STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH, N.C.

PROPOSAL

DATE AND TIME OF BID OPENING: **AUGUST 17, 2004 AT 2:00 PM**

CONTRACT ID	C200906
WBS	32984.3.2
FEDERAL-AID NO.	BRZ-2173(4)
COUNTY	BUNCOMBE
T.I.P. NO.	B-3310
MILES	0.418
ROUTE NO.	SR 2173
LOCATION	BRIDGE OVER DILLINGHAM CREEK & APPROACHES ON SR-2173.
TYPE OF WORK	GRADING, DRAINAGE, PAVING & STRUCTURE.

NOTICE:

ALL BIDDERS SHALL COMPLY WITH ALL APPLICABLE LAWS REGULATING THE PRACTICE OF GENERAL CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA WHICH REQUIRES THE BIDDER TO BE LICENSED BY THE N.C. LICENSING BOARD FOR CONTRACTORS WHEN BIDDING ON ANY NON-FEDERAL AID PROJECT WHERE THE BID IS $30,000 OR MORE, EXCEPT FOR CERTAIN SPECAILITY WORK AS DETERMINED BY THE LICENSING BOARD. BIDDERS SHALL ALSO COMPLY WITH ALL OTHER APPLICABLE LAWS REGULATING THE PRACTICES OF ELECTRICAL, PLUMBING, HEATING AND AIR CONDITIONING AND REFREGIRATION CONTRACTING AS CONTAINED IN CHAPTER 87 OF THE GENERAL STATUTES OF NORTH CAROLINA.

BIDS WILL BE RECEIVED AS SHOWN BELOW:

THIS IS A ROADWAY & STRUCTURE

5% BID BOND OR BID DEPOSIT REQUIRED

PROPOSAL FORM FOR THE CONSTRUCTION OF CONTRACT NO. C200906

IN BUNCOMBE COUNTY NORTH CAROLINA

Date_____ 20___

DEPARTMENT OF TRANSPORTATION,

RALEIGH, NORTH CAROLINA

The Bidder has carefully examined the location of the proposed work to be known as Contract No. C200906; has carefully examined the plans and specifications, which are acknowledged to be part of the proposal, the special provisions, the proposal, the form of contract, and the forms of contract payment bond and contract performance bond; and thoroughly understands the stipulations, requirements and provisions. The undersigned bidder agrees to bound upon his execution of the bid and subsequent award to him by the Board of Transportation in accordance with this proposal to provide the necessary contract payment bond and contract performance bond within fourteen days after the written notice of award is received by him. The undersigned Bidder further agrees to provide all necessary machinery, tools, labor, and other means of construction; and to do all the work and to furnish all materials, except as otherwise noted, necessary to perform and complete the said contract in accordance with the 2002 Standard Specifications for Roads and Structures by the dates(s) specified in the Project Special Provisions and in accordance with the requirements of the Engineer, and at the unit or lump sum prices, as the case may be, for the various items given on the sheets contained herein.

The Bidder shall provide and furnish all the materials, machinery, implements, appliances and tools, and perform the work and required labor to construct and complete State Highway Contract No. C200906

In Buncombe County, for the unit or lump sum prices, as the case may be, bid by the Bidder in his bid and according to the proposal, plans, and specifications prepared by said Department, which proposal, plans, and specifications show the details covering this project, and hereby become a part of this contract.

The published volume entitled "North Carolina Department of Transportation, Raleigh, Standard Specifications for Roads and Structures, January 2002 with all amendments and supplements thereto, is by reference incorporated into and made a part of this contract; that, except as herein modified, all the Construction and work included in this contract is to be done in accordance with the specifications contained in said volume, and amendments and supplements thereto, under the direction of the Engineer.

If the proposal is accepted and the award is made, the contract is valid only when signed either by the Contract Officer or such other person as may be designated by the Secretary to sign for the Department of Transportation. The conditions and provisions herein cannot be changed except over the signature of the said Contract Officer.

The quantities shown in the itemized proposal for the project are considered to be approximate only and are given as the basis for comparison of bids. The Department of Transportation may increase or decrease the quantity of any item or portion of the work as may be deemed necessary or expedient.

An increase or decrease in the quantity of any item will not be regarded as sufficient ground for an increase or decrease in the unit prices, nor in the time allowed for the completion of the work, except as provided for the contract.

Accompanying this bid is a bid bond secured by a corporate surety, or certified check payable to the order of the Department of Transportation, for five percent of the total bid price, which deposit is to be forfeited as liquidated damages in case this bid is accepted and the Bidder shall fail to provide the required payment and performance bonds with the Department of Transportation, under the condition of this proposal, within 14 calendar days after the written notice of award is received by him, as provided in the Standard Specifications; otherwise said deposit will be returned to the Bidder.

CONTRACT: **C200906 (B-3310)**
BUNCOMBE COUNTY

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PROPOSAL FORM ITEM SHEETS, ETC.

PROJECT SPECIAL PROVISIONS

General 7-1-95

SP1G01

CONTRACT TIME AND LIQUIDATED DAMAGES: **8-15-00$_R$**

The date of availability for this contract is April 15, 2005, except that work in jurisdictional waters and wetlands shall not begin until a meeting between the DOT, Regulatory Agencies, and the Contractor is held as stipulated in the permits contained elsewhere in this proposal. This delay in availability has been considered in determining the contract time for this project.

The completion date for this contract is December 31, 2006.

When observation periods are required by the special provisions, they are not a part of the work to be completed by the completion date and/or intermediate contract times stated in the contract. Should an observation period extend beyond the final completion date, the acceptable completion of the observation period shall be a part of the work covered by the performance and payment bonds.

The liquidated damages for this contract are Two Hundred Dollars ($200.00) per calendar day. These liquidated damages will not be cumulative with any liquidated damages which may become chargeable under Intermediate Contract Time Number 1.

SP1G07

INTERMEDIATE CONTRACT TIME NUMBER 1 AND LIQUIDATED DAMAGES:
7-1-95

Except for that work required under the Project Special Provisions entitled "Planting" and/or "Reforestation", included elsewhere in this proposal, the Contractor will be required to complete all work included in this contract and shall place and maintain traffic on same by July 1, 2006.

The date of availability for this intermediate contract time is April 15, 2005.

The liquidated damages for this intermediate contract time are Five Hundred Dollars ($500.00) per calendar day.

Upon apparent completion of all the work required to be completed by this intermediate date, a final inspection will be held in accordance with Article 105-17 and upon acceptance, the Department will assume responsibility for the maintenance of all work except "Planting" and/or "Reforestation". The Contractor will be responsible for and shall make corrections of all damages to the completed roadway caused by his planting operations, whether occurring prior to or after placing traffic through the project.

SP1G13

CONSTRUCTION MORATORIUM:

In-stream work and land disturbance within the 25-foot wide buffer zone are prohibited from November 1 through April 15 to protect the egg and fry stages of trout.

SAFETY INDEX RATING: **6-18-02**

Revise the 2002 Standard Specifications as follows:

Page 1-10, Article 102-2

Before the last paragraph on this page, add the following paragraph:

"All subcontractors performing work for the Department shall have received a passing grade on the Safety Index Rating form, in accordance with Article 102-2, prior to beginning work. Subcontractors can request the Safety Index Rating form from the State Contractual Services Engineer."

SP1G14

MAJOR CONTRACT ITEMS: **2-19-02C**

The following listed items are the major contract items for this contract (See Articles 101-54 and 104-5 of the Standard Specifications):

SP1G28

Line #	Description
81	Reinforced Concrete Deck Slab
83	Class "A" Concrete (Bridge)
87	45" Prestressed Concrete Girders

SPECIALTY ITEMS: **7-1-95**

Items listed below will be the specialty items for this contract (See Article 108-6 of the Standard Specifications).

Line #	Description
29 thru 32	Guardrail Items
33 thru 36	Fencing Items
49 thru 69	Erosion Control Items
70	Reforestation Items
75 thru 79	Drilled Piers

SP1G37

SCHEDULE OF ESTIMATED COMPLETION PROGRESS: **07-20-04**

The Contractor's attention is directed to the Standard Special Provision entitled "Availability Of Funds Termination Of Contracts" included elsewhere in this proposal. The Department of Transportation's schedule of estimated completion progress for this project as required by that Standard Special Provision is as follows:

Fiscal Year	Progress (Dollar Value)
2005 (07/01/04 – 06/30/05)	25% of Total Amount Bid
2006 (07/01/05 – 06/30/06)	75% of Total Amount Bid

The Contractor shall also furnish his own progress schedule in accordance with Article 108-2 of the Standard Specifications. Any acceleration of the progress as shown by the Contractor's progress schedule over the progress as shown above shall be subject to the approval of the Engineer.

SP1G58

ELECTRONIC BIDDING: **03-16-04$_R$**

Page 1-2, Article 101-11

Delete this article and replace with the following:

Bid (Or Proposal): The electronic offer of a Bidder via Bid Express™ to the Department to perform the work and to furnish the labor and materials at the prices quoted.

Page 1-3, Article 101-20, **Contract**

Add after the second paragraph of this article.

All references to contracts shall include electronic agreements and printed paper agreements. These may include but not be limited to the electronic bid bond, non-collusion statement, debarment certification, and award limits.

Page 1-6, Article 101-64 **Proposal Form**

Delete this article and replace with the following:

Proposal or Proposal Form: The electronic or paper form provided by the Department that the Bidder uses to develop his electronic offer to perform the work at designated bid prices.

Page 1-14, **Article 102-9**

Delete Article 102-9 in its entirety and replace with the following:

102-9 ELECTRONIC BIDDING.

The Bidder shall submit bids electronically using the following guidelines:

1. The prequalified Bidder shall have a fully executed *Non-Collusion Affidavit and Debarment Certification* on file in the Contract Office prior to submitting his bid. If the Bidder cannot provide the debarment certification required, he shall provide an explanation as shown in the certification. The explanation will not necessarily result in denial of participation in a contract. Non-collusion and debarment certification forms shall be downloaded at http://www.NCDOT.org/business. Forms shall be executed in accordance with Section 102-8. The affidavit and certification shall be received in the Contract Office by 5 p.m. the last business day before the bid letting. The Contract Office address is shown at the end of this provision.

   If the prequalified Bidder's *status* changes, he shall immediately submit a new fully executed non-collusion affidavit and debarment certification with an explanation of the change.

   Failure to have a fully executed non-collusion affidavit and debarment certification on file in the Contract Office prior to placing bids will cause those bids to be non-responsive.

2. Obtain on-line bidding information from Bid Express™ at www.bidx.com (Note: Obtain an account and valid Digital Signature from Bid Express™ in order to bid electronically).

3. An electronic corporate surety bid bond for at least 5% of the total amount bid shall accompany each electronic bid, or the Contractor may submit a certified check or cashier's check in lieu of an electronic bid bond. The certified check or cashier's check shall be for at least 5% of the total amount bid and shall be received by 5 p.m. the last business day before the bid letting and shall be delivered to the address shown at the end of this provision.

   Contact either or both of the following bond management companies in order to acquire the necessary service to submit an electronic bid bond.

   a. Surety 2000 (www.surety2000.com)
   b. Surepath (www.insurevision.com)

4. Debarment Certification – The Bidder shall provide a debarment certification in the electronic bid submittal. If a Bidder cannot provide the debarment certification required, he shall provide an explanation in the Bid Express ™ miscellaneous folder within the .ebs file. The explanation will not necessarily result in denial of participation in a contract. Failure to furnish a certification or an explanation will be grounds for rejection of a bid.

5. Zero (0) is considered a valid bid. Do Not enter zero (0) in any unit price field unless zero (0) is the intended bid for that item.

6. Include all addenda in the submitted electronic bid. Bid Express™ will not accept a bid which does not contain all addenda. Section 103-2 (Correction of Bid Errors) will not apply to On-Line Electronic Bidding. All addenda and attachments will be considered part of the bid.

7. The electronic bid may be changed and resubmitted as many times as desired prior to the advertised bid opening time specified in the Invitation to Bid. The latest time stamped electronically submitted bid prior to the advertised bid opening time will constitute the Bid.

8. The provisions of Section 102-8 will apply to the preparation of bids except that the bid shall be submitted via Bid Express™ On-Line Bid Submission.

9. All bids shall be submitted with an electronically affixed digital signature. For the purpose of this provision, affixing a digital ID to the bid shall be the equivalent of signing before a notary public and placing in force the non-collusion affidavit and debarment certification on file with the Department.

10. By submitting an electronic bid, the Bidder certifies that he has read, understands, accepts, acknowledges and agrees to comply with all statements, conditions and Specifications in the electronic bid submittal.

11. Bids will be decrypted, opened, printed to paper and read publicly at the time and place specified in the invitation to bid.

12. The successful Bidder if award be made shall submit a fully executed *Execution of Contract, Non-Collusion Affidavit and Debarment Certification* signature sheet, and payment and performance bonds within 14 calendar days of receipt of award letter.

13. The Department will not be responsible if a Bidder cannot submit his bid to Bid Express™ and claims will not be accepted for this. In the event of technical difficulties, the Department reserves the right to postpone the reading of bids for up to 4 hours past the advertised bid opening time.

14. The pre-bid *Non-Collusion Affidavit, Debarment Certification signature* sheet, *Execution of Contract, Non-Collusion Affidavit, Debarment Certification* signature sheet, certified check or cashier's check in lieu of electronic bid bond, payment and performance bonds shall be delivered to the Contract Office at the address shown herein:

Physical Address
State Contract Officer
Project Services Unit
Century Center Bldg. B
1020 Birch Ridge Drive
Raleigh, NC 27610

Mailing Address:
State Contract Officer
NC Department of Transportation
Contracts and Proposals
1591 Mail Service Center
Raleigh, NC 27699-1591

SP1G60

DISADVANTAGED BUSINESS ENTERPRISE 07-17-01$_R$

POLICY

It is the policy of the North Carolina Department of Transportation that Disadvantaged Business Enterprises shall have the opportunity to participate in the performance of contracts financed in whole or in part by Federal Funds in order to create a level playing field.

The Contractor is also encouraged to give every opportunity to allow DBE participation in Supplemental Agreements.

OBLIGATION

The Contractor, subcontractor, and sub-recipient shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR 26 in the award and administration of federally assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy, as the Department deems necessary.

GOALS

The following goal for participation by Disadvantaged Business Enterprise (DBE) is established for this contract:

Disadvantaged Business Enterprises 8 %

The Contractor shall exercise all necessary and reasonable steps to ensure that Disadvantaged Business Enterprises participate in at least the percent of the contract as set forth above as goals for this contract.

LISTING OF DBE SUBCONTRACTORS

All bidders, at the time the bid proposal is submitted, must also submit a listing of DBE participation on the appropriate form (or facsimile thereof) contained elsewhere in this proposal in order for the bid to be considered responsive. Bidders must indicate the total dollar value of DBE participation for the contract. In the event the bidder has no DBE participation, he is still required to indicate this on the forms by entering the word or number zero. Blank forms will not be deemed to represent zero participation. BIDS SUBMITTED WHICH DO NOT HAVE DBE PARTICIPATION INDICATED ON THE APPROPRIATE FORM WILL NOT BE READ PUBLICLY DURING THE OPENING OF BIDS. The Department will not consider these bids for award and they will be returned to the bidder. Bidders have the option of submitting their DBE participation in an abbreviated format as required in Paragraph A below, or the bidder may submit their DBE participation in the additional detail required by Paragraph B below. In the event the bidder elects to submit DBE participation in accordance with Paragraph A and is determined to be the apparent lowest responsive bidder, that bidder must deliver to the

Department no later than 12:00 noon of the sixth day following the opening of bids, a detailed DBE submittal as required by Paragraph B below.

Only those DBE firms with current certification by the Department will be considered acceptable for listing in the bidder submittal of DBE participation.

A. The Contractor shall indicate on the form for listing of DBE subcontractors contained elsewhere in this proposal the following required information:

REQUIRED INFORMATION

(1) The names and addresses of DBE firms committed to participate in the contract

(2) The Contract Item Numbers of work to be performed by each DBE firm; and

(3) The total dollar amount to be paid to each DBE based on agreed upon unit prices.

Failure to indicate the required information on the specified form will cause the bid to be considered nonresponsive and it may be rejected.

B. In lieu of submitting the information required by (A) above, the bidder may submit the detailed information that required below along with the bid proposal.

REQUIRED INFORMATION

(1) The names and addresses of DBE firms committed to participate in the contract

(2) The Contract Item Numbers and Contract Item Descriptions and agreed upon unit prices of work to be performed by each DBE firm; and

(3) The total dollar amount to be paid to each DBE based on agreed upon unit prices.

Failure to indicate the required information on the specified form will cause the bid to be considered nonresponsive and it may be rejected.

The bidder is required to submit written documentation of the bidder/offeror's commitment to use a DBE subcontractor whose participation it submits to meet a contract goal and written confirmation from each DBE, listed in the proposal, indicating their participation in the contract.

The Department will not allow any substitutions, deletions, or other alterations to the listing of firms committed for DBE participation and/or the respective listed contract item numbers after opening of bids. The Department will not allow adjustments to total dollar amount of DBE participation after the opening of bids that would result in the DBE participation being less than the contract goal. The only exceptions to the requirements of this paragraph will be: (1) to allow for replacement of a DBE firm that had been decertified after opening of bids, and (2) to allow alteration of the listed contract item

numbers subject to the Bidder submitting sufficient documentation to verify an obvious error in the initial submittal.

C. If the DBE participation submitted in the bid by the apparent lowest responsive bidder in response to Paragraph A/B does not meet or exceed the DBE contract goal, the apparent lowest responsive bidder must submit information to satisfy the North Carolina Department of Transportation that sufficient Good Faith efforts have been made to meet the contract goals. One complete set and nine (9) copies of this information must be received in the office of the State Contractual Services Engineer no later than 12:00 noon of the sixth day following opening of bids. Where the information submitted includes repetitious solicitation letters it will be acceptable to submit a sample representative letter along with a distribution list of the firms being solicited. Documentation of DBE quotations shall be a part of the good faith effort submittal as necessary to demonstrate compliance with the factors listed below which the Department considers in judging good faith efforts. This documentation may include written subcontractor quotations, telephone log notations of verbal quotations, or other types of quotation documentation.

Where the bidder fails to provide this information by the deadline, the Department may impose one or more of the following sanctions: (1) disqualify the contractor and any affiliated companies from further bidding for a period of time of no more than 90 days from the date of disqualification as established in notification by certified mail, (2) disqualify the Contractor and any affiliated companies for award of all contracts for which bids have been received and opened, (3) disqualify the Contractor from the contract in question.

The following factors are what the Department will consider in judging whether or not the bidder has made adequate good faith effort:

(1) Whether the bidder attended any pre-bid meetings that were scheduled by the Department to inform DBEs of subcontracting opportunities.

(2) Whether the bidder provided solicitations through all reasonable and available means (e.g. advertising in newspapers owned and targeted to the Disadvantaged) at least 10 days prior to bid opening. Whether the bidder provided written notice to all DBEs listed in the NCDOT DBE directory, within the Divisions and surrounding Divisions where the project is located, that specialize in the areas of work (as noted in the DBE Directory) that the bidder will be subcontracting.

(3) Whether the bidder followed up initial solicitations of interests by contacting DBEs to determine with certainty whether they were interested. If a reasonable amount of DBEs within the targeted Divisions do not provide an intent to quote or no DBEs specialize in the subcontracted areas, the bidder must notify DBEs outside of the targeted Divisions that specialize in the subcontracted areas, as well as call the project Compliance Officer in the Office of Civil Rights to give notification of the bidder inability to get DBE quotes.

(4) Whether the bidder selected portions of the work to be performed by DBEs in order to increase the likelihood of meeting the contract goals. This includes, where appropriate, breaking out contract work items into economically feasible units to facilitate DBE participation, even when the prime contractor might otherwise perform these work items with its own forces.

(5) Whether the bidder provided interested DBEs with adequate and timely information about the plans, specifications and requirements of the contract

(6) Whether the bidder negotiated in good faith with interested DBEs not rejecting them as unqualified without sound reasons based on a thorough investigation of their capabilities. Any rejection should be so noted in writing with a description as to why an agreement could not be reached.

(7) Whether quotations were received from interested DBE firms but rejected as unacceptable without sound reasons why the quotations were considered unacceptable. The fact that the DBE firms quotation for the work is not the lowest quotation received will not in itself be considered as a sound reason for rejecting the quotation as unacceptable. The fact that the bidder has the ability and/or desire to perform the contract work with its own forces will not be considered as sound reason for rejecting a DBE quote. Nothing in this provision shall be construed to require the Contractor to accept unreasonable quotes in order to satisfy contract goals.

(8) Whether the bidder specifically negotiated with subcontractors to assume part of the responsibility to meet the contract DBE goal when the work to be sublet includes potential for DBE participation.

(9) Whether the bidder made any efforts and/or offered assistance to interested DBEs in obtaining the necessary equipment, supplies, materials, insurance, and/or bonding to satisfy the work requirements in the bid proposal.

(10) Any other evidence that the bidder submits which show that the bidder has made reasonable Good Faith efforts to include DBE participation.

In the event one bidder is the apparent low bidder on more that one project within the same letting located in the same geographic area of the state, as a part of the good faith effort the Department will consider allowing the bidder to combine the DBE participation as long as the overall goal value of all projects is achieved.

Where the apparent lowest responsive bidder fails to submit sufficient participation by DBE firms to meet the contract goal and upon a determination by the Goal Compliance Committee based upon the information submitted that the apparent lowest responsive bidder failed to make sufficient reasonable efforts to meet the contract goal, the bidder will be offered the opportunity to meet in person for administrative reconsideration. A committee appointed by the Department will hear administrative reconsideration. Members of this committee will be officials who did not take part in the original determination by the Goal Compliance Committee. The bidder will have the opportunity to present written documentation or argument concerning the issue of whether it met the goal or made an adequate good faith effort. The bidder will receive a written decision on the reconsideration. Explaining the basis for finding that the bidder did or did not meet the goal or made adequate Good Faith efforts to do so. The result of the reconsideration process is not administratively appealable to the Department.

In the event that the Department does not award the contract to the apparent lowest responsive bidder, the Department reserves the right to award the contract to the next lowest responsive bidder that can satisfy the Department that the contract goal can be met or that adequate good faith efforts have been made to meet the goal.

DBE DIRECTORY

Included with this Proposal is a list of Disadvantaged Business Enterprises (DBE) which have been certified as such by the North Carolina Department of Transportation. Only those DBE firms with current certification may be listed in the proposal.

The listing of an individual firm in the Department's directory shall not be construed as an endorsement of the firms' capability to perform certain work.

REPLACEMENT OF DBEs

(A) Performance Related

If any DBE Subcontractor submitted on the form for listing of DBE Subcontractors, contained elsewhere in this proposal, is terminated or fails to complete its work on the contract for any reason, the Contractor shall take all necessary, reasonable steps to replace the DBE Subcontractor with another DBE Subcontractor to perform at least the same amount of work of the contract as the DBE that was terminated.

To demonstrate necessary, reasonable Good Faith efforts, the Contractor shall document the steps he has taken to replace any DBE Subcontractor who is unable to perform successfully with another DBE Subcontractor. Such documentation shall include but not be limited to the following:

(a) Copies of written notification to DBEs that their interest is solicited in subcontracting the work defaulted by the previous DBE subcontractor or in subcontracting other items of work in the contract.

(b) Efforts to negotiate with DBEs for specific subbids including, at a minimum:

(1) The names, addresses, and telephone numbers of DBEs who were contacted;

(2) A description of the information provided to DBEs regarding the plans and specifications for portions of the work to be performed; and

(c) For each DBE contacted but rejected as unqualified, the reasons for the Contractor' conclusion.

(d) Efforts made to assist the DBEs contacted, if needed, in obtaining bonding or insurance required by the Contractor.

The contractor will not terminate a DBE subcontractor listed in the proposal for convenience or perform the work with its own forces or those of an affiliate without the written approval of the Engineer. If the Contractor fails to demonstrate reasonable efforts to replace a DBE firm that does not perform as intended or completes the work with its own forces without the Engineer's approval, the Contractor will be disqualified from further bidding for a period of up to 6 months after notification by certified mail.

(B) Decertification

1. If a Prime Contractor has listed a DBE firm in his low bid submitted and that DBE Subcontractor is subsequently decertified by the Department after a Request for Subcontract has been approved, then the Department will not require the Prime Contractor to solicit replacement DBE participation equal to the remaining work to be performed by the decertified firm. The participation equal to the remaining work performed by the decertified firm will count toward the contract goal but may not be counted toward the overall program goal.

2. If a Prime Contractor has listed a DBE firm in his low bid submittal and the DBE firm is decertified prior to the Department approving a Request for Subcontract for the named DBE firm, the Prime Contractor shall take all necessary and reasonable steps to replace the DBE subcontractor with another DBE subcontractor to perform at least the same amount of work to meet the contract goal or demonstrate that it has made a Good Faith effort to do so.

DEFINITIONS

For purposes of this provision the following definitions will apply:

(1) Socially and economically disadvantaged individuals means a person who has a net worth of $750,000.00 or less and is a citizen or lawful permanent resident of the United States and who is:

(a) A Black American

(b) A Hispanic American

(c) A Subcontinent Asian American

(d) A Native American

(e) An Asian-Pacific American

(f) A Woman

(g) Members of other groups, or other individuals found to be economically and socially disadvantaged by the Small Business Administration under Section 8(d) of the Small Business Act, as amended (15 U.S.C. 637(d)).

(h) Members of other groups, or other individuals found to be economically and socially disadvantaged by the N. C. Department of Transportation under the Criteria for Disadvantaged Business Enterprises as published by the Department.

(2) Disadvantaged Business Enterprise (DBE) means a for-profit small business concern.

(a) That is at least 51 percent owned by one or more individuals who are both socially and economically disadvantaged or, in the case of a corporation in which 51 percent of the stock is owned by one or more such individuals; and

(b) Whose management and daily business operation are controlled by one or more of the socially and economically disadvantaged individuals who own it,

COUNTING DBE PARTICIPATION TOWARD MEETING THE DBE GOAL

(1) If a firm is determined to be an eligible DBE firm and certified by the Department, the total dollar value of the participation by the DBE will be counted toward the goal. The total dollar value of participation by a certified DBE will be based upon the value of work actually performed by the DBE and the actual payments to DBE firms by the contractor.

(2) When a DBE performs as a participant in a joint venture, the contractor may count toward its DBE goal a portion of the total value of participation with the DBE in the joint venture, that portion of the total dollar value being a distinct clearly defined portion of work that the DBE performs with its forces.

(3) (a) The Contractor may count toward its DBE goal only expenditures to DBEs that perform a commercially useful function in the work of a contract. A DBE is considered to perform a commercially useful function when it is responsible for execution of a distinct element of the work of a contract and carrying out its responsibilities by actually performing, managing, and supervising the work involved. To determine whether a DBE is performing a commercially useful function, the Department will evaluate the amount of work subcontracted, industry practices, whether the amount the firm is to be paid under the contract is commensurate with the work it is actually performing and the DBE credit claimed for its performance of the work, and other relevant factors.

(b) Consistent with normal industry practices, a DBE may enter into subcontracts. Work that a DBE subcontracts to another DBE firm may be counted toward the contract goal. Work that a DBE subcontracts to a non-DBE firm does not count toward the contract goal. If a DBE Contractor or Subcontractor subcontracts a significantly greater portion of the work of the contract than would be expected on the basis of normal industry practices, the DBE shall be presumed not to be performing a commercially useful function. The Departments decision on the rebuttal of this presumption is subject to review by the Federal Highway Administration but is not administratively appealable to USDOT.

(c) The following factors will be used to determine if a DBE trucking firm is performing a commercially useful function.

(1) The DBE firm must be responsible for the management and supervision of entire trucking operation
(2) The DBE must itself own and operate at least one fully licensed, insured and operational truck
(3) The DBE will receive full credit for all trucks it owns, insures, operates, and employs drivers
(4) The DBE will receive full credit for all trucks leased from a certified DBE firm
(5) The DBE will only receive credit for the fees or commission for trucks leased from a non-DBE firm
(6) Others may use trucks during the term of the lease so long as the lease gives priority to the DBE for the use of the truck(s).

The DBE may present evidence to rebut this presumption to the Department for commercially useful functions.

(4) A Contractor may count toward its DBE goal 60 percent of its expenditures for materials and supplies required to complete the contract and obtained from DBE regular dealer and 100 percent of such expenditures to a DBE manufacturer.

(a) For purposes of this provision, a manufacturer is a firm that operates or maintains a factory or establishment that produces on the premises the materials or supplies obtained by the Contractor.

(b) For purposes of this provision, a regular dealer is a firm that owns, operates, or maintains a store, warehouse, or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business. To be a regular dealer, the firm must engage in, as its principal business and in its own name, the purchase and sale of the products in question. A regular dealer in such bulk items as steel, cement, gravel, stone, and petroleum products need not keep such products in stock, if it owns or operates distribution equipment. Brokers and packagers shall not be regarded as manufacturers or regular dealers within the meaning of this section.

(5) A contractor may count toward its DBE goal the following expenditures to DBE firms that are not manufacturers or regular dealers:

(a) The fees or commissions charged by a DBE firm for providing a bona fide service, such as professional, technical, consultant, or managerial services, or for providing bonds or insurance specifically required for the performance of a DOT-assisted contract, toward DBE goal, provided the fees or commissions are determined to be reasonable and not excessive as compared with fees and commissions customarily allowed for similar services.

(b) The fees or commissions charged for assistance in the procurement of the materials and supplies, or for transportation charges for the delivery of materials or supplies required on a job site (but not the cost of the materials and supplies themselves), toward DBE goals, provided the fees are not from a manufacturer or regular dealer and provided the fees are determined to be reasonable and not excessive as compared with fees customarily allowed for similar services.

REPORTS

All requests for subcontracts involving DBE subcontractors shall be accompanied by a certification executed by both the Prime Contractor and the DBE subcontractor attesting to the agreed upon unit prices and extensions for the affected contract items. This document shall be on the Department's Form RS-1-D, or in lieu of using the Department's Form, copies of the actual executed agreement between the Prime Contractor and the DBE subcontractor may be submitted. In any event, the Department reserves the right to require copies of actual subcontract agreements involving DBE Subcontractors.

The RS-1-D certification forms may be obtained from the Department's Resident Engineer.

These certifications shall be considered a part of the project records, and consequently will be subject to penalties under Federal Law associated with falsifications of records related to projects.

REPORTING DISADVANTAGED BUSINESS ENTERPRISE PARTICIPATION

When payments are made to Disadvantaged Business Enterprise firms, including material suppliers, contractors at all levels (prime, subcontractor, or second tier subcontractor) shall provide the Engineer with an accounting of said payments. This accounting shall be furnished the Engineer for any given month by the end of the following month. Failure to submit this information accordingly may result in (1) withholding of money due in the next partial pay estimate; or (2) removal of an approved Contractor from the prequalified bidders list or the removal of other entities from the approved subcontractors list. The accounting shall list for each payment made to a Disadvantaged Business Enterprise firm the following:

DOT Project Number
Payee Contractor Name
Receiving Contractor or Material Supplier
DBE Certification Basis, e.g., Woman Owned, Native American, African American, etc.
Amount of Payment
Date of Payment

A responsible fiscal officer of the payee contractor, subcontractor, or second tier subcontractor who can attest to the date and amounts of the payments shall certify that the accounting is correct. A copy of an acceptable report may be obtained from the Engineer.

SP1G61

RETAINAGE AND PROMPT PAYMENT: **1-01-02**

Retainage:

The Department will not deduct and hold any retainage from the Prime Contractor on this project.

The 2002 Standard Specifications shall be revised as follows:

Sub-Article 109-4(A), pages 1-69 and 1-70

Delete the second, third, fourth, and fifth paragraphs of this subarticle.

Insert the following:

"The Department will withhold an amount sufficient to cover anticipated liquidated damages, as determined by the Engineer."

Prompt Payment of Monies Due Subcontractors, Second Tier Subcontractors and Material Suppliers and Release of Retainage

Contractors at all levels; prime, subcontractor, or second tier contractor, shall within seven calendar days of receipt of monies, resulting from work performed on the project or services rendered, pay subcontractors, second tier subcontractors, or material suppliers, as appropriate. This seven-day period begins upon knowledgeable receipt by the contracting firm obligated to

make a subsequent periodic or final payment. These prompt payment requirements will be met if each firm mails the payment to the next level firm by evidence of postmark within the seven-day period.

This provision for prompt payment shall be incorporated into each subcontract or second tier subcontract issued for work performed on the project or for services provided.

The Contractor may withhold up to 3% retainage if any subcontractor does not obtain a payment and performance bond for their portion of the work. If any retainage is held on subcontractors, all retainage shall be released within seven calendar days of satisfactory completion of all work. For the purpose of release of retainage, satisfactory completion is defined as completion of all physical elements and corresponding documentation as defined in the contract, as well as agreement between the parties as to the final quantities for all work performed in the subcontract. The Department will provide internal controls to expedite the determination and processing of the final quantities for the satisfactorily completed subcontract portions of the project.

Failure of any entity to make prompt payment as defined herein may result in (1) withholding of money due to that entity in the next partial payment until such assurances are made satisfactory to this provision; or (2) removal of an approved contractor from the prequalified bidders list or the removal of other entities from the approved subcontractors list.

SP1G73

CERTIFICATION FOR FEDERAL-AID CONTRACTS: **03-21-90**

The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed $100,000 and that all such subrecipients shall certify and disclose accordingly.

SP1G85

DOMESTIC STEEL AND IRON PRODUCTS: **7-1-95**

All steel and iron products which are permanently incorporated into this project shall be produced in the United States except minimal amounts of foreign steel and iron products may be used provided the combined project cost of the bid items involved does not exceed one-tenth of one percent (0.1 percent) of the total amount bid for the entire project or $2,500.00, whichever is greater. This minimal amount of foreign produced steel and iron products permitted for use by this Special Provision is not applicable to fasteners. Domestically produced fasteners are required for this project.

All steel and iron products furnished as "domestic products" shall be melted, cast, formed, shaped, drawn, extruded, forged, fabricated, produced, or otherwise processed and manufactured in the United States. Raw materials including pig iron and processed pelletized and reduced iron ore used in manufacturing "domestic" steel products may be imported; however, all manufacturing processes to produce the products, including coatings, must occur in the United States.

Before each steel or iron product is incorporated into this project or included for partial payment on a monthly estimate, the Contractor shall furnish the Resident Engineer a notarized certification certifying that the product conforms to the above requirements of this Special Provision. The Resident Engineer will forward a copy of each certification to the Materials and Tests Unit.

Each purchase order issued by the Contractor or a subcontractor for steel and iron products to be permanently incorporated into this project shall contain in bold print a statement advising the supplier that all manufacturing processes to produce the steel or iron shall have occurred in the United States. The Contractor and all affected subcontractors shall maintain a separate file for steel products permanently incorporated into this project so that verification of the Contractor's efforts to purchase "domestic" steel and iron products can readily be verified by an authorized representative of the Department or the Federal Highway Administration.

SP1G97

U.S. DEPARTMENT OF TRANSPORTATION HOTLINE: **11-22-94**

To report bid rigging activities call:

1-800-424-9071

The U.S. Department of Transportation (DOT) operates the above toll-free "hotline" Monday through Friday, 8:00 a.m. to 5:00 p.m. eastern time. Anyone with knowledge of possible bid rigging, bidder collusion, or other fraudulent activities should use the "hotline" to report such activities.

The "hotline" is part of the DOT's continuing effort to identify and investigate highway construction contract fraud and abuse is operated under the direction of the DOT Inspector General. All information will be treated confidentially and caller anonymity will be respected.

SP1G100

SUBMISSION OF RECORDS - FEDERAL-AID PROJECTS: **03-21-95**

The Contractor's attention is directed to the Standard Special Provision entitled "Required Contract Provisions -Federal-Aid Construction Contracts" contained elsewhere in this proposal.

This project is located on a roadway classified as a local road or rural minor collector so the requirements of Paragraph IV - Payment of Predetermined Minimum Wage - Paragraph V - Statements and Payrolls; and Paragraph VI - Records of Materials, Supplies, and Labor are exempt from this contract.

SP1G103

SUBMISSION OF RECORDS - FEDERAL-AID PROJECTS: **12-15-98**

The Contractor's attention is directed to the Standard Special Provisions entitled "Required Contract provisions - Federal-Aid Construction Contracts" contained elsewhere in this proposal.

This project is NOT located on the National Highway System, therefore, federal form FHWA-47 IS NOT required.

SP1G109

COMPENSATION AND RECORD KEEPING **03-16-04**

Revise the *2002 Standard Specifications* as follows:

104-8 Compensation and Record Keeping

Change Article (A), subarticle 1. with the following:

In line 3 and line 6, change $15,000.00 to $25, 000.00.

SP1G110

CONTRACTOR BORROW SOURCE **07-20-04**

Revise the *2002 Standard Specifications* as follows:

Page 2-17, Article 230-4(C) Contractor Furnished Sources, add the following;

If the Contractor proposes a borrow source, the environmental assessment shall include wetland and stream delineation extending 400 feet beyond the proposed borrow source limits.

1. If wetlands or streams are present within 400 feet of the borrow source and the contractor proposes to dewater:

   a. Submit a hydrologic analysis (DRAINMOD or equivalent) to determine if excavation, pump frequency/duration/volume will permanently impact or cause degradation to wetlands or streams. The analysis shall consist of, but not be limited to:

      Required buffer width to avoid long term impacts to wetlands or stream

      Return interval to pre-existing hydrologic conditions after pit excavation and dewatering is completed.

   b. Attach a conservation easement specifying that the completed pit impoundment, upon returning to mean water table elevation, shall not be drained, ditched, used for irrigation, or any other manner that would degrade wetlands and streams.

   c. Provide copy of recorded conservation easement to Engineer prior to commencement of any work on proposed pit.

2. If wetlands or streams are not present within 400 feet, no additional documentation will be required.

During Department review of the proposed borrow area, the hydrologic analysis will be submitted to the U. S. Army Corps of Engineers for evaluation.

SP1G111

SUBSURFACE INFORMATION: **07-01-95**

Subsurface information is available on the structure portion of this project only.

SP1G118

PLANT AND PEST QUARANTINES: **03-18-03**
(IMPORTED FIRE ANT, GYPSY MOTH, WITCHWEED, AND OTHER NOXIOUS WEEDS)

Within quarantined area:
This project may be within a county regulated for plant and/or pests. If the project or any part of the Contractor's operations is located within a quarantined area, thoroughly clean all equipment prior to moving out of the quarantined area. Comply with federal/state regulations by obtaining a certificate or limited permit for any regulated article moving from the quarantined area.

Originating in a quarantined county:
Obtain a certificate or limited permit issued by the N.C. Department of Agriculture/United States Department of Agriculture. Have the certificate or limited permit accompany the article when it arrives at the project site.

Contact:
Contact the N.C. Department of Agriculture/United States Department of Agriculture at 1-800-206-9333, 919-733-6932, or http://www.ncagr.com/plantind/ to determine those specific project sites located in the quarantined area or for any regulated article used on this project originating in a quarantined county.

Regulated Articles Include:
1. Soil, sand, gravel, compost, peat, humus, muck, and decomposed manure, separately or with other articles. This includes movement of articles listed above that may be associated with cut/waste, ditch pulling, and shoulder cutting.
2. Plants with roots including grass sod.
3. Plant crowns and roots.
4. Bulbs, corms, rhizomes, and tubers of ornamental plants.
5. Hay, straw, fodder, and plant litter of any kind.
6. Clearing and grubbing debris.
7. Used agricultural cultivating and harvesting equipment.
8. Used earth-moving equipment.
9. Any other products, articles, or means of conveyance, of any character, if determined by an inspector to present a hazard of spreading imported fire ant, gypsy moth, witchweed or other noxious weeds.

SP1G130

SAFETY VESTS: **6-19-01**

All Contractors' personnel, all subcontractors and their personnel, and any material suppliers and their personnel must wear an OSHA approved reflective vest or outer garment at all times while on the project.

SP1G139

DIRECTOR OF CONSTRUCTION IN LIEU OF CHIEF ENGINEER **03-16-04**

Revise the 2002 Standard Specifications as follows:

Wherever the term *Chief Engineer* or *Chief Engineer of Operations* occurs in the Specifications, the actions and responsibilities referred to will be performed by the Director of Construction, Division of Highways, North Carolina Department of Transportation, acting directly or through his duly authorized representative.

Revision to Definitions of Terms

Page 1-4, Article 101-35

101-35 ENGINEER

The Chief Engineer of Operations, and/or Director of Construction, Division of Highways, North Carolina, Department of Transportation, acting directly or through their duly authorized representative.

SP1G143

TWELVE MONTH GUARANTEE: **07-15-03**

A. The Contractor shall guarantee materials and workmanship against latent and patent defects arising from faulty materials, faulty workmanship or negligence for a period of twelve months following the date of final acceptance of the work for maintenance and shall replace such defective materials and workmanship without cost to the Department. The Contractor will not be responsible for damage due to faulty design, normal wear and tear, for negligence on the part of the Department, and/or for use in excess of the design.

B. Where items of equipment or material carry a manufacturer's guarantee for any period in excess of twelve months, then the manufacturer's guarantee shall apply for that particular piece of equipment or material. The Department's first remedy shall be through the manufacturer although the Contractor is responsible for invoking the warranted repair work with the manufacturer. The Contractor's responsibility shall be limited to the term of the manufacturer's guarantee. NCDOT would be afforded the same warranty as provided by the Manufacturer.

This guarantee provision shall be invoked only for major components of work in which the Contractor would be wholly responsible for under the terms of the contract. Examples would include pavement structures, bridge components, and sign structures. This provision shall not be used as a mechanism to force the Contractor to return to the project to make repairs or perform additional work that the Department would normally compensate the Contractor for. In addition, routine maintenance activities (i.e. mowing grass, debris removal, ruts in earth shoulders,) are not parts of this guarantee.

Appropriate provisions of the payment and/or performance bonds shall cover this guarantee for the project.

To ensure uniform application statewide the Division Engineer will forward details regarding the circumstances surrounding any proposed guarantee repairs to the Chief Engineer for review and approval prior to the work being performed.

SP1G145

PROJECT SPECIAL PROVISIONS

Roadway 7-1-95

SP1R01

CLEARING AND GRUBBING: **9-17-02**

Perform clearing on this project to the limits established by Method "II" shown on Standard No. 200.02 of the Roadway Standards.

The 2002 Standard Specifications shall be revised as follows:

Page 2-3, Article 200-5

Delete the first sentence of this article and insert the following:

The property owner will have no right to use or reserve for his use any timber on the project. All timber cut during the clearing operations is to become the property of the Contractor, and shall be either removed from the project by him, or else shall be satisfactorily disposed of as hereinafter provided.

SP2R01

BURNING RESTRICTIONS: **7-1-95**

Open burning is not permitted on any portion of the right-of-way limits established for this project. Do not burn the clearing, grubbing or demolition debris designated for disposal and generated from the project at locations within the project limits, off the project limits or at any waste or borrow sites in this county. Dispose of the clearing, grubbing and demolition debris by means other than burning, according to state or local rules and regulations.

SP2R05

BUILDING REMOVAL: **01-01-02**

Remove the buildings and appurtenances listed below in accordance with Section 215 of the Standard Specifications and the following provisions:

Prior to removal of any building, comply with the notification requirements of Title 40 Code of Federal Regulations, Part 61, Subpart M, which are applicable to asbestos. Give notification to the North Carolina Department of Health and Human Services, Division of Epidemiology, Asbestos Hazard Management Branch and/or the appropriate county agency when enforcement of the Federal Regulation is performed by the county. Submit a copy of the notification to the Engineer prior to the building removal.

The Department has performed asbestos assessments for building items identified below. Copies of this report may be obtained through the Division Right-of-Way Agent. When asbestos is discovered after the opening of bids for the project, the cost of asbestos removal and disposal will be paid for in accordance with Article 104-7 of the Standard Specifications. Perform removal and disposal of asbestos in accordance with the requirements of Title 40 Code of Federal Regulations.

When a building has had or will have asbestos removed and the Contractor elects to remove the building such that it becomes a public area, the Contractor is responsible for any additional costs incurred including final air monitoring.

Comply with all Federal, State and local regulations when performing building removal and/or asbestos removal and disposal. Any fines resulting from violations of any regulation are the sole responsibility of the Contractor and the Contractor agrees to indemnify and hold harmless the Department against any assessment of such fines.

Prior to removal of any Underground Storage Tank (UST), comply with the notification requirements of the Title 40 Code of Federal Regulations, Part 280.71(a). Give notification to the appropriate regional office of the North Carolina Department of Environment, and Natural Resources, Division of Environmental Management, Groundwater Section. Submit a copy of the notification to the Engineer prior to the removal of the underground storage tank.

Permanently close UST systems by removal and dispose of in compliance with the regulations set forth in Title 40, Code of Federal Regulations, Part 280.71 and North Carolina Administrative Code Title 15A, Chapter 2, Subchapter 2N and any applicable local regulations. Assess Underground Storage Tank sites at closure for the presence of contamination as required in NCAC Title 15A, Chapter 2, Subchapter 2N, Section .0803 and as directed by the appropriate Regional Office of the Division of Environmental Management. Remove and dispose of UST systems and contents in a safe manner in conformance with requirements of American Petroleum Institute Bulletin 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks", Chapters 3 through 6. (Note: As an exception to these requirements, the filling of the tank with water as a means of expelling vapors from the tank as described in section 4.2.6.1 of API Bulletin 1604, will not be allowed. Where underground storage tanks are indicated below, there will be no direct payment for the closure or assessment. When the contract does not indicate the presence of storage tanks and storage tanks are discovered after the opening of bids for the project, the cost of closure, assessment and/or removal will be paid for in accordance with Article 104-7 of the Standard Specifications.

Disposition of any contaminated material associated with underground storage tanks will be made as provided in Article 107-26 of the Standard Specifications.

Building Removal (Item #1)
Parcel #3
One-Story Frame Dwelling Right of Survey Station 15+50, Survey Line L

Building Removal (Item #2)
Parcel #3
Septic Tank Right of Survey Station 15+75, Survey Line L

Building Removal (Item #3)
Parcel #3
Storage Building Right of Survey Station 16+50, Survey Line L

Building Removal (Item #4)
Parcel #7
Metal Gate and Rock Base Right of Survey Station 25+50, Survey Line L

SP2R15

TEMPORARY DETOURS: **8-15-00**

Construct the temporary detours required on this project in accordance with the typical sections in the plans or as directed by the Engineer.

Payment for the construction of the detours will be made at the contract unit prices for the various items involved. After the detours have served their purpose, remove the portions deemed unsuitable for use as a permanent part of the project as directed by the Engineer. Salvage and stockpile the aggregate base course removed from the detours at locations within the right of way, as directed by the Engineer, for removal by State Forces. Pipe culverts removed from the detours remain the property of the Contractor. Remove pipe culverts from the project when they are no longer needed. Place pavement and earth material removed from the detour in embankments or dispose of in waste areas furnished by the Contractor. No direct payment will be made for removing the aggregate base course, earth material and pavement, as the cost of same shall be included in the lump sum price bid for "Grading". Pipe culverts that are removed will be measured and will be paid for at the contract unit price per linear foot (meter) for "Pipe Removal". Such prices and payments will be full compensation for the work of removing, salvaging, and stockpiling aggregate base course; removing any pipe culverts; and for placing earth material and pavement in embankments or disposing of earth material and pavement in waste areas.

SP2R31

BORROW EXCAVATION: **2-19-02**

Revise the 2002 Standard Specifications as follows:

Page 2-20, Article 230-6

After the first paragraph, insert the following paragraph:

"No direct payment will be made for the work of Evaluation of Potential Wetlands and Endangered Species as outlined above. Payment at the contract unit price for the pay item 'Borrow Excavation' or 'Grading - Lump Sum' will be considered full compensation for this work.'

SP2R37

SHOULDER AND FILL SLOPE MATERIAL(LUMP SUM GRADING) **5-21-02**

General:

Perform the required shoulder and slope construction for this project in accordance with the applicable requirements of Section 226 of the Standard Specifications except as follows:

Construct the top 6 inches (150 mm) of shoulder and fill slopes with soils capable of supporting vegetation.

Provide soil with a P.I. greater than 6 and less than 25 and with a pH ranging from 5.5 to 6.8. Remove stones and other foreign material 2 inches (50 mm) or larger in diameter. All soil is subject to test and acceptance or rejection by the Engineer.

Obtain material from within the project limits or approved borrow source.

Compensation:

No direct payment will be made for this work, as the cost of this work will be considered to be a part of the work being paid for at the contract lump sum price for "Grading".

SP2R45

REINFORCED BRIDGE APPROACH FILLS: **03-18-03**

Description:

This work consists of all work necessary to construct reinforced bridge approach fills in accordance with these provisions and the plans, and as directed by the Engineer.

Materials:

Geomembrane

Provide geomembrane that is impermeable, composed of polyethylene polymers or polyvinyl chloride, and meets the following physical requirements:

Property	Requirements	Test Method
Thickness	25 mils (0.6 mm) Minimum	ASTM D1593
Tensile Strength at Break	100 lb/inch (18 KN/M) Minimum	ASTM D638

Puncture Strength	40 lbs (0.2KN) Minimum	FTMS 101 C 2065
Moisture Vapor Transmission Rate	0.018 ounce/yard^2 (0.615 gm/ m^2) per Day Maximum	ASTM E96

Fabric

Refer to section 1056 for Type 2 Engineering Fabric and the following:

Use a woven fabric consisting of strong rot-proof synthetic fibers such as polypropylene, polyethylene, or polyester formed into a stable network such that the filaments or yarns retain their relative positions to each other.

Fabric Property	Requirements	Test Method
Minimum Flow Rate	2 gallons/min/square foot (1358 cm^3/sec/square meter)	ASTM D 4491

Lamination of fabric sheets to produce the physical requirements of a fabric layer will not be accepted. Furnish letters of certification from the manufacturer with each shipment of the fabric and geomembrane attesting that the material meets the requirements of this provision; however, the material is subject to inspection, test, or rejection by the Engineer at any time.

During all periods of shipment and storage, wrap the geomembrane and fabric in a heavy-duty protective covering to protect the material from ultraviolet rays. After the protective wrapping has been removed, do not leave the material uncovered under any circumstances for longer than 4 days.

Select Material

Provide select material meeting the requirements of Class III, Type 1 or Type 2, or Class V select material of section 1016 of the Standard Specifications. When select material is required under water, use select material class V only, up to one foot (300mm) above the existing water elevation.

4" (100mm) Diameter Corrugated Drainage Pipe and Fittings

Provide pipe and fittings that meet all the applicable requirements of Section 815 or 816 of the Standard Specifications.

Construction:

Place the geomembrane and fabric as shown on the plans or as directed by the Engineer. Perform the excavation for the fabric reinforced fill to the limits shown on the plans. Provide an excavated surface free of obstructions, debris, pockets, stumps, and cleared of all vegetation. The geomembrane or fabric will be rejected if it has defects, rips, holes, flaws, deterioration or damage incurred during manufacture, transportation, handling or storage. Lay all layers smooth,

and free from tension, stress, folds, wrinkles or creases. Place all the fabric layers with the machine direction (roll direction) perpendicular to the backwall face. Overlap geomembrane or fabric splices perpendicular to the backwall face a minimum of 18 inches (450 mm). Geomembrane or fabric splices parallel to the backwall face will not be allowed.

