INVITATION FOR BID
IFB #14-0912CD
TAYLOR ROAD BRIDGE REPLACEMENT OVER MYAKKA BYPASS CANAL

Manatee County, a political subdivision of the State of Florida, (hereinafter "County") will receive sealed Bids from individuals, corporations, partnerships, and other legal entities organized under the laws of the State of Florida or authorized to conduct business in the State of Florida.

NON-MANDATORY INFORMATION CONFERENCE
In order to ensure that all prospective Bidders have sufficient information and understanding of County's needs, an Information Conference will be held at: **9:00 AM on April 11, 2014** at the **Manatee County Administration Center, Purchasing Division, 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205.**. Attendance is not mandatory, but is highly encouraged.

DEADLINE FOR CLARIFICATION REQUESTS: **3:00 PM on April 21, 2014**
(Reference Bid Article A.05)

TIME AND DATE DUE: **3:00 PM on May 6, 2014**

FOR INFORMATION CONTACT:
Chris Daley-CPPB, Contract Specialist
(941) 749-3048, Fax (941) 749-3034
Chris.daley@mymanatee.org
Manatee County Financial Management Department
Purchasing Division

AUTHORIZED FOR RELEASE: _____

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Attachment(s):

Specification Package (Dated March 2014) ..... 41 pages

Geotechnical Engineering Report (Dated September 2013) ..... 30 pages

Environmental Sampling Report for Cresote Timber Disposal ..... 17 pages

SWFWMD Environmental Resource General Permit ..... 12 pages

U.S. Army Corps of Engineers Permit ..... 118 pages

Plan Set (dated March 2014) ..... 29 pages

SECTION A

INFORMATION TO BIDDERS

A.01 OPENING LOCATION

Sealed Bids will be **publicly opened** at the **Manatee County Purchasing Division, 1112 Manatee Avenue West, Suite 803, Bradenton, Florida 34205** in the presence of County officials at the time and date stated, or soon thereafter. All Bidders or their representatives are invited to be present.

Any Bids received after the stated time and date will not be considered. It shall be the sole responsibility of the Bidder to have their Bid delivered to the Manatee County Purchasing Division for receipt on or before the stated time and date. Bidder shall be solely and strictly responsible for its timely delivery to the Purchasing Division. Bids delayed by mail, courier, or Bids delayed for any other reason, shall not be considered, shall not be opened at the public opening, and arrangements shall be made for their return at the Bidder's request and expense.

A.02 SEALED & MARKED

Bids shall be submitted in **triplicate, one original (marked Original) and two (2) copies (marked Copy)** of your **signed Bid** shall be submitted in one **sealed** package, clearly marked on the outside **"Sealed Bid #14-0912CD- Taylor Road Bridge Replacement Over Myakka Bypass Canal"** along with your company name. For your convenience, a mailing label is provided with this Invitation for Bid package. Or, you may address the package as follows:

Address package to: Manatee County Purchasing Division
1112 Manatee Avenue West, Suite 803
Bradenton, Florida 34205
Sealed Bid # _____, Title _____

All blank spaces must be filled in as noted with amounts extended and totaled and no changes shall be made in the wording of the forms or in the items mentioned therein. In the event a change is made in your submittal, the Bidder shall write its initials by the change. Any Bid may be rejected which contains any omissions, alterations, irregularities of any kind, or which shall in any manner fail to conform to Bid requirements.

A Bid made by an individual, either in his/her own or proper person or under a trade or firm name, shall be executed under the individual's signature. If made by a partnership, the Bid shall be executed by two or more of the general partners. If made by a corporation, the Bid shall be executed by its President or other legally authorized corporate officer or agent.

A.03 SECURING OF DOCUMENTS

Invitation for Bids (IFB) and related documents are available on http://www.mymanatee.org/purchasing for download in a portable document format (.PDF) file by clicking on "Bids and Proposals" from the Purchasing Division's web page. You may view and print these files using Adobe Reader software. If necessary, you may download a free copy of Adobe Reader from the link provided on the "Bids and Proposals" page.

Additionally, Manatee County collaborates with the Manatee Chamber of Commerce by emailing solicitation opportunities to its members.

Manatee County may also use DemandStar to distribute Bids. On the DemandStar web site, http://www.DemandStar.com, click on the tab titled "My DemandStar" for more information regarding this service. Participation in the DemandStar system is not a requirement for doing business with Manatee County.

Complete copies of the IFB and all related documents are available for public inspection at the Manatee County Purchasing Division, 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205, or by calling (941) 749-3014. Appointments are encouraged. Documents are available between the hours of 9:00 AM and 4:00 PM Monday through Friday, with the exception of holidays. A complete set of the IFB documents must be used in preparing Bids. County assumes no responsibility for errors and misinterpretations resulting from the use of incomplete sets of Bid Documents.

A.04 MODIFICATION OF IFB DOCUMENTS

If a Bidder wishes to recommend changes to the IFB documents, the Bidder shall furnish, in writing, data and information necessary to aid County in evaluating the request to modify the Specifications. County is not obligated to make any changes to the IFB documents. Unless an Addendum is issued, the IFB documents shall remain unaltered. **Bidders must fully comply with the IFB documents in their entirety.**

A.05 DEADLINE FOR CLARIFICATION REQUESTS

3:00 PM on April 21, 2014 shall be the deadline to submit all inquiries, suggestions, or requests concerning interpretation, clarification or additional information pertaining to this Invitation for Bid to the Manatee County Purchasing Division.

This deadline has been established to maintain fair treatment of all potential Bidders, while maintaining progression of the Project to promote economic stimulus.

A.06 CLARIFICATION & ADDENDA

Each Bidder shall examine all Invitation for Bid Documents and shall judge all matters relating to the adequacy and accuracy of such documents. Any inquiries, suggestions or requests concerning interpretation, clarification or additional information pertaining to this Invitation for Bid shall be made through the Manatee County Purchasing Division. County shall not be responsible for oral interpretations given by any County employee, representative, or others.

The issuance of a written Addendum is the only official method whereby interpretation, clarification or additional information can be given.

If any Addenda are issued to this Invitation for Bid, County will post the documents on the Purchasing Division's web page, which can be accessed at http://www.mymanatee.org/purchasing, and then by clicking on "Bids and Proposals". If the original solicitation was broadcast via DemandStar, the addenda will also be broadcast on the DemandStar distribution system to "Planholders" on this web service.

It shall be the **responsibility of each Bidder, prior to submitting their Bid**, to contact the Manatee County Purchasing Division (see contact information on the cover page) to **determine if any Addenda were issued** and to make such Addenda a part of their Bid.

A.07 LOBBYING

After the issuance of any Invitation for Bid prospective Bidders, or any agent, representative or person acting at the request of such Bidder shall not contact, communicate with or discuss any matter relating in any way to the Invitation for Bid with any officer, agent or employee of Manatee County other than the Purchasing Official or as directed in the Invitation for Bid, pursuant to the Manatee County Code. This prohibition includes the act of carbon copying officers, agents or employees of Manatee County on all correspondence, including email correspondence. This requirement begins with the issuance of an Invitation for Bid, and ends upon execution of Contract or when the invitation has been cancelled. Violators of this prohibition shall be subject to sanctions as provided in the Manatee County Code.

A.08 UNBALANCED BIDDING PROHIBITED

County recognizes that large and/or complex Projects will often result in a variety of methods, sources, and prices. However, where in the opinion of County such variation does not appear to be justified, given Bid requirements and industry and market conditions, the Bid will be presumed to be unbalanced. Examples of unbalanced Bids will include:

a. Bids showing omissions, alterations of form, additions not specified, or required conditional or unauthorized alternate Bids.

A.08 UNBALANCED BIDDING PROHIBITED (Continued)

b. Bids quoting prices that substantially deviate, either higher or lower, from those included in the Bids of competitive Bidders for the same line item unit costs.

c. Bids where the unit costs offered are in excess of or below reasonable cost analysis values.

In the event County determines that a Bid is presumed unbalanced, it will request the opportunity to, and reserves the right to, review all source quotes, Bids, price lists, letters of intent, etc., which the Bidder obtained and upon which the Bidder relied upon to develop its Bid. County reserves the right to reject as non-responsive any presumptive unbalanced Bids where the Bidder is unable to demonstrate the validity and/or necessity of the unbalanced unit costs.

A.09 FRONT END LOADING OF BID PRICING PROHIBITED

Prices offered for performance and/or acquisition activities to occur early in the Project schedule, such as mobilization; clearing and grubbing; or maintenance of traffic; that are substantially higher than pricing of competitive Bidders within the same portion of the Project schedule, will be presumed to be front end loaded. Front end loaded Bids could reasonably appear to be an attempt to obtain unjustified early payments creating a risk of insufficient incentive for the Bidder to complete the Work or otherwise creating an appearance of an undercapitalized Bidder.

In the event County determines that a Bid is presumed to be front end loaded, it will request the opportunity to, and reserves the right to, review all source quotes, bids, price lists, letters of intent, etc., which the Bidder obtained and upon which the Bidder relied upon to develop the pricing or acquisition timing for these Bid items. County reserves the right to reject as non-responsive any presumptive front end loaded Bids where the Bidder is unable to demonstrate the validity and/or necessity of the front end loaded costs.

A.10 WITHDRAWAL OF OFFERS

Bidders may withdraw offers as follows:

a. Mistakes discovered before the opening of a solicitation may be withdrawn by written notice from the Bidder submitting the Bid. This request must be received in the office designated for receipt of Bids in the solicitation document prior to the time set for delivery and opening of the Bids. A copy of the request shall be retained and the unopened Bid returned to that Bidder; or

b. After the responses to a solicitation are opened or a selection has been determined, but before a Contract is signed, a Bidder alleging a material mistake of fact may be permitted to withdraw their Bid if:

A.10 WITHDRAWAL OF OFFERS (Continued)

1. the mistake is clearly evident in the solicitation document; or

2. Bidder submits evidence which clearly and convincingly demonstrates that a mistake was made. Request to withdraw a Bid must be in writing and approved by the Purchasing Official.

A.11 IRREVOCABLE OFFER

Any Bid may be withdrawn up until the time and date set for opening of the Bid. Any Bid not so withdrawn shall, upon opening, constitute an irrevocable offer for a period of ninety (90) days to sell to Manatee County the goods or services set forth in the attached IFB until one or more of the Bids have been duly accepted by County.

A.12 BID EXPENSES

All expenses for making Bids to County are to be borne by the Bidder.

A.13 RESERVED RIGHTS

County reserves the right to accept or reject any and/or all Bids, to waive irregularities and technicalities, and to request resubmission. Also, County reserves the right to accept all or any part of the Bid and to increase or decrease quantities to meet additional or reduced requirements of County. Any sole response received by the first submission date may or may not be rejected by County depending on available competition and current needs of County. For all items combined, the Bid of the lowest, responsive, responsible Bidder will be accepted, unless all Bids are rejected.

The lowest, responsible Bidder shall mean that Bidder who makes the lowest Bid to sell goods and/or services of a quality which meets or exceeds the quality of goods and/or services set forth in the IFB documents or otherwise required by County, and who is fit and capable to perform the Bid as made.

To be responsive, a Bidder shall submit a Bid which conforms in all material respects to the requirements set forth in the Invitation for Bid.

To be a responsible Bidder, the Bidder shall have the capability in all respects to perform fully the Bid requirements, and the tenacity, perseverance, experience, integrity, reliability, capacity, facilities, equipment, and credit which will assure good faith performance.

Also, County reserves the right to make such investigation as it deems necessary to determine the ability of any Bidder to furnish the service requested. Information County deems necessary to make this determination shall be provided by the Bidder. Such information may include, but shall not be limited to current financial statements, verification of availability of equipment and personnel, and past performance records.

A.14 APPLICABLE LAWS

Bidder must be authorized to transact business in the State of Florida. All applicable laws and regulations of the State of Florida and ordinances and regulations of Manatee County will apply to any resulting Contract. Any involvement with the Manatee County Purchasing Division shall be in accordance with the Manatee County Purchasing Ordinance as amended.

A.15 COLLUSION

By submitting a Bid to this Invitation for Bid, the Bidder certifies that it has not divulged, discussed or compared its Bid with any other Bidder, and has not colluded with any other Bidder or parties to this Bid whatsoever. Also, Bidder certifies, and in the case of a joint Bid each party thereto certifies as to their own organization, that in connection with this Bid:

a. any prices and/or cost data submitted have been arrived at independently, without consultation, communication, or agreement, for the purpose of restricting competition, as to any matter relating to such prices and/or cost data, with any other Bidder or with any competitor;

b. any prices and/or cost data quoted for this Bid have not been knowingly disclosed by the Bidder and will not knowingly be disclosed by the Bidder, prior to the scheduled opening, directly or indirectly to any other Bidder or to any competitor;

c. no attempt has been made or will be made by the Bidder to induce any other person or firm to submit or not to submit a Bid for the purpose of restricting competition;

d. the only person or persons interested in this Bid, principal or principals is/are named therein and that no person other than therein mentioned has any interest in this Bid or in the resulting Contract to be entered into; and

e. no person or agency has been employed or retained to solicit or secure the resulting Contract upon an agreement or understanding or a commission, percentage, brokerage, or contingent fee except bona fide employees or established commercial agencies maintained by Bidder for purpose of doing business.

A.16 CODE OF ETHICS

With respect to this Bid, if any Bidder violates, directly or indirectly, the ethics provisions of the Manatee County Purchasing Ordinance and/or Florida criminal or civil laws related to public procurement, including but not limited to Florida Statutes, Chapter 112, Part III, Code of Ethics for Public Officers and Employees, such Bidder will be disqualified from eligibility to perform the Work described in this Invitation for Bid, and may also be disqualified from furnishing future goods or services to, and from submitting any future Bids to supply goods or services to, Manatee County.

A.16 CODE OF ETHICS (Continued)

By submitting a Bid, the Bidder represents to County that all statements made and materials submitted are truthful, with no relevant facts withheld. If a Bidder is determined to have been untruthful in their Bid or any related presentation, such Bidder will be disqualified from eligibility to perform the Work described in this Invitation for Bid, and may also be disqualified from furnishing future goods or services to, and from submitting any future Bids to supply goods or services to, Manatee County.

A.17 PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES

A person or affiliate who has been placed on the State's convicted vendor list following a conviction for a public entity crime, as that term is defined in Florida Statute § 287.133, may not submit a Bid to provide any goods or services to a public entity; may not submit a Bid with a public entity for the construction or repair of a public building or public work; may not submit Bids on leases of real property to a public entity; may not be awarded or perform Work as a Contractor, Supplier, Subcontractor, or Consultant under a Contract with any public entity; and may not transact business with any public entity in excess of the threshold amount provided in Florida Statutes § 287.017 for CATEGORY TWO for a period of thirty-six (36) months following the date of being placed on the convicted list.

In addition, the Manatee County Code prohibits the Award of any resulting Contract to any person or entity who/which has, within the past five (5) years, been convicted of, or admitted to in court or sworn to under oath, a public entity crime or of any environmental law that, in the reasonable opinion of the Purchasing Official, establishes reasonable grounds to believe the person or business entity will not conduct business in a responsible matter.

To ensure compliance with the foregoing, the Code requires all persons or entities desiring to contract with County to execute and file with the Purchasing Official an affidavit, executed under the pain and penalties of perjury, confirming that person, entity and any person(s) affiliated with the entity, does not have such a record and is therefore eligible to seek and be awarded business with County. In the case of a business entity other than a partnership or a corporation, such affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, such affidavit shall be executed by the general partner(s). A Public Contracting and Environmental Crimes Certification form is included (reference Section 00491 of this document) for this purpose.

A.18 BID FORMS

Bids must be submitted on attached provided forms, although additional pages may be attached. **Bidders must fully complete all pages of the Bid Forms. Bid Forms must be executed by an authorized signatory who has the legal authority to make the Bid and bind the company. Bidders must fully comply with all requirements of this IFB in its entirety.** Failure to comply shall result in default of the resulting Contract, whereupon, the defaulting Contractor shall be required to pay for any and all re-procurement costs, damages, and attorney fees as incurred by County.

A.19 LEGAL NAME

Bids shall clearly indicate the legal name, address and telephone number of the Bidder on the Bid Form. Bid Forms shall be signed above the typed or printed name and title of the signer. The signer must have the authority to bind the Bidder to the submitted Bid.

When Bidder is a partnership, the Bid Form shall be signed in the name of the firm and by all partners required under the terms of the partnership agreement. When a corporation is a Bidder, the authorized corporate officers shall sign.

Bidders who are corporations or limited partnerships shall provide a certified copy of their permit to transact business in the State of Florida, preferably along with the Bid Form, or within forty-eight (48) hours after request by County.

When submitting a Bid as a joint venture, it must have filed paper documents with the Division of Profession's Construction Industry Licensing Board prior to submitting a Bid.

A.20 DISCOUNTS

Any and all discounts must be incorporated in the prices contained in the Bid and not shown separately. The prices as shown on the Bid Form shall be the prices used in determining Award.

A.21 TAXES

Manatee County is exempt from Federal Excise and State Sales Taxes. (F.E.T. Cert. No. 59-78-0089K; Florida Sales Tax Exempt Cert. No. 85-8012622206C-6); therefore, the Bidder is prohibited from delineating a separate line item in his Bid for any sales or service taxes. Nothing herein shall affect the Bidder's normal tax liability.

A.22 DESCRIPTIVE INFORMATION

Unless otherwise specifically provided in the IFB documents, all equipment, materials and articles provided shall be new and of the most suitable grade for the purpose intended. Unless otherwise specifically provided in the IFB documents, reference to any equipment, material, article or patented process, by trade name, brand name, make or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition.

A.23 AMERICANS WITH DISABILITIES ACT

County does not discriminate upon the basis of any individual's disability status. This non-discrimination policy involves every aspect of County's functions including one's access to, participation, employment, or treatment in its programs or activities. Anyone requiring **reasonable accommodation** for an Information Conference or Bid Opening should contact the person named on the cover page of this Bid document at least twenty-four (24) hours in advance of either activity.

A.24 EQUAL EMPLOYMENT OPPORTUNITY CLAUSE

In accordance with the provisions of Title VI of the Civil Rights Act of 1964 and Title 15, Part 8 of the Code of Federal Regulations, County hereby notifies all prospective Bidders that they will affirmatively ensure minority business enterprises will be afforded full opportunity to participate in response to this advertisement and will not be discriminated against on the grounds of race, color or national origin in consideration for Bid Award.

A.25 MBE/DBE

The State of Florida, Office of Supplier Diversity provides the certification process and the database for identifying certified MBE/DBE firms. This service may be directly accessed at: http://www.osd.dms.state.fl.us/iframe.htm

If you have any questions regarding this State service, please contact their office at (850) 487-0915.

A.26 MATHEMATICAL ERRORS

In the event of multiplication/extension error(s), the unit price shall prevail. In the event of addition error(s) the extension totals will prevail. All Bids shall be reviewed mathematically and corrected, if necessary, using these standards, prior to additional evaluation.

A.27 DISCLOSURE

Upon receipt, all inquiries and responses to inquiries related to this Invitation for Bid become “Public Records”, and shall be subject to public disclosure consistent with Florida Statues, Chapter 119.

Bids become subject to disclosure thirty (30) days after the opening or if a Notice of Intent to Award decision is made earlier than this time as provided by Florida Statutes § 119.071(1)(b). No announcement or review of the Bid shall be conducted at the public opening.

Based on the above, County will receive Bids at the time and date stated, and will make public at the opening the names of the business entities of all that submitted a Bid and any amount presented as a total offer without any verification of the mathematics or the completeness of the Bid.

A.27 DISCLOSURE (Continued)

If County rejects all Bids and concurrently notices its intent to reissue the solicitation, the rejected Bids are exempt from public disclosure until such time as County provides notice of an intended decision concerning the reissued solicitation or until County withdraws the reissued solicitation. A Bid is not exempt for longer than twelve (12) months after the initial notice rejecting all Bids.

Pursuant to Florida Statutes 119.0701, to the extent Successful Bidder is performing services on behalf of County, Successful Bidder must:

a. Keep and maintain public records that ordinarily and necessarily would be required by County in order to perform the service;

b. Provide the public with access to public records on the same terms and conditions that County would provide and at a cost that does not exceed the cost provided in Florida Statutes, Chapter 119, or as otherwise provided by law;

c. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law, and;

d. Meet all requirements for retaining public records and transfer, at no cost, to County all public records in possession of Successful Bidder upon termination of the awarded Contract and/or PO and destroy any duplicate public records that are exempt or confidential from public records disclosure requirements. All records stored electronically must be provided to County in a format that is compatible with County's information technology systems.

A.28 LOCAL PREFERENCE

a. Local business is defined as a business legally authorized to engage in the sale of the goods and/or services to be procured, and which certifies within its Bid that for at least six (6) months prior to the announcement of the solicitation of Bids it has maintained a physical place of business in Manatee, Desoto, Hardee, Hillsborough, Pinellas or Sarasota County with at least one full-time employee at that location.

b. Local preference shall not apply to the following categories of Contracts:

    1. Purchases or Contracts which are funded, in whole or in part, by a governmental or other funding entity, where the terms and conditions of receipt of the funds prohibit the preference;

A.28 LOCAL PREFERENCE (Continued)

2. Any Bid announcement which specifically provides that the general local preference policies set forth in this section are suspended due to the unique nature of the goods or services sought, the existence of an emergency as found by either the County Commission or County Administrator, or where such suspension is, in the opinion of the County Attorney, required by law.

c. To qualify for local preference under this section, **a local business must certify to County** by completing an "**Affidavit as to Local Business Form"**, which is available for download at www.mymanatee.org/vendor. Click on "Affidavit for Local Business" to access and print the form. Complete, notarize, and mail the notarized original to the following address: Manatee County Purchasing Division, 1112 Manatee Avenue West, Suite 803, Bradenton, FL 34205.

It is the responsibility of the Bidder to ensure accuracy of the Affidavit as to Local Business and notify County of any changes affecting same. Bidder attests that it:

1. Has not within the five (5) years prior to the Bid announcement admitted guilt or been found guilty by any court or state or federal regulatory enforcement agency of violation of any criminal law, or a law or administrative regulation regarding fraud;

2. Is not currently subject to an unresolved citation or notice of violation of any Manatee County Code provision, except citations or notices which are the subject of a current legal appeal, as of the date of the Bid announcement;

3. Is not delinquent in the payment of any fines, liens, assessments, fees or taxes to any governmental unit or taxing authority within Manatee County, except any such sums which are the subject of a current legal appeal.

A.29 VENDOR REGISTRATION

All vendors are encouraged to register with Manatee County using the on-line "Vendor Registration" web page on www.mymanatee.org/purchasing.

Your cooperation in registering your business with Manatee County will enhance our opportunities to identify sources for goods and services, plus identify local businesses. This information is used for soliciting quotations up to $250,000.00 and for competitive solicitations of larger purchases.

You will note that Manatee County collaborates with the Manatee Chamber of Commerce (www.manateechamber.com) by emailing solicitation opportunities to its members.

Our staff can assist you with your registration as needed. Our office hours are 8:00 A.M. to 5:00 P.M., Monday through Friday on regular business days. Please call (941) 749-3014 if you wish to have a Purchasing staff member assist you.

A.29 VENDOR REGISTRATION (Continued)

Quick steps to registration: **www.mymanatee.org/purchasing**

A link to Vendor Registration is listed on the Purchasing Division's web page under "Register as a Vendor".

Click on "Vendor Registration Form" for on-line input.

Thank you for reviewing this information and considering registering your business with Manatee County. Registration is not mandatory; however, by taking the time to register, you are helping County to provide timely notifications of Quotation, Bid and Proposal opportunities to your business.

A.30 ePAYABLES

Manatee County and Clerk of the Circuit Court have partnered to offer the ePayables program, which allows payments to be made to vendors via credit cards. County will issue a unique credit card number to each vendor; the card has a zero balance until payments have been authorized.

After goods are delivered or services rendered, vendors submit invoices to the remit to address on the purchase order according to the current process. When payments are authorized, an email notification is sent to the vendor. The email notification includes the invoice number(s), invoice date(s), and amount of payment. Once the vendor receives the email, the credit card has been authorized to be charged for the amount listed in the email. When the vendor charges the full amount authorized in the email, the card will return to a zero balance until the next payment is authorized.

There is no cost for vendors to participate in this program; however, there may be a charge by the company that processes your credit card transactions.

If you are interested in participating in this program, please complete Form E, ePayables application and return the completed form via email to lori.bryan@manateeclerk.com.

NOTE: ANY OR ALL STATEMENTS CONTAINED IN THE FOLLOWING SECTIONS: MIMIMUM QUALIFICATIONS & BASIS OF AWARD, GENERAL TERMS AND CONDITIONS, OR SPECIFICATIONS, WHICH VARY FROM THE INFORMATION TO BIDDERS, SHALL HAVE PRECEDENCE.

END OF SECTION A

SECTION B
BID SUMMARY

B.01 THE WORK

The Work included in this Bid consists of replacing the existing timber bridge span on Taylor Road over the Myakka Bypass Canal, located approximately 4.2 miles south of SR64 and to the west of Wauchula Road in eastern Manatee County, with a new concrete bridge. The scope includes removal and disposal of all existing bridge material and construction of a new concrete bridge per the Bidding Documents included in this Invitation for Bids. **All required MOT shall be provided by the Contractor.**

The Work shall be done in accordance with Florida Department of Transportation 2014 Design Standards and revised Index Drawings, as appended herein, and applicable Articles and Subarticles of Division I and all of Division II and III of the 2014 Edition of the Florida Department of Transportation Standard Specifications for Road and Bridge Construction, current edition, unless otherwise noted and Supplemental Specifications insofar as the same may apply.

The successful Bidder shall strictly adhere to the Southwest Florida Water Management District (SWFWMD) and U.S. Army Corp of Engineers (ACOE) permits that are included in this Invitation for Bids.

The successful Bidder shall furnish all Shop Drawings, working drawings, labor, materials, equipment, tools, services and incidentals necessary to complete all Work required by these Specifications.

The successful Bidder shall perform the Work complete, in place and ready for continuous service and shall include any repairs, replacements, and/or restoration required as a result of damages caused prior to acceptance by County.

The successful Bidder shall furnish and install all materials, equipment and labor which is reasonably and properly inferable and necessary for the proper completion of the Work, whether specifically indicated in the Bid Documents or not.

B.02 EXAMINATION OF BID DOCUMENTS AND SITE(S)

It is the responsibility of each Bidder before submitting a Bid, to (a) examine the Bid Documents thoroughly; (b) visit the site(s) to become familiar with local conditions that may affect cost, progress, performance, or furnishing of the Work; (c) consider federal, state, and local codes, laws, and regulations that may affect costs, progress, performance, or furnishing of the Work; (d) study and carefully correlate Bidder's observations with the Bid Documents; and (e) notify County of all conflicts, errors, or discrepancies in the Bid Documents.

Each Bidder may, at Bidder's own expense, make or obtain any additional examinations, investigations, explorations, tests and studies, and obtain any additional information and data which pertain to the physical conditions at or contiguous to the site(s) or otherwise which may affect cost, progress, performance or furnishing of the Work and which Bidder deems necessary to determine his Bid for performing and furnishing the Work in accordance with the time, price and other terms and conditions of the Bid Documents. County will provide each Bidder access to the site(s) to conduct such explorations and tests.

B.02 EXAMINATION OF BID DOCUMENTS AND SITE(s) (Continued)

Bidder shall fill all holes, clean up and restore the site(s) to its former condition upon completion of such explorations. The lands upon which the Work is to be performed, rights-of-way and easements for access thereto, and other lands designated for use by Contractor in performing the Work are identified in the Bid Documents.

All additional lands and access thereto required for temporary construction facilities or storage of materials and equipment are to be provided by Contractor. Easements for permanent structures or permanent changes in existing structures are to be obtained and paid for by County unless otherwise provided in the Bid Documents.

Inspection of the site(s) is **a requirement** to be considered for Award of this Bid. Prior to submitting a Bid, each Bidder shall examine the site(s) and all conditions thereon fully familiarizing themselves with the full scope of the Project. Failure to become familiar with site conditions will in no way relieve the Successful Bidder from the necessity of furnishing any materials or performing any Work that is required to complete the Project in accordance with the plans and Specifications. Bidder shall acknowledge inspection of the Project site(s) on his/her signed, submitted Bid Form.

END OF SECTION B

SECTION C

BASIS OF AWARD & MINIMUM QUALIFICATIONS

C.01 BASIS OF AWARD

Award shall be to the lowest, responsive, responsible Bidder meeting Specifications and having the lowest total offer for the requirements listed on the Bid Form for the Work as set forth in this Invitation for Bid. Bid prices shall include costs for furnishing all labor, equipment and/or materials for the completion of the Work in accordance with and in the manner set forth and described in the Bid Documents to County's satisfaction within the prescribed time.

Only one schedule for Completion of the Work shall be considered. Only one Award shall be made.

NOTE: Inspection of the site is a pre-requisite to be considered for Award of this Bid.

In evaluating Bids, County shall consider the qualifications of the Bidders; and if required, may also consider the qualifications of the Subcontractors, Suppliers, and other persons and organizations proposed. County may also consider the operating costs, maintenance requirements, performance data and guarantees of major items of materials and equipment proposed for incorporation in the Work.

Whenever two or more Bids are equal with respect to price, the Award shall be determined by a chance drawing, coin toss, or similar tie-breaking method conducted by the Purchasing Division and open to the public.

C.02 MINIMUM QUALIFICATIONS OF BIDDERS

Each bidder must possess all licenses required (in accordance with Chapter 489 Florida Statutes) for the Work which is the subject of this bid; and, upon request, shall submit a true copy of all applicable licenses. **The bidding Contractor (company supplying the bid) shall be an FDOT Pre-Qualified Contractor in the category of Minor Bridges and have a minimum of three (3) years experience in bridge-building construction which is the subject of this IFB to be considered for award.**

The bidding Contractor's corporate name must appear in the State FDOT database in this category on the Bid due date. In addition, the certification must be maintained throughout the duration of the project.

END OF SECTION C

SECTION D

GENERAL TERMS & CONDITIONS

D.01 CONTRACT FORMS

The Contract resulting from the acceptance of a Bid shall be in the form of the Contract stated in this Bid (reference Section F of this document).

A written notice confirming Award or recommendation thereof will be forwarded to the Successful Bidder accompanied by the required number of unsigned counterparts of the Contract. Within ten (10) days thereafter, Successful Bidder shall sign and deliver the required number of counterparts of the Contract with any other required documents to County. (Note: Contract must be approved in accordance with Chapter 2-26 of the Manatee County Code, and the Administrative Standards and Procedures Manual approved by the County Administrator).

D.02 ASSIGNMENT OF CONTRACT

Contractor shall not assign, transfer, convey, sublet or otherwise dispose of the resulting Contract or of his right, title, or interest therein, or his power to execute such Contract, or to assign any monies due or to become due there under to any other person, firm or corporation unless first obtaining the written consent of County. The giving of such consent to a particular Subcontractor assignment shall not dispense with the necessity of such consent to any further or other assignment.

D.03 COMPLETION OF WORK

The Work will be completed and ready for final inspection within the specified calendar days from the date the Contract time commences to run. Only one Bid shall be considered based on **150 calendar days**. **Only one Award shall be made**.

D.04 LIQUIDATED DAMAGES

If the Contractor refuses or fails to prosecute the Work, or any separable part thereof, with such diligence as will hinder its completion within the time specified, County may seek damages. The actual damages for delay will be impossible to determine and in lieu thereof, the Contractor shall pay to County the sum of **$1742** as fixed, agreed, and liquidated damages for each calendar day of the delay until the Work is finally accepted by County and the Contractor and his Surety shall be liable for the amount thereof.

D.05 PAYMENT

Contractor may apply for partial payment on monthly estimates, based on the amount of the Work done or completed in compliance with the provisions of the resulting Contract. Contractor shall submit an application, on a standard pay application form provided or approved by County, of an approximate estimate of the proportionate value of the Work done, items and locations of the Work performed up to and including the last day of the period then ending.

D.05 PAYMENT (Continued)

County will then review said estimate and make any necessary revisions so that the estimate can receive approval for payment. If the Contractor and County do not agree on the approximate estimate of the proportionate value of the Work done for any pay period, the determination of County will be binding. The amount of said estimate after deducting any required Retainage and all previous payments shall be due and payable to the Contractor, twenty (20) business days if County is its own Engineer of Record (EOR) or twenty-five (25) business days if outside agent approval is required after the pay estimate has been approved by the agent for County.

In accordance with the Prompt Payment Act, Florida Statutes § 218.735(7), a Punch List shall be formulated.

Time allowed for development of Punch List:

a. Awarded Contracts with an estimated cost of less than $10 million will be within thirty (30) calendar days after reaching Substantial Completion.

b. Awarded Contracts with a cost of $10 million dollars or more will be within thirty (30) calendar days OR if extended by Contract, up to sixty (60) calendar days after reaching Substantial Completion.

The Final Completion date of the resulting Contract must be at least thirty (30) days after delivery of the list of items. If the list is not provided to the awarded Contractor by the agreed upon date, the Contract completion time must be extended by the number of days County exceeds the delivery date.

It is the Contractor's responsibility for the care of the materials. Any damage to or loss of said materials is the full responsibility of the Contractor. Any periodical pay estimate signed by the Contractor shall be final as to the Contractor for any or all Work covered by the periodical pay estimate.

Any requests for payment of materials stored on site must be accompanied with a paid receipt. The Contractor warrants and guarantees that title to all Work, materials and equipment covered by any Application for Payment, whether incorporated in the Project or not, will pass to County at the time of payment free and clear of all liens, claims, security interests and encumbrances (hereafter referred to as "Liens").

The Contractor agrees to furnish an affidavit stating that all laborers, material men, and Subcontractors have been paid on the Project for Work covered by the Application for Payment and that a partial or complete release of lien, as may be necessary, be properly executed by the material men, laborers, Subcontractors on the Project for Work covered by the Application for Payment, sufficient to secure County from any claim whatsoever arising out of the aforesaid Work. When the Contractor has completed the Work in compliance with the terms of the Contract Documents, he shall notify County in writing that the Project is ready for final inspection.

D.05 PAYMENT (Continued)

County will then advise the Contractor as to the arrangements for final inspection and what Work, if any, is required to prepare the Project or a portion thereof for final inspection. When County determines the Project or portion thereof is ready for final inspection, County shall perform same. Upon completion of final inspection, County will notify Contractor of all particulars in which this inspection reveals that the Work is incomplete or defective. Contractor shall immediately take such measures as are necessary to complete such Work or remedy such deficiencies. When all such errors have been corrected, a final re-inspection will be made.

The process will be repeated until, in the opinion of County, the Project has been completed in compliance with the terms of the Contract Documents.

When final acceptance has been made by County, County will make final payment of the resulting Contract amount, plus all approved additions, less approved deductions and previous payments made. The resulting Contract will be considered complete when all Work has been finished, the final inspection made, approved as-builts received, and the Project finally accepted in writing by County. The Contractor's responsibility shall then terminate except as otherwise stated.

D.06 CONTRACT CONTINGENCY WORK

This Bid item entails a monetary allowance which is used at County's discretion to handle unexpected conditions as required to satisfactorily complete the Project in accordance with the plans and Specifications. A Field Directive must be issued by an authorized County Representative to authorize use of Contract Contingency funds.

The percentage for Contract Contingency is listed on the Bid Form. Vendor shall enter the amount for Contract Contingency based on the percentage of their Total Base Bid. The total Contract Award will include the Contract Contingency funds.

Appropriate uses of Contract Contingency funds include increases to existing Bid item quantities that do not change the initial Scope of Work, which may be directed by staff; modification items not originally bid which were unforeseen yet necessary during the construction to provide a safe, complete Project and that do not change the initial Scope of Work; and unanticipated conflicts and/or design changes required during construction which are necessary to provide a safe, complete Project and that do not change the initial Scope of Work.

Inappropriate uses of Contract Contingency funds include anything that changes the initial Scope of Work, including the Contract Price and Contract Time, and adding Bid items not previously contemplated that change the initial Scope of Work.

D.07 RETAINAGE

A Retainage of 10% of the total Work in place shall be withheld until 50% complete. After 50% completion, the Retainage shall be reduced to 5% of the total Work in place until Final Completion and acceptance of the Work by County. Upon final acceptance, the remaining Retainage shall be included in the final payment.

D.08 PROGRESS REQUIREMENTS

All Work done under the resulting Contract shall be done with a minimum of inconvenience to the private property owners in the area. The Contractor shall coordinate his Work with private property owners such that existing utility services are maintained and they have access to their property at all times.

D.09 WARRANTY AND GUARANTEE PROVISIONS

All Work, materials, and equipment furnished as defined herein shall be guaranteed and warranted by the Contractor for a minimum period of three (3) years, unless otherwise specified, from final acceptance by County to be free from defects due either to faulty materials or equipment or faulty workmanship.

All materials, equipment, and workmanship furnished and installed by the Contractor is warranted and guaranteed by the Contractor to meet the required standards and to accomplish the purposes and functions of the Project as defined, detailed, and specified herein.

County shall, following discovery thereof, promptly give written notice to the Contractor of faulty materials, equipment, or workmanship within the period of the guarantee and the Contractor shall promptly replace any part of the faulty equipment, material, or workmanship at his own cost. These warranty and guarantee provisions create no limitations on County as to any claims or actions for breach of guaranty or breach of warranty that County might have against parties other than the Contractor, and do not constitute exclusive remedies of County against the Contractor.

D.10 MATERIALS AND WORKMANSHIP

All materials and apparatus required for this Work, except as specified otherwise, shall be new, of first class quality, and shall be furnished, delivered, connected and finished in every detail. Construction shall be prescribed by good industry practice and in accordance with manufacturer's recommendations for the type being installed.

Use skilled workman trained and experienced in the necessary trades and who are completely familiar with the specified requirements and the methods needed for proper performance of the Work of this section.

D.11 PROJECT CLOSE-OUT

Clean construction site and remove any and all excess materials. Correct any damages to property that may have occurred as a result of installation and/or delivery. Repair and patch all surfaces cut for installation. The Contractor shall remedy any deficiencies promptly should County determine any Work is incomplete or defective.

D.11 PROJECT CLOSE-OUT (Continued)

When County determines the Work is acceptable in accordance with this Invitation for Bid, the Contractor shall provide the close out submittals, including but not necessarily limited to the following:

1 set	Certificate of Warranties	
1 set	Manufacturer's Product Literature	(when applicable)
1 set	Project Record Drawings	
1 set	Subcontractor Information	(when applicable)

D.12 ROYALTIES AND PATENTS

The Contractor shall pay all royalties and license fees for equipment or processes in conjunction with the equipment and/or services being furnished. Contractor shall defend all suits or claims for infringement of any patent, trademark or copyright, and shall save County harmless from loss on account thereof, including costs and attorney's fees.

D.13 AUTHORIZED PRODUCT REPRESENTATION

The Bidder, by virtue of submitting the name and Specifications of a manufacturer's product, will be required to furnish the named manufacturer's product. Failure to perform accordingly may, in County's sole discretion, be deemed a Material Breach of the resulting Contract, and shall constitute grounds for County's immediate termination of the resulting Contract.

D.14 REGULATIONS

It shall be the responsibility of the Contractor to assure compliance with any OSHA, EPA and/or other federal or State of Florida rules, regulations or other requirements, as each may apply.

D.15 CANCELLATION

Any failure of the Contractor to furnish or perform the Work (including, but not limited to, commencement of the Work, failure to supply sufficient skilled workers or suitable materials or equipment) in accordance with the resulting Contract, County may order the stop of the Work, or any portion thereof, until the cause for such order has been eliminated. If the Contractor persistently fails to perform the Work in accordance with the resulting Contract, County reserves the right to terminate the resulting Contract and select the next qualified Bidder or re-advertise this procurement in part or in whole. County reserves the right to cancel all or any undelivered or unexecuted portion of the resulting Contract with or without cause.

D.16 INDEMNIFICATION

The Contractor covenants and agrees to indemnify and save harmless County, its agents and employees, from and against all claims, suits, actions, damages, causes of action, or judgments arising out of the terms of the resulting Contract for any personal injury, loss of life, or damage to the property sustained as a result of the performance or non-performance of services or delivery of goods; from and against any orders, judgments, or decrees, which may be entered against County, its agents or employees; and from and against all costs, attorney's fees, expenses and other liabilities incurred in the defense of any such claim, suit or action, and the investigation thereof. Nothing in the resulting Award, Contract or Purchase Order shall be deemed to affect the rights, privileges and immunities of County as set forth in Florida Statutes § 768.28.

D.17 SUBCONTRACTORS, SUPPLIERS AND OTHERS

The identity of Subcontractors, Suppliers, and other persons and organizations (including those who are to furnish the principal items of material and equipment) may be requested by County for each Bid item from any of the Bidders; and the Bidder shall respond within five (5) days after the date of such request. Such list shall be accompanied by an experience statement with pertinent information regarding similar projects and other evidence of qualification for each such Subcontractor, Supplier, persons or organization if requested by County. If County, after due investigation, has reasonable objection to any proposed Subcontractor, Supplier, other person or organization, County may, before the Notice of Intent to Award is given, request the apparent Successful Bidder to submit an acceptable substitute without an increase in Contract Price or Contract Time.

If apparent Successful Bidder declines to make any such substitution, County may Award the resulting Contract to the next lowest qualified Bidder that proposes to use acceptable Subcontractors, Suppliers, and other persons who County does not make written objection to. Contractor shall not be required to employ any Subcontractor, Supplier, other person or organization who Contractor has reasonable objection to.

Subcontractors shall be bound by the terms and conditions of the resulting Contract insofar as it applies to their work, but this shall not relieve the prime Contractor from the full responsibility to County for the proper completion of all Work to be executed under the resulting Contract.

The employment of unauthorized aliens by any Contractor is considered a violation of Section 274 (e) of the Immigration and Employment Act. If the Contractor knowingly employs unauthorized aliens, such violation shall be cause for unilateral cancellation of the resulting Contract.

A complete list of all Subcontractors proposed for any portion of the Work may be requested of any Bidder deemed necessary by County. Subcontracts shall be awarded only to those Subcontractors considered satisfactory by County.

D.18 MANUALS, SCHEMATICS, HANDBOOKS (IF APPLICABLE)

All manuals, schematics and handbooks shall be provided which are applicable to the equipment delivered. An operators manual, parts manual and technician manual must also be provided. Parts lists (manuals) must include OEM part numbers for items not manufactured by the Contractor. Contractor shall furnish two (2) copies of each.

D.19 INSURANCE

The Contractor will not commence Work under the resulting Contract until all insurance under this section and such insurance coverage as might be required by County has been obtained. The Contractor shall obtain, and submit to the Purchasing Division within ten (10) calendar days from the date of Notice of Intent to Award, at his expense, the following minimum amounts of insurance (inclusive of any amounts provided by an umbrella or excess policy):

a. Workers' Compensation/Employers' Liability

Part One - There shall be no maximum limit (other than as limited by the applicable statute) for liability imposed by Florida Workers' Compensation Act or any other coverage required by the resulting Contract Documents which are customarily insured under Part One of the standard Workers' Compensation Policy.

Part Two - The minimum amount of coverage required by the resulting Contract Documents which are customarily insured under Part Two of the standard Workers' Compensation Policy shall be:

(Each Accident)	$100,000
(Disease-Policy Limit)	$500,000
(Disease-Each Employee)	$100,000

b. Commercial General Liability

The limits are to be applicable only to Work performed under the resulting Contract and shall be those that would be provided with the attachment of the Amendment of Limits of Insurance (Designated Project or Premises) endorsement (ISO Form CG 25 03) a Commercial General Liability Policy with the following minimum limits.

General Aggregate:	
Products/Completed Operations Aggregate	$2,000,000
Personal and Advertising Injury	$1,000,000
Each Occurrence	$1,000,000
Fire Damage (Any One Fire)	$Nil
Medical Expense (Any One Person)	$Nil

ADDITIONAL INSURED: Manatee County, a political subdivision of the State of Florida, shall be specifically named as additional insured on the Commercial General Liability Policy.

