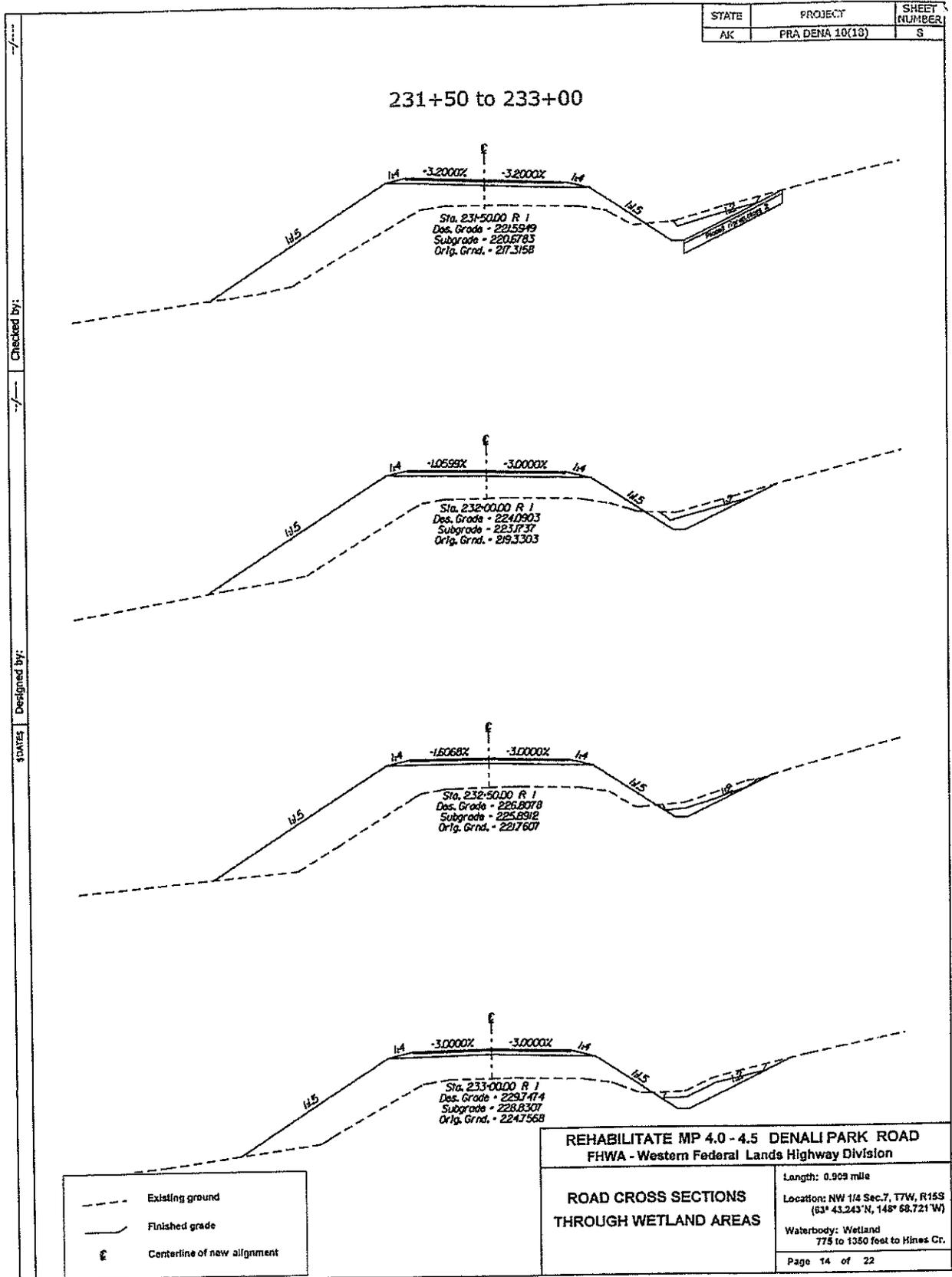
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Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

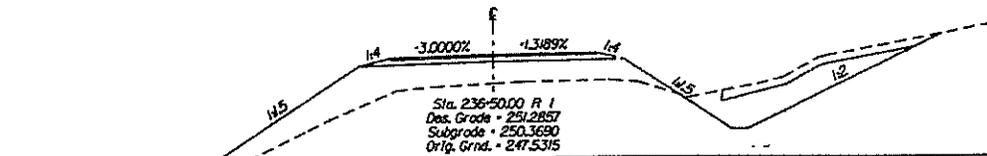
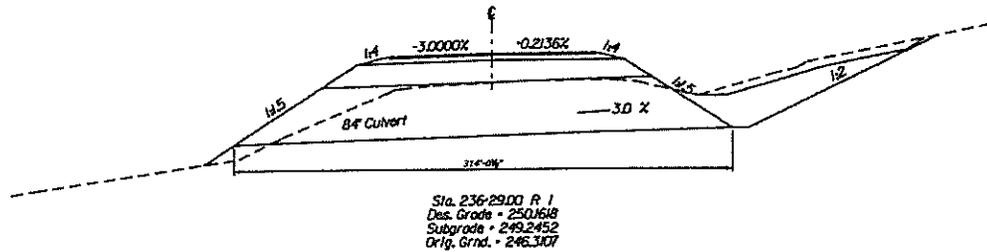
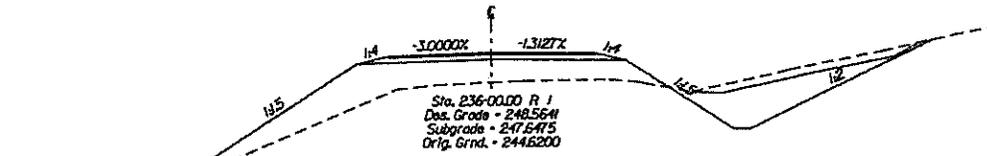
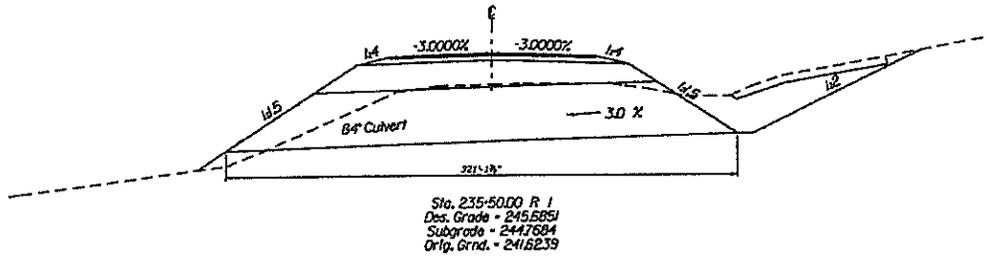


Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

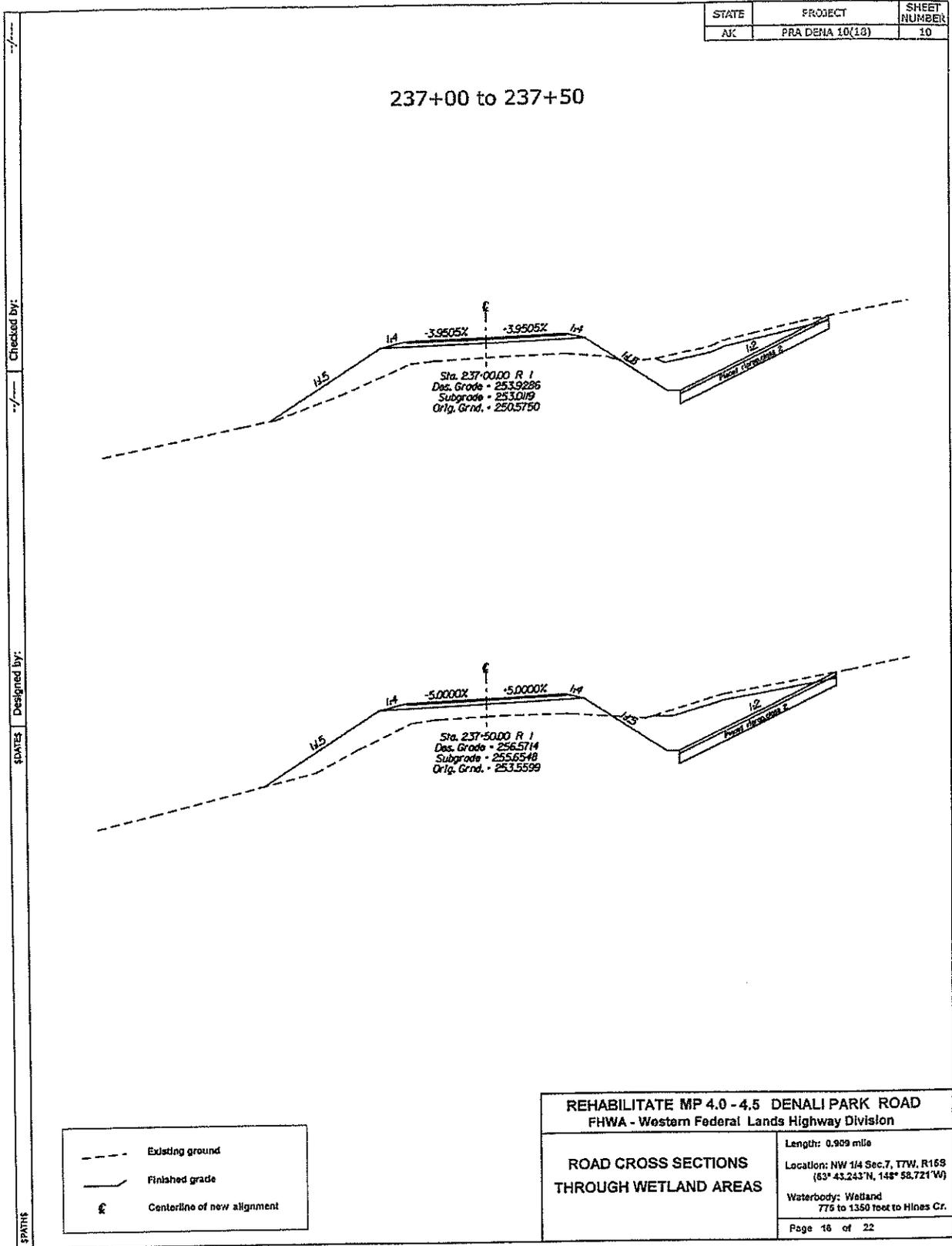
STATE	PROJECT	SHEET NUMBER
AK	PRA DENA 10(18)	9

235+50 to 236+50



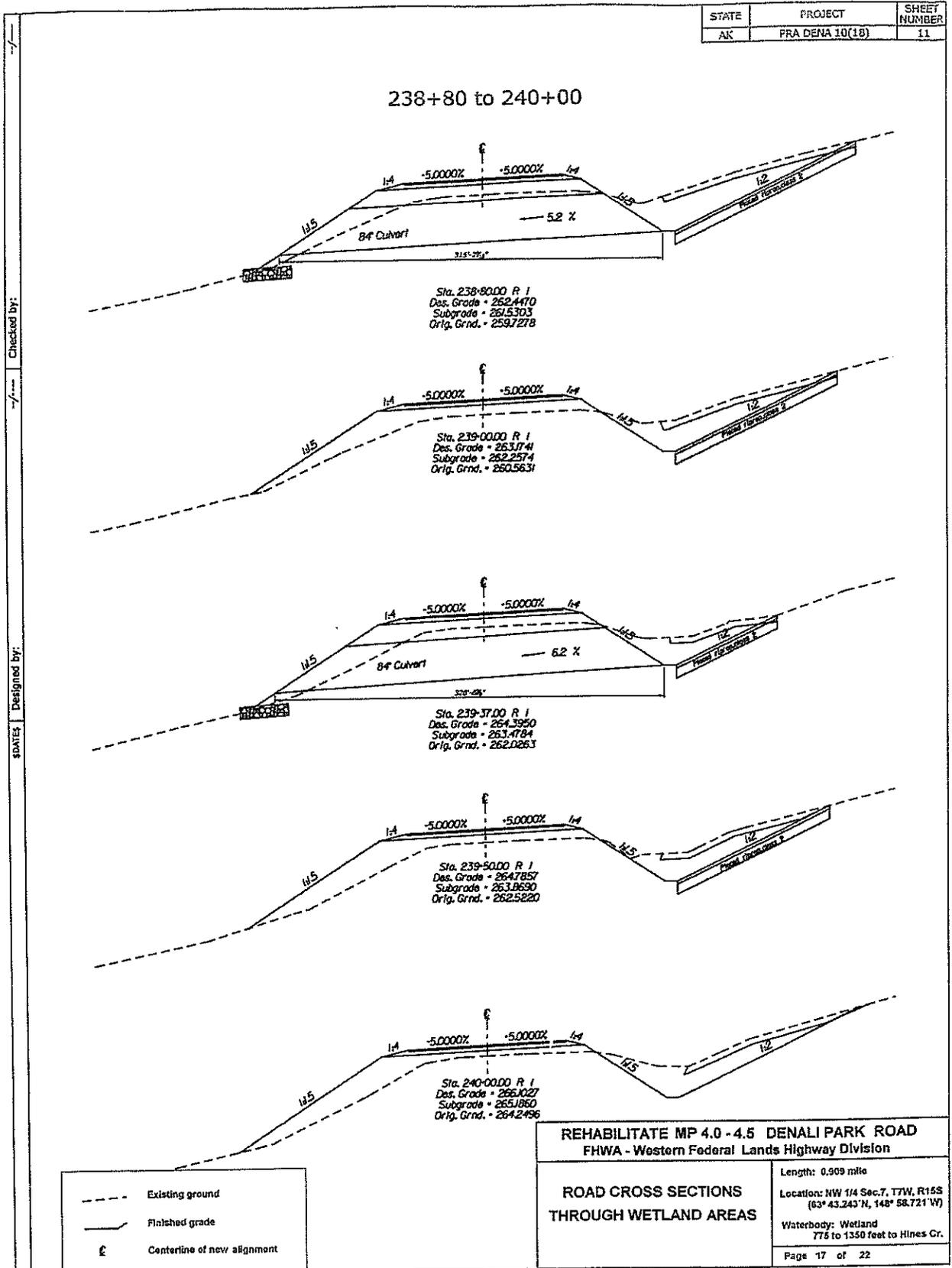
	Existing ground
	Finished grade
	Centerline of new alignment