Deposit and spread select material in successive, uniform, approximately horizontal layers of not more than 10 inches (250 mm) in depth, loose measurement, for the full width of the cross section, and keep each layer approximately level. Place and compact each layer of select material fill no more than 10 inches (250 mm) thick with low ground pressure equipment. Use hand operated equipment to compact the fill material within three feet (0.9 m) of the backwall and wingwalls as directed by the Engineer. Compact select material to a density equal to at least 95% of that obtained by compacting a sample of the material in accordance with AASHTO T99 as modified by the Department. Compact the top eight inches (200 mm) of select material to a density to at least 100% of that obtained by compacting a sample of the material in accordance with AASHTO T99 as modified by the Department. Density requirements are not applicable to select material, class V; however compact the fill with at least four passes of low ground pressure equipment on the entire surface as directed by the Engineer. The compaction of each layer of select material must be inspected and approved by the Department prior to the placement of the next fill layer. No equipment will be allowed to operate on the drainage pipe or any geomembrane/fabric layer until it is covered with at least six inches (150 mm) of fill material. Compaction must not damage the drainage pipe, geomembrane, or fabric under the fill. Cover the geomembrane/fabric with a layer of fill material within four days after placement of the geomembrane/fabric. Geomembrane and fabric that is damaged as a result of installation will be replaced as directed by the Department at no additional cost.

Place the geomembrane on the ground, and attach and secure it tightly to the vertical face of the backwall and wingwalls with adhesives, duct-tape, nails or any other method approved by the Engineer. Place the first fabric layer on the surface of the geomembrane with the same dimensions of the geomembrane. No material or void is allowed between the geomembrane and the first fabric layer. Place and fold the remaining fabric layers on the edges as shown on the plans or as directed by the Engineer. Provide vertical separation between fabric layers as specified on the plans. The number of fabric layers will be shown in the plans.

Place four inch (100 mm) diameter perforated drainage pipe along the base of the backwall and sloped to drain as shown on the plans. Completely wrap perforated drainage pipe and #78M stone with Type 2 Engineering Fabric as shown on the plan detail. Install a pipe sleeve through the bottom of or under the wing wall prior to placing concrete for the wing wall. The pipe sleeve must be of adequate strength to withstand the wingwall load. Place the pipe sleeve in position to allow the drainage pipe to go through the wing wall with a proper slope. Connect four-inch (100-mm) diameter nonperforated (plain) drainage pipe with a coupling to the perforated pipe near the inside face of the wingwall. Place the nonperforated drainage pipe through the pipe sleeve, extend down to the toe of the slope and connect, to a ditch or other drainage systems as directed by the Engineer. For bridge approaches in cut sections where no side slope is available, direct the drainage pipe outlet to the end slope down to the toe using elbows as directed by the Engineer.

Measurement and Payment:

Compensation:

All work covered by this provision will be paid for at the contract lump sum price for "Reinforced Bridge Approach Fills, Station _____". Such price and payment will be full compensation for both approach fills at each bridge installation, including but not limited to furnishing, placing and compacting select material, furnishing and placing geomembrane and woven fabric, furnishing and placing pipe sleeve, drainage pipe, and stone, furnishing and installing concrete pads at the end of outlet pipes, excavation and any other items necessary to complete the work.

Payment will be made under:

Reinforced Bridge Approach Fills, Station _____	Lump Sum

SP4R01

AGGREGATE BASE COURSE GRADATION AND PLASTICITY INDEX: 10-16-01

Use aggregate base course material meeting the requirements of the Standard Specifications, except that it must have a maximum Plasticity Index (PI) of 3. Grade the minus 200 fraction of the aggregate base course material in accordance with footnote (a) of Tables 520-1, 1010-1, and 1010-2, whichever is applicable.

SP5R10

ASPHALT PAVEMENTS - SUPERPAVE 02-17-04

Revise the 2002 Standard Specifications as follows:

PRIME COAT

Page 6-2, Article 600-9

Delete the first paragraph under this Article and substitute the following:

The quantity of prime coat to be paid will be the number of gallons (liters) of prime coat material that has been satisfactorily placed on the roadway. Each distributor load of prime coat material delivered and utilized on the project will be measured.

ASPHALT TACK COAT

Page 6-4, Article 605-8

Insert the following after paragraph one in this Article:

Take necessary precautions to limit the tracking and/or accumulation of tack coat material on either existing or newly constructed pavements. Excessive accumulation of tack may require corrective measures.

FIELD VERIFICATION AND JOB MIX FORMULA ADJUSTMENTS

Page 6-7, Article 609-4

Delete the first paragraph under this Article and substitute the following:

Conduct field verification of the mix at each plant within 30 calendar days prior to initial production of each mix design, when required by the Allowable Mix Adjustment Policy and when directed as deemed necessary.

Page 6-8, Article 609-4

Delete the first paragraph on this page and substitute the following:

Retain records of these calibrations and mix verification tests, including Superpave Gyratory Compactor (SGC) printouts, at the QC laboratory. In addition, furnish copies, including SGC printouts, to the Engineer for review and approval within one working day after beginning production of the mix.

Page 6-8, Article 609-4

Add the following sentence to the end of the last paragraph in this Article:

Any mix produced that is not verified may be assessed a price reduction at the Engineer's discretion in addition to any reduction in pay due to mix and/or density deficiencies.

Quality control minimum sampling and testing schedule:

Page 6-9, Subarticle 609-5(C)1

Delete the second sentence in the second paragraph of this Article and substitute the following:

Retain the QC compacted volumetric test specimens for 5 calendar days, commencing the day the specimens are prepared.

Page 6-9, Subarticle 609-5(C)2

At the bottom of this page, delete the sentence directly above the Accumulative Production Increment and substitute the following:

Sample and test the completed mixture from each mix design at the following minimum frequency during mix production:

Page 6-10, Subarticle 609-5(C)2

Revise Items B, C, D and E on this page as follows:

B. Gradation on Recovered Blended Aggregate from Mix Sample (AASHTO T 30 Modified) Grade on all sieves specified on JMF
C. Maximum Specific Gravity (AASHTO T 209 or ASTM D 2041), optional (ASTM D 6857)
D. Bulk Specific Gravity of Compacted Specimens (AASHTO T166), optional (ASTM D 6752), Average of 3 specimens at N_{des} gyrations (AASHTO T 312)
E. Air Voids (VTM) (AASHTO T 269), Average of 3 specimens at N_{des} gyrations

Page 6-11, Subarticle 609-5(C)2

At the top of this page, delete Item B.," Reclaimed Asphalt Pavement..." and substitute the following:

B. Reclaimed Asphalt Pavement (RAP) Binder Content and Gradation (AASHTO T 308 Modified or T 164 and AASHTO T 30 Modified) (sampled from stockpiles or cold feed system at beginning of production and weekly thereafter). Have RAP approved for use in accordance with Article 1012-1(G). (Split Sample Required)

Page 6-11, Subarticle 609-5(C)2

Insert the following sampling and testing at the end of this Subarticle

F. Uncompacted Void Content of Fine Aggregate, AASHTO T 304, Method A (natural sand only). Performed at Mix Design and when directed as deemed necessary. (Split Sample Required)
G. Reclaimed Asphalt Shingle Material (RAS) Binder Content and Gradation (AASHTO T 308 Modified or T 164 and AASHTO T 30 Modified) (sampled from stockpiles or cold feed system at beginning of production and weekly thereafter). Have RAS approved for use in accordance with Article 1012-1(F). (Split Sample Required)

CONTROL CHARTS

Page 6-11, Subarticle 609-5(C)3

Delete the second sentence of the first paragraph in this Subarticle and substitute the following:

Record all regularly scheduled random sample or directed sample full test series results for mix incorporated into the project on control charts the same day the test results are obtained.

Page 6-12, Subarticle 609-5(C)3

Delete item 3 in the list below the second full paragraph on this page.

CONTROL LIMITS

Page 6-12, Subarticle 609-5(C) 4

At the bottom of this page, delete the table and substitute the following:

CONTROL LIMITS

Mix Control Criteria	Target Source	Warning Limit	Moving Average Limit	Individual Limit
2.36mm Sieve	JMF	±4.0 %	±5.0 %	±8.0 %
0.075mm Sieve	JMF	±1.5 %	±2.0 %	±2.5 %
Binder Content	JMF	±0.3 %	±0.5 %	±0.7 %
VTM @ N_{des}	JMF	±1.0 %	±1.5 %	±2.0 %
VMA @ N_{des}	Min. Spec. Limit	-0.5%	-0.8%	-1.0%
$P_{0.075}$/ P_{be} Ratio	Max. Spec. Limit	0.0	N/A	+0.4%
$\%G_{mm}$ @ N_{ini}	Max. Spec. Limit	N/A	N/A	+2.0%
TSR	Min. Spec. Limit	N/A	N/A	-15.0%

FIELD COMPACTION QUALITY CONTROL

Page 6-15, Subarticle 609-5(D)1

Delete the first and second sentences in the fourth paragraph on this page and substitute the following:

Base and intermediate mix types (surface mixes not included) utilized for pavement widening of less than 4.0 feet and all mix types used in tapers, irregular areas and intersections (excluding full width travel lanes of uniform thickness), will not be subject to the sampling and testing frequency specified above provided the pavement is compacted using approved equipment and procedures. However, the Engineer may require occasional density sampling and testing to evaluate the compaction process.

Page 6-16, Subarticle 609-5(D)1

Delete item number 2 at the top of this page. Item number 3 should be re-numbered as 2 after the specified deletion.

LIMITED PRODUCTION PROCEDURE

Page 6-17, Subarticle 609-5(D) 5

Delete the first paragraph in this Subarticle and substitute the following:

Proceed on limited production when, for the same mix type, one of the following items occur:

(1) Two consecutive failing lots, excluding lots representing an individual resurfacing map or portion thereof.
(2) Three consecutive failing lots, with each lot representing an individual resurfacing map or portion thereof.
(3) Two consecutive failing nuclear control strips.

Pavement within each construction category (New and Other), as defined in Article 610-13, and pavement placed simultaneously by multiple paving crews will be evaluated independently for limited production purposes.

Delete the first sentence in the last paragraph in this Subarticle and substitute the following:

If the Contractor does not operate by the limited production procedures as specified above, the two consecutive failing density lots, three consecutive failing lots with each lot representing an individual resurfacing map or portion thereof, or two consecutive failing nuclear control strips, whichever is applicable, and all mix produced thereafter will be considered unacceptable.

DOCUMENTATION (RECORDS)

Page 6-18, Subarticle 609-5(E)

Delete the third and fourth sentence in the first full paragraph on this page and substitute the following:

Maintain all QC records, forms and equipment calibrations for a minimum of 3 years from their completion date.

Delete the second full paragraph on this page and substitute the following:

Falsification of test results, documentation of observations, records of inspection, adjustments to the process, discarding of samples and/or test results, or any other deliberate misrepresentation of the facts will result in the revocation of the applicable person's QMS certification. The Engineer will determine acceptability of the mix and/or pavement represented by the falsified results or documentation. If the mix and/or pavement in question is determined to be acceptable, the Engineer may allow the mix to remain in place at no pay for the mix, asphalt binder and other mix components. If the mix and/or pavement represented by the falsified results is determined not to be acceptable, remove and replace with mix, which complies with the Specifications. Payment will be made for the actual quantities of materials required to replace the falsified quantities, not to exceed the original amounts.

QUALITY ASSURANCE

Page 6-18, Article 609-6

In Item 5 under Plant Mix Quality Assurance, add "at a frequency equal to or greater than 5% of the QC sample frequency".

In the first sentence within the paragraph below Plant Mix Quality Assurance, delete the words "of mix".

In Item 1 under Density Quality Assurance, delete the wording at the end of the sentence "at a frequency equal to or greater than 10% of the frequency required of the Contractor".

Page 6-19, Article 609-6

In Item 4 under Density Quality Assurance, add "at a frequency equal to or greater than 5% of the QC sample frequency."

Insert the following after Item 4 under Density Quality Assurance:

6. By periodically directing the recalculation of random numbers for the Quality Control core or nuclear density test locations. The original QC test locations may be tested by QA and evaluated as verification tests.

LIMITS OF PRECISION

Page 6-19, Article 609-6

In the limits of precision table, delete the last three rows and substitute the following:

QA retest of prepared QC Gyratory Compacted Volumetric Specimens	± 0.015
Retest of QC Core Sample	± 1.2% (% Compaction)
Comparison of QA Core Sample	± 2.0% (% Compaction)
QA Verification Core Sample	± 2.0% (% Compaction)
Nuclear Comparison of QC Test	± 2.0% (% Compaction)
QA Nuclear Verification Test	± 2.0% (% Compaction)

ASPHALT CONCRETE PLANT MIX PAVEMENTS – DESCRIPTION

Page 6-21, Article 610-1

Insert the following after the last paragraph in this Article:

A high frequency of asphalt plant mix, density, or mix and density deficiencies occurring over an extended duration of time may result in future asphalt, which is represented by mix and/or density test results not in compliance with minimum specification requirements, being excluded

from acceptance at an adjusted contract unit price in accordance with Article 105-3. This acceptance process may apply to all asphalt produced and /or placed and may continue until the Engineer determines a history of quality asphalt production and placement is reestablished.

MATERIALS

Page 6-21, Article 610-2

Delete reference of Anti-strip additive (chemical) to Article 1020-2 and substitute Article 1020-8.

COMPOSITION OF MIXTURES (MIX DESIGN AND JOB MIX FORMULA)

Page 6-21, Subarticle 610-3(A)

At the end of the second paragraph under this Subarticle, add the following sentence:

In addition, submit Superpave gyratory compactor printouts for all specimens compacted at N_{des} and N_{max} during the mix design process.

Insert the following paragraph after the second paragraph under this Subarticle:

For the final surface layer of the specified mix type, use a mix design with an aggregate blend gradation above the maximum density line on the 2.36 mm and larger sieves.

Insert the following at the end of the third paragraph under this Article:

When the percent of binder contributed from RAS or a combination of RAS and RAP exceeds 20 percent of the total binder in the completed mix, the virgin binder PG grade must be one grade below (both high and low temperature grade) the binder grade specified in Table 610-2 for the mix type.

Delete the fourth paragraph in this Subarticle and substitute the following:

For Type S 12.5D mixes, the maximum percentage of reclaimed asphalt material is limited to 15% and must be produced using virgin asphalt binder grade PG 76-22. For all other recycled mix types, when the percentage of RAP is 15 percent or less of the total mixture, the virgin binder PG grade must be as specified in Table 610-2 for the specified mix type. When the percentage of RAP is greater than 15 but not more than 25 percent of the total mixture, the virgin binder PG grade must be one grade below (both high and low temperature grade) the specified grade for the mix type. When the percentage of RAP is greater than 25 percent of the total mixture, the Engineer will establish and approve the asphalt binder grade.

Page 6-22, Subarticle 610-3(A)

Insert the following sentence at the end of the Item 4:

If natural sand is utilized in the proposed mix design, determine and report the Uncompacted Void Content of the natural sand in accordance with AASHTO T-304, Method A.

Page 6-23, Subarticle 610-3(A)

Under the quantities of mix components insert the following sentence:

When requested by the Engineer, submit to the Department's Materials and Tests Unit, in Raleigh, six (6) Superpave Gyratory Compactor specimens compacted to a height of 75 mm and to a void content (VTM) of 4.0% +/- 0.5% for performance rut testing with the Asphalt Pavement Analyzer.

JOB MIX FORMULA

Page 6-24, Subarticle 610-3(C)

Delete Table 610-1 and associated notes. Substitute the following:

TABLE 610-1
SUPERPAVE AGGREGATE GRADATION DESIGN CRITERIA

Standard Sieves	Percent Passing Criteria (Control Points) Mix Type (Nominal Maximum Aggregate Size)											
	4.75 mm (a)		9.5 mm (c)		12.5 mm (c)		19.0 mm		25.0 mm		37.5 mm	
(mm)	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.	Min.	Max.
50.0												100.0
37.5										100.0	90.0	100.0
25.0								100.0	90.0	100.0		90.0
19.0						100.0	90.0	100.0		90.0		
12.5				100.0	90.0	100.0		90.0				
9.5		100.0	90.0	100.0		90.0						
4.75	90.0	100.0		90.0								
2.36	65.0	90.0	32.0**(b)**	67.0**(b)**	28.0	58.0	23.0	49.0	19.0	45.0	15.0	41.0
1.18												
0.600												
0.300												
0.150												
0.075	4.0	8.0	4.0	8.0	4.0	8.0	3.0	8.0	3.0	7.0	3.0	6.0

(a) For Type S 4.75A, a minimum of 50% of the aggregate components shall be manufactured material from the crushing of stone.

(b) For Type SF 9.5A, the percent passing the 2.36mm sieve shall be a minimum of 60% and a maximum of 70%.

(c) For the final surface layer of the specified mix type, use a mix design with an aggregate blend gradation above the maximum density line on the 2.36 mm and larger sieves.

Page 6-25, Subarticle 610-3(C),

Delete Table 610-2 and associated notes. Substitute the following:

TABLE 610-2
SUPERPAVE MIX DESIGN CRITERIA

	Design	Binder	Compaction Levels			Volumetric Properties (c)			
Mix	ESALs	PG							
Type	millions	Grade	No. Gyrations @			VMA	VTM	VFA	%Gmm
(f)	(a)	(b)	N_{ini}	N_{des}	N_{max}	% Min.	%	Min. - Max.	@ N_{ini}
S-4.75A	<0.3	64 -22	6	50	75	20.0	7.0-15.0		
SF-9.5A	<0.3	64 -22	6	50	75	16.0	3.0 - 5.0	70 - 80	≤ 91.5
S-9.5B	0.3 - 3	64 -22	7	75	115	15.0	3.0 - 5.0	65 - 80	≤ 90.5
S-9.5C	3 - 30	70 -22	8	100	160	15.0	3.0 - 5.0	65 - 76	≤ 90.0
S-12.5C	3 - 30	70 -22	8	100	160	14.0	3.0 - 5.0	65 - 75	≤ 90.0
S-12.5D	> 30	76 -22	9	125	205	14.0	3.0 - 5.0	65 - 75	≤ 90.0
I-19.0B	< 3	64 -22	7	75	115	13.0	3.0 - 5.0	65 - 78	≤90.5
I-19.0C	3 - 30	64 -22	8	100	160	13.0	3.0 - 5.0	65 - 75	≤ 90.0
I-19.0D	> 30	70 -22	9	125	205	13.0	3.0 - 5.0	65 - 75	≤ 90.0
B-25.0B	< 3	64 -22	7	75	115	12.0	3.0 - 5.0	65 - 78	≤ 90.5
B-25.0C	> 3	64 -22	8	100	160	12.0	3.0 - 5.0	65 - 75	≤ 90.0
B-37.5C	> 3	64 -22	8	100	160	11.0	3.0 - 5.0	63 - 75	≤ 90.0
	Design Parameter					Design Criteria			
All	1. $\%G_{mm}$ @ N_{max}					≤ 98.0% **(d)**			
Mix	2. Dust to Binder Ratio ($P_{0.075}$ / P_{be})					0.6 - 1.4			
Types	3. Retained Tensile Strength (TSR) (AASHTO T 283 Modified)					85 % Min. **(e)**			

Notes:
(a) Based on 20 year design traffic.
(b) When Recycled Mixes are used, select the binder grade to be added in accordance with Subarticle 610-3(A).
(c) Volumetric Properties based on specimens compacted to N_{des} as modified by the Department.
(d) Based on specimens compacted to N_{max} at selected optimum asphalt content.
(e) AASHTO T 283 Modified (No Freeze-Thaw cycle required). TSR for Type S 4.75A, Type B 25.0 and Type B 37.5 mixes is 80% minimum.
(f) Mix Design Criteria for Type S 4.75A may be modified subject to the approval of the Engineer

WEATHER, TEMPERATURE, AND SEASONAL LIMITATIONS FOR PRODUCING AND PLACING ASPHALT MIXTURES

Page 6-26, Article 610-4, Table 610-3

Delete the title of Table 610-3 and substitute the following title:

ASPHALT PLACEMENT- MINIMUM TEMPERATURE REQUIREMENTS

In the first column, third row; delete reference to the ACSC Types S 9.5A and S 12.5B mix.

Add the following minimum placing temperatures for mix types S 4.75A and SF 9.5A.

Asphalt Concrete Mix Type	Minimum Air Temperature	Minimum Road Surface Temperature
ACSC, Type S 4.75A, SF 9.5A	40°F (5°C)	50°F (10°C)

SPREADING AND FINISHING

Page 6-32, Article 610-8

Insert the following after the second sentence within the sixth paragraph in this Article,

Take necessary precautions during production, loading of trucks, transportation, truck exchanges with paver, folding of the paver hopper wings, and conveying material in front of the screed to prevent segregation of the asphalt mixtures.

Page 6-33, Article 610-8

At the end of the third full paragraph on this page, add the following sentence:

Waiver of the use of automatic screed controls does not relieve the Contractor of achieving plan grades and cross-slopes.

DENSITY REQUIREMENTS

Page 6-34, Article 610-10,

Delete Table 610-4 and substitute the following table and associated notes:

Table 610-4
MINIMUM DENSITY REQUIREMENTS

MIX TYPE	MINIMUM % of G_{mm}
SUPERPAVE MIXES	**(Maximum Specific Gravity)**
S 4.75A	85.0[(a,b)]
SF 9.5A	90.0
S 9.5X, S 12.5X, I 19.0X, B 25.0X, B 37.5X	92.0

(a) All S 4.75A pavement will be accepted for density in accordance with Article 105-3

(b) Compaction to the above specified density will be required when the S 4.75 A mix is applied at a rate of 100 lbs/sy (55 kg/m^2)

Page 6-34, Article 610-10

Delete the second paragraph in this Article and substitute the following:

Compact base and intermediate mix types (surface mixes not included) utilized for pavement widening of less than 4.0 feet (1.2 meters) and all mix types used in tapers, irregular areas and intersections (excluding full width travel lanes of uniform thickness), using equipment and procedures appropriate for the pavement area width and/or shape. Compaction with equipment other than conventional steel drum rollers may be necessary to achieve adequate compaction. Occasional density sampling and testing to evaluate the compaction process may be required. Densities lower than that specified in Table 610-4 will be accepted, in accordance with Article 105-3, for the specific mix types and areas listed directly above.

SURFACE REQUIREMENTS AND ACCEPTANCE

Page 6-35, Article 610-12

Delete the first paragraph in this Article and substitute the following:

Construct pavements using quality paving practices as detailed herein. Construct the pavement surface smooth and true to the plan grade and cross slope. Immediately correct any defective areas with satisfactory material compacted to conform with the surrounding area. Pavement imperfections resulting from unsatisfactory workmanship such as segregation, improper longitudinal joint placement or alignment, non-uniform edge alignment and excessive pavement repairs will be considered unsatisfactory and if allowed to remain in place will be accepted in accordance with Article 105-3.

When directed due to unsatisfactory laydown or workmanship, operate under the limited production procedures. Limited production for unsatisfactory laydown is defined as being restricted to the production, placement, compaction, and final surface testing (if applicable) of a sufficient quantity of mix necessary to construct only 2500 feet (750 meter) of pavement at the laydown width.

Remain on limited production until such time as satisfactory laydown results are obtained or until three consecutive 2500 foot (750 meter) sections have been attempted without achieving satisfactory laydown results. If the Contractor fails to achieve satisfactory laydown results after three consecutive 2500 foot (750 meter) sections have been attempted, cease production of that mix type until such time as the cause of the unsatisfactory laydown results can be determined. As an exception, the Engineer may grant approval to produce a different mix design of the same mix type if the cause is related to mix problem(s) rather than laydown procedures.

Mix placed under the limited production procedures for unsatisfactory laydown or workmanship will be evaluated for acceptance in accordance with Article 105-3.

DENSITY ACCEPTANCE

Page 6-36, Article 610-13

Delete the second paragraph on this page and substitute the following:

The pavement will be accepted for density on a lot by lot basis. A lot will consist of one day's production of a given job mix formula on a contract. As an exception, separate lots will be established when the one of the following occurs:

(6) Portions of pavement are placed in both "New" and "Other" construction categories as defined below. A lot will be established for the portion of the pavement in the "New" construction category and a separate lot for the portion of pavement in the "Other" construction category.

(7) Pavement is placed on multiple resurfacing maps, unless otherwise approved prior to paving. A lot will be established for each individual resurfacing map or portion thereof.

(8) Pavement is placed simultaneously by multiple paving crews. A lot will be established for the pavement placed by each paving crew.

(9) Pavement is placed in different layers. A lot will be established for each layer.

(10) Control strips are placed during limited production.

The Engineer will determine the final category and quantity of each lot for acceptance purposes.

Page 6-36, Article 610-13

Delete the first sentence in the third paragraph on this page and insert the following:

The "New" construction category will be defined as pavements of uniform thickness, exclusive of irregular areas, meeting all three of the following criteria:

Delete the sixth paragraph in this Article and substitute the following:

A failing lot for density acceptance purposes is defined as a lot for which the average of all test sections, and portions thereof, fails to meet the minimum specification requirement. If additional density sampling and testing, beyond the minimum requirement, is performed and additional test sections are thereby created, then all test results shall be included in the lot average. In addition, any lot or portion of a lot that is obviously unacceptable will be rejected for use in the work.

Page 6-36, Article 610-13

Delete the last paragraph on this page and substitute the following:

Any density lot not meeting minimum density requirements detailed in Table 610-4 will be evaluated for acceptance by the Engineer. If the lot is determined to be reasonably acceptable, the mix will be paid at an adjusted contract price in accordance with Article 105-3. If the lot is determined not to be acceptable, the mix will be removed and replaced with mix meeting and compacted to the requirement of these specifications.

BASIS OF PAYMENT, ASPHALT PAVEMENTS

Page 6-37, Article 610-16

Add the following to the second paragraph:

The quantity of hot mix asphalt pavement, measured as provided in Article 610-15, will be paid for at the contract unit prices per ton (metric ton) for "Asphalt Concrete Surface Course, Type S 4.75A, and SF 9.5A".

Add the following to the payment item description:

Asphalt Concrete Surface Course, Type S 4.75A ..... Ton (Metric Ton)
Asphalt Concrete Surface Course, Type SF 9.5A ..... Ton (Metric Ton)

Delete reference to the Asphalt Concrete Surface Course, Types S 9.5A and S 12.5B in both the second paragraph and in the payment description.

ASPHALT BINDER FOR PLANT MIX - METHOD OF MEASUREMENT

Page 6-39, Article 620-4

Delete the first sentence of the second paragraph on this page and substitute the following:

Where recycled plant mix is being produced, the grade of asphalt binder to be paid for will be the grade for the specified mix type as required in Table 610-2 unless otherwise approved.

CONSTRUCTION REQUIREMENTS

Page 6-43, Article 650-5

Add the following paragraph after the first paragraph under this Article:

Do not place open-graded asphalt friction course between October 31 and April 1 of the next year, unless otherwise approved. Place friction course, Type FC-1 mixes, only when the road surface temperature is 50°F (10°C) or higher and the air temperature is 50°F (10°C) or higher. The minimum air temperature for Type FC-1 Modified and FC-2 Modified mixes will be 60°F (15°C).

AGGREGATES FOR ASPHALT PLANT MIXES

Page 10-34, Subarticle 1012-1(B)4

Delete this Subarticle and substitute the following:

(4) Flat and Elongated Pieces:

Use coarse aggregate meeting the requirements of Table 1012-1 for flat and elongated pieces when tested in accordance with ASTM D 4791 (Section 8.4) on the No. 4 (4.75 mm) sieve and larger with a 5:1 aspect ratio (maximum to minimum) for all pavement types, except there is no requirement for Types S 4.75A, SF 9.5A, and S 9.5B.

Page 10-35, Table 1012-1

Delete Table 1012-1 and substitute the following:

Table 1012-1
AGGREGATE CONSENSUS PROPERTIES[a]

Mix Type	Course Aggregate Angularity[b]	Fine Aggregate Angularity	Sand Equivalent	Flat & Elongated
		% Minimum	% Minimum	% Maximum
	ASTM D 5821	AASHTO T 304 Method A	AASHTO T 176	ASTM D 4791 Section 8.4
S 4.75 A		40	40	
SF 9.5 A S 9.5 B I 19.0 B B 25.0 B	75 / -	40	40	10[c]
S 9.5 C S 12.5 C I 19.0 C B 25.0 C B 37.5 C	95 / 90	45	45	10
S 12.5 D I 19.0 D	100 / 100	45	50	10
OGAFC	100 / 100	N/A	N/A	10

(a) Requirements apply to the course aggregate blend and/or fine aggregate blend
(b) 95/90 denotes that 95% of the course aggregate (+No.4 or + 4.75mm sieve)has one fractured face and 90% has two or more fractured faces.
(c) Does not apply to Mix Types SF 9.5 A or S 9.5 B

Page 10-36, Subarticle 1012-1(C)1

Insert the following after the fourth paragraph on this page:

When natural sand is utilized in "C" or "D" level asphalt mixes, do not exceed the maximum natural sand percentage in the mix design and/or production aggregate blend detailed in Table 1012-1A.

Table 1012-1A

Uncompacted Void Content of Fine Aggregate AASHTO T 304 Method A	Maximum Percent Natural Sand Included in Mix Design and/or Production*
Less than 42.0	10
Equal to 42.0 to 44.9	15
Equal to 45.0 and greater	20

*Maximum percent natural sand may be exceeded with approval from Pavement Construction Engineer upon satisfactory evaluation of pavement performance testing

FINE AGGREGATE ANGULARITY

Page 10-36, Subarticle 1012-1(C)6

Delete reference to AASHTO TP 33 Method A and substitute AASHTO T 304, Method A.

Page 10-37, Subarticle 1012-1(H)

Delete this Subarticle. It is a duplicate of Subarticle 1012-1(F) located on Page 10-36.

ASPHALT BINDER

Page 10-46, Article 1020-2

Delete the first paragraph under this Article and substitute the following:

Use Performance Graded Asphalt Binder meeting the requirements of AASHTO M 320. See Article 610-3 for the specified grades. Submit a Quality Control Plan for asphalt binder production in conformance with the requirements of AASHTO R 26 to the Materials and Tests Unit.

SP6R01

ASPHALT BINDER CONTENT OF ASPHALT PLANT MIXES: **11-21-00$_R$**

The approximate asphalt binder content of the asphalt concrete plant mixtures used on this project will be as follows:

Asphalt Concrete Base Course, Type B 25.0__	4.3%
Asphalt Concrete Intermediate Course, Type I 19.0__	4.7%
Asphalt Concrete Surface Course, Type S 4.75A	7.0%

Asphalt Concrete Surface Course, Type SF 9.5A	6.5%
Asphalt Concrete Surface Course, Type S 9.5__	6.0%
Asphalt Concrete Surface Course, Type S 12.5__	5.5%

The actual asphalt binder content will be established during construction by the Engineer within the limits established in the Standard Specifications or Project Special Provisions.

SP6R15

ASPHALT PLANT MIXTURES: **7-1-95$_c$**

Place asphalt concrete base course material in trench sections with asphalt pavement spreaders made for the purpose or with other equipment approved by the Engineer.

SP6R20

PRICE ADJUSTMENT - ASPHALT BINDER FOR PLANT MIX: **11-21-00**

Price adjustments for asphalt binder for plant mix will be made in accordance with Section 620 of the Standard Specifications as modified herein.

The base price index for asphalt binder for plant mix is $210.28 per ton (metric ton).

This base price index represents an average of F.O.B. selling prices of asphalt binder at supplier's terminals on June 1, 2004.

SP6R25

DISPOSAL OF WASTE AND DEBRIS: **2-19-02**

Revise the 2002 Standard Specifications as follows:

Page 8-9, Subarticle 802-2(7. Buffer Zones:)

At the end of the last sentence in this subarticle, add the words "unless superseded by an environmental permit."

SP8R03

GUARDRAIL POSTS AND OFFSET BLOCKS: **06-22-04**

Revise the *2002 Standard Specifications* as follows:

Page 10-69, Subarticle 1046-3

Delete this sub-article in its entirety and replace with the following:

1046-3 POSTS AND OFFSET BLOCKS.

(A) General:

The Contractor may at his option furnish either of the following types of steel guardrail posts. Only one type of post will be permitted at any one continuous installation. Use structural steel posts throughout the project, unless otherwise directed or detailed in the plans.

1. Steel W6 x 8.5 or W6 x 9.0 posts
2. Steel 4.5" x 6.0" "C" shape posts (C150 x 12.2 kg/m)

The Contractor may at his option furnish either of the following types of treated timber posts if specifically directed or detailed in the plans. Only one type of post will be permitted at any one continuous installation.

1. Timber 6" x 8" (152 mm x 203 mm) posts.
2. Timber 8" x 8" (203 mm x 203 mm) posts.

(B) Structural Steel Posts:

Fabricate steel posts for guardrail of the size and weight shown on the plans from structural steel complying with the requirements of Section 1072. Metal from which C shape posts are fabricated shall meet the requirements of ASTM A570 for any grade of steel, except that mechanical requirements shall meet the requirements of ASTM A36. Punch or drill the holes for connecting bolts. Burning will not be permitted. After fabrication, the posts shall be galvanized in accordance with Section 1076.

(C) Treated Timber Posts:

Timber guardrail posts shall be of treated southern pine meeting the requirements of Article 1082-2 and 1082-3.

Bore bolt holes to a driving fit for the bolts. A minus tolerance of 1 percent will be allowed in the length of the post. Perform all framing and boring before the posts receive preservative treatment.

(D) Offset Blocks:

Provide 8-inch deep recycled plastic or composite offset blocks that have been approved for use with the guardrail shown in the standard drawings and/or plans. Only one type of offset block will be permitted at any one continuous installation. Prior to beginning the installation of recycled offset block, submit the FHWA acceptance letter for each type of block to the Engineer for approval.

Treated timber offset blocks with steel beam guardrail will not be allowed unless required by Specifications, directed by the Engineer or detailed in the plans. Steel offset blocks with steel beam guardrail will not be allowed.

Recycled plastic or composite offset blocks shall be made from no less than 50% recycled plastic or composite, and shall meet the following minimum requirements:

- Specific Gravity: 0.950
- Compressive Strength in Lateral Direction:..... 1600 psi (11 MPa)
- Maximum Water Absorption: ..... 10% by weight
- Maximum Termite and Ant Infestation:..... 10%
- Testing..... Shall pass NCHRP Report 350, Test Level 3 by CRASH TESTING

Revise the *2002 Standard Roadway Drawings* as follows:

Sheet 4 of 6, Standard 862.03, delete the note and substitute the following:

Note: The midpost and offset block of the WTR section will require special bolt hole drilling in the thrie beam offset block and line post.

SP8R57

GUARDRAIL ANCHOR UNITS, TYPE 350: **04-20-04**

DESCRIPTION

Furnish and install guardrail anchor units in accordance with the details in the plans, the applicable requirements of Section 862 of the Standard Specifications, and at locations shown in the plans.

MATERIALS

The Contractor may at his option, furnish any one of the guardrail anchor units.

Guardrail anchor unit (ET-2000) as manufactured by:

TRINITY INDUSTRIES, INC.
2525 N. STEMMONS FREEWAY
DALLAS, TEXAS 75207
TELEPHONE: 1-800-644-7976

The guardrail anchor unit (SKT 350) as manufactured by:

ROAD SYSTEMS, INC.
3616 OLD HOWARD COUNTY AIRPORT
BIG SPRING, TEXAS 79720
TELEPHONE: (915) 263-2435

Prior to installation the Contractor shall submit to the Engineer:

1. FHWA acceptance letter for each guardrail anchor unit certifying it meets the requirements of NCHRP Report 350, Test Level 3, in accordance with Section 106-2 of the Standard Specifications.

2. Certified working drawings and assembling instructions from the manufacturer for each guardrail anchor unit in accordance with Section 105-2 of the Specifications.

No modifications shall be made to the guardrail anchor unit without the express written permission from the manufacturer. Perform installation in accordance with the details in the plans, and details and assembling instructions furnished by the manufacturer.

CONSTRUCTION

Guardrail end delineation is required on all approach and trailing end sections for both temporary and permanent installations. Guardrail end delineation consists of yellow reflective sheeting applied to the entire end section of the guardrail in accordance with Section 1088-3 of the Standard Specifications and is incidental to the cost of the guardrail anchor unit.

MEASUREMENT AND PAYMENT

Measurement and payment will be made in accordance with Articles 862.5 and 862-6 of the Standard Specifications.

Payment will be made under:

Guardrail Anchor Units, Type 350..... Each

SP8R65

TEMPORARY WOVEN WIRE FENCE: **7-1-95**

Description:

Construct a temporary 48" (1200 mm) woven wire fence at locations directed by the Engineer. Use only fabric and posts that have been approved by the Engineer. Provide post spacing of twelve (12) feet (3.6 m). Construct the fence and maintain it with the fabric taut and securely fastened to the posts at all times.

After the fence has served its purpose and is no longer needed, as determined by the Engineer, it becomes the property of the Contractor.

Method of Measurement:

The quantity of temporary fence to be paid for will be the actual number of linear feet (linear meters) of fence constructed and accepted, measured in place from center of end post to center of end post.

Basis of Payment:

The quantity of woven wire fence, measured as provided above, will be paid for at the contract unit price per linear foot (linear meter) for "Temporary Woven Wire Fence, Complete With Posts". Such price and payment will be full compensation for all materials, labor, fence maintenance, and incidentals necessary to satisfactorily complete the work.

SP8R85

Payment will be made under:

Temporary _____" (mm) Woven Wire Fence, Complete
with Posts ..... Linear Foot (Linear Meter)

PREFORMED SCOUR HOLE WITH LEVEL SPREADER APRON: 10-15-02

Description:

Construct and maintain preformed scour holes with spreader aprons at the locations shown on the plans and in accordance with the details in the plans. Work includes excavation, shaping and maintaining the hole and apron, furnishing and placing filter fabric, rip rap (class as specified in the plans) and permanent soil reinforcement matting.

Materials:

Materials shall meet the requirements of Division 10 and this provision:

Plain rip rap.....Article 1042
Filter Fabric.....Article 1042-2

The permanent soil reinforcement matting shall be permanent erosion control reinforcement mat and shall be constructed of 100% coconut fiber stitch bonded between a heavy duty UV stabilized cuspated (crimped) netting overlaid with a heavy duty UV stabilized top net. The three nettings shall be stitched together on 1.5 inch (38 mm) centers UV stabilized polyester thread to form a permanent three dimensional structure. The mat shall have the following physical properties:

Property	Test Method	Value	Unit
Ground Cover	Image Analysis	93	%
Thickness	ASTM D1777	0.63 (16)	in (mm)
Mass Per Unit Area	ASTM D3776	0.92 (0.50)	lb/sy (kg/m2)
Tensile Strength	ASTM D5035	480 (714.2)	lb/ft (kg/m)
Elongation	ASTM D5035	49	%
Tensile Strength	ASTM D5035	960 (1428.5)	lb/ft (kg/m)
Elongation	ASTM D5035	31	%
Tensile Strength	ASTM D1682	177 (80.3)	lbs (kg)
Elongation	ASTM D1682	22	%
Resiliency	ASTM D1777	>80	%
UV Stability *	ASTM D4355	151 (68.5)	lbs (kg)
Color(Permanent Net)		UV Black	
Porosity (Permanent Net)	Calculated	>95	%
Minimum Filament Diameter (permanent net)	Measured	0.03 (0.8)	in (mm)

*ASTM D1682 Tensile Strength and % strength retention of material after 1000 hours of exposure in a Xenon-arc weatherometer.

A certification (Type 1, 2, or 3) from the manufacturer showing:

1) the chemical and physical properties of the mat used, and
2) conformance of the mat with this specification will be required.

Soil Preparation:

All areas to be protected with the mat shall be brought to final grade and seeded in accordance with Section 1660. The surface of the soil shall be smooth, firm, stable and free of rocks, clods, roots or other obstructions which would prevent the mat from lying in direct contact with the soil surface. Areas where the mat is to be placed will not need to be mulched.

Measurement:

The quantity of "Preformed Scour Holes with Level Spreader Aprons" to be paid for shall be the actual number which have been incorporated into the completed and accepted work.

Basis of Payment:

The quantity of scour holes with spreader aprons, measured as provided above, will be paid for at the contract unit price each for "Preformed Scour Hole with Level Spreader Apron." Such price and payment will be full compensation for all work covered by this provision.

SP8R105

AGGREGATE PRODUCTION: **11-20-01**

Provide aggregate from a producer who utilizes the new Aggregate Quality Control/Quality Assurance Program that is in effect at the time of shipment.

No price adjustment is allowed to contractors or producers who utilize the new program. Participation in the new program does not relieve the producer of the responsibility of complying with all requirements of the Standard Specifications. Copies of this procedure are available upon request from the Materials and Test Unit.

SP10R05

CONCRETE BRICK AND BLOCK PRODUCTION: **11-20-01**

Provide concrete brick and block from a producer who utilizes the new Solid Concrete Masonry Brick/Unit Quality Control/Quality Assurance Program that is in effect on the date that material is received on the project.

No price adjustment is allowed to contractors or producers who utilize the new program. Participation in the new program does not relieve the producer of the responsibility of complying with all requirements of the Standard Specifications. Copies of this procedure are available upon request from the Materials and Test Unit.

SP10R10

FINE AGGREGATE: **11-19-02**

Revise the 2002 Standard Specifications as follows:

Page 10-17, Table 1005-2

Make the following change to the table:

For Standard Size 2MS the following gradation change applies.

The minimum percent shown for material passing the No. 8 (2.36mm) sieve has been changed from 84 to **80.**

SP10R15

BORROW MATERIAL **02-17-04**

Revise the 2002 Standard Specifications as follows:

Page 10-44

Section 1018-2 II (b) Delete the last sentence in its entirety.

SP10R17

METAL POSTS AND RAILS: **01-21-03$_R$**

Revise the 2002 Standard Specifications as follows:

1050-3 METAL POSTS AND RAILS.

Page 10-72, (A) Chain Link Fence: Delete paragraphs 2 and 3, and replace with the following:

Steel H posts must have a minimum yield strength of 45,000 pi (310 MPa) and weigh 3.26 pounds per foot (4.85 kg/m). Galvanize steel H posts in accordance with ASTM F 1043 with a Type A coating. Aluminum H posts must weigh 1.25 pounds per foot (1.86 kg/m).

Roll formed steel line posts must be a 1.625" x 1.875" (41.3 mm x 47.6 mm) section weighing 2.40 lb/lf (3.57 kg/m) after galvanizing and be formed from 0.121" (3.1 mm) thick sheet having a minimum yield strength of 45,000 psi (310 MPa). Roll formed steel brace rails and top rails must be a 1.250" x 1.625" (31.8 mm x 41.3 mm) section weighing 1.35 lb./lf (2.01 kg/m) after galvanizing and be formed from 0.080" (2.0 mm) thick sheet steel having a minimum yield strength of 45,000 pi (310 Map). Galvanize all roll formed members after fabrication in accordance with ASTM F 1043 with a Type A coating.

Page 10-73, (A) Chain Link Fence: Delete sentence one of paragraph four and replace with the following:

Vinyl coated posts must be pipe posts meeting the requirements of AASHTO M 181, and have a fusion bonded vinyl coating of at least 6 mils (0.15 mm) thick.

Add the following as the penultimate paragraph:

For pipe 1.90" OD and under, the outside diameter at any point shall not vary more than 1/64" (0.4 mm) over nor more than 1/32" (0.8 mm) under the standard specified. For pipe 2.375" OD and over, the outside diameter shall not vary more than ± 1% from the standard specified nor shall the minimum wall thickness at any point be more than 12.5% under the nominal wall thickness specified.

Page 10-73 (B) Woven Wire Fence: Add the following as the penultimate paragraph:

For pipe 1.90" OD and under, the outside diameter at any point shall not vary more than 1/64" (0.4 mm) over nor more than 1/32" (0.8 mm) under the standard specified. For pipe 2.375" OD and over, the outside diameter shall not vary more than ± 1% from the standard specified nor shall the minimum wall thickness at any point be more than 12.5% under the nominal wall thickness specified.

1050-7 FITTINGS AND ACCESSORIES

Page 10-75, delete the last sentence of the last paragraph and replace with the following:
The vinyl coating must be at least 6 mils (0.15 mm) thick, except that the coating on tension wire, hog rings, and tie wires must be at least 20 mils (0.50 mm) thick.

SP10R20

COATED, PAVED AND LINED CORRUGATED STEEL CULVERT PIPE: **10-21-03**

Revise the 2002 Standard Specifications as follows:

Section 1032-4(E) Optional Coatings for Bituminous Coated Pipe and Pipe Arch:

Page 10-58. Delete Numbers 2. and 3., and substitute the following;

2. Type B: In lieu of Type B, Half Bituminous Coated and Partially Paved galvanized pipe, aluminized pipe or polymeric coated pipe without bituminous coating and paving may be used.

3. Type C: In lieu of Type C, Fully Bituminous Coated and Partially Paved galvanized pipe, aluminized pipe or polymeric coated pipe without a bituminous coating and paving may be used.

SP10R25

DRUMS: **07-16-02**

Revise the 2002 Standard Specifications as follows:

Page 10-195, Subarticle 1089-5(C)

Delete the first (1st) sentence of the first (1st) paragraph and insert the following:

"Provide a minimum of three orange and two white alternating horizontal circumferential stripes covering the entire outside with each drum."

SP11R05

PAVEMENT MARKING GENERAL REQUIREMENTS: **07-16-02**

Revise the 2002 Standard Specifications as follows:

Page 12-10, Subarticle 1205-3(J)

Delete the first (1st) sentence of the first (1st) paragraph and insert the following:

"Have at least one member of every pavement marking crew working on a project certified through the NCDOT Pavement Marking Technician Certification Process. For more information contact the Traffic Control, Marking and Delineation Section of the North Carolina Department of Transportation at 919-250-4151 or http://www.doh.dot.state.nc.us/preconstruct/traffic/congestion/TC/"

SP12R01

May 4, 2004

PROJECT: B-3310
COUNTY: Buncombe

PROJECT SPECIAL PROVISIONS
Utility

UTILITIES BY OTHERS:

General:

The following utility companies have facilities that will be in conflict with the construction of this project:

A. Progress Energy
B. TDS Telecom
C. Charter Communications

The conflicting facilities will be adjusted prior to the date of availability except where noted and are therefore listed in these special provisions for the benefit of the Contractor. All utility work listed herein will be done by the utility owners. All utilities are shown on the plans from the best available information.

The Contractor's attention is directed to Article 105.8 of the Standard Specifications.

Utilities Requiring Adjustment:

A. Progress Energy

1. See "Utilities by Others Plans" for utility conflicts.

B. TDS Telecom

1. See "Utilities by Others Plans" for utility conflicts.

C. Charter Communications

1. See "Utilities by Others Plans" for utility conflicts.

B-3310 **Project Special Provisions** **Buncombe County**
Erosion Control

Seeding And Mulching (8ED)

The kinds of seed and fertilizer, and the rates of application of seed, fertilizer, and limestone, shall be as stated below. During periods of overlapping dates, the kind of seed to be used shall be determined by the Engineer. All rates are in pounds per acre (kilograms per hectare).

August 1 - June 1		May 1 - September 1	
20# (23kg)	Kentucky Bluegrass	20# (23kg)	Kentucky Bluegrass
75# (85kg)	Hard Fescue	75# (85kg)	Hard Fescue
500# (560kg)	Fertilizer	25# (28kg)	German or Browntop Millet
4000# (4500kg)	Limestone	500# (560kg)	Fertilizer
		4000# (4500kg)	Limestone

Approved Kentucky Bluegrass Cultivars:

Adelphi	Baron	Bristol	Challenger
Columbia	Fylking	Glade	Kenblue
Merit	Plush	Ram I	Rugby
Sydsport	Touchdown	Vantage	

Approved Hard Fescue Cultivars:

Aurora	Bardur	Crystal	Reliant	Scaldis
Spartan	Valda	Waldina	Warwick	

On cut and fill slopes 2:1 or steeper add 25# (28kg) Rye Grain August 1 - June 1.

On cut and fill slopes 2:1 or steeper add 30# (35 kg) Sericea Lespedeza and 15# (17 kg) Bi-color Lespedeza January 1 - December 31.

Fertilizer shall be 10-20-20 analysis. Upon written approval of the Engineer, a different analysis of fertilizer may be used provided the 1-2-2 ratio is maintained and the rate of application adjusted to provide the same amount of plant food as a 10-20-20 analysis.

Temporary Seeding:

Fertilizer shall be the same analysis as specified for "Seeding and Mulching" and applied at the rate of 400 pounds (450kg) and seeded at the rate of 50 pounds per acre (55kg per hectare). German Millet, or Browntop Millet shall be used in summer months and rye grain during the remainder of the year. The Engineer will determine the exact dates for using each kind of seed.

Fertilizer Topdressing:

Fertilizer used for topdressing shall be 16-8-8 grade and shall be applied at the rate of 500 pounds per acre (560 kg per hectare). Upon written approval of the Engineer, a different analysis of fertilizer may be used provided the 2-1-1 ratio is maintained and the rate of application adjusted to provide the same amount of plant food as 16-8-8 analysis.

Supplemental Seeding:

The kinds of seed and proportions shall be the same as specified for "Seeding and Mulching", and the rate of application may vary from 25# to 75# per acre (28kg to 85kg per hectare). The actual rate per acre (hectare) will be determined by the Engineer prior to the time of topdressing and the Contractor will be notified in writing of the rate per acre (hectare), total quantity needed, and areas on which to apply the supplemental seed. Minimum tillage equipment, consisting of a sod seeder shall be used for incorporating seed into the soil as to prevent disturbance of existing vegetation. A clodbuster (ball and chain) may be used where degree of slope prevents the use of a sod seeder.

Mowing:

The minimum mowing height on this project shall be six inches (150 mm).

Lawn Type Appearance

All areas adjacent to lawns must be hand finished as directed by the Engineer to give a "lawn type appearance". Remove all trash, debris, and stones ¾ inch (19 mm) and larger in diameter or other obstructions that could interfere with providing a smooth "lawn type appearance". These areas shall be reseeded to match their original vegetative conditions, unless directed otherwise by the Field Operations Engineer.

Specialized Hand Mowing:

The work covered by this section consists of specialized hand mowing around or under fixed objects, including but not limited to guardrails, signs, barriers and slopes in a method acceptable to the Engineer.

The work of specialized hand mowing shall be completed with mechanically powered trimmers, string trimmers, hand operated rotary mowers, or self-propelled mowers of sufficient size and quality to perform the work timely and efficiently.

The quantity of mowing to be performed will be affected by the actual conditions which occur during the construction of the project. The quantity of mowing may be increased, decreased or eliminated entirely at the direction of the Engineer. Such variations in quantity will not be considered as alterations in the details of construction or a change in the character of the work.

The quantity of specialized hand mowing to be paid for will be the actual number of man hours worked while hand mowing along the surface of the ground, at the direction of the Engineer. Where an area has been mowed more than once, at the direction of the Engineer, separate measurement will be made each time the area is mowed.

Payment will be made under:

Specialized Hand Mowing ..... HR

High Quality Waters:

Dillingham Creek has been identified as high quality waters. This designation requires special procedures to be used for clearing and grubbing, temporary stream crossings, and grading operations within the "Environmentally Sensitive Areas" identified on the plans. This also requires special procedures to be used for seeding and mulching and staged seeding.

Seeding and Mulching:

Seeding and mulching shall be performed in accordance with Section 1660 of the Standard Specifications and vegetative cover sufficient to restrain erosion shall be installed immediately following grade establishment.

Seeding and mulching shall be performed on the areas disturbed by construction immediately following final grade establishment. No appreciable time shall lapse into the contract time without stabilization of slopes, ditches and other areas within the "High Quality Water Zone(s)" as indicated on the E.C. Plans.

Stage Seeding:

The work covered by this section shall consist of the establishment of a vegetative cover on cut and fill slopes as grading progresses. Seeding and mulching shall be done in stages on cut and fill slopes which are greater than 20 feet (6 meters) in height or greater than 2 acres (0.8 hectares) in area. Each stage shall not exceed the limits stated above.

All work described above will be paid for at the contract unit prices established in the contract for the work involved. Additional payments will not be made for the requirements of this section as the cost for this work should be included in the contract unit prices for the work involved.

Environmentally Sensitive Areas:

Clearing and Grubbing:

In areas identified on the erosion control plans as "Environmentally Sensitive Areas", the Contractor may perform clearing operations, but not grubbing operations until immediately prior to beginning grading operations as described in Section 200, Article

200-1, in the Standard Specifications. The "Environmentally Sensitive Area" shall be defined as a 50 foot (16 meter) buffer zone on both sides of the stream, measured from top of streambank. Only clearing operations (not grubbing) shall be allowed in this buffer zone until immediately prior to beginning grading operations. Erosion control devices shall be installed immediately following the clearing operation.