D.19 INSURANCE (Continued)

c. Business Auto Policy

Each Occurrence Bodily Injury and Property Damage Liability Combined	$300,000
Annual Aggregate (if applicable)	$1,000,000

ADDITIONAL INSURED: Manatee County, a political subdivision of the State of Florida, shall be specifically named as additional insured on the Business Auto Policy.

d. Property Insurance

If the resulting Contract includes construction of or additions to above ground buildings or structures, Contractor shall provide "**Builder's Risk**" insurance with the minimum amount of insurance to be 100% of the value of such addition(s), building(s), or structure(s).

e. Installation Floater

If the resulting Contract does not include construction of or additions to above ground building or structures, **but does involve** the installation of machinery or equipment, Contractor shall provide an "**Installation Floater**" with the minimum amount of insurance to be 100% of the value of such addition(s), building(s), or structure(s).

f. Certificates of Insurance and Copies of Policies

Certificates of Insurance in triplicate evidencing the insurance coverage specified herein shall be filed with the Purchasing Official before operations are begun. The required certificates of insurance shall name the types of policy, policy number, date of expiration, amount of coverage, companies affording coverage, and also shall refer specifically to the Bid number and title of the Project. All insurance policies required herein shall be issued by companies that are authorized to do business under the laws of the State of Florida and hold an A.M. Best rating of A- or better. Insurance, as specified herein, shall remain in force and effect for the duration of the Project including any warranty periods.

g. Complete Policies: The entire and complete insurance policies required herein shall be provided to County on request.

Nothing herein shall in any manner create any liability of County in connection with any claim against the Contractor for labor, services, or materials, or of Subcontractors; and nothing herein shall limit the liability of the Contractor or Contractor's Sureties to County or to any Workers, Suppliers, material men or employees in relation to the resulting Contract.

D.19 INSURANCE (Continued)

h. By way of its submission of a Bid hereto, Bidder:

1. Represents that Bidder maintains, and will maintain during the term of any Contract arising from this solicitation, insurance coverage from responsible companies duly authorized to do business in the State of Florida and deemed acceptable to County, as set forth in this solicitation; and

2. Agrees that, insurance should not be cancelled without thirty (30) days notice to County and must be endorsed to provide same. Failure of Bidder to obtain and maintain proper amounts of insurance at all times as called for herein shall constitute a Material Breach of the resulting Contract, which may result in immediate termination.

i. Certification Requirements – In order for the certificate of insurance to be accepted it **must** comply with the following:

1. The certificate holder shall be:
Manatee County Board of Commissioners,
A political subdivision of the State of Florida
P.O. Box 1000
Bradenton, FL 34206-1000
IFB# 14-0912CD, Taylor Road Bridge Replacement Over Myakka Bypass Canal

2. Certificate shall be mailed to:
Manatee County Purchasing Division
1112 Manatee Avenue West, Suite 803
Bradenton, FL 34205
Attn: Chris Daley-CPPB, Contract Specialist

D.20 BID BOND/CERTIFIED CHECK

By submitting a Bid to this Invitation for Bid, the Bidder agrees should the Bidder's Bid be accepted, **to execute the form of Contract and present the same to Manatee County for approval within ten (10) calendar days after Notice of Intent to Award**. The Bidder further agrees that failure to execute and deliver said form of Contract **within ten (10) calendar days** will result in damages to Manatee County and as guarantee of payment of same a Bid Bond/certified check shall be enclosed within the submitted sealed Bid in the amount of five (5%) percent of the total amount of the Bid. The Bidder further agrees that in case the Bidder fails to enter into a Contract, as prescribed by Manatee County, the Bid Bond/certified check accompanying the Bid shall be forfeited to Manatee County as agreed liquidated damages. If County enters into a Contract with a Bidder, or if County rejects any and/or all Bids, accompanying bond will be promptly returned.

D.21 PERFORMANCE AND PAYMENT BONDS

The Successful Bidder shall furnish Surety bonds using the Public Construction Bond form prescribed in Florida Statutes § 255.05, which is provided herein, as security for faithful performance of the Contract awarded as a result of this Bid and for the payment of all persons performing labor and/or furnishing material in connection therewith. Failure to provide the required bonds on the prescribed form may result in Successful Bidder being deemed nonresponsive. Bonds must be in the form prescribed in Florida Statutes § 255.05, and must not contain notice, demand or other terms and conditions, including informal pre-claim meetings, not provided for in Florida Statutes § 255.05.

Surety of such bonds shall be in an amount equal to 100% of the Contract Award issued by a duly authorized and nationally recognized Surety company, authorized to do business in the State of Florida, satisfactory to this County. Surety shall be rated as "A-" or better as to general policy holders rating and Class V or higher rating as to financial size category and the amount required shall not exceed 5% of the reported policy holders' surplus, all as reported in the most current Best Key Rating Guide, published by A.M. Best Company, Inc. of 75 Fulton Street, New York, New York, 10038. The attorney-in-fact who signs the bonds must file with the bonds, a certificate and effective dated copy of power-of-attorney. Performance and Payment Bonds shall be issued to Manatee County, a political subdivision of the State of Florida, within ten (10) calendar days after Notice of Intent to Award.

In addition, pursuant to Florida Statutes § 255.05(1)(b), prior to commencing Work, the Contractor shall be responsible and bear all costs associated to record the Performance and Payment Bond with the Manatee County Clerk of the Circuit Court. A certified copy of said recording shall be furnished to the Purchasing Division upon filing. Pursuant to Florida Statutes § 255.05(1)(b), County will make no payment to the Contractor until the Contractor has complied with this paragraph.

Furnishing Performance and Payment Bonds shall be requisite to execution of a Contract with County. Said Performance and Payment Bonds will remain in force for the duration of the Contract with the premiums paid by the Contractor. Failure of the Successful Bidder to execute such Contract and to supply the required bonds shall be just cause for cancellation of the Award. County may then contract with another acceptable Bidder or re-advertise this Invitation for Bid. If another Bidder is accepted, and notice given within ninety (90) days after the opening of the Bids, this acceptance shall bind the Bidder as though they were originally the Successful Bidder.

Failure of County at any time to require performance by the Contractor of any provisions set out in the resulting Contract will in no way affect the right of County, thereafter, to enforce those provisions.

When activity occurs within the resulting Contract that increases the amount of the Contract by either an approved Administrative Contract Adjustment (ACA) or an approved Change Order, a recorded Bond Rider shall be provided before the additional Work can proceed. All premiums shall be paid by the Contractor.

D.22 NO DAMAGES FOR DELAY

No claim for damages or any claim other than for an extension of time shall be made or asserted against County by reason of any delays. The Contractor shall not be entitled to an increase in the total Contract Price or payment or compensation of any kind from County or direct, indirect, consequential impact or other costs, expenses for damages, including but not limited to costs of acceleration or inefficiency arising because of delay, disruption, interference or hindrance from any cause whatsoever; provided, however, that this provision shall not preclude recovery or damages by the Contractor for hindrance or delays due solely to fraud, bad faith, or active interference on part of County or its agents. Otherwise, the Contractor shall only be entitled to extensions of the Contract Time as the sole and exclusive remedy for such resulting delay, in accordance with and to the extent specifically provided above.

D.23 NO INTEREST

Any monies not paid by County when claimed to be due to the Contractor under this Contract shall not be subject to interest including prejudgment interest. Any monies not paid by County when claimed to be due to the Contractor for damages awarded in the case of construction delays shall not be subject to prejudgment interest.

D.24 CONSTRUCTION OF CONTRACT

The resulting Contract and the rights and responsibilities hereunder shall not be construed more strongly against either party, regardless of the extent to which such party may have participated in the preparation hereof.

D.25 BE GREEN

All Contractors are encouraged to use as many **environmentally preferable** "green" products, materials, supplies, etc. as possible in order to promote a safe and healthy environment. **Environmentally preferable are products or services that have a reduced adverse effect on the environment**. Provide detail of your organization's initiative and its ability to meet the goal of environmental sustainability.

END OF SECTION D

SECTION E

GENERAL CONDITIONS

ARTICLE 1. DEFINITIONS

Whenever used in the Contract Documents, the following terms have the meaning indicated which are applicable to both the singular and plural thereof:

Addendum - Written or graphic instruments issued prior to the opening of Bids which clarify or change the Bid Documents.

Administrative Contract Adjustment (ACA) – A minor change to a Contract, which is less than 10% of the Contract Price or less than 20% of the Contract Time, and does not require Board approval. (Reference Resolution R-07-189)

Application for Payment - The form accepted by the Project Representative which is to be used by Contractor in requesting progress or final payments and which is to include such supporting documentation as is required by the Contract Documents.

Award - Acceptance of the Bid from the person, firm, or corporation which in the County's sole and absolute judgment will under all circumstances best serve the public interest. Award shall be made in accordance with Chapter 2-26 of the Manatee County Code.

Bid - The Offer of the Bidder submitted on the prescribed form setting forth the prices for the Work to be performed.

Bid Bond – An insurance agreement, accompanied by a monetary commitment, by which a third party (the Surety) accepts liability and guarantees that the Bidder will not withdraw the Bid.

Bidder - One who submits a Bid directly to the County, as distinct from a Sub-bidder, who submits a Bid to a Bidder.

Bid Documents - Consists of the Invitation for Bid, which includes but is not limited to the Bid Form, drawings, technical Specifications, terms and conditions, and the proposed Contract Documents (including all Addenda issued prior to receipt of Bids); and becomes a part of the resulting Contract.

Bid Summary – Specifications or scope of Work that specifically describes the Work to be done for this Project.

Bond Rider – A Bond Rider increases the Performance Bond coverage to ensure responsibility of the Contractor in executing the Work for the County in consideration of the increased value resulting from an approved change in the Contract amount.

Change Order - A document recommended by the Project Representative which is signed by Contractor and County and authorizes an addition, deletion, or revision in the Work or an adjustment in the Contract Price or the Contract Time, issued on or after the Effective Date of the Contract.

Compensable Delay - Any delay beyond the control and without the fault or negligence of the Contractor resulting from County-caused changes in the Work, differing site conditions, suspensions of the Work, or termination for convenience by County.

Contract - The written Contract between County and Contractor covering the Work to be performed; other Contract Documents are attached to the Contract and made a part thereof as provided therein.

Contract Contingency - A monetary allowance used at the County's discretion, which is part of the total sum of the Contract that allows for minor changes in the Contract that do not change the initial Scope of Work, including Contract Price and Contract Time.

Contract Documents - The Contract, Invitation for Bid in its entirety, Public Construction Bond Form and Insurance Certificate(s), Drawings/Plans, Addenda (which pertain to the Bid Documents), Contractor's Bid Form (including documentation accompanying the Bid and any post-Bid documentation submitted prior to the Notice of Award), and Reports, together with all written Change Orders and other documents amending, modifying or supplementing the Contract Documents issued on or after the Effective Date of the Contract.

Contract Price - The monies payable by County to Contractor under the Contract Documents as stated in the Contract.

Contract Time - The number of days or the date stated in the Notice to Proceed for the completion of the Work.

Contractor - The person, firm or corporation with whom County has entered into a Contract.

Days - All references to days are to be considered calendar days except as specified differently.

Defective - An adjective which when modifying the Work refers to work that is unsatisfactory, faulty or deficient, or does not conform to the Contract Documents, or does not meet the requirements of any inspection, reference standard, test or approval referred to in the Contract Documents, or has been damaged prior to Project Representative's recommendation of final payment (unless responsibility for the protection thereof has been assumed by County).

Drawings - The drawings which show the character and Scope of Work to be performed and which have been prepared or approved by Engineer and are referred to in the Bid and Contract Documents.

Effective Date of the Contract - The date indicated in the Contract on which it becomes effective (date of execution).

Engineer – Licensed professional who is responsible for the preparation, signing, dating, sealing and issuing of any engineering document(s) for any engineering service or Work.

Excusable Delay - Any delay beyond the control and without the negligence of the Contractor, the County, or any other Contractor caused by events or circumstances such as, but not limited to, acts of God or of the public enemy, fires, floods, freight embargoes, acts of government other than County or epidemics. Labor disputes and above average rainfall shall give rise only to Excusable Delays.

Field Directive - A written order issued by an authorized County Representative which approves changes in the Work, but does not involve a change in the initial Scope of Work, including the Contract Price and the Contract Time. A Field Directive must be issued by an authorized County Representative to authorize use of Contract Contingency funds.

Final Completion – The Work (including items defined on the Punch List) has been completed, accepted in writing by the County, approved as-builts have been received, and is ready for final payment.

Float or Slack Time - The time available in the progress schedule during which an unexpected activity can be completed without delaying Substantial Completion of the Work.

Inexcusable Delay - Any delay caused by events or circumstances within the control of the Contractor, such as inadequate crewing, slow submittals, etc., which might have been avoided by the exercise of care, prudence, foresight, or diligence on the part of the Contractor.

Information (Pre-Bid) Conference – A meeting held by the Purchasing Division with potential Bidders, prior to the opening of the solicitation, for the purpose of answering questions, clarifying ambiguities, and responding to general issues in order to establish a common basis for understanding all of the requirements of the solicitation; may result in the issuance of an Addendum.

Material Breach – A substantial failure in the performance of the Contract, as to give the affected party the right to remedies available in the Contract.

Non-prejudicial Delay - Any delay impacting a portion of the Work within the available total Float or Slack Time and not necessarily preventing completion of the Work within the Contract Time.

Notice of Award - The written notice to the Successful Bidder stating Award has been approved by the Board of County Commissioners; or by the Purchasing Official in accordance with Chapter 2-26 of the Manatee County Code.

Notice of Intent to Award - The written notice to the apparent Successful Bidder stating Award has been recommended with final Award to be authorized by the Purchasing Official or Board of County Commissioners, as appropriate.

Notice to Proceed - Written notice by County (after execution of Contract) to Contractor fixing the date on which the Contract Time will commence to run and on which Contractor shall start to perform (ten (10) days from date of such notice) Contractor's obligations under the Contract Documents.

Payment Bond – An instrument, issued by a Surety that guarantees that Subcontractors will be paid for labor expended on the Contract.

Performance Bond – An instrument executed subsequent to Award by the successful Contractor that protects the County from loss due to Contractor’s inability to complete the Contract as agreed.

Preconstruction Conference - Prior to starting the Work, a meeting scheduled by County with Contractor to review the Work schedules, to establish procedures for handling Shop Drawings and other submissions, for processing periodical pay estimates, and such other matters as may be pertinent to the project.

Prejudicial Delay - Any excusable or Compensable Delay impacting the Work and exceeding the total float time available in the progress schedule, thus preventing completion of the Work within the Contract Time unless the Work is accelerated.

Pre-operation Testing - All field inspections, installation checks, water tests, performance tests and necessary corrections required of Contractor to demonstrate that individual components of the Work have been properly constructed and do operate in accordance with the Contract Documents for their intended purposes.

Project - The total construction of which the Work to be provided under the Contract Documents (may be the whole or a part as indicated elsewhere in the Contract Documents).

Project Representative - The authorized representative of Manatee County who is assigned to the project or any part thereof.

Punch List – A list of minor deficiencies or additional Work that does not prohibit achieving Substantial Completion yet must be completed before Final Completion of the Contract can be achieved.

Retainage – A certain percentage, identified in the solicitation document, is withheld from payment due to the Contractor until the Work is fully completed and accepted by County.

Schedule of Values – In the case of a total, lump sum Bid, unit prices shall be established for this Contract by the submission of a Schedule of Values. In the case of an itemized Bid, unit prices are the prices bid. The Contractor shall submit a Schedule of Values within ten (10) days of Notice to Proceed date. The schedule shall include quantities and prices of items equaling the Total Offer and will subdivide the Work into components in sufficient detail to serve as the basis for progress payments during construction. Such prices will include an appropriate amount of overhead and profit applicable to each item of Work. Upon request of the County, the Contractor shall support the values with data which will substantiate their correctness.

Shop Drawings - All drawings, diagrams, illustrations, schedules and other data which are specifically prepared by or for Contractor to illustrate some portion of the Work and all illustrations, brochures, standard schedules, performance charts, instructions, diagrams and other information prepared by a Supplier and submitted by Contractor to illustrate material or equipment for some portion of the Work.

Special Provisions: As required to define Work or procedures not covered in the standard Specifications, and as necessary to supplement or modify items in the standard Specifications.

Subcontractor - An individual or corporation having a direct contact with Contractor or with any other Subcontractor for the performance of a part of the Work at the site. Such person or firm has contractual relations with the Contractor, not with the County.

Substantial Completion - The stage in the progress of the Work (or a specified portion thereof) is sufficiently complete in accordance with the Contract Documents so the Work (or a specified portion thereof) can be utilized for the intended purpose.

Successful Bidder - The lowest, responsible and responsive Bidder to whom an Award is made.

Supplier - A manufacturer, fabricator, Supplier, distributor, material man or vendor.

Surety – A pledge or guarantee by an insurance company, bank, individual or corporation on behalf of the Bidder which protects against default or failure of the principal to satisfy the contractual obligations.

Underground Facilities - All pipelines, conduits, ducts, cables, wires, manholes, vaults, tanks, tunnels or other such facilities or attachments and any encasement containing such facilities which have been installed underground to furnish any of the following services or materials: electricity, gases, steam, liquid petroleum products, telephone or other communications, cable television, sewage and drainage removal, traffic or other control systems or water.

Unit Price Work - Work to be paid for on the basis of unit prices.

Work - The entire completed construction or the various separately identifiable parts thereof required to be furnished under the Contract Documents. Work is the result of performing services, furnishing labor and furnishing and incorporating materials and equipment into the construction, all as required by the Contract Documents.

Work Directive Change - A written directive to Contractor, issued on or after the Effective Date of the Contract and signed by County and recommended by Project Representative ordering an addition, deletion or revision in the Work, or responding to differing or unforeseen physical conditions under which the Work is to be performed or to emergencies. A Work Directive Change itself may not change the Contract Price or Contract Time; but is evidence that the parties expect that the change directed or documented by a Work Directive Change will be incorporated in a subsequently issued Change Order following negotiations by the parties as to its effect, if any, on the Contract Price or Contract Time.

Written Amendment - A Written Amendment of the Contract Documents, signed by County and Contractor on or after the Effective Date of the Contract and normally dealing with the non-engineering or non-technical rather than strictly Work related aspects of the Contract Documents.

ARTICLE 2. PRELIMINARY MATTERS

Computation of Time: When time is referred to in the Contract Documents by days, it will be computed to exclude the first and include the last day of such period. If the last day of any such period falls on a Saturday or Sunday or legal holiday, such day will be omitted from the computation.

2.1 The Contractor must submit a proposed schedule of the Work at the Preconstruction Conference. The purpose of this schedule is to enable the County to govern the Work, to protect the functions of the local government and its citizens and to aid in providing appropriate surveillance. The County shall have the right to reschedule Work provided such rescheduling is in accordance with the remainder of the terms of the Contract. The schedule shall show, as a minimum, the approximate dates on which each segment of the Work is expected to be started and finished, the proposed traffic flows during each month, the anticipated earnings by the Contractor for each month and the approximate number of crews and equipment to be used. The County, after necessary rescheduling and obtaining additional information for specific

purposes, shall review and approve the schedule. The Contractor shall also forward to the County, as soon as practicable after the first day of each month, a summary report of the progress of the various parts of the Work under the Contract, in fabrication and in the field, stating the existing status, estimated time of completion and cause of delay, if any. Together with the summary report, the Contractor shall submit any necessary revisions to the original schedule for the County's review and approval. In addition, more detailed schedules may be required by the County for daily traffic control.

2.2 A Notice to Proceed may be given at any time within thirty (30) days after the Effective Date of the Contract. The Contract Time will commence at the time specified in such notice. Contractor shall start to perform the Work on the date specified in the Notice to Proceed, but no Work shall be done at the site prior to the date on which the Contract Time commences to run.

2.3 If at any time the materials and appliances to be used appear to the County as insufficient or improper for securing the quality of Work required or the required rate of progress, the County may order the Contractor to increase his efficiency or to improve the character of his Work and the Contractor shall conform to such an order. The failure of the County to demand any increase of such efficiency of any improvement shall not release the County from its obligation to secure the quality of Work or the rate of progress necessary to complete the Work within the limits imposed by the Contract. The County may require the Contractor to remove from the Work such employees as the County deems incompetent, careless, insubordinate or otherwise objectionable, or whose continued employment on the Work is deemed to be contrary to the County's interest.

2.4 The County reserves the right to let other Contracts in connection with this Work. The Contractor shall afford other Contractors reasonable opportunity for the introduction and storage of their materials and execution of their Work, and promptly connect and coordinate the Work with theirs.

ARTICLE 3. CONTRACT DOCUMENTS: INTENT, AMENDING, RE-USE

3.1 The Contract Documents comprise the entire Contract between County and Contractor concerning the Work. The Contract Documents are complementary; what is called for by one is as binding as if called for by all. The Contract Documents will be construed in accordance with the laws and ordinances of the State of Florida and Manatee County.

Should a conflict exist within the Contract Documents, the precedence in order of authority is as follows: 1) Bid Summary, 2) Special Conditions, 3) General Conditions, and 4) Drawings.

Note: Computed dimensions shall govern over scaled dimensions.

3.2 It is the intent of the Contract Documents to describe a functionally complete project (or part thereof) to be constructed in accordance with the Contract Documents. Any work, materials or equipment that may reasonably be inferred from the Contract Documents as being required to produce the intended result will be supplied whether or not specifically called for in the Contract Documents. When words which have a well-known technical or trade meaning are used to describe Work, materials, or equipment, such words shall be interpreted in accordance with that meaning. Reference to standard Specifications, manuals or codes of any technical society, organization or association, or to the laws or regulations of any governmental authority, whether such reference be specific or by implication, shall mean the latest standard specification, manual, code or laws or regulations in effect at the time of opening of Bids, except as may be otherwise specifically stated. However, no provision of any referenced standard specification, manual or code (whether or not specifically incorporated by reference in the Contract Documents) shall be effective to change the duties and responsibilities of County, Contractor or Engineer, or any of their agents or employees from those set forth in the Contract Documents.

3.3 The Contract Documents may be amended to provide for additions, deletions and revisions in the Work or to modify the terms and conditions thereof in one or more of the following ways:

3.3.1 A Written Amendment

3.3.2 A Change Order

3.3.3 An Administrative Contract Adjustment (ACA)

3.3.4 A Work Directive Change

3.4 In addition, the requirements of the Contract Documents may be supplemented and minor variations and deviations in the Work may be authorized in one or more of the following ways:

3.4.1 Contract Contingency Work – Field Directive

3.4.2 Engineer's approval of a Shop Drawing or sample

ARTICLE 4. CONTRACTOR'S RESPONSIBILITIES

4.1 Contractor shall keep on the Work at all times during its progress a competent resident superintendent; who shall be the Contractor's representative at the site and shall have authority to act on behalf of Contractor. All communications given to the superintendent shall be as binding as if given to Contractor.

4.2 Contractor shall provide competent, suitable qualified personnel to survey and lay out the Work and perform construction as required by the Contract

Documents. Contractor shall at all times maintain good discipline and order at the site. Except in connection with the safety or protection of persons or the Work or property at the site or adjacent thereto and except as otherwise indicated in the Contract Documents, all Work at the site shall be performed during regular working hours and Contractor will not permit overtime Work or the performance of Work on Saturday, Sunday or legal holiday without County's written consent given after prior notice to Engineer (at least seventy-two (72) hours in advance).

4.2.1 Contractor shall pay for all additional engineering charges to the County for any overtime Work which may be authorized. Such additional engineering charges shall be a subsidiary obligation of Contractor and no extra payment shall be made by County on account of such overtime Work. At County's option, overtime costs may be deducted from Contractor's monthly payment request or Contractor's Retainage prior to release of final payment.

4.3 Unless otherwise specified, Contractor shall furnish and assume full responsibility for all bonds, insurance, materials, equipment, labor, transportation, construction equipment and machinery, tools, appliances, fuel, power, light, heat, telephone, water, sanitary facilities, temporary facilities and all other facilities and incidentals necessary for the furnishing, performance, testing, start-up and completion of the Work.

4.4 All materials and equipment shall be of good quality and new, except as otherwise provided in the Contract Documents. If required by Engineer, Contractor shall furnish satisfactory evidence (including reports of required tests) as to the kind and quality of materials and equipment. All materials and equipment shall be applied, installed, connected, erected, used, cleaned and conditioned in accordance with the instruction of the applicable Supplier except as otherwise provided in the Contract Documents.

4.5 Contractor shall be fully responsible to County for all acts and omissions of the Subcontractors, Suppliers and other persons and organizations performing or furnishing any of the Work under a direct or indirect Contract with Contractor just as Contractor is responsible for Contractor's own acts and omissions. Nothing in the Contract Documents shall create any contractual relationship between County or Engineer and any such Subcontractor, Supplier or other person or organization, nor shall it create any obligation on the part of County to pay or to see to the payment of any monies due any such Subcontractor, Supplier or other person or organization.

4.6 Permits: Unless otherwise provided, Contractor shall obtain and pay for all construction permits and licenses. County shall assist Contractor, when necessary, in obtaining such permits and licenses. Contractor shall pay all

governmental charges and inspection fees necessary for the prosecution of the Work.

4.7 During the progress of the Work, Contractor shall keep the premises free from accumulation of waste materials rubbish and other debris resulting from the Work. At the completion of the Work, Contractor shall remove all waste materials, rubbish, and debris from and about the premises as well as all tools, appliances, construction equipment and machinery and surplus materials and shall leave the site clean and ready for occupancy by County. Contractor shall restore to original conditions all property not designated for alteration by the Contract Documents.

4.8 Contractor shall not load nor permit any part of any structure to be loaded in any manner that will endanger the structure, nor shall Contractor subject any part of the Work or adjacent property to stresses or pressures that will endanger it.

4.9 Safety and Protection: Contractor shall comply with the Florida Department of Commerce Safety Regulations and any local safety regulations. Contractor shall be responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the Work. Contractor shall take all necessary precautions for the safety of and shall provide the necessary protection to prevent damage, injury or loss to:

4.9.1 all employees on the Work and other persons and organizations who may be affected thereby;

4.9.2 all the Work and materials and equipment to be incorporated therein, whether in storage on or off the site; and

4.9.3 other property at the site or adjacent thereto, including trees, shrubs, lawns, walks, pavements, roadways, structures, utilities and Underground Facilities not designated for removal, relocation or replacement in the course of construction.

4.9.4 Contractor shall comply with all applicable laws and regulations of any public body having jurisdiction for the safety of persons or property or to protect them from damage, injury or loss; and shall erect and maintain all necessary safeguards for such safety and protection. Contractor shall provide and maintain all passageways, guard fences, lights and other facilities for the protection required by public authority or local conditions. Contractor shall provide reasonable maintenance of traffic way for the public and preservation of the County’s business, taking into full consideration all local conditions. Contractor's duties and responsibilities for the safety and protection of the Work shall continue until such time as all the Work is completed.

4.10 Emergencies: In emergencies affecting the safety or protection of persons or the Work or property at the site or adjacent thereto, Contractor, without special instruction or authorization from Engineer or County, is obligated to act to prevent threatened damage, injury or loss. Contractor shall give County prompt written notice if Contractor believes that any significant changes in the Work or variations from the Contract Documents have been caused thereby. If County determines that a change in the Contract Documents is required because of the action taken in response to an emergency, a Work Directive Change or Change Order will be issued to document the consequences of the changes or variation.

4.11 For substitutes not included with the Bid, but submitted after the Effective Date of the Contract, Contractor shall make written application to Engineer for acceptance thereof, certifying that the proposed substitute will perform adequately the functions and achieve the results called for by the general design, be similar and of equal substance to that specified and be suited to the same use as that specified. The application will also contain an itemized estimate of all costs and delays or schedule impacts that will result directly or indirectly from review, acceptance and provisions of such substitute, including costs of redesign and claims of other Contractors affected by the resulting change, all of which will be considered by the Engineer in evaluating the proposed substitute. Engineer may require Contractor to furnish at Contractor's expense, additional data about the proposed substitute. In rendering a decision, County/Engineer and Contractor shall have access to any available Float or Slack Time in the construction schedule. In the event that substitute materials or equipment not included as part of the Bid, but proposed after the Effective Date of the Contract, are accepted and are less costly than the originally specified materials or equipment, then the net difference in cost shall be credited to the County and an appropriate Change Order executed.

4.11.1 If a specific means, method, sequence, technique or procedure of construction is indicated in or required by the Contract Documents, Contractor may furnish or utilize a substitute means, method, sequence, technique or procedure of construction acceptable to Engineer if Contractor submits sufficient information to allow Engineer to determine that the substitute proposed is equivalent to that indicated or required by the Contract Documents.

4.11.2 Engineer will be allowed a reasonable time within which to evaluate each proposed substitute. Engineer will be the sole judge of acceptability and no substitute will be ordered, installed or utilized without Engineer's prior written acceptance which will be evidenced by either a Change Order or an approved shop drawing. County may require Contractor to furnish at Contractor's expense a special performance guarantee or other Surety with respect to any substitute.

4.11.3 Contractor shall reimburse County for the charges of Engineer and Engineer's consultants for evaluating each proposed substitute submitted after the Effective Date of the Contract and all costs resulting from any delays in the Work while the substitute was undergoing review.

4.12 The Contractor shall furnish, free of charge, all labor, stakes, surveys, batter boards for structures, grade lines and other materials and supplies and shall set construction stakes and batter boards for establishing lines, position of structures, slopes and other controlling points necessary for the proper prosecution of the construction Work. Where rights-of-way, easements, property lines or any other conditions which make the lay-out of the project or parts of the project critical are involved, the Contractor will employ a competent surveyor who is registered in the State of Florida for lay-out and staking. These stakes and marks shall constitute the field control by and in accord with which the Contractor shall govern and execute the Work. The Contractor will be held responsible for the preservation of all stakes, marks and if for any reason any of the stakes or marks or batter boards become destroyed or disturbed, they will be immediately and accurately replaced by the Contractor.

4.13 The Contractor has, by careful examination, satisfied himself as to the nature and location of the Work and all other matters which can in any way affect the Work under this Contract, including, but not limited to details pertaining to boring, as shown on the drawings, are not guaranteed to be more than a general indication of the materials likely to be found adjacent to holes bored at the site of the Work, approximately at the locations indicated. The Contractor shall examine boring data, where available, and make his own interpretation of the subsoil investigations and other preliminary data, and shall base his Bid on his own opinion of the conditions likely to be encountered. In no event shall an extension of time be considered for any conditions that existed at the time of bidding, nor shall the Contractor receive extra compensation for completion of the project as intended by the drawings and in keeping with the Contact documents. No verbal agreement or conversation with any officer, agent or employee of the County, before or after the execution of this Contract, shall affect or modify any of the terms or obligations herein contained.

4.14 If the Contractor, in the course of the Work, finds that the drawings and/or Contract Documents cannot be followed, he shall immediately inform the County in writing, and the County shall promptly check the accuracy of the information. Any Work done after such discovery, until any necessary changes are authorized, will be done at the Contractor's risk.

ARTICLE 5. COUNTY'S RESPONSIBILITIES

5.1 County shall furnish the data required of County under the Contract Documents promptly and shall make payments to the Contractor within a reasonable time after the Work has been accepted by the County. Payment shall be made no more than twenty (20) business days if County is its own Engineer of Record or twenty-five (25) business days if outside agent approval is required after the pay estimate has been approved by the agent for the County. The form of all submittals, notices, Change Orders and other documents permitted or required to be used or transmitted under the Contract Documents shall be determined by the County/Engineer. Standard County forms shall be utilized.

5.2 The County shall provide the lands upon which the Work under this Contract is to be done, except that the Contractor shall provide all necessary additional land required for the erection of temporary construction facilities and storage of his materials, together with right of access to same.

5.3 The County shall have the right to take possession of and use any completed portions of the Work, although the time for completing the entire Work or such portions may not have expired, but such taking possession and use shall not be deemed an acceptance of any Work not completed in accordance with the Contract Documents.

ARTICLE 6. CHANGES IN THE WORK

6.1 Without invalidating the Contract and without notice to any Surety, County may, at any time, order additions, deletions or revisions in the Work. These will be authorized by a Written Amendment, a Change Order, or a Work Directive Change. Upon receipt of any such document, Contractor shall promptly proceed with the Work involved which will be performed under the applicable conditions of the Contract Documents (except as otherwise specifically provided).

6.2 Contractor shall not be entitled to an increase in the Contract Price or an extension of the Contract Time with respect to any Work performed that is not required by the Contract Documents as amended, modified and supplemented.

6.3 County and Contractor shall execute appropriate Change Orders, or Written Amendments, covering changes in the Work which are ordered by County, or which may be required because of acceptance of defective Work.

6.4 At any time Engineer may request a quotation from Contractor for a proposed change in the Work and within twenty-one (21) calendar days after receipt, Contractor shall submit a written and detailed proposal for an increase or decrease in the Contract Price or Contract Time for the proposed change. Engineer shall have twenty-one (21) calendar days after receipt of the detailed proposal to respond in writing. The proposal shall include an itemized estimate of all costs and time for performance that will result directly or indirectly from the proposed change. Unless otherwise directed, itemized estimates shall be in

sufficient detail to reasonably permit an analysis by Engineer of all material, labor, equipment, subcontracts, overhead costs and fees, and shall cover all Work involved in the change, whether such Work was deleted, added, changed or impacted. Notwithstanding the Request for Quotation, Contractor shall carry on the Work and maintain the progress schedule. Delays in the submittal of the written and detailed proposal will be considered non-prejudicial.

ARTICLE 7. CHANGE OF CONTRACT PRICE

7.1 The Contract Price constitutes the total compensation (subject to authorized adjustments) payable to Contractor for performing the Work. All duties, responsibilities and obligations assigned to or undertaken by Contractor shall be at his expense without change in the Contract Price.

7.2 The Contract Price may only be changed by Change Order or by a Written Amendment. Any claim for an increase or decrease in the Contract Price shall be based on written notice delivered by the party making the claim to the other party. Notice of the amount of the claim with supporting data shall be delivered within ten (10) days from the beginning of such occurrence and shall be accompanied by claimant's written statement that the amount claimed covers all known amounts (direct, indirect and consequential) to which the claimant is entitled as a result of the occurrence of said event.

7.3 The value of any Work covered by a Change Order or of any claim for an increase or decrease in the Contract Price shall be determined in one of the following ways, at the County’s discretion:

7.3.1 Where the Work involved is covered by unit prices contained in the Contract Documents, cost will be determined by application of such unit prices to the quantities of the items involved.

7.3.2 By mutual acceptance of lump sum.

7.3.3 On the basis of the cost of the Work, plus a 15% Contractor's fee for overhead and profit. (Contractor shall submit an itemized cost breakdown together with supporting data.)

7.4 Either County or Contractor may make a claim for an adjustment in the Contract Price. The unit price of an item of Unit Price Work shall be subject to re-evaluation and adjustment under the following conditions:

7.4.1 If the total cost of a particular item of Unit Price Work amounts to 5% or more of the Contract Price and the variation in the quantity of the particular item of Unit Price Work performed by Contractor differs by more than 15% from the estimated quantity of such item indicated in the Contract; and

7.4.2 If there is no corresponding adjustment with respect to any other item of Work; and

7.4.3 If a Contractor believes that it has incurred additional expense as a result thereof; or

7.4.4 If County believes that the quantity variation entitles it to an adjustment in the unit price; or

7.4.5 If the parties are unable to agree as to the effect of any such variations in the quantity of Unit Price Work performed.

ARTICLE 8. CHANGE OF CONTRACT TIME

8.1 Contract Time may only be changed by a Change Order or a Written Amendment. Any claim for an extension or shortening of the Contract Time shall be based on written notice delivered by the party making the claim to the other party. Notice of the extent of the claim with supporting data shall be delivered within fifteen (15) days from detection or beginning of such occurrence and shall be accompanied by the claimant's written statement that the adjustment claimed is the entire adjustment to which the claimant has reason to believe it is entitled as a result of the occurrence of said event.

8.2 The Contract Time will be extended in an amount equal to time lost due to delays beyond the control of Contractor. Such delays shall include, but not be limited to, acts or neglect by County or others performing additional Work; or to fires, floods, epidemics, abnormal weather conditions or acts of God.

8.3 All time limits stated in the Contract Documents are of the essence.

ARTICLE 9. WARRANTY, TEST/INSPECTION, CORRECTION

9.1 Contractor warrants, for a minimum period of three (3) years or as otherwise stated herein, and guarantees to County that all Work will be in accordance with the Contract Documents and will not be defective; that County, representatives of County, and governmental agencies with jurisdictional interests will have access to the Work at reasonable time for their observation, inspecting and testing (Contractor shall give Engineer timely notice of readiness of the Work for all required approvals and shall assume full responsibility, including costs, in obtaining required tests, inspections, and approval certifications and/or acceptance, unless otherwise stated by County).

9.2 If any Work (including work of others) that is to be inspected, tested, or approved is covered without written concurrence of Engineer, it must, if requested by Engineer, be uncovered for observation. Such uncovering shall be at Contractor's expense unless Contractor has given Engineer timely notice of Contractor's intention to cover the same and Engineer has not acted with reasonable promptness in response to such notice. Neither observations by

Engineer nor inspections, tests, or approvals by others shall relieve Contractor from Contractor's obligations to perform the Work in accordance with the Contract Documents.

9.3 If the Work is defective, or Contractor fails to supply sufficient skilled workers, or suitable materials or equipment, or fails to furnish or perform the Work in such a way that the completed Work will conform to the Contract Documents, County may order Contractor to stop the Work, or any portion thereof and terminate payments to the Contractor until the cause for such order has been eliminated. Contractor shall bear all direct, indirect and consequential costs for satisfactory reconstruction or removal and replacement with non-defective Work, including, but not limited to fees and charges of engineers, architects, attorneys and other professionals and any additional expenses experienced by County due to delays to other Contractors performing additional Work and an appropriate deductive Change Order shall be issued. Contractor shall further bear the responsibility for maintaining schedule and shall not be entitled to an extension of the Contract Time and the recovery of delay damages due to correcting or removing defective Work.

9.3.1 If Contractor fails within seven (7) days after written notice to correct defective Work, or fails to perform the Work in accordance with the Contract Documents, or fails to comply with any other provision of the Contract Documents, County may correct and remedy any such deficiency to the extent necessary to complete corrective and remedial action. County may exclude Contractor from all or part of the site, take possession of all or part of the Work, Contractor's tools, construction equipment and machinery at the site or for which County has paid Contractor but which are stored elsewhere. All direct and indirect costs of County in exercising such rights and remedies will be charged against Contractor in an amount approved as to reasonableness by Engineer and a Change Order will be issued incorporating the necessary revisions.

9.3.2 If within three (3) years after the date of completion or such longer period of time as may be prescribed by laws or regulations or by the terms of any applicable special guarantee required by the Contract Documents, any Work is found to be defective, Contractor shall promptly, without cost to County and in accordance with County’s written instructions, either correct such defective Work or if it has been rejected by County, remove it from the site and replace it with non-defective Work. If Contractor does not promptly comply with the terms of such instruction, County may have the defective Work corrected or removed and all direct, indirect and consequential costs of such removal and replacement will be paid by Contractor.

ARTICLE 10. SUSPENSION OR TERMINATION OF WORK

10.1 County reserves the right to suspend the Work, or any portion thereof, at any time without cause for a period not to exceed ninety (90) days by written notice to Contractor, which will fix the date on which Work will be resumed. Contractor shall be allowed an increase in the Contract Price or an extension of the Contract Time, or both, directly attributable to any suspension if Contractor makes an approved claim therefore.

10.1.1 If Work is suspended by County for a period that exceeds ninety (90) days; or if Work is suspended by an order of court or other public authority; or if County fails to pay Contractor, then Contractor may, upon seven (7) days written notice to County, terminate the Contract and recover payment for all Work executed.

10.1.2 In lieu of terminating the Contract, if the Engineer has failed to act on any Application for Payment or County has failed to make any payment as aforesaid, Contractor may, upon seven (7) days written notice to County, stop the Work until payment of all amounts then due have been received.

10.2 County reserves the right, after giving seven (7) days written notice, to terminate this Contract if:

10.2.1 Contractor persistently fails to perform the Work in accordance with the Contract Documents;

10.2.2 Contractor disregards laws or regulations of any public body having jurisdiction;

10.2.3 Contractor commences a voluntary case under any chapter of the Bankruptcy Code or any similar action by filing a petition under any other federal or state law relating to bankruptcy or insolvency;

10.2.4 Contractor has a petition filed against them under any chapter of the Bankruptcy Code or similar relief under any other federal or state law;

10.3 County may exclude Contractor from the site and take possession of the Work and of all Contractor's tools, construction equipment and machinery at the site and use same to the full extent they could be used (without liability to Contractor for trespass or conversion); incorporate in the Work all materials and equipment stored at the site or for which County has paid Contractor but which are stored elsewhere, and finish the Work as County may deem expedient.

10.3.1 Contractor shall not be entitled to receive any further payment beyond an amount equal to the value of material and equipment not incorporated in the Work, but delivered and suitably stored, less the aggregate of payments previously made.

10.3.2 If the direct, indirect and consequential costs of completing the Work exceed the unpaid balance of the Contract Price, Contractor shall pay the difference to County. Such costs incurred by County shall be verified by County and incorporated in a Change Order; but in finishing the Work, County shall not be required to obtain the lowest figure for the Work performed. Contractor's obligations to pay the difference between such costs and such unpaid balance shall survive termination of this Contract.

10.4 In the event sufficient budgeted funds are not available for a new fiscal year, County shall notify Contractor of such occurrence and Contract shall terminate on the last day of the current fiscal year without penalty or expense to County.

10.5 Failure of Contractor to comply with any of the provisions of this Contract shall be considered a Material Breach of Contract and shall be cause for immediate termination of Contract at the discretion of County.

10.6 In addition to all other legal remedies available to County, County reserves the right to terminate and obtain from another source, any commodities or services which have not been delivered within the Contract Time as stated in the Contract Documents.

ARTICLE 11. CONTRACT CLAIMS & DISPUTES

11.1 Except as otherwise provided herein, any dispute arising under this Contract shall be decided by the Purchasing Official in accordance with Section 2-26-63 of the Manatee County Code subject to an administrative hearing process provided in 2-26-64. The decision of the Board of County Commissioners in accordance with Section 2-26-64 of the Manatee County Code shall be the final and conclusive County decision subject to exclusive judicial review in the circuit court by a petition for certiorari.

ARTICLE 12. RESIDENT PROJECT REPRESENTATIVE - DUTIES, RESPONSIBILITIES

12.1 The Resident Project Representative is the Engineer’s Agent, who will act as directed by and under the supervision of the Engineer, and who will confer with County regarding his actions. Resident Project Representative's dealing in matters pertaining to the on-site Work shall, in general, be only with the County and Contractor and dealings with Subcontractors shall only be through or with the full knowledge of Contractor.

12.2 Resident Project Representative will:

12.2.1 Review the progress schedule, schedule of shop drawing submissions and Schedule of Values prepared by Contractor and consult with County concerning their acceptability.

12.2.2 Attend Preconstruction Conferences. Arrange a schedule of progress meetings and other job conferences as required in consultation with County and notify those expected to attend in advance. Attend meetings and maintain and circulate copies of minutes thereof.

12.2.3 Serve as County's liaison with Contractor, working principally through Contractor's superintendent and assist him in understanding the intent of the Contract Documents. As requested by Contractor, assist in obtaining additional details or information when required at the job site for proper execution of the Work.

12.2.4 Receive and record date of receipt of Shop Drawings and samples, receive samples which are furnished at the site by Contractor and notify Engineer of their availability for examination.

12.2.5 Advise Engineer and Contractor or his superintendent immediately of the commencement of any Work requiring a shop drawing or sample submission if the submission has not been approved by the County.

12.2.6 Conduct on-site observations of the Work in progress to assist Engineer in determining if the Work is proceeding in accordance with the Contract Documents and that completed Work will conform to the Contract Documents.

12.2.7 Report to County whenever he or she believes that any Work is unsatisfactory, faulty or defective or does not conform to the Contract Documents, or does not meet the requirements of any inspections, tests or approvals required or if Work has been damaged prior to final payment; and advise Contractor when he believes Work should be corrected or rejected or should be uncovered of observation or requires special testing, inspection or approval.

12.2.8 Verify that tests, equipment and system start-ups and operating and maintenance instructions are conducted as required by the Contract Documents and in the presence of the required personnel, and that Contractor maintains adequate records thereof; observe, record and report to Engineer appropriate details relative to the test procedures and start-ups.

12.2.9 Accompany visiting inspectors representing public or other agencies having jurisdiction over the project; record the outcome of these inspections and report to County.

12.2.10 Transmit to Contractor, Engineer's clarifications and interpretations of the Contract Documents.

12.2.11 Consider and evaluate Contractor's suggestions or modifications in drawings or Contract Documents and report them with recommendations to County.