REHABILITATE MP 4.0 - 4.5 DENALI PARK ROAD FHWA - Western Federal Lands Highway Division	
Length: 0.909 mile Location: NW 1/4 Sec. 7, T7W, R16S (63° 43.243' N, 148° 58.721' W) Waterbody: Wetland 775 to 1350 feet to Hines Cr.	Page 15 of 22



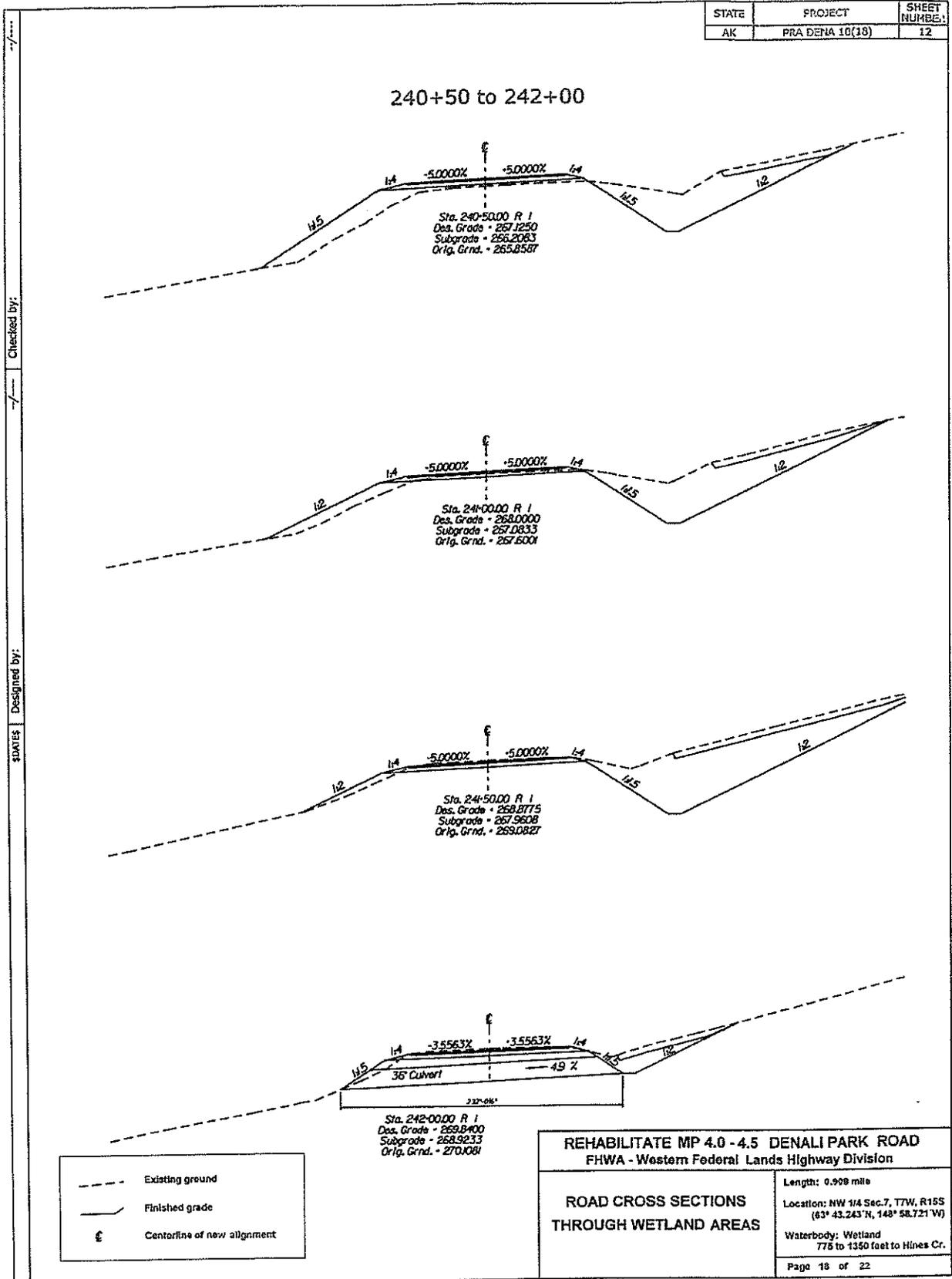
Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section



Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section



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MITIGATION PROPOSED

Federal and National Park Service (NPS) policy is to avoid locating projects in wetlands whenever possible. If circumstances make it impracticable to avoid wetlands, then mitigation of unavoidable impacts must be planned. An NPS wetlands no-net-loss policy requires that wetland losses be compensated for by restoration of wetlands, preferably of comparable wetland type and function and in the same watershed if possible.

Of the 2.6 acres potentially affected by the proposed action, approximately 1 acre (0.903 acre) is classified as wetlands. The NPS will compensate at 2:1 for the 1 acre of disturbed wetlands.

On-Site Rehabilitation

As much as possible, disturbance of wetlands in and around the project area will be avoided. Silt fence or other sediment control method will be installed along the project perimeter adjacent to wetlands. Any areas disturbed by construction activities will be restored to as near natural conditions as possible. Fugitive dust from construction activities will be mitigated through the use of dust abatement practices. Prior to the start of construction activities, the NPS will salvage as much topsoil, organic matter, and vegetation as necessary for later site restoration. Salvaged material will be stockpiled separately and will be placed in the disturbed areas following construction.