Grading:

Once grading operations begin in identified "Environmentally Sensitive Area", work will progress in a continuous manner until complete. All construction within these areas must progress in a continuous manner such that each phase is complete and areas permanently stabilized prior to beginning of next phase. Failure on the part of the Contractor to complete any phase of construction in a continuous manner in "Environmentally Sensitive Areas" as specified will be just cause for the Engineer to direct the suspension of work in accordance with Section 108-7 of the Standard Specifications.

Temporary Stream Crossings:

Any crossing of streams within the limits of this project must be accomplished in accordance with Section 107-13(b) of the Standard Specifications.

Minimize Removal Of Vegetation

The Contractor shall minimize removal of vegetation at stream banks and disturbed areas within the project limits as directed by the Engineer.

Stockpile Areas

The Contractor shall install and maintain erosion control devices sufficient to contain sediment around any erodible material stockpile areas as directed by the Engineer.

Reforestation:

Reforestation will be planted along the outside borders of the road and in areas designated by the Engineer. Reforestation is not shown on the plan sheets. See the reforestation detail sheet.

Seasonal limitations: Seedlings shall be planted from November 15 through March 15.

Seedlings shall be planted as soon as practical following permanent Seeding and Mulching. Seedlings shall be planted in a 16 ft. (5 meters) wide swath adjacent to mowing pattern line.

Root dip: The roots of reforestation seedlings shall be coated with a slurry of water, and either a fine clay ("kaolin") or a superabsorbent that is made to be used as a bare root dip. The type, mixture ratio, method of application, and the time of application shall be submitted to the Engineer for approval. With the approval of the Engineer, seedlings

may be coated before delivery to the job or at the time of planting, but at no time shall the roots of the seedlings be allowed to dry out. The roots shall be moistened immediately prior to planting.

Waste Areas And Borrow Sources:

Payment for temporary erosion control measures, except those made necessary by the Contractor's own negligence or for his own convenience, will be paid for at the appropriate contract unit price for the devices or measures utilized in borrow sources and waste areas.

No additional payment will be made for erosion control devices or permanent seeding and mulching in any commercial borrow or waste pit. All erosion and sediment control practices which may be required on a commercial borrow or waste site will be done at the Contractor's expense.

Temporary Diversion:

The work by this section for installation, maintenance, and cleanout of temporary diversions shall be in accordance with Section 1630. The quantity of excavation for installation and cleanout measured as provided in Article 1630-4 will be paid for at the contract unit price per cubic yard (cubic meter) as provided in Article 1630-5 for "Silt Excavation".

Gravel Construction Entrance:

Description:

The work covered by this section consists of furnishing, installing, and maintaining and removing any and all material required for the construction of a Gravel Construction Entrance.

Materials:

The filter fabric shall meet the requirements of Section 1056 for Type 2 Fabric.

Stone shall be Class A Stone and shall meet the requirements of Section 1042 for Stone for Erosion Control, Class A.

Construction:

The Contractor shall install a Gravel Construction Entrance in accordance with the details in the plans and at locations as directed by the Engineer.

Method Of Measurement:

Gravel Construction Entrance will not be measured for payment under this section.

Basis Of Payment:

Payment for installation of Filter Fabric shall be paid for at the contract unit price per square yard (square meter) "Filter Fabric for Drainage".

Payment for installation of Class A Stone shall be paid for at the contract unit price per ton (metric ton) "Stone for Erosion Control, Class A".

Such price and payment shall be considered full compensation for all work covered by this provision including all materials, construction, maintenance, and removal of Gravel Construction Entrance as directed by the Engineer.

Special Stilling Basin(s):

Description:

The work covered by this section consists of furnishing, placing, and removing a special stilling basin(s) as directed by the Engineer. The special stilling basin(s) shall be used to filter pumped water during construction of drilled piers.

Materials:

The filter fabric shall meet the requirements of Section 1056 for Type 2 Fabric.

Sediment control stone shall meet the requirements of Section 1005. Install stone according to the detail shown on the plans.

The special stilling basin(s) shall be a water permeable fabric bag that traps sand, silt, and fines as sediment laden water is pumped into it. This device shall be constructed such that it is portable and can be used adjacent to each drilled pier.

The special stilling basin(s) shall be a bag constructed to a minimum size of 10' x 15' made from a nonwoven fabric. It shall have a sewn-in 8 in. (maximum) spout for receiving pump discharge. The bag seams shall be sewn with a double needle machine using a high strength thread. The seams shall have a minimum wide width strength as follows:

Test Method	Minimum Specifications
ASTM D-4884	60 lb/in

The fabric used to construct the bag shall be stabilized to provide resistance to ultra-violet degradation and meet the following specifications for flow rates, strength, and permeability:

Property	Test Method	Units	Minimum Specifications
Weight	ASTM D-3776	oz/yd	8.0
Grab tensile	ASTM D-4632	lb	200.0
Puncture	ASTM D-4833	lb	130.0
Flow rate	ASTM D-4491	gal/min/sf	80.0
Permittivity	ASTM D-4991	1/sec	1.5
UV Resistance	ASTM D-4355	%	70.0

Construction:

The Contractor shall install the special stilling basin in accordance with the details in the plans and at locations as directed by the Engineer.

The special stilling basin(s) shall be placed so the incoming water flows into and through the bag without causing erosion. The neck or spout of the bag shall be tied off tightly to stop the water from flowing out of the bag without going through the walls.

The special stilling basin(s) shall be replaced and disposed of when it is 3/4 full of sediment or when it is impractical for the bag to filter the sediment out at a reasonable flow rate. Prior approval from the Engineer must be received before removal and replacement.

The Contractor shall be responsible for providing a sufficient quantity of bags to contain silt from pumped effluent during construction of drilled piers.

Method Of Measurement:

The quantity of special stilling basin(s) to be paid for will be the actual number of bags used during drilled pier construction as specified and accepted by the Engineer.

Measurement of filter fabric will be made by the number of square yards (square meters) as measured over the surface of the ground over which filter fabric has been acceptably placed.

The quantity of sediment control stone will be measured according to Article 1610-4.

Basis Of Payment:

Payment for special stilling basin will be as follows:

Filter Fabric for Drainage .....SY(SM)
Sediment Control Stone .....TON (MT)
Special Stilling Basin .....EA

Such price and payment will be full compensation for all work covered by this provision, including but not limited to, furnishing all materials, placing and maintaining the special stilling basin(s), and removal and disposal of silt accumulations and bag.

Special Sediment Control Fence:

Description:

The work covered by this section consists of the construction, maintenance, and removal of special sediment control fence. Place special sediment control fence as shown on the plans or as directed by the Engineer.

Materials:

(A) Posts:

Either wood or steel posts may be used. Wood posts shall be a minimum of 6 feet long (1.8 m), at least 3 inches (75 mm) in diameter, and straight enough to provide a fence without noticeable misalignment. Steel posts shall be at least 5 feet (1.5 m) in length, approximately 1 3/8 inches (35 mm) wide measured parallel to the fence, and have a minimum weight of 1.25 lb/ft (1.86 kg/m) of length. The post shall be equipped with an anchor plate having a minimum area of 14.0 square inches (9000 square millimeters), and shall have a means of retaining wire in the desired position without displacement.

(B) 1/4 inch (6.4mm) Hardware Cloth:

Hardware cloth shall have 1/4 inch (6.4mm) openings constructed from #24 gauge wire. Install hardware cloth according to the detail shown on the plans.

(C) Sediment Control Stone:

Sediment control stone shall meet the requirements of Section 1005. Install stone according to the detail shown on the plans.

Maintenance and Removal:

The Contractor shall maintain the special sediment control fence until the project is accepted or until the fence is removed, and shall remove and dispose of silt accumulations at the fence when so directed by the Engineer in accordance with Section 1630.

Method of Measurement:

The quantity of 1/4 inch (6.4mm) hardware cloth to be paid for will be the actual number of linear feet (meters) measured along the ground, which has been completed and accepted.

The quantity of sediment control stone will be measured according to Article 1610-4.

Basis of Payment:

Payment for special sediment control fence will be as follows:

1/4 inch (6.4mm) Hardware Cloth .....LF (M)
Sediment Control Stone .....TON (MT)

Project B-3310 **Buncombe County**

Project Special Provisions
Structure

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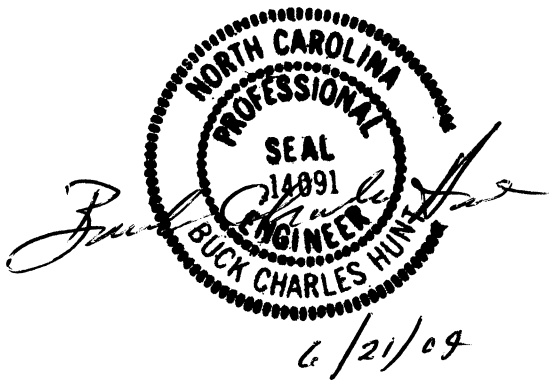

PROJECT SPECIAL PROVISIONS
STRUCTURE

PROJECT B-3310 **BUNCOMBE COUNTY**

DRILLED PIERS **(10-03-02)**

1.0 GENERAL

A. Description

The work in this special provision governs the construction of Drilled Piers, also known as "Drilled Shafts" and "Caissons". Drilled piers are a reinforced concrete section, cast-in-place against in situ, undisturbed material. Drilled piers are a straight shaft type and vertical. Construct drilled piers in accordance with the details and dimensions shown on the plans and the requirements of this special provision.

B. Work Experience

The Contractor/Subcontractor and the Contractor's/Subcontractor's superintendent performing the work described in this special provision is required to have installed drilled piers of both diameter and length similar to those shown on the plans and have a minimum of five years experience with underwater concrete placement prior to the bid date for this project. This work is performed under the supervision of the Contractor's/Subcontractor's superintendent, who is knowledgeable and experienced in the construction of drilled piers using casing and/or slurry. Use equipment that has the capacity to undertake the work and is sufficient to complete the work within the specified contract time. Furnish evidence of experience and expertise that the Contractor/Subcontractor meets the following requirements.

To verify the ability to construct drilled piers for this project, submit a list containing a description of at least two projects completed in the last five years on which those responsible for the drilled pier construction have installed drilled piers of similar size as shown in the plans and with similar excavation techniques anticipated for this project. Include on the list of projects the names and phone numbers of the project owner's representatives who can verify the Contractor/Subcontractor's participation on the project.

C. Construction Sequence Plan

Develop and submit a drilled pier construction sequence plan for all the drilled piers for review and acceptance 30 days prior to beginning construction of the drilled piers. Provide detailed project specific information in the drilled pier construction sequence plan including:

1. Work experience in accordance with Section 1.0, Item B.

2. List and size of proposed equipment including: cranes, kelly bars, drill rigs, vibratory hammers, augers, core barrels, cleanout buckets, airlifts and/or submersible pumps, tremies and/or concrete pumps, casing (diameters, thicknesses and lengths), desanding equipment (for slurry construction), etc.
3. Details of the sequence of drilled pier construction, including the order of drilled pier construction.
4. Details of pier excavation methods.
5. Details of proposed methods to clean the pier excavation bottom.
6. Details of reinforcement placement including support and method to center in the excavation.
7. Details of concrete placement including proposed operational procedures for the concrete tremie or pump; including initial placement, how the tremie or pump is raised during concrete placement and what type of discharge control is proposed to prevent concrete contamination when the tremie or pump is initially placed in the excavation.
8. Details of casing installation and temporary casing removal including order of telescoped casing removal.
9. Required submittals for concrete mix designs.
10. Details of the slurry to be used (if applicable), including: product information, manufacturers mixing instructions, slurry equipment information and how the Contractor proposes to use the slurry. Also, submit a written approval from the bentonite supplier that the water to be used is acceptable.
11. Details on the handling of drilling spoils and slurry overflow including environmental control procedures used to prevent the loss of concrete, slurry and spoils.
12. Details of how the level of slurry is maintained above the highest piezometric pressure head (if applicable).
13. Other information shown in the plans or requested by the Engineer.

The Engineer reviews the drilled pier construction sequence plan for conformance with the plans, specifications and special provisions. Within 15 days of receiving the plan, the Engineer notifies the Contractor of any additional information required and/or changes that are necessary to satisfy the plans, specifications and special provisions. Submit changes for re-evaluation of any unsatisfactory part of the construction sequence plan that is rejected. The Engineer responds to the Contractor within 7 days after receiving the proposed changes.

If any changes in procedure are made during the construction of the drilled piers, inform the Engineer in writing and await approval of the proposed modifications prior to the construction of the remaining drilled piers.

D. Preconstruction Conference

After the drilled pier construction sequence plan is accepted but prior to beginning any drilled pier work, schedule a drilled pier preconstruction conference with the drilling superintendent, the Concrete Supplier, the Resident Engineer including the inspector, the Area Bridge Construction Engineer and the Soils and Foundation Design Engineer to discuss construction and inspection of the drilled piers.

E. Definition of Rock

For the purposes of this special provision, "Rock" is defined as a continuous intact natural material in which the penetration rate with a rock auger is less than 2 inches (50 mm) per 5 minutes of drilling at full crowd force. This definition excludes discontinuous loose natural materials such as boulders and man-made materials such as concrete, steel, timber, etc.

F. Rock Socket

When required by a plan note, provide a minimum penetration into rock as directed by the Engineer.

2.0 EXCAVATION

Perform the excavations required for the drilled piers to the dimensions and elevations shown on the plans or otherwise required by the Engineer, including any miscellaneous grading or excavation to install the drilled pier.

Excavate the drilled pier with a drill rig of adequate capacity. Use a rig that is capable of drilling through soil and non-soil including rock, boulders, timbers, man-made objects and any other materials encountered. Blasting is not permitted to advance the excavation. Blasting for core removal is only permitted when approved by the Engineer. Use a drill rig capable of drilling a minimum of 25% deeper than the deepest drilled pier shown in the plans. Use drilling tools equipped with vents designed to stabilize the hydrostatic pressure above and below the tool during extraction from the excavation. For drilled piers constructed with slurry, monitor the rate at which the drilling tools are inserted and extracted so as to minimize sidewall suction action in the excavation. Drilling below the tip elevations shown on the plans is required if necessary to achieve adequate bearing.

Maintain a drilling log during the drilled pier excavation and provide it to the Engineer. Include in the log information such as top and bottom elevation of each stratum encountered, drilling tools used and drilling time in each stratum and material descriptions of each soil and rock layer.

Drilling spoils consist of all material excavated including water removed from the excavation either by pumping or with augers. Dispose of spoils, with the exception of those containing slurry, as directed by the Engineer and in accordance with Section 802 of the Standard Specifications.

Construct drilled piers at the locations shown on the plans and within the tolerances specified herein. If tolerances are exceeded, provide additional construction as approved by the Engineer to bring the piers within the tolerances specified. Construct the drilled piers such that the axis at the top of the piers is no more than 3 inches (75 mm) in any direction from the position indicated in the plans. Build drilled piers within 1% of the plumb deviation for the total length of the piers. Measure the plumbness of the drilled piers by an accurate procedure, such as an inclinometer on the kelly bar or other approved techniques. Unless a plan note requires the construction joint to be moved below the ground line, construct the finished top of pier elevation between 1 inch (25 mm) above and 3 inches (75 mm) below the top of pier elevation shown on the plans.

When drilling from a barge, use a fixed template that maintains shaft position and alignment during all excavation and concrete placement operations. Floating templates (attached to a barge) are not allowed unless approved by the Engineer.

Stabilize all drilled pier excavations with steel casing and/or bentonite slurry except, as approved by the Engineer, the portions of the excavations in rock as defined by Section 1.0, Item E. Stabilize excavations at all times from the beginning of drilling through concrete placement. Provide casing or slurry in rock if unstable material is anticipated or encountered during drilling. When slurry is used, a partially excavated pier is subject to the time requirements in Section 2.0, Item C, Number 1. When slurry is not used, do not leave a partially excavated pier open overnight unless the excavation is cased to rock.

If the tip of the drilled pier excavation is in rock as defined by Section 1.0, Item E, dewater the excavation to the satisfaction of the Engineer. The minimum diameter of the drilled pier excavation in rock is 2 inches (50 mm) less than the design drilled pier diameter shown on the plans.

If electing to remove a casing and substitute a larger diameter or longer casing through unstable or caving material, either backfill the excavation or stabilize it with a bentonite slurry prior to removing the casing to be replaced. Use other methods, as approved by the Engineer, to control the stability of the excavation during casing replacement.

A. Permanent Steel Casing

Use permanent steel casings as directed by the Engineer and/or a note on the plans. Use permanent casings that are clean smooth non-corrugated watertight steel of ample strength to withstand handling and driving stresses and the pressures imposed by concrete, earth or backfill. Provide permanent casing steel conforming to ASTM A252, Grade 2. The minimum wall thickness of the permanent steel casing depends on the casing diameter and the following requirements.

CASING WALL THICKNESS

Casing Diameter	Minimum Wall Thickness
Less than 42 inches (1066 mm)	3/8 inch (9 mm)
42 inches (1066 mm) to 78 inches (1982 mm)	1/2 inch (12 mm)
Greater than 78 inches (1982 mm)	5/8 inch (16 mm)

Provide permanent casings with an outside diameter not less than specified size of the drilled pier. If approved by the Engineer, a permanent casing larger in diameter than the drilled pier design diameter is permitted. No payment will be made for additional construction materials or other costs associated with a request for a larger casing diameter. Extend the permanent casings from the top of pier elevation or top of permanent casing elevation if shown on the plans to a depth not greater than the permanent casing tip elevation shown on the plans. If electing to extend the permanent steel casing below the permanent casing tip elevation, get prior approval from the Engineer and provide additional drilled pier length if required. No payment will be made for the additional drilled pier length and casing unless the previously approved extension is necessary for dewatering purposes. Place all permanent casings in contact with undisturbed material. Install permanent casing in one continuous unit. If splices are necessary for the casing, use an approved method of splicing. Splices are considered incidental and no additional compensation will be allowed if approved.

Remove any portion of the permanent steel casing that extends above the top of the drilled pier after the drilled pier concrete has achieved a compressive strength of 4500 psi (31.0 MPa). The cost of casing removal will be considered incidental to the cost of the permanent steel casing.

B. Temporary Steel Casing

Provide temporary casing to stabilize drilled pier excavations, protect personnel and prevent caving or sloughing, that is clean smooth non-corrugated watertight steel of ample strength to withstand handling and driving stresses and the pressures imposed by concrete, earth or backfill.

Use temporary steel casings with an outside diameter not less than the specified size of the piers, except for casing to protect inspection personnel. Temporary steel casings are

subjected to the same minimum wall thickness requirement as permanent steel casings as shown in Section 2.0, Item A.

Temporary steel casings that become bound or fouled during pier construction and cannot be practically removed constitute a defect in the drilled pier. Improve such defective shafts to the satisfaction of the Engineer by removing the shaft concrete and extending the shaft deeper, providing a replacement shaft, or other acceptable means. Complete all corrective measures including redesign as a result of defective shafts to the satisfaction of the Engineer without additional compensation or an extension of the completion date of the project.

C. Slurry

When slurry use is not noted on the plans, slurry construction is an option.

Use slurry composed of bentonite having a mineral grain size that remains in suspension and sufficient viscosity and gel characteristics to transport excavated material to a suitable screening system to minimize or eliminate bottom sedimentation. Provide material used to make the suspension with a percentage and specific gravity sufficient to maintain the stability of the excavation and allow for proper concrete placement.

When slurry is used and permanent steel casing is not required, use temporary casing a minimum of 10 feet (3 m) long at the top of the excavation. Maintain the top of the temporary casing a minimum of 1 foot (300 mm) above the ground surface surrounding the casing. This temporary casing is also subject to the minimum wall thickness as required for permanent steel casing as shown in Section 2.0, Item A.

Maintain the slurry in the pier excavation at a level not less than 5 feet (1.5 m) or the drilled pier diameter (whichever is greater) above the highest piezometric pressure head along the depth of the pier. It is anticipated that the highest piezometric pressure head is the static water elevation or the groundwater elevation. However, the Contractor is responsible for determining the highest piezometric pressure head. The use of steel casing to maintain the required slurry level is permitted; however, in accordance with the basis of payment for permanent steel casing, no payment will be made for casing that is cut off. If the slurry level in the excavation suddenly changes or cannot be practically maintained, or the slurry construction method does not produce the desired result, stop the pier construction until an alternate construction procedure is approved by the Engineer.

Thoroughly premix the bentonite slurry with clean, fresh water. Have a sample of the water used on the project tested by an independent laboratory, at no additional cost to the Department, to verify that it is suitable for use with the bentonite slurry. Submit written approval from the bentonite supplier that the water to be used is acceptable. Allow 24 hours for hydration of the slurry, prior to introduction into the pier excavation. Slurry tanks of adequate capacity are required for slurry circulation, storage and treatment. Excavated slurry pits are not allowed in lieu of slurry tanks

without prior approval from the Engineer. Take all steps necessary to prevent the slurry from "setting up" in the drilled pier. Such methods include, but are not limited to: agitation, circulation and/or adjusting the properties of the slurry. Provide desanding equipment as necessary to achieve a slurry sand content of 2% or less by volume prior to placement of the reinforcement steel.

1. Time

   Adjust the excavation operations so that the maximum time the slurry is in contact with the sidewalls of the uncased portions of the drilled pier excavation (from time of drilling to completing concrete placement) does not exceed 24 hours. Also, agitate the slurry in the drilled pier excavations a minimum of every 4 hours. Do not allow an excavated slurry shaft below the steel casing to go unagitated overnight. Do not work on more than two drilled piers per drill rig below the steel casing at any time.

   If the 24 hour time limit is exceeded, overream the drilled pier excavation beneath the steel casing a minimum of 1 inch (25 mm) and a maximum of 3 inches (75 mm), or as required by the Engineer, prior to performing other operations in the excavation. Overream with a grooving tool, overreaming bucket or other approved equipment at a minimum spacing of 12 inches (300 mm). The Contractor bears all costs associated with both overreaming and additional shaft concrete placement at no additional cost to the Department.

   If concrete placement is not completed within three days of beginning drilling, enlarge the design drilled pier diameter by a minimum of 6 inches (150 mm), or as required by the Engineer, the entire length of the pier at no additional cost to the Department. Enlarging the drilled pier includes replacing the steel casing with steel casing the same size to which the drilled pier is enlarged at no additional cost to the Department.

2. Sampling

   Take all slurry samples using an approved sampling tool. Test slurry samples to determine density, viscosity and pH to establish an acceptable working pattern during slurry use. Test a minimum of four samples during each 8 hours of slurry use for each drilled pier. Take the first sample for the first 8 hours from the slurry tank prior to introduction into the pier excavation. Take the remaining samples from the bottom of the drilled pier excavation. When the test results are acceptable and consistent, a decrease in the testing frequency to one sample per 4 hours of slurry use is permitted.

   Prior to placing the reinforcing steel in any drilled pier excavation, extract slurry samples from the bottom of each pier excavation and at intervals not exceeding 10 feet (3 m) up the pier, until two consecutive samples produce acceptable values for density, viscosity, pH and sand content.

3. Testing

Have a qualified Engineer or technician, approved by the Engineer, conduct control tests to determine density, viscosity and pH. Use suitable apparatus for the control tests. The following table shows the acceptable range of values for those physical properties:

BENTONITE SLURRY
Sodium Montmorillonite (Commercial Bentonite)
Acceptable Range of Values

Property (units)	**At Time of Slurry Introduction**	**In Hole at Time of Drilling**	**Test Method**
Density, pcf (kg/m^3)	64.3 – 69.1* (1030-1107*)	64.3 – 75.0* (1030-1201*)	Density Balance
Viscosity, sec./quart (sec./0.95 liters)	28 – 45	28 – 45	Marsh Cone
pH	8 – 11	8 – 11	pH paper pH meter

* Increase the density by 2 pcf (32 kg/m^3) in saltwater.

Notes:

1. Perform tests when the slurry temperature is above 40°F (4.4°C).
2. The maximum sand content is 2% by volume at any point in the borehole prior to placement of the reinforcement steel as determined by the American Petroleum Institute sand content base.
3. When field conditions warrant, an adjustment to the limits and test methods in the above table is permitted only after a successful test hole demonstration. Obtain the Engineer's written approval before use.

When any slurry samples are found to be unacceptable, take whatever action is necessary to bring the bentonite slurry within specification requirements. Do not place reinforcement steel until resampling and testing produce acceptable results.

Generate reports of all tests required above, have them signed by an authorized representative, and submit them to the Engineer upon completion of each drilled pier. Representatives of the Department reserve the right to perform comparison tests as determined necessary during bentonite slurry operations.

4. Slurry Disposal

Comply with all applicable local, state and federal regulations, as well as with the environmental permits of the project when disposing of excavated materials contaminated with slurry. Keep all excavated materials, spoils from the desanding

unit and slurry out of the water and contain them at all times. The cost of the containment, removal and disposal of excavated materials contaminated with slurry, as well as the slurry itself, is incidental to the cost of constructing the drilled piers.

3.0 CLEANING

Excavate the bottom of the drilled pier to a level plane or stepped with a maximum step height of 12 inches (300 mm). Regardless of construction methods used, clean the bottom of the excavation of loose material using a technique approved by the Engineer. When the drilled pier excavation can not be dewatered and is not hand cleaned, clean the bottom of the excavation with a cleanout bucket and an airlift or submersible pump.

4.0 INSPECTION METHODS AND REQUIREMENTS

After the drilled pier excavation is complete and immediately prior to placement of the reinforcing steel and concrete, demonstrate the proper condition of the drilled pier excavation to the Engineer for verification. Provide bosun chairs, gas meters, safety equipment, lights, mirrors, weighted tape measures, steel probes, personnel and all assistance required for the Engineer to inspect the drilled pier excavations.

A. Bearing Capacity

One or more of the following tests are used to verify the conditions and continuity of the bearing material prior to placement of the reinforcing steel. If the required tip bearing capacity is not satisfied, then increase the drilled pier length as determined by the Engineer. Payment for the additional length of the drilled pier to achieve adequate bearing will be made per the drilled pier pay items.

1. Visual Inspection

   The tip bearing of the drilled pier excavation is inspected either by entering the excavation or visually from the top of the excavation as directed by the Engineer.

2. Test Hole

   If the tip of the drilled pier excavation is in rock as defined by Section 1.0, Item E, drill one or more 1½ inch (38 mm) diameter test holes in each drilled pier to a depth at least 6 feet (1.83 m) below the tip elevation.

3. Standard Penetration Test (SPT)

   When noted on the plans that a SPT is required, drive a split barrel sampler a minimum of 18 inches (450 mm) below the drilled pier tip elevation or to refusal in accordance with ASTM D1586. Complete the SPT using NW rods through casing or another stabilizing method as approved by the Engineer. Extend the SPT rods from the top of the drilled pier excavation to the drilled pier tip elevation. Firmly support the SPT casing at the top of the drilled pier excavation and rest it on the bottom of the excavation. Conduct the SPT a minimum of 12 inches (300 mm)

away from the sidewalls of the excavation and be sure not to scrape the sidewalls of the excavation while inserting or withdrawing the SPT equipment. Have the SPT device on-site prior to reaching the drilled pier tip elevation. Report the number of blows needed to drive the split barrel sampler and a description of the recovered soil sample to the Engineer. The Engineer determines the number of blows required for bearing.

B. Bottom Cleanliness

One or more of the following inspection procedures are used to check the cleanliness of the pier excavation bottom prior to placement of the reinforcement steel and concrete.

The pier excavation bottom is considered clean if a minimum of 50% of the bottom area has less than ½ inch (13 mm) of sediment and no portion of the bottom area has more than 1½ inches (38 mm) of sediment as determined by the Engineer.

1. Visual Inspection

   The cleanliness of the drilled pier excavation bottom is observed either by entering the excavation or from the top of the excavation as directed by the Engineer.

2. Steel Probe

   If the excavation is not dewatered or if the Engineer requires it, lower a steel probe to the bottom of the drilled pier excavation to ensure that cleaning has been satisfactorily completed. Supply a steel probe that is 2 feet (0.6 m) long with a flat tip on the sounding end, weighs approximately 9 pounds (#10 rebar) (4 kg, #32 rebar) and is suspended from the opposite end with a non-stretch cable.

3. Shaft Inspection Device (SID)

   When noted on the plans, the SID is used to take sediment measurements and observe the bottom conditions of the drilled pier excavation at a minimum of five locations selected by the Engineer. The SID is a remotely operated camera capable of observing bottom conditions and measuring sediment underwater and slurry. Each SID inspection (including all 5 locations) takes approximately 1 hour after the equipment has been set up. The Engineer provides the SID and the personnel to operate the device. Notify the Engineer a minimum of 2 days prior to beginning the drilled pier excavation so the Engineer can arrange for the transportation of the SID to the site and the personnel to perform the inspections. SID inspections are required until the cleanliness of the drilled pier excavation bottom is acceptable in accordance with Section 4.0, Item B of this special provision. Do not conduct operations that interfere with the SID inspections as directed by the Engineer. Remove all cleaning and drilling equipment from the drilled pier excavation during any SID inspection. Provide a working area large enough for the SID equipment, within the reach of the cabling supplied, and within clear sight distance of the drilled pier excavation, as directed by the Engineer. Assist the Engineer in the transportation and handling of the SID and all the associated equipment and in

supporting the electric hoist and/or hoisting tripod for the SID, as directed by the Engineer. Provide a safe and secure storage area for the SID and all the associated equipment while it is located unattended on the project site. If any of the SID equipment is damaged, lost or stolen due to the Contractor's negligence, then replace the equipment at no additional cost to the Department. Provide replacement equipment that exactly matches the damaged, lost or stolen equipment as directed by the Engineer. All costs involved with the initial SID inspection of each drilled pier excavation will be made per the SID pay item. No additional payment will be made for subsequent or repeated SID inspections of the same drilled pier excavation. Claims against the Department for either lost time or actual expense of any SID inspections that do not find the cleanliness of the drilled pier excavation bottom in compliance with this special provision are not permitted.

5.0 REINFORCING STEEL

Completely assemble a cage of reinforcing steel, consisting of longitudinal and spiral bars and place it in the drilled pier excavation as a unit immediately after the proper condition of the excavation is demonstrated to the Engineer. When concrete placement does not follow immediately after cage placement, remove the steel from the pier excavation unless the Engineer directs otherwise. If the cage is removed, recheck pier excavation cleanliness in accordance with this special provision prior to reinstallation of the cage.

If the drilled pier excavation is cased down to rock, immediate placement of the reinforcing steel and the concrete is not required. If electing to delay placement of the reinforcing steel and concrete due to the presence of rock, recheck the excavation for proper cleanliness immediately prior to placement of the reinforcing steel.

A. Construction, Placement, Support and Alignment

If it is determined in the field that the drilled pier must be longer, adequate reinforcement is required in the extended length as directed by the Engineer. Lift the cage so racking and cage distortion does not occur. Keep the cage plumb during concrete operations and casing extraction. Check the position of the cage before and after placing the concrete. Position the splice length of the drilled pier cage so that the column or footing has the minimum concrete cover shown on the plans.

Securely cross-tie the vertical and spiral reinforcement at each intersection with double wire. Support or hold down the cage so that the vertical displacement during concrete placement and casing extraction does not exceed 6 inches (150 mm).

B. Bolsters, Blocks and Spacers

Do not set the cage on the bottom of the drilled pier excavation. Place plastic bolsters under each vertical reinforcing bar. If required by the Engineer, provide concrete blocks instead of plastic bolsters to limit rebar cage settlement. Place blocks under each vertical rebar that have a 4 inch (100 mm) minimum diameter and that have a depression to receive the vertical reinforcing bar. Ensure that the blocks are tall enough

to raise the rebar cage off the bottom of the drilled pier excavation a minimum of 3 inches (75 mm).

In order to ensure a minimum of 4 inches (100 mm) of concrete cover and achieve concentric spacing of the cage within the pier, tie plastic spacer wheels, subject to the Engineer's approval, at five points around the cage perimeter. Use spacer wheels that provide a minimum of 4 inches (100 mm) "blocking" from the outside face of the spiral bars to the outermost surface of the drilled pier except in rock as defined by Section 1.0, Item E. Use spacer wheels in the rock zone that provide a minimum of 2 inches (50 mm) "blocking". Tie spacer wheels that snap together with wire and allow them to rotate. Use spacer wheels that span at least two adjacent vertical bars. Start placing spacer wheels at the bottom of the cage and continue up along its length at maximum 10 foot (3 m) intervals. At the Engineer's direction, supply additional peripheral spacer wheels and closer intervals if necessary.

6.0 CONCRETE

Begin concrete placement immediately after inserting reinforcing steel into the drilled pier excavation. Prior to placing concrete, assure the Engineer that sufficient quantities of concrete are available and that sufficient transportation is committed to the project to deliver the concrete within the time frame set forth within this special provision.

A. Concrete Mix

Provide the mix design for Drilled Pier Concrete for approval and, except as modified herein, meeting the requirements of Section 1000 of the Standard Specifications.

Designate the concrete as Drilled Pier Concrete with a minimum compressive strength of 4500 psi (31.0 MPa) at 28 days. Make certain the cementitious material content complies with one of the following options:

- Provide a minimum cement content of 640 lbs/yd^3 (380 kg/m^3) and a maximum cement content of 800 lbs/yd^3 (475 kg/m^3); however, if the alkali content of the cement exceeds 0.4%, reduce the cement content by 20% and replace it with fly ash at the rate of 1.2 lb (1.2 kg) of fly ash per lb (kg) of cement removed.
- If Type IP blended cement is used, use a minimum of 665 lbs/yd^3 (395 kg/m^3) Type IP blended cement and a maximum of 833 lbs/yd^3 (494 kg/m^3) Type IP blended cement in the mix.

Limit the water-cementitious material ratio to a maximum of 0.45. Do not air-entrain Drilled Pier Concrete.

Produce a workable mix so that vibrating or prodding is not required to consolidate the concrete. When placing the concrete, make certain the slump is between 5 and 7 inches (125 and 175 mm) for dry placement of concrete or 7 and 9 inches (175 and 225 mm) for wet placement of concrete.

Use Type I or Type II cement or Type IP blended cement and either No. 67 or No. 78M coarse aggregate in the mix. Use an approved water-reducer, water-reducing retarder, high-range water-reducer, or high-range water-reducing retarder to facilitate placement of the concrete if necessary. Do not use a stabilizing admixture as a retarder in Drilled Pier Concrete without approval of the Engineer. Use admixtures that satisfy AASHTO M194 and add them at the concrete plant when the mixing water is introduced into the concrete. Redosing of admixtures is not permitted.

Place the concrete within 2 hours after introducing the mixing water. Ensure that the concrete temperature at the time of placement is 90°F (32°C) or less.

1. Slump Loss Test

   If any drilled pier concrete pour is greater than 40 yd^3 (31 m^3) per pier, provide a slump loss test before beginning the drilled pier operation. The slump loss test verifies that the drilled pier concrete maintains a slump of at least 4 inches (100 mm) a minimum of 4 hours after batching. Perform the test with a Division of Highways representative present. Have the concrete producer notify the Department at least 72 hours prior to the test.

   Conduct the slump loss test as follows:

   a. Batch the actual mix design at 9 inches (225 mm) initial slump and at the highest concrete temperature expected on the job, but no less than 60°F (15.5°C).

   b. Batch at least 4 yd^3 (3 m^3) in a mixer truck. Begin timing the test when the mixing water is introduced into the mix.

   c. After initial mixing, measure and record the slump, ambient temperature, concrete temperature and percent air. Ensure all concrete properties are within specifications.

   d. Mix the concrete intermittently at agitation speed for 30 seconds every 15 minutes.

   e. Measure and record the slump, ambient and concrete temperatures, and percent air after every second 15 minute interval until the slump is 3½ inches (90 mm).

   Make certain the concrete maintains a minimum slump of 4 inches (100 mm) 4 hours after batching.

   Once a mix design is accepted and the slump loss test is on file with the Materials and Tests Unit, resubmit the design for subsequent projects without the slump loss test.

B. Concrete Placement

Place concrete such that the drilled pier is a monolithic structure. Vibration is only permitted, if needed, in the top 10 feet (3 m) of the drilled pier or as directed by the Engineer. Remove any contaminated concrete from the top of the drilled pier and the wasted concrete from the area surrounding the drilled pier. Contain all concrete that spills over the permanent casing of the drilled pier.

Do not remove temporary casing until the level of concrete within the casing is in excess of 10 feet (3 m) above the bottom of the casing being removed. Maintain the concrete level at least 10 feet (3 m) above the bottom of innermost casing throughout the entire casing extraction operation, except when concrete is at or above the top of drilled pier elevation. Sustain a sufficient head of concrete above the bottom of casing to overcome outside soil and water pressure. As the casing is withdrawn, exercise care in maintaining an adequate level of concrete within the casing so that fluid trapped behind the casing is displaced upward and discharged at the ground surface without contaminating or displacing the drilled pier concrete. Exerting downward pressure, hammering and/or vibrating the temporary casing is permitted to facilitate extraction.

After all the pumps have been removed from the excavation, the water inflow rate determines the concrete placement procedure. If the inflow rate is less than 6 inches (150 mm) per half hour, the concrete placement is considered dry. If the water inflow rate is greater than 6 inches (150 mm) per half hour, the concrete placement is considered wet.

Keep a record of the volume of concrete placed in each drilled pier excavation and make it available to the Engineer. For drilled piers constructed with slurry or as directed by the Engineer, record a graphical plot of the depth versus theoretical concrete volume and actual measured concrete volume for each drilled pier and provide it to the Engineer when finished placing concrete.

1. Dry Placement

   Prior to placing concrete, make certain the drilled pier excavation is dry so the flow of concrete completely around the reinforcing steel can be certified by visual inspection. If the concrete free fall does not exceed 60 feet (18.3 m), placing the concrete by a central drop method where the concrete is chuted directly down the center of the excavation is permitted.

   For drilled piers exceeding 60 feet (18.3 m) in length, use a tremie or a pump to place concrete as described in Section 6.0, Item B, Number 3. Support the tremie or pump so that the concrete free fall is less than 60 feet (18.3 m) at all times.

2. Wet Placement

   Maintain a static water or slurry level in the excavation prior to placing concrete underwater. When temporary casing is used as the method to stabilize the excavation, place concrete only with a pump (no tremie).

Once the concrete in the excavation reaches the same elevation as the static water level, placing concrete with the dry method is permitted. Before changing to the dry method of concrete placement, remove the water above the concrete and clean the concrete surface of all scum and sediment to expose clean, uncontaminated concrete.

3. Tremie and Pump

Place concrete with a tremie or a pump in accordance with the applicable parts of Sections 420-6 and 420-8 of the Standard Specifications that concern tremie and/or concrete pumping operations. Use a tremie consisting of a sectional tube a minimum of 10 inches (254 mm) in diameter unless otherwise approved or directed by the Engineer. Use a tremie tube or pump pipe made of steel with watertight joints. Passing concrete through a hopper at the tube end or through side openings as the tremie is retrieved during concrete placement is permitted. Use a discharge control to prevent concrete contamination when the tremie tube or pump pipe is initially placed in the excavation. Extend the tremie tube or pump pipe into the concrete a minimum of 5 feet (1.5 m) at all times except when the concrete is initially introduced into the pier excavation. If the tremie tube or pump pipe pulls out of the concrete for any reason after the initial concrete is placed, restart concrete placement with a steel capped tremie tube or pump pipe.

4. Placement Time

Place concrete within the time frames specified in Table 1000-2 of the Standard Specifications for Class AA concrete and this special provision. Never place concrete so fast as to trap air, slurry, water, fluids, soil or any other deleterious materials in the vicinity of the reinforcing steel and the annular zone between the rebar cage and the excavation walls. Should a delay occur because of concrete delivery or other factors, reduce the placement rate to maintain some movement of the concrete. No more than 45 minutes is allowed between placements.

7.0 SCHEDULING AND RESTRICTIONS

After the first drilled pier is successfully completed, do not make any significant changes in construction methods, equipment or materials, unless approved by the Engineer.

If caving or sloughing occurs, compensation is not provided for additional concrete to fill the resulting voids.

Within the first 16 hours after a drilled pier has achieved its initial concrete set (as determined by the Engineer), do not drill adjacent piers, do not install adjacent piles, and do not allow any equipment wheel loads or "excessive" vibrations to occur at any point within a 20 foot (6 m) radius of the drilled pier.

In the event that the procedures described herein are performed unsatisfactorily, the Engineer reserves the right to shut down the construction operations and/or reject the drilled piers. If the integrity of a drilled pier is in question, use core drilling, sonic or other

approved methods at no additional cost to the Department and under the direction of the Engineer. Dewater and backfill core drill holes with an approved high strength grout with a minimum compressive strength of 4500 psi (31.0 MPa) as directed by the Engineer. Remedial measures are directed by and require approval from the Engineer. No compensation will be paid for losses or damage due to remedial work or any investigation of drilled piers found defective or not in accordance with this special provision or the construction plans.

8.0 NON-DESTRUCTIVE TESTING (NDT)

The Engineer furnishes the non-destructive testing (NDT) equipment. NDT requires the attachment of an accelerometer to the top of the drilled pier. Measurements are made while tapping the top of the drilled pier with a hammer. The Engineer furnishes the materials, labor and equipment necessary for the installation of the accelerometer.

If the NDT instruments and supporting equipment are damaged due to the fault or negligence of the Contractor, replace the damaged equipment at no additional cost to the Department.

After installation, notify the Engineer that the drilled piers are ready to be tested. A drilled pier is tested only after the concrete has been in place for 5 days and the concrete has achieved a minimum compressive strength of 3000 psi (20.7 MPa). Grind four flat dry areas on top of the drilled pier down to exposed aggregate with a grinder or some other acceptable device. The Engineer selects the location of the four ground surfaces. Several velocity records as a function of time are averaged at each test location. The NDT field data is recorded with digital data acquisition equipment. Field testing is estimated to take 1 hour per drilled pier. Evaluation and interpretation of the field data requires 3 working days after testing. Further construction above the drilled piers that were tested is not allowed until the analysis of the NDT field data is complete.

The Engineer determines the number of drilled piers to be tested with NDT. It is anticipated that all drilled piers require testing. The cost of this work is included in the contract unit price bid for the drilled pier pay items. No separate payment will be made. Claims are not permitted for any delay incurred, including but not limited to the installation of the instrumentation or the collection and analysis of the NDT data.

9.0 COMPENSATION

A. Method of Measurement

1. Drilled Piers in Soil

The quantity of "Drilled Piers in Soil" to be paid for will be the linear feet (meters) of the drilled piers exclusive of the linear feet (meters) of "Drilled Piers Not in Soil" computed from elevations and dimensions as shown on the plans or from revised dimensions authorized by the Engineer. Drilled piers through air or water will be paid for as "Drilled Piers in Soil".

2. Drilled Piers Not in Soil

The quantity of "Drilled Piers Not in Soil" to be paid for will be the linear feet (meters) of drilled piers excavated in non-soil as determined by the Engineer. Non-soil is defined as material that can not be cut with a rock auger and requires excavation by coring, air tools, hand removal or other acceptable methods. Top of non-soil elevation is that elevation where the rock auger penetration rate is less than 2 inches (50 mm) per 5 minutes of drilling at full crowd force and coring, air tools, etc. are used to advance the excavation. For pay purposes, after non-soil is encountered, earth seams, rock fragments and voids in the excavation less than 3 feet (0.9 m) in total length will be considered "Drilled Piers Not in Soil". If the non-soil is discontinuous, payment will revert to "Drilled Piers in Soil" at the elevation where non-soil is no longer encountered.

3. Permanent Steel Casing

The quantity of "Permanent Steel Casing" to be paid for will be the linear feet (meters) of permanent steel casing as directed and authorized to be used. The length to be paid for will be measured along the permanent casing from the top of the casing elevation or top of the pier elevation, whichever is lower, to the casing tip elevation. Casing will be paid for only when permanent casing is authorized or when the Engineer directs the Contractor to leave a casing in place that then becomes a permanent part of the pier. No payment will be made for temporary steel casings that become bound or fouled during pier construction and cannot be practically removed.

4. Shaft Inspection Device (SID)

The quantity of "SID Inspection" to be paid for will be per drilled pier as noted on the plans and/or directed by the Engineer. SID inspections are performed until the bottom cleanliness of the drilled pier excavation is acceptable by this special provision; however, payment will only be made for the initial SID inspection of each drilled pier excavation.

5. Standard Penetration Test (SPT)

The quantity of "SPT Testing" to be paid for will be the actual number of SPT tests performed as noted on the plans and/or directed by the Engineer.

B. Basis of Payment

1. Drilled Piers in Soil

Payment will be made at the contract unit price per linear foot (meter) for "____ Dia. Drilled Piers in Soil". Such payment will include, but is not limited to, furnishing all labor, tools, equipment, materials including concrete complete and in place and all incidentals necessary to excavate the drilled piers and complete the work as described in this special provision. No additional payment will be made for

slurry use. No additional payment will be made for any miscellaneous grading or excavation to install the drilled pier. "Reinforcing Steel" and "Spiral Column Reinforcing Steel" will be paid for separately and will not be part of this pay item.

2. Drilled Piers Not in Soil

   Payment will be made at the contract unit price per linear foot (meter) for "____ Dia. Drilled Piers Not in Soil". Such payment will include, but is not limited to, furnishing all labor, tools, equipment, materials including concrete complete and in place and all incidentals necessary to excavate the drilled piers and complete the work as described in this special provision. No additional payment will be made for slurry use. No additional payment will be made for any miscellaneous grading or excavation to install the drilled pier. "Reinforcing Steel" and "Spiral Column Reinforcing Steel" will be paid for separately and will not be part of this pay item.

3. Permanent Steel Casing

   Payment will be made at the contract unit price per linear foot (meter) for "Permanent Steel Casing for ____ Dia. Drilled Pier". Such payment will include, but is not limited to, furnishing all material, labor, tools, equipment and all incidentals necessary to install the casing in the pier excavation.

4. Shaft Inspection Device (SID)

   Payment for SID will be at the contract unit price per each for "SID Inspection". Such payment will include, but is not limited to, furnishing all materials, labor, tools, equipment and all incidentals necessary to complete the SID inspection as described in this special provision.

5. Standard Penetration Test (SPT)

   Payment for SPT will be at the contract unit price per each for "SPT Testing". Such payment will include, but is not limited to, furnishing all materials, labor, tools, equipment and all incidentals necessary to complete the SPT at each test location.

CROSSHOLE SONIC LOGGING (07-09-02)

1.0 GENERAL

Use the non-destructive testing method called Crosshole Sonic Logging (CSL) to verify the integrity of the drilled pier and the quality of the concrete. The Engineer will determine the number of CSL tests and which drilled piers will be CSL tested on this project. Drilled piers are referred to as piers in this special provision.

The CSL test measures the time for an ultrasonic pulse to travel from a signal source in one access tube to a receiver in another access tube. In uniform, good quality concrete, the travel time between equidistant tubes should yield relatively consistent arrival times and

corresponds to a reasonable pulse velocity, signal amplitude and energy from the bottom to the top of the pier. Longer travel times, decrease in pulse velocity, and lower amplitude/energy signals indicate the presence of irregularities such as poor quality concrete, voids, honeycombing, cracking and soil intrusions. The signal may be completely lost by the receiver and CSL recording system for severe defects such as voids and soil intrusions.

The CSL Consultant must have a minimum 3 years experience of CSL testing and have a Registered North Carolina Professional Engineer supervising the testing and interpretation of results. **Submit** the proposed CSL Consultant to the Engineer for approval 30 days before beginning drilled pier construction. The following evidence of qualification needs to be included, unless previously approved by the Department and no changes have occurred since previous submittal:

- Written evidence of successful completion of CSL tests, brief descriptions and reference's phone numbers for three recent CSL projects.
- Personnel qualifications
- Equipment description
- Example report

Make all necessary arrangements with the CSL Consultant to have the CSL tests satisfactorily performed on the selected drilled piers and in accordance with this special provision. The CSL Consultant must supply to the Contractor technical instruction and guidance in preconstruction activities, and on-site technical assistance and guidance during set up and performance of the CSL tests. Provide suitable access to the site and to the top of piers to be tested. Follow instructions from the CSL Consultant unless the Engineer directs otherwise.

Place CSL tubes in all drilled piers. Perform CSL testing only on drilled piers selected by the Engineer a minimum 7 days after concrete placement and after concrete achieves a minimum compressive strength of 3000 psi (20.7 MPa), but within 30 days after concrete placement. After CSL test results have been reviewed and the Engineer has accepted the drilled pier or approves grouting of the tubes, dewater the tubes and core holes, if any, and backfill with the approved grout. When the Engineer elects not to CSL test a pier, dewater the tubes and backfill them with an approved 4500 psi (31.0 MPa) compressive strength grout.

2.0 PREPARATION FOR CSL

Install four tubes in each drilled pier with a diameter of 5 feet (1524 mm) or less, and install six tubes in each pier with a diameter of greater than 5 feet (1524 mm). Provide 2 inch (50 mm) inside diameter Schedule 40 steel pipe conforming to ASTM A53, Grade A or B, Type E, F, or S. The tubes must have a round, regular internal diameter free of defects or obstructions, including any at tube joints, in order to permit the free, unobstructed passage of source and receiver probes. The tubes must provide a good bond with the concrete, and be watertight.

Fit the tubes with a watertight threaded cap on the bottom and a removable threaded cap on the top. Securely attach the tubes to the interior of the reinforcement cage. Install the tubes in each drilled pier in a regular, symmetric pattern such that each tube is equally spaced from the others around the perimeter of the cage. Tube placement must be such that large vertical reinforcing bars do not block the direct line between adjacent tubes. The tubes are typically wire-tied to the reinforcing cage every 3 feet (1 m) or otherwise secured such that the tubes remain in position during placement of the rebar cage and the concrete. The tubes must be as near to vertical and as parallel as possible, **as non-vertical tubes can adversely affect data analysis**. Extend the tubes from 6 inches (150 mm) above the pier tip to at least 3 feet (1 m) above the top of the pier. If the pier top elevation is below ground elevation, extend tubes at least 2 feet (610 mm) above ground surface. If the drilled pier tip elevation is excavated more than 1 foot (305 mm) below the tip elevation in the original plans, extend the tubes using proper threaded mechanical couplings to within 6 inches (150 mm) of the revised pier tip elevation.

Before placement of the reinforcement cage into the drilled pier, record the tube lengths and tube positions along the length of the cage. After placement of concrete, measure the stickup of the tubes above the top of the drilled piers and verify tube spacing.

Verify that unobstructed passage of the probes is achievable before the CSL Consultant arrives on site. If testing equipment will not pass through the entire length of the CSL tube, core a 2 inch (50 mm) diameter hole through the concrete the full length of the drilled pier at no cost to the Department. Locate the core hole approximately 9 inches (230 mm) inside the pier reinforcement from obstructed tube or as determined by the Engineer. Fill core hole with clean, potable water and cover to keep out debris.

Immediately after placement of the reinforcement cage and within 2 hours after concrete placement, fill the CSL tubes with clean, potable water, and cap them to keep out debris. The Engineer will reject CSL tubes that are not filled with water or capped. When removing the caps, exercise care not to apply excess torque, force or stress, which could break the bond between the tubes and the concrete.

Submit to the Engineer the CSL tube size, the manufacturer's certificate of compliance, cap details, couplings, any joints details, and the proposed method of attaching the tubes, 30 days before beginning drilled pier construction.