12.2.12 Maintain at the job site orderly files for correspondence, reports of job conferences, Shop Drawings and sample submissions, reproductions of original Contract Documents including all Addenda, Change Orders, field orders, additional drawings issued subsequent to the execution of the Contract, Engineer's clarifications and interpretations of the Contract Documents, progress reports and other project related documents.

12.2.13 Keep a diary or log book, recording hours on the job site, weather conditions, data relative to questions of extras or deductions; list of visiting officials and representatives or manufacturers, fabricators, Suppliers and distributors; daily activities, decisions, observations in general and specific observations in more detail as in the case of observing test procedures. Send copies to County.

12.2.14 Record names, addresses and telephone numbers of all Contractors, Subcontractors and major Suppliers of materials and equipment.

12.2.15 Furnish Engineer periodic reports as required of progress of the Work and Contractor's compliance with the approved progress schedule and schedule of shop drawing submissions.

12.2.16 Consult with Engineer in advance of scheduling major tests, inspections or start of important phases of the Work.

12.2.17 Report immediately the occurrence of any accident.

12.2.18 Review applications for payment with Contractor for compliance with the established procedure for their submission and forward them with recommendations to Engineer, noting particularly their relation to the Schedule of Values, Work completed and materials and equipment delivered at the site but not incorporated in the Work.

12.2.19 During the course of the Work, verify that certificates, maintenance and operations manuals and other data required to be assembled and furnished by Contractor are applicable to the items actually installed, and deliver this material to County for his review prior to final acceptance of the Work.

12.2.20 Before Engineer issues a certificate of Substantial Completion, submit to Contractor a list of observed items requiring completion or correction.

12.2.21 Conduct final inspection in the company of County and/or Engineer and Contractor and prepare a Punch List of items to be completed or corrected. Reference Florida Statutes § 218.735(7).

12.2.22 Verify that all items on final list have been completed or corrected and make recommendations to County concerning acceptance.

12.3 Except upon written instructions of Engineer, Resident Project Representative:

12.3.1 Shall not authorize any deviation from the Contract Documents or approve any substitute materials or equipment;

12.3.2 Shall not exceed limitations on Engineer's authority as set forth in the Contract Documents;

12.3.3 Shall not undertake any of the responsibilities of Contractor, Subcontractors or Contractor's superintendent, or expedite the Work;

12.3.4 Shall not advise on or issue directions relative to any aspect of the means, methods, techniques, sequences or procedures of construction unless such is specifically called for in the Contract Documents;

12.3.5 Shall not advise on or issue directions as to safety precautions and programs in connection with the Work;

12.3.6 Shall not authorize County to occupy the project in whole or in part; and

12.3.7 Shall not participate in specialized field or laboratory tests.

ARTICLE 13. APPRENTICES

13.1 If successful Contractor employs apprentices, he shall be governed and comply with the provisions of Fla.Stat. § 446.011.

NOTE: The form of all submittals, notices, Change Orders and other documents permitted or required to be used or transmitted under the Contract shall be determined by the County. Standard County forms shall be utilized.

END OF SECTION E

SECTION F

FORM OF CONTRACT
BETWEEN THE
COUNTY OF MANATEE, FLORIDA
AND CONTRACTOR AS IDENTIFIED BELOW
ON THE BASIS OF A STIPULATED UNIT COST CONTRACT PRICE

This CONTRACT is made and entered into by and between the COUNTY OF MANATEE, a political subdivision of the State of Florida, hereinafter referred to as "COUNTY" and **XXXXXXXXXXXX**, hereinafter referred to as "CONTRACTOR," duly authorized to transact business in the State of Florida, with offices located at **XXXXXXXXXXXX**.

ARTICLE 1. WORK

CONTRACTOR shall furnish all labor, materials, supplies, and other items required to complete the Work for **IFB #14-0912CD- Taylor Road Bridge Replacement Over Myakka Bypass Canal** in strict accordance with Contract Documents and any duly authorized subsequent Addenda thereto, all of which are made a part hereof.

ARTICLE 2. COMPENSATION

As compensation to CONTRACTOR, COUNTY shall pay and CONTRACTOR will accept as full consideration for the performance of all Work required by **IFB #14-0912CD- Taylor Road Bridge Replacement Over Myakka Bypass Canal**, subject to additions and deductions as provided therein, the sum of **$xxx,xxx.xx** for Bid "**X**" based on a completion time of **150** calendar days.

ARTICLE 3. LIQUIDATED DAMAGES

Time is of the essence in this CONTRACT. As of the date of this CONTRACT, the damages that will be suffered by COUNTY in the event of CONTRACTOR'S failure to timely complete the Work are impossible to determine. In lieu thereof, it is agreed that if CONTRACTOR fails to achieve Final Completion of the Work within 150 calendar days of issuance of the Notice to Proceed (accounting, however, for any extensions of time granted pursuant to approved Change Orders), CONTRACTOR shall pay to COUNTY, as liquidated damages (and not as a penalty), the sum of $1742 per calendar day for

each day beyond 150 days until CONTRACTOR achieves Final Completion. COUNTY shall have the option of withholding said liquidated damages from any pay application(s) thereafter submitted by CONTRACTOR. Alternatively, CONTRACTOR shall immediately pay said sums to COUNTY upon COUNTY'S demand for same.

ARTICLE 4. ENGINEER

The COUNTY of MANATEE, Public Works Department, is responsible as COUNTY and Cardno TBE as "ENGINEER," designed this Project and is responsible for technical/engineering reviews and decisions. The ENGINEER is a member of COUNTY'S Project Management team which is collectively responsible for ensuring the Work is completed in accordance with the Contract Documents.

All communications involving this Project will be addressed to: Garrett Shaffer, Infrastructure Inpection Officer I, Public Works Department and to the Engineer of Record, Miguel Villegas, PE, Cardno TBE. All invoicing will be addressed to the attention of: Garrett Shaffer (address noted below) with invoice copies sent to Miguel Villegas, PE, Cardno TBE (address noted below).

Manatee County Public Works Dept.
IFB# 14-0912CD
Attention: Garret Shaffer
Infrastructure Inpection Officer I
1022 26th Avenue East
Bradenton, Florida 34208
Phone (941) 708-7450 ext. 7343

Cardno TBE
IFB# 14-0912CD
Attn: Miguel Villegas, PE
Project Manager
22 Sarasota Center Blvd.
Sarasota, Florida 34240
Phone (941) 870-5739

Where the terms ENGINEER and/or COUNTY are used in the Contract Documents, it shall mean COUNTY'S Project Management team.

ARTICLE 5. CONTRACTOR'S REPRESENTATIONS

In order to induce COUNTY to enter into this CONTRACT, CONTRACTOR makes the following representations:

5.1 CONTRACTOR has familiarized itself with the nature and extent of the Bid Documents, Work, site, locality and all local conditions and laws and regulations that in any manner may affect cost, progress, performance or furnishing of the Work.

5.2 CONTRACTOR has studied carefully all drawings of the physical conditions upon which CONTRACTOR is entitled to rely.

5.3 CONTRACTOR has obtained and carefully studied (or assumes responsibility for obtaining and carefully studying) all such examinations, investigations, explorations, tests, reports and studies which pertain to the physical conditions at or contiguous to the site or which otherwise may affect the cost, progress, performance or furnishing of the Work as CONTRACTOR considers necessary for the performance or furnishing of the Work at the Contract Price, within the Contract Time and in accordance with the other terms and conditions of the Bid Documents; and no additional examinations, investigations, explorations, tests, reports, studies or similar information or data are or will be required by CONTRACTOR for such purposes.

5.4 CONTRACTOR has reviewed and checked all information and data shown or indicated on the Bid Documents with respect to existing Underground Facilities at or contiguous to the site and assumes responsibility for the accurate location of said Underground Facilities. Any additional examinations, investigations, explorations, tests, reports, studies or similar information or data in respect of said Underground Facilities conducted by CONTRACTOR will be done at CONTRACTOR'S expense.

5.5 CONTRACTOR has correlated the results of all such observations, examinations, investigations, explorations, tests, reports and studies with the terms and conditions of the Bid.

5.6 CONTRACTOR has given COUNTY written notice of all conflicts, errors or discrepancies that have been discovered in the Bid Documents and the written resolution thereof by COUNTY is acceptable to CONTRACTOR.

5.7 CONTRACTOR shall schedule and perform the Work subject to COUNTY'S approval and shall hold COUNTY harmless from all liabilities incurred due to CONTRACTOR'S failure to coordinate with COUNTY.

ARTICLE 6. CONTRACT DOCUMENTS

The Contract Documents which comprise the entire CONTRACT between COUNTY and CONTRACTOR concerning the Work consist of the following:

6.1 This CONTRACT and Bid Document **IFB #14-0912CD**

6.2 Invitation for Bid #14-0912CD, in its entirety

6.3 Public Construction Bond Form and Insurance Certificate(s)

6.4 Drawings/Plans (not attached)

6.5 Addendum number XX to XX inclusive

6.6 CONTRACTOR'S Bid Form

6.7 Reports

6.8 The following, which may be delivered or issued after the Effective Date of the CONTRACT and are not attached hereto: all written Change Orders and other documents amending, modifying, or supplementing the Contract Documents.

6.9 The documents listed in paragraphs above are attached to this CONTRACT (except as noted otherwise above). There are no Contract Documents other than those listed above in this Article 6.

ARTICLE 7. DISPUTE RESOLUTION

Disputes shall be resolved as follows: good faith negotiations by the designated agents of the parties and if not resolved by such designated agents, CONTRACTOR shall submit its claim, with the basis for the dispute, in writing to the Manatee County Purchasing Official for a determination and handling in accordance with the provisions of Chapter 2-26 of the Manatee County Code.

ARTICLE 8. NO WAIVER

8.1 The failure of CONTRACTOR or COUNTY to insist on the strict performance of the terms and conditions hereof shall not constitute or be construed as a waiver or relinquishment of either party's right to thereafter enforce the same in accordance with this CONTRACT in the event of a continuing or subsequent default on the part of CONTRACTOR or COUNTY.

8.2 Nothing herein shall be interpreted as a waiver of COUNTY of its rights, including the limitations of the limited waiver of sovereign immunity, as set forth in Florida Statute 768.28, or any other statute, and COUNTY expressly reserves these rights to the full extent allowed by law.

ARTICLE 9. NO THIRD-PARTY BENEFICIARIES

This CONTRACT is solely for the benefit of the parties hereto, and no right, privilege, or cause of action shall by reason hereof accrue upon, to, or for the benefit of any third party. Nothing in this CONTRACT is intended or shall be construed to confer upon or give any person, corporation, partnership, trust, private entity, agency, or any other governmental entity any right, privilege, remedy, or claim under or by reason of this CONTRACT or any provisions or conditions hereof.

ARTICLE 10. GOVERNING LAW, JURISDICTION AND VENUE

10.1 This CONTRACT and the construction and enforceability thereof shall be interpreted under the laws of the State of Florida.

10.2 CONTRACTOR consents and agrees that all legal proceedings related to the subject matter of this CONTRACT shall be governed by the laws of and maintained in courts sitting with the State of Florida.

10.3 CONTRACTOR consents and agrees that jurisdiction for such proceedings shall lie exclusively with such court and venue in Manatee County, Florida, or if in Federal Court, the Middle District of Florida, Tampa Division.

10.4 In the event of any litigation arising under the terms of this CONTRACT, each party shall be responsible for their own attorney's fees, including appellate fees, regardless of the outcome of the litigation.

ARTICLE 11. FORCE MAJEURE

Neither party shall be considered in default of performance of such obligations hereunder to the extent that performance of such obligations or any of them is delayed or prevented by Force Majeure. Force Majeure shall include, but not be limited to hostility, revolution, civil commotion, strike, epidemic, fire, flood, wind, earthquake, hurricane, or other disruptive event of nature, act of terrorism, explosion, lack of or failure of transportation or bridge/roadway facilities, any law, proclamation, regulation, ordinance or other act of government, or any act of God or any cause whether of the same or different nature, existing or future; provided that the cause, whether or not enumerated in this Article, is beyond the control and without the fault or negligence of the party seeking relief under this Article.

ARTICLE 12. MISCELLANEOUS

12.1 Terms used in this CONTRACT are defined in Article 1 of Section E, General Conditions.

12.2 No assignment by a party hereto of any rights under or interest in the Contract Documents will be binding on another party hereto without the written consent of the party sought to be bound; and specifically but without limitation, monies that may become due and monies that are due may not be assigned without such consent (except to the extent that the effect of this restriction may be limited by law); and unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignee from any duty or responsibility under the Contract Documents.

12.3 COUNTY and CONTRACTOR each binds itself, its partners, successors, assigns and legal representatives to the other party hereto, its partners, successors, assigns and legal representatives in respect of all covenants, agreements, and obligations contained in the Contract Documents.

12.4 By accepting Award of this CONTRACT, CONTRACTOR, which shall include its directors, officers and employees, represents that it presently has no interest in and shall acquire no interest in any business or activity which would conflict in any manner with the performance of duties or services required hereunder.

CONTRACT

IFB #14-0912CD

IN WITNESS WHEREOF, the parties hereto have caused this CONTRACT **14-0912CD** to be duly executed by their authorized representatives.

CONTRACTOR

By: _____

_____
Print Name & Title of Signer

Date: _____

COUNTY OF MANATEE, FLORIDA

By: _____
Melissa M. Wendel, CPPO
Purchasing Official

Date: _____

BID FORM

(Submit in triplicate)

For: IFB #14-0912CD- Taylor Road Bridge Replacement Over Myakka Bypass Canal

Total Offer: _____
Based on a completion time of 150 calendar days

Only one schedule for Completion of the Work shall be considered. Only one Award shall be made.

We, the undersigned, hereby declare that we have carefully reviewed the Bid Documents and with full knowledge and understanding of the aforementioned herewith submit this Bid, meeting each and every specification, term, and condition contained in the Invitation for Bid package, in its entirety.

We understand that the Invitation for Bid package, in its entirety, including but not limited to, all Specifications, terms, and conditions shall be made a part of any resulting Contract between Manatee County and the Successful Bidder. Failure to comply shall result in Contract default, whereupon, the defaulting Contractor shall be required to pay for any and all re-procurement costs, damages, and attorney fees as incurred by County, and agrees to forfeit his/her Bid Bond.

Communications concerning this Bid shall be addressed as follows: **(Complete all fields)**

Bidder's Name: _____

Mailing Address: _____

Telephone: ( ) _____ Fax: ( ) _____

Email Address: _____

I, _____ **on** [date(s)] _____ **attest that I have visited the Project site(s) to familiarize myself with the full Scope of Work required for the Bid.**

Acknowledge Addendum No.____ Dated: _____ Acknowledge Addendum No._____ Dated: _____
Acknowledge Addendum No.____ Dated: _____ Acknowledge Addendum No._____ Dated: _____
Acknowledge Addendum No.____ Dated: _____ Acknowledge Addendum No._____ Dated: _____

Authorized Signature(s): _____

Name and Title of Above Signer(s): _____

Date: _____

BID FORM

(Submit in Triplicate)

TAYLOR ROAD BRIDGE REPLACEMENT OVER MYAKKA BYPASS CANAL

Bid Based on Completion Time of 150 Calendar Days

PAY ITEM NO.	FDOT ITEM NUMBER		DESCRIPTION	UNITS	QTY.	BID PRICE PER UNIT ($)	TOTAL BID PRICE ($)
			ROADWAY				
1	101-1		Mobilization	LS	1	$ _____	$ _____
2	102-1		Maintenance of Traffic	LS	1	$ _____	$ _____
3	104-10-3		Sediment Barrier	LF	1028	$ _____	$ _____
4	104-11		Floating Turbidity Barrier	LF	270	$ _____	$ _____
5	110-1-1		Clearing and Grubbing	LS	1	$ _____	$ _____
6	120-1		Regular Excavation	CY	306	$ _____	$ _____
7	120-5		Channel Excavation	CY	174	$ _____	$ _____
8	120-6		Embankment	CY	437	$ _____	$ _____
9	160-4		Type B Stabilization	SY	1680	$ _____	$ _____
10	285-701	*	Optional Base, Base Group 1 (FDOT Bank Run Shell, 4")	SY	954	$ _____	$ _____
11	285-704	*	Optional Base, Base Group 4	SY	954	$ _____	$ _____
12	536-1-1	*	Guardrail- Roadway, W-Beam	LF	450	$ _____	$ _____
13	536-8	*	Guardrail- Bridge Anchorage Assembly, Furnish & Install	EA	4	$ _____	$ _____
14	536-85-22	*	Guardrail End Anchorage Assembly - Flared	EA	4	$ _____	$ _____
15	550-10-110		Fencing, Type A, 0.0-5.0', Standard	LF	200	$ _____	$ _____
16	570-1-2		Performance Turf, Sod	SY	1760	$ _____	$ _____
			SUBTOTAL (ROADWAY ONLY)				$ _____

Bidder Name: _____

Authorized Signature: _____

BID FORM

(Submit in Triplicate)

TAYLOR ROAD BRIDGE REPLACEMENT OVER MYAKKA BYPASS CANAL

Bid Based on Completion Time of 150 Calendar Days

PAY ITEM NO.	FDOT ITEM NUMBER		DESCRIPTION	UNITS	QTY.	BID PRICE PER UNIT ($)	TOTAL BID PRICE ($)
			STRUCTURAL- BRIDGE REPLACEMENT				
17	110-3		Removal of Existing Structure	LS	1	$ _____	$ _____
18	400-2-4	*	Concrete Class II, Superstructure	CY	76.9	$ _____	$ _____
19	400-2-10	*	Concrete Class II, Approach Slab	CY	49.3	$ _____	$ _____
20	400-4-5	*	Concrete Class IV, Substructure	CY	37	$ _____	$ _____
21	400-147	*	Composite Neoprene Pads	CF	2.6	$ _____	$ _____
22	415-1-4		Reinforcing Steel - Superstructure	LB	8327	$ _____	$ _____
23	415-1-5		Reinforcing Steel - Substructure	LB	6612	$ _____	$ _____
24	415-1-9		Reinforcing Steel - Approach Slabs	LB	9642	$ _____	$ _____
25	450-3-75	*	Prestressed Slab Units, Widths 53 1/2" & 57", Thickness 15"	LF	685	$ _____	$ _____
26	455-34-3	*	Prestressed Concrete Piling, 18" SQ.	LF	736	$ _____	$ _____
27	455-143-3		Test Piles - Prestressed Concrete, 18" SQ.	LF	229	$ _____	$ _____
28	458-1-11	*	Expansion Joint Seal	LF	61	$ _____	$ _____
29	521-5-1		Concrete Traffic Railing, Bridge 32" F-Shape	LF	240	$ _____	$ _____
30	530-1		Riprap - Sand-Cement	CY	37	$ _____	$ _____
31	530-3-3		Riprap - Rubble, Bank & Shore	TN	750	$ _____	$ _____
32	530-74		Bedding Stone	TN	212	$ _____	$ _____
			SUBTOTAL (STRUCTURAL BRIDGE REPLACMENT ONLY)				$ _____

Bidder Name: _____

Authorized Signature: _____

BID FORM

(Submit in Triplicate)

TAYLOR ROAD BRIDGE REPLACEMENT OVER MYAKKA BYPASS CANAL

Bid Based on Completion Time of 150 Calendar Days

PAY ITEM NO.	FDOT ITEM NUMBER		DESCRIPTION	UNITS	QTY.	BID PRICE PER UNIT ($)	TOTAL BID PRICE ($)
			TOTAL BASE BID - Based on Completion Time of 150 Calendar Days				$ _____
33			**CONTRACT CONTINGENCY WORK (USED ONLY WITH COUNTY APPROVAL)**		**10% OF TOTAL BASE BID**		$ _____
			TOTAL OFFER FOR BID with Contract Contingency - Based on Completion Time of 150 Calendar Days				$ _____

Bidder Note: * Indicates items that require Shop Drawing submittal. The contractor shall be responsible for the preparation and submittal of all Shop Drawings in accordance with the project Specifications.

Bidder Name: _____

Authorized Signature: _____

MAILING LABEL

Cut along the outside border and affix this label to your sealed Bid envelope to identify it as a “Sealed Bid”. Be sure to include the name of the company submitting the Bid and the Bid due date and time where requested.

MAILING LABEL TO AFFIX TO OUTSIDE OF SEALED BID PACKAGE:

SEALED BID - DO NOT OPEN

CONTRACTOR: _____

SEALED BID NO: 14-0912CD

BID TITLE: Taylor Road Bridge Replacement Over Myakka Bypass Canal

DUE DATE/TIME: _____ @ _____

FORM A

CONTRACTOR'S QUESTIONNAIRE

(Submit in Triplicate)

The Bidder warrants the truth and accuracy of all statements and answers herein contained. (Attach additional pages if necessary.)

THIS QUESTIONNAIRE MUST BE COMPLETED AND SUBMITTED WITH YOUR BID

1. Contact Information:

   License/FDOT Certification#: _____

   License Issued to: _____

   Date License Received (MM/DD/YR): _____

   Company Name: _____

   Physical Address: _____

   City: _____ State of Incorporation: _____ Zip Code: _____

   Phone Number: ( ) _____ Fax Number: ( ) _____

   Email address: _____

2. Bidding as: an individual __; a partnership __; a corporation __; a joint venture __

3. If a partnership, list names and addresses of partners; if a corporation, list names of officers, directors, shareholders, and state of incorporation; if joint venture, list names and address of ventures' and the same if any venture are a corporation for each such corporation, partnership, or joint venture:

   _____

   _____

   _____

   _____

4. Bidder is authorized to do business in the State of Florida: ☐ Yes ☐ No

   For how many years? _____

5. Your organization has been in business (under this firm's name) as a

   _____

   Is this firm in bankruptcy? _____

   BIDDER: _____

6. Attach a list of projects where this specific type of Work was performed.

7. Describe and give the date and County of the last three government or private work of similar scope you've completed which are similar in cost, type, size, and nature as this Project. Include contact name and phone number. Provide the budget, actual cost, size and summary of work for each project. Attach additional pages as necessary. (Note: If listing a Manatee County reference, contact person should not be directly associated with this Project.

_____

_____

_____

8. Have you ever been assessed liquidated damages under a Contract during the past five (5) years? If so, state when, where (contact name, address and phone number) and why.

_____

_____

_____

9. Have you ever failed to complete projects awarded to you? Or failed to complete projects within Contract Time? If so, state when, where (contact name, address, phone number) and why.

_____

_____

_____

10. Have you ever been debarred or prohibited from providing a Bid to a governmental entity? If yes, name the entity and describe the circumstances:

_____

_____

_____

BIDDER: _____

11. Will you subcontract any part of this Work? If so, describe which major portion(s):

_____

_____

_____

12. If any, list (with Contract amount) MBE/DBE to be utilized:

_____

_____

_____

13. What equipment do you own to accomplish this Work? (A listing may be attached)

_____

_____

_____

14. What equipment will you purchase/rent for the Work? (Specify which)

_____

_____

_____

15. List the following in connection with the Surety which is providing the bond(s):

Surety's Name: _____

Address: _____

_____

Name, address, phone number and email of Surety's resident agent for service of process in Florida:

Agent's Name: _____

Address: _____

_____

Phone: _____

Email: _____

BIDDER: _____

FORM B

PUBLIC CONTRACTING AND ENVIRONMENTAL CRIMES CERTIFICATION

SWORN STATEMENT PURSUANT TO ARTICLE V,
MANATEE COUNTY PURCHASING ORDINANCE

THIS FORM MUST BE SIGNED AND SWORN TO IN THE PRESENCE OF A NOTARY PUBLIC OR OTHER OFFICIAL AUTHORIZED TO ADMINISTER OATHS.

This sworn statement is submitted to the Manatee County Board of County Commissioners by

_____

[Print individual's name and title]

____ for _____[print name of entity submitting sworn statement]

whose business address is _____

and (if applicable) its Federal Employer Identification Number (FEIN) is _____.If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement: _____

I understand that no person or entity shall be awarded or receive a County Contract for public improvements, procurement of goods or services (including professional services) or a County lease, franchise, concession or management Contract, or shall receive a grant of County monies unless such person or entity has submitted a written certification to County that it has not:

(1) been convicted of bribery or attempting to bribe a public officer or employee of Manatee County, the State of Florida, or any other public entity, including, but not limited to the Government of the United States, any state, or any local government authority in the United States, in that officer's or employee's official capacity; or

(2) been convicted of an agreement or collusion among Bidders or prospective Bidders in restraint of freedom of competition, by agreement to bid a fixed price, or otherwise; or

(3) been convicted of a violation of an environmental law that, in the sole opinion of County's Purchasing Official, reflects negatively upon the ability of the person or entity to conduct business in a responsible manner; or

(4) made an admission of guilt of such conduct described in items (1), (2) or (3) above, which is a matter of record, but has not been prosecuted for such conduct, or has made an admission of guilt of such conduct, which is a matter of record, pursuant to formal prosecution. An admission of guilt shall be construed to include a plea of nolo contendere; or

(5) where an officer, official, agent or employee of a business entity has been convicted of or has admitted guilt to any of the crimes set forth above on behalf of such an entity and pursuant to the direction or authorization of an official thereof (including the person committing the offense, if he is an official of the business entity), the business shall be chargeable with the conduct herein above set forth. A business entity shall be chargeable with the conduct of an affiliated entity, whether wholly owned, partially owned, or one which has common ownership or a common Board of Directors. For purposes of this Form, business entities are affiliated if, directly or indirectly, one business entity controls or has the power to control another business entity, or if an individual or group of individuals controls or has the power to control both entities. Indicia of control shall include, without limitation, interlocking management or ownership, identity of interests among family members, shared organization of a business entity following the ineligibility of a business entity under this Article, or using substantially the same management, ownership or principles as the ineligible entity.

(Continued)

Any person or entity who claims that this Article is inapplicable to him/her/it because a conviction or judgment has been reversed by a court of competent jurisdiction shall prove the same with documentation satisfactory to County's Purchasing Official. Upon presentation of such satisfactory proof, the person or entity shall be allowed to contract with County.

I UNDERSTAND THAT THE SUBMISSION OF THIS FORM TO THE CONTRACTING OFFICER FOR MANATEE COUNTY IS VALID THROUGH DECEMBER 31 OF THE CALENDAR YEAR IN WHICH IT IS FILED. I ALSO UNDERSTAND THAT ANY CONTRACT OR BUSINESS TRANSACTION SHALL PROVIDE FOR SUSPENSION OF PAYMENTS, OR TERMINATION, OR BOTH, IF THE CONTRACTING OFFICER OR COUNTY ADMINISTRATOR DETERMINES THAT **SUCH PERSON OR ENTITY HAS MADE FALSE CERTIFICATION.**

_____
[Signature]

STATE OF FLORIDA
COUNTY OF _____

Sworn to and subscribed before me this ____ day of _____, 20_____ by _____

Personally known _____ OR Produced identification _____
[Type of identification]

_____ My commission expires _____
Notary Public Signature

_____
[Print, type or stamp Commissioned name of Notary Public]

Signatory Requirement - In the case of a business entity other than a partnership or a corporation, this affidavit shall be executed by an authorized agent of the entity. In the case of a partnership, this affidavit shall be executed by the general partner(s). In the case of a corporation, this affidavit shall be executed by the corporate president.

FORM C

SWORN STATEMENT

THE FLORIDA TRENCH SAFETY ACT

THIS FORM MUST BE SIGNED IN THE PRESENCE OF A NOTARY PUBLIC OR BY AN OFFICER AUTHORIZED TO ADMINISTER OATHS.

1. This Sworn Statement is submitted with IFB No**. 14-0912CD**
2. This Sworn Statement is submitted by_____ whose business address is_____ and, if applicable, its Federal Employer Identification Number (FEIN) is_____. If the entity has no FEIN, include the Social Security Number of the individual signing this sworn statement _____.
3. Name of individual signing this Sworn Statement is: _____, Whose relationship to the above entity is: _____.
4. The Trench Safety Standards that will be in effect during the construction of this Project shall include, but are not limited to: Laws of Florida, Chapters 90-96, TRENCH SAFETY ACT, and OSHA RULES AND REGULATIONS 29 CFR 1926.650 Subpart P, effective October 1, 1990.
5. The undersigned assures that the entity will comply with the applicable Trench Safety Standards and agrees to indemnify and hold harmless County and Engineer, and any of their agents or employees from any claims arising from the failure to comply with said standard.
6. The undersigned has appropriated the following costs for compliance with the applicable standards:

Trench Safety Measure (Description)	Units of Measure (LF, SY)	Unit Quantity	Unit Cost	Extended Cost
a. _____	_____	_____	$_____	_____
b. _____	_____	_____	$_____	_____
c. _____	_____	_____	$_____	_____
d. _____	_____	_____	$_____	_____

7. The undersigned intends to comply with these standards by instituting the following procedures:
_____
_____
_____

THE UNDERSIGNED, in submitting this Bid, represents that they have reviewed and considered all available geotechnical information and made such other investigations and tests as they may deem necessary to adequately design the trench safety system(s) to be utilized on this Project.

_____
(AUTHORIZED SIGNATURE / TITLE)

SWORN to and subscribed before me this _____ day of _____, 20_____.
(Impress official seal)

Notary Public, State of Florida: _____

My commission expires: _____

R. B. "Chips" Shore

CLERK OF THE CIRCUIT COURT AND COMPTROLLER OF MANATEE COUNTY

1115 Manatee Avenue West, Bradenton, Florida 34205 - Phone (941) 749-1800 – Fax (941) 741-4082
P.O. Box 25400, Bradenton, Florida 34206 - www.manateeclerk.com

E PAYABLES APPLICATION

Company name_____

Contact person_____

Phone number_____

Email Address_____

FINANCE USE ONLY

Open orders: YES or NO
PEID _____
CREATE DATE _____
CONFIRMED WITH _____
Name and phone number

IFAS _____

BANK _____

INITIALS_____

Return completed form to:
Via email to:
lori.bryan@manateeclerk.com
Via fax to: (941) 741-4011
Via mail:
PO Box 1000
Bradenton, Fl 34206

Revised: June 26, 2013

March 28, 2014

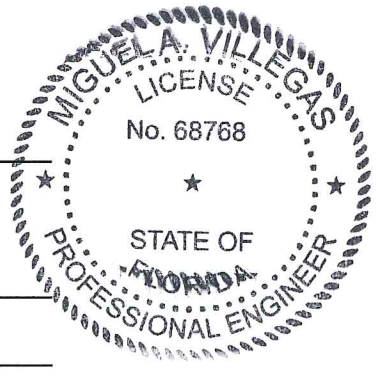
PREPARED BY: Miguel A. Villegas

SPECIFICATIONS PACKAGE

MANATEE COUNTY

I hereby certify that this specifications package has been properly prepared by me, or under my responsible charge, in accordance with procedures adopted by the Florida Department of Transportation.

Signature and Seal: 3.28.14



Engineer of Record: Miguel A. Villegas, PE

Date: March 28, 2014

Fla. License No.: 68768

Firm Name: TBE Group, dba Cardno TBE

Firm Address: 22 Sarasota Center Blvd.

City, State, Zip code: Sarasota, FL 34240

SPECIAL PROVISIONS

GENERAL

This Section amends, enhances or otherwise revises the Contract Documents and Technical Specifications. Within these Special Provisions, "County Representative" is defined as the County's designated Project Manager, Project Representative, Engineer or other representative authorized by the County Project Manager.

STANDARD SPECIFICATIONS

The standard Specifications to be used for this work shall be the Florida Department of Transportation (FDOT) *Standard Specifications for Road and Bridge Construction (2014 Edition)*, and all Supplemental Specifications thereto, hereinafter referred to as the *Standard Specifications*, except as amended under this Contract.

These specifications cover the usual construction requirements for work specified by the County Transportation Department; however, in the event it is determined that the specific work to be done is of such a nature that the method of construction, type and/or kind of material is not defined by the *Standard Specifications*, such work shall be performed in accordance with the Special Provisions.

The apparent silence of the Specifications as to any detail of the apparent omission from them of a detailed description concerning any work to be done and materials to be furnished shall be regarded as meaning that only the best general practice is to prevail and that only material and workmanship of the best quality is to be used. Interpretation of these specifications shall be made upon that basis.

PRIORITY

In any instance where there is an apparent conflict between these special provisions and the corresponding terms of the "Standard Specifications", these special provisions followed by these technical specifications shall be controlling.

NO SEPARATE PAYMENT FOR SPECIAL PROVISIONS

No separate payment will be made for the Contractor to execute Special Provisions. All expenses borne by the Contractor shall be included in the individual unit prices for the particular pay item, applicable pay item or as part of the lump sum quantity for Mobilization.

CONSTRUCTION STAKING

All construction staking and survey work shall be completed prior to Clearing and Grubbing activities and shall be performed by a Registered Land Surveyor, unless otherwise approved.

MATERIALS

a. **Delivery Tickets**: It will be necessary to submit a copy of all delivery tickets for materials used on the project, regardless of the basis of payment.

b. **Job Mix Formula for Portland Cement Concrete**: Attention is directed to the requirement that job mix design formulas for all Portland Cement Concrete, of the type specified, be submitted at least 14 days prior to use on the project. The submitted formulas shall be derived or approved by the County Representative and/or his agents.

LABORATORY TESTING

Testing, including the cost of all re-testing due to defective materials or construction, for the Work shall be performed at Contractor's expense. The testing laboratory shall be approved by the County Representative.

The samples and tests used for determining the quality and acceptability of the materials and workmanship, which have been or are to be incorporated in the Work, shall conform to the requirements of the State of Florida Department of Transportation Materials Sampling, Testing and Reporting Guide, latest edition.

Testing shall be in accordance with the applicable portions of the *Standard Specifications*.

MEASUREMENT AND PAYMENT

a. All work completed under the terms of this contract shall be measured according to United States Standard Measures.

b. All measurements shall be taken horizontally or vertically unless specifically provided otherwise.

c. No payment will be made for construction over a greater area than authorized, nor for material moved from outside of stakes and data shown on the plans, except when such work is performed upon instructions of the County Representative.

d. The Contractor shall accept compensation provided under the terms of this contract as full payment for furnishing all materials and for performing all work contemplated and embraced under this contract. Such compensation shall also be for any and all loss or damage arising out of the nature of the work or from the action of the elements, or from any unforeseen difficulties or obstructions encountered during the contract period until final acceptance by the County Representative.

e. Whenever any change, or combination of changes, on the plans results in an increase or decrease in the original contract quantities, and the work added or decreased/eliminated is of the same general character as that called for on the plans, the Contractor shall accept payment in full at the original contract unit prices for the actual quantity of work performed, with no allowance for any loss of anticipated profits.

f. It is the Contractor's responsibility to perform a detailed quantity take-off from the plans to determine actual quantities for ordering and delivery purposes. The County will not be responsible for quantities ordered in excess of those installed and constructed. The Contractor should be aware that some of the pay items may have contingency quantities. Payment shall be made only for final in-place quantities.

g. Bid Form - the blank spaces in the bid form shall be filled in correctly where indicated for each and every item for which a description is given, as the bidder must state the unit prices for which he proposes to do each part of the work contemplated, and the total price for all the parts included in any or all of the combinations of the work. In case of a discrepancy, the written words for "unit price", where stated, shall be considered as being the unit price. If the bid form does not use the written words for the unit price, then the numerically correct "total price", shall be considered as being the total price.

h. As a prerequisite for payment, Contractor is to submit a "Surety Acknowledgment of Payment Request" letter showing amount of progress payment which the Contractor is requesting.

RESTORATION

If a specific restoration Pay Item is not listed in the Bid Form, the cost of such work shall be included in the applicable Pay Item.

SITE INVESTIGATION

The Contractor acknowledges that he has satisfied himself as to the nature and location of the work; the general and local conditions, including but not restricted to those bearing upon transportation, disposal, handling and storage of materials; availability of labor, water, electric power, roads; and uncertainties of weather, water stages, tides or similar physical conditions at the site; the conformation and conditions of the ground; the character of equipment and facilities needed preliminary to and during prosecution of the work.

The Contractor further acknowledges that he has satisfied himself as to the character, quality and quantity of surface and subsurface materials or obstacles to be encountered, insofar as this information presented by the drawings and Specifications made a part of this contract.

The Contractor shall carefully review and adhere to conditions and recommendations made in the project geotechnical report.

Any failure by the Contractor to acquaint himself with the available information will not relieve him from responsibility for estimating properly the difficulty or cost of successfully performing the work.

The County assumes no responsibility for any conclusions or interpretations made by the Contractor on the basis of the information made available by the County. The County also

assumes no responsibility for any understanding or representations made by its representatives or agents during or prior to the execution of this Contract, unless (1) such understanding or interpretations are made in writing by the County Representative or are expressly stated in the Contract and (2) the Contract expressly provides that the responsibility therefore is assumed by the County.

CONTRACTOR'S SUPERVISION

a. Prosecution of Work: The Contractor shall give the work the constant attention necessary to assure the scheduled progress. He shall cooperate fully with the County Representative and with other Contractors at work in the vicinity.

b. Contractor's Superintendent: The Contractor shall at all times have on the work site as his agent, a competent superintendent capable of thoroughly interpreting the plans and specifications and thoroughly experienced in the type of work being performed, who shall receive the instructions from the County Representative or his authorized representatives. The superintendent shall have full authority to execute the orders or directions of the County Representative and to supply promptly any materials, tools, equipment, labor and incidentals that may be required. Such superintendence shall be furnished regardless of the amount of work sublet.

c. The Contractor's superintendent shall speak and understand English, and at least one responsible person who speaks and understands English shall be on the project during all working hours.

d. Supervision for Emergencies: The Contractor shall have a responsible person available at or reasonably near the work site on a 24-hour basis, 7 days a week, in order that he may be contacted for emergencies and in cases where immediate action must be taken to maintain traffic or to handle any other problem that may arise. The Contractor's responsible person for supervision for emergencies shall speak and understand English. The Contractor shall submit, by certified mail, phone numbers and names of personnel designated to be contacted in cases of emergencies along with a description of the project location to the Florida Highway Patrol and all other local law enforcement agencies.

MAINTENANCE AND RESTORATION OF JOB SITE

The Contractor shall conduct his operations in such a manner as will result in a minimum of inconvenience to the public and property owners and shall provide access as directed or as may be required by the County Representative. All final restoration must be performed to an equal or better condition than that which existed prior to construction.

Good housekeeping on this project is extremely important and the Contractor will be responsible for keeping the construction site neat and clean, with debris being removed daily as the work progresses or as otherwise directed by the County Representative. Good housekeeping at the job site shall include: Removing all tools and temporary structures, dirt, rubbish, etc.; hauling all excess dirt, rock, etc., from excavations to a dump provided by the Contractor; and all clean up shall be accomplished to the satisfaction of the County Representative. Dust will be controlled daily as may be required. Immediately after construction completion in an area or part thereof

(including restoration), barricades, construction equipment and surplus and discarded materials shall be removed by the Contractor.

In the event that the timely clean up and restoration of the job site is not accomplished to the satisfaction of the County Representative, the County Representative shall make arrangements to affect the necessary clean up by others. The Contractor shall be charged for these costs through deductions in payment due the contractor. If such action becomes necessary on the part of and in the opinion of the County Representative, the County shall not be responsible for the inadvertent removal from the work site of materials which the Contractor would not normally have disposed of had he affected the required clean up.

NOTICE AND SERVICE THEREOF

All notices, which shall include demands, instructions, requests, approvals, and claims shall be in writing. Any notice to or demand upon the Contractor shall be sufficiently given if delivered to the office of the Contractor specified in the bid (or to such other office as the Contractor may, from time to time, designate to the County in writing), or if deposited in the United States mail in a sealed, postage prepaid envelope, or delivered, with charges prepaid, sent via fax transmission, or to any telegraph company for transmission, in each case addressed to such office.

All notices required to be hand delivered to the County, unless otherwise specified in writing to the Contractor, shall be delivered to the County's Project Manager, and any notice to or demand upon the County shall be sufficiently given as delivered to the office of the Project Manager, or if deposited in the United States mail in a sealed, postage prepaid envelope, sent via fax transmission, or delivered with charges prepaid to any telegraph company for transmission, in each case addressed to said Project Manager or to such other representative of the County or to such other address as the County may subsequently specify in writing to the Contractor for such purposes.

Any such notice or demand shall be deemed to have been given or made as of the time of actual delivery or (in the case of mailing) when the same should have been received in due course of post or in the case of a fax transmission or telegram at the time of actual receipt, as the case may be.

REQUIREMENTS FOR CONTROL OF THE WORK

Prior to the start of the Work described in this contract, a pre-construction conference may be held by the Project Manager to be attended by the Contractor and representatives of the various utilities and others as required, for the purpose of establishing a schedule of operations which will coordinate the work to be done under this contract with all related work to be done by others within the limits of the project.

All items of work in this contract shall be coordinated so that progress of each related item will be continuous from week to week. The progress of the work will be reviewed by the County Representative at the end of each week, and if the progress of any item of work during that week is found to be unsatisfactory, the Contractor shall be required to adjust the rate of progress on that item or other items as directed by the County Representative without additional compensation. The Contractor will continuously control the work until completed.

USE OF PRIVATE PROPERTY

All construction activities required to complete this project in accordance with the Contract Documents shall be confined to public right-of-way, easements of record or temporary construction easements, unless the Contractor makes specific arrangements with private property owners for his use of their property. Written authorization from the granting property owner shall be placed on file with the County Representative prior to utilization of said private properties. The County assumes no responsibility for damage to private property in such instances. The Contractor is responsible for protection of private property abutting all work areas on this project. Adequate equipment storage and material storage shall also be accomplished outside the County's right-of-way. Pipe and other materials shall not be strung out along the right-of-way, but will be delivered in quantities adequate for one day's installation. The County Representative will coordinate with the Contractor to identify possible storage sites.

PRE-CONSTRUCTION AND CONSTRUCTION PROGRESS PHOTOGRAPHY

The Contractor shall provide photographs of the entire work area prior to any construction for the purpose of records of conditions prior to construction. Photographs should be spaced at approximately 100-foot intervals. In addition, all special features shall be photographed prior to construction.

Provide one color print (8-1/2" x 11" size) of each picture to the County Representative. Each print shall have clearly marked on the back the name of the project, the orientation of view, the date and time of exposure, name and address of photographer.

All project photographs shall be taken from locations to adequately illustrate conditions prior to construction, or conditions of construction and state of progress. The Contractor shall consult with the County Representative at each period of photography for instructions concerning views required.

The Contractor shall deliver prints in conformance with the above requirements to the County Representative. No construction shall begin until pre-construction photographs are completed and submitted to the County Representative.

The Contractor shall pay all costs associated with the required photography.

DEWATERING, SHEETING AND BRACING

Payment for dewatering, sheeting and bracing shall be included in the applicable pay items unless separate pay items are specified.

Approval of Dewatering Plan:
At least 10 days prior to the commencement of any dewatering activity, the Contractor shall submit to the County Representative for record purposes only, a detailed description of the proposed dewatering system. This plan shall include design computations, layout, type, and

spacing of dewatering devices, number and size of pumps and other equipment, with a description of the installation and operating procedures.

MAINTENANCE OF TRAFFIC/ PEDESTRIAN ACCESS

The Contractor shall prepare and submit a Maintenance of Traffic plan and submit it to the County Representative for review prior to implementation. The plan shall comply with applicable County requirements and FDOT Design Standards 600 Series Indexes and provide for continuous pedestrian and vehicular traffic access. No road closures will be allowed without approval from the County Representative. The Maintenance of Traffic Plan will require the seal of a qualified Florida licensed professional engineer. Payment for all items related to maintenance of traffic shall be included under the pay item for Maintenance of Traffic, LS.

UNDERGROUND UTILITY LOCATIONS

The Contractor shall contact "Sunshine State One-Call" and coordinate with the individual utilities prior to and during construction for utility locations, relocation and assistance while installing in potential conflict areas. All utility coordination and relocations shall be factored into the Contractor's construction schedule at no additional cost to the County.

The Contractor shall field verify by means of subsurface locating or other approved method all existing utilities to remain and conditions as may be required for the work area. This shall include all areas of potential conflicts with proposed storm, sanitary, force main and water main. The Contractor shall locate all existing utilities to remain at potential conflict locations prior to construction activities and before ordering any proposed structures.

The cost of all labor, materials and incidentals required for the performance of any survey and utility location work shall be included under the pay item for Mobilization. A Florida registered land surveyor shall perform all survey work.

UTILITY CONFLICTS

It shall be the Contractor's responsibility to avoid conflicts with other utilities. The County will not be responsible for additional costs incurred by the Contractor for incorrect installations, relocations and breaks due to service conflicts.