Off-Site Compensation (Wetland Restoration)

Compensation, by restoration of previously disturbed degraded wetlands, is required under the NPS no-net-loss policy for projects involving disturbance or loss of wetlands. Compensation will occur for the loss of palustrine forested/scrub-shrub and riverine intermittent wetland. Two-for-one compensation will be completed within the park, rather than 1:1, because the work at the compensation site would restore some, but not all of the natural functioning of the riparian wetlands previously lost at the site. Stabilizing the channel and floodplain will allow processes such as natural revegetation, soil deposition from spring breakup events, and pool and riffle initiation to begin with a much smaller chance of channel blowout during flooding and resultant loss of functioning.

The project site and the Kantishna compensation site (see attached figures) are separated by about 65 miles; however, are both within Denali National Park. The affected area and the proposed compensation site have some different wetland functions and values. The wetlands impacted by the project are described above as a PFO4/SS1B and R4SB7 type and the wetlands to be restored at the Kantishna compensation site are described below as a R3USJ/PUS1D classification.

An NPS-funded project to restore landscapes within former placer mined areas in Kantishna is scheduled for 2008-2010. An estimated 2.7 acres (based on 2:1 compensation of wetlands lost to proposed project) within the park's Glen Creek floodplain (specifically at the confluence of the West and East Forks of Glen Creek) has been selected for restoration within the scope of this mitigation, for compensation related to this road rehabilitation project. These Kantishna area wetlands are classified as riverine upper perennial unconsolidated shore, intermittently flooded; palustrine unconsolidated shore, cobble gravel, seasonally flooded/well-drained (R3USJ/PUS1D).

Rehabilitate MP 4.0 – 4.5 Denali Park Road
FHWA – Western Federal Lands Highway Division

Permits

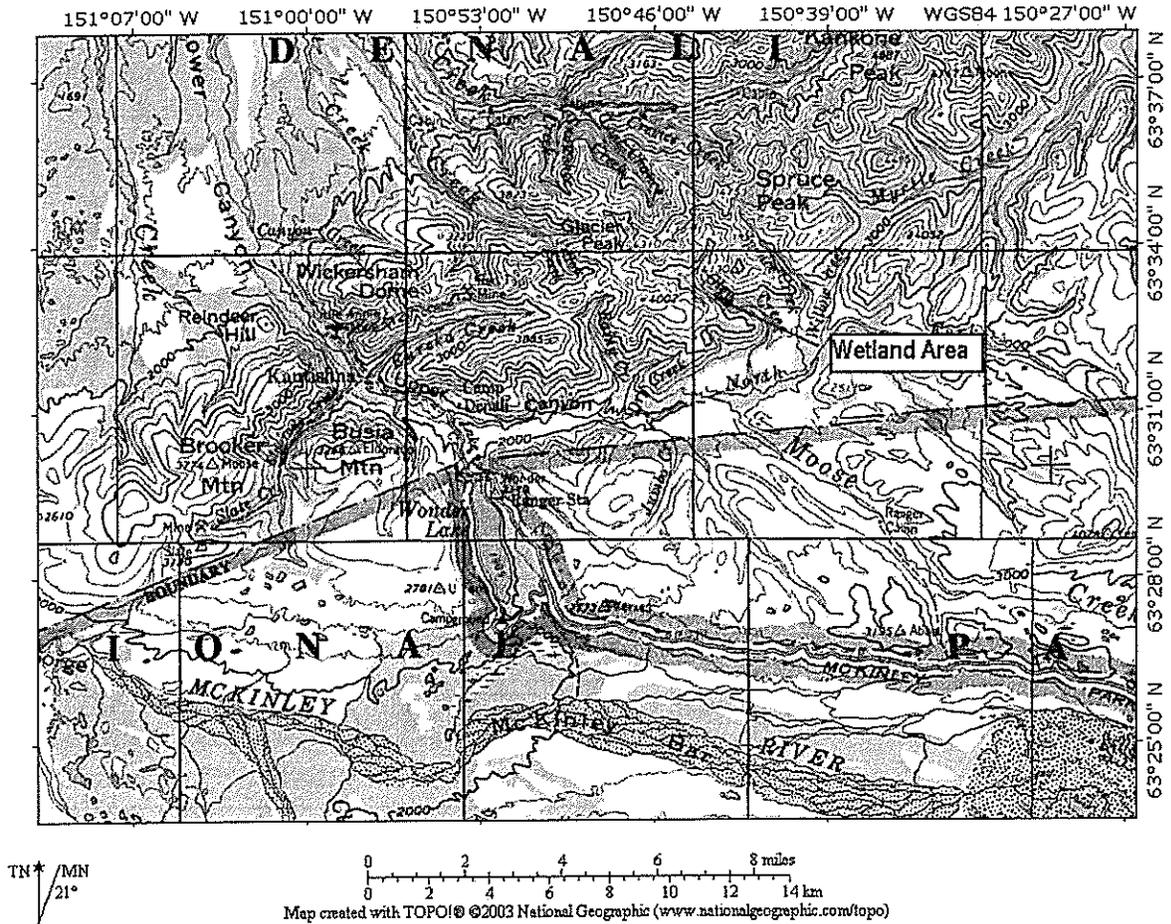
Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

Restoration plans at the Glen Creek site include removing and disposing of debris; stabilizing the channel and floodplain; stabilizing the access road; and revegetating the stripped areas. Preliminary work will include water and soil sampling and an engineering survey of the existing stream channel, floodplain and upland topography. Discharge measurements will be collected to aid in stream channel design. Soil sampling will assess the geo-chemistry of the upper watershed, and determine the soil's potential for revegetation efforts. Surveys, both cross-sectional and topographical, will be conducted to supplement site data on the NPS topographic maps. This information will be used to locate and estimate material amounts for use in recontouring the site and reconstructing the stream channel and floodplain.

The cost estimate for this compensation project is approximately \$20,000 per acre, based on an unpublished report, "Cost Estimation for Reclamation, National Park Service, Alaska Regional Office, January 1994." This report reviewed three separate mining reclamation projects that were conducted on abandoned claims in the park. The cost associated with compensation for the proposed road project would be about \$40,000. The park cannot use funds specifically earmarked for natural resources management (e.g., Natural Resources Preservation Program funding, Water Resources Division-Competitive, etc.) to compensate for construction impacts. The NPS base funding for park operations will be used for this compensation.