3.0 CSL EQUIPMENT

The minimum requirements of the CSL equipment are as follows:

- A microprocessor based CSL system for display of individual CSL records, analog-digital conversion and recording of CSL data, analysis of receiver responses and printing of report quality CSL logs
- Ultrasonic source and receiver probes which can travel through 2 inch (50 mm) I.D. steel pipe
- An ultrasonic voltage pulser to excite the source with a synchronized triggering system to start the recording system

- A depth measurement device to electronically measure and record the source and receiver depths associated with each CSL signal
- Appropriate filter/amplification and cable systems for CSL testing
- An acquisition system that stores each log in digital format, with drilled pier identification, date, time and test details, including the source and receiver gain. Arrival time data must be displayed graphically during data acquisition.
- 3D tomographic imaging software, or source for completing the work

4.0 CSL Test Procedure

Provide the Engineer and CSL Consultant with the following:

- Tube lengths and positions
- Record of the drilled pier construction information including the pier bottom and top elevations
- Construction dates before CSL testing

Conduct CSL tests between each perimeter pair and major principal diameter and log, unless otherwise directed by the Engineer.

Perform the CSL testing with the source and receiver probes in the same horizontal plane unless test results indicate defects or poor concrete zones, in which case the defect zones must be further evaluated with angle tests (source and receiver vertically offset at greater than 1.5 feet (460 mm) in the tubes). Report any defects indicated by decreased signal velocity and lower amplitude/energy signals to the Engineer at the time of testing, and conduct angle tests in the zones of the defects as defined by the Concrete Condition Rating Criteria (CCRC) in Section 5.0 of this special provision. Make CSL measurements at depth intervals of 2 ½ inches (65 mm) or less from the bottom of the tubes to the top of each pier. Pull the probes simultaneously, starting from the bottom of the tubes, using a depth-measuring device to electronically measure and record the depths associated with each CSL signal. Remove any slack from the cables before pulling to provide for accurate depth measurements of the CSL records. In the event defects are detected, conduct additional logs, as needed, at no additional cost to the Department. The Department will not accept any claims for either lost time or the actual expense of further investigation of defects.

If steel tube debonding occurs, then core drill a 2 inch (50 mm) diameter hole to the depth of debonding for each debonded tube in order to perform the CSL logs at no additional cost to the Department.

5.0 CSL Results And Reporting

Submit the test results in the form of a report including four original copies of CSL results to the Engineer within 5 working days of completion of CSL testing. The CSL report should include but not limited to the following:

- Project identification
- Dates of testing
- Table and a plan view of each pier tested with accurate identification of tube coordinates and tubes referenced to the site
- Tube collar elevation
- Names of personnel that performed the tests/interpretation and their affiliation
- Equipment used
- Interpretation, analysis, and results.

Include CSL logs for each tube pair tested with analysis of the initial pulse arrival time, velocity, relative pulse energy/amplitude, and stacked waveform plotted versus depth. List all zones defined by the Concrete Condition Rating Criteria (CCRC) in a tabular format including the percent velocity reduction and the velocity values used from the nearby zone of good quality concrete. Discuss each zone defined by the CCRC in the CSL report as appropriate. Base the results on the percent reduction in velocity value from a nearby zone of good quality concrete with good signal amplitude and energy as correlated to the following:

Concrete Condition Rating Criteria (CCRC)			
CCRC	**Rating Symbol**	**Velocity Reduction**	**Indicative Results**
Good	G	≤ 10 %	Good quality concrete
Questionable Defect	Q	>10 % & < 20 %	Minor concrete contamination or intrusion. Questionable quality concrete.
Poor	P/D	≥ 20 %	Defects exist, possible water/slurry contamination, soil intrusion, and/or poor quality concrete.
No Signal	NS	No Signal received	Soil intrusion or other severe defect absorbed the signal (assumes good bond of the tube-concrete interface).
Water	W	V = 4750 fps (1450 mps) to 5000 fps (1525 mps)	Water intrusion, or water filled gravel intrusion with few or no fines present.

The following are a few examples of types and causes of defects:

- Necking or arching of the concrete on withdrawal of the temporary casing.
- Necking or contamination of the concrete due to collapse of the side walls.

- Soft toe due to incomplete cleaning or collapse of the side walls.
- Horizontal lenses of silt\mud\bentonite due to the tremie pipe rising above the concrete
- Voids due to the use of low-slump concrete.
- Honeycombing due to washout of fines.
- Trapping of contaminants due to pumping concrete to fast.

Provide the original pulse signal data files and ASCI format of the picks with a header (identifying the pier tested, tube coordinates and each data column) in an electronic file to the Engineer. The Engineer will require 7 working days to evaluate the CSL test results and determine whether or not the drilled pier is acceptable. Evaluation of CSL test results, with ratings other than good (G) per the Concrete Condition Rating Criteria (CCRC) may require further investigation and additional time for review and analysis of the data. Do not grout the CSL tubes or perform any further work on the CSL tested drilled pier until the Engineer determines whether the drilled pier is acceptable. Perform tomography in order to further investigate and delineate the boundaries of any defective/unconsolidated zones with 20% or more reduction in velocity value as correlated to the CCRC. Process CSL data to construct easy to understand 2D/3D (2D cross-sections between tubes and 3D volumetric images for the entire pier) *color-coded* tomographic images indicating velocity variations along the pier. Location and geometry of defective/unconsolidated zones must be identified in 3D color images with detailed discussion in the CSL report. Any further tests deemed necessary by the Engineer in order to determine the acceptability of the drilled pier will be determined after reviewing the CSL report. Additional test or analysis options include 3D tomographic imaging, single-hole sonic testing, gamma-gamma nuclear density logging, sonic echo or impact response tests, and concrete coring, in addition to load testing of the piers.

The Engineer will determine the depth, location, and the number of core holes when concrete coring is required. Drill a minimum of two PQ size core holes to intercept the suspected defect zones. Use a coring method that provides maximum core recovery and minimizes abrasion and erosion. Provide concrete cores properly marked in a wooden crate and labeling the drilled pier depth at each interval of core recovery to the NCDOT Materials and Test Unit for evaluation and testing. Submit to the Engineer a drilling report that includes the NCDOT project number, name of the Drilling Contractor, date drilled, percent core recovery and signed by the Contractor. Allow 7 working days after submitting the core records for the Department's review.

6.0 CORRECTION OF UNACCEPTABLE DRILLED PIER

When the Engineer determines a drilled pier is unacceptable, the Engineer will direct the Contractor to submit remedial measures to the Department for approval. No compensation will be made for remedial work or losses or damage due to remedial work of drilled piers found defective or not in accordance with the drilled pier special provision or the construction plans. Modifications to the drilled pier design or any load transfer mechanisms required by the remedial action must be designed and calculations sealed by a Registered North Carolina Professional Engineer. Include drawings sealed by a Registered

North Carolina Professional Engineer for all foundation elements affected. Do not begin remedial action work until the Department has reviewed and accepted the remedial action plan. Allow 10 working days after submitting the remedial work plan for the Department's review and acceptance. Furnish all materials and work necessary to correct defective drilled piers.

7.0 MEASUREMENT AND BASIS OF PAYMENT

The complete and accepted CSL testing will be paid for at the unit bid price for "Crosshole Sonic Logging" per each, which will constitute full compensation for all costs incurred for procurements, conducting the CSL testing, including any other test required to determine acceptability, reporting of results and incidentals necessary to complete the work.

The complete and accepted crosshole sonic logging tubes will be paid for at the unit bid price for "CSL Tubes" per foot (meter) of tube. The unit bid price will constitute full compensation for furnishing, installing, extending tubes, dewatering and grouting of all CSL tubes and 2 inch (50 mm) diameter core holes, if applicable, and for all materials, labor, tools, equipment and incidentals necessary to complete the work.

STEEL PILE POINTS (10-12-01)

Provide steel pile points in accordance with the plans, applicable parts of the Standard Specifications, and this provision.

The following is a list of approved pile points:

Brand Name	Manufacturer	Pile Size
PAR 12T Super-Bite Point	Piling Accessories, Inc.	HP 12x53 (HP 310x79)
HPH-12-RB-1	International Construction Equipment, Inc.	HP 12x53 (HP 310x79)
PAR 14T Super-Bite Point	Piling Accessories, Inc.	HP 14x73 (HP 360x108)

For pile points not on the approved list, as a condition of approval, submit seven copies of the proposed pile point and attachment details for acceptance prior to use as stated in Subarticle 450-8(D) of the Standard Specifications.

When approved pile points are used, the submission procedure as stated in Subarticle 450-8(D) of the Standard Specifications is waived.

Provide the Engineer with the manufacturer's welding and attachment details. Weld pile points to the pile in accordance with the manufacturer's details as approved. The minimum weld length is twice the width of the flange.

MECHANICAL BUTT SPLICING FOR REINFORCING STEEL (10-12-01)

1.0 GENERAL

When mechanically butt splicing reinforcing steel, use a standard metal filled sleeve, cement mortar filled sleeve, threaded steel couplings, forged steel sleeve, cold-forged sleeve or an exothermic process whereby molten filler metal, contained by a high strength steel sleeve of larger inside diameter than the bars, is introduced into the annular space between the bars and the sleeve and also between the ends of the bars. Provide a splice that is capable of transferring at least 125% of the yield strength of the bars from one bar to the other by the mechanical strengths of the splice components.

The following is a list of approved connectors:

Brand Name	Approved Size
Bar-Lock Couplers	#4 - #11 (#13 - #36)
Barsplice Products	
Bar-Grip System	#4 - #18 (#13 - #57)
Grip-Twist System	#4 - #18 (#13 - #57)
Threaded Dowel Bar Coupler	#4 - #8 (#13 - #25)
Erico	
Lenton Interlok Grout-Filled Coupler	#6 - #11 (#19 - #36)
Lenton Position Coupler	#4 - #18 (#13 - #57)
Lenton Standard Coupler	#4 - #18 (#13 - #57)
Quick-Wedge Coupler	#4 - #6 (#13 - #19)
Richmond DB-SAE Dowel Bar Splicer	#4 - #11 (#13 - #36)
Williams Form Engineering Flange Coupler	#4 - #14 (#13 - #43)
Zap Screwlok	#4 - #11 (#13 - #36)

For splices not on the approved list, as a condition of approval, assemble three test splices in the presence of the Engineer for each of the bar materials identical to that which is proposed for use in the structure and forward the test splices to N. C. Department of Transportation Materials and Tests Unit in Raleigh, N.C.

When an exothermic connector is used, do not let the splice depend upon fusion of the filler metal with the bars. Select a temperature for heating the bars that is below the melting point of the bars and is sufficiently low so as not to significantly affect the original hardness nor decrease the structural properties of the bars. Visual inspection of the finished splices is sufficient; the splice is acceptable if sound filler metal is present at both ends of the splice sleeve and at the sleeve entry port.

Splice the bars in accordance with the manufacturer's recommendations using the manufacturer's required accessories as approved by the Engineer. Use mechanical butt splices only where specified on the plans. Any additional splices require approval.

If bars are epoxy coated, strip the epoxy coating within the limits of the sleeve prior to splicing. After making the splice, paint any unprotected areas of the reinforcing bar and the coupling sleeve with epoxy paint as described in the Standard Specifications.

2.0 BASIS OF PAYMENT

No separate measurement or payment will be made for this work. The following pay items will be full compensation for the above work as follows:

- The unit contract price bid for "Reinforced Concrete Deck Slab" will be full compensation for mechanical butt splices in concrete decks.
- The unit contract price bid for "Reinforcing Steel" or "Epoxy Coated Reinforcing Steel" will be full compensation for mechanical butt splices in bridge substructures and cast-in-place culverts.

ADHESIVELY ANCHORED ANCHOR BOLTS OR DOWELS (10-12-01)

1.0 DESCRIPTION

The work covered by this Special Provision consists of furnishing all necessary labor, equipment, and materials and performing all operations necessary for installing anchor bolts/dowels in concrete using an adhesive bonding system in accordance with the details shown on the plans and with the requirements of this specification unless otherwise directed.

Submit a description of the proposed adhesive bonding system to the Engineer for review, comments and acceptance. Include in the description the bolt type and its deformations, equipment, manufacturer's recommended hole diameter, embedment depth, material specifications, and any other material, equipment or procedure not covered by the plans or these specifications. List the properties of the adhesive, including density, minimum and maximum temperature application, setting time, shelf life, pot life, shear strength and compressive strength. If bars/dowels containing a corrosion protective coating are required, provide an adhesive that does not contain any chemical elements that are detrimental to the coating and include a statement to this effect in the submittal.

2.0 MATERIALS

Use an adhesive bonding system that has been tested for a tensile strength of 125% of the specified anchor bolt/dowel yield load. Provide certification that, for the particular bolt grade, diameter and embedment depth required, the anchor system will not fail by adhesive failure and that the anchor bolt/dowel will not move. The minimum concrete compressive strength is 3000 psi (20.7 MPa) for certification and anchorage selection.

Package components of the adhesive so that one whole container of each component mixes to form one batch of adhesive. Use containers designed so that all of the contents may be removed easily and sealed tightly to prevent leakage. Furnish adhesive material requiring hand mixing in two separate containers designated as Component A and Component B. Provide a self contained cartridge or capsule consisting of two components which are automatically mixed as they are dispensed, as in the case of a cartridge, or drilled into, as in the case of a capsule.

Clearly label each container with the manufacturer's name, date of manufacture, batch number, batch expiration date, direction for use, and warnings and precautions concerning the contents as required by State or Federal Laws and Regulations.

3.0 PROCEDURE

C. Drilling of Holes into Concrete

When directed, use a jig or fixture to ensure the holes are positioned and aligned correctly during the drilling process. Upon approval, adjusting hole locations to avoid reinforcing steel is permitted.

Drill the holes with a pneumatic drill unless another drilling method is approved. Follow the manufacturer's recommendations regarding the diameter of the drilled hole.

Immediately after completion of drilling, blow all dust and debris out of the holes with oil-free compressed air using a wand extending to the bottom of the hole. Remove all dust from the sides of the holes by brushing the holes with a stiff-bristled brush of a sufficient size and then blow the hole free of dust. Repeat this procedure until the hole is completely clean. Check each hole with a depth gauge to ensure proper embedment depth.

Repair spalled or otherwise damaged concrete using approved methods.

D. Inspection of Holes

Inspect each hole immediately prior to placing the adhesive and the anchor bolts/dowels. Ensure all holes are dry and free of dust, dirt, oil, and grease. Rework any hole that does not meet the requirements of this Special Provision.

E. Mixing of Adhesive

Mix the adhesive in strict conformance with the manufacturer's instructions.

F. Embedment of Anchor Bolt/Dowel

Clean each anchor bolt/dowel so that it is free of all rust, grease, oil, and other contaminants.

Unless otherwise shown on the plans, the minimum anchor bolt/dowel embedment depth is such that the adhesive develops at least 125% of the anchor bolt/dowel yield load as determined by the manufacturer.

Insert the anchor bolt/dowel the specified depth into the hole and slightly agitate it to ensure wetting and complete encapsulation. After insertion of the anchor bolt/dowel, strike off any excessive adhesive flush with the concrete face. Should the adhesive fail to fill the hole, add additional adhesive to the hole to allow a flush strike-off.

Do not disturb the anchor bolts/dowels while adhesive is hardening.

4.0 FIELD TESTING

When specified on the plans, test the installed anchor bolts/dowels for adequate adhesive as specified below. Inform the Engineer when the tests will be performed at least 2 days prior to testing. Conduct the tests in the presence of the Engineer.

Use a calibrated hydraulic centerhole jack system for testing. Place the jack on a plate washer that has a hole at least 1/8 inch (3 mm) larger than the hole drilled into the concrete. Position the plate washer on center to allow an unobstructed pull. Position the anchor bolts/dowels and the jack on the same axis. Have an approved testing agency calibrate the jack within 6 months prior to testing. Supply the Engineer with a certificate of calibration.

In the presence of the Engineer, field test 10% of the first 50 anchor bolts/dowels prior to installing any additional anchors. For testing, apply and hold briefly 90% of the anchor bolt/dowel yield load shown on the plans. No visible signs of movement of the anchor bolts/dowels is permitted under this load. Upon receiving satisfactory results from these tests, install the remaining anchors. Test a minimum of 2% of the remaining anchors as previously described.

Record data for each anchor bolt/dowel tested on the report form entitled "Installation Test Report of Adhesively Anchored Anchor Bolts or Dowels". Obtain this form from the North Carolina Department of Transportation Materials and Tests Engineer. Submit a copy of the completed report forms to the Engineer.

Final acceptance of the adhesively anchored system is based on the conformance of the pull test to the requirements of this specification. Failure to meet the criteria of this specification is grounds for rejection.

5.0 BASIS OF PAYMENT

No separate measurement or payment will be made for furnishing, installing, and testing anchor bolts/dowels.

Payment at the contract unit prices for the various pay items will be full compensation for all materials, equipment, tools, labor, and incidentals necessary to complete the above work.

EVAZOTE JOINT SEALS (02/04/03)

1.0 SEALS

Use preformed seals compatible with concrete and resistant to abrasion, oxidation, oils, gasoline, salt and other materials that are spilled on or applied to the surface. Use a low-density closed cell, cross-linked ethylene vinyl acetate polyethylene copolymer nitrogen blown material for the seal.

Use seals manufactured with grooves 1/8" (3 mm) ± wide by 1/8" (3 mm) ± deep and spaced between 1/4 (6 mm) and 1/2 inch (13 mm) apart along the bond surface running the length of the joint. Use seals sized so that the depth of the seal meets the manufacturer's recommendation, but is not less than 70% of the uncompressed width. Provide a seal designed so that, when compressed, the center portion of the top does not extend upward above the original height of the seal by more than 1/4 inch (6 mm). Splice the seal using the heat welding method by placing the joint material ends against a teflon heating iron of 350°F (177°C) for 7 - 10 seconds, then pressing the ends together tightly. Do not test the welding until the material has completely cooled. Use material that resists weathering and ultraviolet rays. Provide a seal that has a working range of 30% tension and 60% compression and is watertight along its entire length including the ends.

Provide seals that meet the requirements given below.

TEST	TEST METHOD	REQUIREMENT
Elongation at break	ASTM D3575	210 ± 15%
Tensile strength, psi (kPa)	ASTM D3575	110 ± 15 (755 ± 100)
Compression Recovery (% of original width)	AASHTO T42 50% compr. for 22 hr. @ 73°F (23°C) 1/2 hr. recovery	87 ± 3
Weather/Deterioration	AASHTO T42 Accelerated Weathering	No deterioration for 10 years min.
Compression/Deflection	@ 50% deflection of original width @ 50% deflection of original width	10 psi (69 kPa) min. 60 psi (414 kPa) max.
Tear Strength, psi (kPa)	ASTM D624	16 ± 3 (110 ± 20)
Density	ASTM D545	2.8 to 3.4
Water Absorption (% vol/vol)	ASTM D3575 Total immersion for 3 months	3

Have the top of the evazote seal clearly shop marked. Inspect the evazote seals upon receipt to ensure that the marks are clearly visible upon installation.

2.0 ADHESIVES

Use a two component, 100% solid, modified epoxy adhesive with the seal that meets the requirements of ASTM C881, Type 1, Grade 3, Class B & C and has the following physical properties:

Tensile strength	3500 psi (24.1 MPa) min.
Compressive strength	7000 psi (48.3 MPa) min.
Shore D Hardness	75 psi (0.5 MPa) min.
Water Absorption	0.25% by weight

Use an adhesive that is workable to 40°F (4°C). When installing in temperatures below 40°F (4°C) or for application on moist, difficult to dry concrete surfaces, use an adhesive specified by the manufacturer of the joint material.

3.0 SAWING THE JOINTS

When the plans call for sawing the joints, initially form the joints to the width shown on the plans.

Allow the concrete slab to cure for at least 2 days prior to sawing the concrete joint to its final specified width and depth.

When sawing the joint to receive the evazote seal, always use a rigid guide to control the saw in the desired direction. To control the saw and to produce a straight line as indicated on the plans, anchor and positively connect a template or a track to the bridge deck. Do not saw the joint by visual means such as a chalk line. Fill the holes used for holding the template or track to the deck with an approved, flowable non-shrink, non-metallic grout.

Saw cut to the desired width and depth in one or two passes of the saw by placing and spacing two metal blades on the saw shaft to the desired width for compression seals.

The desired depth is the depth of the seal plus 1/4 inch (6 mm) above the top of the seal plus approximately 1 inch (25 mm) below the bottom of the seal. An irregular bottom of sawed joint is permitted as indicated on the plans. Grind exposed corners on saw cut edges to a 1/4" (6 mm) chamfer.

Remove any staining or deposited material resulting from sawing with a wet blade to the satisfaction of the Engineer.

Use extreme care to saw the joint straight to the desired width and to prevent any chipping or damage to sawed edges of the joint.

4.0 PREPARATIONS FOR SAWED JOINTS

When the plans call for sawing the joint, the Engineer thoroughly inspects the sawed joint opening for spalls, popouts, cracks, etc. Make all necessary repairs prior to blast cleaning and installing the seal.

Immediately before sealing, clean the joints by sandblasting with clean dry sand. Sandblast to provide a firm, clean joint surface free of curing compound, loose material and any foreign matter. Sandblast without causing pitting or uneven surfaces.

After blasting, either brush the surface with clean brushes made of hair, bristle or fiber, blow the surface with compressed air, or vacuum the surface until all traces of blast products and abrasives are removed from the surface, pockets, and corners.

If nozzle blasting, use compressed air that does not contain detrimental amounts of water or oil.

Examine the blast cleaned surface and remove any traces of oil, grease or smudge deposited in the cleaning operations.

Bond the seal to the blast cleaned surface on the same day the surface is blast cleaned.

5.0 PREPARATIONS FOR ARMORED JOINTS

When the plans call for armored joints, form the joint and blockout openings in accordance with the plans. If preferred, wrap the temporary form with polyethylene sheets to allow for easier removal. Do not use form release agents.

G. Submittals

Submitting detailed working drawings is not required; however, submitting catalog cuts of the proposed material is required. In addition, direct the joint supplier to provide an angle segment placing plan.

H. Surface Preparation

Prepare the surface within the 48 hours prior to placing the elastomeric concrete. Do not place the elastomeric concrete until the surface preparation is completed and approved.

1. Angle Assembly

Clean and free metallized steel of all foreign contaminants and blast the non-metallized steel surfaces to SSPC SP-10. Blast-cleaning anchor studs is not required.

2. Concrete

Prior to placing the elastomeric concrete, thoroughly clean and dry all concrete surfaces. Sandblast the concrete surface in the blockout and clear the surface of all loose debris.

I. Elastomeric Concrete Placement

Make sure that a manufacturer's representative is present when placing elastomeric concrete. Do not place elastomeric concrete if the ambient air temperature is below 45°F (7°C).

Prepare and apply a primer, as per manufacturer's recommendations, to all vertical concrete faces, all steel components to be in contact with elastomeric concrete, and to areas specified by the manufacturer. Align the angles with the joint opening.

Prepare, batch, and place the elastomeric concrete in accordance with the manufacturer's instructions. Place the elastomeric concrete in the areas specified on the plans while the primer is still tacky and within 2 hours after applying the primer. Pay careful attention to properly consolidate the concrete around the steel and anchors. Trowel the elastomeric concrete to a smooth finish.

J. Joint Preparation

Prior to installing the seal, the Engineer thoroughly inspects the armored joint opening for proper alignment and full consolidation of elastomeric concrete under the angle assemblies. Make all necessary repairs prior to cleaning the joint opening and installing the seal.

Clean the armored joint opening with a pressure washer rated at 3000 psi (20.7 MPa) minimum at least 24 hours after placing the elastomeric concrete. Dry the cleaned surface prior to installing the seal.

Examine the cleaned surface and remove traces of oil, grease or smudge deposited during the cleaning operations.

Bond the seal to the cleaned surface on the same day the surface is cleaned.

6.0 SEAL INSTALLATION

Install the joint seal according to the manufacturer's procedures and recommendations and as recommended below. Do not install the joint seal if the ambient air temperature is below 45°F (7°C). Have a manufacturer's representative present during the installation of the first seal of the project.

Begin installation at the low end of the joint after applying the mixed epoxy to the sides of both the joint material and both sides of the joint, making certain to completely fill the grooves with epoxy. With gloved hands, compress the material and with the help of a blunt

probe, push it down into the joint until it is recessed approximately 1/4 inch (6 mm) below the surface. Do not push the seal at an angle that would stretch the material. Once work on a joint begins, do not stop until it is completed. Clean the excess epoxy off the surface of the joint material *quickly* and *thoroughly*. Do not use solvents to remove excess epoxy. Remove excess epoxy in accordance with the joint manufacturer's recommendations.

Install the seal so that it is watertight. Testing of the joint seal is not required, but it is observed until final inspection.

7.0 BASIS OF PAYMENT

Payment for all evazote joint seals will be at the lump sum contract price bid for "Evazote Joint Seals" which prices and payment will be full compensation for furnishing all material, including elastomeric concrete when required, labor, tools and equipment necessary for installing these units in place and accepted.

EPOXY PROTECTIVE COATING (10-12-01)

1.0 DESCRIPTION

This work consists of preparing the concrete surface and furnishing and applying an epoxy protective coating to the surfaces described in this Special Provision. When epoxy protective coating is required, cure the top surfaces of the bent or end bent caps in accordance with the Standard Specifications, but do not use the Membrane Curing Compound method.

2.0 MATERIALS

Use an epoxy coating that meets the most recently published NCDOT Specification on the date of advertisement. Use the epoxy coating that meets NCDOT-Type 4A Flexible, epoxy coating, moisture insensitive.

Provide a certification for the proposed epoxy showing that it meets NCDOT-Type 4A.

The following companies have epoxies that meet Type 4A Specifications:

- E-Bond Epoxy, Inc.
  Fort Lauderdale, Florida 33307
- Permagile Industries
  Plainview, NY 11803
- Poly-Carb
  Cleveland, OH 44139
- Tamms, Inc.
  Mentor, OH 44060

- Adhesive Engineering
  Cleveland, OH 44122-5554
- Kaufman Products
  Baltimore, MD 21226-1131
- Prime Resins
  Lithonia, GA 30058
- Sika Corporation
  Lyndhurst, N. J. 07071

A copy of the specifications for Epoxy Resin Systems is available from the Materials and Tests Unit.

3.0 SURFACES

With the exception of cored slab bridges, apply the epoxy protective coating to the top surface area, including chamfer area, of bent caps under expansion joints and of end bent caps, excluding areas under elastomeric bearings. For cored slab bridges, do not apply the epoxy protective coating to the bent or end bent caps. Also, apply epoxy protective coating to the ends of prestressed concrete members as noted on the plans.

Use extreme care to keep the area under the elastomeric bearings free of the epoxy protective coating. Do not apply the epoxy protective coating in the notch at the ends of the prestressed concrete girders.

Thoroughly clean all dust, dirt, grease, oil, laitance, and other objectionable material from the concrete surfaces to be coated. Air-blast all surfaces immediately prior to applying the protective coating.

Only use cleaning agents pre-approved by the Engineer.

4.0 APPLICATION

Apply epoxy protective coating only when the air temperature is at least 40°F (4°C) and rising, but less than 95°F (35°C) and the surface temperature of the area to be coated is at least 40°F (4°C). Remove any excess or free standing water from the surfaces before applying the coating. Apply one coat of epoxy protective coating at a rate such that it covers between 100 and 200 ft^2/gal (2.5 and 5 m^2/liter).

Note: Under certain combinations of circumstances, the cured epoxy protective coating may develop "oily" condition on the surface due to amine blush. This condition is not detrimental to the applied system.

Apply the coating so that the entire designated surface of the concrete is covered and all pores filled. To provide a uniform appearance, use the exact same material on all visible surfaces.

5.0 BASIS OF PAYMENT

No separate measurement or payment will be made for preparing, furnishing and applying the epoxy protective coating to the concrete surfaces.

Payment at the contract unit prices for the various pay items will be full compensation for the above work including all materials, equipment, tools, labor, and incidentals necessary to complete the work.

VERTICAL CRACKS IN PRESTRESSED CONCRETE GIRDERS PRIOR TO DETENSIONING (10-12-01)

Provide prestressed concrete girders without objectionable cracks. The provisions herein address prestressed concrete girders that have vertical casting cracks in the middle half of the member length prior to strand detensioning. Certain types of these cracks have been determined by the Department to render the girders unacceptable.

Unacceptable cracked members include, but are not limited to, those with two or more full height vertical cracks spaced at a distance less than the member depth. Such members are not considered serviceable and will be rejected. Full height cracks are cracks that begin at or near the top of the member and extend down to or below the center of gravity of the bottom group of prestressed strands.

Except as noted above, members with one or more vertical cracks that extend into the bottom flange are subject to an engineering assessment to determine their acceptability. If this engineering assessment requires, submit, at no additional cost to the Department, a proposal for repairing the member and a structural evaluation of the member prepared by a North Carolina Registered Professional Engineer. In the structural evaluation, consider the stresses under full service loads had the member not cracked and the effects of localized loss of prestress at the crack as determined by methods acceptable to the Department.

For members designed for zero tension under full service loads, the maximum magnitude of the computed concrete tension at the lower end of the cracks is the square root of the specified design strength of the concrete. The maximum width of the crack at the bottom of the web is 3 mils (0.075 mm) after detensioning. For all other members, the maximum magnitude of the computed concrete tension at the lower end of the crack is 350% of the square root of the specified design strength of the concrete, and the maximum width of the crack at the bottom of the web is 4 mils (0.100 mm) after detensioning.

The Department has final determination regarding acceptability of any members in question.

FALSEWORK AND FORMWORK (10-12-01)

1.0 DESCRIPTION

Use this Special Provision as a guide to develop temporary works submittals required by the Standard Specifications or other provisions; no additional submittals are required herein. Such temporary works include, but are not limited to, falsework and formwork.

Falsework is any temporary construction used to support the permanent structure until it becomes self-supporting. Formwork is the temporary structure or mold used to retain plastic or fluid concrete in its designated shape until it hardens. Access scaffolding is a temporary structure that functions as a work platform that supports construction personnel, materials, and tools, but is not intended to support the structure. Scaffolding systems that are used to temporarily support permanent structures (as opposed to functioning as work platforms) are considered to be falsework under the definitions given. Shoring is a component of falsework such as horizontal, vertical, or inclined support members. Where the term "temporary works" is used, it includes all of the temporary facilities used in bridge construction that do not become part of the permanent structure.

Design and construct safe and adequate temporary works that will support all loads imposed and provide the necessary rigidity to achieve the lines and grades shown on the plans in the final structure.

2.0 MATERIALS

Select materials suitable for temporary works; however, select materials that also ensure the safety and quality required by the design assumptions. The Engineer has authority to reject material on the basis of its condition, inappropriate use, safety, or nonconformance with the plans. Clearly identify allowable loads or stresses for all materials or manufactured devices on the plans. Revise the plan and notify the Engineer if any change to materials or material strengths is required.

3.0 DESIGN REQUIREMENTS

K. Working Drawings

Provide working drawings for items as specified in the contract, or as required by the Engineer, with design calculations and supporting data in sufficient detail to permit a structural and safety review of the proposed design of the temporary work.

When concrete placement is involved, include data such as the drawings of proposed sequence, rate of placement, direction of placement, and location of all construction joints. Submit the number of copies as called for by the contract.

When required, have the drawings and calculations prepared under the guidance of, and sealed by, a North Carolina Registered Professional Engineer who is knowledgeable in temporary works design.

Design falsework and formwork requiring submittals in accordance with the 1995 AASHTO *Guide Design Specifications for Bridge Temporary Works* except as noted herein.

1. Wind Loads

   Table 2.2 of Article 2.2.5.1 is modified to include wind velocities up to 110 mph (177 km/hr). In addition, Table 2.2A is included to provide the maximum wind speeds by county in North Carolina.

Table 2.2 - Wind Pressure Values

Height Zone feet (m) above ground	Pressure, lb/ft^2 (kPa) for Indicated Wind Velocity, mph (km/hr)				
	70 (112.7)	80 (128.7)	90 (144.8)	100 (160.9)	110 (177.0)
0 to 30 (0 to 9.1)	15 (0.72)	20 (0.96)	25 (1.20)	30 (1.44)	35 (1.68)
30 to 50 (9.1 to 15.2)	20 (0.96)	25 (1.20)	30 (1.44)	35 (1.68)	40 (1.92)
50 to 100 (15.2 to 30.5)	25 (1.20)	30 (1.44)	35 (1.68)	40 (1.92)	45 (2.15)
over 100 (30.5)	30 (1.44)	35 (1.68)	40 (1.92)	45 (2.15)	50 (2.39)

2. Time of Removal

   The following requirements replace those of Article 3.4.8.2.

   Do not remove forms until the concrete has attained strengths required in Article 420-17 of the Standard Specifications and these Special Provisions.

   Do not remove forms until the concrete has sufficient strength to prevent damage to the surface.

Table 2.2A - Steady State Maximum Wind Speeds by Counties in North Carolina

COUNTY	25 YR (mph) (km/hr)	COUNTY	25 YR (mph) (km/hr)	COUNTY	25 YR (mph) (km/hr)
Alamance	70 (112.7)	Franklin	70 (112.7)	Pamlico	100 (160.9)
Alexander	70 (112.7)	Gaston	70 (112.7)	Pasquotank	100 (160.9)
Alleghany	70 (112.7)	Gates	90 (144.8)	Pender	100 (160.9)
Anson	70 (112.7)	Graham	80 (128.7)	Perquimans	100 (160.9)
Ashe	70 (112.7)	Granville	70 (112.7)	Person	70 (112.7)
Avery	70 (112.7)	Greene	80 (128.7)	Pitt	90 (144.8)
Beaufort	100 (160.9)	Guilford	70 (112.7)	Polk	80 (128.7)
Bertie	90 (144.8)	Halifax	80 (128.7)	Randolph	70 (112.7)
Bladen	90 (144.8)	Harnett	70 (112.7)	Richmond	70 (112.7)
Brunswick	100 (160.9)	Haywood	80 (128.7)	Robeson	80 (128.7)
Buncombe	80 (128.7)	Henderson	80 (128.7)	Rockingham	70 (112.7)
Burke	70 (112.7)	Hertford	90 (144.8)	Rowan	70 (112.7)
Cabarrus	70 (112.7)	Hoke	70 (112.7)	Rutherford	70 (112.7)
Caldwell	70 (112.7)	Hyde	110 (177.0)	Sampson	90 (144.8)
Camden	100 (160.9)	Iredell	70 (112.7)	Scotland	70 (112.7)
Carteret	110 (177.0)	Jackson	80 (128.7)	Stanley	70 (112.7)
Caswell	70 (112.7)	Johnston	80 (128.7)	Stokes	70 (112.7)
Catawba	70 (112.7)	Jones	100 (160.9)	Surry	70 (112.7)
Cherokee	80 (128.7)	Lee	70 (112.7)	Swain	80 (128.7)
Chatham	70 (112.7)	Lenoir	90 (144.8)	Translyvania	80 (128.7)
Chowan	90 (144.8)	Lincoln	70 (112.7)	Tyrell	100 (160.9)
Clay	80 (128.7)	Macon	80 (128.7)	Union	70 (112.7)
Cleveland	70 (112.7)	Madison	80 (128.7)	Vance	70 (112.7)
Columbus	90 (144.8)	Martin	90 (144.8)	Wake	70 (112.7)
Craven	100 (160.9)	McDowell	70 (112.7)	Warren	70 (112.7)
Cumberland	80 (128.7)	Mecklenburg	70 (112.7)	Washington	100 (160.9)
Currituck	100 (160.9)	Mitchell	70 (112.7)	Watauga	70 (112.7)
Dare	110 (177.0)	Montgomery	70(112.7)	Wayne	80 (128.7)
Davidson	70 (112.7)	Moore	70 (112.7)	Wilkes	70 (112.7)
Davie	70 (112.7)	Nash	80 (128.7)	Wilson	80 (128.7)
Duplin	90 (144.8)	New Hanover	100 (160.9)	Yadkin	70 (112.7)
Durham	70 (112.7)	Northampton	80 (128.7)	Yancey	70 (112.7)
Edgecombe	80 (128.7)	Onslow	100 (160.9)		
Forsyth	70 (112.7)	Orange	70 (112.7)		

Note on the working drawings any anchorages, connectors, inserts, steel sleeves or other such devices used as part of the falsework or formwork that remains in the permanent structure. If the plan notes indicate that the structure contains the necessary corrosion protection required for a Corrosive Site, epoxy coat, galvanize, metallize or otherwise protect these devices as directed by the Engineer. Any coating required by the Engineer will be considered incidental to the various pay items requiring temporary works.

L. Review and Approval

The Engineer is responsible for the review and approval of temporary works' drawings.

Submit the working drawings sufficiently in advance of proposed use to allow for their review, revision (if needed), and approval without delay to the work.

Do not start construction of any temporary work for which working drawings are required until the drawings have been approved. Such approval does not relieve the Contractor of the responsibility for the accuracy and adequacy of the working drawings.

The time period for review of the working drawings does not begin until complete drawings and design calculations, when required, are received by the Engineer.

On the drawings, show all information necessary to allow the design of any component to be checked independently as determined by the Engineer.

If requested by the Engineer, submit with the working drawings manufacturer's catalog data listing the weight of all construction equipment that will be supported on the temporary work. Show anticipated total settlements and/or deflections of falsework and forms on the working drawings. Include falsework footing settlements, joint take-up, and deflection of beams or girders. Design the falsework and forms supporting deck slabs and overhangs on girder bridges so that there will be no differential settlement between the girders and the deck forms during placement of deck concrete.

4.0 CONSTRUCTION REQUIREMENTS

All requirements of Section 420 of the Standard Specifications apply.

Construct temporary works in conformance with the approved working drawings. Ensure that the quality of materials and workmanship employed is consistent with that assumed in the design of the temporary works. Do not weld falsework members to any portion of the permanent structure unless approved. Show any welding to the permanent structure on the approved construction drawings.

Provide tell-tales attached to the forms and extending to the ground, or other means, for accurate measurement of falsework settlement. Make sure that the anticipated compressive settlement and/or deflection of falsework does not exceed 1 inch (25 mm). For cast-in-place concrete structures, make sure that the calculated deflection of falsework

flexural members does not exceed 1/240 of their span regardless of whether or not the deflection is compensated by camber strips.

M. Maintenance and Inspection

Inspect and maintain the temporary work in an acceptable condition throughout the period of its use. Certify that the manufactured devices have been maintained in a condition to allow them to safely carry their rated loads. Clearly mark each piece so that its capacity can be readily determined at the job site.

Perform an in-depth inspection of an applicable portion(s) of the temporary works, in the presence of the Engineer, not more than 24 hours prior to the beginning of each concrete placement. Inspect other temporary works at least once a month to ensure that they are functioning properly. Have a North Carolina Registered Professional Engineer inspect the cofferdams, shoring, sheathing, support of excavation structures, and support systems for load tests prior to loading.

N. Foundations

Determine the safe bearing capacity of the foundation material on which the supports for temporary works rest. If required by the Engineer, conduct load tests to verify proposed bearing capacity values that are marginal or in other high-risk situations.

The use of the foundation support values shown on the contract plans of the permanent structure is permitted if the foundations are on the same level and on the same soil as those of the permanent structure.

Allow for adequate site drainage or soil protection to prevent soil saturation and washout of the soil supporting the temporary works supports.

If piles are used, the estimation of capacities and later confirmation during construction using standard procedures based on the driving characteristics of the pile is permitted. If preferred, use load tests to confirm the estimated capacities; or, if required by the Engineer conduct load tests to verify bearing capacity values that are marginal or in other high risk situations.

The Engineer reviews and approves the proposed pile and soil bearing capacities.

5.0 REMOVAL

Unless otherwise permitted, remove and keep all temporary works upon completion of the work. Do not disturb or otherwise damage the finished work.

Remove temporary works in conformance with the contract documents. Remove them in such a manner as to permit the structure to uniformly and gradually take the stresses due to its own weight.

6.0 METHOD OF MEASUREMENT

Unless otherwise specified, temporary works will not be directly measured.

7.0 BASIS OF PAYMENT

Payment at the contract unit prices for the various pay items requiring temporary works will be full compensation for the above falsework and formwork.

SUBMITTAL OF WORKING DRAWINGS (2-14-04)

1.0 GENERAL

Submit working drawings in accordance with Article 105-2 of the Standard Specifications and the requirements of this Special Provision. The list of submittals contained herein does not represent a list of required submittals for this project. Submittals are only necessary for those items as required by the Standard Specifications, other Special Provisions, or contract plans. Make submittals that are not specifically noted in this Special Provision directly to the Resident Engineer.

If submittals contain variations from plan details or specifications, significantly affect project cost, or significantly affect field construction or operations, discuss them with, and submit them through, the Resident Engineer. State the reason for the proposed variation in the submittals. To minimize overall review time, make sure all working drawing submittals are complete when first submitted. Provide a contact name and phone number with each submittal. Direct any questions regarding working drawing submittal requirements to the Resident Engineer, Structure Design Unit contacts or the Geotechnical Engineering Unit contacts noted below.

2.0 WORKING DRAWINGS SUBMITTAL CONTACTS

All submittals noted herein are reviewed by the Structure Design Unit and/or the Geotechnical Engineering Unit.

For submittals to the Structure Design Unit, use the following addresses:

Via US mail:

Mr. G. R. Perfetti, P. E.
State Bridge Design Engineer
North Carolina Department
of Transportation
Structure Design Unit
1581 Mail Service Center
Raleigh, NC 27699-1581

Attention: Mr. P. D. Lambert, P. E.

Via other delivery service:

Mr. G. R. Perfetti, P. E.
State Bridge Design Engineer
North Carolina Department
of Transportation
Structure Design Unit
1000 Birch Ridge Drive
Raleigh, NC 27610

Attention: Mr. P. D. Lambert, P. E.

For submittals to the Geotechnical Engineering Unit, use the following addresses:

For projects in Divisions 1-7, use the following Eastern Regional Office address:

Via US mail:

Mr. K. J. Kim, Ph. D., P. E.
Eastern Regional Geotechnical
Manager
North Carolina Department
of Transportation
Geotechnical Engineering Unit
Eastern Regional Office
1570 Mail Service Center
Raleigh, NC 27699-1570

Via other delivery service:

Mr. K. J. Kim, Ph. D., P. E.
Eastern Regional Geotechnical
Manager
North Carolina Department
of Transportation
Geotechnical Engineering Unit
Eastern Regional Office
3301 Jones Sausage Road, Suite 100
Garner, NC 27529

For projects in Divisions 8-14, use the following Western Regional Office address:

Via US mail:

Western Regional Geotechnical
Manager
North Carolina Department
of Transportation
Geotechnical Engineering Unit
Western Regional Office
1589 Mail Service Center
Raleigh, NC 27699-1589

Attention: Mr. M. A. Mulla, P. E.

Via other delivery service:

Western Regional Geotechnical
Manager
North Carolina Department
of Transportation
Geotechnical Engineering Unit
Western Regional Office
1020 Birch Ridge Drive
Raleigh, NC 27610

Attention: Mr. M. A. Mulla, P. E.

Direct any questions concerning submittal review status, review comments, or drawing markups to the following contacts:

Primary Structures Contact:
Paul Lambert
(919) 250-4041
(919) 250-4082 facsimile
plambert@dot.state.nc.us

Secondary Structures Contacts:
James Gaither (919) 250-4042
Man-Pan Hui (919) 250-4044

Eastern Regional Geotechnical Contact (Divisions 1-7):
K. J. Kim
(919) 662-4710
(919) 662-3095 facsimile
kkim@dot.state.nc.us

Western Regional Geotechnical Contact (Divisions 8-14):

Mohammed Mulla
(919) 250-4088
(919) 250-4237 facsimile
mmulla@dot.state.nc.us

3.0 SUBMITTAL COPIES

The quantities provided in this Special Provision act as a guide in the submittal process.

Unless otherwise required by the contract, submit two sets of supporting calculations to the Structure Design Unit.

Furnish one complete copy of the submittal, including all attachments, to the Resident Engineer. If requested, provide additional copies of any submittal. At the same time, submit the following number of copies directly to the Structure Design Unit and/or the Geotechnical Engineering Unit:

Working Drawing Submittal	Copies Required by Structure Design Unit	Copies Required by Geotechnical Engineering Unit	Contract Reference Requiring Submittal [1]
Arch Culvert Falsework	5	0	Plan Note & SN Sheet
Box Culvert Falsework [2]	5	0	Plan Note & SN Sheet
Cofferdams [4]	6	1	Articles 410-5 and 420-8
Expansion Joint Seals (hold down plate type with base angle)	9	0	"Expansion Joint Seals"
Expansion Joint Seals (modular)	2, then 9	0	"Modular Expansion Joint Seals"
Expansion Joint Seals (strip seals)	9	0	"Strip Seals"
Falsework & Forms (superstructure)	8	0	Article 420-3
Falsework & Forms [2] (substructure)	8	0	Article 420-3
Mechanically Stabilized Earth Retaining Walls [4]	7	1	"MSE Retaining Walls"
Metal Bridge Railing	8	0	Plan Note
Metal Stay-in-Place Forms	8	0	Article 420-3
Metalwork for Elastomeric Bearings [5,6]	7	0	Article 1072-10
Miscellaneous Metalwork [5,6]	7	0	Article 1072-10
Overhead Sign Assemblies	13	0	Article 903-3(C)
Pile Points	7	1	Article 450-8(D) & "Steel Pile Points"
Placement of Equipment on Structures (cranes, etc.)	7	0	Article 420-20

Precast Concrete Box Culverts	2, then 1 reproducible	0	"(Optional) Precast Reinforced Concrete Box Culvert at Station ___"
Precast Retaining Wall Panels	10	0	Article 1077-2
Pot bearings [5]	8	0	"Pot Bearings"
Prestressed Concrete Deck Panels	6 and 1 reproducible	0	Article 420-3
Proprietary retaining walls [4]	9	1	Applicable Project Special Provision
Prestressed Concrete Girder (strand elongation and detensioning sequences)	6	0	Articles 1078-8 and 1078-11
Prestressed Concrete Cored Slab (detensioning sequences) [3]	6	0	Article 1078-11
Revised Bridge Deck Plans (adaptation to metal stay-in-place forms)	2, then 1 reproducible	0	Article 420-3
Revised Bridge Deck Plans (adaptation to modular expansion joint seals)	2, then 1 reproducible	0	"Modular Expansion Joint Seals"
Soil Nail Retaining Walls [4]	4	1	Applicable Project Special Provision
Sound Barrier Wall Steel Fabrication Plans [6]	7	0	Article 1072-10 & "Sound Barrier Wall"
Sound Barrier Wall Casting Plans	10	0	Article 1077-2 & "Sound Barrier Wall"
Structural Steel [5]	2, then 7	0	Article 1072-10
TFE Expansion Bearings [5]	8	0	Article 1072-10
Temporary Detour Structures [4]	10	1	Article 400-3 & "Construction, Maintenance and Removal of Temporary Structure at Station ____"
Temporary Shoring [4]	6	1	Article 410-4 & "Temporary Shoring for Maintenance of Traffic"

Temporary Fabric or Wire Walls [8]	0	2	Applicable Project Special Provision
Permanent Anchored Tieback Retaining Walls [4]	4	1	Applicable Project Special Provision
Evazote Joint Seals [7]	9	0	Applicable Project Special Provision
Optional Disc Bearings [5]	8	0	"Optional Disc Bearings"
Removal of Existing Structure over Railroad	5	0	Railroad Special Provisions
Drilled Pier Construction Sequence Plans [8]	0	2	"Drilled Piers"
Pile Hammers [8]	0	2	Article 450-6

FOOTNOTES

1. References are provided to help locate the part of the contract where the working drawing submittals are required. References in quotes refer to the Project Special Provision by that name. Articles refer to the Standard Specifications.
2. Submittals for these items are necessary only when plan notes require them.
3. Submittals for these items may not be required. A list of pre-approved sequences is available from the producer or the Materials and Tests Unit.
4. These submittals are reviewed by the Structure Design Unit and the Geotechnical Engineering Unit. If NCDOT Shoring Standards are used, working drawings need not be submitted, but the Shoring Selection Form should be forwarded to the Geotechnical Engineering Unit.
5. The fabricator may submit these items directly to the Structure Design Unit.
6. The two sets of preliminary submittals required by Article 1072-10 of the Standard Specifications are not required for these items.
7. Submittals for Fabrication Drawings are not required. Submission of Catalogue Cuts of Proposed Material is required. See Section 5.A of the Project Special Provision.
8. Submittals for these items are reviewed by the Geotechnical Engineering Unit only and correspondence regarding these items should be directed to and will come from the Geotechnical Engineering Unit.

CONSTRUCTION, MAINTENANCE AND REMOVAL OF TEMPORARY ACCESS AT STATION 19+80.00 -L- (2-14-04)

1.0 GENERAL

Construct, maintain, and remove the temporary access required to provide the working area necessary to construct the bridge and, if applicable, remove an existing bridge. Temporary access may include other methods than those outlined in this Special Provision; however, all types of temporary access are required to meet the requirements of all permits, the Standard Specifications, and this Special Provision.

2.0 TEMPORARY ROCK CAUSEWAY [WORKPAD]

If detailed on the plans, construction of a temporary rock causeway [workpad] within the limits shown on the plans is permitted. Build the causeway [workpad] with Class II riprap topped by a layer of Class A riprap or as otherwise designated on the plans or approved by the Engineer. If desired, recycle the Class II riprap used in the causeway [workpad] for placement in the final riprap slope protection as directed by the Engineer. No payment will be made for recycled riprap as this material is considered incidental to the causeway [workpad] placement and removal. If this option is exercised, no adjustment in contract bid price will be allowed due to an underrun in the quantity of "Plain Rip Rap Class II (2'-0" (600 mm) Thick)".

Completely remove all causeway [workpad] material including pipes and return the entire causeway [workpad] footprint to the original contours and elevations within 90 days of the completion of the deck slab or as otherwise required by permits.

For sites affected by moratoriums of restrictions on in-stream work: Do not construct or remove causeway [workpad] during the moratorium period shown on the permit. If the completion of the deck slab falls within the prohibitive dates for causeway [workpad] construction or removal, begin causeway [workpad] removal immediately following the prohibitive dates.

3.0 TEMPORARY WORK BRIDGE

If noted on the plans, the construction of a temporary work bridge is permitted. Submit details of the temporary work bridge to the Engineer prior to constructing the work bridge to ensure conformance with the plans and all permits. Make certain that the temporary work bridge satisfies all permits. Completely remove the temporary bridge prior to final acceptance or as otherwise required by the permits.

If a causeway [workpad] is detailed on the plans, the construction of a temporary work bridge in lieu of the causeway [workpad] is permitted. If this option is exercised, prepare all necessary documents required for permit modifications, if any.

4.0 BASIS OF PAYMENT

The lump sum price bid for "Construction, Maintenance and Removal of Temporary Access at Station _____" will be full compensation for the above work, or other methods of access, including all material, pipes, work bridge components, equipment, tools, labor, disposal, and incidentals necessary to complete the work.

ELASTOMERIC BEARINGS (10-03-02)

Use elastomeric bearings in accordance with Article 1079-2 of the Standard Specifications except as follows:

TABLE 1079-2
NATURAL RUBBER ELASTOMER REQUIREMENTS

Grade (durometer)	50	60
PHYSICAL PROPERTIES Hardness ASTM D2240	50 +5 -5	60 +5 -5

UNCLASSIFIED STRUCTURE EXCAVATION AT STATION 19+80.00 -L- (12/12/02)

The 2002 Standard Specifications shall be revised as follows:

Unclassified structure excavation shall be in accordance with Section 412 of the Standard Specifications with the following exception:

Payment will be made under:

Unclassified Structure Excavation at Station 19+80.00 -L-.....Lump Sum

PRESTRESSED CONCRETE MEMBERS (2-14-04)

In Section 1078-12 of the Standard Specifications, delete the first two lines. After the first sentence of "5," place the following:

"Conduit may be rigid one-piece or rigid two-piece (split sheathed). Do not use flexible conduit."

In Section 1078-13 of the Standard Specifications, after the fourth paragraph add the following paragraph:

"When handling the prestressed concrete members, a temporary stress of $5\sqrt{f_{ci}}$ is permitted, where f_{ci} is the strength of concrete at release, in psi."