UTILITY COORDINATION

The Contractor shall be responsible for coordination of the work with all affected utility owners. The Contractor must take into consideration the required utility adjustments and relocations in development of his schedule for completing the work including construction of temporary work to allow phased construction of the permanent facilities.

The Contractor shall coordinate and schedule utility relocations and/or adjustments with the utility owners along the project in order to avoid delays. The work includes remobilization if required after utility relocation is complete. The intent is to coordinate utility construction

activities so the project construction continues and is not stopped or delayed at any time due to utility work being done. Once Notice to Proceed is issued, the Contractor shall contact the affected utilities to discuss the Contractor's anticipated means and methods so temporary and permanent relocation plans can be implemented as needed to meet OSHA safety requirements.

RECORD DRAWINGS AND PROJECT CERTIFICATION

The County will furnish the Contractor copies of the bid plans to be used for the record drawings. A Florida Registered Surveyor shall perform a field survey and any differences between the plan elevations or dimensions shall be marked through and the as-built elevation or dimension legibly entered. All elevations and dimensions that are correct shall have a check mark placed beside it.

Upon completion of the work, four (4) sets of draft "Record Drawings" shall be submitted to the Owner for review. Such drawings shall accurately show all approved field changes to the original Construction Drawings, including actual locations, dimensions and elevations and shall be subject to a field review in the presence of the County or its representative. The drawings are to be prepared by competent personnel, neatly drafted and certified, signed and sealed by a Florida Registered Surveyor.

The "Record Drawings" shall, as a minimum, include the following:

A. Roadway centerline profile [100-foot maximum interval]
B. Roadway cross sections [100-foot maximum interval]
C. Fence lines, identifying limits of new or relocated fence placed.
D. Bridge deck and approach slab elevations at beginning, center and end.
E. Bridge beam-low member and top of pile cap elevations.
F. Channel cross section along each side of the bridge, including top of bank, begin and end bridge opening, toe-of slope and channel centerline.
G. Rubble riprap limits and elevations at all significant changes in grade.
H. Additional elevations or dimensions as required by the Engineer

Following completion of construction and prior to final payment, the Contractor shall submit a Certification by the Contractor and Manufacturer including test data that the materials (filter fabric, filter media, etc.) installed meet plan specifications and regulatory requirements.

The Contractor shall incorporate any comments from the County and shall submit two write-only CD-ROMs (showing changes in AutoCAD format) and four sets of 24 by 36-inch certified prints with the Surveyor's certification.

Pile driving records shall be included with the record drawings and shall include the original pile length, pile cut off elevation, pile tip elevation, and final pile length for each pile shown in the plans.

Retainage will be held in accordance with the General Terms and Conditions of the Contract and no final payment shall be made until such time as the "Record Drawings" have been approved and accepted. Unless there is a separate pay item for Record Drawings, payment shall be included as part of the lump sum quantity for Mobilization.

PERMITS

The County has secured the following permits for this project:

- Southwest Florida Water Management District Environmental Resource General Permit # 47016684.002.
- United States Army Corp of Engineers Nationwide Permit No 3. (File No. SAJ-2013-03284)

Contractor shall review, comply and adhere to all stipulated permit conditions.

FDOT SUPPLEMENTAL SPECIFICATIONS 2014

PORTLAND CEMENT CONCRETE – ACCEPTANCE SAMPLING FREQUENCY.
(REV 6-25-10) (FA 7-8-10) (1-14)

SUBARTICLE 346-9.2 of the Standard Specifications is deleted and the following substituted:

346-9.2 Sampling Frequency for Quality Control Tests:

As a minimum, sample and test concrete of each design mix for water to cementitious materials ratio, air content, temperature, slump and compressive strength once per LOT as defined by Table 8. When more than one concrete production facility is used for the same mix design, describe the method of sampling, testing and LOT numbering in the QC Plan. The Engineer will randomly verify one of every eight consecutive LOTs of each design mix based on a random number generator, and may perform additional Independent Verification tests. All QC activities, calculations, and inspections will be randomly confirmed by the County.

TABLE 8	
Class Concrete	Maximum LOT Size
I	one day's production
I (Pavement)	250 lane ft, or one day's production, whichever is less
II, II (Bridge Deck), III, IV, V (Special), V, VI	50 yd^3, or one day's production, whichever is less
IV (Drilled Shaft)	50 yd^3, or two hours between placements, whichever is less
III (Seal)	Each Seal placement

346-9.2.1 Reduced Frequency for Acceptance Tests: When ten consecutive strength test results from the same mix design for a Class IV or higher class of concrete are produced at the same concrete production facility, on a given Contract have all been verified and have attained an average strength greater than two standard deviations above the specified minimum, then the LOT may represent a maximum production quantity of 100 yd^3. When five consecutive strength test results from the same mix design for a Class III or lower class of concrete is produced at the same concrete production facility on a given Contract have all been verified and have attained an average strength greater than two standard deviations above the specified minimum, the LOT may represent a maximum production quantity of 100 yd^3.

The average of the consecutive compressive strength test results, based on the class of concrete, can be established using historical data from a previous County project. The data must also represent the same prime/subcontractor. The tests from the previous County project must be within the last 60 calendar days or may also be established by a succession of samples on the current project. Only one sample can be taken from each LOT. Test data must be from a laboratory meeting the requirements of Section 105.

If at any time a strength test is not verified and/or the average strength of the previous ten or five consecutive samples based on the class of concrete described above, from the same mix design and the same production facility is less than the specified minimum plus two standard deviations, the maximum production quantity represented by the LOT will return to 50 yd^3. In order to reinitiate reduced frequency, a new set of strength test results will be required.

STRUCTURES FOUNDATIONS – DYNAMIC TESTING WITH TEST PILES.
(REV 6-26-12) (1-14)

Articles 455-1 through 455-12 of the Standard Specifications are deleted and the following substituted:

455-1 General Requirement.

The Contractor may examine available soil samples and/or rock cores obtained during the soil boring operations at the appropriate District Materials Office.

455-1.1 Protection of Existing Structures: When the Plans require foundation construction operations in close proximity to existing structures, take all reasonable precautions to prevent damage to such structures. The requirements described herein apply to all types of structures (on or off the right-of-way) that may be adversely affected by foundation construction operations (including phase construction) due to vibrations, ground loss, ground heave, or dewatering. Protect utilities as described in-the applicable provisions of Section 7.

Monitor structures for settlement in a manner approved by the Engineer, recording elevations to 0.001 foot. Monitor the following structures:

(1) shown in the Plans.

(2) within a distance, in feet, of pile driving operations equal to 0.5 times the square root of the impact hammer energy based on the theoretical energy of the ram at impact, in foot-pounds. Take required measurements before the initiation of driving and then daily on days when driving occurs or as indicated in the Plans and weekly for two weeks after driving has stopped.

(3) within a distance of ten shaft diameters or the estimated depth of excavation, whichever is greater.

(4) within a distance of three times the depth of excavation for the footing.

Obtain the Engineer's approval of the number and location of monitoring points. Take elevation;

(1) before beginning construction,
(2) daily during the driving of any casings, piling, or sheeting,
(3) weekly for two weeks after stopping driving,
(4) during excavation,
(5) during blasting,
(6) or as directed by the Engineer.

Notify the Engineer of any movements detected and immediately take any remedial measures required to prevent damage to the existing structures.

Employ a qualified Specialty Engineer to survey all structures, or portions thereof, within:

(1) a distance, in feet, of pile driving operations equal to 0.25 times the square root of the impact hammer energy based on the theoretical energy of the ram at impact, in foot-pounds

(2) a distance of ten shaft diameters or the estimated depth of drilled shaft excavation, whichever is greater

(3) three times the excavation depth for footings and caps

(4) or as shown in the Plans

The County will make the necessary arrangements to provide right-of-way entry for the Contractor's engineer to survey. Adequately document the condition of the structures and all existing cracks with descriptions and pictures. Prepare two reports documenting the condition of the structures: one report before beginning foundation construction operations and a second report after completing foundation construction operations. The County will take ownership of both reports. Do not perform pre-driving and post-driving surveys of the condition of bridges owned by the County except when shown in the Contract Documents.

When shown in the Contract Documents, employ a qualified Specialty Engineer to monitor and record vibration levels during the driving of casings, piling, sheeting, or blasting operations. Provide vibration monitoring equipment capable of detecting velocities of 0.1 in/s or less.

Upon detecting settlement or heave of 0.005 foot, vibration levels reaching 0.5 in/s, levels otherwise shown in the Contract Documents, or damage to the structure, immediately stop the source of vibrations, backfill any open drilled shaft excavations, and contact the Engineer for instructions.

When the Plans require excavations for construction of footings or caps, the Contractor is responsible for evaluating the need for, design of, and providing any necessary features to protect adjacent structures. When sheeting and shoring are not detailed in the Plans, employ a Specialty Engineer to design the sheeting and shoring, and to sign and seal the Plans and specification requirements. Send these designs to the Engineer for his record before beginning construction.

When shown in the Contract Documents or when authorized by the Engineer, install the piling to the depth required to minimize the effects of vibrations or ground heave on adjacent structures by approved methods other than driving (preformed holes, predrilling, jetting, etc.). In the event the County authorizes the use of preformed pile holes to meet this requirement, the County will pay for this work as described in 455-5.9.3.

If not otherwise provided in the Plans, the Contractor is responsible for evaluating the need for, design of, and providing all reasonable precautionary features to prevent damage, including, but not limited to, selecting construction methods and procedures that will prevent damaging caving of the shaft excavation and monitoring and controlling the vibrations from construction activities, including driving of casings, driving of sheeting, and blasting.

When shown in the Plans or directed by the Engineer, install a piezometer near the right-of-way line and near any structure that may be affected by lowering the ground water when dewatering is required. Monitor the piezometer and record the ground water elevation level daily. Notify the Engineer of any ground water lowering near the structure of 12 inches or more.

455-1.2 Excavation: Complete all excavation of the foundations prior to installing piles or shafts unless otherwise authorized by the Engineer. After completing pile/shaft installation,

remove all loose and displaced materials from around the piles/shafts, leaving a clean, solid surface. Compact the soil surface on which concrete is to be placed or which will support the forming system for the concrete to support the load of the plastic concrete without settling or causing the concrete to crack, or as shown in the Contract Documents. The Engineer will not require the Contractor to compact for excavations made below water for seals or when the footing or cap or forming system (including supports) does not rest on the ground surface.

455-1.2.1 Abutment (End Bent) Fill: Place and compact the fill before installing end-bent piling/shafts, except when:

(1) driving specified test piling in end bents or,

(2) the Plans show uncased piles through proprietary retaining wall fills.

When installing piles/shafts or casing prior to placing fill, take necessary precautions to prevent displacement of piles/shafts during placing and compacting fill materials within 15 feet of the piles/shafts or casing. Reference and check the position of the piles/shafts or casing at three approximately equal intervals during construction of the embankment.

Place embankment material in 6 inch loose lifts in the 15 foot area around the piles/shafts or casing. Compact embankment material within the 15 foot area adjacent to the piles/shafts or casing to the required density with compaction equipment weighing less than 1,000 pounds. When installing piles/shafts prior to the completion of the surrounding fills, do not cap them until placing the fills as near to final grade as possible, leaving only the necessary working room for construction of the caps.

Provide permanent casings installed prior to placement of the fill, for all drilled shafts through mechanically stabilized fills (for example, behind proprietary retaining walls) for shafts installed after fill placement. Install temporary casings through the completed conventional fill when permanent casings are not required.

Provide permanent casings, if required, before the fill is placed extending a sufficient distance into the existing ground to provide stability to the casings during construction of the abutment fill.

455-1.3 Cofferdams: Construct cofferdams as detailed in the Plans. When cofferdams are not detailed in the Plans, employ a Specialty Engineer to design cofferdams, and to sign and seal the Plans and specification requirements. Send the designs to the Engineer for his records before beginning construction.

Provide a qualified diver and a safety diver to inspect the conditions of the foundation enclosure or cofferdam when the Contract Documents require a seal for construction. Equip these divers with suitable voice communications, and have them inspect the foundation enclosure and cofferdam periphery including each sheeting indentation and around each piling or drilled shaft to ensure that no layers of mud or other undesirable materials were left above the bottom of seal elevation during the excavation process. Also have the divers check to make sure the surfaces of the piles or drilled shafts are sufficiently clean to allow bond of the concrete down to the minimum bottom of seal elevation. When required, ensure that there are no mounds of stone, shell, or other authorized backfill material left after placement and grading. Assist the Engineer as required to ensure that the seal is placed as specified and evaluate the adequacy of the foundation soils or rock. Correct any deficiencies found by the divers. Upon completion of inspection by the divers, the County may also elect to inspect the work before authorizing the Contractor to proceed with subsequent construction operations. Furnish the Engineer a written report by the divers indicating the results of their underwater inspection before requesting authorization to place the seal concrete.

455-1.4 Vibrations on Freshly Placed Concrete (Drilled Shafts and Piers): Ensure that freshly placed concrete is not subjected to vibrations greater than 1.5 in/sec from pile driving and/or drilled shaft casing installation sources located within the greater dimension of three shaft diameters (measured from the perimeter of the shaft closest to the vibration source) or 30 feet (from the nearest outside edge of freshly placed concrete to the vibration source) until that concrete has attained its final set as defined by ASTM C-403 except as required to remove temporary casings before the drilled shaft elapsed time has expired.

455-2 Static Compression Load Tests.

455-2.1 General: Employ a professional testing laboratory, or Specialty Engineer with prior load test experience on at least three projects, to conduct the load test in compliance with these Specifications, to record all data, and to furnish reports of the test results to the Engineer except when the Contract Documents show that the County will supply a Geotechnical Engineer to provide these services.

Perform the load test by applying a load up to the load required in the Contract Documents or to the failure load, whichever occurs first.

Do not apply test loads to piles sooner than 48 hours (or the time interval shown in the Plans) after driving of the test pile or reaction piles, whichever occurs last.

Allow up to four weeks after the last load test for the analysis of the load test data and to provide all the estimated production tip elevations. If the Contractor is willing to construct production foundation elements in areas designated by the Engineer, tip elevations will be determined in these areas beginning seven days after the receipt of the load test data which represents the designated area.

Do not begin static load testing of drilled shafts until the concrete has attained a compressive strength of 3,400 psi. The Contractor may use high early strength concrete to obtain this strength at an earlier time to prevent testing delays.

Load test piles/shafts in the order directed by the Engineer. The County will furnish certain load test equipment and/or personnel when shown in the Plans. Inspect all equipment to be furnished by the County at least 30 days prior to use, and notify the Engineer of any equipment that is not in satisfactory operating condition. The County will consider any necessary repairs ordered by the Engineer to place the equipment in satisfactory operating condition as Unforeseeable Work. Provide the remainder of the equipment and personnel needed to conduct the load tests. Unless shown otherwise in the Contract Documents, provide all equipment, materials, labor, and technical personnel required to conduct the load tests, including determination of anchor reaction member depths. In this case, provide a loading apparatus designed to accommodate the maximum load plus an adequate safety factor.

While performing the load test, provide safety equipment, and employ safety procedures consistent with the latest approved practices for this work. Include with these safety procedures adequate support for the load test plates and jack to prevent them from falling in the event of a release of load due to hydraulic failure, test pile/shaft failure, or any other cause.

Include in the bid the cost of transporting load test equipment and instrumentation supplied by the County from their storage location to the job site and back. Handle these items with care. The Contractor is responsible for the safe return of these items. After completion of the static load tests, return all County furnished equipment in satisfactory operating condition. Repair all damage to the test equipment furnished by the County to the satisfaction of the Engineer. Clean all areas of rust on structural steel items, and recoat those areas in accordance

with Section 560. Return all load test equipment supplied by the County within 30 days after completing the load tests.

The Contractor is responsible for the equipment from the time it leaves its storage area until the time it is returned. During this time, insure the equipment against loss or damage for the replacement cost thereof (the greater of $150,000 or the amount shown in the Plans) or for the full insurable value if replacement cost insurance is not available.

Notify the Engineer at the preconstruction conference or no later than 30 days before beginning test pile installation of the proposed testing schedule so that items supplied by the County may be reserved. Notify the County at least ten working days before pick-up or return of the equipment. During pick-up, the County will complete a checklist of all equipment placed in the Contractor's possession. The County will later use this checklist to verify that the Contractor has returned all equipment. Provide personnel and equipment to load or unload the equipment at the County's storage location. Provide lifting tongs or nylon slings to handle County owned test girders. Do not perform cutting, welding, or drilling on County owned girders, jacks, load cells, or other equipment.

455-2.2 Loading Apparatus: Provide an apparatus for applying the vertical loads as described in one of the following:

(1) As shown and described in the Contract Documents.

(2) As supplied by the Contractor, one of the following devices designed to accommodate a load at least 20% higher than that shown in the Contract Documents or described herein for test loads:

(a) Load Applied by Hydraulic Jack Acting Against Weighted Box or Platform: Construct a test box or test platform, resting on a suitable support, over the pile, and load it with earth, sand, concrete, pig iron, or other suitable material with a total weight greater than the anticipated maximum test load. Locate supports for the weighted box or platform at least 6 feet or three pile/shaft diameters, whichever is greater, measured from the edge of the pile or shaft to the edge of the supports. Insert a hydraulic jack with pressure gauge between the test pile or shaft and the underside of the reaction beam, and apply the load to the pile or shaft by operating the jack between the reaction beam and the top of the pile or shaft.

(b) Load Applied to the Test Pile or Shaft by Hydraulic Jack Acting Against Anchored Reaction Member: Construct reaction member anchorages as far from the test piles/shafts as practical, but in no case closer than the greater of 3 pile/shaft diameters or 6 feet from the edge of the test pile/shaft. Attach a girder(s) of sufficient strength to act as a reaction beam to the upper ends of the anchor piles or shafts. Insert a hydraulic jack with pressure gauges between the head of the test pile/shaft and the underside of the reaction beam, and apply the test load to the pile/shaft by operating the jack between the reaction beam and the pile/shaft head.

If using drilled shafts with bells as reaction member anchorages, locate the top of the bell of any reaction shaft anchorage at least three shaft diameters below the bottom of the test shaft.

(c) Combination Devices: The Contractor may use a combination of devices (a) and (b), as described above, to apply the test load to the pile or shaft.

(d) Other Systems Proposed by the Contractor and Approved by the Engineer: When necessary, provide horizontal supports for loading the pile/shaft, and space them so that the ratio of the unsupported length to the minimum radius of gyration of the pile does not exceed 120 for steel piles, and the unsupported length to the least cross-section dimension does

not exceed 20 for concrete piles or drilled shafts. Ensure that horizontal supports provide full support without restraining the vertical movement of the pile in any way.

When required by the Contract Documents, apply a horizontal load to the shaft either separately or in conjunction with the vertical load. Apply the load to the test shaft by hydraulic jacks, jacking against Contractor provided reaction devices. After receiving the Engineer's approval of the proposed method of load application, apply the horizontal load in increments, and relieve it in decrements as required by the Contract Documents.

455-2.2.1 Modified Quick Test:

(a) Loading Procedure: Apply vertical loads concentric with the longitudinal axis of the tested pile/shaft to accurately determine and control the load acting on the pile/shaft at any time. Place the load on the pile/shaft continuously, in increments equal to approximately 5% of the maximum test load specified until approaching the failure load, as indicated by the measuring apparatus and/or instruments. Then, apply increments of approximately 2.5% until the pile/shaft "plunges" or attains the limiting load. The Engineer may elect to stop the loading increments when he determines the Contractor has met the failure criteria or when a settlement equal to 10% of the pile/shaft width or diameter is reached. Apply each load increment immediately after taking and verifying the complete set of readings from all gauges and instruments. Apply each increment of load within the minimum length of time practical, and immediately take the readings. Complete the addition of a load increment and the completion of the readings within five to 15 minutes. The Engineer may elect to hold the maximum applied load up to one hour.

Remove the load in decrements of about 10% of the maximum test load. Remove each decrement of load within the minimum length of time practical, and immediately take the readings. Complete the removal of a load decrement and the taking of the readings within five to 15 minutes. The Engineer may also require up to two reloading cycles with five loading increments and three unloading decrements. Record the final recovery of the pile/shaft until movement is essentially complete for a period up to one hour after the last unload interval.

(b) Failure Criteria and Nominal Resistance: Use the criteria described herein to establish the failure load. The failure load is defined as the load that causes a pile/shaft top deflection equal to the calculated elastic compression plus 0.15 inch plus 1/120 of the pile/shaft minimum width or the diameter in inches for piles/shafts 24 inches or less in width, and equal to the calculated elastic compression plus 1/30 of the pile/shaft minimum width or diameter for piles/shafts greater than 24 inches in width. Consider the nominal resistance of any pile/shaft so tested as either the maximum applied load or the failure load, whichever is smaller.

455-2.3 Measuring Apparatus: Provide an apparatus for measuring movement of the test piles/shafts that consists of all of the following devices:

(1) Wire Line and Scale: Stretch a wire as directed by the Engineer between two supports located at a distance at least:

(a) 10 feet from the center of the test pile but not less than 3.5 times the pile diameter or width.

(b) 12 feet from the centerline of the shaft to be tested but not less than three shaft diameters.

Locate the wire supports as far as practical from reaction beam anchorages. At over-water test sites, the Contractor may attach the wire line as directed by the Engineer to the sides of the service platform. Mount the wire with a pulley on one support and a weight at the end of the wire to provide constant tension on the wire. Ensure that the wire passes across the face of a scale mounted on a mirror attached to the test pile/shaft so that readings can be made

directly from the scale. Use the scale readings as a check on an average of the dial readings. When measuring both horizontal and vertical movement, mount separate wires to indicate each movement, horizontal or vertical. Measure horizontal movements from two reference wires set normal to each other in a horizontal.

(2) Wooden Reference Beams and Dial Gauges: Attach wooden reference beams as detailed in the Plans or approved by the Engineer to independent supports. For piles, install the greater of 3.5 times the pile diameter or width or 10 feet from the centerline of the test pile. For drilled shafts install at the greater of three shaft diameters or 12 feet from the centerline of the shaft to be tested. Locate the reference beam supports as far as practical from reaction beam anchorages. For over-water test sites, the Contractor may attach the reference beams as directed by the Engineer between two diagonal platform supports. Attach dial gauges, with their stems resting either on the top of the pile/shaft or on lugs or similar reference points on the pile/shaft, to the fixed beams to record the movement of the pile/shaft head. Ensure that the area on the pile/shaft or lug on which the stem bears is a smooth surface which will not cause irregularities in the dial readings.

For piles, the minimum acceptable method for measuring vertical movement is two dial gauges, each with 0.001 inch divisions and with 2 inch minimum travel, placed at 180 degrees or at the diagonal corners of the pile.

For shafts, ensure that three dial gauges, each with 0.001 inch divisions and with 2 inch minimum travel, placed at 120 degree intervals around the shaft, are the minimum acceptable method for measuring vertical movement. Ensure that four dial gauges, each with 0.001 inch divisions and with 2 inch minimum travel, placed at 90 degree intervals are the minimum required for measuring horizontal movement.

(3) Survey Level: As a check on the dial gauges, determine the elevation of a point near the top of the test pile/shaft (on plan datum) by survey level at each load and unload interval during the load test. Unless approved otherwise by the Engineer, level survey precision is 0.001 foot. Alternately, the surveyor may read an engineer's 50 scale attached near the pile/shaft head. Determine the first elevation before applying the first load increment; make intermediate readings immediately before a load increment or an unload decrement, and after the final unload decrement that completely removes the load. Make a final reading at the time of the last recovery reading or as directed by the Engineer.

For over-water test sites, when shown in the Plans or directed by the Engineer, the Contractor shall drive an H pile through a 36 inch casing to provide a stable support for the level and to protect it against wave action interfering with level measurements. Provide a suitable movable jig for the surveyor to stand. Use a jig that has a minimum of three legs, has a work platform providing at least 4 feet width of work area around the casing, and is approved by the Engineer before use. The described work platform may be supported by the protective casing when approved by the Engineer.

455-2.4 Load Test Instrumentation:

(1) General: The intent of the load test instrumentation is to measure the test load on top of the pile/shaft and, when provided in the Contract Documents, its distribution between side friction and end bearing to provide evaluation of the preliminary design calculations and settlement estimates and to provide information for final pile/shaft length design. Ensure that the instrumentation is as described in the Contract Documents.

When requested by the Engineer, provide assistance during installation of any instrumentation supplied by the County. Supply 110 V, 60 Hz, 30 A of AC electric power in

accordance with the National Electric Code to each test pile/shaft site during the installation of the instrumentation, during the load testing, and during any instrumented redrives ordered by the Engineer.

Place all of the internal instrumentation on the rebar cage before installation in the test shaft. Construct the rebar cage at least two days before it is required for construction of the test shaft. Provide assistance during installation of instrumentation supplied by the County, including help to string, place, and tie the instrumentation and any assistance needed in moving or repositioning the cage to facilitate installation. Place the rebar cage in one segment complete with its instrumentation. The Engineer may require multiple lift points and/or a suitable "stiffleg" (length of H pile or other suitable section) to get the cage in a vertical position without causing damage to the instrumentation. Successfully demonstrate the lifting and handling procedures before the installing instrumentation.

(2) Hydraulic Jack and Load Cell: Provide hydraulic jack(s) of adequate size to deliver the required test load to the pile/shaft unless shown otherwise in the Plans. Before load testing begins, furnish a certificate from a reputable testing laboratory showing a calibration of gauge readings for all stages of jack loading and unloading for jacks provided. Ensure that the jack has been calibrated within the preceding six months unless approved otherwise. Recalibrate the jack after completing load testing if so directed by the Engineer. Ensure that the accuracy of the gauge is within 5% of the true load.

Provide an adequate load cell approved by the Engineer that has been calibrated within the preceding six months. Provide an approved electrical readout device for the load cell. Before beginning load testing, furnish a certificate from a reputable testing laboratory showing a calibration of readings for all stages of loading and unloading for load cells furnished by the Contractor. Ensure that the accuracy of the load cell is within 1% of the true load.

If the County supplies the Contractor with the jack and/or load cell, have the equipment calibrated and include the cost in the cost for static load test.

(3) Telltales: When shown in the Contract Documents, provide telltales that consist of an unstressed steel rod placed, with appropriate clearance and greased for reducing friction and corrosion, inside a constant-diameter pipe that rests on a flat plate attached to the end of the pipe at a point of interest shown in the Plans. Construct telltales in accordance with details shown in the Contract Documents. Install dial gauges reading to 0.001 inch with 1 inch minimum travel as directed by the Engineer to measure the movement of the telltale with respect to the top of the pile/shaft.

(4) Embedded Strain Gauges: When shown in the Contract Documents, provide strain gauges which shall be placed in the test shaft to measure the distribution of the load. Ensure that the type, number, and location of the strain gauges are as shown in the Plans or as directed by the Engineer. Use strain gauges that are waterproof and have suitable shielded cable that is unspliced within the shaft.

455-2.5 Support Facilities: Furnish adequate facilities for making load and settlement readings 24 hours per day. Provide such facilities for the instrumented area, and include lighting and shelter from rain, wind, and direct sunlight.

455-2.6 Load Test Personnel Furnished by the Contractor: Provide a certified welder, together with necessary cutting and welding equipment, to assist with the load test setup and to make any necessary adjustments during the load test. Provide personnel to operate the jack, generators, and lighting equipment, and also provide one person with transportation to assist as required during load test setup and conducting of the load tests. Provide qualified personnel, as

determined by Specialty Engineer or testing lab, required to read the dial gauges, take level measurements, and conduct the load test, except when the Contract Documents show that the County will provide these personnel.

455-2.7 Cooperation by the Contractor: Cooperate with the County, and ensure that the County has access to all facilities necessary for observation of the conduct and the results of the test.

455-2.8 Required Reports: Submit a preliminary static load test report to the Engineer within five days after completing the load test. When the Contract Documents do not require internal instrumentation, submit the final report within ten days after completing the load test. Furnish the final report of test results for internally instrumented shafts within 30 days after completing the load test. Include in the report of the load test the following information:

(1) A tabulation of the time of, and the amount of, the load and settlement readings, and the load and recovery readings taken during the loading and unloading of the pile/shaft.

(2) A graphic representation of the test results, during loading and unloading of pile/shaft top movement as measured by the average of the dial gauge readings, from wireline readings and from level readings.

(3) A graphic representation of the test results, when using telltales, showing pile/shaft compression and pile/shaft tip movement.

(4) The estimated failure and safe loads according to the criteria described herein.

(5) Remarks concerning any unusual occurrences during the loading of the pile/shaft.

(6) The names of those making the required observations of the results of the load test, the weather conditions prevailing during the load test, and the effect of weather conditions on the load test.

(7) All supporting data including jack and load cell calibrations and certificates and other equipment requiring calibration.

(8) When the Contract Document requires internal instrumentation of the pile/shaft, furnish all of the data taken during the load test together with instrument calibration certifications. In addition, provide a report showing an analysis of the results of axial load and lateral load tests in which soil resistance along and against the pile/shaft is reported as a function of deflection.

Provide the necessary report(s) prepared by the Specialty Engineer responsible for collection and interpretation of the data, except when the Contract Documents show that the County will provide a Geotechnical Engineer.

455-2.9 Disposition of Loading Material: After completing all load tests, clean, remove all rust and debris from County equipment, repaint all areas having damage to the paint in accordance with Section 560, and return all load test equipment supplied by the County to its designated storage area. Repair any structural damage to County owned equipment to the satisfaction of the Engineer. Notify the County at least ten working days in advance so that arrangements can be made to unload the equipment. Remove all equipment and materials, which remains the Contractor's property, from the site. Clean up and restore the site to the satisfaction of the Engineer.

455-2.10 Disposition of Tested Piles/Shafts: After completing testing, cut off the tested piles/shafts, which are not to be incorporated into the final structure, and any reaction piles/shafts

at an elevation 24 inches below the finished ground surface. Take ownership of the cut-offs and provide areas for their disposal.

B. PILING

455-3 Description.

Furnish and install concrete, steel, or wood piling including driving, jetting, preformed pile holes, cutting off, splicing, dynamic load testing, and static load testing of piling.

455-4 Classification.

The County classifies piling as follows:

(1) Treated timber piling.
(2) Prestressed concrete piling.
(3) Steel piling.
(4) Test piling.
(5) Sheet piling.
    (a) Concrete sheet piling.
    (b) Steel sheet piling.
(6) Polymeric Piles (see Section 471 for requirements).

455-5 General Requirements.

455-5.1 Site Preparation:

455-5.1.1 Predrilling of Pile Holes: Predrilled pile holes are either starter holes to the depth described in this section or holes drilled through embankment/fill material down to the natural ground surface. When using low displacement steel piling such as structural shapes, drive them through the compacted fill without the necessity of drilling holes through the fill except when the requirements for predrilling are shown in the Plans. When using concrete or other high displacement piles, drill pile holes through fill, new or existing, to at least the elevation of the natural ground surface. Use the range of drill diameters listed below for square concrete piles.

12 inch square piles	15 to 17 inches
14 inch square piles	18 to 20 inches
18 inch square piles	22 to 26 inches
20 inch square piles	24 to 29 inches
24 inch square piles	30 to 34 inches
30 inch square piles	36 to 43 inches

For other pile sizes, use the diameter of the drills shown in the Plans or approved by the Engineer. Accurately drill the pile holes with the hole centered over the plan location of the piling. Maintain the location and vertical alignment within the tolerances allowed for the piling.

For predrilled holes required through rock or other hard (i.e. debris, obstructions, etc.) materials that may damage the pile during installation, predrill hole diameters approximately 2 inches larger than the largest dimension across the pile cross-section. Fill the annular space around the piles as described in 455-5.9.1 with clean A-3 sand or sand meeting the requirements of 902-3.3.

In the setting of permanent and test piling, the Contractor may initially predrill holes to a depth up to 10 feet or 20% of the pile length whichever is greater, except that, where installing piles in compacted fill, predrill the holes to the elevation of the natural ground surface. With prior written authorization from the Engineer, the Contractor may predrill holes to greater depths to minimize the effects of vibrations on existing structures adjacent to the work and/or for other reasons the Contractor proposes. Perform such work the Engineer allows but does not require at no expense to the County. When the Engineer requires such work, the County will pay for such work as preformed pile holes as described in 455-5.9.

455-5.1.2 Underwater Driving: Underwater driving is defined as any driving through water which is above the pile head at the time of driving.

When conducting underwater driving, provide a diver equipped with voice communications to aid in placing the hammer back on the pile for required cushion changes or for subsequent redriving, to attach or recover instrumentation the Engineer is using, to inspect the condition of the pile, or for other assistance as required.

Select one of the following methods for underwater driving:

(a) Accomplish underwater driving using conventional driving equipment and piling longer than authorized so that the piling will extend above the water surface during final driving. When choosing this option, furnish a pile hammer that satisfies the requirements of this Section for use with the longer pile.

(b) Accomplish underwater driving using an underwater hammer that meets the requirements of this Section and is approved by the Engineer. When choosing this option, provide at least one pile longer than authorized at each pile group, extending above the water surface at final driving. At each group location, drive the longer pile first. The Engineer will evaluate the adequacy of the underwater driving system. The Engineer may use the pile tip elevation of the longer pile that the Contractor has driven and the Engineer has accepted, to evaluate the acceptability of the piles driven with the underwater hammer.

(c) Accomplish underwater driving using conventional driving equipment with a suitable approved pile follower. When choosing this option, provide at least one pile longer than required at each pile group, extending above the water surface at final driving. At each group location, drive the full length pile first without using the follower. The Engineer will evaluate the adequacy of the follower used for underwater driving. The Engineer may choose to perform a dynamic load test on the first pile the Contractor drives with the follower in each group. The Engineer may use the pile tip elevation of the longer pile, that the Contractor has driven and the Engineer has accepted, to evaluate the acceptability of the piles driven with the follower.

Prior to use, submit details of the follower for the Engineer's evaluation and approval along with the information required in 455-10. Include the weight, cross-section details, stiffness, type of materials, and dimensions of the follower.

455-5.2 Pile Hammers: All equipment is subject to satisfactory field performance. Use a variable energy hammer to drive concrete piles. Hammers will be rated based on the energy transfer documented by dynamic monitoring. When requested, furnish to the Engineer all technical specifications and operating instructions related to hammer equipment.

455-5.2.1 Air/steam: Variable energy air/steam hammers shall be capable of providing at least two ram stroke lengths. The short ram stroke length shall be approximately half of the full stroke for hammers with strokes up to 4 feet and no more than 2 feet for hammers with maximum strokes lengths over 4 feet.

455-5.2.2 Diesel: Variable energy diesel hammers shall have at least three fuel settings that will produce reduced strokes. Operate and maintain diesel hammers within the manufacturer's specified ranges.

Provide and maintain in working order for the Engineer's use an approved device to automatically determine and display ram stroke for open-end diesel hammers.

Equip closed-end (double acting) diesel hammers with a bounce chamber pressure gauge, in good working order, mounted near ground level so the Engineer can easily read.

455-5.2.3 Hydraulic: Variable energy hydraulic hammers shall have at least three hydraulic control settings that provide for predictable stroke control. The shortest stroke shall be a maximum of 2 feet for the driving of concrete piles. The remaining strokes shall include full stroke and approximately halfway between minimum and maximum stroke.

Determine the hammer energy according to the manufacturer's recommendations. When pressure measuring equipment is required to determine hammer energy, calibrate the pressure gauges before use.

455-5.2.4 Vibratory: Vibratory hammers of sufficient capacity (force and amplitude) may be used to drive steel sheet piles and, with approval of the Engineer, to drive steel bearing piles a sufficient distance to get the impact hammer on the pile (to stick the pile). The Engineer will determine the allowable depth of driving using the vibratory hammer based on site conditions. However, in all cases, use a power impact hammer for the last 15 feet or more of the final driving of steel bearing piles for bearing determinations after all piles in the bent/pier have been driven with a vibratory hammer. Do not use vibrating hammers to install concrete piles, or to install support or reaction piles for a load test.

455-5.3 Cushions and Pile Helmet:

455-5.3.1 Capblock: Provide a capblock (also called the hammer cushion) as recommended by the hammer manufacturer. Use commercially manufactured capblocks constructed of durable manmade materials with uniform known properties. Do not use capblocks constructed of asbestos materials. Maintain capblocks in good condition, and change them when charred, melted, or otherwise significantly deteriorated. The Engineer will inspect the capblock before driving begins and weekly or at appropriate intervals determined by the Engineer based on field trial. Replace or repair any hammer cushion which loses more than 25% of its original thickness, in accordance with the manufacturer's instructions, before permitting further driving.

455-5.3.2 Pile Cushion: Provide a pile cushion that is adequate to protect the pile from being overstressed in compression and tension during driving. Use a pile cushion sized so that it will fully fill the lateral dimensions of the pile helmet minus one inch but does not cover any void or hole extending through the top of the pile. Maintain pile cushions in good condition and change when charred, splintered, excessively compressed, or otherwise deteriorated to the point it will not protect the pile against overstressing in tension and/or compression.

Reuse pile cushions in good condition to perform all set-checks and redrives. Use the same cushion to perform the set-check or redrive as was used during the initial driving, unless this cushion is unacceptable due to deterioration, in which case use a similar cushion.

455-5.3.3 Pile Helmet: Provide a pile helmet suitable for the type and size of piling being driven. Use a pile helmet deep enough to adequately contain the required thickness of pile cushion and to assist in maintaining pile-hammer alignment. Use a pile helmet that fits loosely over the pile head and is at least 1 inch larger than the pile dimensions. Use a pile helmet designed so that it will not restrain the pile from rotating.

455-5.4 Leads: Provide pile leads constructed in a manner which offers freedom of movement to the hammer and that have the strength and rigidity to hold the hammer and pile in the correct position and alignment during driving. When using followers, use leads that are long enough and suitable to maintain position and alignment of the hammer, follower, and pile throughout driving.

455-5.5 Followers: Obtain the Engineer's approval for the type of follower, when used, and the method of connection to the leads and pile. Use followers constructed of steel with an adequate cross-section to withstand driving stresses. When driving concrete piles, ensure that the cross-sectional area of the follower is at least 18% of the cross-sectional area of the pile. When driving steel piles, ensure that the cross-sectional area of the follower is greater than or equal to the cross-sectional area of the pile. Provide a pile helmet at the lower end of the follower sized according to the requirements of 455-5.3.3. Use followers constructed that maintain the alignment of the pile, follower, and hammer and still allow the pile to be driven within the allowable tolerances. Use followers designed with guides adapted to the leads that maintain the hammer, follower, and the piles in alignment.

Use information from driving full length piles described in 455-5.1.2 compared to driving piles with the follower and/or dynamic load tests described in 455-5.13 to evaluate the adequacy of the follower.

455-5.6 Templates and Ground Elevations: Provide a fixed template, adequate to maintain the pile in proper position and alignment during driving with swinging leads or with semi-fixed leads. Where practical, place the template so that the pile can be driven to cut-off elevation before removing the template. Ensure that templates do not restrict the vertical movement of the pile.

Supply a stable reference close to the pile, which is satisfactory in the opinion of the Engineer, for determination of the pile penetration. At the time of driving piles, furnish the Engineer with elevations of the original ground and template at each pile or pile group location. Note the highest and lowest elevation at each required location and the ground elevation at all piles.

455-5.7 Water Jets: Use jet pumps, supply lines, and jet pipes that provide adequate pressure and volume of water to freely erode the soil. Do not perform jetting without prior approval by the Engineer or unless allowed by the Plans.

Do not perform jetting in the embankment or for end bents. Where conditions warrant, with approval by the Engineer, perform jetting on the holes first, place the pile therein, then drive the pile to secure the last few feet of penetration. Only use one jet for prejetting or jetting through piles constructed with a center jet-hole. Use two jets when using external jets. When jetting and driving, position the jets slightly behind the advancing pile tip (approximately 3 feet or as approved by the Engineer). When using water jets in the driving, determine the pile bearing only from the results of driving after withdrawing the jets, except where using jets to continuously eliminate soil resistance through the scour zone, ensure that they remain in place as directed by the Engineer and operating during pile bearing determination. Where practical, perform jetting on all piles in a pile group before driving begins. When large pile groups or pile spacing and batter make this impractical, or when the Plans specify a jet-drive sequence, set check a sufficient number of previously driven piles in a pile group to confirm their capacity after completing all jetting.

455-5.8 Penetration Requirements: Measure the penetration of piles from the elevation of natural ground, scour elevation shown in the Plans, or the bottom of excavation, whichever is

lower. When the Contract Documents show a minimum pile tip elevation or a minimum depth of penetration, drive the tip of the pile to this minimum elevation or this minimum penetration depth. In all such cases, the Engineer will accept the bearing of a pile only if the Contractor achieves the required bearing when the tip of the pile is at or below the specified minimum tip elevation or depth of penetration and below the bottom of the preformed or predrilled pile hole.

When the Plans do not show a minimum depth of penetration, scour elevation, or minimum tip elevation, ensure that the required penetration is at least 10 feet into firm bearing material or at least 20 feet into soft material unless otherwise permitted by the Engineer. If a scour elevation is shown in the Plans, achieve these penetrations below the scour elevation. The Engineer may accept a penetration between 15 and 20 feet when there is an accumulation of five consecutive feet or more of firm bearing material. Firm bearing material is any material offering a driving resistance greater than or equal to 30 tons/ft^2 of gross pile area as determined by Dynamic Load Testing (455-5.11.4). Soft material is any material offering less than these resistances. The gross pile area is the actual pile tip cross-sectional area for solid concrete piles, the product of the width and depth for H piles, and the area within the outside perimeter for pipe piles and voided concrete piles.

Do not drive piles beyond practical refusal (20 blows per inch). To meet the requirements in this Subarticle, provide penetration aids, such as jetting or preformed pile holes, when piles cannot be driven to the required penetration without reaching practical refusal.

If the Contractor encounters unforeseeable, isolated obstructions that the Contractor cannot practically penetrate by driving, jetting, or preformed pile holes, and the Contractor must remove the pile to obtain the required pile penetration, the County will pay the costs for such removal as Unforeseeable Work.

455-5.9 Preformed Pile Holes:

455-5.9.1 Description: Preformed pile holes serve as a penetration aid when all other pile installation methods fail to produce the desired penetration and when authorized by the Engineer to minimize the effects of vibrations on adjacent structures. Preformed pile holes are necessary when the presence of rock or strong strata of soils will not permit the installation of piles to the desired penetration by driving or a combination of jetting and driving, when determined necessary by the Engineer, or when authorized by the Engineer to minimize the effects of vibrations on adjacent existing structures. The Engineer may require preformed holes for any type of pile. Drive all piles installed in preformed pile holes to determine that the bearing requirements have been met.

For preformed holes which are required through material that caves during driving to the extent that the preformed hole does not serve its intended purpose, case the hole from the surface through caving material. After installing the pile to the bottom of the casing, remove the casings unless shown otherwise in the Plans. Determine bearing of the pile after removing the casing unless shown otherwise in the Plans. Fill all voids between the pile and soil remaining after driving through preformed holes with clean A-3 sand or sand meeting the requirements of 902-3.3, after the pile has achieved the required minimum tip elevation, unless grouting of preformed pile holes is shown in the Plans. If pile driving is interrupted during sand placement, drive the pile at least 20 additional blows after filling all of the voids between the pile and soil with sand at no additional compensation.

455-5.9.2 Provisions for Use of Preformed Pile Holes: The County generally anticipates the necessity for preformed pile holes and includes directions in the Contract Documents. The County will pay for preformed piles holes when the Contractor establishes that

the required results cannot be obtained when driving the load bearing piles with specified driving equipment, or if jetting is allowed, while jetting the piles and then driving or while jetting the piles during driving.

455-5.9.3 Conditions Under Which Payment Will Be Made: The County will make payment for preformed pile holes shown in the Plans, required by the Engineer or where the Contractor demonstrates that such work is necessary to achieve the required penetration of the pile. The County considers, but does not limit to, the following conditions as reasons for preformed pile holes:

(a) Inability to drive piles to the required penetration with driving and jetting equipment.

(b) To penetrate a hard layer or layers of rock or strong stratum that the Engineer considers not sufficiently thick to support the structure.

(c) To obtain greater penetration into dense (strong) material and into dense material containing holes, cavities or unstable soft layers.

(d) To obtain penetration into a stratum in which it is desired to found the structure.

(e) To minimize the effects of vibrations or heave on adjacent existing structures.

(f) To minimize the effects of ground heave on adjacent piles.