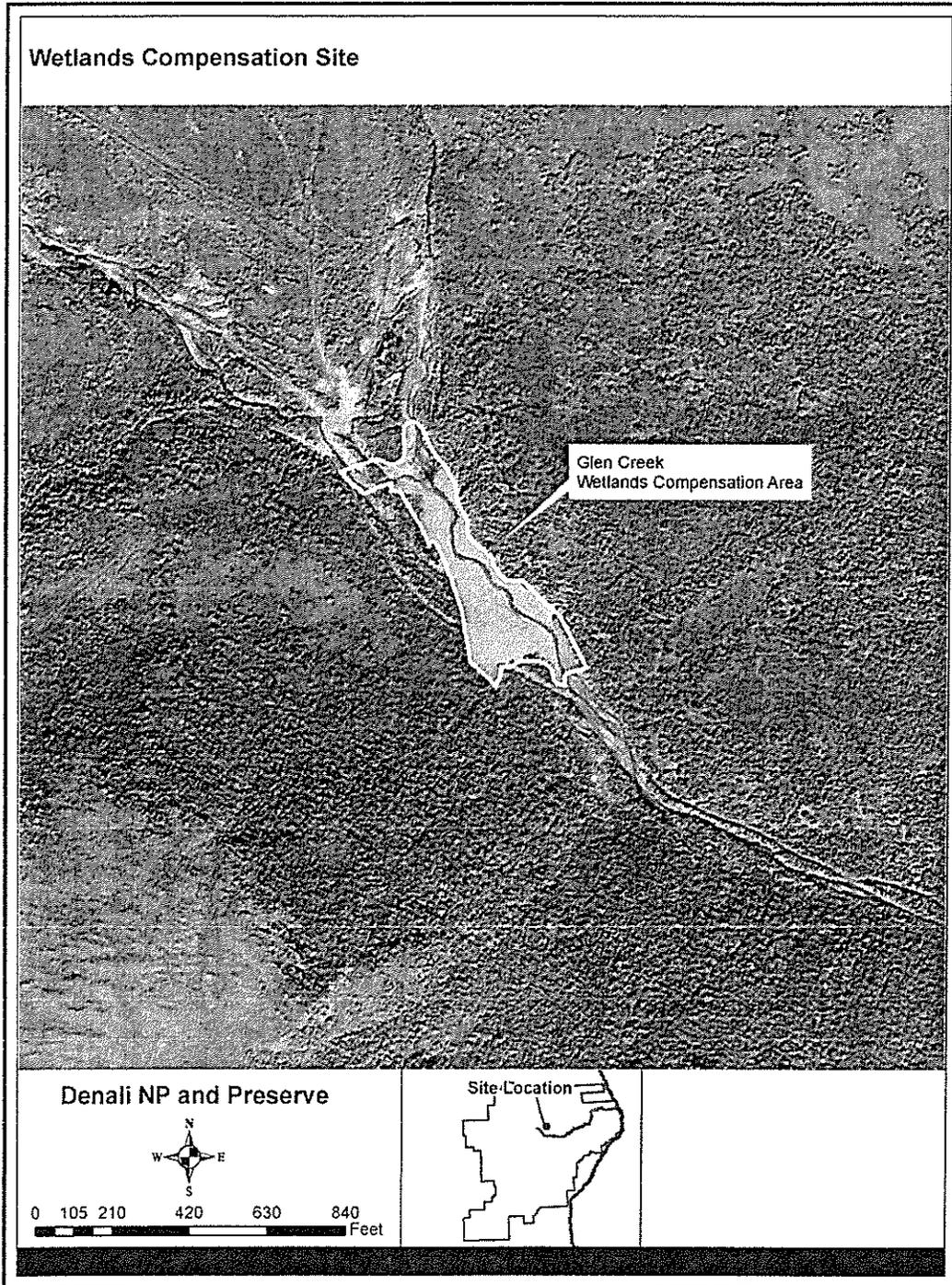
Project design requirements will include a channel capacity for a 1.5-year (bank full) discharge and a floodplain capacity for up to a 100-year discharge. The project design will include the use of bio-revetment, located on meanders, to encourage channel stabilization using natural methods. Brush bars, located in areas of little or no fines, will be employed to dissipate floodwater energy and encourage sediment deposition. Riparian areas will be revegetated with willow cuttings and other appropriate vegetation. Depending on the results from the soils nutrient analysis, fertilizer will be used to ensure a quick start for new vegetation. Monitoring of the stream channel and riparian areas will occur to determine the success of the reclamation efforts. Vegetation plots and permanently mounted cross-sections will be surveyed and measured again after the first year. Additional seeding and revegetation will occur on areas not vegetated during the first year. It is anticipated that the site will be at least a partially functional wetland within 3 to 5 years after treatment, and will be fully-functioning within 15 years.

Wetland Compensation Site



Rehabilitate MP 4.0 – 4.5 Denali Park Road
FHWA – Western Federal Lands Highway Division

Permits
Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section



Rehabilitate MP 4.0 – 4.5 Denali Park Road
FHWA – Western Federal Lands Highway Division

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

23. Approved Categorical Exclusions. Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:

(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from environmental documentation, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and

(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 27). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters. (Sections 10 and 404)

Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW-CO). Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are the: Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05-07, which is available at:

<http://www.usace.army.mil/inet/functions/cw/cecwo/reg/rglsindx.htm> . Any future approved categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same web site.

Regional Conditions for the Alaska District

REGIONAL CONDITION A - Additional Pre-Construction Notification (PCN) Requirements¹

1. NWP 6, Survey Activities: 3-D seismic surveys employing ocean bottom cables.
2. NWP 13, Bank Stabilization: Projects require a PCN when specified by NWP 13 and/or the proposed methods and techniques are not included in Streambank Revegetation and Protection: A Guide for Alaska Revised 2005 (Walter, Hughes and Moore, April 2005) (Guide) or its future revisions.

The Guide is available at <http://www.sf.adfg.state.ak.us/sarr/restoration/techniques/techniques.cfm>

Furthermore, applicants proposing projects not contained in the Guide may still qualify for NWP 13 but they shall provide an alternative analysis to the district engineer with the PCN consisting of the bioengineered methods that were considered and rationale as to why these alternatives are not in the applicant's preferred alternative. Applicants subject to the PCN due to a design that is not included in the Guide are encouraged to include measures that minimize impacts to the aquatic environment including methods that improve fish habitat such as vegetated riprap.

3. Any activity proposing pile driving in the following Navigable (Section 10) waters: marine waters, anadromous lakes or anadromous streams.

¹ Where required by the terms of the NWP or Regional Condition A, a prospective permittee must notify the district engineer by submitting a preconstruction notification (PCN) as early as possible. See General Condition 27 of the NWPs for the contents of the PCN or visit www.poa.usace.army.mil/reg/NWPs. This Regional Condition does not apply to NWP 47.