In Section 1078-5 of the Standard Specifications, place the following two sentences after the first paragraph:

"When casting holes through the top flange of Bulb Tee Girders for overhang or interior bay falsework hanger rods use rigid PVC conduits with a wall thickness of approximately 1/8 inch. Do not use thin wall material. Secure conduits in the forms so that they do not migrate out of the proper location. Other methods of forming holes may be proposed but are subject to the Engineer's approval."

"When casting dowel rod holes in cored slab members use material that creates round, vertical holes of the specified diameter and in the correct location. Do not use material that deforms, collapses or shifts position during casting of the member."

PILE EXCAVATION (SPECIAL)

1.0 GENERAL

Pile excavation is pre-augering holes for installation of piles to get required penetration or due to vibration concerns. The excavation of the holes are necessary due to the presence of boulders or very dense soils which do not permit the installation of piles to the required penetration with conventional driving equipment.

Pile excavation maybe be required for Bridge End Bent No. 1 at Station 19+10.00 -L- to allow the piles to achieve the required minimum bearing capacity.

2.0 CONSTRUCTION METHODS

Excavate 24-inch (610-mm) diameter holes by drilling or augering soil and rock to an elevation no deeper than 2254 ft. Pile excavation must conform to the applicable provisions of Section 410 of the Standard Specifications. Drive steel piles in the excavated holes to bearing and to tip no higher than elevation of 2244 ft left and 2251 ft right at End Bent No. 1 prior to backfilling the excavation with Class A concrete or as approved by the Engineer. Design the Class A concrete with a 6-inch to 8-inch slump. All other requirements of Section 450 of the Standard Specifications apply to the pile driving procedure unless there is a conflict with these provisions.

3.0 METHOD OF MEASUREMENT

The quantity of "Pile Excavation In Soil" to be paid for will be the linear feet (meters) of the excavation exclusive of the linear feet (meters) of the "Pile Excavation Not In Soil" computed from elevation and dimensions as shown on the plans or from revised dimensions authorized by the Engineer.

The quantity of "Pile Excavation Not In Soil" to be paid for will be the linear feet (meters) of pile excavation excavated in non-soil as determined by the Engineer. Non-soil is defined as that material that can not be cut with a rock auger and must be excavated by coring, air tools, or hand removal or other acceptable methods. Top of non-soil elevation is that elevation where rock auger penetration rate is less than 2 inches (50 millimeters) per 5 minutes of drilling at full crowd force, and coring, blasting, etc. must be used to advance the excavation. For pay purposes, after non-soil is encountered, earth seams, rock fragments and voids in the excavation less than one foot (0.3 meters) in total length will be considered "Pile Excavation Not In Soil". If the non-soil is discontinuous, payment will revert to "Pile Excavation In Soil" at the elevation where non-soil is no longer encountered.

4.0 BASIS OF PAYMENT

"PILE EXCAVATION IN SOIL"

Payment will be made at the contract unit price per linear feet (meters) for "Pile Excavation In Soil". Such payment will include, but is not limited to, furnishing all labor, tools, equipment, materials including concrete complete and in place and all incidentals associated with excavation of the 24-inch (610-mm) diameter holes and backfilling of pile excavation.

"PILE EXCAVATION NOT IN SOIL"

Payment will be made at the contract unit price per linear feet (meters) for "Pile Excavation Not In Soil". Such payment will include, but is not limited to, furnishing all labor, tools, equipment, materials including concrete complete and in place and all incidentals associated with excavation of the 24-inch (610-mm) diameter holes and backfilling of excavations.

C200906
B-3310

October 18, 1995

PROJECT SPECIAL PROVISIONS
PERMITS

The Contractor's attention is directed to the following permits, which have been issued to the Department of Transportation by the authority granting the permit.

PERMIT	AUTHORITY GRANTING THE PERMIT
Dredge and Fill and/or Work in Navigable Waters (404)	U. S. Army Corps of Engineers
Water Quality (401)	Division of Environmental Management, DENR, State of North Carolina
TVA	Tennessee Valley Authority

The Contractor shall comply with all applicable permit conditions during construction of this project. Those conditions marked by * are the responsibility of the department and the Contractor has no responsibility in accomplishing those conditions.

Agents of the permitting authority will periodically inspect the project for adherence to the permits.

The Contractor's attention is also directed to Articles 107-10 and 107-14 of the Standard Specifications and the following:

Should the Contractor propose to utilize construction methods (such as temporary structures or fill in waters and/or wetlands for haul roads, work platforms, cofferdams, etc.) not specifically identified in the permit (individual, general, or nationwide) authorizing the project it shall be the Contractor's responsibility to coordinate with the Engineer to determine what, if any, additional permit action is required. The Contractor shall also be responsible for initiating the request for the authorization of such construction method by the permitting agency. The request shall be submitted through the Engineer. The Contractor shall not utilize the construction method until it is approved by the permitting agency. The request normally takes approximately 60 days to process; however, no extensions of time or additional compensation will be granted for delays resulting from the Contractor's request for approval of construction methods not specifically identified in the permit.

Where construction moratoriums are contained in a permit condition which restricts the Contractor's activities to certain times of the year, those moratoriums will apply only to the portions of the work taking place in the waters or wetlands provided that activities outside those areas is done in such a manner as to not affect the waters or wetlands.

DEPARTMENT OF THE ARMY
WILMINGTON DISTRICT, CORPS OF ENGINEERS
151 PATTON AVENUE
ROOM 208
ASHEVILLE, NORTH CAROLINA 28801-5006

REPLY TO
ATTENTION OF:

Action Identification Number: 200430959 and 200430960

Permit Number: NWP 23 and 33
Buncombe County

Permittee: North Carolina Department of Transportation
1548 Mail Service Center
Raleigh, North Carolina 27699

Issuance: July 1, 2004

Project Manager: Angie Pennock

***Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:**

US ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT
ASHEVILLE REGULATORY FIELD OFFICE
151 PATTON AVENUE, ROOM 208
ASHEVILLE, NORTH CAROLINA 28801-5006

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 condition of the said permit, and required mitigation was completed in accordance with the permit conditions.

_____ _____

Signature of Permittee **Date**

U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id.: 200430959 and 200430960 **County:** Buncombe **Quad:** Barnardsville

GENERAL PERMIT (REGIONAL AND NATIONWIDE) VERIFICATION

Responsible Party: North Carolina Department of Transportation
Address: 1548 Mail Service Center
Raleigh, North Carolina 27699
Telephone: (919) 733-7844

Cc (without enclosures): Mr. John Hennessy
Division of Water Quality
North Carolina Department of
Environment and Natural Resources
1650 Mail Service Center
Raleigh, North Carolina 27699-1650

Decimal Degrees: North: 35.7678076° West: 82.4345203°

Size and Location of Property (waterbody, Highway name/number, town, etc.): The project includes the replacement of Bridge No. 145 over Dillingham Creek on SR 2173 and associated approaches to the south of the current structure, southeast of Barnardsville, Buncombe County, North Carolina.

Description of Activity: Discharge of fill material into 0.615 acre of jurisdictional wetlands and 39 linear feet of perennial stream associated with the replacement of Bridge No. 145 over Dillingham Creek. The new structure will be built to the south of the existing structure and will require permanent fill in wetlands associated with the new eastern approach to the bridge. Permanent impacts total 0.615 acre and will be mitigated by the North Carolina Ecosystem Enhancement Program. Temporary impacts to Dillingham Creek total 39 linear feet and are associated with a temporary workpad. All materials used as temporary fill will be removed for the creek and original contours will be reestablished.

Applicable Law: (check all that apply)
__X__ Section 404 (Clean Water Act, 33 U.S.C. 1344)
_____ Section 10 (River and Harbors Act of 1899)

Authorization: NATIONWIDE PERMIT #33: Temporary Construction, Access, and Dewatering
And
NATIONWIDE PERMIT #23: Approved Categorical Exclusions
SECTION 10 AND 404

Special Conditions

a) All work authorized by this permit must be performed in strict compliance with the plans received in this office on April 27, 2004, which are a part of this permit. Any modification to these plans must be approved by the US Army Corps of Engineers (USACE) prior to implementation.

b) Except as authorized by this permit or any USACE approved modification to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, within waters or wetlands. This permit does not authorize temporary placement or double handling of excavated or fill material within waters or wetlands outside the permitted area. This prohibition applies to all borrow and fill activities connected with this project.

c) Except as specified in the plans attached to this permit, no excavation, fill or mechanized land-clearing activities shall take place at any time in the construction or maintenance of this project, in such a manner as to impair normal flows and circulation patterns within waters or wetlands or to reduce the reach of waters or wetlands.

d) All conditions of the attached North Carolina Wildlife Resources Commission letter of June 18, 2004 are hereby incorporated as special conditions of this permit.

e) All temporary fill will be removed from the creek and disposed of on uplands outside of the floodplain within 90 days of the completion of the deck slab.

f) No temporary fill resulting from the demolition of the existing bridge is authorized by this permit.

* g) Compensatory mitigation for unavoidable impacts to 0.615 acre of jurisdictional wetland shall be provided by the Ecosystem Enhancement Program (EEP) as outlined in the March 23, 2004, letter from William D. Gilmore, EEP Transition Manager. The EEP will provide 6.15 acres of preservation of riverine wetlands at the Needmore Tract Site in Macon and Swain Counties in the Southern Mountains Eco-Region that have been acquired and protected by the EEP. Pursuant to the EEP Memorandum of Agreement (MOA) between the State of North Carolina and the US Army Corps of Engineers, Wilmington District, signed on July 22, 2003, the EEP will provide a minimum of 0.615 acre of restoration of riverine wetlands in the French Broad River Basin (Hydrologic Cataloging Unit 06010105) by July 22, 2005, and half the proposed preservation mitigation would be available at that time for mitigation for other project impacts.

See attached documents for additional terms and conditions of this Nationwide Permit.

Your work is authorized by this Nationwide Permit (NWP) provided it is accomplished in strict accordance with the attached conditions and your submitted plans. If your activity is subject to Section 404 (if Section 404 block above is checked), before beginning work you must also receive a Section 401 water quality certification from the N.C. Division of Environmental Management, telephone (919) 733-1786. For any activity within the twenty coastal counties, before beginning work you must contact the N.C. Division of Coastal Management, telephone (919) 733-2293.

Please read and carefully comply with the attached conditions of the NWP. Any violation of the conditions of the NWP referenced above may subject the permittee to a stop work order, a restoration order, and/or appropriate legal action.

This Department of the Army NWP verification does not relieve the permittee of the responsibility to obtain any other required Federal, State, or local approvals/permits. The permittee may need to contact appropriate State and local agencies before beginning work.

This verification will remain valid until 1 July 2006 unless the nationwide authorization is modified, reissued or revoked. If, prior to 1 July 2006 the nationwide permit authorization is reissued and/or modified, this verification will remain valid until 1 July 2006, provided it complies with all modifications. If the nationwide permit authorization expires or is suspended, revoked, or is modified, such that the activity would no longer comply with the terms and conditions of the nationwide permit, activities which have commenced (i.e., are under construction) or are under contract to commence in reliance upon the nationwide permit, will remain authorized provided the activity is completed within twelve months of the date of the nationwide permit's expiration, modification or revocation, unless discretionary authority has been exercised on a case-by-case basis to modify, suspend or revoke the authorization.

If there are any questions regarding this authorization or any of the conditions of the Nationwide Permit, please contact the Corps Regulatory Official specified below.

Date: 1 July 2004
Corps Regulatory Official: Angie Pennock Angie Pennock **Telephone No.:** (828) 271-7980
Expiration Date of Verification: 1 July 2006

SURVEY PLATS, FIELD SKETCH, WETLAND DELINEATION FORMS, PROJECT PLANS, ETC., MUST BE ATTACHED TO THE FILE COPY OF THIS FORM, IF REQUIRED OR AVAILABLE.
CESAW Form 591
Revised July 1995

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North Carolina Wildlife Resources Commission

Charles R. Fullwood, Executive Director

TO: Steven W. Lund, NCDOT Coordinator
Asheville Regulatory Field Office, USACE

FROM: Marla Chambers, Western NCDOT Permit Coordinator
Habitat Conservation Program, NCWRC

DATE: June 18, 2004

SUBJECT: Review of Categorical Exclusion document and information associated with a Section 404 Permit application by NCDOT to replace Bridge No. 145 on SR 2173 (Dillingham Road) over Dillingham Creek, Buncombe County, North Carolina. TIP No. B-3310.

North Carolina Department of Transportation (NCDOT) has requested a Section 404 permit from the U.S. Army Corps of Engineers (USACE). Staff biologists with the North Carolina Wildlife Resources Commission (NCWRC) have reviewed the information provided and conducted a site visit on May 5, 2004. These comments are provided in accordance with the provisions of the National Environmental Policy Act (42 U.S.C. 4332(2)(c)) and the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661-667d).

The NCDOT proposes to replace Bridge No. 145 on SR 2173 (Dillingham Road) over Dillingham Creek with a new bridge on new alignment downstream (south) of the existing bridge. It appears a bent will be placed on an island in the channel, which may have formed as a result of the existing bent in the water. We would prefer no bents be placed in the channel. While the project moves the road away from Dillingham Creek, which runs along the north side of the existing road, providing an opportunity for some floodplain restoration, it impacts 0.615 acres of developing wetlands to the south. A large forested wetland is developing at the site of a gravel quarry abandon about 30 years ago. Beaver activity was indicated as appearing to influence the hydrology. Temporary stream impacts total 0.069 acres due to the construction of a rock workpad.

Dillingham Creek, classified WS II Trout waters, is Hatchery Supported Designated Public Mountain Trout water, which also supports wild trout populations. NCDOT will observe

Mailing Address: Division of Inland Fisheries • 1721 Mail Service Center • Raleigh, NC 27699-1721
Telephone: (919) 733-3633 • **Fax:** (919) 715-7643

a work moratorium from November 1 to April 15, as previously requested by NCWRC. Although our current trout moratorium dates are from October 15 to April 15, we can concur with our original requested dates. The bridge should be replaced as close as practicable to the existing road to minimize impacts to the developing wetland and the floodplain should be restored in the area of the existing road with minimal disturbance riparian trees and vegetation along Dillingham Creek.

NCWRC can concur with the permit issuance if the following conditions are implemented:

1. In-stream work and land disturbance within the 25-foot wide buffer zone are prohibited from November 1 through April 15 to protect the egg and fry stages of trout.

2. Sediment and erosion control measures shall adhere to the design standards for sensitive watersheds (15A NCAC 4B .0124 (a)-(d)) and be strictly maintained until project completion to avoid impacts to downstream aquatic resources. Temporary or permanent herbaceous vegetation should be planted on all bare soil within 10 days of ground disturbing activities to provide long-term erosion control. Tall fescue should not be used in riparian areas. We encourage NCDOT to utilize onsite vegetation and materials for bank stabilization when practicable. Erosion control matting should be used in riparian areas, instead of straw mulch and well anchored with 12" staples or 12" wooden survey stakes.

3. Discharge of materials into the stream from demolition of the old bridge should be avoided as much as practicable. Any materials that inadvertently reach the stream should be removed.

4. The natural dimension, pattern, and profile of the stream above and below the crossing should not be modified by widening the stream channel or changing the depth of the stream.

5. Removal of vegetation in riparian areas should be minimized. Native trees and shrubs should be planted along the stream banks to reestablish the riparian zone and to provide long-term erosion control.

6. Grading and backfilling should be minimized, and tree and shrub growth should be retained if possible to ensure long term availability of shoreline cover for fish and wildlife. Backfill materials should be obtained from upland sites.

7. Riprap placed for bank stabilization should be limited to the stream bank below the high water mark, and vegetation should be used for stabilization above the high water elevation.

8. Stormwater, including deck drainage, should be directed to buffer areas or retention basins and should not be routed directly into the stream.

9. If concrete will be used during construction, work must be accomplished so that wet (uncured) concrete does not contact surface waters. This will lessen the chance of altering the water chemistry and causing a fish kill.

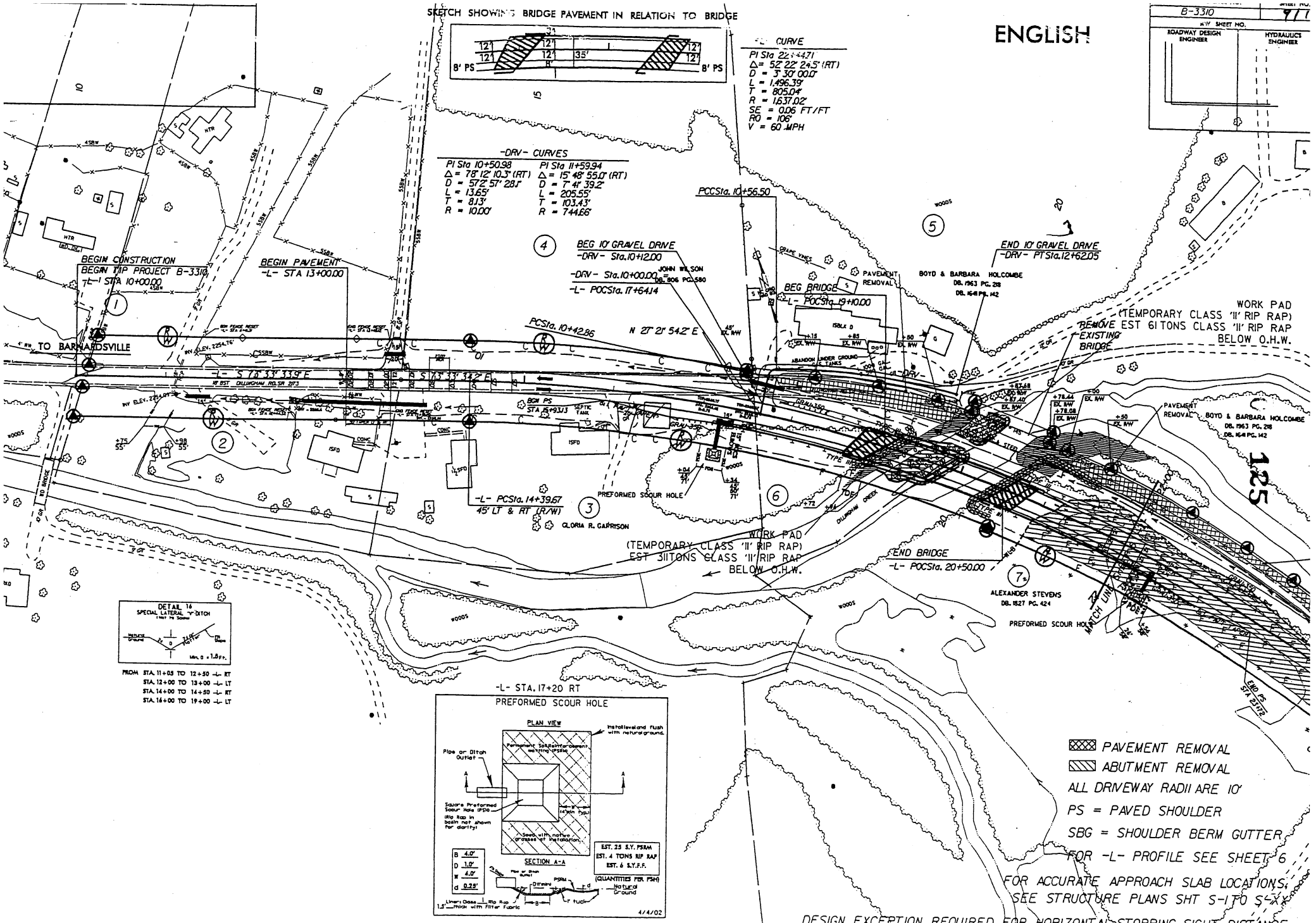
10. Discharging hydroseeding mixtures and washing out hydroseeders and other equipment in or adjacent to surface waters is strictly prohibited.

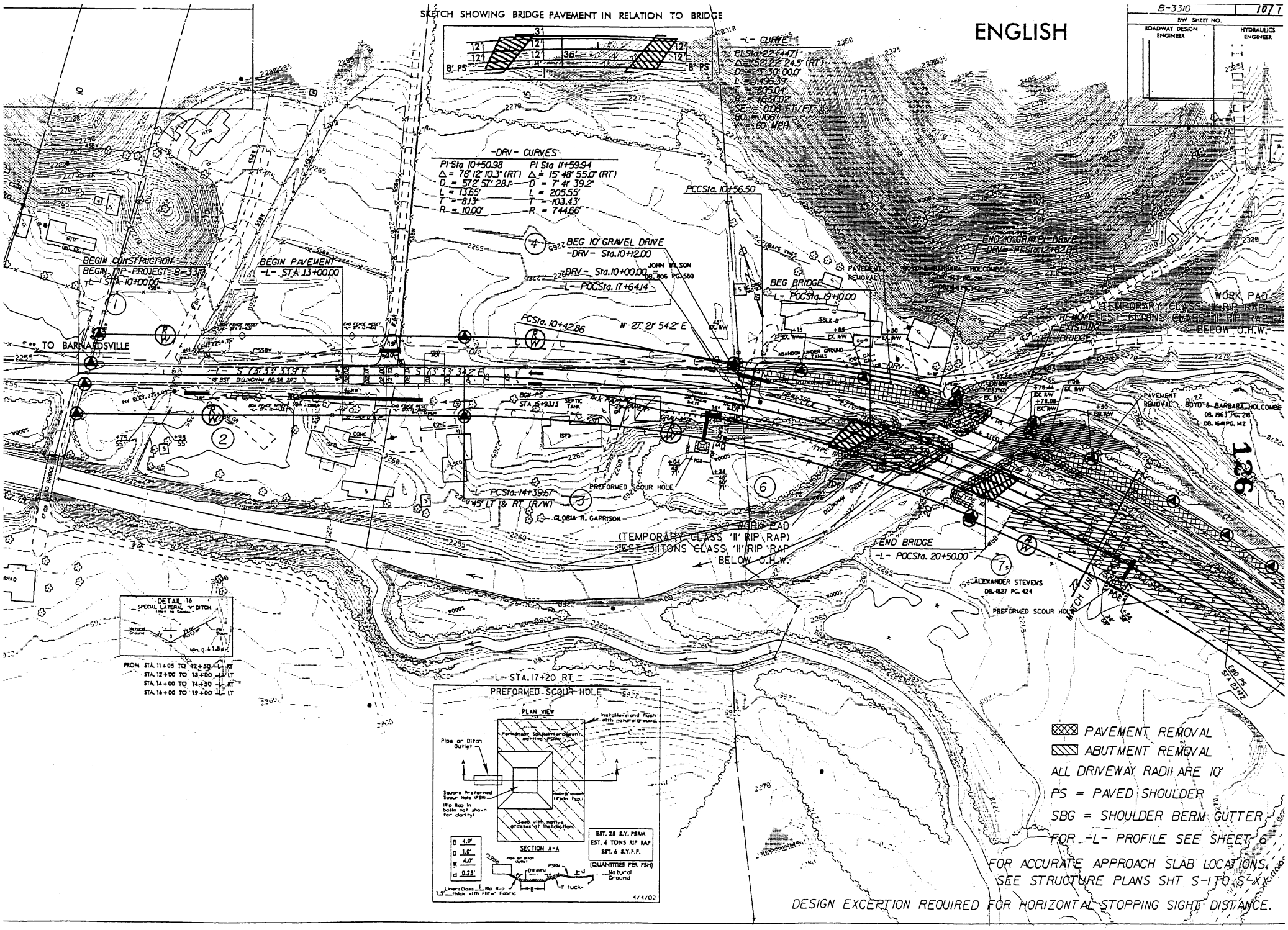
11. Heavy equipment should be operated from the bank rather than in the stream channel whenever possible in order to minimize sedimentation and reduce the likelihood of introducing other pollutants into the stream. All mechanized equipment operated near surface waters should be inspected and maintained regularly to prevent contamination of surface waters from fuels, lubricants, hydraulic fluids or other toxic materials.

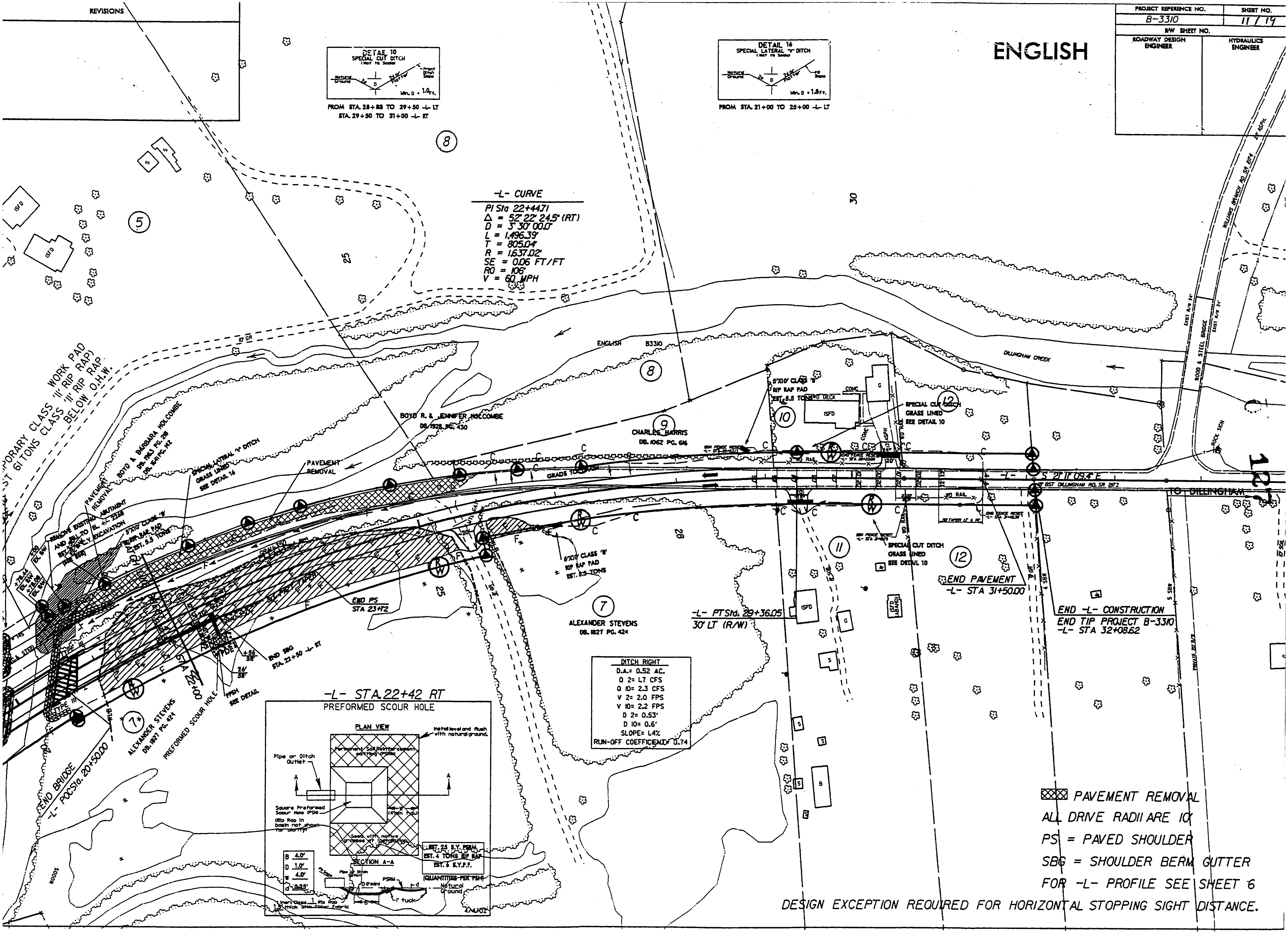
12. The existing roadway that is to be eliminated should be removed back to original ground elevations and the natural floodplain elevations and functions should be restored with minimal impact to existing riparian trees and vegetation. Disturbed areas should be seeded or mulched to stabilize the soil and native tree species should be planted with a spacing of not more than 10'x10'.

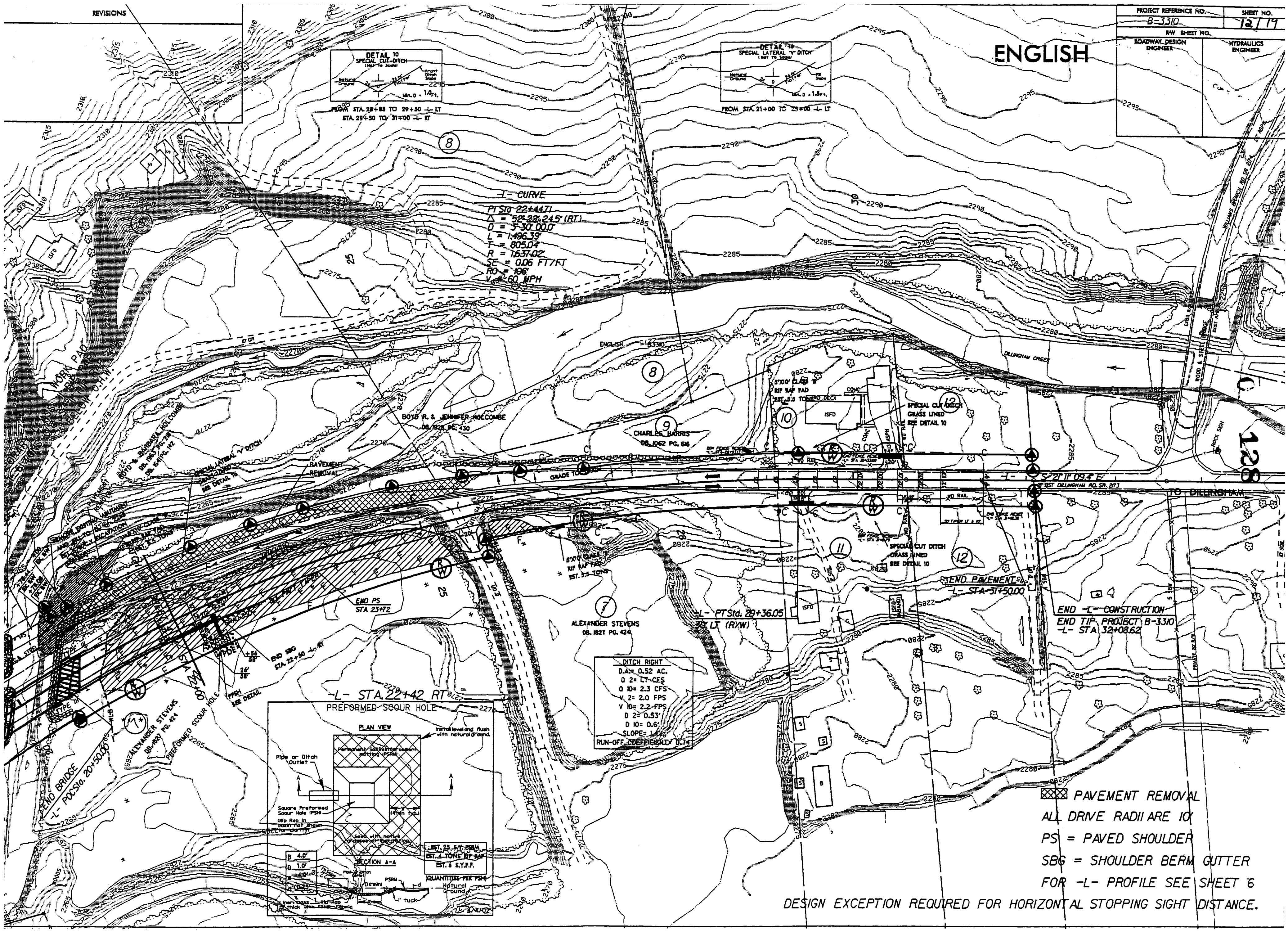
Thank you for the opportunity to review and comment on this project. If you have any questions regarding these comments, please contact me at (704) 485-2384.

cc: Marella Buncick, USFWS
Brian Wrenn, NCDWQ

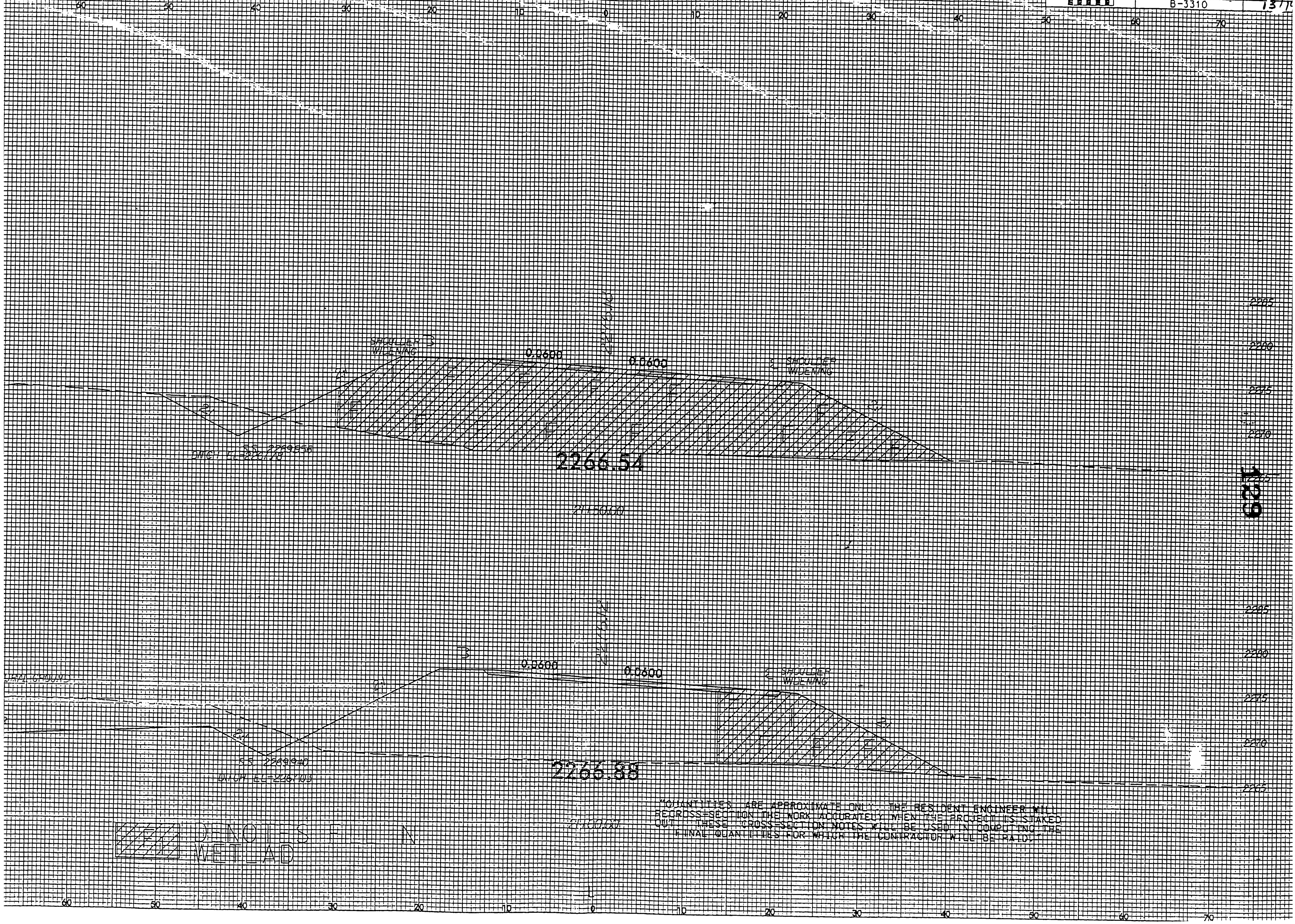

SKETCH SHOWING BRIDGE PAVEMENT IN RELATION TO BRIDGE
8' PS
8' PS
ENGLISH
B-3310
ROADWAY DESIGN ENGINEER
HYDRAULICS ENGINEER
-L- CURVE
PI Sta 22+44.71
Δ= 52° 22' 24.5" (RT)
D = 3° 30' 00.0"
L = 1,496.39'
T = 805.04'
R = 1,637.02'
SE = 0.06 FT/FT
RO = 106'
V = 60 MPH
-DRV- CURVES
PI Sta 10+50.98
Δ = 78° 12' 10.3" (RT)
D = 57° 57' 28.5"
L = 13.65'
T = 8.13'
R = 10.00'
PI Sta 11+59.94
Δ = 15° 48' 55.0" (RT)
D = 7° 41' 39.2"
L = 205.55'
T = 103.43'
R = 744.66'
PCC Sta. 10+56.50
BEGIN CONSTRUCTION
BEGIN TIP PROJECT B-3310
-L- STA 10+00.00
BEGIN PAVEMENT
-L- STA 13+00.00
BEG 10' GRAVEL DRIVE
-DRV- Sta. 10+12.00
-DRV- Sta. 10+00.00
-L- PCC Sta. 17+64.14
JOHN WILSON
DB. 806 PG. 580
END 10' GRAVEL DRIVE
-DRV- PT Sta. 12+62.05
BEG BRIDGE
-L- PCC Sta. 19+10.00
PAVEMENT REMOVAL
BOYD & BARBARA HOLCOMBE
DB. 1963 PG. 218
DB. 1541 PG. 142
WORK PAD
(TEMPORARY CLASS 'II' RIP RAP)
EST 61 TONS CLASS 'II' RIP RAP
BELOW O.H.W.
REMOVE EXISTING BRIDGE
TO BARNARDSVILLE
-L- STA 17+20 RT
PREFORMED SCOUR HOLE
PCC Sta. 10+42.86
N 21° 21' 54.2" E
-L- PCC Sta. 14+39.67
45' LT & RT (R/W)
GLORIA R. GARRISON
WORK PAD
(TEMPORARY CLASS 'II' RIP RAP)
EST 311 TONS CLASS 'II' RIP RAP
BELOW O.H.W.
END BRIDGE
-L- PCC Sta. 20+50.00
ALEXANDER STEVENS
DB. 1527 PG. 424
PREFORMED SCOUR HOLE
MATCH LINE
DETAIL 16
SPECIAL LATERAL "V" DITCH
FROM STA. 11+05 TO 12+50 -L- RT
STA. 12+00 TO 13+00 -L- LT
STA. 14+00 TO 14+50 -L- RT
STA. 14+00 TO 19+00 -L- LT
PREFORMED SCOUR HOLE
PLAN VIEW
SECTION A-A
EST. 25 S.Y. PSRM
EST. 4 TONS RIP RAP
EST. 6 S.Y.F.F.
(QUANTITIES PER PSH)
4/4/02
PAVEMENT REMOVAL
ABUTMENT REMOVAL
ALL DRIVEWAY RADII ARE 10'
PS = PAVED SHOULDER
SBG = SHOULDER BERM GUTTER
FOR -L- PROFILE SEE SHEET 6
FOR ACCURATE APPROACH SLAB LOCATIONS, SEE STRUCTURE PLANS SHT S-1 TO S-XX
DESIGN EXCERTION REQUIRED FOR HORIZONTAL STOPPING SIGHT DISTANCE.
125


ENGLISH
B-3310
1071
SW SHEET NO.
ROADWAY DESIGN ENGINEER
HYDRAULICS ENGINEER
SKETCH SHOWING BRIDGE PAVEMENT IN RELATION TO BRIDGE
-L- CURVE
PI Sta 22+44.71
Δ= 50° 22' 24.5" (RT)
D = 3° 30' 00.0"
L = 1496.39'
T = 805.04'
R = 1637.02'
SE = .004 FT./FT.
RC = 106%
V = 60 MPH
-DRV- CURVES
PI Sta 10+50.98
Δ = 78° 12' 10.3" (RT)
D = 572° 57' 28.5"
L = 13.65'
T = 8.13'
R = 10.00'
PI Sta 11+59.94
Δ = 15° 48' 55.0" (RT)
D = 7° 41' 39.2"
L = 205.55'
T = 103.43'
R = 744.66'
PCCSta. 10+56.50
BEG 10' GRAVEL DRIVE
-DRV- Sta. 10+12.00
-DRV- Sta. 10+00.00
-L- PCCSta. 17+64.14
JOHN WILSON
DB. 806 PG. 580
BEGIN CONSTRUCTION
BEGIN TIP PROJECT B-3310
-L- STA. 10+00.00
BEGIN PAVEMENT
-L- STA. 13+00.00
PCSta. 10+42.86
N 27° 21' 54.2" E
TO BARNARDSVILLE
-L- S 70° 33' 33.9" E
BEG BRIDGE
-L- PCCSta. 19+10.00
END 10' GRAVEL DRIVE
-DRV- PI Sta 12+22.80
PAVEMENT REMOVAL
BOYD & BARBARA HOLCOMBE
DB. 1963 PG. 28
DB. K-4 PG. 142
WORK PAD
(TEMPORARY CLASS 'II' RIP RAP)
EST. 61 TONS CLASS 'I' RIP RAP
BELOW O.H.W.
EXISTING BRIDGE
-L- PCCSta. 14+39.67
45° LT & RT (R/W)
GLORIA R. GARRISON
PREFORMED SCOUR HOLE
WORK PAD
(TEMPORARY CLASS 'II' RIP RAP)
EST. 3 TONS CLASS 'II' RIP RAP
BELOW O.H.W.
END BRIDGE
-L- PCCSta. 20+50.00
ALEXANDER STEVENS
DB. 1527 PG. 424
MATCH LINE -L- STA. 17+20
DETAIL 16
SPECIAL LATERAL "V" DITCH
FROM STA. 11+05 TO 12+50 -L- RT
STA. 12+00 TO 13+00 -L- LT
STA. 14+00 TO 14+50 -L- RT
STA. 16+00 TO 19+00 -L- LT
PREFORMED SCOUR HOLE
PLAN VIEW
Pipe or Ditch Outlet
Square Preformed Scour Hole (PSH)
Rip Rap in basin not shown for clarity
Seed with native grasses at installation
Install sod and flush with natural ground.
SECTION A-A
Natural Ground
B 4.0'
D 1.0'
W 4.0'
a 0.28'
EST. 25 S.Y. PSRM
EST. 4 TONS RIP RAP
EST. 6 S.Y.F.F.
(QUANTITIES PER PSH)
Liner: Class I Rip Rap 1.5' thick with Filter Fabric
4/4/02
PAVEMENT REMOVAL
ABUTMENT REMOVAL
ALL DRIVEWAY RADII ARE 10'
PS = PAVED SHOULDER
SBG = SHOULDER BERM GUTTER
FOR -L- PROFILE SEE SHEET 6
FOR ACCURATE APPROACH SLAB LOCATIONS, SEE STRUCTURE PLANS SHT S-1 TO S-2
DESIGN EXCEPTION REQUIRED FOR HORIZONTAL STOPPING SIGHT DISTANCE.
126


PROJECT REFERENCE NO. B-3310
SHEET NO. 11 / 19
R/W SHEET NO.
ROADWAY DESIGN ENGINEER
HYDRAULICS ENGINEER
REVISIONS
ENGLISH
DETAIL 10
SPECIAL CUT DITCH
FROM STA. 28+83 TO 29+50 -L- LT
STA. 29+50 TO 31+00 -L- RT
DETAIL 16
SPECIAL LATERAL "V" DITCH
FROM STA. 21+00 TO 25+00 -L- LT
-L- CURVE
PI Sta 22+44.71
Δ = 52° 22' 24.5" (RT)
D = 3° 30' 00.0"
L = 1,496.39'
T = 805.04'
R = 1,637.02'
SE = 0.06 FT/FT
RO = 106'
V = 60 MPH
DILLINGHAM CREEK
BOYD R. & JENNIFER HOLCOMBE
DB. 1528, PG. 430
BOYD & BARBARA HOLCOMBE
CHARLES HARRIS
DB. 1062 PG. 616
ALEXANDER STEVENS
DB. 1827 PG. 424
PAVEMENT REMOVAL
END PS
STA 23+72
END SBG
STA. 22+50 -L- RT
-L- POCSta. 20+50.00
END BRIDGE
PREFORMED SCOUR HOLE
-L- PTSta. 29+36.05
30' LT (R/W)
END PAVEMENT
-L- STA 31+50.00
END -L- CONSTRUCTION
END TIP PROJECT B-3310
-L- STA 32+08.62
TO DILLINGHAM
SPECIAL CUT DITCH
GRASS LINED
SEE DETAIL 10
5'X10' CLASS 'B'
RIP RAP PAD
EST. 5.5 TONS
DITCH RIGHT
D.A.= 0.52 AC.
Q 2= 1.7 CFS
Q 10= 2.3 CFS
V 2= 2.0 FPS
V 10= 2.2 FPS
D 2= 0.53'
D 10= 0.6'
SLOPE= 1.4%
RUN-OFF COEFFICIENT= 0.74
-L- STA. 22+42 RT
PREFORMED SCOUR HOLE
PLAN VIEW
SECTION A-A
WORK PAD
CLASS 'II' RIP RAP
BELOW O.H.W.
PAVEMENT REMOVAL
ALL DRIVE RADII ARE 10'
PS = PAVED SHOULDER
SBG = SHOULDER BERM GUTTER
FOR -L- PROFILE SEE SHEET 6
DESIGN EXCEPTION REQUIRED FOR HORIZONTAL STOPPING SIGHT DISTANCE.

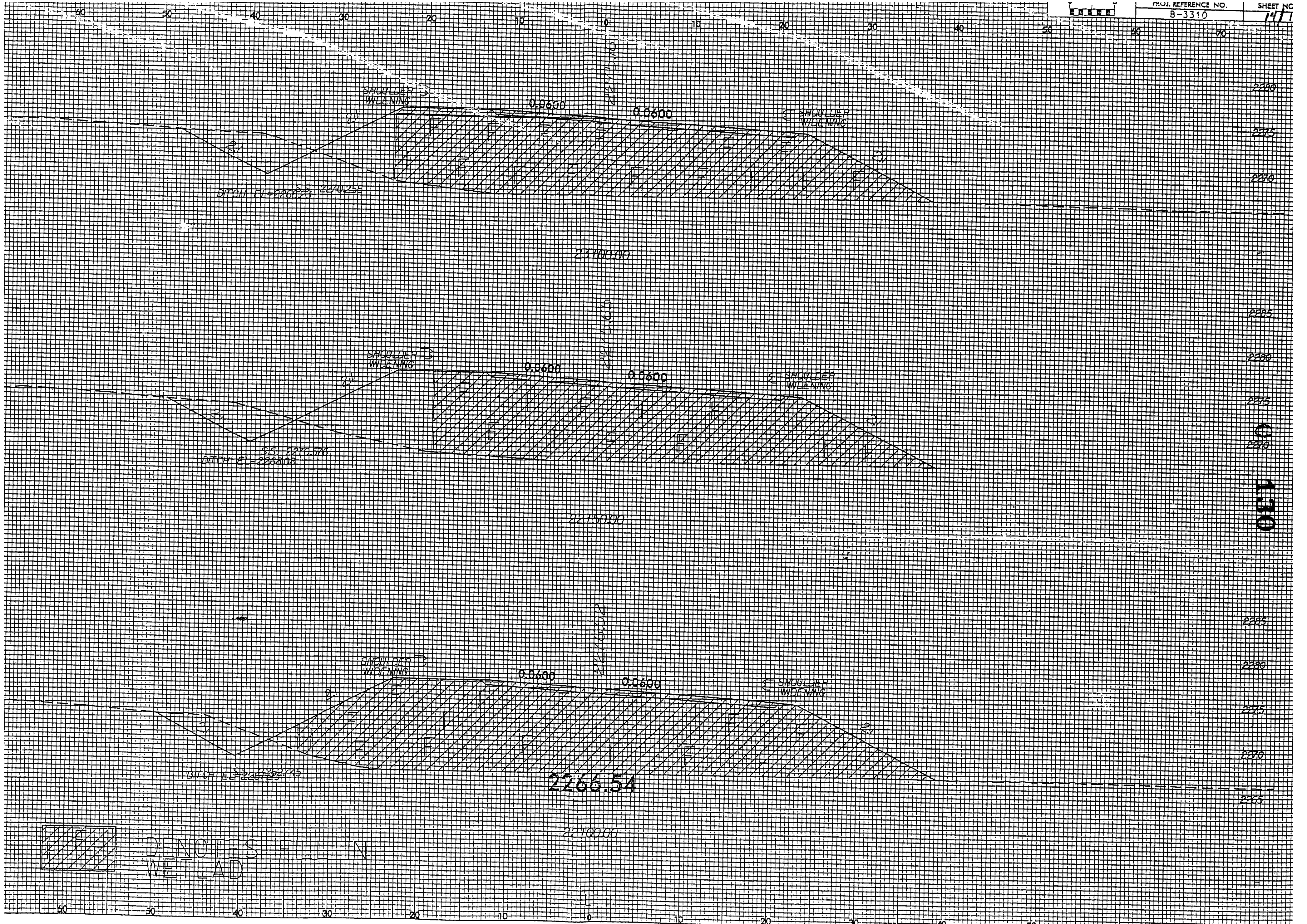

PROJECT REFERENCE NO.
B-3310
SHEET NO.
12/19
R/W SHEET NO.
ROADWAY DESIGN ENGINEER
HYDRAULICS ENGINEER
ENGLISH
REVISIONS
DETAIL 10
SPECIAL CUT DITCH
FROM STA. 28+85 TO 29+50 -L- LT
STA. 29+50 TO 31+00 -L- RT
SPECIAL LATERAL "V" DITCH
FROM STA. 21+00 TO 23+00 -L- LT
-L- CURVE
PI Sta 22+44.71
Δ = 52°22'24.5" (RT)
D = 3°30'00.0"
L = 1,496.39'
T = 805.04'
R = 1,637.02'
SE = 0.06 FT/FT
RO = 106'
V = 60 MPH
DILLINGHAM CREEK
BOYD R. & JENNIFER HOLCOMBE
DB 1828 PG. 430
CHARLES HARRIS
DB 1062 PG. 616
PAVEMENT REMOVAL
SPECIAL CUT DITCH
GRASS LINED
SEE DETAIL 10
TO DILLINGHAM
ROCK SIGN
END PS
STA 23+72
END SBG
STA 22+50 -L- RT
ALEXANDER STEVENS
DB 1827 PG. 424
END PAVEMENT
-L- STA 31+50.00
END -L- CONSTRUCTION
END TIP PROJECT B-3310
-L- STA 32+08.62
-L- PT Sta. 29+36.05
35' LT (R/W)
DITCH RIGHT
D.A.= 0.52 AC.
Q 2= LT CFS
Q 10= 2.3 CFS
V 2= 2.0 FPS
V 10= 2.2 FPS
D 2= 0.53'
D 10= 0.6'
SLOPE= 1.4%
RUN-OFF COEFFICIENT 0.74
-L- STA. 22+42 RT
PREFORMED SCOUR HOLE
PLAN VIEW
SECTION A-A
QUANTITIES PER PSH
END BRIDGE
-L- POC Sta. 20+50.00
WORK PAD
PAVEMENT REMOVAL
ALL DRIVE RADII ARE 10'
PS = PAVED SHOULDER
SBG = SHOULDER BERM GUTTER
FOR -L- PROFILE SEE SHEET 6
DESIGN EXCEPTION REQUIRED FOR HORIZONTAL STOPPING SIGHT DISTANCE.