455-5.9.4 Construction Methods: Construct preformed pile holes by drilling, or driving and withdrawing a suitable punch or chisel at the locations of the piles. Construct a hole that is equal to or slightly greater than the largest pile dimension for the entire length of the hole and of sufficient depth to obtain the required penetration. Carefully form the preformed hole by using a drill or punch guided by a template or other suitable device, and do not exceed the minimum dimensions necessary to achieve the required penetration of the pile. When the Plans call for grouting the preformed pile holes, provide the minimum dimension of the pile hole that is 2 inches larger than the largest pile dimension. Construct the holes at the plan position of the pile and the tolerances in location, and ensure the hole is straight and that the batter is the same as specified for the pile. Loose material may remain in the preformed pile hole if the conditions in 455-5.9.3 are satisfied.

455-5.9.5 Grouting of Pile Holes: Grout preformed pile holes for bearing piles, when the Plans require grouting after driving. Clean the preformed pile holes, and fill them with cement grout as shown in the Plans. Use grout that has a minimum compressive strength of 3,000 psi at 28 days or as specified. Pump the grout through three or more grout pipes initially placed at the bottom of the preformed hole. The Contractor may raise the grout pipes when necessary to prevent clogging and to complete the grouting operations. Maintain the grout pipes below the surface of the previously placed grout. Continue grouting until the grout reaches the ground surface all around the pile. Provide divers to monitor grouting operations when the water depth is such that it is impractical to monitor from the ground surface. When grouting is shown in the Plans, include the cost in the price for piles. In the event that the Engineer determines the Contractor must grout and the required grouting is not shown in the Plans, the County will pay for the grouting work as Unforeseeable Work.

455-5.10 Bearing Requirements:

455-5.10.1 General: Drive piles to provide the bearing capacities required for carrying the loads shown in the Plans. The Engineer will determine pile capacities using dynamic load test equipment utilizing internally or externally mounted sensors according to the methods

described herein. Install external sensors before driving, when used, and assist the engineer in monitoring the effects of all blows delivered to each pile. For all types of bearing piles, consider the driving resistance as determined by the methods described herein sufficient for carrying the specified loads as the minimum bearing which is accepted for any type of piles.

If the internally mounted system fails to communicate properly with the receiving system, allow the Engineer sufficient time to mobilize back-up equipment for performing Dynamic Load Testing.

The Engineer may accept a driven pile when the pile has achieved minimum penetration and the minimum required bearing capacity obtained for 6 inches of consecutive driving. At his discretion, the Engineer may also accept a driven pile when the minimum penetration is achieved and driving has reached practical refusal in firm material.

455-5.10.2 Bearing Criteria: The Engineer will determine the bearing resistance of the pile using the data received from dynamic load testing equipment utilizing internally or externally mounted sensors according to the methods described in 455-5.11.

455-5.10.3 Practical Refusal: Practical refusal is defined as 20 blows per inch with the hammer operating at the highest setting which does not exceed the maximum pile stresses specified in 455-5.11.2 and less than 1/4 inch rebound per blow. Stop driving as soon as the Engineer determines that the pile has reached practical refusal. The Engineer will generally make this determination within 2 inches of driving. When the required pile penetration cannot be achieved by driving without exceeding practical refusal, use other penetration aids such as jetting or preformed pile holes.

455-5.10.4 Set-checks and Pile Redrive:

(a) Set-checks: In the event that the Contractor has driven the pile to approximately 6 inches above cut-off without reaching the required resistance, the Engineer may require the Contractor to interrupt driving up to two hours prior to performing a set-check. Provide an engineer's level or other suitable equipment for elevation determinations to determine accurate pile penetration during the set-checks. In the event the results of the initial set-checks are not satisfactory, the Engineer may direct additional set-checks. The Engineer may accept the pile as driven when a set-check shows that the Contractor has achieved the minimum required pile bearing and has met all other requirements of this Section.

(b) Pile Redrive: Pile Redrive consists of redriving the pile after the following working day from initial driving to determine time effects, to reestablish pile capacity due to pile heave, or for other reasons determined by the Engineer. Redrive piles as directed by the Engineer.

(c) Uninstrumented Set-Checks and Uninstrumented Pile Redrive: [N/A]

(d)Instrumented Set-Checks and Instrumented Pile Redrive: When considered necessary by the Engineer, dynamic load tests will be used to determine whether the pile bearing is sufficient. The Engineer may consider the pile to have sufficient bearing resistance when dynamic measurements demonstrate the static pile resistance during at least one hammer blow exceeds the required pile resistance, the average static pile resistance during the next five hammer blows exceeds 95% of the required pile resistance and the static pile resistance during all subsequent blows exceeds 90% of the required pile resistance.

455-5.10.5 Pile Heave: Pile heave is the upward movement of a pile from its originally driven elevation. Drive the piles in an approved sequence to minimize the effects of heave and lateral displacement of the ground. Monitor piles previously driven in a pile group for possible heave during the driving of the remaining piles. When required by the Engineer, take

elevation measurements to determine the magnitude of the movement of piles and the ground surface resulting from the driving process. Redrive all piles that have heaved 1/4 inch or more unless the Engineer determines that the heave is not detrimental to pile capacity. The County will pay for all work in conjunction with redriving piles due to pile heave under the Pile Redrive item.

455-5.10.6 Piles with Insufficient Bearing: In the case that the Engineer determines that the safe bearing capacity of any pile is less than the required bearing capacity, the Contractor may splice the pile and continue driving or may extract the pile and drive a pile of greater length, or, if so ordered by the Engineer, drive additional piles until reducing the required bearing per pile to the determined bearing capacity of the piles already driven.

455-5.11 Methods to Determine Pile Capacity:

455-5.11.1 General: Notify the Engineer two work days prior to placement of piles within the template and at least one work day prior to driving piles. Do not drive piles without the presence of the Engineer.

The Engineer will determine the capacity of the piles based on the results of Dynamic Load Tests using EDC equipment and the UF Method of analysis or an externally mounted instrument system. When the contractor selects Dynamic Load Tests using externally mounted instruments, the Engineer will determine pile capacity of the first production pile at locations indicated in the Plans based on the results of a Dynamic Load Test and signal matching analyses. When locations are not indicated in the Plans, allow for signal matching analyses at 5% of the piles at each bent or pier. Allow the Engineer one work day after driving the dynamic load tested pile for the Engineer to complete the signal matching analyses and determine the equipment setting for the subsequent piles.

If the Engineer requires an additional Dynamic Load Test for comparison purposes, the Contractor will be paid as for an additional Dynamic Load Test authorized by the Engineer in accordance with 455-11.5. The Engineer may also require static load tests to confirm pile capacities. When the Contract Documents do not include pay items for Static Load Tests, they will be paid for as Unforeseeable Work.

455-5.11.2 Wave Equation:

(a) General: Use Wave Equation Analysis for Piles (WEAP) programs to evaluate the suitability of the proposed driving system (including the hammer, follower, capblock and pile cushions) as well as to estimate the driving resistance, in blows per 12 inches or blows per inch, to achieve the pile bearing requirements and to evaluate pile driving stresses.

The Engineer may modify the scour resistance shown in the Plans if the dynamic load test is used to determine the actual soil resistance through the scour zone. Also, the Engineer may make modifications in scour resistance when the Contractor proposes drilling and/or jetting to reduce the soil resistance in the scour zone.

Use Wave Equation Analyses to show the hammer is capable of driving to a resistance equal to at least 2.0 times the factored design load plus the scour and down drag resistance (if applicable) shown in the Contract Documents, without overstressing the piling in compression or tension and without reaching practical refusal (20 blows per inch). Ensure that the hammer provided also meets the requirements described in 455-5.2.

(b) Required Equipment For Driving: Hammer approval is solely based on satisfactory field trial including dynamic load test results and Wave Equation Analysis. Supply a hammer system that meets the requirements described in the specifications based on the above

analysis. Obtain approval from the Engineer for the pile driving system based on satisfactory field performance.

In the event piles require different hammer sizes, the Contractor may elect to drive with more than one size hammer or with a variable energy hammer, provided the hammer is properly sized and cushioned, will not damage the pile, and will develop the required resistance.

(c) Maximum Allowed Pile Stresses:

(1) General: The maximum allowed driving stresses for concrete, steel, and timber piles are given below.

(2) Concrete Piles: Use the wave equation to evaluate the proposed pile cushioning. Use the following equations to determine the maximum pile stresses measured during driving:

$$s_{apc} = 0.7\ f'_c - 0.75\ f_{pe} \qquad (1)$$

$$s_{apt} = 6.5 (f'_c)^{0.5} + 1.05\ f_{pe} \qquad \text{(2a) for piles less than 50 feet long}$$

$$s_{apt} = 3.25 (f'_c)^{0.5} + 1.05\ f_{pe} \qquad \text{(2b) for piles 50 feet long and greater}$$

$$s_{apt} = 500 \qquad \text{(2c) within 20 feet of a mechanical splice}$$

where:

s_{apc}= maximum allowed pile compressive stress, psi

s_{apt}= maximum allowed pile tensile stress, psi

f'_c= specified minimum compressive strength of concrete, psi

f_{pe}= effective prestress (after all losses) at the time of driving, psi, taken as 0.8 times the initial prestress force (f_{pe}= 0 for dowel spliced piles).

(3) Steel Piles: Ensure the maximum pile compression and tensile stresses measured during driving are no greater than 0.9 times the yield strength (0.9 f_y) of the steel.

(4) Timber Piles: Ensure the maximum pile compression and tensile stresses measured during driving are no greater than 3.6 ksi for Southern Pine and Pacific Coast Douglas Fir and 0.9 of the ultimate parallel to the grain strength for piles of other wood.

455-5.11.3 Temporary Piles: Submit for the Engineers approval, a Wave Equation analysis signed and sealed by a Specialty Engineer which establishes the driving criteria for temporary piles. The required driving resistance is equal to the design (service) load multiplied by the appropriate factor of safety plus the scour and down drag resistance shown in the Plans (no safety factor is required) or the ultimate bearing capacity shown in the Plans, whichever is higher:

The factor of safety applied to the design (service) load is:

2.0..... when static load tests are required.
2.5.....when Dynamic Load Tests
.....and Wave Equation Analysis are required.
3.0 ..... when only the Wave Equation Analysis is required.

455-5.11.4 Dynamic Load Tests: Dynamic load testing consists of estimating pile capacity by the analysis of electronic data collected from blows of the hammer during driving of an instrumented pile.

455-5.11.5 Static Load Tests: Static load testing consists of applying a static load to the pile to determine its capacity. Use The Modified Quick Test Procedure in accordance with 455-2.2.1.

455-5.11.6 Fender Pile Installation: For piles used in fender systems, regardless of type or size of pile, either drive them full length or jet the piles to within 2 feet of cutoff and drive to cutoff elevation to seat the pile. The Engineer will not require a specific driving resistance unless noted in the Plans. Use methods and equipment for installation that do not damage the piles. If the method or equipment used causes damage to the pile, modify the methods or equipment at no expense to the County.

455-5.12 Test Piles: [N/A]

455-5.13 Dynamic Load Tests: The Engineer will take dynamic measurements during the driving of piles designated in the Plans or authorized by the Engineer. Install instruments prior to driving and assist the Engineer in monitoring all blows delivered to the pile. All piles will have dynamic load tests. The Engineer will perform Dynamic Load Tests to evaluate any or all of the following:

1. Evaluate suitability of Contractor's driving equipment, including hammer, capblock, pile cushion, and any proposed follower.
2. Determine pile capacity.
3. Determine pile stresses.
4. Determine energy transfer to pile.
5. Determine distribution of soil resistance.
6. Evaluate soil variables including quake and damping.
7. Evaluate hammer-pile-soil system for Wave Equation analyses.
8. Evaluate pile installation problems.
9. Other.

Either install Embedded Data Collectors (EDCs) in the piles in accordance with Design Standards, Index No. 20602 or attach instruments (strain transducers to measure force and accelerometers to measure acceleration) with bolts to the pile for dynamic load testing.

Make each pile to be dynamically tested with externally attached instruments available to drill holes for attaching instrumentation and for wave speed measurements. Support the pile with timber blocks placed at appropriate intervals. Ensure that the pile is in a horizontal position and does not contact adjacent piles. Provide a sufficient clear distance at the sides of the pile for drilling the holes. The Engineer will furnish the equipment, materials, and labor necessary for drilling holes and taking the wave speed measurements. If the Engineer directs dynamic load testing, instrumented set-checks or instrumented redrives, provide the Engineer safe access to the top of the piles for drilling the attachment holes. After placing the leads provide the Engineer reasonable means of access to the piles to attach the instruments and for removal of the instruments after completing the pile driving.

The Engineer will monitor the stresses in the piles with the dynamic test equipment during driving to ensure the Contractor does not exceed the maximum allowed stresses. If necessary, add additional cushioning, replace the cushions, or reduce the hammer stroke to maintain stresses below the maximum allowable. If dynamic test equipment measurements indicate non-axial driving, immediately realign the driving system. If the cushion is compressed to the point that a change in alignment of the hammer will not correct the problem, add cushioning or change the cushion as directed by the Engineer.

Drive the pile to the required penetration and resistance or as directed by the Engineer. Dynamic load testing of a pile may average up to two hours longer than for driving an uninstrumented pile.

When directed by the Engineer, perform instrumented set-checks or redrives. Do not use a cold diesel hammer for a set-check or redrive unless in the opinion of the Engineer it is impractical to do otherwise. Generally, warm up the hammer by driving another pile or applying at least 20 blows to a previously driven pile or to timber mats placed on the ground.

455-5.14 Pile Lengths: Authorized lengths are provided as Production Pile Order Lengths in the Pile Data Table in the Structure Plans. Use these lengths for furnishing the permanent piling for the structure.

455-5.15 Allowable Driving Tolerances:

455-5.15.1 General: Meet the tolerances described in this Subarticle to the piles that are free standing without lateral restraint (after the template is removed). After the piles are driven, do not move the piles laterally to force them to be within the specified tolerances. The Contractor may move battered piles laterally to overcome the dead load deflections caused by the pile's weight. When this is necessary, submit calculations signed and sealed by a Specialty Engineer to the Engineer that verify the amount of dead load deflection prior to moving any piles.

455-5.15.2 Position: Ensure that the final position of the pile head at cut-off elevation is no more than 3 inches laterally in the X or Y coordinate from the plan position indicated in the Plans.

455-5.15.3 Axial Alignment: Ensure that the axial alignment of the driven piles does not deviate by more than 1/4 in/ft from the vertical or batter line indicated in the Plans.

455-5.15.4 Elevation: Ensure that the final elevation of the pile head is no more than 1 1/2 inches above, or more than 4 inches below, the elevation shown in the Plans. Do not embed the pile less than 6 inches below the elevation shown in the Plans unless a minimum cap or footing embedment is shown.

For fender piles, cut off piles at the elevation shown on the Plans to a tolerance of +0.0"/-2.0" using sawing or other means as approved by the Engineer to provide a smooth level cut.

455-5.15.5 Deviation From Above Tolerances: When the Contractor has failed to meet the above tolerances, the Contractor may propose a redesign to incorporate piles driven out of tolerance into pile caps or footings. Incorporate piles driven out of tolerance at no expense to the County. Ensure the Contractor's Engineer of Record performs any redesign and signs and seals the redesign drawings and computations. Do not begin any proposed construction until the redesign has been reviewed for acceptability and approved by the Engineer.

455-5.16 Disposition of Pile Cut-offs, Test Piles, and Load Test Materials:

455-5.16.1 Pile Cut-offs:

(a) Steel Piling: Unless shown otherwise in the Plans, the County will retain ownership of cut-off sections, or portions of cut-off sections, and unused piling 20 feet long or longer that are not damaged. Deliver them to the County's nearest maintenance yard. Ensure that sections of piles delivered to the maintenance yard are straight and undamaged. Cut off the damaged portions prior to delivery. Take ownership of cut-off sections less than 20 feet long. Remove them from the job, and dispose of them.

(b) Other Pile Types: Upon completion of all work under the Contract in connection with piling, unless shown otherwise in the plan, take ownership of any unused cut-off lengths remaining, and remove them from the right-of-way. Provide areas for their disposal.

455-5.16.2 Test Piles: [N/A]

455-7 Prestressed Concrete Piling.

455-7.1 Description: Provide prestressed concrete piles that are manufactured, cured, and driven in accordance with the requirements of the Contract Documents. Provide piles full length without splices when transported by barge or the pile length is less than or equal to 120 feet. When piles are transported by truck and the pile length exceeds 120 feet but is less than the maximum length for a three point pick-up according to Index 20600, and splicing is desired, provide minimal splices. Include the cost of the splices in the cost of the pile.

455-7.2 Manufacture: Fabricate piles in accordance with Section 450. When EDCs will be used for dynamic load testing, supply and install EDCs in square prestressed bridge foundation piles in accordance with Design Standards, Index No. 20602. Ensure the EDCs are installed by personnel approved by the manufacturer.

455-7.3 Storage and Handling:

455-7.3.1 Time of Driving Piles: Drive prestressed concrete piles at any time after the concrete has been cured in accordance with Section 450, and the concrete compressive strength is equal to or greater than the specified 28 day compressive strength.

455-7.3.2 Storage: Support piles on adequate dunnage both in the prestress yard and at the job site in accordance with the locations shown in the Standard Indexes to minimize undue bending stresses or creating a sweep or camber in the pile.

455-7.3.3 Handling: Handle and store piles in the manner necessary to eliminate the danger of fracture by impact or of undue bending stresses in handling or transporting the piles from the forms and into the leads. In general, lift concrete piles by means of a suitable bridge or slings attached to the pile at the locations shown in the Standard Indexes. Construct slings used to handle piles of a fabric material or braided wire rope constructed of six or more wire ropes which will not mar the corners or the surface finish of the piles. Do not use chains to handle piles. During transport, support concrete piles at the lifting locations shown in the Standard Indexes or fully support them throughout 80% or more of their length. In handling piles for use in salty or brackish water, exercise special care to avoid damaging the surface and corners of the pile. If an alternate transportation support arrangement is desired, submit calculations, signed and sealed by the Specialty Engineer, for approval by the Engineer prior to transporting the pile. Calculations must show that the pile can be transported without exceeding the bending moments calculated using the support locations shown in the Plans.

455-7.4 Cracked Piles: The Engineer will reject any pile that becomes cracked in handling to the point that a transverse or longitudinal crack extends through the pile, shows failure of the concrete as indicated by spalling of concrete on the main body of the pile adjacent to the crack, or which in the opinion of the Engineer will not withstand driving stresses. The

Engineer will not reject any pile for the occasional minor surface hairline cracking caused by shrinkage or tensile stress in the concrete from handling.

Do not drive piling with irreparable damage, which is defined as any cracks that extend through the pile cross-sectional area that are, or will be, below ground or water level at the end of driving. Such cracks are normally evidenced by emitting concrete dust during their opening and closing with each hammer blow. Remove and replace broken piles or piles cracked to the extent described above at no expense to the County. The Engineer will accept cracks less than 0.005 inch which do not extend through the pile. Using approved methods, cut off and splice or build-up to cut-off elevation piles with cracks greater than 0.005 inch at the pile head or above ground or water level, and piles with cracks above ground or water level which extend through the cross-sectional area of the pile. The Engineer, at his discretion, may require correction of pile damage or pile cracks by cutting down the concrete to the plane of sound concrete below the crack and rebuilding it to cut-off elevation, or the Engineer may reject the pile. Extract and replace rejected piles that cannot be repaired, at no expense to the County.

Take appropriate steps to prevent the occurrence of cracking, whether due to handling or driving. When cracking occurs during driving take immediate steps to prevent additional cracking by using thicker cushions or reducing the ram stroke length. Revise handling and transporting equipment and procedures as necessary to prevent cracking during handling and transportation.

455-7.5 Preparation for Transportation: Cut any strands protruding beyond the ends of the pile flush with the surface of the concrete using an abrasive cutting blade before transporting the piles from the casting yard.

Cut and patch the metal lifting devices in accordance with 450-9.2.1.

455-7.6 Method of Driving: Unless otherwise directed, drive piles by a hammer or by means of a combination of water jets and hammer when jetting is allowed. When using jets in combination with a hammer, withdraw the jets and drive the pile by the hammer alone, to secure final penetration and to rigidly fix the tip end of the pile. Keep jets in place if they are being used to continuously eliminate the soil resistance in the scour zone.

455-7.7 Extensions and Build-ups Used to Increase Production Lengths:

455-7.7.1 General: Where splices and build-ups for concrete piles are necessary, construct such splices and build-ups in accordance with Standard Index 20601. The Contractor may construct build-ups less than 2 feet in length in accordance with 455-11.8. When splicing a prestressed precast section onto the original pile and, after driving, the length of spliced section below cut-off elevation is 4 feet or less, remove the pile concrete to the cut-off elevation and leave the dowels in place to be incorporated into the cap as directed by the Engineer. The Contractor may cut the length of dowels which becomes exposed to a length of 48 inches from the plane of pile-splice.

These requirements are not applicable to specially designed piling. Make splices for special pile designs as shown in the Plans.

455-7.7.2 Extensions to be Driven or Those 21 feet or Longer: Construct extensions to be driven or extensions 21 feet or longer in length in accordance with the details shown in the Plans and in a manner including the requirements, sequences, and procedures outlined below:

(a) Cast a splice section in accordance with Section 450 with the dowel steel in the correct position and alignment.

(b) Drill dowel holes using an approved steel template that will position and align the drill bit during drilling. Drill holes a minimum of 2 inches deeper than the length of the dowel to be inserted.

(c) Clean the drilled dowel holes by inserting a high pressure air hose to the bottom of the hole and blowing the hole clean from the bottom upward. Eliminate any oil, dust, water, and other deleterious materials from the holes and the concrete surfaces to be joined.

(d) Place forms around joints between the pile sections.

(e) Mix the adhesive components in accordance with the manufacturer's directions. Do not mix sand or any other filler material with the epoxy components unless it is prepackaged by the manufacturer for this specific purpose. Use adhesives meeting the requirements of Section 926 for Type B Epoxy Compounds.

(f) After ensuring that all concrete surfaces are dry, fill the dowel holes with the adhesive material.

(g) Insert the dowels of the spliced section into the adhesive filled holes of the bottom section and position the spliced section so that the axes of the two sections are in concentric alignment and the ends of the abutting sections are spaced 1/2 inch apart. The Contractor may use small steel spacers of the required thickness provided they have 3 inches or more of cover after completing the splice. Fill the space between the abutting sections completely with the adhesive.

(h) Secure the spliced sections in alignment until the adhesive is cured in accordance with the manufacturer's directions for the time appropriate with the prevailing ambient temperatures. Do not utilize the crane to secure the pile extension during the adhesive cure time. Utilize alignment braces to maintain the proper pile alignment during the epoxy cure time.

(i) After curing is completed, remove alignment braces and forms and clean and dress the spliced area to match the pile dimensions.

455-7.7.3 Precast Reinforced Build-ups: Construct Precast Reinforced Build-ups in accordance with the requirements of this Subarticle, Section 346, and Section 400. Provide the same material for the form surfaces for precast build-ups as was used to form the prestressed piles. Use concrete of the same mix as used in the prestressed pile and dimension the cross-section the same as piling being built up. Install build-ups as specified in 455-7.7.2(b) through 455-7.7.2(i). Apply to the build-ups the same surface treatment or sealant applied to the prestressed piles.

455-7.8 Pre-Planned Splices: Splices shall be made by the doweled splice method contained in the Standard Indexes or may be made using proprietary splices which are listed on the County's QPL. Splice test piles in the same manner as the production piles. Include in the pile installation plan, the chosen method of splicing and the approximate locations of the splice. Generally, place the splice at approximately the midpoint between the estimated pile tip and the ground surface, considering scour if applicable. Stagger the splice location between adjacent piles by a minimum of 10 feet. Obtain the Engineer's approval prior to constructing any pile sections. Construct piles which are to be spliced using the doweled splice with preformed dowel holes in the bottom section and embedded dowels in the upper section.

When the electing to use dowel splices, assist the Engineer in performing a dynamic load test on each dowel spliced pile to verify the splicing integrity at the end of driving. Replace any damaged pile splices in accordance with 455-11.2.7. Provide the Engineer 48 hours advance notification prior to driving piles with epoxy-bonded dowel splices.

Mechanical pile splices shall be capable of developing the following capacities in the pile section unless shown otherwise in the Plans and capable of being installed without damage to the pile or splice:

a) Compressive strength = (Pile Cross sectional area) x (28 day concrete strength)

b) Tensile Strength = (Pile Cross sectional area) x 900 psi

Pile Size (inches)	Bending Strength (kip-feet)
18	245
20	325
24	600
30	950

455-7.9 Pile Cut-offs: After the completion of driving, cut piles off which extend above the cut-off elevation with an abrasive saw. Make the cut the depth necessary to cleanly cut through the prestressed strands. Take ownership and dispose of cut-off sections not used elsewhere as allowed by this Section.

455-9 Sheet Piling.

455-9.1 Description: Leave permanent piling in place as part of the finished work and generally remove temporary piling after each construction phase.

455-9.2 Materials: Meet the following requirements:

Concrete .....Section 346
Bar Reinforcement .....Section 931
Prestressing Reinforcement .....Section 933
Steel Sheet Piles* .....Section 962
*For temporary steel sheet piles meet the requirements specified in the Plans.

455-9.3 Steel Sheet Piling: Drive steel sheet piling and cut off true to line and grade. Install steel sheet piling with a suitable hammer. Remove and replace any section damaged during handling and installation at no additional expense to the County.

455-9.3.1 Method of Installation: Where rock or strong material is encountered such that the sheet piles cannot be set to grade by driving, remove the strong material by other acceptable means, such as excavation and backfilling or by punching. When the Plans do not indicate the existence of rock or strong material, work of removing, drilling or punching the strong material or rock will be paid for as Unforeseeable Work.

455-9.4 Concrete Sheet Piling:

455-9.4.1 Description: Ensure that Concrete Sheet Piling is of prestressed concrete construction and manufactured, cured, and installed in accordance with the requirements of the Contract Documents. Use these piles in bulkheads and abutments and at other locations as shown in the Plans.

455-9.4.2 Manufacture of Piles: Ensure that the piles are fabricated in accordance with Section 450.

455-9.4.3 Method of Installation: Jet concrete sheet piling to grade where practical. The Engineer will require a minimum of two jets. Provide water at the nozzles of sufficient volume and pressure to freely erode material adjacent to the piles. Where encountering rock or strong material, such that the sheet piles cannot be set to grade by jetting, remove the

strong materials by other acceptable means, such as excavation and backfilling, drilling or by punching with a suitable punch. When the Plans do not indicate the existence of rock or strong material and the piles cannot be set by jetting, the County will pay for the work of removing, drilling or punching the strong material or rock as Unforeseeable Work.

455-9.4.4 Grouting and Caulking: Concrete sheet piles are generally detailed to have tongues and grooves on their lower ends, and double grooves on their upper ends. Where so detailed, after installation, clean the grooves of all sand, mud, or debris, and fully grout the grooves. Use approved plastic bags (sheaths) which will meet the shape and length of the groove to be grouted to contain the plastic grout within the double grooves. Provide grout composed of one part cement and two parts sand. The Contractor may use clean local sand or sand meeting the requirements of Section 902 in this grout. In lieu of sand-cement grout, the Contractor may use concrete meeting the requirements of Section 347, using small gravel or crushed stone coarse aggregate. Deposit the grout through a grout pipe placed within a watertight plastic sheath (bag) extending the full depth of the double grooves and which, when filled, completely fills the slot formed by the double grooves.

455-9.5 Storage and Handling: Handle and store all sheet piles in a manner to prevent damage. Handle long sheet piles with fabric slings or braided wire rope constructed of six or more wire ropes placed at appropriate lift points to prevent damage due to excessive bending.

455-10 Pile Installation Plan.

455-10.1 General: Complete the Pile Driving Installation Plan form provided by the Engineer. Return the Pile Driving Installation Plan information to the Engineer at the preconstruction conference or no later than 30 days before driving the first pile. Ensure the Pile Driving Installation Plan information includes the following:

1. List and size of proposed equipment including cranes, barges, driving equipment, jetting equipment, compressors, and preformed pile hole equipment. Include manufacturer's data sheets on hammers.
2. Methods to determine hammer energy in the field for determination of pile capacity. Include in the submittal necessary charts and recent calibrations for any pressure measuring equipment.
3. Detailed drawings of any proposed followers.
4. Detailed drawings of templates.
5. Details of proposed load test equipment and procedures, including recent calibrations of jacks and required load cells.
6. Sequence of driving of piles for each different configuration of pile layout.
7. Proposed schedule for test pile program and production pile driving.
8. Details of proposed features and procedures for protection of existing structures.
9. Required shop drawings for piles, cofferdams, etc.
10. Methods and equipment proposed to prevent displacement of piles during placement and compaction of fill within 15 feet of the piles.
11. Methods to prevent deflection of battered piles due to their own weight and to maintain their as-driven position until casting of the pile cap is complete.
12. Proposed pile splice locations and details of any proprietary splices anticipated to be used.

455-10.2 Acceptance of Equipment and Procedures: All equipment and procedures are subject to satisfactory field performance. Make any required changes that may result from unsatisfactory field performance. The Engineer will give final acceptance after the Contractor makes necessary modifications. Do not make any changes in the driving system after acceptance without authorization of the Engineer. A hammer repaired on site or removed from the site and returned is considered to have its performance altered (efficiency increased or decreased), which is considered a change in the driving system and is subject to a Dynamic Load Test in accordance with 455-5.13 at no additional compensation.

455-11 Method of Measurement (All Piling).

455-11.1 Treated Timber Piling: The quantity to be paid for will be the length, in feet, furnished, placed, and accepted according to the authorized lengths list, including any additions and excluding any deletions thereto, as approved by the Engineer.

455-11.2 Prestressed Concrete Piling:

455-11.2.1 General: The quantity to be paid for will be the length, in feet, of Prestressed Concrete Piling furnished, driven and accepted according to the authorized lengths list, including any additions and excluding any deletions thereto, as approved by the Engineer.

455-11.2.2 Furnished Length: The furnished length of precast concrete piles will be considered as the overall length from head to tip. Final pay length will be based on the casting length as authorized in accordance with 455-5.14.3 subject to provisions of 455-11.2.3 through 455-11.2.8, 455-11.8, 455-11.9 and 455-11.13.

455-11.2.3 Build-ups: The lengths of pile build-ups authorized by the Engineer, measured from the plane of cutback or the joint between the sections, to head of build-up, will be included in the quantities of Piling.

455-11.2.4 Piles Requiring Cut-offs: No adjustments in the length, in feet, of Piling will be made if cut-offs are required after the pile has been driven to satisfactory bearing.

455-11.2.5 Piles Driven Below Cut-off Elevation: Where a pile is driven below cut-off elevation and satisfactory bearing is obtained so that no further driving is required, the length of pile will be measured from cut-off elevation to tip of the pile.

455-11.2.6 Driving of Splice: If a pile is driven below cut-off and satisfactory bearing is not obtained, and additional driving is required after construction of a satisfactory splice, an additional 10 feet of piling will be paid for the additional driving. This compensation for driving of splice, however, will not be allowed for test piles that are spliced and redriven.

455-11.2.7 Replacing Piles: In the event a pile is broken or otherwise damaged by the Contractor to the extent that the damage is irreparable, in the opinion of the Engineer, the Contractor shall extract and replace the pile at no additional expense to the County. In the event that a pile is mislocated by the Contractor, the Contractor shall extract and replace the pile at no expense to the County except when a design change proposed by the Contractor is approved by the County as provided in 455-5.15.5.

In the event that a pile is driven below cut-off without obtaining the required bearing, and the Engineer elects to have the pile pulled and a longer pile substituted, it will be paid for as Unforeseeable Work. In the event a pile is damaged or mislocated, and the damage or mislocation is determined to be the County's responsibility, the Engineer may elect to have the pile extracted, and it will be paid for as Unforeseeable Work. If the extracted pile is undamaged and driven elsewhere the pile will be paid for at 30% of the Contract unit price for Piling. When the County determines that it is responsible for damaged or mislocated pile, and a

replacement pile is required, compensation will be made under the item for Piling, for both the original pile and replacement pile.

The Contractor may substitute a longer pile in lieu of splicing and building-up a pile. In this event, the Contractor will be paid for the original authorized length of the pile, plus any additional length furnished by the Contractor up to the authorized length of the build-up, as Piling. The Contractor will be paid 30 feet of piling as full compensation for extracting the original pile.

455-11.2.8 Underwater Driving: When the Contractor selects one of the optional underwater driving methods, payment will be made by selecting the applicable method from the following:

(a) Using a pile longer than the authorized length: Payment for piling will be made only for the authorized length at that location unless the length of pile from cut-off elevation to the final tip elevation is greater than the authorized length, in which case payment for piling will be made from cut-off elevation to final tip elevation. No payment will be made for pile splice, when this option is selected, unless the pile is physically spliced and the splice is driven below cut-off elevation to achieve bearing. When making and driving a pile splice below cut-off elevation to achieve bearing, the length to be paid for piling will be the length between cut-off elevation and final pile tip elevation.

(b) Using an underwater hammer: Payment for piling and pile splices will be in accordance with 455-11.2.1 through 455-11.2.7 and 455-11.9.2. The Contractor shall furnish additional lengths required to provide the full length confirmation pile at no expense to the County. Payment for piling for the full length confirmation pile will be the authorized length of the pile, unless the length driven below cut-off elevation is greater than the authorized length, in which case the length to be paid for will be the length between cut-off elevation and the final tip elevation. Splices in confirmation piles will be paid for only when the splice is driven below cut-off elevation.

(c) Using a pile follower: When a pile follower is used with a conventional pile driving system, the method of payment will be the same as shown above in 455-11.9.2.

455-11.4 Test Piles: The quantity to be paid for of test piles of various types, will be the length, in feet, of Test Piling furnished, driven and accepted, according to the authorized length list, and any additions or deletions thereof as approved by the Engineer.

Where a test pile is left in place as a permanent pile, it will be paid for only as Test Piles. Any extensions necessary to continue driving the pile for test purposes, as authorized by the Engineer, will be paid for as Test Piles. Other build-ups made only to incorporate the pile into the structure as a permanent pile will be included in the quantities of regular Piling and will not be paid for as Test Piling.

455-11.5 Dynamic Load Tests: Payment will be based on the number of dynamic load tests authorized by the Engineer, completed and accepted in accordance with the Contract Documents, but which were not shown in the Contract Documents.

Payment for attaching equipment to each production pile for dynamic load testing prior to initial driving and as authorized by the Engineer will be 20 feet of additional pile when dynamic testing of that pile is not shown in the Contract Documents.

455-11.6 Steel Sheet Piling: The quantity to be paid for will be the plan quantity area, in square feet, measured from top of pile elevation to the bottom of pile elevation and beginning and end wall limits as shown in the Plans with no allowance for variable depth surface profiles. Approved alternate support structures would be paid for as plan quantity computed for sheet pile.

Sheet piling used in cofferdams and to incorporate the Contractor's specific means and methods, and not ordered by the Engineer, will be paid for as required in Section 125.

455-11.7 Concrete Sheet Piling: The quantity to be paid for will be the product of the number of such piles satisfactorily completed, in place, times their lengths in feet as shown in the Plans or authorized by the Engineer. This quantity will be based upon piles 2 1/2 feet wide.

When the Engineer approves, the Contractor may furnish the concrete sheet piling in widths wider than shown in the Plans; then the number of piles shall be the actual number of units completed times the width used divided by the width in the Plans.

455-11.8 Pile Splices: The quantity to be paid for authorized splices in concrete piling, and test piling, which are made for the purpose of obtaining authorized pile lengths longer than shown as the maximum length in the Standard Indexes, for obtaining greater lengths than originally authorized by the Engineer, to incorporate test piling in the finished structure, for further driving of test piling, or for splices shown in the Plans, will be 30 feet of additional prestressed concrete piling.

For concrete piles, where the head of the pile to be spliced is not more than 2 feet below the elevation of cut-off, the pile build-up may be cast with the cap. The reinforcing steel and pile dimensions shall generally conform in every respect to a standard splice. The quantity to be paid for will be 9 feet of piling as compensation for drilling and grouting the dowels and reinforcing steel and concrete used for-build up and all other costs for which provision has not otherwise been made.

The quantity to be paid for authorized splices in steel piling and test piling for the purpose of obtaining lengths longer than the lengths originally authorized by the Engineer will be as 20 feet of additional steel piling.

455-11.9 Set-Checks and Redrives:

455-11.9.1 Set Checks/Test Piles: There will be no separate payment for the initial four set-checks performed the day of and the working day following initial driving. For each additional set-check ordered by the Engineer and performed within the following working day of initial driving, an additional quantity of 10 feet of piling will be paid.

455-11.9.2 Set Checks/Production Piles: There will be no separate payment for the initial two set-checks performed the day of and the working day following initial driving. For each additional set-check ordered by the Engineer and performed within the following working day of initial driving, an additional quantity of 10 feet of piling will be paid.

455-11.9.3 Redrives: The quantity to be paid for will be the number of redrives, each, authorized by the Engineer. Payment for any pile redrive (test pile or production pile) ordered by the Engineer will consist of 20 feet of additional piling.

455-11.10 Pile Extraction: Piles authorized to be extracted by the Engineer and successfully extracted as provided in 455-11.2.7 will be paid for as described in 455-11.2.7. No payment for extraction will be made for piles shown in the Plans to be extracted or piling damaged or mislocated by the Contractor that are ordered to be extracted by the Engineer.

455-11.11 Protection of Existing Structures: The quantity to be paid for will be at the Contract lump sum price. When the Contract Documents do not include an item for protection of existing structures, the cost of settlement monitoring as required by these Specifications will be included in the cost of the piling items; however, work in addition to settlement monitoring will be paid for as Unforeseeable Work when such additional work is ordered by the Engineer.

455-11.12 Static Load Tests: The quantity to be paid for will be the number of static load tests of the designated tonnages, each, as shown in the Plans or authorized by the Engineer,

actually applied to piles, completed and accepted in accordance with the Plans and these Specifications.

455-11.13 Preformed Pile Holes: The quantity added to the payment for piling will be 30% of the length of completed preformed pile holes from existing ground or the bottom of any required excavation, whichever is lower, to the bottom of preformed hole acceptably provided, complete for the installation of the bearing piles, regardless of the type of pile (test pile or production pile) installed therein. Only those holes authorized to be paid for, as provided in 455-5.9.3, will be included in the measurement for payment. The Engineer will authorize payment for preformed pile holes only when the pile has been placed in proper position and has achieved the required penetration.

455-12 Basis of Payment (All Piling).

455-12.2 Prestressed Concrete Piling: Price and payment will be full compensation for the cost of furnishing and placing all reinforcing steel, predrilled holes, furnishing the material for and wrapping pile clusters with wire cable where so shown in the Plans and grouting of preformed pile holes when shown in the Plans.

455-12.4 Test Piles: Price and payment will be full compensation for all incidentals necessary to complete all the work of this item except splices, build-ups, pile extractions and preformed pile holes authorized by the Engineer and paid for under other pay items or payment methods. The cost of all additional work not listed above necessary to ensure required penetration and attain required bearing of the test piles will be included in the price bid per foot of Test Pile, including driving and all other related costs.

455-12.5 Dynamic Load Tests:

455-12.5.1 Dynamic Load Tests/ Test Piles: Price and payment will be full compensation for all labor, equipment, materials, instrumentation and installation required to assist the engineer in performing this work. All test piles will require dynamic load tests, and include all costs associated with dynamic load tests in the pay items for test piles.

455-12.5.2 Dynamic Load Tests/ Production Piles: Price and payment will be full compensation for all labor, equipment, materials, instrumentation and installation required to assist the Engineer in performing this work.

455-12.6 Steel Sheet Piling:

455-12.6.1 Permanent Sheet Piling: Price and payment will be full compensation for all labor, equipment, and materials required for furnishing and installing steel sheet piling including preformed holes and coating, but will not include furnishing and placing anchors when an anchored wall system is designed and detailed in the Plans. In such cases, furnishing and installing anchors will be paid for separately.

455-12.6.2 Temporary Sheet Piling: For critical temporary steel sheet pile walls, walls which are necessary to maintain the safety of the traveling public or structural integrity of nearby structures, roadways and utilities during construction, that are detailed in the Plans, price and payment will be full compensation for all labor, equipment, and materials required for furnishing and installing steel sheet piling including preformed holes when shown in the Plans, and including wales, anchor bars, dead men, soil anchors, proof tests, creep tests, and other incidental items when an anchored wall system is required. Removal of the sheet piling, anchors, and incidentals will be included in the cost per square foot for Steel Sheet Piling (Critical Temporary). When the temporary steel sheet pile walls are not detailed in the Plans, the cost of

furnishing and installation shall be incidental to cost of other related items and no separate payment shall be made. If the wall is not shown in the Plans, but deemed to be critical as determined by the Engineer, then a design shall be furnished by the County and paid for separately under Steel Sheet Piling (Critical Temporary).

455-12.8 Preformed Pile Holes: There is no separate pay item for preformed pile holes. Payment will be made at the unit price for piling of the applicable pile type. Payment will be full compensation for all labor, equipment, casings and materials required to perform this work.

455-12.9 Protection of Existing Structures: Price and payment will be full compensation for all labor, equipment, and materials required to perform this work.

455-12.10 Point Protectors: Price and payment will be full compensation for all labor, equipment, and materials required to perform this work.

455-12.11 Static Load Tests: Price and payment will be full compensation for all labor, equipment, and materials required to perform this work.

455-12.12 Pile Cut-Off: Anticipate all piles will require cutting-off, and include all costs associated with pile cut-off in the pay items for piling.

455-12.13 Payment Items: Payment will be made under:

Item No. 455- 2-	Treated Timber Piling - per foot.
Item No. 455- 14-	Concrete Sheet Piling - per foot.
Item No. 455- 18-	Protection of Existing Structures - lump sum.
Item No. 455- 34-	Prestressed Concrete Piling - per foot.
Item No. 455- 35-	Steel Piling - per foot.
Item No. 455- 36-	Concrete Cylinder Piling - per foot.
Item No. 455-119-	Test Loads - each.
Item No. 455-120-	Point Protection - each.
Item No. 455-133-	Steel Sheet Piling - per square foot.
Item No. 455-143-	Test Piles (Prestressed Concrete) - per foot.
Item No. 455-144-	Test Piles (Steel) - per foot.
Item No. 455-145-	Test Piles (Concrete Cylinder) - per foot.

Geotechnical Engineering Report

Taylor Road Bridge
Manatee County, Florida
September 23, 2013
Dunkelberger Project No. HC135579

Prepared for:
Cardno TBE
Sarasota, Florida

Prepared by:
Dunkelberger Engineering & Testing, a Terracon Company
Sarasota, Florida

DUNKELBERGER
engineering & testing, inc.
A Terracon COMPANY

Geotechnical ■ Environmental ■ Construction Materials ■ Facilities

DUNKELBERGER
engineering & testing, inc.
A Terracon COMPANY

September 23, 2013

Cardno TBE
22 Sarasota Center Boulevard
Sarasota, Florida 34240

Attn: Mr. Bob Heck, P.E., Director of Bridges/Structures
P: [941] 870-5739
F: [941] 377-1587
E-mail: bob.heck@cardno.com

Re: Geotechnical Engineering Services
Taylor Road Bridge
Manatee County, Florida
Dunkelberger Project Number: HC135579

Dear Mr. Heck:

Dunkelberger Engineering & Testing, a Terracon Company (DUNKELBERGER) has completed the geotechnical engineering services for the above referenced project. This study was performed in general accordance with our Proposal No. SAR-13-1545, Revision No. 3, dated August 14, 2013 which was authorized by issuance of a subcontractor agreement on August 19, 2013. This report presents the findings of the geotechnical study in connection with planned Taylor Road Bridge replacement.

We appreciate the opportunity to be of service during this phase of the project. If you have any questions, please contact the undersigned at 941-379-0621.

Sincerely,
Dunkelberger Engineering & Testing, a Terracon Company

James M. Jackson, E.I.
Staff Engineer 9/23/13

SCOTT N. PARRISH LICENSE No 69091 STATE OF FLORIDA PROFESSIONAL ENGINEER

Scott N. Parrish, P.E.
Department Manager 9/23/13
FL License No. 69091

Enclosures
cc: 1 – Client (PDF)
1 – File

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EXECUTIVE SUMMARY

A geotechnical study has been completed for the Taylor Road Bridge replacement project in Manatee County, Florida. The County has closed the existing bridge to vehicle traffic, due to significant structural deficiencies, and installed a temporary by-pass bridge just south of the existing bridge (within 10 feet). Two (2) Standard Penetration Test (SPT) borings, designated B-1 and B-2, were drilled to a depth of 80 feet below the existing land surface (bls) at opposite ends of the existing bridge. Six (6) auger borings, designated AB-1 through AB-6, were drilled to a depth of 5 feet bls in the approach areas of the bridge (3 along each bridge approach). Additionally, two sediment samples were collected from the bottom of the channel near the midpoint of the bridge span. This report provides estimated design capacities for concrete driven pile foundations planned for support of the new bridge.