REGIONAL CONDITION B – General Permit Agency Coordination

This Regional Condition establishes geographic and habitat areas that will require agency coordination for projects that are less than 1/2 acre.¹

For projects requiring a Pre-Construction Notification (PCN) and occurring within any of the following geographic/habitat areas, the Corps will conduct agency coordination with the appropriate agencies according to General Condition No.27, regardless of the amount of loss of waters of the U.S.

- 1) The Municipality of Anchorage.
- 2) Areas designated as "A" or "B" wetlands in the Juneau Wetlands Management Plan.
- 3) Areas designated as "High" or "Moderate" value wetlands in the Homer Wetland Functional Assessment.
- 4) Anadromous lakes or anadromous streams including, but not limited to catalogued streams identified in the *Catalog of Waters Important for the Spawning, Rearing, or Migration of Anadromous Fishes* (available at <http://www.sf.adfg.state.ak.us/SARR/FishDistrib/anadcat.cfm>)
- 5) Jurisdictional areas within 500 feet (measured from OHW or HTL) of anadromous lakes or anadromous streams as identified above.
- 6) Marine waters.

Local, State or Federal applicants may choose to conduct agency coordination in accordance with this regional condition for projects in the above geographic areas having less than 1/2 acre loss of waters of the U.S. The documentation of agency coordination shall be supplied with the PCN and if the Corps determines the applicant's proposal adequately addresses agency concerns, the project will not be coordinated again.

The Corps (or local, State or Federal applicant, as described above) will coordinate such projects with the Environmental Protection Agency, U.S. Fish and Wildlife Service, National Marine Fisheries Service and State Historical Preservation Officer or Tribal Historical Preservation Officer. Additionally, project coordination will occur with the State of Alaska's Department of Natural Resources, Office of Project Management and Permitting for projects that are within the coastal zone or when outside the coastal

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Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

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zone, coordination will occur with the Department of Environmental Conservation, the State of Alaska's Department of Natural Resources, Office of Habitat Management and Permitting, and the Department of Fish and Game for activities within State Refuges, Critical Habitat Areas and Sanctuaries.

¹ For activities requiring a PCN that result in the loss of greater than 1/2-acre of waters of the U.S., agency coordination will occur according to general condition 27(d) but also include the agencies as specified above.

REGIONAL CONDITION C - Wood Preservatives

This Regional Condition applies to all NWP's when the regulated activity involves the use of wood preservative products in waters of the U.S.¹

1. For new materials²:

- a) Preservatives for wooden structures shall be applied by pressure treatment.
- b) In fresh waters, wood structures treated with creosote or pentachlorophenol preservative shall not be used.
- c) In marine waters, wood structures treated with pentachlorophenol preservative shall not be used.

2. For the reuse of previously treated wood products in marine waters the wood preservative product's use shall be consistent with its original use and may not be treated with any additional wood preservative. (e.g. the reuse for dock piling of creosote treated wood for dock piling is allowable, the reuse for a retaining wall of creosote treated railroad ties is not allowed, etc.).

¹ Wood preservative products allowed for use in the aquatic/marine environments is determined by the Environmental Protection Agency.

²Treated wood products are produced and installed in accordance with the "Best Management Practices for the Use of Treated Wood in Aquatic and Other Sensitive Environments" (August 2006), including amendments published by the Western Wood Preservers Institute (WWPI) (www.wwpinstitute.org) including the standards set forth by the American Wood-Preservers Association (AWPA) (www.awpa.com), the Timber Piling Council (TPC) (www.timberpilingcouncil.org) and/or the American Lumber Standards Committee as appropriate.

REGIONAL CONDITION D - Activities Involving Trenching

Trenches cannot be constructed or backfilled in such a manner as to drain waters of the U.S. (e.g., backfilling with extensive gravel layers, creating a french drain effect). Ditch plugs or other methods shall be used to prevent this situation.

Except for material placed as minor trench over-fill or surcharge necessary to offset subsidence or compaction, all excess materials shall be removed to a non-wetland location. The backfilled trench shall achieve the original surface condition, within a year of disturbance unless climatic conditions warrant additional time and is approved by the Corps.

Revegetation of the trench should follow the process outlined in RC E.

REGIONAL CONDITION E - Site Restoration for Projects with Ground Disturbing Activities

Disturbed areas shall be stabilized immediately after construction to prevent erosion. Revegetation of the site shall begin as soon as site conditions allow and in the same growing season as the disturbance unless climatic conditions warrant additional time and is approved by the Corps. Native vegetation and

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soils removed for project construction shall be stockpiled separately and used for site rehabilitation. If soil and/or organic materials are not available from the project site for rehabilitation, other locally-obtained native materials may be used. Other topsoil or organic materials (including seed) may be used only if identified in the PCN and approved in the NWP verification. Species to be used for seeding and planting shall follow this order of preference: 1) species native to the site; 2) species native to the area; 3) species native to the state. Revegetated areas eventually shall have enough cover to sufficiently control erosion without silt fences, hay bales, or other mechanical means.

REGIONAL CONDITION F - Equipment Standards

Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures (e.g. ice roads, compacted snow, low psi ground bearing weight, etc) must be taken to prevent soil disturbance.

REGIONAL CONDITIONS G - J APPLY TO SPECIFIC NWPs.

REGIONAL CONDITION G- Seasonal Docks Authorized by NWP 11, Temporary Recreational Structures

Small, seasonal docks shall not extend more than 50 feet waterward of the ordinary high water mark or mean high water mark, or exceed more than 25 percent of the width of the waterbody, whichever is less.

REGIONAL CONDITION H – NWP 40 Agricultural Activities

The following activities are not authorized by NWP 40: a. Drain tiles, ditches, or levees or; b. Mechanized land clearing and land leveling in jurisdictional wetlands within 500' of anadromous lakes or anadromous streams.

REGIONAL CONDITION I – NWP 44 Mining Activities

Placer mining activities are excluded from coverage by NWP 44 (Mining Activities). Placer mining may be authorized by Regional General Permit 2006-1944. In Alaska, NWP 44 will only authorize the following activities:

1. Hard rock mining, not including trenching, drilling, or access road construction. Applicable to Section 404 only.
2. Temporary stockpiling of sand and gravel in waters of the U.S., limited to seasonally dewatered unvegetated sand/gravel bars. Stockpiles shall be completely removed and the area restored to pre-project contours within one year, in advance of seasonal ordinary high water events, and/or prior to equipment being removed from site, whichever comes first.