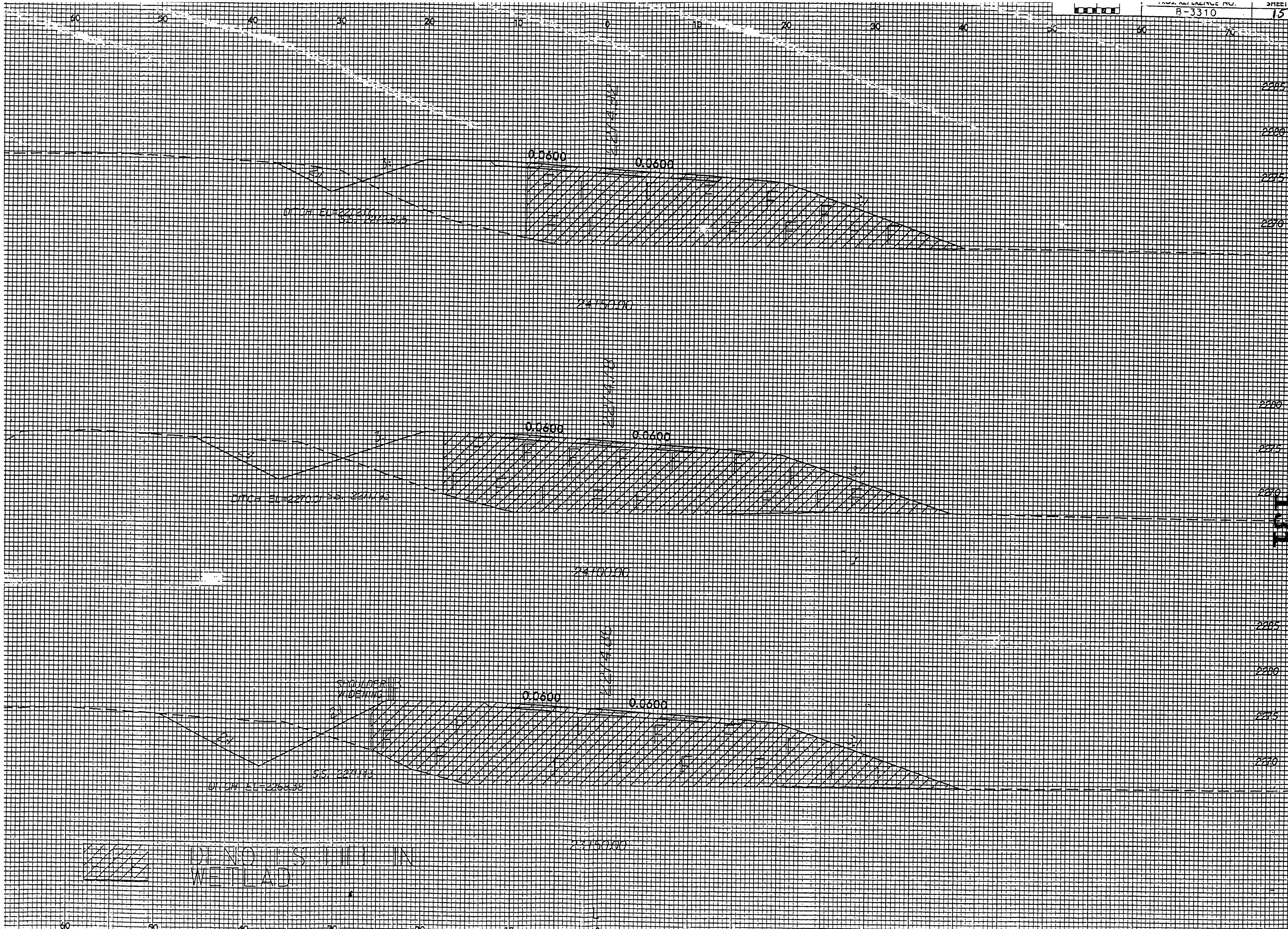
PROJ. REFERENCE NO.	SHEET NO.
B-3310	137

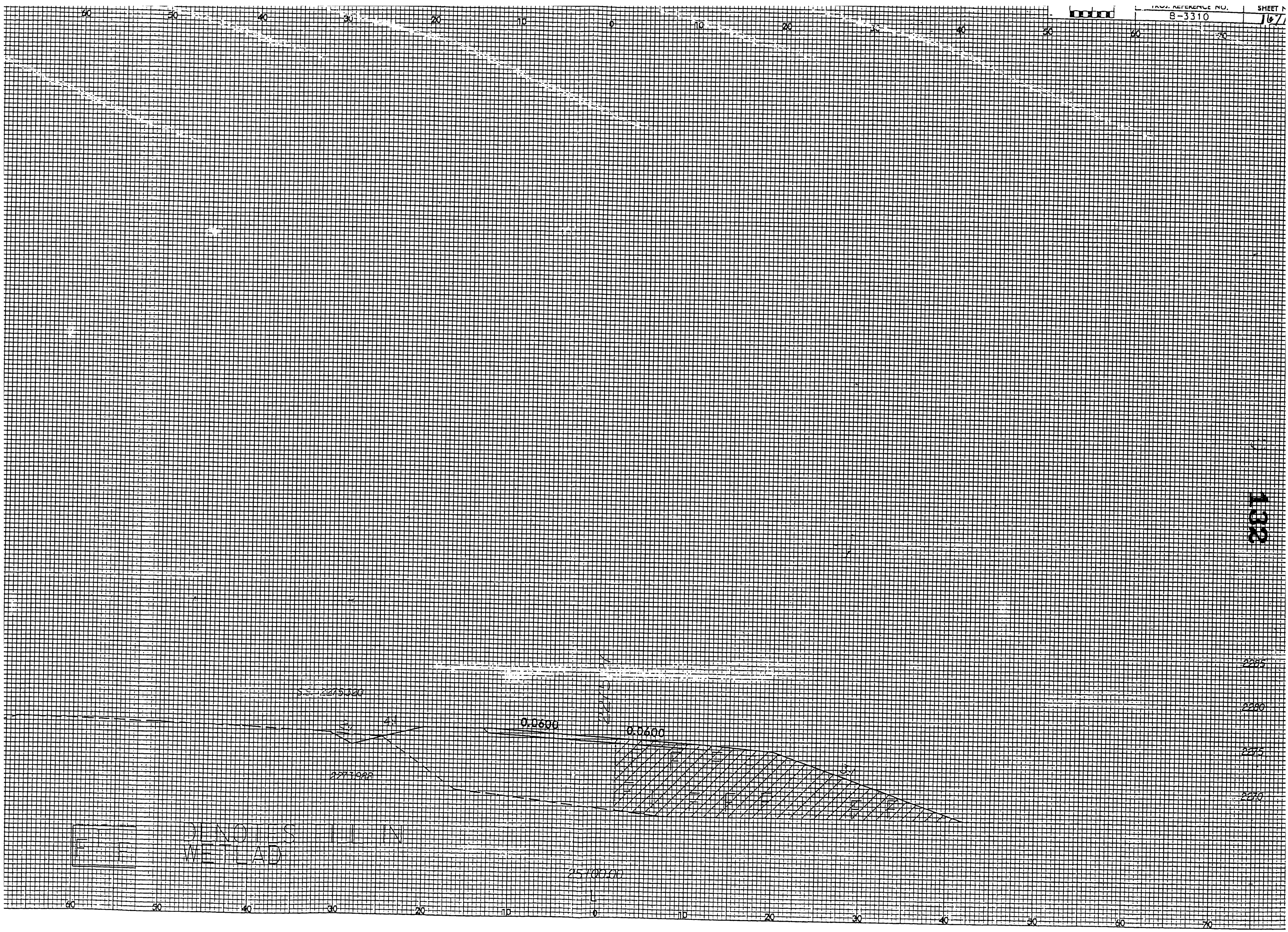


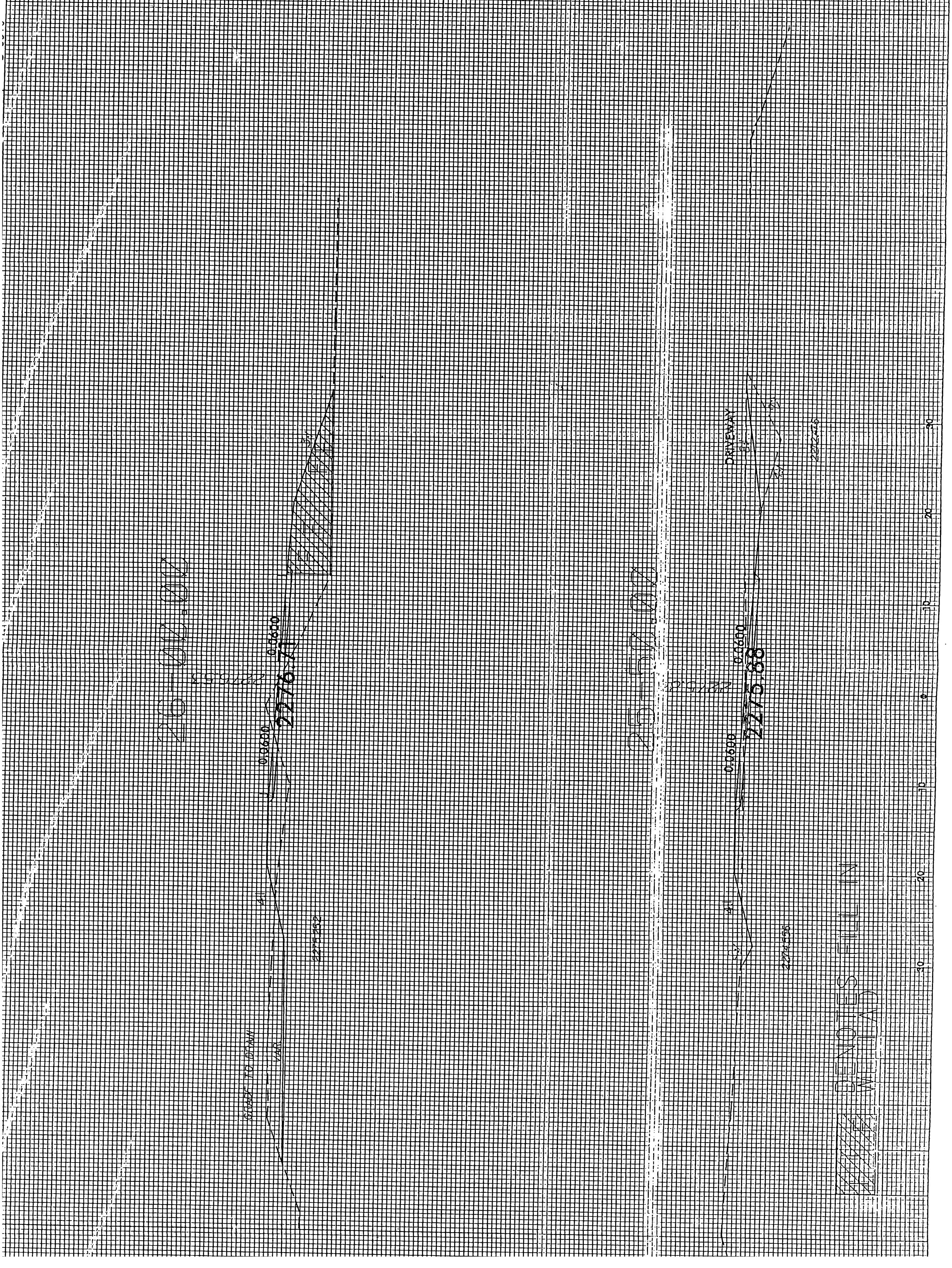
"QUANTITIES ARE APPROXIMATE ONLY. THE RESIDENT ENGINEER WILL RECROSS-SECTION THE WORK ACCURATELY WHEN THE PROJECT IS STAKED OUT. THESE CROSS-SECTION NOTES WILL BE USED IN COMPUTING THE FINAL QUANTITIES FOR WHICH THE CONTRACTOR WILL BE PAID."

PROJ. REFERENCE NO.	SHEET NO.
B-3310	141




0.0600
0.0600
2285
2280
2275
2270
24+150.00
24+100.00
SHOULDER
WIDENING
DITCH EL=2268.38
DENOTES FILL IN
WETLAD


PROJ. REFERENCE NO.
B-3310
SHEET NO.
132
2285
2280
2275
2270
0.0600
0.0600
F F
DENOTES FILL IN
WETLAD


26+00.00
2276.71
0.0600
0.0600
GRADE TO DRAIN
VAR
25+50.00
2275.88
0.0600
0.0600
DRIVEWAY
DENOTES FILL IN
WETLAND

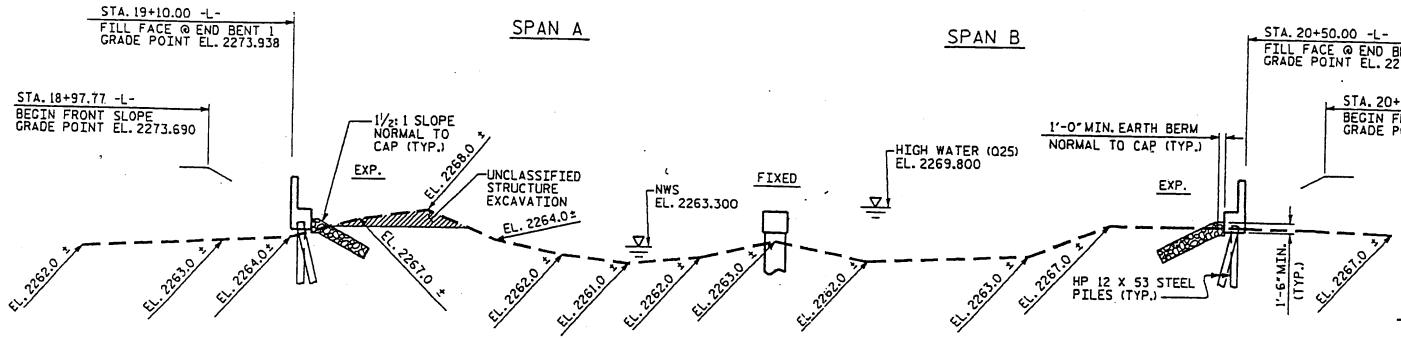
F.A. PROJECT No. BRZ-2173(1)

20+00 20+50

+ 2.5522 % Δ - 1.0295 %

PI STA. 20+50.00 -L-
EL. 2277.71
V.C. 416'

GRADE DATA



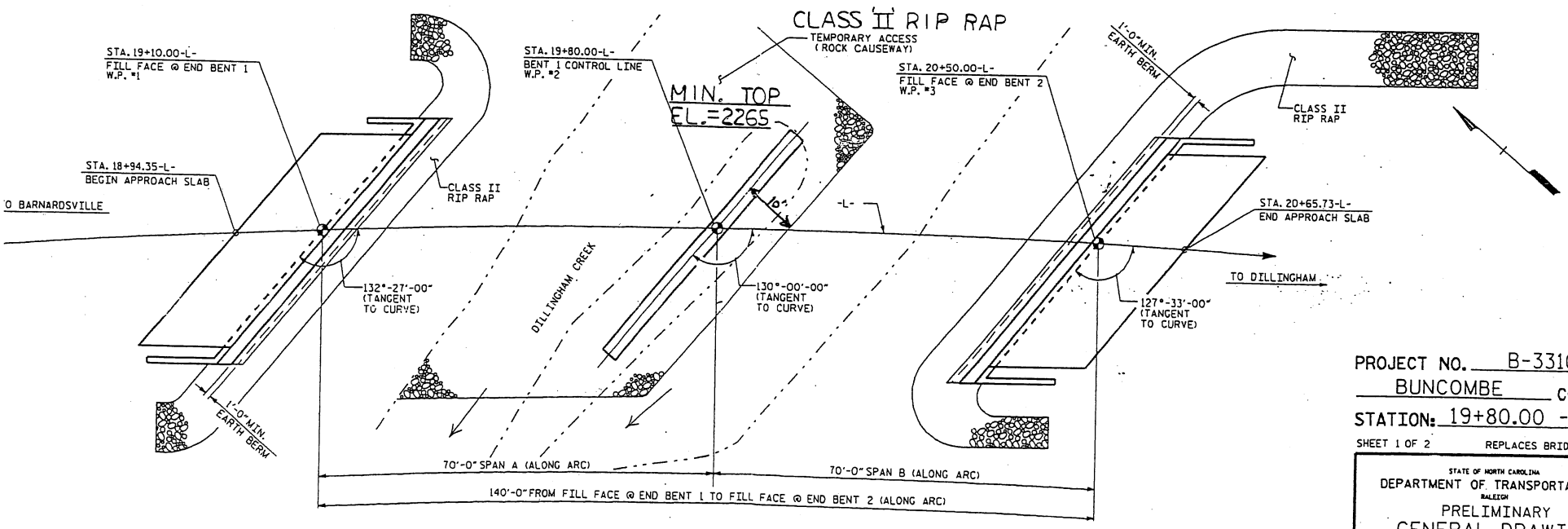
PI Sta 22+44.71
Δ = 52°-22'-24.5" (RT)
D = 3°-30'-00.0"
L = 1,496.39'
T = 805.04'
R = 1,637.02'
SE = 0.06 FT/FT

HORIZONTAL CURVE DATA

END BENT 1 BENT 1 END BENT 2

SECTION ALONG -L-

(SECTION AT BENT AND END BENTS TAKEN AT RIGHT ANGLES)



PLAN

(END BENTS AND INTERIOR BENT ARE PARALLEL)
(PILES ARE NOT SHOWN IN PLAN VIEW)

134

PROJECT NO. B-3310
BUNCOMBE COUNTY
STATION: 19+80.00 -L-

SHEET 1 OF 2 REPLACES BRIDGE No. 145

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH

PRELIMINARY
GENERAL DRAWING
FOR BRIDGE ON SR 2173
OVER DILLINGHAM CREEK
BETWEEN DILLINGHAM
AND BARNARDSVILLE

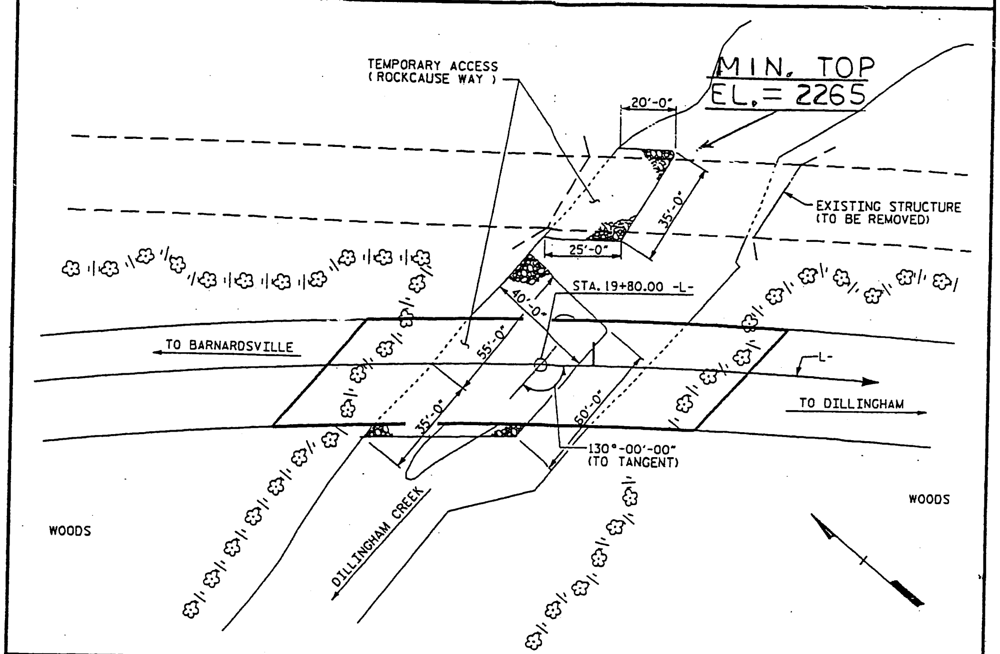
NORTH CAROLINA PROFESSIONAL SEAL 20211 ENGINEER THOMAS G. PAYNE

REVISIONS						SHEET NO.
NO.	BY:	DATE:	NO.	BY:	DATE:	18
1			3			TOTAL SHEETS
2			4			19

DATE : 6-03
DATE : 6-30-03

25-JUL-2003 08:59
R:\squadf\b3310\achesson\Microstation\B3310_SU_GD_01.DGN
achesson

BENCH MARK : BM2 SPIKE SET IN BASE OF 24" POPLAR -L- STA. 19+19.12 ± 108' LT ELEV. 2267.61



LOCATION SKETCH

NOTES :

ASSUMED LIVE LOAD = HS 20 OR ALTERNATE LOADING.

THIS BRIDGE HAS BEEN DESIGNED IN ACCORDANCE WITH THE REQUIREMENTS OF THE AASHTO STANDARD SPECIFICATIONS FOR SEISMIC DESIGN OF HIGHWAY BRIDGES FOR SEISMIC PERFORMANCE CATEGORY B.

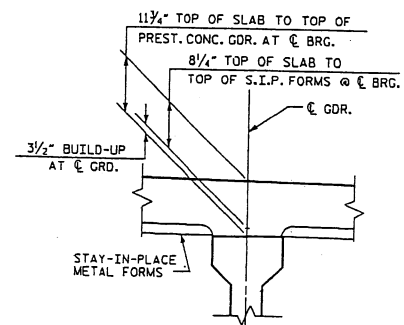
HYDRAULIC DATA

DESIGN DISCHARGE------------- 3700 C.F.S.
FREQUENCY OF DESIGN FLOOD---- 25 YR.
DESIGN HIGH WATER EL.-------- 2269.780
DRAINAGE AREA---------------- 24.5 SQ. MI.
BASIC DISCHARGE (Q100)------- 5100 C.F.S.
BASIC HIGH WATER EL.--------- 2270.770

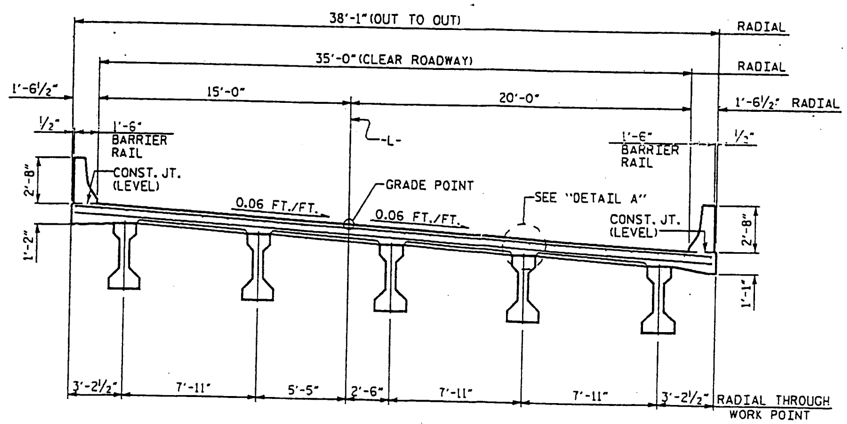
OVERTOPPING FLOOD DATA

OVERTOPPING DISCHARGE----------- 5100+ C.F.S.
FREQUENCY OF OVERTOPPING FLOOD--- 100+ YR.
OVERTOPPING FLOOD EL.------------ 2274.780

135



DETAIL A



TYPICAL SECTION

ALL SPANS ARE AASHTO TYPE III PRESTRESSED CONCRETE GIRDERS CONTINUOUS FOR LIVE LOAD

PROJECT NO. B-3310
BUNCOMBE COUNTY
STATION: 19+80.00 -L-

SHEET 2 OF 2

STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION
RALEIGH

PRELIMINARY
GENERAL DRAWING
FOR BRIDGE ON SR 2173
OVER DILLINGHAM CREEK
BETWEEN DILLINGHAM
AND BARNARDSVILLE

NORTH CAROLINA PROFESSIONAL SEAL 20211 ENGINEER THOMAS G. PAYNE

REVISIONS								SHEET NO.
NO.	BY:	DATE:	NO.	BY:	DATE:			19
1			3					TOTAL SHEETS
2			4					19

DATE : 6 3
DATE : 6- .03

NATIONWIDE PERMIT 23
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 18, 2002

Approved Categorical Exclusions: Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where that agency or department has determined, pursuant to the Council on Environmental Quality Regulation for Implementing the Procedural Provisions of the National Environmental Policy Act (NEPA) (40 CFR part 1500 et seq.), that the activity, work, or discharge 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 the Office of the Chief of Engineers (ATTN: CECW-OR) has been furnished notice of the agency's or department's application for the categorical exclusion and concurs with that determination. Before to approval for purposes of this nationwide permit of any agency's categorical exclusions, the Chief of Engineers will solicit public comment. In addressing these comments, the Chief of Engineers may require certain conditions for authorization of an agency's categorical exclusions under this nationwide permit. (Sections 10 and 404)

NATIONWIDE PERMIT GENERAL CONDITIONS

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

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

2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. 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.

4. 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.

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

6. 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 or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.

7. 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).

8. 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.

9. Water Quality.

a. In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)).

b. For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWPs).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coastal Zone Management. In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).

11. 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. 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 is located in the 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 may affect Federally-listed endangered or threatened species or designated critical habitat, the 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. 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.

b. 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 USFWS 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 USFWS and NMFS or their World Wide Web pages at http://www.fws.gov/r9endspp/endspp.html and http://www.nfms.noaa.gov/prot res/overview/es.html respectively.

12. Historic Properties. No activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

* 13. Notification.

a. Timing; where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

1. Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

2. If notified in writing by the District or Division Engineer that an Individual Permit is required; or

3. Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b. Contents of Notification: The notification must be in writing and include the following information:

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

2. Location of the proposed project;

3. Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), Regional General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

4. For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

5. For NWP 7 (Cutfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed;

6. For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable;

7. For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

8. For NWP 27 (Stream and Wetland Restoration Activities), the PCN must include documentation of the prior condition of the site that will be reverted by the permittee;

9. For NWP 29 (Single-Family Housing), the PCN must also include:

i. Any past use of this NWP by the Individual Permittee and/or the permittee's spouse;

ii. A statement that the single-family housing activity is for a personal residence of the permittee;

iii. A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring \1/4\-acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than

\1/4\-acre in size, formal wetland delineation must be prepared in accordance with the current method required by the Corps. (See paragraph 13(f));

iv. A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

10. For NWP 31 (Maintenance of Existing Flood Control Facilities), the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five-year (or less) maintenance plan. In addition, the PCN must include all of the following:

i. Sufficient baseline information identifying the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

ii. A delineation of any affected special aquatic sites, including wetlands; and,

iii. Location of the dredged material disposal site;

11. For NWP 33 (Temporary Construction, Access, and Dewatering), the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources;

12. For NWPs 39, 43 and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization for losses of waters of the US were achieved on the project site;

13. For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal to offset losses of waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

14. For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent nontidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

15. For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

16. For NWP 44 (Mining Activities), the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for all aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities);

17. For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and

18. For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

c. Form of Notification: The standard Individual Permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

d. District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the

PCN, the District Engineer will expeditiously review the proposed compensatory mitigation plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either:

1. That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an Individual Permit;

2. that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or

3. that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

e. Agency Coordination: The District Engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than \1/2\-acre of waters of the US, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies'

concerns were considered. As required by section 305(b)(4)(B) of the Magnuson-Stevens Fishery Conservation and Management Act, the District Engineer will provide a response to NMFS within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

f. Wetland Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps (For NWP 29 see paragraph (b)(9)(iii) for parcels less than (\1/4\-acre in size). The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

* 14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

a. A statement that the authorized work was done in accordance with the Corps 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.

15. 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 US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. 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 US for the total project cannot exceed \ 1/3\-acre) .

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash,

debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free from toxic pollutants in toxic amounts (see section 307 of the CWA).

19. Mitigation. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

a. The project must be designed and constructed to avoid and minimize adverse effects to waters of the US 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 impacts requiring a PCN, 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. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

d. Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, \1/4\-acre of wetlands cannot be created to change a,\3/4\acre loss of wetlands to a \1/2\-acre loss associated with NWP 39 verification. However, \1/2\-acre of created wetlands can be used to reduce the impacts of a \1/2\-acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

e. To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers
to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

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., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer .will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and

open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic environment or, a watershed basis. In cases where vegetated buffers 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 impacts.

g. Compensatory mitigation proposals submitted with the " notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

h. Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce
adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

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

structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, 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. Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

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 13, 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.

26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

a. Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, 43, and 44.

b. Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, and 44.

c. The permittee must comply with any applicable FEMA-approved state or local

floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date maybe requested. This request must be submitted at least one month before the previously approved completion date.

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of a NWP.

2. NWPs do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.

DEFINITIONS

Best Management Practices (BMPs): BMPs are policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or nonstructural. A BMP policy may affect the limits on a development.

Compensatory Mitigation: For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts, which remain, after all appropriate and practicable avoidance and minimization has been achieved.

Creation: The establishment of a wetland or other aquatic resource where one did not formerly

exist.

Enhancement: Activities conducted in existing wetlands or other aquatic resources that increase one or more aquatic functions.

Ephemeral Stream: An ephemeral stream has *flowing* water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runnoff from rainfall is the primary source of water for stream flow.

Farm Tract: A unit of contiguous land under one ownership that is operated as a farm or part of a farm.

Flood Fringe: That portion of the 100-year floodplain outside of the floodway (often referred to as "floodway fringe").

Floodway: The area regulated by Federal, state, or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program) within the 100-year floodplain.

Independent Utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent Stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the US: Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for a NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US. Impacts to ephemeral waters are only not included in the acreage or linear foot measurements of loss of waters of the US or loss of stream bed, for the purpose of determining compliance with the threshold limits of the NWPs.

Non-tidal Wetland: An area that, during a year with normal patterns of precipitation has standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. The term "open water" includes rivers, streams, lakes, and ponds. For the purposes of the NWPs, this term does not include ephemeral waters.

Perennial Stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for the most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Permanent Above-grade Fill: A discharge of dredged or fill material into waters of the US, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by NWPs 3, 25, 36, etc. are not included.

Preservation: The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

Restoration: Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

Riffle and Pool Complex: Riffle and pool complexes are special aquatic sites under the

404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Single and Complete Project: The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers (see definition of independent utility). For linear projects, the "single and complete project" (i.e., a single and complete crossing) will apply to each crossing of a separate water of the US (i.e., a single waterbody) at that location. An exception is for linear projects crossing a single waterbody several times at separate and distant locations; each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies.

Stormwater Management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater Management Facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and BMPs, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream Channelization: The manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the stream channel. A channelized stream remains a water of the US, despite the modifications to increase the rate of water flow.

Tidal Wetland: A tidal wetland is a wetland (i.e., water of the US) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line (i.e., spring high tide line) and are inundated by tidal waters two times per lunar month, during spring high tides.

Vegetated Buffer: A vegetated upland or wetland area next to rivers, streams, lakes, or other open waters, which separates the open water from developed areas, including agricultural land. Vegetated buffers provide a variety of aquatic habitat functions and values (e.g., aquatic habitat

for fish and other aquatic organisms, moderation of water temperature changes, and detritus for aquatic food webs) and help improve or maintain local water quality. A vegetated buffer can be established by maintaining an existing vegetated area or planting native trees, shrubs, and herbaceous plants on land next to openwaters. Mowed lawns are not considered vegetated buffers because they provide little or no aquatic habitat functions and values. The establishment and maintenance of vegetated buffers I a method of compensatory mitigation that can be used in conjunction with the restoration, creation, enhancement or preservation of aquatic habitats to ensure that activities authorized by NWPs result in minimal adverse effects to the aquatic environment. (See General Condition 19.)

Vegetated Shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

FINAL REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN THE WILMINGTON DISTRICT

1. Waters Excluded from NWP or Subject to Additional Notification Requirements:

a. The Corps identified waters that will be excluded from use of this NWP. These waters are:

1. Discharges into Waters of the United States designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning area are prohibited during the period between February 15 and June 30, without prior written approval from NCDMF or NCWRC and the Corps.

2. Discharges into Waters of the United States designated as sturgeon spawning areas are prohibited during the period between February 1 and June 30, without prior written approval from the National Marine Fisheries Service (NMFS).

✱b. The Corps identified waters that will be subject to additional notification requirements for activities authorized by this NWP. These waters are:

1. Prior to the use of any NWP in any of the following North Carolina *designated waters*, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant must furnish a written statement of compliance with all of the conditions of the applicable Nationwide Permit. The North Carolina *designated waters* that require additional notification requirements are "Outstanding Resource Waters" (ORW) and "High Quality

Waters" (HQW) (as defined by the North Carolina Division of Water Quality), or "Inland Primary Nursery Areas" (IPNA) (as defined by the North Carolina Wildlife Resources Commission), or contiguous wetlands (as defined by the North Carolina Division of Water Quality), or "Primary Nursery Areas" (PNA) (as defined by the North Carolina Division of Marine Fisheries).

2. Applicants for any NWP in a designated "Area of Environmental Concern" (AEC) in the twenty (20) coastal counties of Eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA), must also obtain the required CAMA permit. Construction activities may not commence until a copy of the approved CAMA permit is furnished to the appropriate Wilmington District Regulatory Field Office (Wilmington Field Office – P.O. Box 1890, Wilmington, NC 28402 or Washington Field Office – P.O. Box 1000, Washington, NC 27889) for authorization to begin work.

3. Prior to the use of any NWP on a Barrier Island of North Carolina, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable Nationwide Permit.

4. Prior to the use of any NWP in a "Mountain or Piedmont Bog" of North Carolina, applicants shall comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP.

Note: The following wetland community types identified in the N.C. Natural Heritage Program document, "Classification of Natural communities of North Carolina (Michael P. Schafale and Alan S. Weakley, 1990), are subject to this regional condition.

Mountain Bogs	Piedmont Bogs
Swamp Forest-Bog Complex	Upland Depression Swamp Forest
Swamp Forest-Bog Complex (Spruce Subtype)	
Southern Appalachian Bog (Northern Subtype)	
Southern Appalachian Bog (Southern Subtype)	
Southern Appalachian Fen	

5. Prior to the use of any NWP in Mountain Trout Waters within twenty-five (25) designated counties of North Carolina, applicants shall comply with Nationwide General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Notification will include a letter of comments and recommendations from the North Carolina Wildlife Resources Commission (NCWRC), the

location of work, a delineation of wetlands, a discussion of alternatives to working in the Mountain Trout Waters, why other alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the Mountain Trout Waters. To facilitate coordination with the NCWRC, the proponent may provide a copy of the notification to the NCWRC concurrent with the notification to the District Engineer. The NCWRC will respond both to the proponent and directly to the Corps of Engineers.

The twenty-five (25) designated counties are:

Alleghany	Ashe	Avery	Yancey
Buncombe	Burke	Caldwell	Wilkes
Cherokee	Clay	Graham	Swain
Haywood	Henderson	Jackson	Surry
Macon	Madison	McDowell	Stokes
Mitchell	Polk	Rutherford	
Transylvania	Watauga		

6. Applicants shall notify the NCDENR Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination of the disposal area and allow a temporary shellfish closure to be made. Any disposal of sand to the beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand should be used and no dredged sand from closed shell fishing areas. If beach disposal was to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a swim advisory shall be posted and a press release shall be made. NCDENR Shellfish Sanitation Section must be notified before commencing this activity.

2. List of Final Corps Regional Modifications and Conditions for All Nationwide Permits

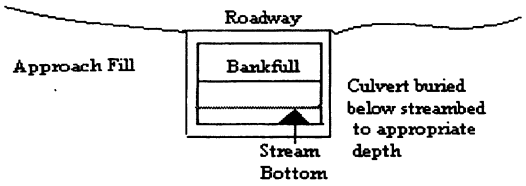
a. Individual or multiple NWPs may not be used for activities that result in the cumulative loss or degradation of greater than 300 total linear feet of perennial streambed or intermittent streambed that exhibits important aquatic function(s).

b. Prior to the use of any NWP (except 13, 27, and 39) for any activity that has more than a total of 150 total linear feet of perennial streambed impacts or intermittent streambed impacts (if the intermittent stream has important aquatic function), the applicant must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Compensatory mitigation is typically required for any impact that requires such notification. [Note: The Corps uses the Intermittent Channel Evaluation Form, located with Permit Information on the Regulatory Program Web Site, to aid in the determination of the intermittent channel stream status. Also, NWPs 13, 27 and 39 have specific reporting requirements.]

c. For all Nationwide Permits which allow the use of concrete as a building material, measures will be taken to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with waters of the state until the concrete has hardened.

d. For all Nationwide Permits that allow for the use of riprap material for bank stabilization, filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters.

e. For all NWPs that involve the construction of culverts, measures will be included in the construction that will promote the safe passage of fish and other aquatic organisms.
All culverts in the 20 CAMA coastal counties must be buried to a depth of one foot below the



bed of the stream or wetland. For all culvert construction activities, the dimension, pattern, and profile of the stream, (above and below a pipe or culvert), should not be modified by widening the stream channel or by reducing the depth of the stream. Culvert inverts will be buried at least one foot below the bed of the stream for culverts greater than 48 inches in diameter. For culverts 48 inches in diameter or smaller, culverts must be buried below the bed of the stream to a depth equal to or greater than 20 percent of the diameter of the culvert. Bottomless arch culverts will satisfy this condition. A waiver from the depth specifications in this Regional Condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this Regional Condition would result in more adverse impacts to the aquatic environment.

NORTH CAROLINA DIVISION OF WATER QUALITY
GENERAL CERTIFICATION CONDITIONS
GC3361

*1. Proposed fill or substantial modification of wetlands or waters (including streams) under this General Certification requires notification to the Division of Water Quality. Two copies shall be submitted to DWQ at the time of notification in accordance with 15A NCAC 2H .0501(a). Written concurrence from DWQ is not required unless any standard conditions of this Certification cannot be met;

2. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance
with the appropriate turbidity water quality standard;

3. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A determination of buffer, wetland and stream mitigation requirements shall be made for any Certification for this Nationwide Permit. The most current design and monitoring protocols from DWQ shall be followed and written plans submitted for DWQ approval as required in those protocols. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the traveling public;

4. Compensatory stream mitigation shall be required at a 1:1 ratio for all perennial and intermittent stream impacts equal to or exceeding 150 feet and that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II;

5. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;

6. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;

7. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted and will be the higher of the two fees;

* 8. Impacts to any stream length in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico, Randleman and Catawba River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices;

9. Additional site-specific conditions may be added to projects for which written concurrence is required or requested under this Certification in order to ensure compliance with all applicable water quality and effluent standards;

10. Concurrence from DWQ that this Certification applies to an individual project shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Nationwide and Regional General Permits, whichever is sooner;

11. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed.

NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT
STATE CONSISTENCY

Consistent.

Citations:
2002 Nationwide Permits - Federal Register Notice 15 Jan 2002
2002 Nationwide Permits Corrections - Federal Register Notice 13 Feb 2002
2002 Regional Conditions – Authorized 17 May 2002

WQC #3403

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 23 (APPROVED CATEGORICAL EXCLUSIONS) AND RIPARIAN AREA PROTECTION RULES (BUFFER RULES)

This General Certification is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0200 for the discharge of fill material to waters and wetland areas as described in 33 CFR 330 Appendix A (B) (23) and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200. This Certification replaces Water Quality Certification Number 2670 issued on January 21, 1992, Certification Number 2734 issued on May 1 1993, Certification Number 3107 issued on February 11, 1997 and Water Quality Certification Number 3361 issued March 18, 2002. This WQC is rescinded when the Corps of Engineers re-authorizes Nationwide Permit 23 or when deemed appropriate by the Director of the DWQ.

The State of North Carolina certifies that the specified category of activity will not violate applicable portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Conditions of Certification:

* 1. Proposed fill or substantial modification of wetlands or waters (including streams) under this General Certification requires notification to the Division of Water Quality. Two copies shall be submitted to DWQ at the time of notification in accordance with 15A NCAC 2H .0501(a). Written concurrence from DWQ is not required unless any standard conditions of this Certification cannot be met;

2. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard;

3. In accordance with 15A NCAC 2H .0506 (h) compensatory mitigation may be required for impacts to 150 linear feet or more of streams and/or one acre or more of wetlands. In addition, buffer mitigation may be required for any project with Buffer Rules in effect at the time of application for buffer impacts resulting from activities classified as "allowable with mitigation" within the "Table of Uses" section of the Buffer Rules or require a variance under the Buffer Rules. A determination of buffer, wetland and stream mitigation requirements shall be made for any Certification for this Nationwide Permit. The most current design and monitoring protocols from DWQ shall be followed and written plans submitted for DWQ approval as required in those protocols. When compensatory mitigation is required for a project, the mitigation plans must be approved by DWQ in writing before the impacts approved by the Certification occur. The mitigation plan must be implemented and/or constructed before any permanent building or structure on

site is occupied. In the case of public road projects, the mitigation plan must be implemented before the road is opened to the travelling public;

4. Compensatory stream mitigation shall be required at a 1:1 ratio for not only perennial but also intermittent stream impacts equal to or exceeding 150 feet and that require application to DWQ in watersheds classified as ORW, HQW, Tr, WS-I and WS-II unless the project is a linear, publicly-funded transportation project, which has a 150-foot per-stream impact allowance;

5. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;

6. Measures shall be taken to prevent live or fresh concrete from coming into contact with freshwaters of the state until the concrete has hardened;

7. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted and will be the higher of the two fees;

* 8. Impacts to any stream length in the Neuse, Tar-Pamlico, Randleman and Catawba River Basins (or any other river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico, Randleman and Catawba River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices;

9. Additional site-specific conditions may be added to projects for which written concurrence is required or requested under this Certification in order to ensure compliance with all applicable water quality and effluent standards;

10. Concurrence from DWQ that this Certification applies to an individual project shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of the corresponding Nationwide and Regional General Permits, whichever is sooner;

11. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project and may result in criminal and/or civil penalties.

WQC #3403

The Director of the North Carolina Division of Water Quality may require submission of a formal application for individual certification for any project in this category of activity that requires written concurrence under this certification, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses of the wetland, stream or downstream waters are precluded.

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: March 2003

DIVISION OF WATER QUALITY

By

Alan W. Klimek, P.E.

Director

WQC # 3403

NATIONWIDE PERMIT 33
DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
FINAL NOTICE OF ISSUANCE AND MODIFICATION OF NATIONWIDE PERMITS
FEDERAL REGISTER
AUTHORIZED MARCH 18, 2002

Temporary Construction, Access and Dewatering: Temporary structures, work and discharges, including cofferdams, necessary for construction activities or access fills or dewatering of construction sites; provided that the associated primary activity is authorized by the Corps of Engineers or the U.S. Coast Guard (USCG), or for other construction activities not subject to the Corps or USCG regulations. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must be of materials, and placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if it is determined by the District Engineer that it will not cause more than minimal adverse effects on aquatic resources. Temporary fill must be entirely removed to upland areas, or dredged material returned to its original location, following completion of the construction activity, and the affected areas must be restored to the pre-project conditions. Cofferdams cannot be used to dewater wetlands or other aquatic areas so as to change their use. Structures left in place after cofferdams are removed require a section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322). The permittee must notify the District Engineer in accordance with the "Notification" general condition. The notification must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources. The District Engineer will add special conditions, where necessary, to ensure environmental adverse effects is minimal. Such conditions may include: Limiting the temporary work to the minimum necessary; requiring seasonal restrictions; modifying the restoration plan; and requiring alternative construction methods (e.g., construction mats in wetlands where practicable.). (Sections 10 and 404)

NATIONWIDE PERMIT GENERAL CONDITIONS

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

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

2. Proper Maintenance. Any structure or fill authorized shall be properly maintained, including maintenance to ensure public safety.

3. 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.

4. 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.

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

6. 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 or tribe in its Section 401 Water Quality Certification and Coastal Zone Management Act consistency determination.

7. 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).

8. 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.

9. Water Quality.

a. In certain states and tribal lands an individual 401 Water Quality Certification must be obtained or waived (See 33 CFR 330.4(c)).

b. For NWPs 12, 14, 17, 18, 32, 39, 40, 42, 43, and 44, where the state or tribal 401 certification (either generically or individually) does not require or approve water quality management measures, the permittee must provide water quality management measures that will ensure that the authorized work does not result in more than minimal degradation of water quality (or the Corps determines that compliance with state or local standards, where applicable, will ensure no more than minimal adverse effect on water quality). An important component of water quality management includes stormwater management that minimizes degradation of the downstream aquatic system, including water quality (refer to General Condition 21 for stormwater management requirements). Another important component of water quality management is the establishment and maintenance of vegetated buffers next to open waters, including streams (refer to General Condition 19 for vegetated buffer requirements for the NWPs).

This condition is only applicable to projects that have the potential to affect water quality. While appropriate measures must be taken, in most cases it is not necessary to conduct detailed studies to identify such measures or to require monitoring.

10. Coastal Zone Management. In certain states, an individual state coastal zone management consistency concurrence must be obtained or waived (see 33 CFR 330.4(d)).

11. 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. 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 is located in the 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 may affect Federally-listed endangered or threatened species or designated critical habitat, the 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. 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.

b. 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 USFWS 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 USFWS and NMFS or their World Wide

Web pages at http://www.fws.gov/r9endspp/endspp.html and http://www.nfms.noaa.gov/protres/overview/es.html respectively.

12. Historic Properties. No activity that may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR part 325, Appendix C. The prospective permittee must notify the District Engineer if the authorized activity may affect any historic properties listed, determined to be eligible, or which the prospective permittee has reason to believe may be eligible for listing on the National Register of Historic Places, and shall not begin the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized. Information on the location and existence of historic resources can be obtained from the State Historic Preservation Office and the National Register of Historic Places (see 33 CFR 330.4(g)). For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the notification must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

* 13. Notification.

a. Timing; where required by the terms of the NWP, the prospective permittee must notify the District Engineer with a preconstruction notification (PCN) as early as possible. The District Engineer must determine if the notification is complete within 30 days of the date of receipt and can request additional information necessary to make the PCN complete only once. However, if the prospective permittee does not provide all of the requested information, then the District Engineer will notify the prospective permittee that the notification is still incomplete and the PCN review process will not commence until all of the requested information has been received by the District Engineer. The prospective permittee shall not begin the activity:

1. Until notified in writing by the District Engineer that the activity may proceed under the NWP with any special conditions imposed by the District or Division Engineer; or

2. If notified in writing by the District or Division Engineer that an Individual Permit is required; or

3. Unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

b. Contents of Notification: The notification must be in writing and include the following information:

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

2. Location of the proposed project;

3. Brief description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause; any other NWP(s), Regional General Permit(s), or Individual Permit(s) used or intended to be used to authorize any part of the proposed project or any related activity. Sketches should be provided when necessary to show that the activity complies with the terms of the NWP (Sketches usually clarify the project and when provided result in a quicker decision.);

4. For NWPs 7, 12, 14, 18, 21, 34, 38, 39, 40, 41, 42, and 43, the PCN must also include a delineation of affected special aquatic sites, including wetlands, vegetated shallows (e.g., submerged aquatic vegetation, seagrass beds), and riffle and pool complexes (see paragraph 13(f));

5. For NWP 7 (Cutfall Structures and Maintenance), the PCN must include information regarding the original design capacities and configurations of those areas of the facility where maintenance dredging or excavation is proposed;

6. For NWP 14 (Linear Transportation Projects), the PCN must include a compensatory mitigation proposal to offset permanent losses of waters of the US and a statement describing how temporary losses of waters of the US will be minimized to the maximum extent practicable;

7. For NWP 21 (Surface Coal Mining Activities), the PCN must include an Office of Surface Mining (OSM) or state-approved mitigation plan, if applicable. To be authorized by this NWP, the District Engineer must determine that the activity complies with the terms and conditions of the NWP and that the adverse environmental effects are minimal both individually and cumulatively and must notify the project sponsor of this determination in writing;

8. For NWP 27 (Stream and Wetland Restoration Activities), the PCN must include documentation of the prior condition of the site that will be reverted by the permittee;

9. For NWP 29 (Single-Family Housing), the PCN must also include:

i. Any past use of this NWP by the Individual Permittee and/or the permittee's spouse;

ii. A statement that the single-family housing activity is for a personal residence of the permittee;

iii. A description of the entire parcel, including its size, and a delineation of wetlands. For the purpose of this NWP, parcels of land measuring \1/4\-acre or less will not require a formal on-site delineation. However, the applicant shall provide an indication of where the wetlands are and the amount of wetlands that exists on the property. For parcels greater than \1/4\-acre in size, formal wetland delineation must be prepared in accordance with the current

method required by the Corps. (See paragraph 13(f));

iv. A written description of all land (including, if available, legal descriptions) owned by the prospective permittee and/or the prospective permittee's spouse, within a one mile radius of the parcel, in any form of ownership (including any land owned as a partner, corporation, joint tenant, co-tenant, or as a tenant-by-the-entirety) and any land on which a purchase and sale agreement or other contract for sale or purchase has been executed;

10. For NWP 31 (Maintenance of Existing Flood Control Facilities), the prospective permittee must either notify the District Engineer with a PCN prior to each maintenance activity or submit a five-year (or less) maintenance plan. In addition, the PCN must include all of the following:

i. Sufficient baseline information identifying the approved channel depths and configurations and existing facilities. Minor deviations are authorized, provided the approved flood control protection or drainage is not increased;

ii. A delineation of any affected special aquatic sites, including wetlands; and,

iii. Location of the dredged material disposal site;

11. For NWP 33 (Temporary Construction, Access, and Dewatering), the PCN must also include a restoration plan of reasonable measures to avoid and minimize adverse effects to aquatic resources;

12. For NWPs 39, 43 and 44, the PCN must also include a written statement to the District Engineer explaining how avoidance and minimization for losses of waters of the US were achieved on the project site;

13. For NWP 39 and NWP 42, the PCN must include a compensatory mitigation proposal to offset losses of waters of the US or justification explaining why compensatory mitigation should not be required. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

14. For NWP 40 (Agricultural Activities), the PCN must include a compensatory mitigation proposal to offset losses of waters of the US. This NWP does not authorize the relocation of greater than 300 linear feet of existing serviceable drainage ditches constructed in non-tidal streams unless, for drainage ditches constructed in intermittent nontidal streams, the District Engineer waives this criterion in writing, and the District Engineer has determined that the project complies with all terms and conditions of this NWP, and that any adverse impacts of the project on the aquatic environment are minimal, both individually and cumulatively;

15. For NWP 43 (Stormwater Management Facilities), the PCN must include, for the construction of new stormwater management facilities, a maintenance plan (in accordance with state and local requirements, if applicable) and a compensatory mitigation proposal to offset losses of waters of the US. For discharges that cause the loss of greater than 300 linear feet of an intermittent stream bed, to be authorized, the District Engineer must determine that the activity complies with the other terms and conditions of the NWP, determine adverse environmental effects are minimal both individually and cumulatively, and waive the limitation on stream impacts in writing before the permittee may proceed;

16. For NWP 44 (Mining Activities), the PCN must include a description of all waters of the US adversely affected by the project, a description of measures taken to minimize adverse effects to waters of the US, a description of measures taken to comply with the criteria of the NWP, and a reclamation plan (for all aggregate mining activities in isolated waters and non-tidal wetlands adjacent to headwaters and any hard rock/mineral mining activities);

17. For activities that may adversely affect Federally-listed endangered or threatened species, the PCN must include the name(s) of those endangered or threatened species that may be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work; and

18. For activities that may affect historic properties listed in, or eligible for listing in, the National Register of Historic Places, the PCN must state which historic property may be affected by the proposed work or include a vicinity map indicating the location of the historic property.

c. Form of Notification: The standard Individual Permit application form (Form ENG 4345) may be used as the notification but must clearly indicate that it is a PCN and must include all of the information required in (b) (1)-(18) of General Condition 13. A letter containing the requisite information may also be used.

d. District Engineer's Decision: In reviewing the PCN for the proposed activity, the District Engineer will determine whether the activity authorized by the NWP will result in more than minimal individual or cumulative adverse environmental effects or may be contrary to the public interest. The prospective permittee may submit a proposed mitigation plan with the PCN to expedite the process. The District Engineer will consider any proposed compensatory mitigation the applicant has included in the proposal in determining whether the net adverse environmental effects to the aquatic environment of the proposed work are minimal. If the District Engineer determines that the activity complies with the terms and conditions of the NWP and that the adverse effects on the aquatic environment are minimal, after considering mitigation, the District Engineer will notify the permittee and include any conditions the District Engineer deems necessary. The District Engineer must approve any compensatory mitigation proposal before the permittee commences work. If the prospective permittee is required to submit a compensatory mitigation proposal with the PCN, the proposal may be either conceptual or detailed. If the prospective permittee elects to submit a compensatory mitigation plan with the PCN, the District Engineer will expeditiously review the proposed compensatory mitigation

plan. The District Engineer must review the plan within 45 days of receiving a complete PCN and determine whether the conceptual or specific proposed mitigation would ensure no more than minimal adverse effects on the aquatic environment. If the net adverse effects of the project on the aquatic environment (after consideration of the compensatory mitigation proposal) are determined by the District Engineer to be minimal, the District Engineer will provide a timely written response to the applicant. The response will state that the project can proceed under the terms and conditions of the NWP.