Based on the information obtained from our exploratory work, it appears that the site subsurface conditions are typical for the area and therefore should allow for a conventional approach to the design and construction of foundations for the proposed bridge structure. The following geotechnical considerations were identified:

- In general, soil conditions consist of sands with varying amounts of silt or clay to a depth of about 35 feet bls, followed by an approximately 10 to 15-foot thick layer of silt and clay, and underlain by more sand with varying amounts of silt or clay to the borehole termination depth of 80 feet.

- Estimated design, load-carrying capacities for 18-inch square pre-cast, pre-stressed driven concrete piles are tabulated in the Driven Pile Capacities Section 4.3 of this report.

- The subsoils found at the site appear generally suitable for support of the bridge approach areas (fills) when prepared in accordance with the recommendations in Section 4.2 of this report.

- Close monitoring of the construction operations discussed herein will be critical in achieving the design intentions. We therefore recommend that DUNKELBERGER be retained to monitor installation of the driven piles.

This summary should be used in conjunction with the entire report for design purposes. It should be recognized that details were not included or fully developed in this section, and the report must be read in its entirety for a comprehensive understanding of the items contained herein. The section titled **GENERAL COMMENTS** should be read for an understanding of the report limitations.

DUNKELBERGER
engineering & testing, inc.
A Terracon COMPANY

GEOTECHNICAL ENGINEERING REPORT
TAYLOR ROAD BRIDGE
MANATEE COUNTY, FLORIDA

Dunkelberger Project No. HC135579
September 23, 2013

1.0 INTRODUCTION

The project site is located on Taylor Road approximately 0.4 miles west of the intersection of Taylor Road and Myakka-Wauchula Road between State Road 70 and State Road 64 in eastern Manatee County, Florida. Presently, the existing bridge has been closed by the County due to significant structural deficiencies and a temporary by-pass bridge has been installed just south of the existing bridge (within 10 feet). The existing bridge is a multi-span timber bridge measuring approximately 80 feet long and consisting of 7 spans at about 11 ½ feet each. The bridge is supported by timber piles with 3 to 7 piles per bent. The curb to curb width inside the guard railings is 14 feet with an overall bridge deck width of about 30 feet. The roadway approach is unpaved and surfaced with a sand-shell mixture. A vicinity map of the site is presented on Sheet A-1 in Appendix A.

The purpose of these services is to provide information and geotechnical engineering recommendations relative to:

- subsurface soil conditions
- groundwater conditions
- earthwork (approach fills)
- driven pile capacity for a replacement bridge
- installation procedures for the driven piles

2.0 PROJECT INFORMATION

2.1 Project Description

Item	Description
Site layout	See Appendix A, Sheet A-2: Boring Location Plan
Structure	A new, 2-span rural concrete bridge for vehicular traffic. The bridge is to be 100 feet long (50 feet per span) and about 30 feet wide. We have assumed the bridge approaches will be unpaved to match the existing roadway.
Foundation Construction	18-inch square pre-cast, pre-stressed driven concrete piles
Maximum loads (preliminary)	Axial (compressive) factored load: 1,088 kips (544 tons) Lateral (shear) factored load: 53 kips (26.5 tons)
Maximum allowable settlement	Total: 1 inch (assumed) Differential: ½ inch (assumed)

Item	Description
Grading	Site grades are to remain relatively unchanged. Therefore, we anticipate fill thickness to be minimal (i.e. less than 1 foot)

2.2 Site Location and Description

Item	Description
Location	Taylor Road, approximately 0.4 miles west of the intersection of Taylor Road and Myakka-Wauchula Road in eastern Manatee County, Florida.
Existing improvements	An existing timber bridge which has been closed by the County and a temporary by-pass bridge to the south of the existing bridge.
Current ground cover	The roadway approach to the existing and temporary by-pass bridges is unpaved with a dirt/shell surface.
Existing Topography	The existing ground surface (reference: survey dated September 5, 2013 by ZNS Engineering) appears to slope downward from east to west from about +48 to +46 feet NGVD. The deepest part of the canal bottom (reference: survey dated November 9, 1989 by DeGrove Surveyors, Inc.) is at about +35 feet NGVD.

3.0 SUBSURFACE CONDITIONS

3.1 Geology

The *Hydrogeologic Framework of the Southwest Florida Water Management District*, issued in 1998 by the Florida Department of Environmental Protection was reviewed to determine the geologic conditions at the site. Plate 16 in that publication, which provides a cross-sectional view of Manatee County, indicates that the upper 10 to 20 feet of subsurface soils within the approximate site area consist of Undifferentiated Sand and Shell (UDSS) deposits of the Pleistocene Age. These soils are comprised primarily of quartz sand with varying amounts of silt, clay, organics, phosphate, and shell fragments.

Underlying the UDSS deposit is the Peace River Formation consisting predominantly of siliciclastic sediments, followed by the Arcadia Formation which consists of fine-grained carbonate with low to moderate phosphate and quartz sand and variably dolomitic. The Peace River Formation appears to extend to a depth of about 100 feet below ground surface (bgs) and the Arcadia Formation appears to extend to a depth of about 300 feet bgs which marks the beginning of the Tampa Member. The Tampa Member consists of fine to medium limestone with some sandy layers to about 450 feet bgs.

An approximately 100 foot thick layer of the Arcadia Formation appears beneath the Tampa Member followed by Suwanee Limestone which was reported at around 500 feet bgs and extending to a depth of about 700 feet bgs.

3.2 Surficial Soil Conditions (SCS Soil Survey)

The Soil Survey of Manatee County, Florida (i.e. Soil Survey), issued April 1983 and published by the Soil Conservation Service (U.S. Department of Agriculture), was reviewed to determine the surficial soil map units at this site. As shown below, the western half of the site is mapped with Soil Unit 24 and the eastern half of the site is mapped with Unit 52.

Unit 24, Felda-Wabasso association, frequently flooded, is comprised of nearly level, poorly drained Felda and Wabasso soils and soils that are closely similar to them. Felda soils make up about 60 percent, Wabasso soils make up about 25 percent, and minor soils make up about 15 percent of the association. Typically, Felda soils consist of fine sand to a depth of 24 inches and underlain by sandy loam to a depth of 80 inches or more. Wabasso soils consist of fine sand to a depth of 31 inches, followed by sandy loam to a depth of 59 inches, and underlain by sand mixed with shell fragments to a depth of 80 inches or more. Under natural (pre-development) conditions, the Seasonal High Groundwater Table (SHGWT) is reported to lie at a depth of less than 10 inches below land surface (bls) for 2 to 4 months of the year.

Unit 52, Waveland fine sand, is comprised of nearly level, poorly drained soil in broad areas of flatwoods. The typical soil profile consists of fine sand to a depth of 80 inches or more. Under natural (pre-development) conditions, the Seasonal High Groundwater Table (SHGWT) is reported to lie at a depth of less than 10 inches for 1 to 4 months of the year.

3.3 Field Explorations

The subsurface conditions of the site were explored with two (2) SPT borings, six (6) auger borings, and two grab samples of the canal bottom. The SPT borings were drilled to a depth of 80 feet bls. The auger borings were drilled to a depth of 5 feet bls along both approach areas of the bridge. The canal bottom samples were retrieved from the approximate midpoint of the existing bridge (one on each side). The SPT borings were drilled using a truck-mounted Central Mine Equipment Model 45 (CME 45) drill rig employing mud rotary procedures and SPT methodology, per ASTM D-1586, for the collection of soil samples. Representative portions of the recovered soil samples were collected in labeled glass jars and transported to our laboratory for visual-manual classification by a geotechnical engineer.

The auger borings and canal bottom samplings were advanced using hand-turned, bucket-type equipment. Grab samples of each soil stratum were collected from the auger bucket, placed in glass jars, and transported to our laboratory for visual-manual classification by a geotechnical engineer.

The groundwater level was measured in the boreholes just prior to them being backfilled with either cement grout or soil cuttings.

The locations of the borings are indicated on the *Boring Location Plan* as Sheet A-2 in Appendix A.

3.3 Typical Profile

Based on the results of the borings, subsurface conditions on the project site can be generalized as follows:

Stratum	Approximate Depth to Bottom of Stratum (feet)	Material Description	Consistency/ Density
Base	1 to 1 ½	Sand-Shell Roadway BASE	Loose to medium dense
1	2 to 77 ½	Fine SAND with trace to slight amounts of silt (SP, SP-SM)	Loose to dense
2	12 ½ to 57 ½	Clayey fine SAND (SC)	Very loose to dense
3	3 ½ to 80	Silty fine SAND (SM)	Very loose to very dense

Stratum	Approximate Depth to Bottom of Stratum (feet)	Material Description	Consistency/ Density
4	37 ½ to 47 ½	SILT (ML)	Medium dense
5	47 ½ to 80	CLAY (CL)	Very stiff to hard

In general, the SPT borings found about 1 to 1 ½ feet of medium dense sand-shell base material, followed by varying depths and thicknesses of very loose to dense fine sands with trace to slight amounts of silt (SP, SP-SM) and very loose to very dense clayey and silty fine sands (SC, SM) to the maximum borehole termination depth of 80 feet bls. Exceptions to that general profile description are noted below.

Boring B-1 found a layer of medium dense silt (ML) from about 38 to 48 feet bls.

Boring B-2 found medium dense silt (ML) from about 32 to 38 feet bls, followed by very stiff to hard clay (CL) from about 38 to 48 feet bls. Another layer of very stiff clay (CL) was found from about 78 to 80 feet bls.

The auger borings on the east side of the bridge (AB-1, AB-2, and AB-3) generally found fine sand with trace to slight amounts of silt (SP, SP-SM) from the ground surface to about 2 feet bls, followed by a thin layer of silty fine sand (SM) to about 3 ½ feet bls, and underlain by fine sand with trace to slight amounts of silt (SP, SP-SM) to the borehole termination depth of 5 feet bls.

Boring AB-1 encountered some organics from about 2 to 3 ½ feet bls. The laboratory determined organic content of this sample was 5%. Therefore, the sample does not quite classify as “muck” which is defined as a single organics content test exceeding 7% per FDOT Standard Index 505.

The auger borings on the west side of the bridge (AB-4, AB-5, and AB-6) found fine sand with trace to slight amounts of silt (SP, SP-SM) from the ground surface to the borehole termination depth of 5 feet bls.

The samples collected from the canal bottom consisted of fine sand with trace to slight amounts of silt and shell (SP, SP-SM).

The boring results, including soil stratigraphy and classifications, SPT blow count data (N-Values), groundwater levels, and laboratory test results are summarized as *Subsurface Profiles* on the attached Sheets A-3 and A-4 in Appendix A**.** Those sheets should be consulted for details at any specific boring location.

3.4 Groundwater

The depth to the groundwater measured during our field work ranged from about 1 ½ to 3 ½ feet bls. It should be noted that the groundwater measurements can be influenced by the drilling

process, water levels in the Myakka River, and ambient weather conditions which have been seasonably wet.

3.5 Laboratory Analysis

Soil samples collected from the borings were reviewed in our laboratory by a geotechnical engineer and assigned a visual-manual classification using the Unified Soil Classification System (ASTM D2488; U.S.C.S.). Also, seven (7) samples were selected for index property testing to aid in the classification. Seven (7) moisture (water) content tests, five (5) percent finer than the U.S. No. 200 sieve (washes), two (2) organics content tests, and two (2) full sieve (gradation) tests were run. The results of the laboratory testing are shown as part of the *Subsurface Profiles* on the attached Sheets A-3 and A-4 in Appendix A. The results of the gradation tests can be seen on Exhibits B-3 and B-4 in Appendix B.

Additionally, two (2) samples were transported to Palm Beach Environmental Laboratories, Inc. for corrosion series testing (pH, resistivity, sulfate content, and chloride content). The results of the corrosion series tests are shown on the *Subsurface Profiles* Sheet A-3 in Appendix A and on Exhibit B-2 in Appendix B.

4.0 CONCLUSIONS AND RECOMMENDATIONS

The following conclusions and recommendations are based on the project characteristics previously described, the data obtained from our field exploration and our experience with similar subsurface conditions and construction types. If subsurface conditions different from those disclosed by the borings are encountered during construction, we should be notified immediately so that we might review the following recommendations.

4.1 General

The existing wooden bridge should be completely demolished including the removal of all existing foundation components (i.e. wood pilings). Once the existing bridge is removed, the site appears suitable for use of driven concrete piles for support of the new bridge.

Additionally, the subsoils found within the project area should provide adequate support for the new roadway approach upon completion of the site preparation recommendations in the following section.

4.2 Roadway Approach Preparation

The removal of topsoil, trees, major root systems, muck, peat and other deleterious materials, from beneath and to at least 10 feet beyond proposed pavement areas should be accomplished in accordance with FDOT Traffic and Design Standards (2010), Index 500 and Standard Specifications 110 and 120.

Backfill should consist of non-plastic fill (granular soils, clean sands), free of organic and other deleterious materials, and conforming to FDOT Standard Index 505 and compacted in general accordance with section 120-9 of the Standard Specifications for Road and Bridge Construction.

Material used in roadway construction should be used and placed in accordance with Index 500 and 505 of the FDOT Roadway Traffic and Design Standards and FDOT Standard Specifications for Roadway and Bridge Construction. The soils encountered during our field exploration can be classified and utilized as follows, in accordance with Indices 500 and 505:

- Materials from Strata 1 through 3 can be classified as Select (S) and used for grading purposes, site leveling, general engineering fill and backfill when utilized in accordance with Index 505. However, materials from Strata 2 and 3 (>12% fines content) may be more moisture sensitive and will likely be more difficult to dry and compact. These materials should be used within the embankment above the water level existing at the time of construction.

We recommend cut and fill slopes be designed with angles no steeper than 2:1 (horizontal: vertical), when above the water table, to provide adequate stability against a slope failure. However, flatter slopes may be required for maintenance purposes and would be required for submerged (i.e. below water table) conditions.

4.3 Driven Pile Capacities

The table below provides a summary of our estimated capacities for an 18-inch square driven concrete pile. FBDeep (Davisson Method) was used to estimate the maximum pile capacities and then load resistance factors (Table 3.5.6 of the *Florida Department of Transportation Structures Design Guidelines*, January, 2013) were applied to determine the allowable pile capacities. Additionally, LPile was used to estimate the lateral deflection of the pile based on the loading provided.

Tip Elevations (feet-NGVD)	Pile Length[1] (ft)	Allowable Axial Capacity[2] (Tons)	Allowable Tensile Capacity[2] (Tons)	Allowable Lateral Capacity (Tons)
+3	40	21	9	4
-2	45	26	13	4
-7	50	43	22	4
-12	55	69	34	4
-17	60	89	46	4
-22	65	100	52	4
-27	70	116	58	4

1. Assumes the top of the pile will be at elevation +43 feet NGVD.
2. Assumes PDA and CAPWAP testing will be used for quality control.

See Exhibit C-1 in Appendix C for additional pile capacity details.

In the event that the driven concrete piles, at their design tip elevation, are not terminated in accordance with the minimum driving criteria as determined by the dynamic pile driving formula for the hammer being used, this office should be consulted for further recommendations. Practical refusal is defined as 20 blows per inch with the hammer operation at the highest full setting. This office should be consulted if practical refusal is achieved above the recommended tip elevations.

It is recommended that the piles be installed with center-to-center spacing of at least three (3) pile diameters. The piles should be evaluated and designed for the axial stresses by the project structural engineer. Additionally, the piles used on this project should be properly reinforced to carry lateral loads.

Information concerning the performance of the pile load test, pile installation, equipment, procedures and determination of practical refusal are contained in Section 455 of the *Florida Department of Transportation Standard Specifications for Road and Bridge Construction (2013)*.

Total and differential settlements of driven pile foundations installed in accordance with the forgoing recommendations are estimated to be less than ½ inch. Because settlement in sands and silty sands occurs shortly after load application, most of this settlement should occur during construction of the structure.

To confirm pile capacities and required depths, Pile Driving Analyzer (PDA) and Case Pile Wave Analysis Program (CAPWAP) testing should be carried out. PDA and CAPWAP testing should be performed at each pile. The test pile should be in a production pile location. Alternatively, load capacity verification by a static pile load test program may be carried out.

4.4 Environmental Classification

The FDOT corrosion series tests, which test for pH, resistivity, sulfate content, and chloride content, were performed on select samples from Strata 1 and 2. The results of the testing, based on the FDOT environmental classification for substructures, indicate that soils from Strata 1 and 2 are classified as moderately aggressive for steel and slightly aggressive for concrete. The details of the corrosion series tests can be seen on the *Subsurface Profiles* Sheet A-3 in Appendix A and on Exhibit B-2 in Appendix B.

4.5 Scour

A scour analysis was not performed as part of this study. However, based on the sieve analysis (gradation) tests performed on the two (2) samples collected from the existing river bottom, a D50 ranging from 0.2 to 0.3 millimeters (mm) and a D90 ranging from 1 to 1.9 mm may be used for a scour analysis to be provided by others.

4.6 Soil Parameters

Soil parameters to be used in the design of any below grade structures are presented on the *Foundation Design Parameters* Sheet A-5 in Appendix A.

5.0 CONSTRUCTION RECOMMENDATIONS

The installation of the piles should be monitored to record the depth driven and the number of hammer strokes for each foot of pile installed. In the event that the driven piles, at their design tip elevation, are not terminated in accordance with the minimum driving criteria as determined by the dynamic pile driving formula for the hammer being used, this office should be consulted for further recommendations. Practical refusal is defined as 20 blows per inch with the hammer operation at the highest full setting. This office should be consulted if practical refusal is achieved above the recommended tip elevation stated above. Jetting should not be used without prior approval from this office. DUNKELBERGER should be retained, as the geotechnical engineer-of-record, to provide the pile installation monitoring services for this project.

Also, substantial noise and vibration will occur during driving of piles. We recommend that the pile contractor perform vibration monitoring at the perimeter of the property during pile driving so that actual vibrations may be documented and pile installation methods modified if necessary. If adjacent homes are particularly close, say within 100 feet of pile installation, an exterior photographic documentation of the condition of the adjacent homes is advised.

6.0 ADDITIONAL CONSIDERATIONS

We request the opportunity to review the final design plans/specifications, prior to construction bidding, to verify conformance with our geotechnical recommendations presented in this report.

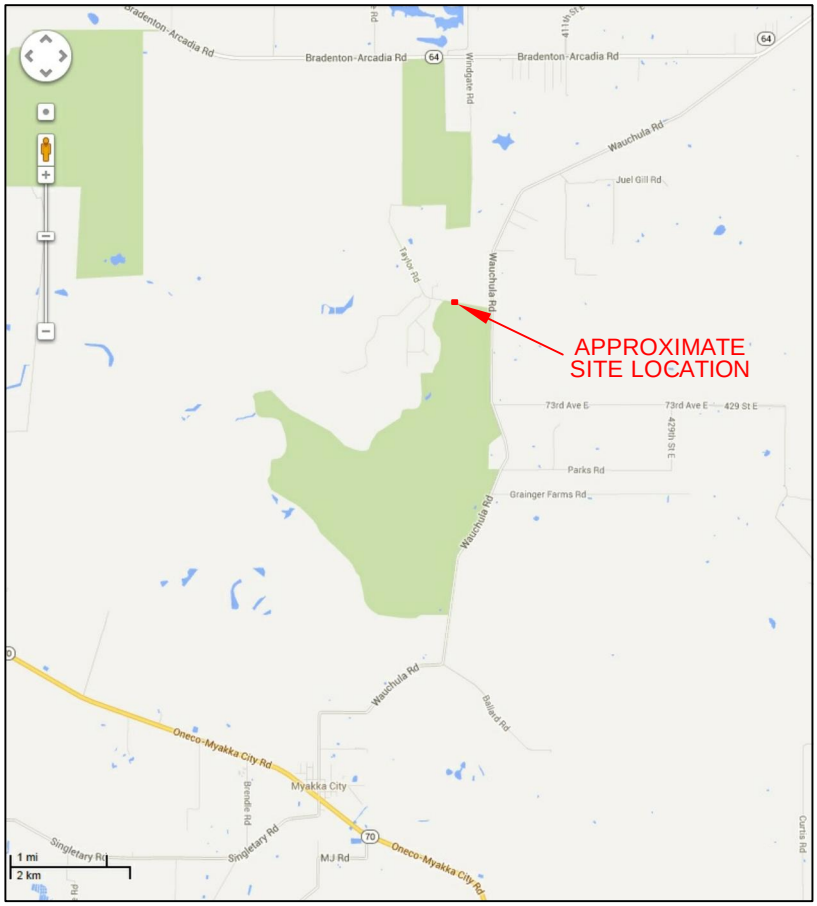
7.0 GENERAL COMMENTS

DUNKELBERGER should be retained to review the final design plans and specifications so comments can be made regarding interpretation and implementation of our geotechnical recommendations in the design and specifications. DUNKELBERGER also should be retained to provide observation and testing services during drilled shaft foundation construction.

The analysis and recommendations presented in this report are based upon the data obtained from the borings performed at the indicated locations and from other information discussed in this report. This report does not reflect variations that may occur between borings, across the site, or due to the modifying effects of construction or weather. The nature and extent of such variations may not become evident until during or after construction. If variations appear, we should be immediately notified so that further evaluation and supplemental recommendations can be provided.

This report has been prepared for the exclusive use of our client for specific application to the project discussed and has been prepared in accordance with generally accepted geotechnical engineering practices. No warranties, express or implied, are intended or made. Site safety, excavation support, and dewatering requirements are the responsibility of others. In the event that changes in the nature, design, or location of the project as outlined in this report are planned, the conclusions and recommendations contained in this report shall not be considered valid unless DUNKELBERGER reviews the changes and either verifies or modifies the conclusions of this report in writing.

APPENDIX A
FIELD EXPLORATION



NORTH

SOURCE: MAPS.GOOGLE.COM

0' 1 MI. 2 MI. 4 MI.

DRAWN	JJ
CHECKED	JJ
APPROVED	SNP
SCALE	SEE SCALE BAR
REVISED	

TAYLOR ROAD BRIDGE

VICINITY MAP

MANATEE COUNTY, FLORIDA

DUNKELBERGER
engineering & testing, inc.
A Terracon COMPANY

DATE	PROJ. NO.	SHEET
9-12-13	HC135579	A-1

SOURCE: GOOGLE EARTH PRO

0' 25' 50' 100'

LEGEND

B-1 - STANDARD PENETRATION TEST BORING LOCATION AND NUMBER

AB-1 - AUGER BORING LOCATION AND NUMBER

Locations are approximate.

DRAWN	JJ
CHECKED	JJ
APPROVED	SP
SCALE	SEE SCALE BAR
REVISED	

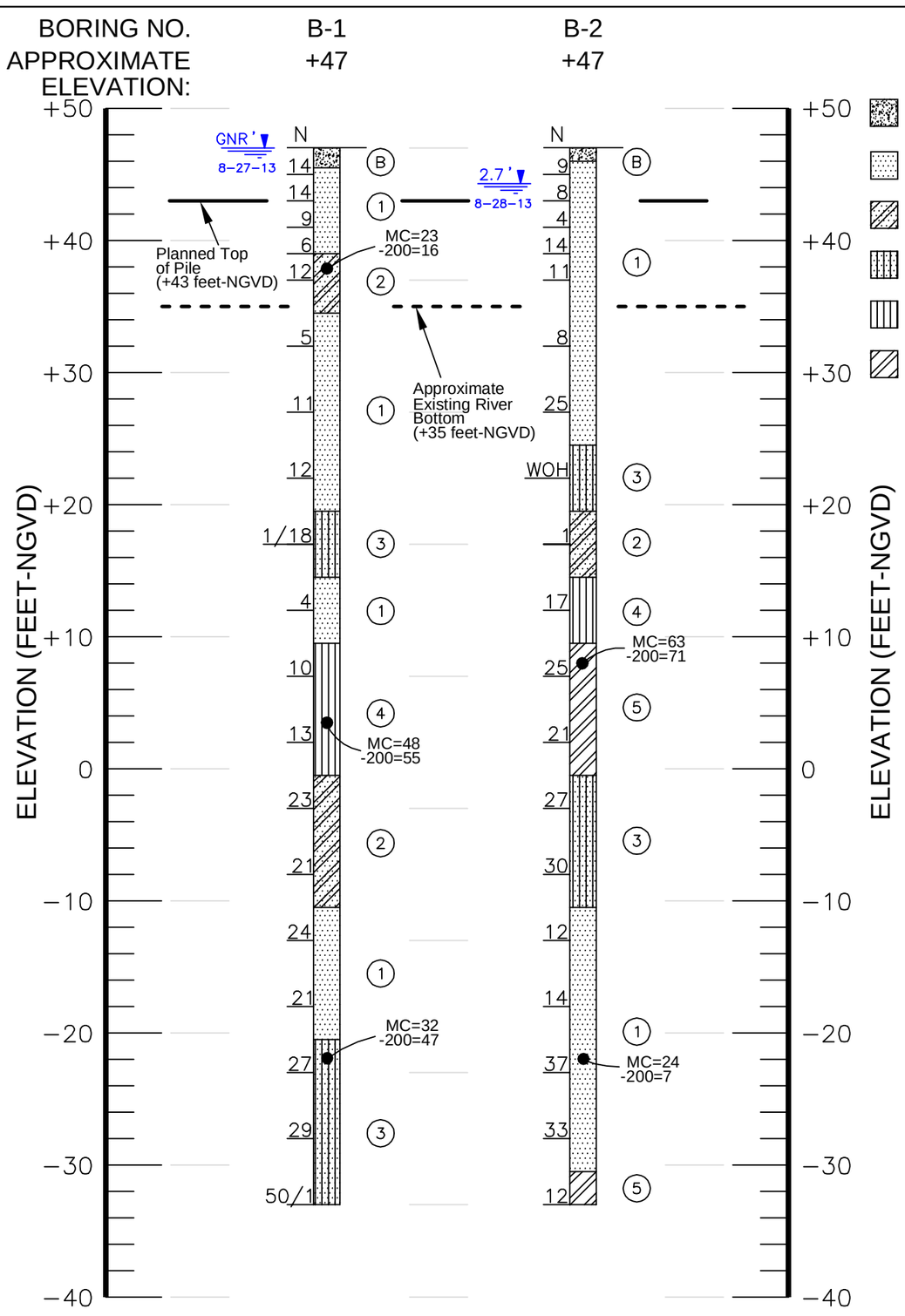
TAYLOR ROAD BRIDGE

BORING LOCATION PLAN

MANATEE COUNTY, FLORIDA

DUNKELBERGER engineering & testing, inc.
A Terracon COMPANY

DATE	PROJ. NO.	SHEET
9-12-13	HC135579	A-2



LEGEND

B	Sand-Shell BASE
1	Gray to brown fine SAND with trace silt to slightly silty (SP, SP-SM)
2	Gray to brown clayey fine SAND (SC)
3	Gray silty fine SAND (SM)
4	Gray SILT with some cementation (ML)
5	Blue-gray to gray CLAY (CL)

SP – Unified Soil Classification System Group Symbol (ASTM D 2487)

N – Indicates the number of blows of a 140 pound hammer, freely falling a distance of 30 inches, required to drive a 2-inch diameter sampler 12 inches (ASTM D 1586)

B-1 – Standard Penetration Test (SPT) boring and number

1/18 – Indicates that one hammer blow advanced the sampler 18 inches

MC – Moisture Content (%)

-200 – Amount Finer Than The U.S. Standard No. 200 Sieve (%)

2.7 ' 8-28-13 – Depth of groundwater (feet) & date measured

GNR ' 8-27-13 – Groundwater not recorded

WOH – Indicates sampler advanced due to weight of hammer

50/1 – Indicates fifty SPT hammer blows were required to drive the sampler 1 inch

CORROSION TEST RESULTS

Sample Location	RESISTIVITY ohm-cm	CHLORIDES ppm	SULFATES ppm	pH
B-1 (28.5 - 30' bls)	3,690	25.0	23.0	6.5
B-2 (13.5 - 15' bls)	10,800	30.0	66.9	6.4

Substructure Environment Classification:	Steel	Concrete
	Moderately Aggressive	Slightly Aggressive

ENGINEERING CLASSIFICATION (AUTOMATIC HAMMER)

GRANULAR MATERIALS

Relative Density	SPT BLOW-COUNTS
Very Loose	Less than 3
Loose	3 - 8
Medium Dense	8 - 24
Dense	24 - 40
Very Dense	Greater than 40

SILTS AND CLAYS

Consistency	SPT BLOW-COUNTS
Very Soft	Less than 1
Soft	1 - 3
Firm	3 - 6
Stiff	6 - 12
Very Stiff	12 - 24
Hard	Greater than 24

STANDARD PENETRATION TEST DATA

SPOON INSIDE DIA.	1.375 inch
SPOON OUTSIDE DIA.	2.00 inches
AVG. HAMMER DROP	30 inches
HAMMER WEIGHT	140 pounds

NOTES

(1) Borings were drilled on August 27 and 28, 201 using a Central Mine Equipment Model 45 (CME 45) drilling rig.

(2) Strata boundaries are approximate and represent soil strata at each test hole location only. Soil transitions may be more gradual than implied.

(3) Groundwater depths shown on the subsurface profiles represent groundwater surfaces on the dates and times shown. Groundwater level fluctuations should be anticipated throughout the day due to tide changes and throughout the year.

(4) Boring elevations were estimated based on the Topographic & Jurisdictional Survey, Sheet 2 by ZNS Engineering dated September 5, 2013.

DRAWN	JJ
CHECKED	JJ
APPROVED	SP
SCALE	1" = 5'
REVISED	

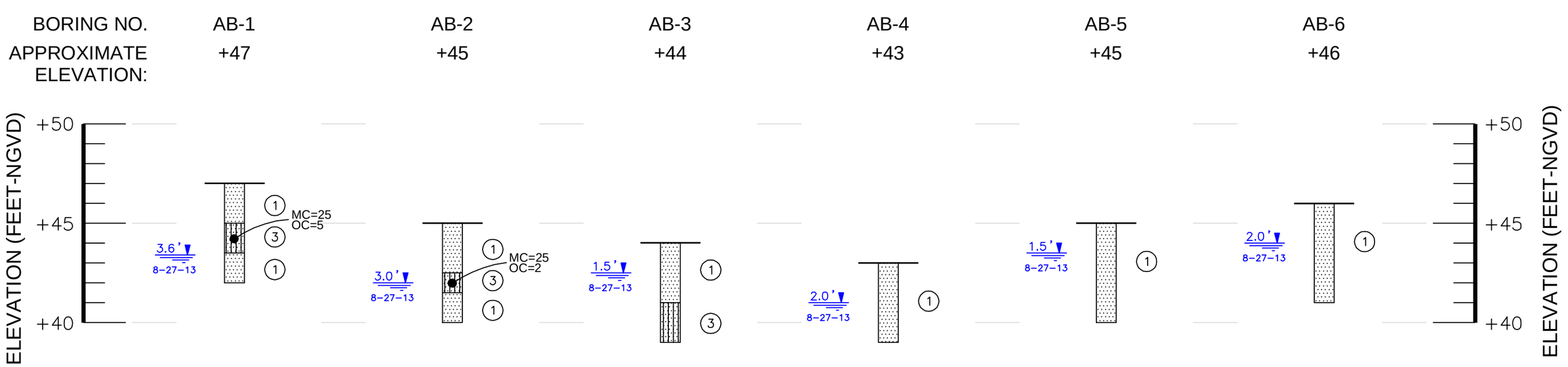
TAYLOR ROAD BRIDGE

SUBSURFACE PROFILES

MANATEE COUNTY, FLORIDA

DUNKELBERGER engineering & testing, inc. A Terracon COMPANY

DATE	PROJ. NO.	SHEET
9-19-13	HC135579	A-3



LEGEND

- B — Sand-Shell BASE
- 1 — Gray to brown fine SAND with trace silt to slightly silty (SP, SP-SM)
- 2 — Gray to brown clayey fine SAND (SC)
- 3 — Gray silty fine SAND (SM)
- 4 — Gray SILT with some cementation (ML)
- 5 — Blue-gray to gray CLAY (CL)

SP – Unified Soil Classification System Group Symbol (ASTM D 2487)

AB-1 – Auger boring and number

MC – Moisture Content (%)

OC – Organic Content (%)

-200 – Amount Finer Than The U.S. Standard No. 200 Sieve (%)

3.6 ' 8-27-13 – Depth of groundwater (feet) & date measured

NOTES

(1) Borings were drilled on August 27, 2013 using hand turned augering equipment.

(2) Strata boundaries are approximate and represent soil strata at each test hole location only. Soil transitions may be more gradual than implied.

(3) Groundwater depths shown on the subsurface profiles represent groundwater surfaces on the dates and times shown. Groundwater level fluctuations should be anticipated throughout the day due to tide changes and throughout the year.

(4) Boring elevations were estimated based on the Topographic & Jurisdictional Survey, Sheet 2 by ZNS Engineering dated September 5, 2013.

DRAWN	JJ
CHECKED	JJ
APPROVED	SP
SCALE	1" = 5'
REVISED	

TAYLOR ROAD BRIDGE

SUBSURFACE PROFILES

MANATEE COUNTY, FLORIDA

DUNKELBERGER engineering & testing, inc.
A Terracon COMPANY

DATE	PROJ. NO.	SHEET
9-19-13	HC135579	A-4

SUMMARY OF FOUNDATION DESIGN PARAMETERS (B-1)

Depth (ft)	Stratum No.	U.S.C.S.	Unit Weights (PCF)		Angle of Internal Friction (degrees)	Effective Cohesion (PSF)	Earth Pressure Coefficients	
			Moist	Submerged			Ka	Kp
0 - 1.5	B	N/A	110	50	32	0	0.307	3.25
1.5 - 4	1	SP, SP-SM	110	50	30	0	0.333	3.00
4 - 8	1	SP, SP-SM	105	45	29	0	0.347	2.88
8 - 12.5	2	SC	115	55	28	0	0.361	2.77
12.5 - 17.5	1	SP, SP-SM	105	45	29	0	0.347	2.88
17.5 - 27.5	1	SP, SP-SM	110	50	30	0	0.333	3.00
27.5 - 32.5	3	SM	100	40	27	0	0.376	2.66
32.5 - 37.5	1	SP, SP-SM	105	45	29	0	0.347	2.88
37.5 - 47.5	4	ML	120	60	28	0	0.361	2.77
47.5 - 57.5	2	SC	115	55	28	0	0.361	2.77
57.5 - 67.5	1	SP, SP-SM	110	50	30	0	0.333	3.00
67.5 - 77.5	3	SM	115	55	28	0	0.361	2.77
77.5 - 80	3	SM	120	60	32	0	0.307	3.25

SUMMARY OF FOUNDATION DESIGN PARAMETERS (B-2)

Depth (ft)	Stratum No.	U.S.C.S.	Unit Weights (PCF)		Angle of Internal Friction (degrees)	Effective Cohesion (PSF)	Earth Pressure Coefficients	
			Moist	Submerged			Ka	Kp
0 - 1	B	N/A	110	50	32	0	0.307	3.25
1 - 6	1	SP, SP-SM	105	45	29	0	0.347	2.88
6 - 12.5	1	SP, SP-SM	110	50	30	0	0.333	3.00
12.5 - 17.5	1	SP, SP-SM	105	45	29	0	0.347	2.88
17.5 - 22.5	1	SP, SP-SM	110	50	30	0	0.333	3.00
22.5 - 27.5	3	SM	100	40	26	0	0.390	2.56
27.5 - 32.5	2	SC	100	40	27	0	0.376	2.66
32.5 - 37.5	4	ML	120	60	28	0	0.361	2.77
37.5 - 47.5	5	CL	120	60	0	2,500	1.000	1.00
47.5 - 57.5	3	SM	115	55	28	0	0.361	2.77
57.5 - 67.5	1	SP, SP-SM	110	50	30	0	0.333	3.00
67.5 - 77.5	1	SP, SP-SM	115	55	32	0	0.307	3.25
77.5 - 80	5	CL	120	60	0	2,500	1.000	1.00

DRAWN	JJ
CHECKED	JJ
APPROVED	SP
SCALE	1" = 5'
REVISED	

TAYLOR ROAD BRIDGE

FOUNDATION DESIGN PARAMETERS

MANATEE COUNTY, FLORIDA

DUNKELBERGER engineering & testing, inc.
A Terracon COMPANY

DATE	PROJ. NO.	SHEET
9-19-13	HC135579	A-5

APPENDIX B – LABORATORY TESTING

Laboratory Testing

During the field exploration, a portion of each recovered sample was sealed in a jar and transported to our laboratory for further visual observation and laboratory testing. The soil samples were classified in general accordance with the appended General Notes and the Unified Soil Classification System based on the material's texture and plasticity. The estimated group symbol for the Unified Soil Classification System is shown on the boring logs and a brief description of the Unified Soil Classification System is included in Appendix C.

Laboratory tests conducted for this project included moisture content, amount passing the U.S. No. 200 Sieve, full sieve gradation, and corrosion series testing. The results can be seen in the following sections and on the borings logs in Appendix A.

SUMMARY OF LABORATORY TESTING RESULTS
TAYLOR ROAD BRIDGE
MANATEE COUNTY, FLORIDA
Dunkelberger Project No. HC135579

FDOT Corrosion Series Test Results						
Sample Location	**USCS ID**	**pH**	**Chloride (ppm)**	**Sulfate (ppm)**	**Resistivity (ohm-cm)**	**Classification**
B-1 (28.5 - 30' bls)	SM	6.5	25.0	23.0	3,690	Steel: Moderately Aggressive Concrete: Slightly Aggressive
B-2 (13.5 - 15' bls)	SP, SP-SM	6.4	30.0	66.9	10,800	Steel: Moderately Aggressive Concrete: Slightly Aggressive

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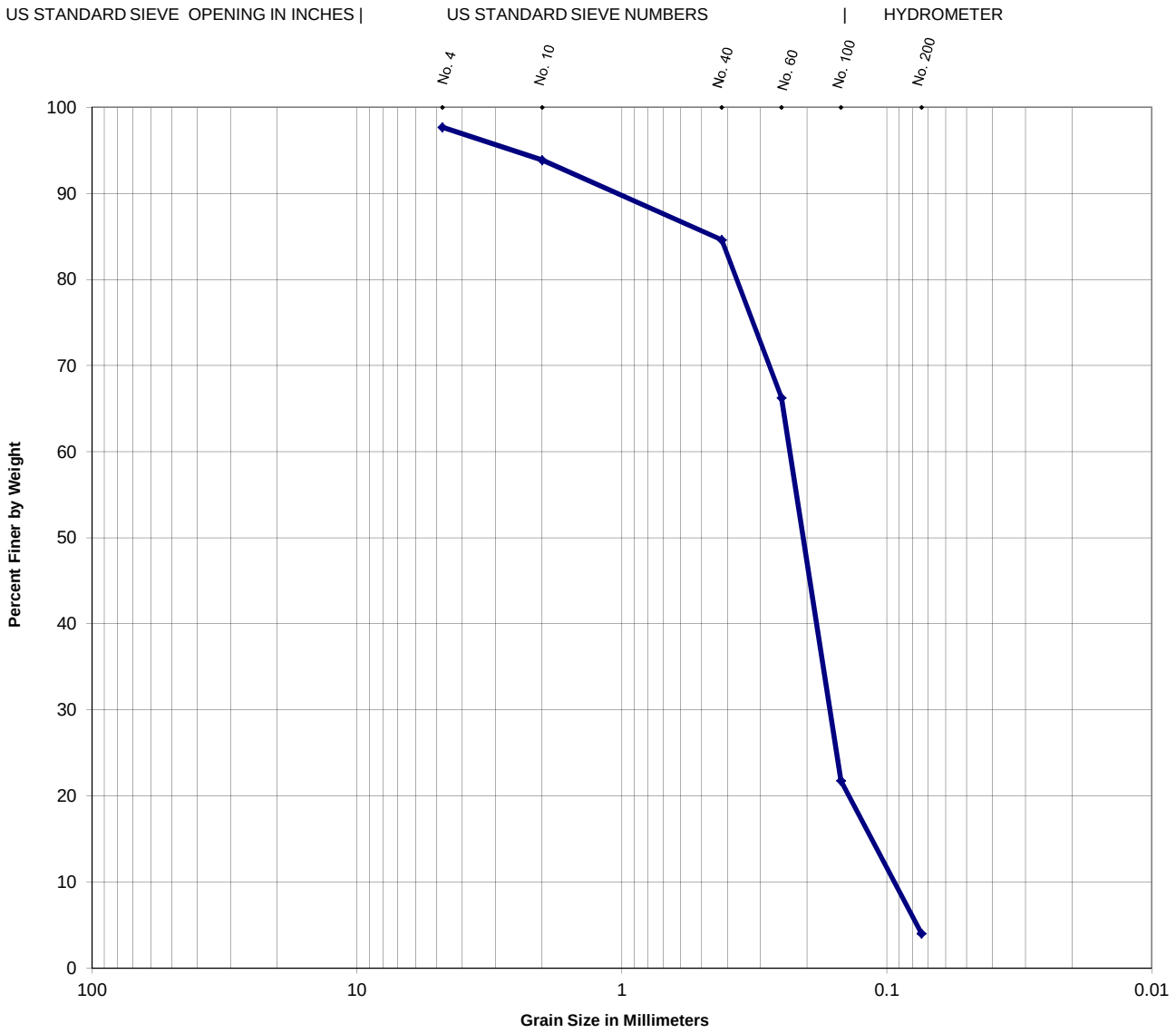

GRAIN SIZE DISTRIBUTION CURVE

Sample No.	Location	SOIL DESCRIPTION	W%	LL	PL	PI
1	Canal Bottom	Dark gray fine SAND with trace shell (SP)	-	-	-	-

U.S. Sieve Number:	No. 4	No. 10	No. 40	No. 60	No. 100	No. 200
% Passing:	97.7	93.9	84.6	66.3	21.8	4.0

Eff. Size (D10) = 0.095 mm	Unif. Coef. (D60/ D10) = 2.42	**Taylor Road Bridge** Cardno TBE Manatee County, Florida
D50 = 0.20 mm	D90 = 1.0 mm	
*NP = Not Plastic		Project Number : HC135579 Date : 9/13/13

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engineering & testing, inc.
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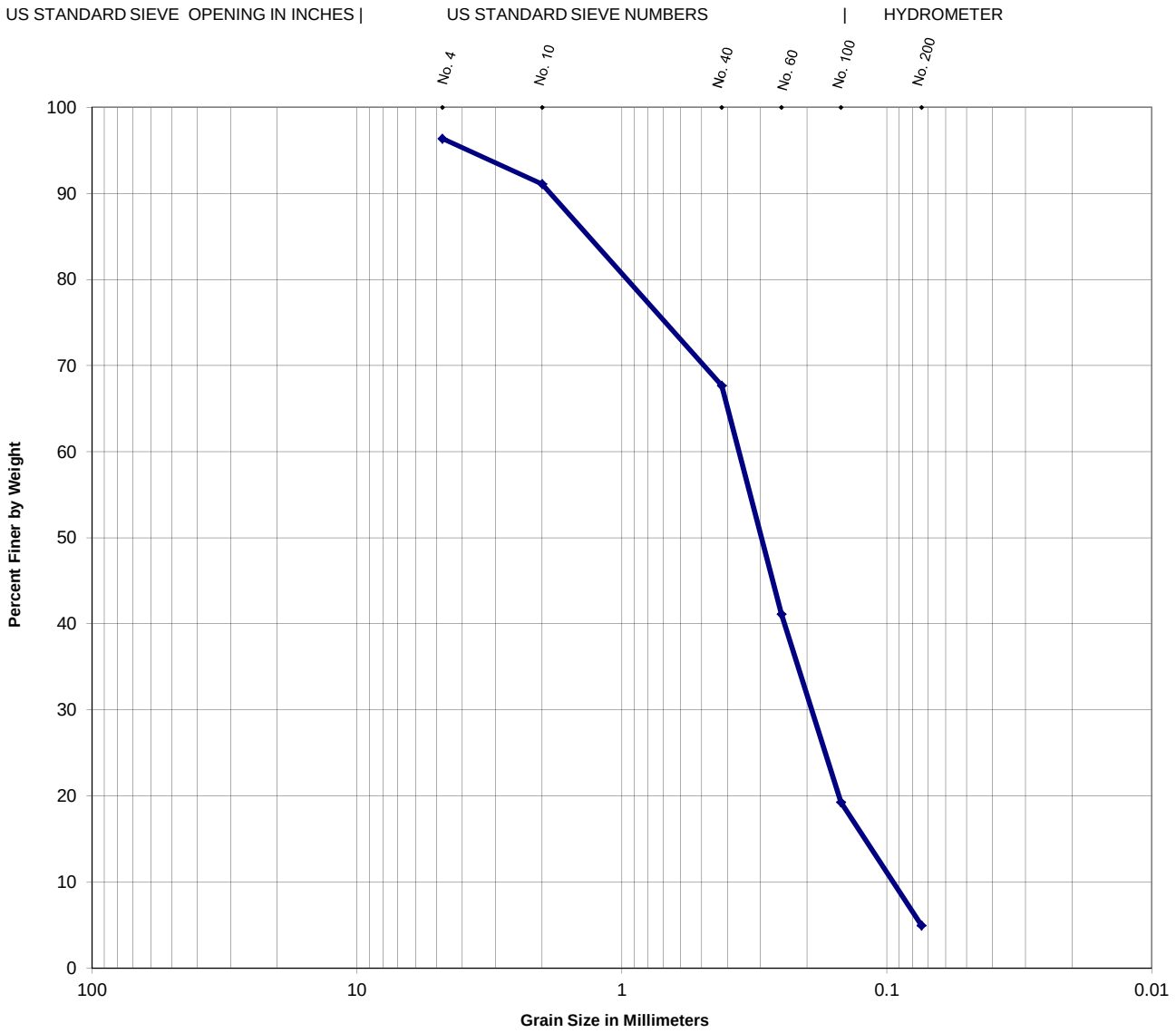