REGIONAL CONDITION J – NWP 48 Existing Commercial Shellfish Aquaculture Activities

NWP 48 is revoked in Alaska. Applicants seeking authorization for this work are encouraged to apply for Regional General Permit 1991-7-P, Mariculture Activities in Alaska.

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Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

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 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. Culverts placed in streams must be installed to maintain low flow conditions.

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 NWP's 4 and 48.

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 and storm water management activities, 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.

13. Removal of Temporary Fills. 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.

15. Wild and Scenic Rivers. No 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. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency in the area (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

16. 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.

17. Endangered Species. (a) No activity is authorized under any NWP which is likely to 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 destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees shall notify the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, 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 designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that may be affected by the proposed work or that utilize the designated critical habitat that may be affected by the proposed work. 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. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have “no effect” on listed species or critical habitat, or until Section 7 consultation has been completed.

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

(e) Authorization of an activity by a 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 U.S. FWS or the NMFS, both lethal and non-lethal “takes” of protected species are in violation of the ESA. Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide Web pages at <http://www.fws.gov/> and <http://www.noaa.gov/fisheries.html> respectively.

18. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, 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. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any

historic properties listed, 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 may be affected by the proposed work 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 resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties which the activity may have the potential to cause effects and 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 or that consultation under Section 106 of the NHPA has been completed.

(d) 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. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) 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, explaining 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.

19. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, state natural heritage sites, and outstanding national resource waters or other waters officially designated by a state as having particular environmental or ecological significance and identified by the district engineer after notice and opportunity for public comment. The

district engineer may also designate additional critical resource waters after notice and opportunity for comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWP 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 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, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

20. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are 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) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are 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 some other form of mitigation would be more environmentally appropriate and provides a project-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 minimal adverse effects on the aquatic environment. Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream restoration, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) 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 project 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 a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas

should consist of native species. 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. 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 compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of 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 effects of the project to the minimal level.

21. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

22. 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)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

23. 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 section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

24. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not 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.

25. 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)

26. Compliance Certification. Each permittee who received an NWP verification from the Corps must submit a signed certification regarding the completed work and any required mitigation. The certification form must be forwarded by the Corps with the NWP verification letter and will include:

- (a) A statement that the authorized work was done in accordance with the NWP authorization, including any general or specific conditions;
- (b) A statement that any required mitigation was completed in accordance with the permit conditions; and
- (c) The signature of the permittee certifying the completion of the work and mitigation.

27. Pre-Construction Notification. This general condition requires the applicant to provide notification (except for NWPs # 1, 2, 4, 5, 6, 9, 10, 11, 15, 16, 19, 20, 24, 25, 28, 30, 32, 35, and 47) to the District Engineer, including project-specific information, before DA authorization can be granted. The District Engineer reviews that information and solicits input from federal, state, and local resource agencies before making a permit decision. Once authorization has been granted, there are no further requirements of this general condition; therefore, the text of this condition has been removed. A copy of the full text will be provided upon request (visit our web site at: www.poa.usace.army.mil/reg)."

28. 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.

Enclosure



**US Army Corps of Engineers
Alaska District**

Permit Number: POA-2007-1663-D, Hines Creek

Name of Permittee: FHWA, Western Federal Lands Highway Division

Date of Issuance: **JAN 07 2008**

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to Mr. Don Kuhle at the following address:

U.S. Army Corps of Engineers
Alaska District
Regulatory Division
Post Office Box 6898
Elmendorf AFB, Alaska 99506-0898

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date

Permits

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufesis Section

Storm Water Pollution Prevention Plan

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Stormwater Pollution Prevention Plan (SWPPP)

Project Name: Park Road, 4-Mile Slump & 4.5-Mile Aufeis Section, AK PRA-DENA 10(18)

Location: T14S, R7W, S7; End T14S, R8W, S12

Permit Number: AKR10C130

SWPPP Prepared by: Diane Spencer, Environmental Specialist; Jack Doucey, Highway Design Engineer

Contact: Project Engineer, FHWA

MAPS

Project vicinity map- see Project Plans, page A.3

Elevation contour lines, drainage, areas of soil disturbance and stabilization practices – see Project Plans pages D.2 and D.3.

Staging and stockpiling site – see Project Plans page A.3

Location of waters of the US – see Project Plans page A.3

Location of wetlands – see SCR Section H, USACE permit

Location of storm water discharges to surface water (wetlands) – see Project Plans pages D.2 and D.3, and SCR Section H, USACE permit

PROJECT DESCRIPTION

The project is located in Denali National Park, beginning approximately 4 miles west of the park entrance on the Denali Park Road.

Beginning near MP 4.0, approximately 1,600 feet of the Denali Park Road will be realigned to a more stable area upslope from the existing roadway. Near MP 4.5, the road grade will be raised approximately 2 to 4 feet and shifted downslope approximately 2 to 8 feet between station 220+00 and station 241+00. About 12, 7 foot diameter culverts will be placed in the road prism at strategic locations to convey water and sheet ice flow under the road and downslope. The upslope road ditch will be widened and deepened to provide increased storage for ice accumulation.

Total project area: 9.7 acres

Area cleared/graded: 9.7 acres

Soils: 7MS4 Boreal lower mountain slopes with continuous permafrost – no K factor available

Nature of fill: Rip rap, aggregate, sand, silt, clay, organics

SEQUENCE OF MAJOR CONSTRUCTION ACTIVITIES

1. Survey and stake
2. Erosion control
3. Clear and grub
4. Conserve topsoil
5. Excavation
6. Subexcavation and underdrain
7. Remove pipe culverts
8. Install new culverts

Storm Water Pollution Prevention Plan

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

9. Place riprap
10. Place select borrow and construct subgrade
11. Place conserved topsoil
12. Obliterate old roadway
13. Place aggregate
14. Place asphalt
15. Stripe

ADJACENT AREAS

Description of adjacent areas which may be affected by site disturbance:

- Streams
- Lakes
- Wetlands
- Residences
- Roads
- Ditches, pipes, culverts
- Other

Receiving waters: Wetlands, 775 to 1350 feet uphill from Hines Creek

Description of the downstream drainage path leading from the site to the receiving body of water: _____

The project route bisects wetlands in several locations. The road is located 775 to 1350 feet uphill from Hines Creek.