If the District Engineer determines that the adverse effects of the proposed work are more than minimal, then the District Engineer will notify the applicant either:

1. That the project does not qualify for authorization under the NWP and instruct the applicant on the procedures to seek authorization under an Individual Permit;

2. that the project is authorized under the NWP subject to the applicant's submission of a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level; or

3. that the project is authorized under the NWP with specific modifications or conditions. Where the District Engineer determines that mitigation is required to ensure no more than minimal adverse effects occur to the aquatic environment, the activity will be authorized within the 45-day PCN period. The authorization will include the necessary conceptual or specific mitigation or a requirement that the applicant submit a mitigation proposal that would reduce the adverse effects on the aquatic environment to the minimal level. When conceptual mitigation is included, or a mitigation plan is required under item (2) above, no work in waters of the US will occur until the District Engineer has approved a specific mitigation plan.

e. Agency Coordination: The District Engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

For activities requiring notification to the District Engineer that result in the loss of greater than \1/2\-acre of waters of the US, the District Engineer will provide immediately (e.g., via facsimile transmission, overnight mail, or other expeditious manner) a copy to the appropriate Federal or state offices (USFWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will then have 10 calendar days from the date the material is transmitted to telephone or fax the District Engineer notice that they intend to provide substantive, site-specific comments. If so contacted by an agency, the District Engineer will wait an additional 15 calendar days before making a decision on the notification. The District Engineer will fully consider agency comments received within the specified time frame, but will provide no response to the resource agency, except as provided below. The District Engineer will indicate in the administrative record associated with each notification that the resource agencies' concerns were considered. As required by section 305(b)(4)(B) of the Magnuson-Stevens

Fishery Conservation and Management Act, the District Engineer will provide a response to NMFS within 30 days of receipt of any Essential Fish Habitat conservation recommendations. Applicants are encouraged to provide the Corps multiple copies of notifications to expedite agency notification.

f. Wetland Delineations: Wetland delineations must be prepared in accordance with the current method required by the Corps (For NWP 29 see paragraph (b)(9)(iii) for parcels less than (\1/4\-acre in size). The permittee may ask the Corps to delineate the special aquatic site. There may be some delay if the Corps does the delineation. Furthermore, the 45-day period will not start until the wetland delineation has been completed and submitted to the Corps, where appropriate.

* 14. Compliance Certification. Every permittee who has received NWP verification from the Corps will submit a signed certification regarding the completed work and any required mitigation. The certification will be forwarded by the Corps with the authorization letter and will include:

a. A statement that the authorized work was done in accordance with the Corps 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.

15. 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 US authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit (e.g. 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 US for the total project cannot exceed \ 1/3\-acre) .

16. Water Supply Intakes. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in the proximity of a public water supply intake except where the activity is for repair of the public water supply intake structures or adjacent bank stabilization.

17. Shellfish Beds. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWP 4.

18. Suitable Material. No activity, including structures and work in navigable waters of the US or discharges of dredged or fill material, may consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material used for construction or discharged must be free

from toxic pollutants in toxic amounts (see section 307 of the CWA).

19. Mitigation. The District Engineer will consider the factors discussed below when determining the acceptability of appropriate and practicable mitigation necessary to offset adverse effects on the aquatic environment that are more than minimal.

a. The project must be designed and constructed to avoid and minimize adverse effects to waters of the US 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 impacts requiring a PCN, 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. Consistent with National policy, the District Engineer will establish a preference for restoration of wetlands as compensatory mitigation, with preservation used only in exceptional circumstances.

d. Compensatory mitigation (i.e., replacement or substitution of aquatic resources for those impacted) will not be used to increase the acreage losses allowed by the acreage limits of some of the NWPs. For example, \1/4\-acre of wetlands cannot be created to change a,\3/4\acre loss of wetlands to a \1/2\-acre loss associated with NWP 39 verification. However, \1/2\-acre of created wetlands can be used to reduce the impacts of a \1/2\-acre loss of wetlands to the minimum impact level in order to meet the minimal impact requirement associated with NWPs.

e. To be practicable, the mitigation must be available and capable of being done considering costs, existing technology, and logistics in light of the overall project purposes. Examples of mitigation that may be appropriate and practicable include, but are not limited to: reducing the size of the project; establishing and maintaining wetland or upland vegetated buffers to protect open waters such as streams; and replacing losses of aquatic resource functions and values by creating, restoring, enhancing, or preserving similar functions and values, preferably in the same watershed.

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., easements, deed restrictions) of vegetated buffers to open waters. In many cases, vegetated buffers will be the only compensatory mitigation required. Vegetated buffers should consist of native species. The width of the vegetated buffers required will address documented water quality or aquatic habitat loss concerns. Normally, the vegetated buffer .will be 25 to 50 feet wide on each side of the stream, but the District Engineers may require slightly wider vegetated buffers to address documented water quality or habitat loss concerns. Where both wetlands and open waters exist on the project site, the Corps will determine the appropriate compensatory mitigation (e.g., stream buffers or wetlands compensation) based on what is best for the aquatic

environment or, a watershed basis. In cases where vegetated buffers 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 impacts.

g. Compensatory mitigation proposals submitted with the " notification" may be either conceptual or detailed. If conceptual plans are approved under the verification, then the Corps will condition the verification to require detailed plans be submitted and approved by the Corps prior to construction of the authorized activity in waters of the US.

h. Permittees may propose the use of mitigation banks, in-lieu fee arrangements or separate activity-specific compensatory mitigation. In all cases that require compensatory mitigation, the mitigation provisions will specify the party responsible for accomplishing and/or complying with the mitigation plan.

20. Spawning Areas. Activities, including structures and work in navigable waters of the US or discharges of dredged or fill material, in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., excavate, fill, or smother downstream by substantial turbidity) of an important spawning area are not authorized.

21. Management of Water Flows. To the maximum extent practicable, the activity must be designed to maintain preconstruction downstream flow conditions (e.g., location, capacity, and flow rates). Furthermore, the activity must not permanently restrict or impede the passage of normal or expected high flows (unless the primary purpose of the fill is to impound waters) and the structure or discharge of dredged or fill material must withstand expected high flows. The activity must, to the maximum extent practicable, provide for retaining excess flows from the site, provide for maintaining surface flow rates from the site similar to preconstruction conditions, and provide for not increasing water flows from the project site, relocating water, or redirecting water flow beyond preconstruction conditions. Stream channelizing will be reduced to the minimal amount necessary, and the activity must, to the maximum extent practicable, reduce adverse effects such as flooding or erosion downstream and upstream of the project site, unless the activity is part of a larger system designed to manage water flows. In most cases, it will not be a requirement to conduct detailed studies and monitoring of water flow.

This condition is only applicable to projects that have the potential to affect waterflows. While appropriate measures must be taken, it is not necessary to conduct detailed studies to identify such measures or require monitoring to ensure their effectiveness. Normally, the Corps will defer to state and local authorities regarding management of water flow.

22. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to the acceleration of the passage of water, and/or the restricting its flow shall be minimized to the maximum extent practicable. This includes structures and work in navigable waters of the US, or discharges of dredged or fill material.

23. Waterfowl Breeding Areas. Activities, including structures and work in navigable

waters of the US or discharges of dredged or fill material, into breeding areas for migratory waterfowl must be avoided to the maximum extent practicable.

24. Removal of Temporary Fills. Any temporary fills must be removed in their entirety and the affected areas returned to their preexisting elevation.

25. Designated Critical Resource Waters. Critical resource waters include, NOAA-designated marine sanctuaries, National Estuarine Research Reserves, National Wild and Scenic Rivers, critical habitat for Federally listed threatened and endangered species, coral reefs, 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. Except as noted below, discharges of dredged or fill material into waters of the US are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, and 44 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters. Discharges of dredged or fill materials into waters of the US may be authorized by the above NWPs in National Wild and Scenic Rivers if the activity complies with General Condition 7. Further, such discharges may be authorized in designated critical habitat for Federally listed threatened or endangered species if the activity complies with General Condition 11 and the USFWS or the NMFS has concurred in a determination of compliance with this condition.

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 13, 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.

26. Fills Within 100-Year Floodplains. For purposes of this General Condition, 100-year floodplains will be identified through the existing Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps or FEMA-approved local floodplain maps.

a. Discharges in Floodplain; Below Headwaters. Discharges of dredged or fill material into waters of the US within the mapped 100year floodplain, below headwaters (i.e. five cfs), resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, 43, and 44.

b. Discharges in Floodway; Above Headwaters. Discharges of dredged or fill material into waters of the US within the FEMA or locally mapped floodway, resulting in permanent above-grade fills, are not authorized by NWPs 39, 40, 42, and 44.

c. The permittee must comply with any applicable FEMA-approved state or local floodplain management requirements.

27. Construction Period. For activities that have not been verified by the Corps and the

project was commenced or under contract to commence by the expiration date of the NWP (or modification or revocation date), the work must be completed within 12-months after such date (including any modification that affects the project).

For activities that have been verified and the project was commenced or under contract to commence within the verification period, the work must be completed by the date determined by the Corps.

For projects that have been verified by the Corps, an extension of a Corps approved completion date maybe requested. This request must be submitted at least one month before the previously approved completion date.

FURTHER INFORMATION

1. District Engineers have authority to determine if an activity complies with the terms and conditions of a NWP.

2. NWPs do not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.

3. NWPs do not grant any property rights or exclusive privileges.

4. NWPs do not authorize any injury to the property or rights of others.

5. NWPs do not authorize interference with any existing or proposed Federal project.

DEFINITIONS

Best Management Practices (BMPs): BMPs are policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMPs are categorized as structural or nonstructural. A BMP policy may affect the limits on a development.

Compensatory Mitigation: For purposes of Section 10/404, compensatory mitigation is the restoration, creation, enhancement, or in exceptional circumstances, preservation of wetlands and/or other aquatic resources for the purpose of compensating for unavoidable adverse impacts, which remain, after all appropriate and practicable avoidance and minimization has been achieved.

Creation: The establishment of a wetland or other aquatic resource where one did not formerly exist.

Enhancement: Activities conducted in existing wetlands or other aquatic resources that increase

one or more aquatic functions.

Ephemeral Stream: An ephemeral stream has *flowing* water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runnoff from rainfall is the primary source of water for stream flow.

Farm Tract: A unit of contiguous land under one ownership that is operated as a farm or part of a farm.

Flood Fringe: That portion of the 100-year floodplain outside of the floodway (often referred to as "floodway fringe").

Floodway: The area regulated by Federal, state, or local requirements to provide for the discharge of the base flood so the cumulative increase in water surface elevation is no more than a designated amount (not to exceed one foot as set by the National Flood Insurance Program) within the 100-year floodplain.

Independent Utility: A test to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

Intermittent Stream: An intermittent stream has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow.

Loss of waters of the US: Waters of the US that include the filled area and other waters that are permanently adversely affected by flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent above-grade, at-grade, or below-grade fills that change an aquatic area to dry land, increase the bottom elevation of a waterbody, or change the use of a waterbody. The acreage of loss of waters of the US is the threshold measurement of the impact to existing waters for determining whether a project may qualify for a NWP; it is not a net threshold that is calculated after considering compensatory mitigation that may be used to offset losses of aquatic functions and values. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the US temporarily filled, flooded, excavated, or drained, but restored to preconstruction contours and elevations after construction, are not included in the measurement of loss of waters of the US. Impacts to ephemeral waters are only not included in the acreage or linear foot measurements of loss of waters of the US or loss of stream bed, for the purpose of determining compliance with the threshold limits of the NWPs.

Non-tidal Wetland: An area that, during a year with normal patterns of precipitation has

standing or flowing water for sufficient duration to establish an ordinary high water mark. Aquatic vegetation within the area of standing or flowing water is either non-emergent, sparse, or absent. Vegetated shallows are considered to be open waters. The term "open water" includes rivers, streams, lakes, and ponds. For the purposes of the NWPs, this term does not include ephemeral waters.

Perennial Stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for the most of the year. Groundwater is the primary source of water for stream flow. Runoff from rainfall is a supplemental source of water for stream flow.

Permanent Above-grade Fill: A discharge of dredged or fill material into waters of the US, including wetlands, that results in a substantial increase in ground elevation and permanently converts part or all of the waterbody to dry land. Structural fills authorized by NWPs 3, 25, 36, etc. are not included.

Preservation: The protection of ecologically important wetlands or other aquatic resources in perpetuity through the implementation of appropriate legal and physical mechanisms. Preservation may include protection of upland areas adjacent to wetlands as necessary to ensure protection and/or enhancement of the overall aquatic ecosystem.

Restoration: Re-establishment of wetland and/or other aquatic resource characteristics and function(s) at a site where they have ceased to exist, or exist in a substantially degraded state.

Riffle and Pool Complex: Riffle and pool complexes are special aquatic sites under the 404(b)(1) Guidelines. Riffle and pool complexes sometimes characterize steep gradient sections of streams. Such stream sections are recognizable by their hydraulic characteristics. The rapid movement of water over a course substrate in riffles results in a rough flow, a turbulent surface and high dissolved oxygen levels in the water. Pools are deeper areas associated with riffles. A slower stream velocity, a streaming flow, a smooth surface, and a finer substrate characterize pools.

Single and Complete Project: The term "single and complete project" is defined at 33 CFR 330.2(i) as the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers (see definition of independent utility). For linear projects, the "single and complete project" (i.e., a single and complete crossing) will apply to each crossing of a separate water of the US (i.e., a single waterbody) at that location. An exception is for linear projects crossing a single waterbody several times at separate and distant locations; each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly shaped wetland or lake, etc., are not separate waterbodies.

Stormwater Management: Stormwater management is the mechanism for controlling stormwater runoff for the purposes of reducing downstream erosion, water quality degradation, and flooding and mitigating the adverse effects of changes in land use on the aquatic environment.

Stormwater Management Facilities: Stormwater management facilities are those facilities, including but not limited to, stormwater retention and detention ponds and BMPs, which retain water for a period of time to control runoff and/or improve the quality (i.e., by reducing the concentration of nutrients, sediments, hazardous substances and other pollutants) of stormwater runoff.

Stream Channelization: The manipulation of a stream channel to increase the rate of water flow through the stream channel. Manipulation may include deepening, widening, straightening, armoring, or other activities that change the stream cross-section or other aspects of stream channel geometry to increase the rate of water flow through the stream channel. A channelized stream remains a water of the US, despite the modifications to increase the rate of water flow.

Tidal Wetland: A tidal wetland is a wetland (i.e., water of the US) that is inundated by tidal waters. The definitions of a wetland and tidal waters can be found at 33 CFR 328.3(b) and 33 CFR 328.3(f), respectively. Tidal waters rise and fall in a predictable and measurable rhythm or cycle due to the gravitational pulls of the moon and sun. Tidal waters end where the rise and fall of the water surface can no longer be practically measured in a predictable rhythm due to masking by other waters, wind, or other effects. Tidal wetlands are located channelward of the high tide line (i.e., spring high tide line) and are inundated by tidal waters two times per lunar month, during spring high tides.

Vegetated Buffer: A vegetated upland or wetland area next to rivers, streams, lakes, or other open waters, which separates the open water from developed areas, including agricultural land. Vegetated buffers provide a variety of aquatic habitat functions and values (e.g., aquatic habitat for fish and other aquatic organisms, moderation of water temperature changes, and detritus for aquatic food webs) and help improve or maintain local water quality. A vegetated buffer can be established by maintaining an existing vegetated area or planting native trees, shrubs, and herbaceous plants on land next to openwaters. Mowed lawns are not considered vegetated buffers because they provide little or no aquatic habitat functions and values. The establishment and maintenance of vegetated buffers I a method of compensatory mitigation that can be used in conjunction with the restoration, creation, enhancement or preservation of aquatic habitats to ensure that activities authorized by NWPs result in minimal adverse effects to the aquatic environment. (See General Condition 19.)

Vegetated Shallows: Vegetated shallows are special aquatic sites under the 404(b)(1) Guidelines. They are areas that are permanently inundated and under normal circumstances have rooted aquatic vegetation, such as seagrasses in marine and estuarine systems and a variety of vascular rooted plants in freshwater systems.

Waterbody: A waterbody is any area that in a normal year has water flowing or standing above ground to the extent that evidence of an ordinary high water mark is established. Wetlands contiguous to the waterbody are considered part of the waterbody.

FINAL REGIONAL CONDITIONS FOR NATIONWIDE PERMITS IN THE WILMINGTON DISTRICT

1. Waters Excluded from NWP or Subject to Additional Notification Requirements:

a. The Corps identified waters that will be excluded from use of this NWP. These waters are:

1. Discharges into Waters of the United States designated by either the North Carolina Division of Marine Fisheries (NCDMF) or the North Carolina Wildlife Resources Commission (NCWRC) as anadromous fish spawning area are prohibited during the period between February 15 and June 30, without prior written approval from NCDMF or NCWRC and the Corps.

2. Discharges into Waters of the United States designated as sturgeon spawning areas are prohibited during the period between February 1 and June 30, without prior written approval from the National Marine Fisheries Service (NMFS).

* b. The Corps identified waters that will be subject to additional notification requirements for activities authorized by this NWP. These waters are:

1. Prior to the use of any NWP in any of the following North Carolina *designated waters*, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant must furnish a written statement of compliance with all of the conditions of the applicable Nationwide Permit. The North Carolina *designated waters* that require additional notification requirements are "Outstanding Resource Waters" (ORW) and "High Quality Waters" (HQW) (as defined by the North Carolina Division of Water Quality), or "Inland Primary Nursery Areas" (IPNA) (as defined by the North Carolina Wildlife Resources Commission), or contiguous wetlands (as defined by the North Carolina Division of Water Quality), or "Primary Nursery Areas" (PNA) (as defined by the North Carolina Division of Marine Fisheries).

2. Applicants for any NWP in a designated "Area of Environmental Concern" (AEC) in the twenty (20) coastal counties of Eastern North Carolina covered by the North Carolina Coastal Area Management Act (CAMA), must also obtain the required CAMA permit. Construction activities may not commence until a copy of the approved CAMA permit is furnished to the appropriate Wilmington District Regulatory Field Office (Wilmington Field Office – P.O. Box 1890, Wilmington, NC 28402 or Washington Field Office – P.O. Box 1000, Washington, NC 27889) for authorization to begin work.

3. Prior to the use of any NWP on a Barrier Island of North Carolina, applicants must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable Nationwide Permit.

4. Prior to the use of any NWP in a "Mountain or Piedmont Bog" of North Carolina, applicants shall comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP.

Note: The following wetland community types identified in the N.C. Natural Heritage Program document, "Classification of Natural communities of North Carolina (Michael P. Schafale and Alan S. Weakley, 1990), are subject to this regional condition.

Mountain Bogs	Piedmont Bogs
Swamp Forest-Bog Complex	Upland Depression Swamp Forest
Swamp Forest-Bog Complex (Spruce Subtype)	
Southern Appalachian Bog (Northern Subtype)	
Southern Appalachian Bog (Southern Subtype)	
Southern Appalachian Fen	

5. Prior to the use of any NWP in Mountain Trout Waters within twenty-five (25) designated counties of North Carolina, applicants shall comply with Nationwide General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Notification will include a letter of comments and recommendations from the North Carolina Wildlife Resources Commission (NCWRC), the location of work, a delineation of wetlands, a discussion of alternatives to working in the Mountain Trout Waters, why other alternatives were not selected, and a plan to provide compensatory mitigation for all unavoidable adverse impacts to the Mountain Trout Waters. To facilitate coordination with the NCWRC, the proponent may provide a copy of the notification to the NCWRC concurrent with the notification to the District Engineer. The NCWRC will respond both to the proponent and directly to the Corps of Engineers.

The twenty-five (25) designated counties are:

Alleghany	Ashe	Avery	Yancey
Buncombe	Burke	Caldwell	Wilkes
Cherokee	Clay	Graham	Swain
Haywood	Henderson	Jackson	Surry
Macon	Madison	McDowell	Stokes
Mitchell	Polk	Rutherford	
Transylvania	Watauga		

6. Applicants shall notify the NCDENR Shellfish Sanitation Section prior to dredging in or removing sediment from an area closed to shell fishing where the effluent may be released to an area open for shell fishing or swimming in order to avoid contamination of the disposal area and allow a temporary shellfish closure to be made. Any disposal of sand to the beach should occur between November 1 and April 30 when recreational usage is low. Only clean sand should be used and no dredged sand from closed shell fishing areas. If beach disposal was to occur at times other than stated above or if sand from a closed shell fishing area is to be used, a

swim advisory shall be posted and a press release shall be made. NCDENR Shellfish Sanitation Section must be notified before commencing this activity.

2. List of Final Corps Regional Modifications and Conditions for All Nationwide Permits

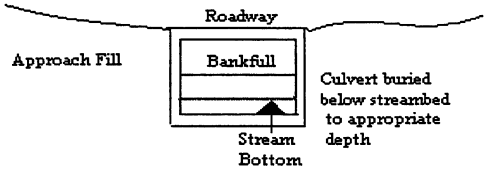
a. Individual or multiple NWPs may not be used for activities that result in the cumulative loss or degradation of greater than 300 total linear feet of perennial streambed or intermittent streambed that exhibits important aquatic function(s).

b. Prior to the use of any NWP (except 13, 27, and 39) for any activity that has more than a total of 150 total linear feet of perennial streambed impacts or intermittent streambed impacts (if the intermittent stream has important aquatic function), the applicant must comply with Nationwide Permit General Condition 13. In addition, the applicant shall furnish a written statement of compliance with all of the conditions listed of the applicable NWP. Compensatory mitigation is typically required for any impact that requires such notification. [Note: The Corps uses the Intermittent Channel Evaluation Form, located with Permit Information on the Regulatory Program Web Site, to aid in the determination of the intermittent channel stream status. Also, NWPs 13, 27 and 39 have specific reporting requirements.]

c. For all Nationwide Permits which allow the use of concrete as a building material, measures will be taken to prevent live or fresh concrete, including bags of uncured concrete, from coming into contact with waters of the state until the concrete has hardened.

d. For all Nationwide Permits that allow for the use of riprap material for bank stabilization, filter cloth must be placed underneath the riprap as an additional requirement of its use in North Carolina waters.

e. For all NWPs that involve the construction of culverts, measures will be included in the construction that will promote the safe passage of fish and other aquatic organisms. All culverts in the 20 CAMA coastal counties must be buried to a depth of one foot below the



bed of the stream or wetland. For all culvert construction activities, the dimension, pattern, and profile of the stream, (above and below a pipe or culvert), should not be modified by widening the stream channel or by reducing the depth of the stream. Culvert inverts will be buried at least one foot below the bed of the stream for culverts greater than 48 inches in diameter. For culverts 48 inches in diameter or smaller, culverts must be buried below the bed of the stream to a depth equal to or greater than 20 percent of the diameter of the culvert. Bottomless arch culverts will satisfy this condition. A waiver from the depth specifications in this Regional Condition may be requested in writing. The waiver will only be issued if it can be demonstrated that the impacts of complying with this Regional Condition would result in more adverse impacts to the aquatic

environment.

3. Additional Regional Conditions Applicable to this Specific Nationwide Permit.

The required restoration plan must include a timetable for restoration activities.

NORTH CAROLINA DIVISION OF WATER QUALITY
GENERAL CERTIFICATION CONDITIONS
GC3366

1. These activities do not require written concurrence from the Division of Water Quality as long as they comply with all conditions of this General Certification. If any condition in this Certification cannot be met, application to and written concurrence from DWQ are required. Also, Condition No. 2 is applicable to all streams in basins with riparian area protection rules;

* 2. Impacts to any stream length in the Neuse, Tar-Pamlico and Randleman River Basins (or any other major river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico, Randleman and Catawba River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices;

3. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard;

4. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;

* 5. If an environmental document is required, this Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse;

6. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. Design and placement of

culverts including open bottom or bottomless arch culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in aggradation, degradation or significant changes in hydrology of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested in writing by DWQ. Additionally, when roadways, causeways or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges must be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in aggradation, degradation or significant changes in hydrology of streams or wetlands;

7. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;

8. All temporary fill shall be removed to the original grade after construction is complete and the site shall be stabilized to prevent erosion;

9. Pipes shall be installed under the road or causeway in all streams to carry at least the 25 year storm event as outlined in the most recent edition of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" so as not to restrict stream flow during use of this Certification;

* 10. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted and will be the higher of the two fees;

11. Additional site-specific conditions may be added to projects for which written concurrence is required or requested under this Certification in order to ensure compliance with all applicable water quality and effluent standards;

12. Concurrence from DWQ that this Certification applies to an individual project shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of these corresponding Nationwide and Regional General Permits, whichever is sooner;

13. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed.

NORTH CAROLINA DIVISION OF COASTAL MANAGEMENT
STATE CONSISTENCY

Consistent.

Citations:
2002 Nationwide Permits - Federal Register Notice 15 Jan 2002
2002 Nationwide Permits Corrections - Federal Register Notice 13 Feb 2002
2002 Regional Conditions – Authorized 17 May 2002

WQC #3366

GENERAL CERTIFICATION FOR PROJECTS ELIGIBLE FOR CORPS OF ENGINEERS NATIONWIDE PERMIT NUMBER 33 (TEMPORARYCONSTRUCTION, ACCESS AND DEWATERING) AND RIPARIAN AREA PROTECTION RULES (BUFFER RULES)

This General Certification is issued in conformity with the requirements of Section 401, Public Laws 92-500 and 95-217 of the United States and subject to the North Carolina Division of Water Quality Regulations in 15A NCAC 2H, Section .0500 and 15A NCAC 2B .0200 for the discharge of fill material to waters and wetland areas as described in 33 CFR 330 Appendix A (B) (33) of the Corps of Engineers regulations (i.e., Nationwide Permit No. 33) and for the Riparian Area Protection Rules (Buffer Rules) in 15A NCAC 2B .0200. The category of activities shall include any fill activity for temporary construction, access and de-watering. This Certification replaces Water Quality Certification Number 2727 issued on May 1, 1992 and Certification Number 3114 issued on February 11, 1997. This WQC is rescinded when the Corps of Engineers reauthorize Nationwide Permit 33 or when deemed appropriate by the Director of the DWQ.

The State of North Carolina certifies that the specified category of activity will not violate appropriate portions of Sections 301, 302, 303, 306 and 307 of the Public Laws 92-500 and 95-217 if conducted in accordance with the conditions hereinafter set forth.

Conditions of Certification:

1. These activities do not require written concurrence from the Division of Water Quality as long as they comply with all conditions of this General Certification. If any condition in this Certification cannot be met, application to and written concurrence from DWQ are required. Also, Condition No. 2 is applicable to all streams in basins with riparian area protection rules;

2. Impacts to any stream length in the Neuse, Tar-Pamlico and Randleman River Basins (or any other major river basins with Riparian Area Protection Rules [Buffer Rules] in effect at the time of application) requires written concurrence from DWQ in accordance with 15A NCAC 2B.0200. Activities listed as "exempt" from these rules do not need to apply for written concurrence under this Certification. New development activities located in the protected 50-foot wide riparian areas (whether jurisdictional wetlands or not) within the Neuse, Tar-Pamlico, Randleman and Catawba River Basins shall be limited to "uses" identified within and constructed in accordance with 15A NCAC 2B .0200. All new development shall be located, designed, constructed, and maintained to have minimal disturbance to protect water quality to the maximum extent practicable through the use of best management practices;

3. Appropriate sediment and erosion control practices which equal or exceed those outlined in the most recent version of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" whichever is more appropriate (available from the Division of Land Resources (DLR) in the DENR Regional or Central Offices) shall be in full compliance with all specifications governing the proper design, installation and operation and maintenance of such Best Management Practices in order to assure compliance with the appropriate turbidity water quality standard;

WQC #3366

4. All sediment and erosion control measures placed in wetlands or waters shall be removed and the original grade restored within two months after the Division of Land Resources has released the project;

* 5. If an environmental document is required, this Certification is not valid until a Finding of No Significant Impact (FONSI) or Record of Decision (ROD) is issued by the State Clearinghouse;

6. Placement of culverts and other structures in waters, streams, and wetlands must be placed below the elevation of the streambed to allow low flow passage of water and aquatic life unless it can be shown to DWQ that providing passage would be impractical. Design and placement of culverts including open bottom or bottomless arch culverts and other structures including temporary erosion control measures shall not be conducted in a manner that may result in aggradation, degradation or significant changes in hydrology of wetlands or stream beds or banks, adjacent to or upstream and down stream of the above structures. The applicant is required to provide evidence that the equilibrium shall be maintained if requested in writing by DWQ. Additionally, when roadways, causeways or other fill projects are constructed across FEMA-designated floodways or wetlands, openings such as culverts or bridges must be provided to maintain the natural hydrology of the system as well as prevent constriction of the floodway that may result in aggradation, degradation or significant changes in hydrology of streams or wetlands;

7. Measures shall be taken to prevent live or fresh concrete from coming into contact with waters of the state until the concrete has hardened;

8. All temporary fill shall be removed to the original grade after construction is complete and the site shall be stabilized to prevent erosion;

9. Pipes shall be installed under the road or causeway in all streams to carry at least the 25 year storm event as outlined in the most recent edition of the "North Carolina Sediment and Erosion Control Planning and Design Manual" or the "North Carolina Surface Mining Manual" so as not to restrict stream flow during use of this Certification;

* 10. In accordance with North Carolina General Statute Section 143-215.3D(e), any request for written concurrence for a 401 Water Quality Certification must include the appropriate fee. If a project also requires a CAMA Permit, one payment to both agencies shall be submitted and will be the higher of the two fees;

11. Additional site-specific conditions may be added to projects for which written concurrence is required or requested under this Certification in order to ensure compliance with all applicable water quality and effluent standards;

12. Concurrence from DWQ that this Certification applies to an individual project shall expire three years from the date of the cover letter from DWQ or on the same day as the expiration date of these corresponding Nationwide and Regional General Permits, whichever is sooner;

WQC #3366

13. When written concurrence is required, the applicant is required to use the most recent version of the Certification of Completion form to notify DWQ when all work included in the 401 Certification has been completed.

Non-compliance with or violation of the conditions herein set forth by a specific fill project shall result in revocation of this Certification for the project and may result in criminal and/or civil penalties.

The Director of the North Carolina Division of Water Quality may require submission of a formal application for individual certification for any project in this category of activity that requires written concurrence under this certification, if it is determined that the project is likely to have a significant adverse effect upon water quality or degrade the waters so that existing uses of the wetland, stream or downstream waters are precluded.

Public hearings may be held for specific applications or group of applications prior to a Certification decision if deemed in the public's best interest by the Director of the North Carolina Division of Water Quality.

Effective date: 18 March 2002

DIVISION OF WATER QUALITY

By

Gregory J. Thorpe, Ph.D.

Acting Director

WQC # 3366

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TENNESSEE VALLEY AUTHORITY
Section 26a Permit
Approval / Denial

✓ RAIL

Copy to BCH

RECEIVED
JUL - 7 2004
STRUCTURE BRANCH

Applicant Name	NCDOT 1581 Mail Service Center Raleigh, NC 27699-1581	RLR No.	144171
Reservoir	Off (Buncombe)	Subdivision	N/A
Tract No.	N/A	Map No. Quad 200SW	Lot No(s). N/A
River/Stream Mile	Dillingham Creek	Category	☐ 1 ☐ 2 ☒ 3

This application has been reviewed. The blocks checked below indicate the status of your request.

☒ The facilities and/or activities listed below are ***APPROVED*** subject to the general and special conditions attached.

1. NCDOT Project #8.2843601 (B-3310):
2. Construction associated with Replacement of Bridge 145 over Dillingham Creek on SR 2173
3. at the location specified and in accordance with submitted plans.
4.
5.
6.
7.
8.

☐ The facilities and/or activities listed below are ***DENIED***.

1.
2.

☐ This permit ***SUPERSEDES*** the following previous TVA approval(s).

_____ permit issued _____ for _____
_____ permit issued _____ for _____
_____ permit issued _____ for _____
_____ permit issued _____ for _____

TVA Representative Freddie C. Bennett Approval Date 7 July 2004

☒ Requires review by U.S. Army Corps of Engineers (USACE). Plans have been forwarded to the USACE. **No construction shall commence until you have written approval or verification that no permit is required.**

☐ ARAP (For Tennessee locations, a copy of the permit has been sent to the Tennessee Department of Environment and Conservation.

RLR No. 144171

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GENERAL AND STANDARD CONDITIONS
Section 26a and Land Use

General Conditions

1. You agree to make every reasonable effort to construct and operate the facility authorized herein in a manner so as to minimize any adverse impact on water quality, aquatic life, wildlife, vegetation, and natural environmental values.
2. This permit may be revoked by TVA by written notice if:
   a) the structure is not completed in accordance with approved plans;
   b) if in TVA's judgment the structure is not maintained as provided herein;
   c) the structure is abandoned;
   d) the structure or work must be altered to meet the requirements of future reservoir management operations of the United States or TVA, or:
   e) TVA finds that the structure has an adverse effect upon navigation, flood control, or public lands or reservations.
3. If this permit for this structure is revoked, you agree to remove the structure, at your expense, upon written notice from TVA. In the event you do not remove the structure within 30 days of written notice to do so, TVA shall have the right to remove or cause to have removed, the structure or any part thereof. You agree to reimburse TVA for all costs incurred in connection with removal.
4. In issuing this Approval of Plans, TVA makes no representations that the structures or work authorized or property used temporarily or permanently in connection therewith will not be subject to damage due to future operations undertaken by the United States and/or TVA for the conservation or improvement of navigation, for the control of floods, or for other purposes, or due to fluctuations in elevations of the water surface of the river or reservoir, and no claim or right to compensation shall accrue from any such damage. By the acceptance of this approval, applicant covenants and agrees to make no claim against TVA or the United States by reason of any such damage, and to indemnify and save harmless TVA and the United States from any and all claims by other persons arising out of any such damage.
5. In issuing this Approval of Plans, TVA assumes no liability and undertakes no obligation or duty (in tort, contract, strict liability or otherwise) to the applicant or to any third party for any damages to property (real or personal) or personal injuries (including death) arising out of or in any way connected with applicant's construction, operation, or maintenance of the facility which is the subject of this Approval of Plans.
6. This approval shall not be construed to be a substitute for the requirements of any federal, state, or local statute, regulation, ordinance, or code, including, but not limited to, applicable electrical building codes, now in effect or hereafter enacted.
7. The facility will not be altered, or modified, unless TVA's written approval has been obtained prior to commencing work.
8. You agree to notify TVA of any transfer of ownership of the approved structure to a third party. Third party is required to make application to TVA for permitting of the structure in their name.
9. You agree to stabilize all disturbed areas within 30 days of completion of the work authorized. All land-disturbing activities shall be conducted in accordance with Best Management Practices as defined by Section 208 of the Clean Water Act to control erosion and sedimentation to prevent adverse water quality and related aquatic impacts. Such practices shall be consistent with sound engineering and construction principles; applicable federal, state, and local statutes, regulations, or ordinances; and proven techniques for controlling erosion and sedimentation, including any *required* conditions.
10. You agree not to use or permit the use of the premises, facilities, or structures for any purposes that will result in draining or dumping into the reservoir of any refuse, sewage, or other material in violation of applicable standards or requirements relating to pollution control of any kind now in effect or hereinafter established.
11. The facility will be maintained in a good state of repair and in good, safe, and substantial condition. If the facility is damaged, destroyed, or removed from the reservoir or stream for any reason, or deteriorates beyond safe and serviceable use, it cannot be repaired or replaced without the prior written approval of TVA.
12. You agree that if any historical or prehistoric archaeological material (such as arrowheads, broken pottery, bone or similar items) is encountered during construction of this facility you will immediately contact this office and temporarily suspend work at that location until authorized by this office to proceed.
13. The Native American Graves Protection and Repatriation Act and the Archaeological Resources Protection Act apply to archaeological resources located on the premises. If LESSEE {or licensee or grantee (for easement) or applicant (for 26a permit on federal land)} discovers human remains, funerary objects, sacred objects, objects of cultural patrimony, or any other archaeological resources on or under the premises, LESSEE {or licensee, grantee, or applicant} shall immediately stop activity in the area of the discovery, make a reasonable effort to protect the items, and notify TVA by telephone (phone 423-587-5600). Work may not be resumed in the area of the discovery until approved by TVA.

14. On TVA land, unless otherwise stated on this permit, vegetation removal is prohibited.

15. You agree to securely anchor all floating facilities to prevent them from floating free during major floods.

16. You are responsible for accurately locating your facility, and this authorization is valid and effective only if your facility is located on or fronting property *owned* or *leased* as shown on your application.

17. It is understood that you own adequate property rights at this location. If at any time it is determined that you do not own sufficient property rights, or that you have only partial ownership rights in the land at this location, this permit may be revoked if TVA receives an objection to your water use facility from any owner or partial owner of the property rights at this location.

Standard Conditions: (Items that pertain to your request have been checked.)

1. **Structures and Facilities**

a) ☐ TVA number ___ has been assigned to your facility. When construction is complete, this number shall be placed on a readily visible part of the outside of the facility in the numbers not less than three inches high.

b) ☐ The 100-year flood elevation at this site is estimated to be ___-feet mean sea level. As a minimum, your fixed facility should be designed to prevent damage to stored boats by forcing them against roof during a 100-year flood event.

c) ☐ You agree that the float will be temporarily connected (i.e., by slip pin/ropes) and not permanently attached to nonnavigable houseboat.

d) ☐ You agree that this ___ shall have no side enclosures except wire mesh or similar screening.

e) ☐ Buildings or other enclosed structures containing sleeping or living accommodations, including toilets and related facilities, or that have enclosed floor area in excess of 32 square feet, are prohibited.

f) ☐ Ski jumps will not be left unattended for extended periods of time. All facilities will be tied to the shoreline or to a boathouse or pier fronting your property at the completion of each day's activities.

g) ☐ For all electrical services permitted, a disconnect must be located at or above the ___-foot contour that is accessible during flooding.

h) ☒ You should contact your local government official(s) to ensure that this facility complies with all applicable local floodplain regulations.

i) ☐ The entire closed-loop coil heating and air conditioning system and its support apparatus must be either placed below elevation ___ (to provide a five-foot clearance for water craft at minimum pool elevations of ___) or located underneath a TVA approved water-use facility or other TVA approved structure. The supply and return lines must be buried as they cross the reservoir drawdown zone in areas of water depth less than five feet (minimum pool). The liquid contents of the closed-loop heating and air conditioning system must be propylene glycol or water, and the applicant or authorized agent must provide TVA with written verification of this fact.

j) ☐ You agree that only those facilities which have been approved by TVA prior to construction will be placed within the harbor limits and that permanent mooring buoys, boat slips, or other harbor facilities will not be placed outside the harbor limits.

k) ☐ You agree that all storage, piping, and dispensing of liquid fuel shall comply with applicable requirements of the "Flammable and Combustible Liquids" section of the National Fire Codes and any additional requirements of federal, state, and local laws and regulations.

l) ☐ You agree that the ___ facility hereby approved will be used for ___ and for no other purpose unless approved in writing from TVA.

m) ☐ You agree that if the construction project covered by this permit is not initiated within (18) months after the date of issuance, this permit will then automatically expire and you must submit a new 26a permit application for TVA approval with the applicable fee.

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2. **Ownership Rights**

a) ☐ No fill will be placed higher than elevation ___ maximum shoreline contour (msc), and every precaution will be taken not to disturb or alter the existing location of the ___-foot contour elevation through either excavation or placement of fill.

b) ☐ You are advised that TVA retains the right to flood this area and that TVA will not be liable for damages resulting from flooding.

c) ☐ You shall notify TVA of any sale or transfer of land, which would affect the landward limits of harbor area, as far in advance of such sale or transfer as possible.

d) ☐ This approval of plans is only a determination that these harbor limits will not have any unacceptable effect on TVA programs or other interests for which TVA has responsibility. Such approval does not profess or intend to give the applicant exclusive control over the use of navigable waters involved.

e) ☒ You recognize and understand that this authorization conveys no property rights, grants no exclusive license, and in no way restricts the general public's privilege of using shoreland owned by or subject to public access rights owned by TVA. It is also subject to any existing rights of third parties. Nothing contained in this approval shall be construed to detract or deviate from the rights of the United States and TVA held over this land under the Grant of Flowage Easement. This Approval of Plans does not give any property rights in real estate or material and does not authorize any injury to private property or invasion of private or public rights. It merely constitutes a finding that the facility, if constructed at the location specified in the plans submitted and in accordance with said plans, would not at this time constitute an obstruction unduly affecting navigation, flood control, or public lands or reservations.

3. **Shoreline Modification and Stabilization**

a) ☐ For purposes of shoreline bank stabilization, all portions will be constructed or placed, on average, no more than two feet from the existing shoreline at normal summer pool elevation.

b) ☐ You agree that spoil material will be disposed of and contained on land lying and being above the ___-foot contour. Every precaution will be made to prevent the reentry of the spoil material into the reservoir.

c) ☐ Bank, shoreline, and floodplain stabilization will be permanently maintained in order to prevent erosion, protect water quality, and preserve aquatic habitat.

d) ☐ You agree to reimburse TVA $___, which is the current value of the ___ acre feet of power storage volume displaced by fill into the reservoir.

4. **Water Intake**

a) ☐ If the reservoir falls below the elevation of the intake, the applicant will be responsible for finding another source of raw water.

b) ☐ You must install and maintain a standard regulatory hazard buoy at the end of the intake to warn boaters of the underwater obstruction. The word "intake" should be added to the buoy and be attached using a five-foot cable.

c) ☐ The screen openings on the intake strainer must be 1/8-inch (maximum), to minimize the entrapment of small fish.

d) ☐ This approval does not constitute approval of the adequacy or safety of applicant's water system. TVA does not warrant that the water withdrawn and used by applicant is safe for drinking or any other purpose, and applicant is solely responsible for ensuring that all water is properly treated before using.

5. **Bridges and Culverts**

a) ☒ You agree to design/construct any instream piers in such a manner as to discourage river scouring or sediment deposition.

b) ☐ Applicant agrees to construct culvert in phases, employing adequate streambank protection measures, such that the diverted streamflow is handled without creating streambank or streambed erosion/sedimentation and without preventing fish passage.

c) ☐ Concrete box culverts and pipe culverts (and their extensions) must create/maintain velocities and flow patterns which offer refuge for fish and other aquatic life, and allow passage of indigenous fish species, under all flow conditions. Culvert floor slabs and pipe bottoms must be buried below streambed elevation, and filled with naturally occurring streambed materials. If geologic conditions do not allow burying the floor, it must be otherwise designed to allow passage of indigenous fish species under all flow conditions.

d) ☒ All natural stream values (including equivalent energy dissipation, elevations, and velocities; riparian vegetation; riffle/pool sequencing; habitat suitable for fish and other aquatic life) must be provided at all stream modification sites. This must be accomplished using a combination of rock and bioengineering, and is not accomplished using solid, homogeneous riprap from bank to bank.

e) ☒ You agree to remove demolition and construction by-products from the site--for recycling if practicable, or proper disposal--outside of the 100-year floodplain. Appropriate BMPs will be used during the removal of any abandoned roadway or structures.

6. Best Management Practices

a) ☒ You agree that removal of vegetation will be minimized, particularly any woody vegetation providing shoreline/streambank stabilization.

b) ☒ You agree to installation of cofferdams and/or silt control structures between construction areas and surface waters prior to any soil-disturbing construction activity, and clarification of all water that accumulates behind these devices to meet *state* water quality criteria *at the stream mile where activity occurs* before it is returned to the *unaffected portion of the stream*. Cofferdams must be used wherever construction activity is at or below water elevation.

c) ☒ A floating silt screen extending from the surface to the bottom is to be in place during excavation or dredging to prevent sedimentation in surrounding areas. It is to be left in place until disturbed sediments are visibly settled.

d) ☒ You agree to keep equipment out of the reservoir or stream and off reservoir or stream banks, to the extent practicable (i.e., performing work "in the dry").

e) ☒ You agree to avoid contact of wet concrete with the stream or reservoir, and avoid disposing of concrete washings, or other substances or materials, in those waters.

f) ☒ You agree to use erosion control structures around any material stockpile areas.

g) ☒ You agree to apply clean/shaken riprap or shot rock (where needed at water/bank interface) over a water permeable/soil impermeable fabric or geotextile and in such a manner as to avoid stream sedimentation or disturbance, or that any rock used for cover and stabilization shall be large enough to prevent washout and provide good aquatic habitat.

h) ☒ You agree to remove, redistribute, and stabilize (with vegetation) all sediment which accumulates behind cofferdams or silt control structures.

i) ☒ You agree to use vegetation (versus riprap) wherever practicable and sustainable to stabilize streambanks, shorelines, and adjacent areas. These areas will be stabilized as soon as practicable, using either an appropriate seed mixture that includes an annual (quick cover) as well as one or two perennial legumes and one or two perennial grasses, or sod. In winter or summer, this will require initial planting of a quick cover annual only, to be followed by subsequent establishment of the perennials. Seed and soil will be protected as appropriate with erosion control netting and/or mulch and provided adequate moisture. Streambank and shoreline areas will also be permanently stabilized with native woody plants, to include trees wherever practicable and sustainable (this vegetative prescription may be altered if dictated by geologic conditions or landowner requirements). You also agree to install or perform additional erosion control structures/techniques deemed necessary by TVA.

Additional Conditions

N/A

C200906 January 1, 2002

STANDARD SPECIAL PROVISION

AVAILABILITY OF FUNDS - TERMINATION OF CONTRACTS

In accordance with G.S. 143.18.1 (6), Subsection (5) of G.S. 143-28.1 is hereby incorporated verbatim in this contract. G.S. 143-28.1(5) is as follows:

"(5). Amounts Obligated - Payments subject to the Availability of Funds - Termination of Contracts. Highway maintenance and construction appropriations may be obligated in the amount of allotments made to the Department of Transportation by the Office of State Budget and Management for the estimated payments for maintenance and construction contract work to be performed in the appropriation fiscal year. The allotments shall be multi-year allotments and shall be based on estimated revenues and shall be subject to the maximum contract authority contained in subdivision (2) above. Payment for highway maintenance and construction work performed pursuant to contract in any fiscal year other than the current fiscal year will be subject to appropriations by the General Assembly. Highway maintenance and construction contracts shall contain a schedule of estimated completion progress and any acceleration of this progress shall be subject to the approval of the Department of Transportation provided funds are available. The State reserves the right to terminate or suspend any highway maintenance or construction contract and any highway maintenance or construction contract shall be so terminated or suspended if funds will not be available for payment of the work to be performed during that fiscal year pursuant to the contract. In the event of termination of any contract, the contractor shall be given a written notice of termination at least 60 days before completion of schedule work for which funds are available. In the event of termination, the contractor shall be paid for the work already performed in accordance with the contract specifications".

Payment will be made on any contract terminated pursuant to the special provision in accordance with Article 108-13, Item 5, of the North Carolina Department of Transportation Standard Specifications for Roads and Structures, dated January 1, 2002.

STANDARD SPECIAL PROVISIONS
(ENGLISH AND METRIC)
NCDOT GENERAL SEED SPECIFICATION FOR SEED QUALITY

Seed shall be sampled and tested by the North Carolina Department of Agriculture and Consumer Services, Seed Testing Laboratory. When said samples are collected, the vendor shall supply an independent laboratory report for each lot to be tested. Results from seed so sampled shall be final. Seed not meeting the specifications shall be rejected by the Department of Transportation and shall not be delivered to North Carolina Department of Transportation warehouses. If seed has been delivered it shall be available for pickup and replacement at the supplier's expense.

Any relabeling required by the North Carolina Department of Agriculture and Consumer Services, Seed Testing Laboratory, that would cause the label to reflect as otherwise specified herein shall be rejected by the North Carolina Department of Transportation.

Seed shall be free from seeds of the noxious weeds Johnsongrass, Balloonvine, Jimsonweed, Witchweed, Itchgrass, Serrated Tussock, Showy Crotalaria, Smooth Crotalaria, Sicklepod, Sandbur, Wild Onion, and Wild Garlic. Seed shall not be labeled with the above weed species on the seed analysis label. Tolerances as applied by the Association of Official Seed Analysts will NOT be allowed for the above noxious weeds except for Wild Onion and Wild Garlic.

Tolerances established by the Association of Official Seed Analysts will generally be recognized. However, for the purpose of figuring pure live seed, the found pure seed and found germination percentages as reported by the North Carolina Department of Agriculture and Consumer Services, Seed Testing Laboratory will be used. Allowances, as established by the NCDOT, will be recognized for minimum pure live seed as listed on the following pages.

The specifications for restricted noxious weed seed refers to the number per pound as follows:

Restricted Noxious Weed	Limitations per Lb. Of Seed	Restricted Noxious Weed	Limitations per Lb. of Seed
Blessed Thistle	4 seeds	Bermudagrass	27 seeds
Cocklebur	4 seeds	Cornflower (Ragged Robin)	27 seeds
Spurred Anoda	4 seeds	Texas Panicum	27 seeds
Velvetleaf	4 seeds	Bracted Plantain	54 seeds
Morning-glory	8 seeds	Buckhorn Plantain	54 seeds
Corn Cockle	10 seeds	Broadleaf Dock	54 seeds
Wild Radish	12 seeds	Curly Dock	54 seeds
Purple Nutsedge	27 seeds	Dodder	54 seeds
Yellow Nutsedge	27 seeds	Giant Foxtail	54 seeds
Canada Thistle	27 seeds	Horsenettle	54 seeds
Field Bindweed	27 seeds	Quackgrass	54 seeds
Hedge Bindweed	27 seeds	Wild Mustard	54 seeds

Seed of Pensacola Bahiagrass shall not contain more than 7% inert matter, Kentucky Bluegrass and Fine or Hard Fescue shall not contain more than 5% inert matter whereas a maximum of 2% inert matter will be allowed on all other kinds of seed. In addition, all seed shall not contain more than 2% other crop seed nor more than 1% total weed seed. The germination rate as tested by the North Carolina Department of Agriculture shall not fall below 70%, which includes both dormant and hard seed. Seed shall be labeled with not more than 7%, 5% or 2% inert matter (according to above specifications), 2% other crop seed and 1% total weed seed.

Exceptions may be made for minimum pure live seed allowances when cases of seed variety shortages are verified. Pure live seed percentages will be applied in a verified shortage situation. Those purchase orders of deficient seed lots will be credited with the percentage that the seed is deficient.

Further specifications for each seed group are give below:

Minimum 85% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 83% pure live seed will not be approved.

Sericea Lespedeza
Oats (seeds)

Minimum 80% pure live seed; maximum 1% total weed seed; maximum 2% total other crop; maximum 144 restricted noxious weed seed per pound. Seed less than 78% pure live seed will not be approved.

Tall Fescue (all approved varieties)	Bermudagrass
Kobe Lespedeza	Browntop Millet
Korean Lespedeza	German Millet - Strain R
Weeping Lovegrass	Centipedegrass
Carpetgrass	Clover - Red/White/Crimson

Minimum 78% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 76% pure live seed will not be approved.

Common or Sweet Sundangrass

Minimum 76% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 74% pure live seed will not be approved.

Rye (grain; all varieties)
Kentucky Bluegrass (all approved varieties)
Hard Fescue (all approved varieties)
Shrub (bicolor) Lespedeza

Minimum 70% pure live seed; maximum 1% total weed seed; maximum 2% total other crop seed; maximum 144 restricted noxious weed seed per pound. Seed less than 70% pure live seed will not be approved.

Crownvetch
Pensacola Bahiagrass
Japanese Millet
Switchgrass
Reed Canary Grass

C200906 03-16-04

STANDARD SPECIAL PROVISIONS
ERRATA

Correct the *2002 Standard Specifications* as follows:

Page 1-61, Subarticle 108-10(A)

In the first sentence, change the Article reference from 101-24 to 101-**25**.