GRAIN SIZE DISTRIBUTION CURVE

Sample No.	Location	SOIL DESCRIPTION	W%	LL	PL	PI
2	Canal Bottom	Dark gray slightly silty fine SAND with trace shell (SP-SM)	-	-	-	-

U.S. Sieve Number:	No. 4	No. 10	No. 40	No. 60	No. 100	No. 200
% Passing:	96.4	91.1	67.7	41.1	19.3	5.0

Eff. Size (D10) =	0.098 mm	Unif. Coef. (D60/ D10) =	3.88
D50 = 0.30 mm		D90 = 1.9 mm	

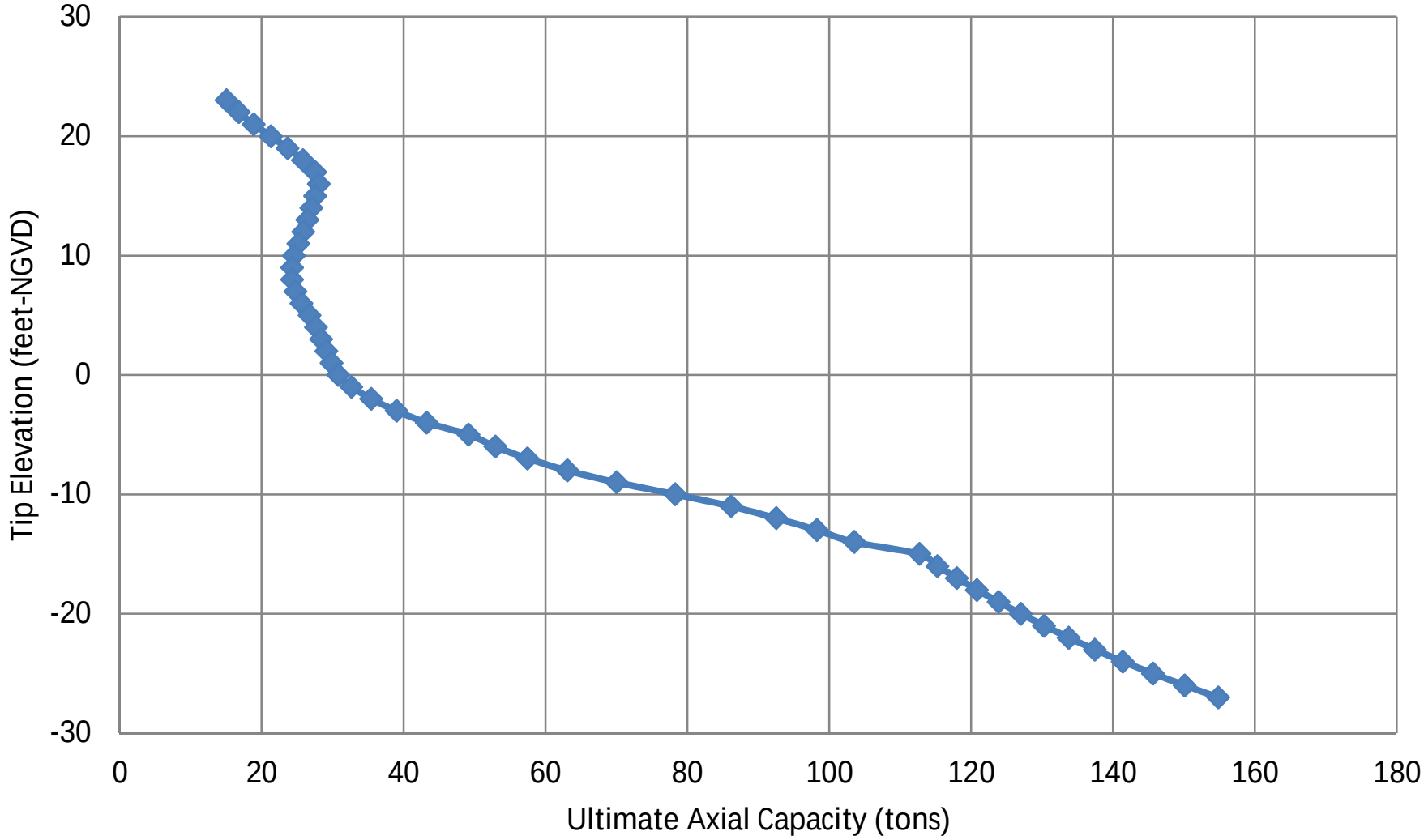
Taylor Road Bridge
Cardno TBE
Manatee County, Florida

Project Number : HC135579
Date : 9/13/13

*NP = Not Plastic

APPENDIX C
PILE CAPACITY RECOMMENDATIONS

Exhibit C-1
Ultimate Pile Capacity



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engineering & testing, inc.
A Terracon COMPANY

Exhibit C-2

PILE DATA TABLE													
INSTALLATION CRITERIA					DESIGN CRITERIA								
Pile Size (in)	Ultimate Bearing Capacity (tons)	Ultimate Tension Capacity (tons)	Minimum Tip Elevation (Feet-NGVD)	Pile Length (ft)	Factored Design Compressive Load (tons)	Factored Design Uplift Load (tons)	Down Drag (tons)	Total Scour Resistance (tons)	Net Scout Resistance (tons)	Long-Term Scour Elevation (feet-NGVD)	100-Year Scour Elevation (feet-NGVD)	Compressive Resistance Factor (Φ)	Uplift Resistance Factor (Φ)
18	28	15	+3	40	21	9	TBD	TBD	TBD	TBD	TBD	0.75	0.6
18	35	21	-2	45	26	13	TBD	TBD	TBD	TBD	TBD	0.75	0.6
18	57	37	-7	50	43	22	TBD	TBD	TBD	TBD	TBD	0.75	0.6
18	92	56	-12	55	69	34	TBD	TBD	TBD	TBD	TBD	0.75	0.6
18	118	76	-17	60	89	46	TBD	TBD	TBD	TBD	TBD	0.75	0.6
18	133	87	-22	65	100	52	TBD	TBD	TBD	TBD	TBD	0.75	0.6
18	154	97	-27	70	116	58	TBD	TBD	TBD	TBD	TBD	0.75	0.6

DUNKELBERGER
engineering & testing, inc.
A Terracon COMPANY

March 6, 2014

Cardno TBE
22 Sarasota Center Boulevard
Sarasota, Florida 34240

Attn: Mr. Bob Heck, P.E., Director of Bridges/Structures
P: [941] 870-5739
F: [941] 377-1587
E-mail: bob.heck@cardno.com

Re: Geotechnical Engineering Report – Addendum No. 1
Taylor Road Bridge
Manatee County, Florida
Dunkelberger Project Number: HC135579

Dear Mr. Heck:

Dunkelberger Engineering and Testing, a Terracon Company (DUNKELBERGER) is pleased to provide Addendum No. 1 to our report dated September 23, 2013. This addendum provides revised pile capacities utilizing the scour analysis submitted by Cardno TBE (Cardno).

Driven Pile Capacities

Based on the *Pile Data Table* Sheet B4 by Cardno, dated March 4, 2014, we understand the tops of the piles are to be at an elevation of about +45 feet-NGVD, the scour elevation for the Bent 2 piles is +26.8 feet-NGVD, and no loss of material is expected at the end bent locations.

The table below provides a summary of our estimated capacities for an 18-inch square driven concrete pile. FBDeep (Davisson Method) was used to estimate the maximum pile axial and tensile capacities and then load resistance factors (Table 3.5.6 of the *Florida Department of Transportation Structures Design Guidelines*, January 2013) were applied to determine the allowable pile capacities. LPile was used to estimate the lateral deflection based on the loading and scour depth provided. The allowable lateral capacity is based on a maximum pile head deflection of ½ inch.

Pile Location	Tip Elevations (feet-NGVD)	Pile Length[1] (ft)	Allowable Axial Capacity[2] (Tons)	Allowable Tensile Capacity[2] (Tons)	Allowable Lateral Capacity (Tons)
End Bent	-13	58	83	42	4
Bent 2	-23	68	108	54	2

1. Assumes the top of the pile will be at elevation +45 feet NGVD.
2. Assumes PDA and CAPWAP testing will be used for quality control.

Our original report should be consulted for all other geotechnical recommendations, soil parameters for design of below-grade structures, and limitations associated with this project.

____oOo____

We appreciate the opportunity to be of service to you on this project. Please contact us at (941) 379-0621 with any questions or comments.

Very truly yours,
DUNKELBERGER ENGINEERING AND TESTING, A Terracon Company

James M. Jackson, E.I.
Staff Engineer 3/6/14

SCOTT N. PARRISH LICENSE No 69091 STATE OF FLORIDA PROFESSIONAL ENGINEER

Scott N. Parrish, P.E.
Department Manager 3/6/14
FL License No. 69091

October 21, 2013

Mr. Bob Heck
Sr. Project Manager
Cardno
22 Sarasota Center Blvd.
Sarasota, FL 34240

Cardno

380 Park Place Blvd.
Suite 300
Clearwater, FL 33759
USA
Phone **727-531-3505**
Fax 727-539-1294

www.Cardno.com

Re: Environmental Sampling for Creosote Timber Disposal
Taylor Road Bridge at Myakka River
Manatee County, Florida

Dear Mr. Heck:

Cardno is pleased to submit this summary of the results of the environmental sampling of creosote timbers conducted at the Taylor Road Bridge at Myakka River in Manatee County, FL. This assessment was initiated to evaluate creosote timbers for potential hazardous waste classification/waste characterization for subsequent disposal after bridge demolition.

Background

The Taylor Road Bridge at the Myakka River is located 4.2 miles south of Highway 64 off of and to the west of Wauchula Road on Taylor Road. The Myakka River here is comprised of two channels separated by approximately 0.1 miles. A small bridge crosses each channel and they are joined by an earthen causeway across the interfluve. The western bridge was recently demolished and replaced by a concrete bridge. The bridge to the east, the site of this investigation, is constructed of creosote timbers used for framing and planking. Before a new concrete bridge can be built in its place, the wooden bridge must be demolished. In August 2013, Mr. Bob Heck contacted the Environmental Services Division of Cardno in Clearwater, FL to assess the creosote timbers and determine if they are considered hazardous materials or if they can be disposed of in the County operated Lena Road landfill.

Creosote Timber Sampling Results

On August 28, 2013, Cardno collected samples from four creosote timbers from bridge framing and planking of Taylor Road Bridge at Myakka River. A representative sample was collected from these timbers via advancing a flat, self-cut wood drill bit to a depth of one half the thickness of the timber. Boreholes were located along the middle of the sides of the timbers. Wood shavings from the boreholes were immediately collected in a sample tray as they were cleared from the boring. The shavings were thoroughly mixed to homogenize each of the four samples. Homogenized samples were then packaged in new 250 mL soil jars provided by Sun Labs, and wrapped in bubble wrap and placed on wet ice in a sealed cooler.

These samples were delivered to Sun Labs for analytical analysis of Polycyclic Aromatic Hydrocarbons (PAHs), Resource Conservation and Recovery Act metals (RCRA-8) and Toxicity Characteristic Leaching Procedure (TCLP). The results of these analyses are summarized in **Attachment A** and the full laboratory report is included as **Attachment B**. Two RCRA-8 metals, Barium and mercury, were detected in the timber sample, but their concentrations are between the laboratory method detection limit and the laboratory practical quantitation limit. TCLP analysis detected p&m - creosol, but its concentration (0.16 mg/L) is well below EPA regulation for hazardous waste classification (200 mg/L) (USEPA, 2012). Since no RCRA-8 metals were detected above minimum quantitation limits of the laboratory and no analyte exceeded TCLP hazardous waste classification concentration levels, the creosote timbers are deemed Non-Hazardous and may be disposed of in county owned Lena Road landfill.

Conclusions and Recommendations

Creosote timbers at Taylor Road Bridge at Myakka River are not considered hazardous waste as determined by RCRA-8 metals and TCLP analysis.

The following recommendations are made:

- A specialty demolition crew with experience handling and disposing of creosote timbers should be sub-contracted to demolish creosote timber portions of the bridge.
- Creosote timbers should be disposed of in a county owned landfill (such as the Lena Road Landfill) instead of a construction and debris landfill.

If you have any questions, please do not hesitate to contact me or Rick Hagberg.

Sincerely,

James A. Wilson
Staff Scientist
For Cardno TBE
Direct Line: 727.431.1669

Rick Hagberg, PG
Director, Environmental
For Cardno TBE
Direct Line: 727.431.1549

References

U.S. Environmental Protection Agency. July 2012. Part 261 - Identification and Listing of Hazardous Waste.

Attachment A: Analytical Summary for Creosote Timber

					Sample ID	TCLP Criteria	Composite of F-1, F-2, P-1, & P-2	
					Date Collected	(mg/L)	8/28/2013	
Method	Parameter	CAS Number	Units				Result	Qual
RCRA-8 Metals								
6010	Arsenic	7440-38-2	mg/kg				7.3	U
6010	Barium	7440-39-3	mg/kg				**5.8**	I
6010	Cadmium	7440-43-9	mg/kg				1.4	U
6010	Chromium	7440-47-3	mg/kg				2.9	U
6010	Lead	7439-92-1	mg/kg				9.6	U
6010	Selenium	7782-49-2	mg/kg				7.3	U
6010	Silver	7440-22-4	mg/kg				4	U
7471	Mercury	7439-97-6	mg/kg				**0.014**	I
Polycyclic Aromatic Hydrocarbons (PAHs)								
8270	Acenaphthene	83-32-9	mg/kg				**5100**	
8270	Acenaphthylene	208-96-8	mg/kg				0.26	U
8270	Anthracene	120-12-7	mg/kg				**4800**	
8270	Benzo(a)anthracene	56-55-3	mg/kg				**510**	
8270	Benzo(a)Pyrene	50-32-8	mg/kg				**100**	
8270	Benzo(b)Fluoranthene	205-99-2	mg/kg				**180**	
8270	Benzo(g,h,i)perylene	191-24-2	mg/kg				**19**	
8270	Benzo(k)Fluoranthene	207-08-9	mg/kg				**140**	
8270	Chrysene	218-01-9	mg/kg				**930**	
8270	Dibenzo(a,h)Anthracene	53-70-3	mg/kg				**7.7**	
8270	Fluoranthene	206-44-0	mg/kg				**4700**	
8270	Fluorene	86-73-7	mg/kg				**4600**	
8270	Indeno(1,2,3-cd)pyrene	193-39-5	mg/kg				**24**	
8270	Methylnaphthalene, 1-	90-12-0	mg/kg				**1300**	
8270	Methylnaphthalene, 2-	91-57-6	mg/kg				**2200**	
8270	methylphenol, 2-	95-48-7	mg/kg				**16**	I
8270	methylphenol, 3&4-	8001-28-3	mg/kg				**35**	I
8270	Naphthalene	91-20-3	mg/kg				**3200**	
8270	Pentachlorophenol	87-86-5	mg/kg				0.037	U
8270	Phenanthrene	85-01-8	mg/kg				**36000**	
8270	Pyrene	129-00-0	mg/kg				**3400**	
Toxicity Characteristic Leaching Procedure								
8270	Dichlorobenzene, 1,4-	106-46-7	mg/L		7.5		0.0023	U
8270	Dinitrotoluene, 2,4-	121-14-2	mg/L		0.13		0.003	U
8270	Hexachlorobenzene	118-74-1	mg/L		0.13		0.0068	U
8270	Hexachlorobutadiene	87-68-3	mg/L		0.5		0.0039	U
8270	Hexachloroethane	67-72-1	mg/L		3		0.004	U
8270	m&p-cresol		mg/L		200		**0.16**	
8270	Nitrobenzene	98-95-3	mg/L		2		0.0053	U
8270	o-cresol	95-48-7	mg/L		200		0.0023	U
8270	Pentachlorophenol	87-86-5	mg/L		100		0.0071	U
8270	Pyridine	110-86-1	mg/L		5		0.057	U
8270	Trichlorophenol, 2,4,5-	95-95-4	mg/L		400		0.0027	U
8270	Trichlorophenol, 2,4,6-	88-06-2	mg/L		2		0.0034	U

TCLP Criteria from Title 40 - Protection of Environment from the Code of Federal Regulations, 40 CFR 261.24 Toxicity characteristic.
I = The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit.
U = Compound was analyzed for but not detected
Shaded = Concentration exceeds TCLP Criteria

Attachment B: Analytical Report from Sun Labs

September 24, 2013

Rick Hagberg
Cardno TBE, Inc.
380 Park Place Blvd.
Suite 300
Clearwater, FL 33759

Re: SunLabs Project Number: **130828.14**
Client Project Description: **Taylor Bridge**

Dear Mr. Hagberg:

Enclosed is the report of laboratory analysis for the following samples:

Sample Number	Sample Description	Date Collected		Date Received
173376	F-1	08/28/13	12:20	08/28/13
173377	F-2	08/28/13	13:05	08/28/13
173378	P-1	08/28/13	13:35	08/28/13
173379	P-2	08/28/13	13:50	08/28/13
173536	Composite of F-1, F-2, P-1, & P-2			08/28/13
173975	TCLP Leachate/173536 (Composite)	09/11/13		

Narrative:

Unless otherwise noted below or in the report and where applicable:
- Samples were received at the proper temperature and analyzed as received.
- Sample condition upon receipt is recorded on the chain-of-custody attached to this report.
- Results for all solid matrices are reported on a dry weight basis.
- Appropriate calibration and QC criteria were satisfactorily met.
- All applicable holding times for analytes have been met.
- Copies of the chains-of-custody, if received, are attached to this report.

QC Batch F3684 had an exception for 3&4-methylphenol on the LCSD and RPD. The results were biased slightly high, so any positive result for this analyte may be biased slightly high as well.

If you have any questions or comments concerning this report, please do not hesitate to contact us.

Sincerely,

Michael W. Palmer
Vice President, Laboratory Operations

Enclosures

Report of Laboratory Analysis

SunLabs Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

SunLabs Sample Number **173376**
Sample Designation **F-1**

Matrix: Solid
Date Collected: 08/28/13 12:20
Date Received: 08/28/13 15:55

Parameters	Method	Units	Results	Dil Factor	MDL	PQL	CAS Number	Date/Time Analyzed	Date/Time Prep
Composite									
Date Extracted			09/03/13	1				09/10/13	09/03/13
Composite			09/03/13	1				09/03/13	09/03/13

Report of Laboratory Analysis

SunLabs Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

SunLabs Sample Number **173377**
Sample Designation **F-2**

Matrix: Solid
Date Collected: 08/28/13 13:05
Date Received: 08/28/13 15:55

Parameters	Method	Units	Results	Dil Factor	MDL	PQL	CAS Number	Date/Time Analyzed	Date/Time Prep
Composite									
Date Extracted			09/03/13	1				09/10/13	09/03/13
Composite			09/03/13	1				09/03/13	09/10/13

Report of Laboratory Analysis

SunLabs Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

SunLabs Sample Number **173378**
Sample Designation **P-1**

Matrix: Solid
Date Collected: 08/28/13 13:35
Date Received: 08/28/13 15:55

Parameters	Method	Units	Results	Dil Factor	MDL	PQL	CAS Number	Date/Time Analyzed	Date/Time Prep
Composite									
Date Extracted			09/03/13	1				09/10/13	09/03/13
Composite			09/03/13	1				09/03/13	09/10/13

Report of Laboratory Analysis

SunLabs Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

SunLabs Sample Number **173379**
Sample Designation **P-2**

Matrix: Solid
Date Collected: 08/28/13 13:50
Date Received: 08/28/13 15:55

Parameters	Method	Units	Results	Dil Factor	MDL	PQL	CAS Number	Date/Time Analyzed	Date/Time Prep
Composite									
Date Extracted			09/03/13	1				09/10/13	09/03/13
Composite			09/03/13	1				09/03/13	09/10/13

Report of Laboratory Analysis

SunLabs Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

SunLabs Sample Number **173536**
Sample Designation **Composite of F-1, F-2, P-1, & P-2**

Matrix Solid
Date Collected
Date Received 08/28/13 15:55

Parameters	Method	Units	Results		Dil Factor	MDL	PQL	CAS Number	Date/Time Analyzed	Date/Time Prep
Semi-volatile Organic Compounds by Method 8270										
Date Extracted	3545a		09/04/13							09/04/13 16:25
2-Fluorobiphenyl (14-119)	8270	%	72		100			321-60-8	09/09/13 18:51	09/04/13 16:25
2-Fluorophenol (19-91)	8270	%	43		100			367-12-4	09/09/13 18:51	09/04/13 16:25
Nitrobenzene-d5 (D-196)	8270	%	53		100			DEP-SURR-	09/09/13 18:51	09/04/13 16:25
Phenol-d6 (26-111)	8270	%	50		100			DEP-SURR-	09/09/13 18:51	09/04/13 16:25
Terphenyl-d14 (D-141)	8270	%	84		100			DEP-SURR-	09/09/13 18:51	09/04/13 16:25
2,4,6-Tribromophenol (25-100)	8270	%	116		100			118-79-6	09/09/13 18:51	09/04/13 16:25
Acenaphthene	8270	mg/kg	5100		10000	24	98	83-32-9	09/11/13 00:29	09/04/13 16:25
Acenaphthylene	8270	mg/kg	0.26	U	100	0.26	1.0	208-96-8	09/09/13 18:51	09/04/13 16:25
Anthracene	8270	mg/kg	4800		10000	20	79	120-12-7	09/11/13 00:29	09/04/13 16:25
Benzo(a)anthracene	8270	mg/kg	510		1000	1.7	7.0	56-55-3	09/11/13 00:48	09/04/13 16:25
Benzo(a)Pyrene	8270	mg/kg	100		1000	2.3	9.3	50-32-8	09/11/13 00:48	09/04/13 16:25
Benzo(b)Fluoranthene	8270	mg/kg	180		1000	3.1	13	205-99-2	09/11/13 00:48	09/04/13 16:25
Benzo(g,h,i)perylene	8270	mg/kg	19		100	0.80	3.3	191-24-2	09/09/13 22:19	09/04/13 16:25
Benzo(k)Fluoranthene	8270	mg/kg	140		1000	2.2	8.8	207-08-9	09/11/13 00:48	09/04/13 16:25
Chrysene	8270	mg/kg	930		10000	14	56	218-01-9	09/11/13 00:29	09/04/13 16:25
Dibenzo(a,h)Anthracene	8270	mg/kg	7.7		100	0.85	3.4	53-70-3	09/09/13 22:19	09/04/13 16:25
Fluoranthene	8270	mg/kg	4700		10000	27	110	206-44-0	09/11/13 00:29	09/04/13 16:25
Fluorene	8270	mg/kg	4600		10000	21	84	86-73-7	09/11/13 00:29	09/04/13 16:25
Indeno(1,2,3-cd)pyrene	8270	mg/kg	24		100	0.84	3.4	193-39-5	09/09/13 22:19	09/04/13 16:25
1-Methylnaphthalene	8270	mg/kg	1300		10000	38	150	90-12-0	09/11/13 00:29	09/04/13 16:25
2-Methylnaphthalene	8270	mg/kg	2200		10000	33	140	91-57-6	09/11/13 00:29	09/04/13 16:25
2-methylphenol	8270	mg/kg	16	I	100	14	56	95-48-7	09/09/13 18:51	09/04/13 16:25
3&4-methylphenol	8270	mg/kg	35	I	100	13	51	8001-28-3	09/09/13 18:51	09/04/13 16:25
Naphthalene	8270	mg/kg	3200		10000	64	260	91-20-3	09/11/13 00:29	09/04/13 16:25
Pentachlorophenol	8270	mg/kg	0.037	U	1	0.037	0.15	87-86-5	09/09/13 18:51	09/04/13 16:25
Phenanthrene	8270	mg/kg	36000		1E+0	330	1400	85-01-8	09/11/13 00:29	09/04/13 16:25
Pyrene	8270	mg/kg	3400		10000	80	330	129-00-0	09/11/13 00:29	09/04/13 16:25
Percent Moisture										
% Moisture	160.3M	%	14				0.12		09/04/13 09:30	
Mercury										
Date Digested	7471		09/04/13							09/04/13 15:35
Date Analyzed	7471		09/06/13		1				09/06/13 15:13	
Mercury	7471	mg/kg	0.014	I	1	0.0068	0.027	7439-97-6	09/06/13 15:13	09/04/13 15:35
RCRA Metals-Totals										
Date Digested	3050		09/03/13							09/03/13 12:10
Date Analyzed	6010		09/06/13		20				09/06/13 17:43	
Arsenic	6010	mg/kg	7.3	U	20	7.3	29	7440-38-2	09/06/13 17:43	09/03/13 12:10
Barium	6010	mg/kg	5.8	I	20	3.1	12	7440-39-3	09/06/13 17:43	09/03/13 12:10
Cadmium	6010	mg/kg	1.4	U	20	1.4	5.4	7440-43-9	09/06/13 17:43	09/03/13 12:10

Report of Laboratory Analysis

SunLabs Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

SunLabs Sample Number **173536**
Sample Designation **Composite of F-1, F-2, P-1, & P-2**

Matrix: Solid
Date Collected:
Date Received: 08/28/13 15:55

Parameters	Method	Units	Results	Dil Factor	MDL	PQL	CAS Number	Date/Time Analyzed	Date/Time Prep
RCRA Metals-Totals									
Chromium	6010	mg/kg	2.9 U	20	2.9	12	7440-47-3	09/06/13 17:43	09/03/13 12:10
Lead	6010	mg/kg	9.6 U	20	9.6	38	7439-92-1	09/06/13 17:43	09/03/13 12:10
Selenium	6010	mg/kg	7.3 U	20	7.3	29	7782-49-2	09/06/13 17:43	09/03/13 12:10
Silver	6010	mg/kg	4.0 U	20	4.0	16	7440-22-4	09/06/13 17:43	09/03/13 12:10
TCLP Extraction									
Date Leached - TCLP	1311		09/10/13	1				09/10/13	

Report of Laboratory Analysis

SunLabs Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

SunLabs Sample Number **173975**
Sample Designation **TCLP Leachate/173536 (Composite)**

Matrix: TCLP Leachate
Date Collected: 09/11/13
Date Received:

Parameters	Method	Units	Results	Dil Factor	MDL	PQL	CAS Number	Date/Time Analyzed	Date/Time Prep
TCLP Semivolatiles by Method 8270									
Date Extracted	3510		09/18/13						09/18/13 12:16
Date Analyzed	8270		09/20/13	1				09/20/13 00:19	
2-Fluorobiphenyl (surrogate)	8270	%	38	1			321-60-8	09/20/13 00:19	09/18/13 12:16
2-Fluorophenol (surrogate)	8270	%	24	1			367-12-4	09/20/13 00:19	09/18/13 12:16
Nitrobenzene-d5 (surrogate)	8270	%	39	1				09/20/13 00:19	09/18/13 12:16
Phenol-d6 (surrogate)	8270	%	24	1				09/20/13 00:19	09/18/13 12:16
Terphenyl-d14 (surrogate)	8270	%	93	1				09/20/13 00:19	09/18/13 12:16
2,4,6-Tribromophenol (surrogate)	8270	%	79	1			118-79-6	09/20/13 00:19	09/18/13 12:16
1,4-Dichlorobenzene	8270	mg/L	0.0023 U	1	0.0023	0.0092	106-46-7	09/20/13 00:19	09/18/13 12:16
2,4-Dinitrotoluene	8270	mg/L	0.0030 U	1	0.0030	0.012	121-14-2	09/20/13 00:19	09/18/13 12:16
Hexachlorobenzene	8270	mg/L	0.0068 U	1	0.0068	0.027	118-74-1	09/20/13 00:19	09/18/13 12:16
Hexachlorobutadiene	8270	mg/L	0.0039 U	1	0.0039	0.016	87-68-3	09/20/13 00:19	09/18/13 12:16
Hexachloroethane	8270	mg/L	0.0040 U	1	0.0040	0.016	67-72-1	09/20/13 00:19	09/18/13 12:16
m&p-cresol	8270	mg/L	0.16	1	0.0014	0.0056		09/20/13 00:19	09/18/13 12:16
Nitrobenzene	8270	mg/L	0.0053 U	1	0.0053	0.021	98-95-3	09/20/13 00:19	09/18/13 12:16
o-cresol	8270	mg/L	0.0023 U	1	0.0023	0.0092	95-48-7	09/20/13 00:19	09/18/13 12:16
Pentachlorophenol	8270	mg/L	0.0071 U	1	0.0071	0.028	87-86-5	09/20/13 00:19	09/18/13 12:16
Pyridine	8270	mg/L	0.057 U	1	0.057	0.23	110-86-1	09/20/13 00:19	09/18/13 12:16
2,4,5-Trichlorophenol	8270	mg/L	0.0027 U	1	0.0027	0.011	95-95-4	09/20/13 00:19	09/18/13 12:16
2,4,6-Trichlorophenol	8270	mg/L	0.0034 U	1	0.0034	0.014	88-06-2	09/20/13 00:19	09/18/13 12:16

Report of Laboratory Analysis

SunLabs Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

Footnotes

**	SunLabs is not currently NELAC certified for this analyte.
I	The reported value is between the laboratory method detection limit and the laboratory practical quantitation limit.
J	The reported value failed to meet the established quality control criteria for either precision or accuracy(see cover letter for explanation)
LCS	Laboratory Control Sample
LCSD	Laboratory Control Sample Duplicate
MB	Method Blank
MS	Matrix Spike
MSD	Matrix Spike Duplicate
NA	Sample not analyzed at client's request.
Q	Sample held beyond the accepted holding time.
RPD	Relative Percent Difference
U	Compound was analyzed for but not detected.
U,Q	Compound was anaylzed for but not detected. Sample was analyzed beyond the accepted holding time.
V	Indicates that the analyte was detected in both the sample and the associated method blank.
Y	The laboratory analysis was from an improperly preserved sample. The data may not be accurate.
Z	Too many colonies were present (TNTC); the numeric value represents the filtration volume.

Quality Control Data

Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

Batch No: F3645

Test: **Percent Moisture**

TestCode: % Moisture

Associated Samples: 173536

Compound	Blank	LCS Spike	LCS %Rec	LCSD %Rec	RPD %	---QC Limits--- RPD	LCS	MS Spike	MS %Rec	MSD %Rec	RPD %	---QC Limits--- RPD	MS	Dup RPD	Qualifiers
Parent Sample Number														*173200*	
% Moisture														1	

Batch No: F3650

Test: **RCRA Metals-Totals**

TestCode: RCRA-7-s

Associated Samples: 173536

Compound	Blank	LCS Spike	LCS %Rec	LCSD %Rec	RPD %	---QC Limits--- RPD	LCS	MS Spike	MS %Rec	MSD %Rec	RPD %	---QC Limits--- RPD	MS	Dup RPD	Qualifiers
Parent Sample Number									*173536*	*173536*					
Arsenic	0.33 U mg/kg	50	97	98	1	20	80-120	50	107	103	4	20	75-125		
Barium	0.14 U mg/kg	50	99	100	1	20	80-120	50	110	107	3	20	75-125		
Cadmium	0.061 U mg/kg	50	97	99	2	20	80-120	50	103	105	2	20	75-125		
Chromium	0.13 U mg/kg	50	100	99	1	20	80-120	50	107	106	1	20	75-125		
Lead	0.43 U mg/kg	50	98	100	2	20	80-120	50	112	107	5	20	75-125		
Selenium	0.33 U mg/kg	50	102	102	0	20	80-120	50	117	109	7	20	75-125		
Silver	0.18 U mg/kg	50	98	99	1	20	80-120	50	109	109	0	20	75-125		

Batch No: F3677

Test: **Mercury**

TestCode: Hg-S

Associated Samples: 173536

Compound	Blank	LCS Spike	LCS %Rec	LCSD %Rec	RPD %	---QC Limits--- RPD	LCS	MS Spike	MS %Rec	MSD %Rec	RPD %	---QC Limits--- RPD	MS	Dup RPD	Qualifiers
Parent Sample Number									*173536*						
Mercury	0.006 U mg/kg	0.5	102	103	1	14	80-120	0.5	100	101	1	20	80-120		

Batch No: F3684

Test: **Semi-volatile Organic Compounds by Method 8270**

TestCode: 8270-s

Associated Samples: 173536

Compound	Blank	LCS Spike	LCS %Rec	LCSD %Rec	RPD %	---QC Limits--- RPD	LCS	MS Spike	MS %Rec	MSD %Rec	RPD %	---QC Limits--- RPD	MS	Dup RPD	Qualifiers
Parent Sample Number									*173536*						
2-Fluorobiphenyl (14-119)	72 %														
2-Fluorophenol (19-91)	80 %														
Nitrobenzene-d5 (D-196)	64 %														
Phenol-d6 (26-111)	99 %														
Terphenyl-d14 (D-141)	102 %														
2,4,6-Tribromophenol (25-100)	67 %														
Acenaphthene	0.0066 mg/kg	5.0	85	87	2	20	46-111								
Acenaphthylene	0.0022 U mg/kg	5.0	86	93	8	20	45-130								
Anthracene	0.0017 U mg/kg	5.0	89	89	0	20	45-121								
Benzo(a)anthracene	0.0015 U mg/kg	5.0	61	65	6	31	29-142								
Benzo(a)Pyrene	0.002 U mg/kg	5.0	74	73	1	39	26-130								
Benzo(b)Fluoranthene	0.0027 U mg/kg	5.0	72	72	0	23	28-129								
Benzo(g,h,i)perylene	0.0069 U mg/kg	5.0	111	109	2	31	36-133								
Benzo(k)Fluoranthene	0.0019 U mg/kg	5.0	90	95	5	47	13-146								
Chrysene	0.0012 U mg/kg	5.0	92	95	3	35	12-162								
Dibenzo(a,h)Anthracene	0.0073 U mg/kg	5.0	99	100	1	20	42-130								
Fluoranthene	0.0060 mg/kg	5.0	79	83	5	20	37-133								
Fluorene	0.0041 mg/kg	5.0	83	86	4	20	35-126								
Indeno(1,2,3-cd)pyrene	0.0072 U mg/kg	5.0	98	99	1	22	39-126								

SunLabs, Inc.
5460 Beaumont Center Blvd., Suite 520
Tampa, FL 33634

Phone: (813) 881-9401
Email: Info@SunLabsInc.com
Website: www.SunLabsInc.com

Laboratory ID Number - E84809

Quality Control Data

Project Number	Cardno TBE, Inc.
130828.14	Project Description: Taylor Bridge

September 24, 2013

Batch No: F3684

Test: **Semi-volatile Organic Compounds by Method 8270**

TestCode: 8270-s

Associated Samples: 173536

Compound	Blank		LCS Spike	LCS %Rec	LCSD %Rec	RPD %	---QC Limits--- RPD	LCS	MS Spike	MS %Rec	MSD %Rec	RPD %	---QC Limits--- RPD	MS	Dup RPD	Qualifiers
Parent Sample Number										*173536*						
1-Methylnaphthalene	0.0051	mg/kg	5.0	83	88	6	20	39-119								
2-Methylnaphthalene	0.0099	mg/kg	5.0	84	89	6	20	37-124								
2-methylphenol	0.12 U	mg/kg	5.0	72	82	13	28	41-91								
3&4-methylphenol	0.11 U	mg/kg	10.0	85	111 *	27 *	26	40-107								j
Naphthalene	0.019	mg/kg	5.0	83	88	6	20	40-113								
Pentachlorophenol	0.032 U	mg/kg	5.0	72	76	5	27	0-154								
Phenanthrene	0.0078	mg/kg	5.0	89	97	9	20	60-111								
Pyrene	0.0069 U	mg/kg	5.0	81	87	7	20	40-131								

Batch No: F3885

Test: **TCLP Semivolatiles by Method 8270**

TestCode: TCLP-SV

Associated Samples: 173975

Compound	Blank		LCS Spike	LCS %Rec	LCSD %Rec	RPD %	---QC Limits--- RPD	LCS	MS Spike	MS %Rec	MSD %Rec	RPD %	---QC Limits--- RPD	MS	Dup RPD	Qualifiers
Parent Sample Number										*173975*						
2-Fluorobiphenyl (surrogate)	56	%														
2-Fluorophenol (surrogate)	17	%														
Nitrobenzene-d5 (surrogate)	66	%														
Phenol-d6 (surrogate)	21	%														
Terphenyl-d14 (surrogate)	96	%														
2,4,6-Tribromophenol (surrogate)	68	%														
1,4-Dichlorobenzene	0.0023 U	mg/L	0.050	23				21-104	0.050	24						
2,4-Dinitrotoluene	0.0030 U	mg/L	0.050	90				0-141	0.050	76						
Hexachlorobenzene	0.0068 U	mg/L	0.050	79				0-126	0.050	71						
Hexachlorobutadiene	0.0039 U	mg/L	0.050	13				0-122	0.050	7						
Hexachloroethane	0.0040 U	mg/L	0.050	15					0.050	8						
m&p-cresol	0.0014 U	mg/L	0.10	87					0.10	12						
Nitrobenzene	0.0053 U	mg/L	0.050	77					0.050	63						
o-cresol	0.0023 U	mg/L	0.050	39				0-149	0.050	43						
Pentachlorophenol	0.0071 U	mg/L	0.050	66				29-119	0.050	68						
Pyridine	0.057 U	mg/L	0.050	2					0.050	2						
2,4,5-Trichlorophenol	0.0027 U	mg/L	0.050	82					0.050	46						
2,4,6-Trichlorophenol	0.0034 U	mg/L	0.050	79					0.050	48						

* indicates value is outside control limits for %Recovery or greater than acceptance criteria for RPD

Footnotes

j	*The reported value failed to meet the established quality control criteria for either precision or accuracy(see cover letter for explanation)*
U	*Compound was analyzed for but not detected.*

SunLabs, Inc. Chain of Custody

№ 39885

Client Name: Cardno
Contact: Rick Haykaz, James Wilson
Address: On File
Phone / Fax:
E-Mail :

SunLabs Project # 130828.14

Project Name: Taylor Bridge
Project #:
PO #:
Alt Bill To:

SunLabs Sample #	Sample Description	Sampled Date	Sampled Time	# of Bottles	Bottle Type	Preservative	Matrix	Analysis / Method Requested: RCRA 8	8270 PAHs	Chlorinated Phenols
173376	F-1	8-28-13	12:20	2	S	1	O	X	X	X
377	F-2		13:05							
378	P-1		13:35							
379	P-2		13:50							

Due Date Requested*: Standard

☐ FDEP PreApproval site
☐ ADaPT EDD (PGM:_____)
Facility/Site ID:

Remarks / Comments:

Length of Record Retention if other than 5 years:* _____

Sampler Signature / Date: 8-28-13

Printed Name / Affiliation: Don Kress / Cardno

SUNLABS, INC. RESERVES THE RIGHT TO BILL FOR DISPOSAL OF UNUSED/ UNRETURNED SAMPLES AND TO RETURN UNUSED SAMPLES.

Relinquished By:	Relinquished To:	Date:	Time:
		8-28-13	1555
Relinquished By:	Relinquished To:	Date:	Time:
Relinquished By:	Relinquished To:	Date:	Time:
Relinquished By:	Relinquished To:	Date:	Time:

Bottle Type Codes:
GV = Glass Vial; GVS = Low Level Volatile Kit
GA = Glass Amber; T = Tedlar Bag
P = Plastic; O = Other (Specify) "Wood"
S = Soil Jar

Preservative Codes:
H = Hydrochloric Acid + Ice; S = Sulfuric Acid + Ice
I = Ice only; VS = NaHSO4, MeOH, + Ice
N = Nitric Acid; T = Sodium thiosulfate + ice
B = Sodium bisulfate + Ice; O = Other (Specify) _____

Matrix Codes:
A = Air; SO = Soil; SOL = Solid
DW = Drinking Water; SW = Surface Water
GW = Ground Water; WS = Waste; WW = Waste Water
SE = Sediment; W = Water (Blanks); O = Other (Specify:_____)

Internal Use Only

Temp upon receipt: 3.3 °C

Received on Ice? (Y) / N / NA

Internal Use Only

Sample Condition Upon Receipt:

Custody Seals present?	(Y) / N / NA
Custody Seals intact?	Y / N / (NA)
Shipping Bills attached?	Y / N / (NA)
Sample containers intact?	(Y) / N / NA
Samples within holding times?	(Y) / N / NA
Sufficient volume for all analyses?	(Y) / N / NA
Are vials head-space free?	Y / N / (NA)
Proper containers and preservatives?	(Y) / N / NA

SunLabs, Inc.
5460 Beaumont Center Blvd., Suite 520, Tampa, Florida 33634
Phone: 813-881-9401 / Fax: 813-354-4661
e-mail: info@SunLabsInc.com www.SunLabsInc.com

* See General Terms and Conditions on Reverse

Southwest Florida Water Management District
2379 Broad Street, Brooksville, Florida 34604-6899
(352) 796-7211 or 1-800-423-1476 (FL only)
SUNCOM 628-4150 TDD only 1-800-231-6103 (FL only)
On the Internet at: WaterMatters.org

An Equal Opportunity Employer

Bartow Service Office
170 Century Boulevard
Bartow, Florida 33830-7700
(863) 534-1448 or
1-800-492-7862 (FL only)

Sarasota Service Office
6750 Fruitville Road
Sarasota, Florida 34240-9711
(941) 377-3722 or
1-800-320-3503 (FL only)

Tampa Service Office
7601 Highway 301 North
Tampa, Florida 33637-6759
(813) 985-7481 or
1-800-836-0797 (FL only)

December 04, 2013

Manatee County Public Works
Attn: Sia Mollanazar, P.E.
1022 26th Avenue East
Bradenton, FL 34208

Subject: **Notice of Intended Agency Action**
Environmental Resource General Permit

Project Name:	Taylor Road over Myakka River Relief Bridge Replacement
App ID/Permit No:	689348 / 47016684.002
County:	MANATEE
Expiration Date:	November 18, 2018
Sec/Twp/Rge:	S19/T35S/R22E

Dear Permittee(s):

The District acknowledges your intent to use a General permit for the project referenced above. Plans and information received will be kept on file in support of this determination. The proposed construction must be completed before the expiration date indicated above.

The proposed construction is subject to Chapter 62-330, Florida Administration Code (F.A.C.), general conditions of Rule 62-330.405, F.A.C., and the specific conditions of Rule 62-330.443, F.A.C., which are enclosed.

Deviations from these conditions may subject you to enforcement action and possible penalties. You are responsible for conducting construction in a manner which satisfies all criteria. Be advised that General Condition Number 5 states that the Permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on sovereignty lands or other state-owned lands.

Final approval is contingent upon no objection to the District's action being received by the District within the time frames described in the enclosed Notice of Rights.

If approved construction plans are part of the permit, construction must be in accordance with these plans. These drawings are available for viewing or downloading through the District's Application and Permit Search Tools located at www.WaterMatters.org/permits.