ENVIRONMENTALLY SENSITIVE AREAS

Wetlands: Station 208+50 to 211+50, Station 218+00 to 219+50, Station 224+50 to 225+50, Station 227+00 to 233+00, Station 235+50 to 237+50, Station 238+80 to 242+00

TMDL (TOTAL MAXIMUM DAILY LOAD) WATERS

None

ALL EROSION AND SEDIMENT CONTROLS THAT ARE NOT IN THE DIRECT PATH OF WORK WILL BE INSTALLED BEFORE ANY LAND DISTURBANCE

EROSION/SEDIMENT CONTROLS

Silt Fence: The contractor will supply, install, and maintain silt fence barriers. Silt fence will be installed below the toe of disturbed slopes and around temporary stockpiles.

Dust Control: The contractor will provide an adequate water supply and apply water needed as necessary to control dust within the construction site.

Outlet Protection Energy Dissipater: A riprap apron will be placed at culvert outlets (as indicated in plan sheets) were needed to prevent scour. Riprap will be placed using an excavator or similar equipment working from the existing road fill.

Permanent Vegetation Stabilization: Disturbed portions of the construction site where activity has permanently ceased will be stabilized with perennial vegetation by the National Park Service (NPS). The

Storm Water Pollution Prevention Plan

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

NPS will place topsoil on riprap as shown in plans and revegetate. The NPS will seed and plant native species during the first growing season following the end of construction.

OTHER CONTROLS

Hazardous Spill Plan: The contractor will complete a Spill Prevention Control and Countermeasure (SPCC) plan as required to meet 40 CFR Part 112 requirements.

Waste Materials: The contractor will store any food, liquids, and garbage in bear proof containers. Garbage will be removed from the park daily.

Disposal of Unsuitable or Excess Material: Unsuitable or excess material encountered during excavation will be disposed of outside the park boundary by the contractor.

Disposal of Existing Pavement: The contractor will remove all existing pavement within the construction limits and dispose of in the 5 Mile Pit.

EROSION/SEDIMENT CONTROL NOTES

- The NPS will cut trees within the construction limits prior to the beginning of construction. No disturbance is permitted beyond the construction limits.
- The contractor is responsible for implementing the SWPPP, as well as installation, maintenance, replacement, and upgrading of SWPPP measures if necessary, until all construction is completed.
- All erosion and sediment controls that are not in the direct path of work will be installed before any land disturbance. Controls will be installed in a manner which insures that sediment and sediment-laden water does not enter adjacent waterways and wetlands.

INSPECTION AND MAINTENANCE OF BMPs

The contractor is responsible for proper installation and maintenance of all erosion and sediment control measures (BMPs).

All measures must be maintained in effective operating condition. If site inspections identify BMPs that are not operating effectively, maintenance must be performed as soon as possible to maintain continued effectiveness.

Inspections must be conducted by qualified personnel, meaning a person knowledgeable in the principles and practices of erosion and sediment controls who possesses the skills to assess conditions at the construction site that could impact water quality and to assess the effectiveness of any BMPs used at the project site.

Inspections must include all areas of the project site disturbed by construction activity and areas used for storage of materials that are exposed to precipitation. Locations where vehicles enter or exit the site must be inspected for evidence of off-site sediment tracking.

Inspect BMPs once every 7 calendar days and within 24 hours after any storm event of greater than 0.5 inches of rain per 24-hour period.

During inactive periods of greater than 7 consecutive calendar days, inspect once every 14 days.

Inspections:

- Check BMPs
- Silt fence must be maintained without gaps and without undermining, in a manner which prevents sediment passage through or under the barrier. Silt fence must be maintained vertical without tears and without sagging. Accumulated sediment must be removed when sediment reaches 1/3 of the barrier height, in a manner that avoids escape of sediment to the downhill side of the barrier.
- Check discharge points for visible signs of erosion and impact to adjacent land, receiving waters or wetlands.

Storm Water Pollution Prevention Plan

Project: AK PRA-DENA 10(18), Park Road, 4 Mile Slump and 4.5 Aufeis Section

- Clean up significant amounts of sediment that leave the construction site within 24 hours and place back on the site or properly dispose.
- Check entrances and exits for evidence of off site sediment tracking
- Modify SWPP as necessary
- Prior to discontinuing activities at the site at the end of the construction season, the entire site must be stabilized to prevent erosion and sedimentation.

INSPECTION REPORTING

Inspectors must complete an inspection report for each inspection required above. At a minimum, the inspection report must include:

- Inspection date
- Names, titles and qualifications of inspectors.
- Weather information for the period since the last inspection
- Weather information at the time of inspection
- Location of any discharges of sediment from the site
- Locations of BMPs needing maintenance
- Locations of BMPs that failed to work as designed or proved inadequate for a particular situation
- Locations where new BMPs are needed
- Corrective action required including any changes to the SWPPP necessary
- Inspectors signature

A record of each inspection and any remedial actions taken must be retained at the construction site as part of the SWPPP.

SWPPP MODIFICATIONS

This plan is only a guide and may not adequately address all conditions on the construction site. During construction, measures may be revised as needed to address changing site conditions and unexpected storm events in order to ensure that sediment and sediment laden water does not leave the construction site. If erosion and sediment control at the construction site is not adequately addressed by these plans, it is the responsibility of the contractor to modify them.

Contractor modifications to the SWPPP must be submitted to the Project Engineer for approval. Changes may be made by hand on the SWPPP and plan sheets. The modified SWPPP and plan sheets must be documented and kept on file at the project site. Notes on the updated SWPPP and plan set should indicate the location, date, and status of each change.

LOCATION OF SWPPP REQUIREMENTS IN PROJECT PLANS AND SPECIFICATIONS

DESCRIPTION	TITLE	LOCATION
Erosion Control Quantities and Locations	Tabulation of Plan and Profile Quantities – Soil Erosion Control, Silt Fence	Plan sheet D.1
Temporary Erosion/Sediment Control Locations	Erosion Control Plan	Plan sheets D.2, D.3
Erosion Control Details	Silt Fence	Plan sheet D.4
Dust Control	Watering for Dust Control Summary of Quantities-Watering for Dust Control	FP-03, Section 158 Plan sheet B.1
Outlet Protection Energy Dissipater	Tabulation of Drainage Quantities-Placed Riprap Energy Dissipater Energy Dissipater Detail	Plan sheet E.1 Plan sheet E.5
Permanent Vegetation Stabilization		NPS will perform revegetation. See NPS for revegetation plan
Hazardous Spill Plan	Oil and Hazardous Substances	SCR 107.10(c) See Project Engineer for hazardous spill plan
Disposal of Construction Debris	Disposing of Material Protection of Forests, Parks, and Public Lands	FP-03 203.05 SCR 107.11 (h) and (i)
Disposal of Unsuitable or Excess Excavation Material	Disposal of Unsuitable or Excess Material	SCR 204.14
Disposal of Existing Pavement	Disposal of Unsuitable or Excess Material	SCR 204.14

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