Page 2-21, Subarticle 235-4(B)

In the third sub-bullet under the eighth bullet in this subarticle, delete the word "subgrade" and insert the words "finished grade".

Page 3-4, Article 300-10

Change all references to 300-8 to 300-9.

Page 5-9, Subarticle 520-3(A)

Delete the words "at your option".

Page 5-10, Subarticle 520-6(A)

In the first sentence, add a period after "(B)" and delete the words "and (C)."

Delete the last sentence of the subarticle.

Page 8-47, Subarticle 862-6

Change the subarticle number from 862-6 to **862-7.**

Page 8-49, Subarticle 864-4

In the first paragraph, change the Article reference from 862-3 to **864-3.**

Page 8-55, Subarticle 866-5(G)

In the third pay item, insert the words "with Posts" after the word "Fence".

Page 10-1, Subarticle 1000-3(A)

In the second paragraph, change 550 psi to 600 psi (4.1 MPa).

Page 10-2, Subarticle 1000-3(A)

In the last sentence of the second paragraph on this page, change 550 psi to 600 psi (4.1 MPa).

Page 10-5, Table 1000-1

Under the column "Consistency Max. Slump" change the sub-heading 'Non-Vibrated' to 'Vibrated' and change the sub-heading 'Vibrated' to 'Non-Vibrated'. Under the column "Min. Cement Content" change the sub-heading 'Non-Vibrated' to 'Vibrated" and change the sub-heading 'Vibrated' to 'Non-Vibrated'.

Page 10-7, Table 1005-2

For Std. Size # 2S make the following changes:

- #50 (0.300) Sieve change the limits from 8 - 30 to **5 - 30.**
- #100 (0.150) Sieve change the limits from 0.5 - 10 to **0 - 10.**

For Std. Size # 2MS make the following changes:

- #50 (0.300) Sieve change the limits from 8 - 35 to **5 - 35.**
- #100 (0.150) Sieve change the limits from 0.5 - 20 to **0 - 20.**

Page 15-3, Article 1505-3

In the last paragraph of this article, change Article 300-6 to Article 300-7.

Page 15-10, Article 1510-5

In the fourth paragraph, insert a comma after the word "water".

Page 15-18, Article 1530-2

In the third paragraph on the page, change "Section 812" to "Section 340".

Page 16-15, Article 1635-3(A)

Substitute the second paragraph with the following:

Construct the rock pipe inlet sediment trap type-A with a minimum height of 18 inches (457.2 mm) and a minimum of 12 inches (304.8 mm) below the roadway shoulder or diversion point.

C200906 June 28, 1977

STANDARD SPECIAL PROVISION

AWARD OF CONTRACT

"The North Carolina Department of Transportation, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252) and the Regulations of the Department of Transportation (49 C.F.R., Part 21), issued pursuant to such act, hereby notifies all bidders that it will affirmatively insure that the contract entered into pursuant to this advertisement will be awarded to the lowest responsible bidder without discrimination on the ground of race, color, or national origin".

MINORITY AND FEMALE EMPLOYMENT REQUIREMENTS

NOTICE OF REQUIREMENTS FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY (EXECUTIVE NUMBER 11246)

1. The goals and timetables for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, see as shown on the attached sheet entitled "Employment Goals for Minority and Female participation".

   These goals are applicable to all the Contractor's construction work (whether or not it is Federal or federally assisted) performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, it shall apply the goals established for such geographical area where the work is actually performed. With regard to this second area, the contractor also is subject to the goals for both its federally involved and nonfederally involved construction.

   The Contractor's compliance with the Executive Order and the regulations in 41 CFR Part 60-4 shall be based on its implementation of the Equal Opportunity Clause, specific affirmative action obligations required by the specifications set forth in 41 CFR 60-4.3(a), and its effort to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade and the Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor or from project to project or the sole purpose of meeting the Contractor's goals shall be a violation of the contract, the executive Order and the regulations in 41 CFR Part 60-4. Compliance with the goals will be measured against the total work hours performed.

2. As used in this Notice and in the contract resulting from this solicitation, the "covered area" is the county or counties shown on the cover sheet of the proposal form and contract.

EMPLOYMENT GOALS FOR MINORITY
AND FEMALE PARTICIPATION

Economic Areas

Area 023 29.7%

Bertie County
Camden County
Chowan County
Gates County
Hertford County
Pasquotank County
Perquimans County

Area 024 31.7%

Beaufort County
Carteret County
Craven County
Dare County
Edgecombe County
Green County
Halifax County
Hyde County
Jones County
Lenoir County
Martin County
Nash County
Northampton County
Pamlico County
Pitt County
Tyrrell County
Washington County
Wayne County
Wilson County

Area 025 23.5%

Columbus County
Duplin County
Onslow County
Pender County

Area 026 33.5%

Bladen County
Hoke County
Richmond County
Robeson County
Sampson County
Scotland County

Area 027 24.7%

Chatham County
Franklin County
Granville County
Harnett County
Johnston County
Lee County
Person County
Vance County
Warren County

Area 028 15.5%

Alleghany County
Ashe County
Caswell County
Davie County
Montgomery County
Moore County
Rockingham County
Surry County
Watauga County
Wilkes County

Area 029 15.7%

Alexander County
Anson County
Burke County
Cabarrus County
Caldwell County
Catawba County
Cleveland County
Iredell County
Lincoln County
Polk County
Rowan County
Rutherford County
Stanly County

Area 0480 8.5%

Buncombe County
Madison County

Area 030 6.3%

Avery County
Cherokee County
Clay County
Graham County
Haywood County
Henderson County
Jackson County
McDowell County
Macon County
Mitchell County
Swain County
Transylvania County
Yancey County

SMSA Areas

Area 5720 26.6%

Currituck County

Area 9200 20.7%

Brunswick County
New Hanover County

Area 2560 24.2%

Cumberland County

Area 6640 22.8%

Durham County
Orange County
Wake County

Area 1300 16.2%

Alamance County

Area 3120 16.4%

Davidson County
Forsyth County
Guiford County
Randolph County
Stokes County
Yadkin County

Area 1520 18.3%

Gaston County
Mecklenburg County
Union County

Goals For Female

Participation in Each Trade

(Statewide) 6.9%

FHWA-1273 Electronic version -- March 10, 1994

REQUIRED CONTRACT PROVISIONS
FEDERAL-AID CONSTRUCTION CONTRACTS

I. GENERAL

1. These contract provisions shall apply to all work performed on the contract by the contractor's own organization and with the assistance of workers under the contractor's immediate superintendence and to all work performed on the contract by piecework, station work, or by subcontract.

2. Except as otherwise provided for in each section, the contractor shall insert in each subcontract all of the stipulations contained in these Required Contract Provisions, and further require their inclusion in any lower tier subcontract or purchase order that may in turn be made. The Required Contract Provisions shall not be incorporated by reference in any case. The prime contractor shall be responsible for compliance by any subcontractor or lower tier subcontractor with these Required Contract Provisions.

3. A breach of any of the stipulations contained in these Required Contract Provisions shall be sufficient grounds for termination of the contract.

4. A breach of the following clauses of the Required Contract Provisions may also be grounds for debarment as provided in 29 CFR 5.12:

Section I, paragraph 2;
Section IV, paragraphs 1, 2, 3, 4, and 7;
Section V, paragraphs 1 and 2a through 2g.

5. Disputes arising out of the labor standards provisions of Section IV (except paragraph 5) and Section V of these Required Contract Provisions shall not be subject to the general dispute clause of this contract. Such disputes shall be resolved in accordance with the procedures of the U.S. Department of Labor (DOL) as set forth in 29 CFR 5, 6, and 7. Disputes within the meaning of this clause include disputes between the contractor (or any of its subcontractors) and the contracting agency, the DOL, or the contractor's employees or their representatives.

6. **Selection of Labor:** During the performance of this contract, the contractor shall not:

a. discriminate against labor from any other State, possession, or territory of the United States (except for employment preference for Appalachian contracts, when applicable, as specified in Attachment A), or

b. employ convict labor for any purpose within the limits of the project unless it is labor performed by convicts who are on parole, supervised release, or probation.

II. NONDISCRIMINATION

(Applicable to all Federal-aid construction contracts and to all related subcontracts of $10,000 or more.)

1. **Equal Employment Opportunity:** Equal employment opportunity (EEO) requirements not to discriminate and to take affirmative action to assure equal opportunity as set forth under laws, executive orders, rules, regulations (28 CFR 35, 29 CFR 1630 and 41 CFR 60) and orders of the Secretary of Labor as modified by the provisions prescribed herein, and imposed pursuant to 23 U.S.C. 140 shall constitute the EEO and specific affirmative action standards for the contractor's project activities under this contract. The Equal Opportunity Construction Contract Specifications set forth under 41 CFR 60-4.3 and the provisions of the American Disabilities Act of 1990 (42 U.S.C. 12101 et seq.) set forth under 28 CFR 35 and 29 CFR 1630 are incorporated by reference in this contract. In the execution of this contract, the contractor agrees to comply with the following minimum specific requirement activities of EEO:

a. The contractor will work with the State highway agency (SHA) and the Federal Government in carrying out EEO obligations and in their review of his/her activities under the contract.

b. The contractor will accept as his operating policy the following statement:

"It is the policy of this Company to assure that applicants are employed, and that employees are treated during employment, without regard to their race, religion, sex, color, national origin, age or disability. Such action shall include: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship, preapprenticeship, and/or on-the-job training."

2. **EEO Officer:** The contractor will designate and make known to the SHA contracting officers an EEO Officer who will have the responsibility for and must be capable of effectively administering and promoting an active contractor program of EEO and who must be assigned adequate authority and responsibility to do so.

3. **Dissemination of Policy:** All members of the contractor's staff who are authorized to hire, supervise, promote, and discharge employees, or who recommend such action, or who are substantially involved in such action, will be made fully cognizant of, and will implement, the contractor's EEO policy and contractual responsibilities to provide EEO in each grade and classification of employment. To ensure that the above agreement will be met, the following actions will be taken as a minimum:

a. Periodic meetings of supervisory and personnel office employees will be conducted before the start of work and then not less often than once every six months, at which time the contractor's
EEO policy and its implementation will be reviewed and explained. The meetings will be conducted by the EEO Officer.

b. All new supervisory or personnel office employees will be given a thorough indoctrination by the EEO Officer, covering all major aspects of the contractor's EEO obligations within thirty days following their reporting for duty with the contractor.

c. All personnel who are engaged in direct recruitment for the project will be instructed by the EEO Officer in the contractor's procedures for locating and hiring minority group employees.

d. Notices and posters setting forth the contractor's EEO policy will be placed in areas readily accessible to employees, applicants for employment and potential employees.

e. The contractor's EEO policy and the procedures to implement such policy will be brought to the attention of employees by means of meetings, employee handbooks, or other appropriate means.

4. **Recruitment:** When advertising for employees, the contractor will include in all advertisements for employees the notation: "An Equal Opportunity Employer." All such advertisements will be placed in publications having a large circulation among minority groups in the area from which the project work force would normally be derived.

a. The contractor will, unless precluded by a valid bargaining agreement, conduct systematic and direct recruitment through public and private employee referral sources likely to yield qualified minority group applicants. To meet this requirement, the contractor will identify sources of potential minority group employees, and establish with such identified sources procedures whereby minority group applicants may be referred to the contractor for employment consideration.

b. In the event the contractor has a valid bargaining agreement providing for exclusive hiring hall referrals, he is expected to observe the provisions of that agreement to the extent that the system permits the contractor's compliance with EEO contract provisions. (The DOL has held that where implementations of such agreements have the effect of discriminating against minorities or women, or obligates the contractor to do the same, such implementation violates Executive Order 11246, as amended.)

c. The contractor will encourage his present employees to refer minority group applicants for employment. Information and procedures with regard to referring minority group applicants will be discussed with employees.

5. **Personnel Actions:** Wages, working conditions, and employee benefits shall be established and administered, and personnel actions of every type, including hiring, upgrading, promotion, transfer, demotion, layoff, and termination, shall be taken without regard to race, color, religion, sex, national origin, age or disability. The following procedures shall be followed:

a. The contractor will conduct periodic inspections of project sites to insure that working conditions and employee facilities do not indicate discriminatory treatment of project site personnel.

b. The contractor will periodically evaluate the spread of wages paid within each classification to determine any evidence of discriminatory wage practices.

c. The contractor will periodically review selected personnel actions in depth to determine whether there is evidence of discrimination. Where evidence is found, the contractor will promptly take corrective action. If the review indicates that the discrimination may extend beyond the actions reviewed, such corrective action shall include all affected persons.

d. The contractor will promptly investigate all complaints of alleged discrimination made to the contractor in connection with his obligations under this contract, will attempt to resolve such complaints, and will take appropriate corrective action within a reasonable time. If the investigation indicates that the discrimination may affect persons other than the complainant, such corrective action shall include such other persons. Upon completion of each investigation, the contractor will inform every complainant of all of his avenues of appeal.

6. **Training and Promotion:**

a. The contractor will assist in locating, qualifying, and increasing the skills of minority group and women employees, and applicants for employment.

b. Consistent with the contractor's work force requirements and as permissible under Federal and State regulations, the contractor shall make full use of training programs, i.e., apprenticeship, and on-the-job training programs for the geographical area of contract performance. Where feasible, 25 percent of apprentices or trainees in each occupation shall be in their first year of apprenticeship or training. In the event a special provision for training is provided under this contract, this subparagraph will be superseded as indicated in the special provision.

c. The contractor will advise employees and applicants for employment of available training programs and entrance requirements for each.

d. The contractor will periodically review the training and promotion potential of minority group and women employees and will encourage eligible employees to apply for such training and promotion.

7. **Unions:** If the contractor relies in whole or in part upon unions as a source of employees, the contractor will use his/her best efforts to obtain the cooperation of such unions to increase opportunities for minority groups and women within the unions, and to effect referrals by such unions of minority and female employees. Actions by the contractor either directly or through a contractor's association acting as agent will include the procedures set forth below:

a. The contractor will use best efforts to develop, in cooperation with the unions, joint training programs aimed toward qualifying more minority group members and women for membership in the unions and increasing the skills of minority group employees and women so that they may qualify for higher paying employment.

b. The contractor will use best efforts to incorporate an EEO clause into each union agreement to the end that such union will be contractually bound to refer applicants without regard to their race, color, religion, sex, national origin, age or disability.

c. The contractor is to obtain information as to the referral practices and policies of the labor union except that to the extent such information is within the exclusive possession of the labor union and such labor union refuses to furnish such information to the contractor, the contractor shall so certify to the SHA and shall set forth what efforts have been made to obtain such information.

d. In the event the union is unable to provide the contractor with a reasonable flow of minority and women referrals within the time limit set forth in the collective bargaining agreement, the contractor will, through independent recruitment efforts, fill the employment vacancies without regard to race, color, religion, sex, national origin, age or disability; making full efforts to obtain qualified and/or qualifiable minority group persons and women. (The DOL has held that it shall be no excuse that the union with which the contractor has a collective bargaining agreement providing for exclusive referral failed to refer minority employees.) In the event the union referral practice prevents the contractor from meeting the obligations pursuant to Executive Order 11246, as amended, and these special provisions, such contractor shall immediately notify the SHA.

8. **Selection of Subcontractors, Procurement of Materials and Leasing of Equipment:** The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment.

a. The contractor shall notify all potential subcontractors and suppliers of his/her EEO obligations under this contract.

b. Disadvantaged business enterprises (DBE), as defined in 49 CFR 23, shall have equal opportunity to compete for and perform subcontracts which the contractor enters into pursuant to this contract. The contractor will use his best efforts to solicit bids from and to utilize DBE subcontractors or subcontractors with meaningful minority group and female representation among their employees. Contractors shall obtain lists of DBE construction firms from SHA personnel.

c. The contractor will use his best efforts to ensure subcontractor compliance with their EEO obligations.

9. **Records and Reports:** The contractor shall keep such records as necessary to document compliance with the EEO requirements. Such records shall be retained for a period of three years following completion of the contract work and shall be available at reasonable times and places for inspection by authorized representatives of the SHA and the FHWA.

a. The records kept by the contractor shall document the following:

(1) The number of minority and non-minority group members and women employed in each work classification on the project;

(2) The progress and efforts being made in cooperation with unions, when applicable, to increase employment opportunities for minorities and women;

(3) The progress and efforts being made in locating, hiring, training, qualifying, and upgrading minority and female employees; and

(4) The progress and efforts being made in securing the services of DBE subcontractors or subcontractors with meaningful minority and female representation among their employees.

b. The contractors will submit an annual report to the SHA each July for the duration of the project, indicating the number of minority, women, and non-minority group employees currently engaged in each work classification required by the contract work. This information is to be reported on Form FHWA-1391. If on-the
job training is being required by special provision, the contractor will be required to collect and report training data.

III. NONSEGREGATED FACILITIES

(Applicable to all Federal-aid construction contracts and to all related subcontracts of $10,000 or more.)

a. By submission of this bid, the execution of this contract or subcontract, or the consummation of this material supply agreement or purchase order, as appropriate, the bidder, Federal-aid construction contractor, subcontractor, material supplier, or vendor, as appropriate, certifies that the firm does not maintain or provide for its employees any segregated facilities at any of its establishments, and that the firm does not permit its employees to perform their services at any location, under its control, where segregated facilities are maintained. The firm agrees that a breach of this certification is a violation of the EEO provisions of this contract. The firm further certifies that no employee will be denied access to adequate facilities on the basis of sex or disability.

b. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms and washrooms, restaurants and other eating areas, timeclocks, locker rooms, and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees which are segregated by explicit directive, or are, in fact, segregated on the basis of race, color, religion, national origin, age or

disability, because of habit, local custom, or otherwise. The only exception will be for the disabled when the demands for accessibility override (e.g. disabled parking).

c. The contractor agrees that it has obtained or will obtain identical certification from proposed subcontractors or material suppliers prior to award of subcontracts or consummation of material supply agreements of $10,000 or more and that it will retain such certifications in its files.

IV. PAYMENT OF PREDETERMINED MINIMUM WAGE

(Applicable to all Federal-aid construction contracts exceeding $2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural minor collectors, which are exempt.)

1. **General:**

a. All mechanics and laborers employed or working upon the site of the work will be paid unconditionally and not less often than once a week and without subsequent deduction or rebate on any account [except such payroll deductions as are permitted by regulations (29 CFR 3) issued by the Secretary of Labor under the Copeland Act (40 U.S.C. 276c)] the full amounts of wages and bona fide fringe benefits (or cash equivalents thereof) due at time of payment. The payment shall be computed at wage rates not less than those contained in the wage determination of the Secretary of Labor (hereinafter "the wage determination") which is attached hereto and made a part hereof, regardless of any contractual relationship which may be alleged to exist between the contractor or its subcontractors and such laborers and mechanics. The wage determination (including any additional classifications and wage rates conformed under paragraph 2 of this Section IV and the DOL poster (WH-1321) or Form FHWA-1495) shall be posted at all times by the contractor and its subcontractors at the site of the work in a prominent and accessible place where it can be easily seen by the workers. For the purpose of this Section, contributions made or costs reasonably anticipated for bona fide fringe benefits under Section 1(b)(2) of the Davis-Bacon Act (40 U.S.C. 276a) on behalf of laborers or mechanics are considered wages paid to such laborers or mechanics, subject to the provisions of Section IV, paragraph 3b, hereof. Also, for the purpose of this Section, regular contributions made or costs incurred for more than a weekly period (but not less often than quarterly) under plans, funds, or programs, which cover the particular weekly period, are deemed to be constructively made or incurred during such weekly period. Such laborers and mechanics shall be paid the appropriate wage rate and fringe benefits on the wage determination for the classification of work actually performed, without regard to skill, except as provided in paragraphs 4 and 5 of this Section IV.

b. Laborers or mechanics performing work in more than one classification may be compensated at the rate specified for each classification for the time actually worked therein, provided, that the employer's payroll records accurately set forth the time spent in each classification in which work is performed.

c. All rulings and interpretations of the Davis-Bacon Act and related acts contained in 29 CFR 1, 3, and 5 are herein incorporated by reference in this contract.

2. **Classification:**

a. The SHA contracting officer shall require that any class of laborers or mechanics employed under the contract, which is not listed in the wage determination, shall be classified in conformance with the wage determination.

b. The contracting officer shall approve an additional classification, wage rate and fringe benefits only when the following criteria have been met:

(1) the work to be performed by the additional classification requested is not performed by a classification in the wage determination;

(2) the additional classification is utilized in the area by the construction industry;

(3) the proposed wage rate, including any bona fide fringe benefits, bears a reasonable relationship to the wage rates contained in the wage determination; and

(4) with respect to helpers, when such a classification prevails in the area in which the work is performed.

c. If the contractor or subcontractors, as appropriate, the laborers and mechanics (if known) to be employed in the additional classification or their representatives, and the contracting officer agree on the classification and wage rate (including the amount designated for fringe benefits where appropriate), a report of the action taken shall be sent by the contracting officer to the DOL, Administrator of the Wage and Hour Division, Employment Standards Administration, Washington, D.C. 20210. The Wage and Hour Administrator, or an authorized representative, will approve, modify, or disapprove every additional classification action within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary.

d. In the event the contractor or subcontractors, as appropriate, the laborers or mechanics to be employed in the additional classification or their representatives, and the contracting officer do not agree on the proposed classification and wage rate (including the amount designated for fringe benefits, where appropriate), the contracting officer shall refer the questions, including the views of all interested parties and the recommendation of the contracting officer, to the Wage and Hour Administrator for determination. Said Administrator, or an authorized representative, will issue a determination within 30 days of receipt and so advise the contracting officer or will notify the contracting officer within the 30-day period that additional time is necessary

e. The wage rate (including fringe benefits where appropriate) determined pursuant to paragraph 2c or 2d of this Section IV shall be paid to all workers performing work in the additional classification from the first day on which work is performed in the classification.

3. **Payment of Fringe Benefits:**

a. Whenever the minimum wage rate prescribed in the contract for a class of laborers or mechanics includes a fringe benefit which is not expressed as an hourly rate, the contractor or subcontractors, as appropriate, shall either pay the benefit as stated in the wage determination or shall pay another bona fide fringe benefit or an hourly case equivalent thereof.

b. If the contractor or subcontractor, as appropriate, does not make payments to a trustee or other third person, he/she may consider as a part of the wages of any laborer or mechanic the amount of any costs reasonably anticipated in providing bona fide fringe benefits under a plan or program, provided, that the Secretary of Labor has found, upon the written request of the contractor, that the applicable standards of the Davis-Bacon Act have been met. The Secretary of Labor may require the contractor to set aside in a separate account assets for the meeting of obligations under the plan or program.

4. **Apprentices and Trainees (Programs of the U.S. DOL) and Helpers:**

a. Apprentices:

(1) Apprentices will be permitted to work at less than the predetermined rate for the work they performed when they are employed pursuant to and individually registered in a bona fide apprenticeship program registered with the DOL, Employment and Training Administration, Bureau of Apprenticeship and Training, or with a State apprenticeship agency recognized by the Bureau, or if a person is employed in his/her first 90 days of probationary employment as an apprentice in such an apprenticeship program, who is not individually registered in the program, but who has been certified by the Bureau of Apprenticeship and Training or a State apprenticeship agency (where appropriate) to be eligible for probationary employment as an apprentice.

(2) The allowable ratio of apprentices to journeyman-level employees on the job site in any craft classification shall not be greater than the ratio permitted to the contractor as to the entire work force under the registered program. Any employee listed on a payroll at an apprentice wage rate, who is not registered or otherwise employed as stated above, shall be paid not less than the applicable wage rate listed in the wage determination for the classification of work actually performed. In addition, any apprentice performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed. Where a contractor or subcontractor is performing construction on a project in a locality other than that in which its program is registered, the ratios and wage rates (expressed in percentages of the journeyman-level hourly rate) specified in the contractor's or subcontractor's registered program shall be observed.

(3) Every apprentice must be paid at not less than the rate specified in the registered program for the apprentice's level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Apprentices shall be paid fringe benefits in accordance with the provisions of the apprenticeship program. If the apprenticeship program does not specify fringe benefits, apprentices must be paid the full amount of fringe benefits listed on the wage determination for the applicable classification. If the Administrator for the Wage and Hour Division determines that a different practice prevails for the applicable apprentice classification, fringes shall be paid in accordance with that determination.

(4) In the event the Bureau of Apprenticeship and Training, or a State apprenticeship agency recognized by the Bureau, withdraws approval of an apprenticeship program, the contractor or subcontractor will no longer be permitted to utilize apprentices at less than the applicable predetermined rate for the comparable work performed by regular employees until an acceptable program is approved.

b. Trainees:

(1) Except as provided in 29 CFR 5.16, trainees will not be permitted to work at less than the predetermined rate for the work performed unless they are employed pursuant to and individually registered in a program which has received prior approval, evidenced by formal certification by the DOL, Employment and Training Administration.

(2) The ratio of trainees to journeyman-level employees on the job site shall not be greater than permitted under the plan approved by the Employment and Training Administration. Any employee listed on the payroll at a trainee rate who is not registered and participating in a training plan approved by the Employment and Training Administration shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed. In addition, any trainee performing work on the job site in excess of the ratio permitted under the registered program shall be paid not less than the applicable wage rate on the wage determination for the work actually performed.

(3) Every trainee must be paid at not less than the rate specified in the approved program for his/her level of progress, expressed as a percentage of the journeyman-level hourly rate specified in the applicable wage determination. Trainees shall be paid fringe benefits in accordance with the provisions of the trainee program. If the trainee program does not mention fringe benefits, trainees shall be paid the full amount of fringe benefits listed on the wage determination unless the Administrator of the Wage and Hour Division determines that there is an apprenticeship program associated with the corresponding journeyman-level wage rate on the wage determination which provides for less than full fringe benefits for apprentices, in which case such trainees shall receive the same fringe benefits as apprentices.

(4) In the event the Employment and Training Administration withdraws approval of a training program, the contractor or subcontractor will no longer be permitted to utilize trainees at less than the applicable predetermined rate for the work performed until an acceptable program is approved.

c. Helpers:

Helpers will be permitted to work on a project if the helper classification is specified and defined on the applicable wage determination or is approved pursuant to the conformance procedure set forth in Section IV.2. Any worker listed on a payroll at a helper wage rate, who is not a helper under a approved definition, shall be paid not less than the applicable wage rate on the wage determination for the classification of work actually performed.

5. **Apprentices and Trainees (Programs of the U.S. DOT):**

Apprentices and trainees working under apprenticeship and skill training programs which have been certified by the Secretary of Transportation as promoting EEO in connection with Federal-aid highway construction programs are not subject to the requirements of paragraph 4 of this Section IV. The straight time hourly wage rates for apprentices and trainees under such programs will be established by the particular programs. The ratio of apprentices and trainees to journeymen shall not be greater than permitted by the terms of the particular program.

6. **Withholding:**

The SHA shall upon its own action or upon written request of an authorized representative of the DOL withhold, or cause to be withheld, from the contractor or subcontractor under this contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to Davis-Bacon prevailing wage requirements which is held by the same prime contractor, as much of the accrued payments or advances as may be considered necessary to pay laborers and mechanics, including apprentices, trainees, and helpers, employed by the contractor or any subcontractor the full amount of wages required by the contract. In the event of failure to pay any laborer or mechanic, including any apprentice, trainee, or helper, employed or working on the site of the work, all or part of the wages required by the contract, the SHA contracting officer may, after written notice to the contractor, take such action as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds until such violations have ceased.

7. **Overtime Requirements:**

No contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers, mechanics, watchmen, or guards (including apprentices, trainees, and helpers described in paragraphs 4 and 5 above) shall require or permit any laborer, mechanic, watchman, or guard in any workweek in which he/she is employed on such work, to work in excess of 40 hours in such workweek unless such laborer, mechanic, watchman, or guard receives compensation at a rate not less than one-and-one-half times his/her basic rate of pay for all hours worked in excess of 40 hours in such workweek.

8. **Violation:**

Liability for Unpaid Wages; Liquidated Damages: In the event of any violation of the clause set forth in paragraph 7 above, the contractor and any subcontractor responsible thereof shall be liable to the affected employee for his/her unpaid wages. In addition, such contractor and subcontractor shall be liable to the United States (in the case of work done under contract for the District of Columbia or a territory, to such District or to such territory) for liquidated damages. Such liquidated damages shall be computed with respect to each individual laborer, mechanic, watchman, or guard employed in violation of the clause set forth in paragraph 7, in the sum of $10 for each calendar day on which such employee was required or permitted to work in excess of the standard work week of 40 hours without payment of the overtime wages required by the clause set forth in paragraph 7.

9. **Withholding for Unpaid Wages and Liquidated Damages:**

The SHA shall upon its own action or upon written request of any authorized representative of the DOL withhold, or cause to be withheld, from any monies payable on account of work performed by the contractor or subcontractor under any such contract or any other Federal contract with the same prime contractor, or any other Federally-assisted contract subject to the Contract Work Hours and Safety Standards Act, which is held by the same prime contractor, such sums as may be determined to be necessary to satisfy any liabilities of such contractor or subcontractor for unpaid wages and liquidated damages as provided in the clause set forth in paragraph 8 above.

V. STATEMENTS AND PAYROLLS

(Applicable to all Federal-aid construction contracts exceeding $2,000 and to all related subcontracts, except for projects located on roadways classified as local roads or rural collectors, which are exempt.)

1. **Compliance with Copeland Regulations (29 CFR 3):**

The contractor shall comply with the Copeland Regulations of the Secretary of Labor which are herein incorporated by reference.

2. **Payrolls and Payroll Records:**

a. Payrolls and basic records relating thereto shall be maintained by the contractor and each subcontractor during the course of the work and preserved for a period of 3 years from the date of completion of the contract for all laborers, mechanics, apprentices, trainees, watchmen, helpers, and guards working at the site of the work.

b. The payroll records shall contain the name, social security number, and address of each such employee; his or her correct classification; hourly rates of wages paid (including rates of contributions or costs anticipated for bona fide fringe benefits or cash equivalent thereof the types described in Section 1(b)(2)(B) of the Davis Bacon Act); daily and weekly number of hours worked; deductions made; and actual wages paid. In addition, for Appalachian contracts, the payroll records shall contain a notation indicating whether the employee does, or does not, normally reside in the labor area as defined in Attachment A, paragraph 1. Whenever the Secretary of Labor, pursuant to Section IV, paragraph 3b, has found that the wages of any laborer or mechanic include the amount of any costs reasonably anticipated in providing benefits under a plan or program described in Section 1(b)(2)(B) of the Davis Bacon Act, the contractor and each subcontractor shall maintain records which show that the commitment to provide such benefits is enforceable, that the plan or program is financially responsible, that the plan or program has been communicated in writing to the laborers or mechanics affected, and show the cost anticipated or the actual cost incurred in providing benefits. Contractors or subcontractors employing apprentices or trainees under approved programs shall maintain written evidence of the registration of apprentices and trainees, and ratios and wage rates prescribed in the applicable programs.

c. Each contractor and subcontractor shall furnish, each week in which any contract work is performed, to the SHA resident engineer a payroll of wages paid each of its employees (including apprentices, trainees, and helpers, described in Section IV, paragraphs 4 and 5, and watchmen and guards engaged on work during the preceding weekly payroll period). The payroll submitted shall set out accurately and completely all of the information required to be maintained under paragraph 2b of this Section V. This information may be submitted in any form desired. Optional Form WH-347 is available for this purpose and may be purchased from the Superintendent of Documents (Federal stock number 029-005-0014-1), U.S. Government Printing Office, Washington, D.C. 20402. The prime contractor is responsible for the submission of copies of payrolls by all subcontractors.

d. Each payroll submitted shall be accompanied by a "Statement of Compliance," signed by the contractor or subcontractor or his/her agent who pays or supervises the payment of the persons employed under the contract and shall certify the following:

(1) that the payroll for the payroll period contains the information required to be maintained under paragraph 2b of this Section V and that such information is correct and complete;

(2) that such laborer or mechanic (including each helper, apprentice, and trainee) employed on the contract during the payroll period has been paid the full weekly wages earned, without rebate, either directly or indirectly, and that no deductions have been made either directly or indirectly from the full wages earned, other than permissible deductions as set forth in the Regulations, 29 CFR 3;

(3) that each laborer or mechanic has been paid not less that the applicable wage rate and fringe benefits or cash equivalent for the classification of worked performed, as specified in the applicable wage determination incorporated into the contract.

e. The weekly submission of a properly executed certification set forth on the reverse side of Optional Form WH-347 shall satisfy the requirement for submission of the "Statement of Compliance" required by paragraph 2d of this Section V.

f. The falsification of any of the above certifications may subject the contractor to civil or criminal prosecution under 18 U.S.C. 1001 and 31 U.S.C. 231.

g. The contractor or subcontractor shall make the records required under paragraph 2b of this Section V available for inspection, copying, or transcription by authorized representatives of the SHA, the FHWA, or the DOL, and shall permit such representatives to interview employees during working hours on the job. If the contractor or subcontractor fails to submit the required records or to make them available, the SHA, the FHWA, the DOL, or all may, after written notice to the contractor, sponsor, applicant, or owner, take such actions as may be necessary to cause the suspension of any further payment, advance, or guarantee of funds. Furthermore, failure to submit the required records upon request or to make such records available may be grounds for debarment action pursuant to 29 CFR 5.12.

VI. RECORD OF MATERIALS, SUPPLIES, AND LABOR

1. On all Federal-aid contracts on the National Highway System, except those which provide solely for the installation of protective devices at railroad grade crossings, those which are constructed on a force account or direct labor basis, highway beautification contracts, and contracts for which the total final construction cost for roadway and bridge is less than $1,000,000 (23 CFR 635) the contractor shall:

a. Become familiar with the list of specific materials and supplies contained in Form FHWA-47, "Statement of Materials and Labor Used by Contractor of Highway Construction Involving Federal Funds," prior to the commencement of work under this contract.

b. Maintain a record of the total cost of all materials and supplies purchased for and incorporated in the work, and also of the quantities of those specific materials and supplies listed on Form FHWA-47, and in the units shown on Form FHWA-47.

c. Furnish, upon the completion of the contract, to the SHA resident engineer on Form FHWA-47 together with the data required in paragraph 1b relative to materials and supplies, a final labor summary of all contract work indicating the total hours worked and the total amount earned.

2. At the prime contractor's option, either a single report covering all contract work or separate reports for the contractor and for each subcontract shall be submitted.

VII. SUBLETTING OR ASSIGNING THE CONTRACT

1. The contractor shall perform with its own organization contract work amounting to not less than 30 percent (or a greater percentage if specified elsewhere in the contract) of the total original contract price, excluding any specialty items designated by the State. Specialty items may be performed by subcontract and the amount of any such specialty items performed may be deducted from the total original contract price before computing the amount of work required to be performed by the contractor's own organization (23 CFR 635).

a. "Its own organization" shall be construed to include only workers employed and paid directly by the prime contractor and equipment owned or rented by the prime contractor, with or without operators. Such term does not include employees or equipment of a subcontractor, assignee, or agent of the prime contractor.

b. "Specialty Items" shall be construed to be limited to work that requires highly specialized knowledge, abilities, or equipment not ordinarily available in the type of contracting organizations qualified and expected to bid on the contract as a whole and in general are to be limited to minor components of the overall contract.

2. The contract amount upon which the requirements set forth in paragraph 1 of Section VII is computed includes the cost of material and manufactured products which are to be purchased or produced by the contractor under the contract provisions.

3. The contractor shall furnish (a) a competent superintendent or supervisor who is employed by the firm, has full authority to direct performance of the work in accordance with the contract requirements, and is in charge of all construction operations (regardless of who performs the work) and (b) such other of its own organizational resources (supervision, management, and engineering services) as the SHA contracting officer determines is necessary to assure the performance of the contract.

4. No portion of the contract shall be sublet, assigned or otherwise disposed of except with the written consent of the SHA contracting officer, or authorized representative, and such consent when given shall not be construed to relieve the contractor of any responsibility for the fulfillment of the contract. Written consent will be given only after the SHA has assured that each subcontract is evidenced in writing and that it contains all pertinent provisions and requirements of the prime contract.

VIII. SAFETY: ACCIDENT PREVENTION

1. In the performance of this contract the contractor shall comply with all applicable Federal, State, and local laws governing safety, health, and sanitation (23 CFR 635). The contractor shall provide all safeguards, safety devices and protective equipment and take any other needed actions as it determines, or as the SHA contracting officer may determine, to be reasonably necessary to protect the life and health of employees on the job and the safety of the public and to protect property in connection with the performance of the work covered by the contract.

2. It is a condition of this contract, and shall be made a condition of each subcontract, which the contractor enters into pursuant to this contract, that the contractor and any subcontractor shall not permit any employee, in performance of the contract, to work in surroundings or under conditions which are unsanitary, hazardous or dangerous to his/her health or safety, as determined under construction safety and health standards (29 CFR 1926) promulgated by the Secretary of Labor, in accordance with Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

3. Pursuant to 29 CFR 1926.3, it is a condition of this contract that the Secretary of Labor or authorized representative thereof, shall have right of entry to any site of contract performance to inspect or investigate the matter of compliance with the construction safety and health standards and to carry out the duties of the Secretary under Section 107 of the Contract Work Hours and Safety Standards Act (40 U.S.C. 333).

IX. FALSE STATEMENTS CONCERNING HIGHWAY PROJECTS

In order to assure high quality and durable construction in conformity with approved plans and specifications and a high degree of reliability on statements and representations made by engineers, contractors, suppliers, and workers on Federal-aid highway projects, it is essential that all persons concerned with the project perform their functions as carefully, thoroughly, and honestly as possible. Willful falsification, distortion, or misrepresentation with respect to any facts related to the project is a violation of Federal law. To prevent any misunderstanding regarding the seriousness of these and similar acts, the following notice shall be posted on each Federal-aid highway project (23 CFR 635) in one or more places where it is readily available to all persons concerned with the project:

NOTICE TO ALL PERSONNEL ENGAGED ON FEDERAL-AID HIGHWAY PROJECTS

18 U.S.C. 1020 reads as follows:

"Whoever, being an officer, agent, or employee of the United States, or of any State or Territory, or whoever, whether a person, association, firm, or corporation, knowingly makes any false statement, false representation, or false report as to the character, quality, quantity, or cost of the material used or to be used, or the quantity or quality of the work performed or to be performed, or the cost thereof in connection with the submission of plans, maps, specifications, contracts, or costs of construction on any highway or related project submitted for approval to the Secretary of Transportation; or

Whoever knowingly makes any false statement, false representation, false report or false claim with respect to the character, quality, quantity, or cost of any work performed or to be performed, or materials furnished or to be furnished, in connection with the construction of any highway or related project approved by the Secretary of Transportation; or

Whoever knowingly makes any false statement or false representation as to material fact in any statement, certificate, or report submitted pursuant to provisions of the Federal-aid Roads Act approved July 1, 1916, (39 Stat. 355), as amended and supplemented;

Shall be fined not more that $10,000 or imprisoned not more than 5 years or both."

X. IMPLEMENTATION OF CLEAN AIR ACT AND FEDERAL WATER POLLUTION CONTROL ACT

(Applicable to all Federal-aid construction contracts and to all related subcontracts of $100,000 or more.)

By submission of this bid or the execution of this contract, or subcontract, as appropriate, the bidder, Federal-aid construction contractor, or subcontractor, as appropriate, will be deemed to have stipulated as follows:

1. That any facility that is or will be utilized in the performance of this contract, unless such contract is exempt under the Clean Air Act, as amended (42 U.S.C. 1857 et seq., as amended by Pub.L. 91-604), and under the Federal Water Pollution Control Act, as amended (33 U.S.C. 1251 et seq., as amended by Pub.L. 92-500), Executive Order 11738, and regulations in implementation thereof (40 CFR 15) is not listed, on the date of contract award, on the U.S. Environmental Protection Agency (EPA) List of Violating Facilities pursuant to 40 CFR 15.20.

2. That the firm agrees to comply and remain in compliance with all the requirements of Section 114 of the Clean Air Act and Section 308 of the Federal Water Pollution Control Act and all regulations and guidelines listed thereunder.

3. That the firm shall promptly notify the SHA of the receipt of any communication from the Director, Office of Federal Activities, EPA, indicating that a facility that is or will be utilized for the contract is under consideration to be listed on the EPA List of Violating Facilities.

4. That the firm agrees to include or cause to be included the requirements of paragraph 1 through 4 of this Section X in every nonexempt subcontract, and further agrees to take such action as the government may direct as a means of enforcing such requirements.

XI. CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION

1. **Instructions for Certification - Primary Covered Transactions:**

(Applicable to all Federal-aid contracts - 49 CFR 29)

a. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.

b. The inability of a person to provide the certification set out below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.

c. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.

d. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

e. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is submitted for assistance in obtaining a copy of those regulations.

f. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.

g. The prospective primary participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

h. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the nonprocurement portion of the "Lists of Parties Excluded From Federal Procurement or Nonprocurement Programs" (Nonprocurement List) which is compiled by the General Services Administration.

i. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

j. Except for transactions authorized under paragraph f of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Primary Covered Transactions

1. The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:

a. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

b. Have not within a 3-year period preceding this proposal been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 1b of this certification; and

d. Have not within a 3-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.

2. Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

2. **Instructions for Certification - Lower Tier Covered Transactions:**

(Applicable to all subcontracts, purchase orders and other lower tier transactions of $25,000 or more - 49 CFR 29)

a. By signing and submitting this proposal, the prospective lower tier is providing the certification set out below.

b. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department, or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

c. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous by reason of changed circumstances.

d. The terms "covered transaction," "debarred," "suspended," "ineligible," "primary covered transaction," "participant," "person," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

e. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

f. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

g. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.

h. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

i. Except for transactions authorized under paragraph e of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

* * * * *

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion--Lower Tier Covered Transactions:

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

* * * * *

XII. CERTIFICATION REGARDING USE OF CONTRACT FUNDS FOR LOBBYING

(Applicable to all Federal-aid construction contracts and to all related subcontracts which exceed $100,000 - 49 CFR 20)

1. The prospective participant certifies, by signing and submitting this bid or proposal, to the best of his or her knowledge and belief, that:

a. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

b. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

2. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

3. The prospective participant also agrees by submitting his or her bid or proposal that he or she shall require that the language of this certification be included in all lower tier subcontracts, which exceed $100,000 and that all such recipients shall certify and disclose accordingly.

County : Buncombe

Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
			ROADWAY ITEMS			
0001	0000100000-N	800	MOBILIZATION	Lump Sum	L.S.	
0002	0029000000-N	SP	REINFORCED BRIDGE APPROACH FILL, STATION ********** (19+80.00)	Lump Sum	L.S.	
0003	0043000000-N	226	GRADING	Lump Sum	L.S.	
0004	0050000000-E	226	SUPPLEMENTARY CLEARING & GRUBBING	1 ACR		
0005	0134000000-E	240	DRAINAGE DITCH EXCAVATION	3.5 CY		
0006	0318000000-E	300	FOUNDATION CONDITIONING MATERIAL, MINOR STRS	37 TON		
0007	0343000000-E	310	15" SIDE DRAIN PIPE	148 LF		
0008	0366000000-E	310	15" RC PIPE CULVERTS, CLASS III	148 LF		
0009	0708000000-E	310	15" BIT COAT CS PIPE CULVERTS, TYPE B 0.064" THICK	45 LF		
0010	0806000000-E	310	15" BIT COAT CS PIPE ELBOWS, TYPE B 0.064" THICK	4 EA		
0011	1121000000-E	520	AGGREGATE BASE COURSE	500 TON		
0012	1220000000-E	545	INCIDENTAL STONE BASE	200 TON		
0013	1275000000-E	600	PRIME COAT	370 GAL		
0014	1489000000-E	610	ASPHALT CONC BASE COURSE, TYPE B25.0B	785 TON		
0015	1498000000-E	610	ASPHALT CONC INTERMEDIATE COURSE, TYPE I19.0B	700 TON		
0016	1514000000-E	610	ASPHALT CONC SURFACE COURSE, TYPE S9.5A	810 TON		
0017	1560000000-E	620	ASPHALT BINDER FOR PLANT MIX, GRADE PG 64-22	125 TON		
0018	1693000000-E	654	ASPHALT PLANT MIX, PAVEMENT REPAIR	10 TON		

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Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0019	2000000000-N	806	RIGHT OF WAY MARKERS	37 EA		
0020	2022000000-E	815	SUBDRAIN EXCAVATION	44.8 CY		
0021	2033000000-E	815	SUBDRAIN FINE AGGREGATE	33.6 CY		
0022	2044000000-E	815	6" PERFORATED SUBDRAIN PIPE	200 LF		
0023	2055000000-E	815	6" SUBDRAIN PIPE WYES, TEES, & ELBOWS	6 EA		
0024	2066000000-N	815	CONCRETE PAD FOR SUBDRAIN PIPE OUTLET	1 EA		
0025	2077000000-E	815	6" OUTLET PIPE (SUBDRAINS)	6 LF		
0026	2286000000-N	840	MASONRY DRAINAGE STRUCTURES	3 EA		
0027	2355000000-N	840	FRAME WITH GRATE, STD 840.29	3 EA		
0028	2556000000-E	846	SHOULDER BERM GUTTER	340 LF		
0029	3030000000-E	862	STEEL BM GUARDRAIL	600 LF		
0030	3150000000-N	862	ADDITIONAL GUARDRAIL POSTS	5 EA		
0031	3215000000-N	862	GUARDRAIL ANCHOR UNITS, TYPE III	4 EA		
0032	3270000000-N	SP	GUARDRAIL ANCHOR UNITS, TYPE 350	4 EA		
0033	3557000000-E	866	ADDITIONAL BARBED WIRE	225 LF		
0034	3559000000-E	866	** STRAND BARBED WIRE FENCE WITH POSTS (5)	225 LF		
0035	3563000000-E	SP	TEMP **" WOVEN WIRE FENCE, COMPLETE W/POSTS (48")	165 LF		
0036	3565000000-E	866	DOUBLE GATES, **" HIGH, **' WIDE, **' OPENING (48" HIGH, 10' WIDE, 20' OPEN)	1 EA		

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Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0037	3649000000-E	876	PLAIN RIP RAP, CLASS B	20 TON		
0038	3656000000-E	876	FILTER FABRIC FOR DRAINAGE	525 SY		
0039	3659000000-N	SP	PREFORMED SCOUR HOLES WITH LEVEL SPREADER APRON	2 EA		
0040	4400000000-E	1110	WORK ZONE SIGNS (STATIONARY)	98 SF		
0041	4405000000-E	1110	WORK ZONE SIGNS (PORTABLE)	96 SF		
0042	4410000000-E	1110	WORK ZONE SIGNS (BARRICADE MOUNTED)	36 SF		
0043	4430000000-N	1130	DRUMS	70 EA		
0044	4435000000-N	1135	CONES	20 EA		
0045	4445000000-E	1145	BARRICADES (TYPE III)	48 LF		
0046	4450000000-N	1150	FLAGGER	384 HR		
0047	4475000000-N	1165	TRUCK MOUNTED IMPACT ATTENUA-TOR (45 MPH)	1 EA		
0048	4810000000-E	1205	PAINT PAVEMENT MARKING LINES (4")	36,960 LF		
0049	6000000000-E	1605	TEMPORARY SILT FENCE	1,025 LF		
0050	6006000000-E	1610	STONE FOR EROSION CONTROL, CLASS A	120 TON		
0051	6009000000-E	1610	STONE FOR EROSION CONTROL, CLASS B	460 TON		
0052	6012000000-E	1610	SEDIMENT CONTROL STONE	360 TON		
0053	6015000000-E	1615	TEMPORARY MULCHING	4.5 ACR		
0054	6018000000-E	1620	SEED FOR TEMPORARY SEEDING	150 LB		
0055	6021000000-E	1620	FERTILIZER FOR TEMPORARY SEED-ING	0.75 TON		

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Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0056	6024000000-E	1622	TEMPORARY SLOPE DRAINS	40 LF		
0057	6027000000-N	1622	INLET PROTECTION AT TEMPORARY SLOPE DRAINS	3 EA		
0058	6030000000-E	1630	SILT EXCAVATION	1,000 CY		
0059	6036000000-E	1631	MATTING FOR EROSION CONTROL	2,020 SY		
0060	6042000000-E	1632	1/4" HARDWARE CLOTH	360 LF		
0061	6070000000-N	SP	SPECIAL STILLING BASINS	6 EA		
0062	6084000000-E	1660	SEEDING & MULCHING	5 ACR		
0063	6087000000-E	1660	MOWING	2.5 ACR		
0064	6090000000-E	1661	SEED FOR REPAIR SEEDING	50 LB		
0065	6093000000-E	1661	FERTILIZER FOR REPAIR SEEDING	0.25 TON		
0066	6096000000-E	1662	SEED FOR SUPPLEMENTAL SEEDING	100 LB		
0067	6108000000-E	1665	FERTILIZER TOPDRESSING	3.75 TON		
0068	6114000000-N	SP	SPECIALIZED HAND MOWING	2 HR		
0069	6117000000-N	1675	RESPONSE FOR EROSION CONTROL	8 EA		
0070	6123000000-E	1670	REFORESTATION	0.5 ACR		
			STRUCTURE ITEMS			
0071	8017000000-N	SP	CONSTRUCTION, MAINTENANCE, & REMOVAL OF TEMP ACCESS AT STA ********** (19 + 80.00 -L-)	Lump Sum	L.S.	
0072	8035000000-N	402	REMOVAL OF EXISTING STRUCTURE AT STATION ********** (19 + 80.00 -L-)	Lump Sum	L.S.	

Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0073	8096000000-E	SP	PILE EXCAVATION IN SOIL	40 LF		
0074	8097000000-E	SP	PILE EXCAVATION NOT IN SOIL	25 LF		
0075	8105540000-E	SP	3'-6" DIA DRILLED PIERS IN SOIL	19 LF		
0076	8105640000-E	SP	3'-6" DIA DRILLED PIERS NOT IN SOIL	34 LF		
0077	8111400000-E	SP	PERMANENT STEEL CASING FOR 3'-6" DIA DRILLED PIER	24 LF		
0078	8115000000-N	SP	CROSSHOLE SONIC LOGGING	1 EA		
0079	8116000000-E	SP	CSL TUBES	242 LF		
0080	8121000000-N	SP	UNCLASSIFIED STRUCTURE EXCAVATION AT STATION ******** (19 + 80.00 -L-)	Lump Sum	L.S.	
0081	8147000000-E	420	REINFORCED CONCRETE DECK SLAB	5,251 SF		
0082	8161000000-E	420	GROOVING BRIDGE FLOORS	6,259 SF		
0083	8182000000-E	420	CLASS A CONCRETE (BRIDGE)	106 CY		
0084	8210000000-N	422	BRIDGE APPROACH SLABS, STATION ********** (19 + 80.00 -L-)	Lump Sum	L.S.	
0085	8217000000-E	425	REINFORCING STEEL (BRIDGE)	18,409 LB		
0086	8238000000-E	425	SPIRAL COLUMN REINFORCING STEEL (BRIDGE)	1,548 LB		
0087	8262000000-E	430	45" PRESTRESSED CONCRETE GIRDERS	670.59 LF		
0088	8364000000-E	450	HP12X53 STEEL PILES	365 LF		
0089	8391000000-N	450	STEEL PILE POINTS	21 EA		
0090	8503000000-E	460	CONCRETE BARRIER RAIL	274.92 LF		

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Line #	Item Number	Sec #	Description	Quantity	Unit Cost	Amount
0091	8608000000-E	876	PLAIN RIP RAP CLASS II (2'-0" THICK)	366 TON		
0092	8622000000-E	876	FILTER FABRIC FOR DRAINAGE	375 SY		
0093	8657000000-N	430	ELASTOMERIC BEARINGS	Lump Sum	L.S.	
0094	8692000000-N	SP	EVAZOTE JOINT SEALS	Lump Sum	L.S.	

Contract No: C200906

County: Buncombe

ACCEPTED BY THE
DEPARTMENT OF TRANSPORTATION

_____
Contract Officer

_____
Date

Execution of Contract and Bonds
Approved as to Form:

_____
Attorney General