The District's action in this matter only becomes closed to future legal challenges from members of the public if such persons have been properly notified of the District's action and no person objects to the District's action within the prescribed period of time following the notification. The District does not publish notices of intended agency action. If you wish to limit the time within which a person who does not receive actual written notice from the District may request an administrative hearing regarding this action, you are strongly encouraged to publish, at your own expense, a notice of intended agency action in the legal advertisement section of a newspaper of general circulation in the county or counties where the activity will occur. Publishing notice of intended agency action will close the window for filing a petition for hearing. Legal requirements and instructions for publishing notice of intended agency action, as well as a noticing form that can be used is available from the District's website at www.WaterMatters.org/permits/noticing. If you publish notice of intended agency action, a copy of the affidavit of publishing provided by the

newspaper should be sent to the District's Tampa Service Office, for retention in the File of Record for this agency action.

If you have questions, please contact Rob McDaniel, at the Tampa Service Office, extension 2039.

Sincerely,

Michelle K. Hopkins, P.E.
Bureau Chief
Environmental Resource Permit Bureau
Regulation Division

Enclosures: Rule 62-330.443, F.A.C.
Exhibit A
Notice of Authorization to Commence Construction
Notice of Rights
cc: Kerri A. MacNutt
Walter Sowa
Bob Heck
James R. Bernard, P.E., Cardno TBE

Specific Condition(s): Rule 62-330.443, F.A.C.

1. (1) A general permit is granted to the Florida Department of Transportation, counties and municipalities to conduct the activities described below:

   (a) The alternation, placement, replacement, removal, modification, or maintenance of bridges and approaches where the combined total of dredging and filling, both temporary and permanent, in wetlands and other surface waters does not exceed 0.50 acre. Placement of bridges shall occur only as part of existing maintained roadways; and

   (b) Channel clearing and shaping, not to exceed a combined total of 0.5 acre of dredging and filling in wetlands and other surface waters, to facilitate maximum hydraulic efficiency of the structures detailed in paragraph (a) above, where the spoil material is used on an upland portion of the project or is deposited on a self-contained, upland spoil site. Escape of spoil material or water from the spoil deposition area into wetlands or other surface waters is prohibited.

2. (2) This general permit shall be subject to the following specific conditions:

   (a) No dredging of access or work channels is authorized by this general permit;

   (b) Temporary fill roads shall not be constructed waterward of mean high water or ordinary high water;

   (c) All fill placed in wetlands, other than fill on which a bridge or approach is constructed, shall be regraded to the original wetland elevations and revegetated with native wetland species endemic to adjoining, undisturbed wetlands, within seven days of completion of construction. Within “clear zones,” revegetation shall be with native herbaceous species endemic to adjoining, undisturbed wetlands. During the five-year period following the initial planting or restoration of the site, these areas shall be maintained to ensure planted or naturally recruited native wetland species are surviving and growing, and that the areal coverage of exotic and invasive species constitutes less than 10% areal coverage;

   (d) Hydraulic openings of bridges shall be sufficient to prevent downstream scour, increased downstream water velocities, and increased flood elevations on the property of others;

   (e) Minimum horizontal and vertical navigational clearances on bridges over navigable waters of the United States shall be established in accordance with procedures outlined in Chapter 2 the U.S. Coast Guard Bridge Administration Manual, COMDTINST M16590.5C, (March 26, 2004), incorporated by reference herein (http://www.flrules.org/Gateway/reference.asp?No=Ref-03150), a copy of which may be obtained from the Agency, as described in subsection 62-330.010(5), F.A.C, and in no circumstance shall placement or replacement of a bridge result in a reduction of horizontal and vertical navigational clearances;

   (f) Replacement or modification of a bridge that includes changes in the configuration of the bridge and fill areas due to changes in materials, construction techniques, or meeting current construction codes or safety standards are authorized under this permit. Any connecting road expansion or alteration associated with such replacement or modification must be authorized by a separate general or individual permit under Chapter 62-330, F.A.C., as applicable, before the start of construction; and

   (g) This general permit does not authorize replacement or modification of bridges or approaches that involve the construction of additional lanes, except that any single-lane bridge may be widened to two travel lanes, provided the bridge widening does not exceed that reasonably necessary to match the existing travel lane alignment of a two-lane road.

Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.419, 403.814(1) FS. History–New 10-3-95, Amended 10-1-07, Formerly 62-341.443, Amended 10-1-13.

EXHIBIT A

GENERAL CONDITIONS:

The following general permit conditions are binding upon the permittee and are enforceable under Part IV of Chapter 373, F.S. These conditions do not apply to the general permit in Section 403.814(12), F.S.

1. The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit. A violation of the permit is a violation of Part IV of Chapter 373, F.S., and may result in suspension or revocation of the permittee's right to conduct such activity under the general permit. The Agency also may begin legal proceedings seeking penalties or other remedies as provided by law for any violation of these conditions.

2. This general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit.

3. This general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

4. The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

5. Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

6. The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with Chapter 120, F.S., and Section 373.429, F.S.

7. This permit shall not be transferred to a third party except pursuant to Rule 62-330.340, F.A.C. The permittee transferring the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

8. Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted activity to ensure conformity with the plans and specifications approved by the permit.

9. The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in this general permit.

10. A permitee's right to conduct a specific activity under this general permit is authorized for a duration of five years.

11. Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation June 2007)*, available at www.dep.state.fl.us/water/wetlands/docs/erp/FLErosionSedimentManual_6_07.pdf, and the *Florida Stormwater*

Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008), available at www.dep.state.fl.us/water/nonpoint/docs/erosion/erosion-inspectors-manual.pdf, which are both incorporated by reference in subparagraph 62-330.050(8)(b)5., F.A.C.

12. Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

    a. Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter 4 inches or greater at breast height;

    b. The maximum width of the construction access area shall be limited to 15 feet;

    c. All mats shall be removed within 72 hours after the work commences; and

    d. Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

13. Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

14. The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

15. Except where specifically authorized in a general permit, activities must not:

    a. Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands;

    b. Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to Section 373.042, F.S., or a Works of the District established pursuant to Section 373.086, F.S.; or

16. If any prehistoric or historic artifacts, such as pottery or ceramics, stone tools or metal implements, dugout canoes, or any other physical remains that could be associated with Native American cultures, or early colonial or American settlement are encountered at any time within the project site area, work involving subsurface disturbance in the immediate vicinity of such discoveries shall cease. The permittee or other designee shall contact the Florida Department of State, Division of Historical Resources, Compliance and Review Section, at (850) 245-6333 or (800) 847-7278, as well as the appropriate permitting agency office. Such subsurface work shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and notification shall be provided in accordance with Section 872.05, F.S.

17. The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

18. The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

    a. All vessels associated with the project shall operate at "Idle Speed/No Wake" at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

b. All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

c. All in-water activities, including vessel operation, must be shutdown if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All on-site project personnel are responsible for observing water-related activities for the presence of listed species.

d. Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922 and ImperiledSpecies@myFWC.com.

19. The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

20. The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

SOUTHWEST FLORIDA
WATER MANAGEMENT DISTRICT

NOTICE OF
AUTHORIZATION
TO COMMENCE CONSTRUCTION

Taylor Road over Myakka River Relief Bridge Replacement
PROJECT NAME

Road Projects
PROJECT TYPE

MANATEE
COUNTY

S19/T35S/R22E
SEC(S)/TWP(S)/RGE(S)

Manatee County Public Works
PERMITTEE

APPLICATION ID/PERMIT NO: 689348 / 47016684.002

DATE ISSUED: December 04, 2013

Michelle K. Hopkins, P.E.
Issuing Authority

THIS NOTICE SHOULD BE CONSPICUOUSLY DISPLAYED AT THE SITE OF THE WORK

Notice of Rights

ADMINISTRATIVE HEARING

1. You or any person whose substantial interests are or may be affected by the District's intended or proposed action may request an administrative hearing on that action by filing a written petition in accordance with Sections 120.569 and 120.57, Florida Statutes (F.S.), Uniform Rules of Procedure Chapter 28-106, Florida Administrative Code (F.A.C.) and District Rule 40D-1.1010, F.A.C. Unless otherwise provided by law, a petition for administrative hearing must be filed with (received by) the District within 21 days of receipt of written notice of agency action. "Written notice" means either actual written notice, or newspaper publication of notice, that the District has taken or intends to take agency action. "Receipt of written notice" is deemed to be the fifth day after the date on which actual notice is deposited in the United States mail, if notice is mailed to you, or the date that actual notice is issued, if sent to you by electronic mail or delivered to you, or the date that notice is published in a newspaper, for those persons to whom the District does not provide actual notice.

2. Pursuant to Subsection 373.427(2)(c), F.S., for notices of intended or proposed agency action on a consolidated application for an environmental resource permit and use of state-owned submerged lands concurrently reviewed by the District, a petition for administrative hearing must be filed with (received by) the District within 14 days of receipt of written notice.

3. Pursuant to Rule 62-532.430, F.A.C., for notices of intent to deny a well construction permit, a petition for administrative hearing must be filed with (received by) the District within 30 days of receipt of written notice of intent to deny.

4. Any person who receives written notice of an agency decision and who fails to file a written request for a hearing within 21 days of receipt or other period as required by law waives the right to request a hearing on such matters.

5. Mediation pursuant to Section 120.573, F.S., to settle an administrative dispute regarding District intended or proposed action is not available prior to the filing of a petition for hearing.

6. A request or petition for administrative hearing must comply with the requirements set forth in Chapter 28-106, F.A.C. A request or petition for a hearing must: (1) explain how the substantial interests of each person requesting the hearing will be affected by the District's intended action or proposed action, (2) state all material facts disputed by the person requesting the hearing or state that there are no material facts in dispute, and (3) otherwise comply with Rules 28-106.201 and 28-106.301, F.A.C. Chapter 28-106, F.A.C. can be viewed at www.flrules.org or at the District's website at www.WaterMatters.org/permits/rules.

7. A petition for administrative hearing is deemed filed upon receipt of the complete petition by the District Agency Clerk at the District's Tampa Service Office during normal business hours, which are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding District holidays. Filings with the District Agency Clerk may be made by mail, hand-delivery or facsimile transfer (fax). The District does not accept petitions for administrative hearing by electronic mail. Mailed filings must be addressed to, and hand-delivered filings must be delivered to, the Agency Clerk, Southwest Florida Water Management District, 7601 Highway 301 North,Tampa,FL 33637-6759. Faxed filings must be transmitted to the District Agency Clerk at (813) 987-6746. Any petition not received during normal business hours shall be filed as of 8:00 a.m. on the next business day. The District's acceptance of faxed petitions for filing is subject to certain conditions set forth in the District's Statement of Agency Organization and Operation, available for viewing at www.WaterMatters.org/about.

JUDICIAL REVIEW

1. Pursuant to Sections 120.60(3) and 120.68, F.S., a party who is adversely affected by District action may seek judicial review of the District's action. Judicial review shall be sought in the Fifth District Court of Appeal or in the appellate district where a party resides or as otherwise provided by law.

2. All proceedings shall be instituted by filing an original notice of appeal with the District Agency Clerk within 30 days after the rendition of the order being appealed, and a copy of the notice of appeal, accompanied by any filing fees prescribed by law, with the clerk of the court, in accordance with Rules 9. 110 and 9.190 of the Florida Rules of Appellate Procedure (Fla. R. App. P.). Pursuant to Fla. R. App. P. 9.020(h), an order is rendered when a signed written order is filed with the clerk of the lower tribunal.

FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION

MARJORY STONEMAN DOUGLAS BUILDING
3900 COMMONWEALTH BOULEVARD
TALLAHASSEE, FLORIDA 32399-3000

RICK SCOTT
GOVERNOR

HERSCHEL T. VINYARD JR.
SECRETARY

June 14, 2013

Ms. Kerri MacNutt
22 Sarasota Center Boulevard
Sarasota, Florida 34240

Re: Myakka River Bypass Canal at Taylor Road Bridge; Manatee County

Dear Ms. MacNutt:

Thank you for your inquiry regarding ownership of the submerged lands of a bypass canal lying east of the main course of the Myakka River at the Taylor Road Bridge. The waterbody is located in Section 19, Township 35 South, Range 22 East.

The Board of Trustees, on behalf of the people of the State of Florida, holds title to all waterbodies that are navigable in their ordinary natural condition. Currently there is insufficient information to determine whether the submerged lands of the subject canal are state owned. Therefore, we would recommend that proprietary requirements of the Board of Trustees normally applied to state owned lands not apply at this site.

The conclusions stated herein are based on a review of records currently available within the Department of Environmental Protection as supplemented, in some cases, by information furnished by the requesting party and do not constitute a legal opinion of title. If this office can be of any further assistance regarding this determination, please address your questions to Melanie Knapp, Government Operations Consultant II, mail station No. 108 at the above letterhead address, or by telephone at (850) 245-2801.

Sincerely,

Rod A. Maddox, Chief
Bureau of Survey and Mapping
Division of State Lands

RAM/mjk
F:\TITLE\MELANIE\1213-4\MyakkaBypassCanal.docx

DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
10117 PRINCESS PALM AVENUE, SUITE 120
TAMPA, FLORIDA 33610-8302

December 5, 2013

REPLY TO ATTENTION OF

Regulatory Division
South Permits Branch
SAJ-2013-03284 (NW-CSH)

Manatee County Public Works
Attn: Sia Mollanzar, P.E.
1022 26th Avenue East
Bradenton, Florida 34208

Dear Mrs. Mollanzar:

The U.S. Army Corps of Engineers (Corps) assigned your application for a Department of the Army permit, which the Corps received on November 25, 2013, the file number SAJ-2013-03284. A review of the information and drawings provided indicates that the proposed work is to replace a structurally deficient timber bridge with a hydraulically equivalent concrete bridge. The proposed bridge will be constructed on the existing roadway alignment. Permanent wetland impacts include 0.102 acres of fill to accommodate the construction of the bridge approaches and support structures, installation of rip rap to stabilize the banks of the bridge structure and approaches, and minor fill for channel shaping activities. The project will also result in 0.037 acres of permanent fill impacts to upland cut swales to accommodate widening of the road for the bridge approaches. Temporary wetland impacts of 0.116 acres will occur as a result of temporary fill used for the construction of the bridge replacement and temporary structure. Temporary impacts include channel clearing and shaping activities within the existing Myakka River Relief Canal to match upstream and downstream profiles. The channel reshaping activities have been designed to maximize hydraulic efficiencies of the structure and prevent erosion and scouring in the downstream and upstream portions. The project is located at the Taylor Road Bridge over the Myakka River Relief Canal, in Section 19, Township 25 South, Range 22 East, Myakka City, Manatee County, Florida.

Your project, as depicted on the enclosed drawings, is authorized by Nationwide Permit (NWP) Number 3. In addition, project specific conditions have been enclosed. This verification is valid until **March 18, 2017**. Furthermore, if you commence or are under contract to commence this activity before the date that the relevant nationwide permit is modified or revoked, you will have 12 months from the date of the modification or revocation of the NWP to complete the activity under the present terms and conditions of this nationwide permit. Please access the U.S. Army Corps of Engineers' (Corps) Jacksonville District's Regulatory Internet page to access Internet links to view the Final Nationwide Permits, Federal Register Vol. 77, dated February 21, 2012, specifically pages 10270 – 10290, the Corrections to the Final Nationwide Permits, Federal Register 77, March 19, 2012, and the List of Regional Conditions. The Internet page address is:

http://www.saj.usace.army.mil/Missions/Regulatory/SourceBook.aspx

Please be aware this Internet address is case sensitive and should be entered as it appears above. Once there you will need to click on "Nationwide Permits." These files contain the description of the Nationwide Permit authorization, the Nationwide Permit general conditions, and the regional conditions, which apply specifically to this verification for NWP 3. Enclosed is a list of the six General Conditions, which apply to all Department of the Army authorizations. You must comply with all of the special and general conditions and any project specific condition of this authorization or you may be subject to enforcement action. In the event you have not completed construction of your project within the specified time limit, a separate application or re-verification may be required.

The following special conditions are included with this verification:

1. **Reporting Address:** The Permittee shall submit all reports, documentation and correspondence required by the conditions of this permit to the following address: TampaCompliance.Reg@usace.army.mil. The Permittee shall reference this permit number, SAJ-2013-03284 (NW-CSH), on all submittals.

2. **Commencement Notification:** Within 10 days from the date of initiating the authorized work, the Permittee shall provide to the Corps a written notification of the date of commencement of work authorized by this permit.

3. **Self-Certification:** Within 60 days of completion of the authorized work or at the expiration of the construction authorization of this permit, whichever occurs first, the Permittee shall complete the attached "Self-Certification Statement of Compliance" form and submit to the Corps. In the event that the completed work deviates, in any manner, from the authorized work, the Permittee shall describe, on the Self-Certification Form, the deviations between the work authorized by the permit and the work as constructed. Please note that the description of any deviations on the Self-Certification Form does not constitute approval of any deviations by the Corps.

4. **Eastern Indigo Snake Protection Measures:** The Permittee shall comply with the U.S. Fish and Wildlife Service's "Standard Protection Measures for the Eastern Indigo Snake" dated February 12, 2004 and provided as an attachment of this permit.

5. **Turbidity Barriers:** Prior to the initiation of any of the work authorized by this permit the Permittee shall install floating turbidity barriers with weighted skirts that extend to within one foot of the bottom around all work areas that are in, or adjacent to, surface waters. The turbidity barriers shall remain in place and be maintained until the authorized work has been completed and all erodible materials have been stabilized.

6. **Erosion Control:** Prior to the initiation of any work authorized by this permit, the Permittee shall install erosion control measures along the perimeter of all work areas to prevent the displacement of fill material outside the work area. Immediately after completion of the final grading of the land surface, all slopes, land surfaces, and filled areas shall be stabilized using sod, degradable mats, barriers, or a combination of similar stabilizing materials to prevent erosion. The erosion control measures shall remain in place and be maintained until all authorized work has been completed and the site has been stabilized.

7. **Fill Material:** The Permittee shall use only clean fill material for this project. The fill material shall be free from items such as trash, debris, automotive parts, asphalt, construction materials, concrete block with exposed reinforcement bars, and soils contaminated with any toxic substance, in toxic amounts in accordance with Section 307 of the Clean Water Act.

8. **Removal of Temporary Fills:** Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegtated, as appropriate.

9. **Temporary Wetland Impacts:** Within 30 days from the date of completing the authorized work the Permittee shall restore 0.116 acre(s) of temporary wetland impacts to pre-existing contours, elevations, vegetation, habitat type, and hydrology.

10. **Regulatory Agency Changes:** Should any other regulatory agency require changes to the work authorized or obligated by this permit, the Permittee is advised that a modification to this permit instrument is required prior to initiation of those changes. It is the Permittee's responsibility to request a modification of this permit from the Tampa Regulatory Office.

11. **Assurance of Navigation and Maintenance:** The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

12. **Cultural Resources/Historic Properties:** No structure or work shall adversely affect impact or disturb properties listed in the *National Register of Historic Places* (NRHP) or those eligible for inclusion in the NRHP. If during the ground disturbing activities and construction work within the permit area, there are archaeological/cultural materials encountered which were not the subject of a previous cultural resources assessment survey (and which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or

metal implements, dugout canoes, evidence of structures or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work and ground-disturbing activities within a 100-meter diameter of the discovery and notify the Corps within the same business day (8 hours). The Corps shall then notify the Florida State Historic Preservation Officer (SHPO) and the appropriate Tribal Historic Preservation Officer(s) (THPO(s)) to assess the significance of the discovery and devise appropriate actions.

This letter of authorization does not obviate the necessity to obtain any other Federal, State, or local permits, which may be required. Prior to the initiation of any construction, projects qualifying for this Nationwide permit must qualify for an exemption under section 403.813(1), Florida Statutes or 373.406, Florida Statutes, or otherwise be authorized by the applicable permit required under Part IV of Chapter 373, Florida Statutes, by the Department of Environmental Protection, a water management district under section 373.069, Florida Statutes, or a local government with delegated authority under section 373.441, Florida Statutes, and receive Water Quality Certification and applicable Coastal Zone Consistency Concurrence or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, Florida Statutes, and, as applicable, Chapter 258, Florida Statutes. You should check State-permitting requirements with the Florida Department of Environmental Protection or the appropriate water management district.

This letter of authorization does not include conditions that would prevent the 'take' of a state-listed fish or wildlife species. These species are protected under sec. 379.411, Florida Statutes, and listed under Rule 68A-27, Florida Administrative Code. With regard to fish and wildlife species designated as species of special concern or threatened by the State of Florida, you are responsible for coordinating directly with the Florida Fish and Wildlife Conservation Commission (FWC). You can visit the FWC license and permitting webpage (http://www.myfwc.com/license/wildlife/) for more information, including a list of those fish and wildlife species designated as species of special concern or threatened. The Florida Natural Areas Inventory (http://www.fnai.org/) also maintains updated lists, by county, of documented occurrences of those species.

This letter of authorization does not give absolute Federal authority to perform the work as specified on your application. The proposed work may be subject to local building restrictions mandated by the National Flood Insurance Program. You should contact your local office that issues building permits to determine if your site is located in a flood-prone area, and if you must comply with the local building requirements mandated by the National Flood Insurance Program.

If you are unable to access the internet or require a hardcopy of any of the conditions, limitations, or expiration date for the above referenced NWP, please contact me by telephone at 813-769-7074.

Thank you for your cooperation with our permit program. The Corps Jacksonville District Regulatory Division is committed to improving service to our customers. We strive to perform our duty in a friendly and timely manner while working to preserve our environment. We invite you to visit http://per2.nwp.usace.army.mil/survey.html and complete our automated Customer Service Survey. Your input is appreciated – favorable or otherwise. Again, please be aware this Internet address is case sensitive and should be entered as it appears above.

Sincerely,

Kevin D. O'Kane
Project Manager

Enclosures

Copy/ies Furnished:

Walter Sowa, walter.sowa@mymanatee.org

Kerri A. MacNutt, kerri.macnutt@cardno.com

Bob Heck, bob.heck@cardno.com

James R. Bernard, P.E., jim.bernard@cardnotbe.com

bcc:
CESAJ-RD-PE

GENERAL CONDITIONS
33 CFR PART 320-330
PUBLISHED FEDERAL REGISTER DATED 13 NOVEMBER 1986

1. The time limit for completing the work authorized ends on **March 18, 2017**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.

2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort of if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow a representative from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

DEPARTMENT OF THE ARMY PERMIT TRANSFER REQUEST

PERMIT NUMBER: SAJ-2013-03284 (NW-CSH)

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. Although the construction period for works authorized by Department of the Army permits is finite, the permit itself, with its limitations, does not expire.

To validate the transfer of this permit and the associated responsibilities associated with compliance with its terms and conditions, have the transferee sign and date below and mail to the U.S. Army Corps of Engineers, Enforcement Section, Post Office Box 4970, Jacksonville, FL 32232-0019.

_____
(TRANSFEREE-SIGNATURE)

_____
(DATE)

_____
(NAME-PRINTED)

_____

_____
(MAILING ADDRESS)

_____
(CITY, STATE, ZIP CODE)

_____
(SUBDIVISION)

_____ _____
(LOT) **(BLOCK)**

_____
(STREET ADDRESS)

SELF-CERTIFICATION STATEMENT OF COMPLIANCE

Permit Number: SAJ-2013-03284 (NW-CSH)

Permittee's Name & Address (please print or type): _____

_____

_____

Telephone Number: _____

Location of the Work: _____

_____

Date Work Started: _____ Date Work Completed: _____

PROPERTY IS INACCESSIBLE WITHOUT PRIOR NOTIFICATION: YES _____NO_____
PLEASE CONTACT _____ AT _____
TO SCHEDULE AN INSPECTION

Description of the Work (e.g. bank stabilization, residential or commercial filling, docks, dredging, etc.):

_____

_____

Acreage or Square Feet of Impacts to Waters of the United States: _____

Describe Mitigation completed (if applicable): _____

_____

_____

Describe any Deviations from the Permit (attach drawing(s) depicting the deviations):

_____

_____

I certify that all work, and mitigation (if applicable), was done in accordance with the limitations and conditions as described in the permit. Any deviations as described above are depicted on the attached drawing(s).

_____
Signature of Permittee

_____
Date

STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE

1. An eastern indigo snake protection/education plan shall be developed by the applicant or requestor for all construction personnel to follow. The plan shall be provided to the Service for review and approval at least 30 days prior to any clearing activities. The educational materials for the plan may consist of a combination of posters, videos, pamphlets, and lectures (*e.g.*, an observer trained to identify eastern indigo snakes could use the protection/education plan to instruct construction personnel before any clearing activities occur). Informational signs should be posted throughout the construction site and along any proposed access road to contain the following information:

    a. a description of the eastern indigo snake, its habits, and protection under Federal Law;
    b. instructions not to injure, harm, harass or kill this species;
    c. directions to cease clearing activities and allow the eastern indigo snake sufficient time to move away from the site on its own before resuming clearing; and,
    d. telephone numbers of pertinent agencies to be contacted if a dead eastern indigo snake is encountered. The dead specimen should be thoroughly soaked in water and then frozen.

2. If not currently authorized through an Incidental Take Statement in association with a Biological Opinion, only individuals who have been either authorized by a section 10(a)(1)(A) permit issued by the Service, or by the State of Florida through the Florida Fish Wildlife Conservation Commission (FWC) for such activities, are permitted to come in contact with an eastern indigo snake.

3. An eastern indigo snake monitoring report must be submitted to the appropriate Florida Field Office within 60 days of the conclusion of clearing phases. The report should be submitted whether or not eastern indigo snakes are observed. The report should contain the following information:

    a. any sightings of eastern indigo snakes and
    b. other obligations required by the Florida Fish and Wildlife Conservation Commission, as stipulated in the permit.

Revised February 12, 2004

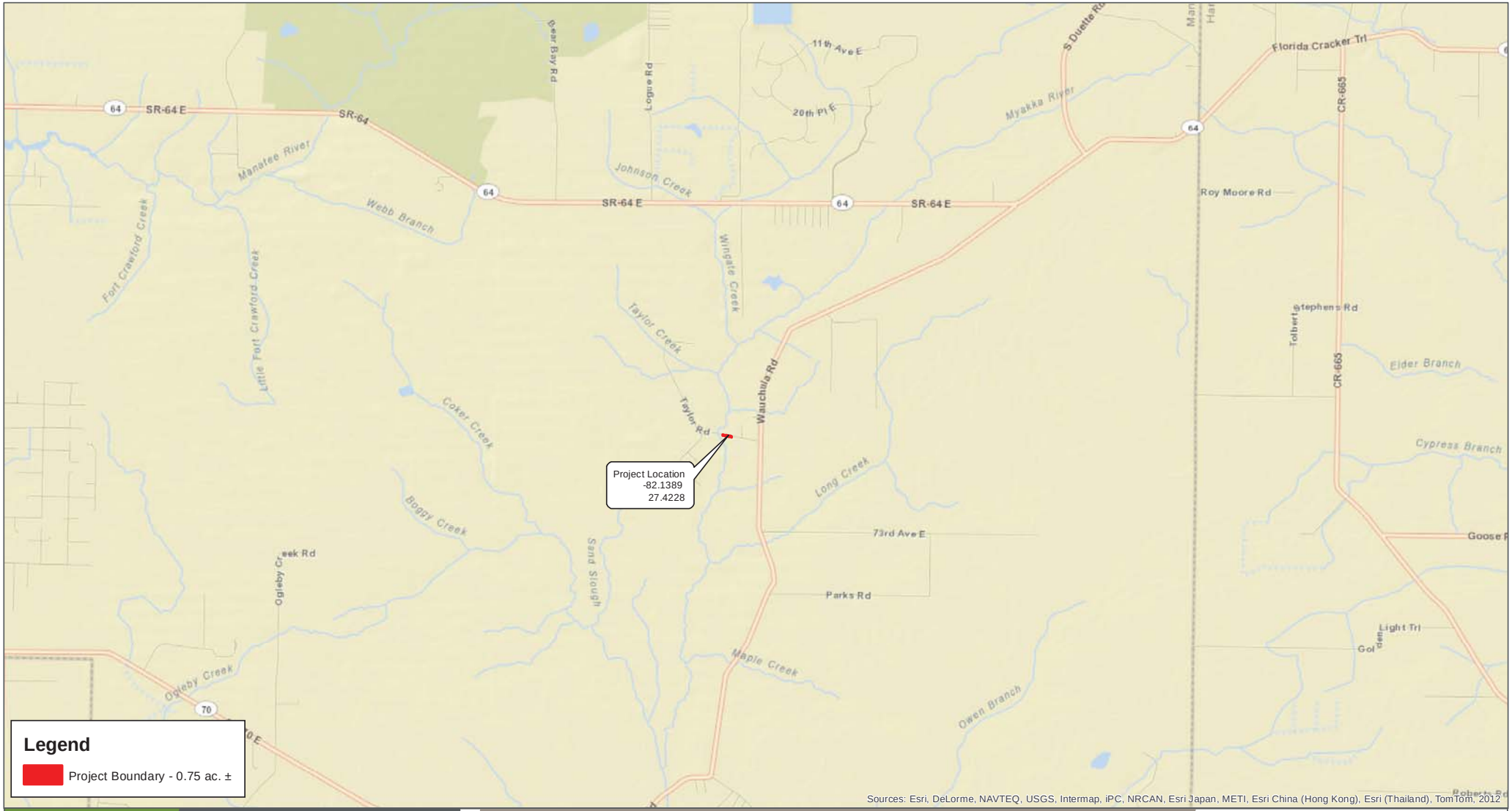

Image:2011

Data Source:

Sec 19
Twp 35 S
Rng 22 E

0 1 2 Miles
0 1,609.75 3,219.5 Meters

Location Map

Taylor Road Bridge
Manatee County, Florida

Cardno ENTRIX
3905 Crescent Park Drive, Riverview, FL 33578 USA
Phone (+1) 813-664-4500 Fax (+1) 813-664-0440
www.cardnoentrix.com

Date Created: 11/11/2013 Date Revised: 11/11/2013File Path: Q:\UnitedStates\Florida\Sarasota\2618\036\working\arcmap\2618_036_Taylor_Road_Bridge_Location_Map_B_1_jmb_20131111.mxd
GIS Analyst: james.bottiger

Image:2011

Data Source:

Sec 19
Twp 35 S
Rng 22 E

This map and all data contained within are supplied as is with no warranty. Cardno ENTRIX, Inc. expressly disclaims responsibility for damages or liability from any claims that may arise out of the use or misuse of this map. It is the sole responsibility of the user to determine if the data on this map meets the user's needs. This map was not created as survey data, nor should it be used as such. It is the user's responsibility to obtain proper survey data, prepared by a licensed surveyor, where required by law.

0 50 100 Feet
0 15 30 Meters

Wetlands Map

Taylor Road Bridge
Manatee County, Florida

Cardno ENTRIX
3905 Crescent Park Drive, Riverview, FL 33578 USA
Phone (+1) 813-664-4500 Fax (+1) 813-664-0440
www.cardnoentrix.com

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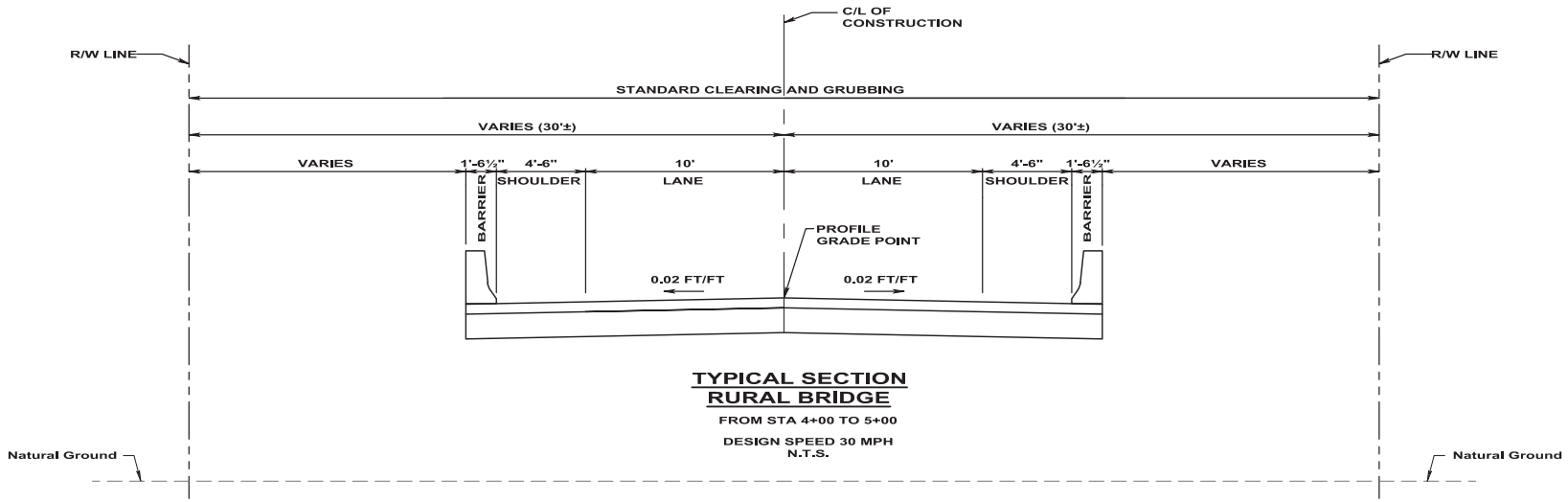
GIS Analyst: james.bottiger



TYPICAL SECTION
RURAL BRIDGE

FROM STA 4+00 TO 5+00

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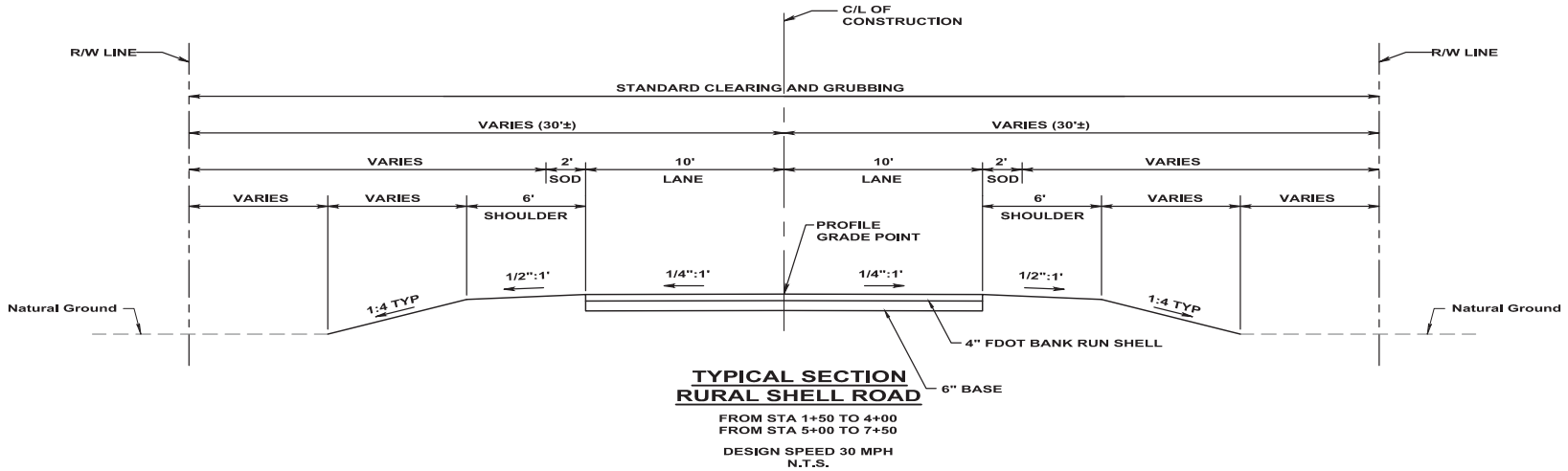
N.T.S.



TYPICAL SECTION
RURAL SHELL ROAD

FROM STA 1+50 TO 4+00
FROM STA 5+00 TO 7+50

DESIGN SPEED 30 MPH
N.T.S.

NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

TAYLOR ROAD BRIDGE

Cardno TBE
22 Sarasota Center Blvd, Sarasota, Florida, 34240
www.cardnotbe.com - 941.377.9084
Certificate of Authorization No. 3843

JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

DESIGNED JRB
DRAWN TJB
Q.C.
APPROVED

TYPICAL SECTIONS

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 2

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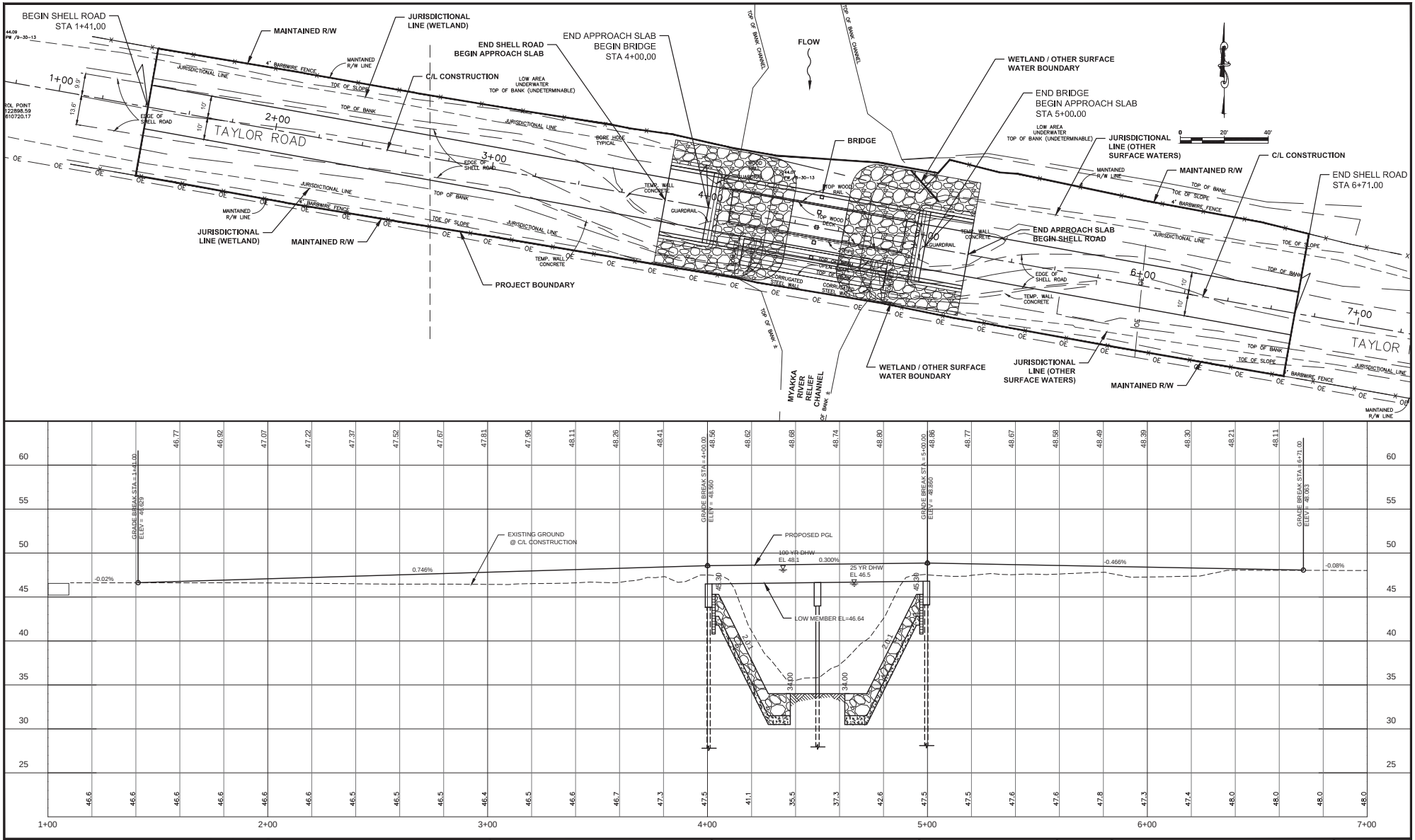

NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

TAYLOR ROAD BRIDGE

Cardno TBE
22 Sarasota Center Blvd, Sarasota, Florida, 34240
www.cardnotbe.com - 941.377.9084
Certificate of Authorization No. 3843

JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

DESIGNED JRB
DRAWN TJB
Q.C.
APPROVED

PLAN AND PROFILE

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 4

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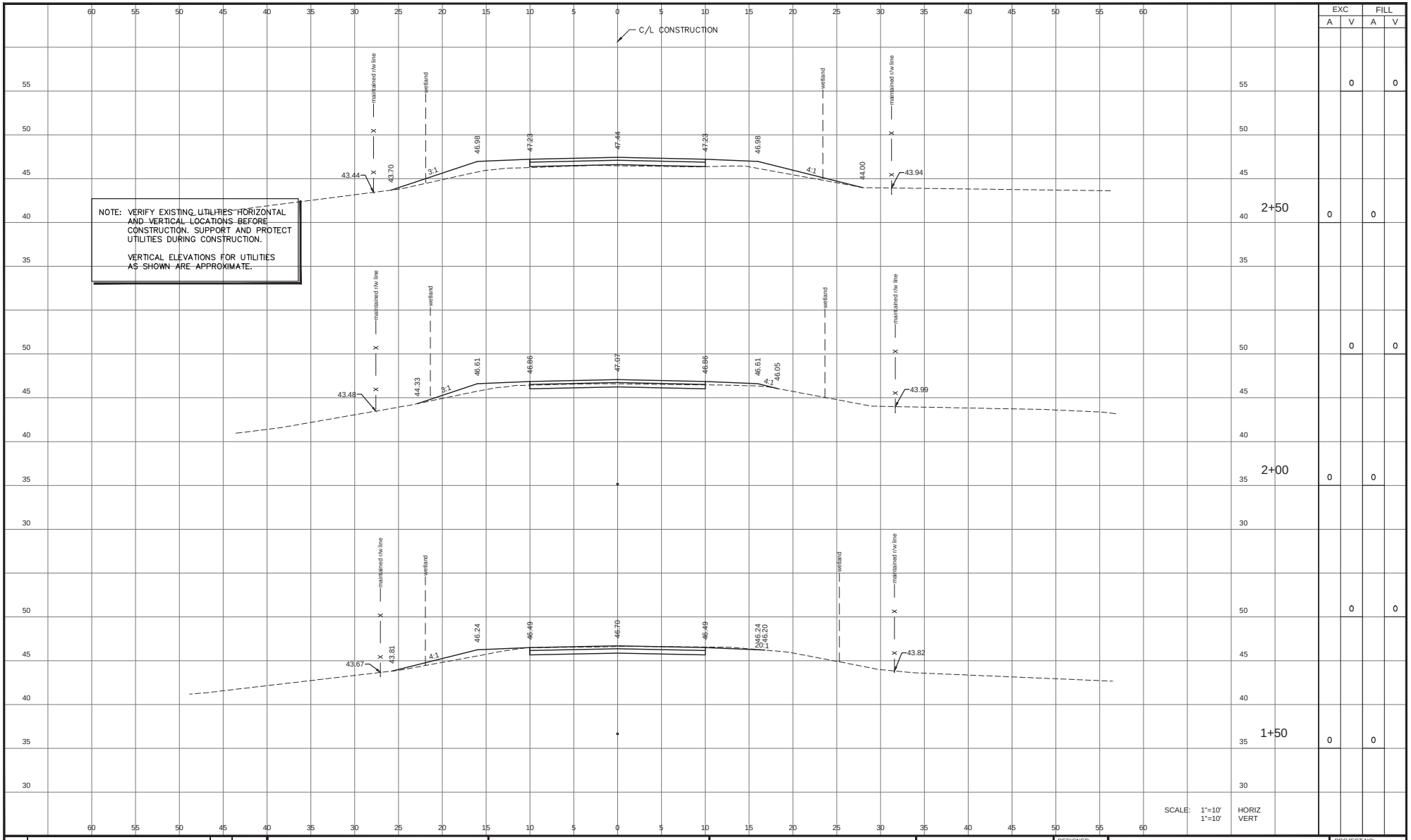
SAJ-2013-03284 (NW-CSH)
MANATEE COUNTY
DECEMBER 5, 2013
SHEET 5 OF 18



NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

TAYLOR ROAD BRIDGE

Cardno TBE
22 Sarasota Center Blvd, Sarasota, Florida, 34240
www.cardnotbe.com - 941.377.9084
Certificate of Authorization No. 3843

JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

DESIGNED JRB
DRAWN TJB
Q.C.
APPROVED

CROSS SECTIONS

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 5

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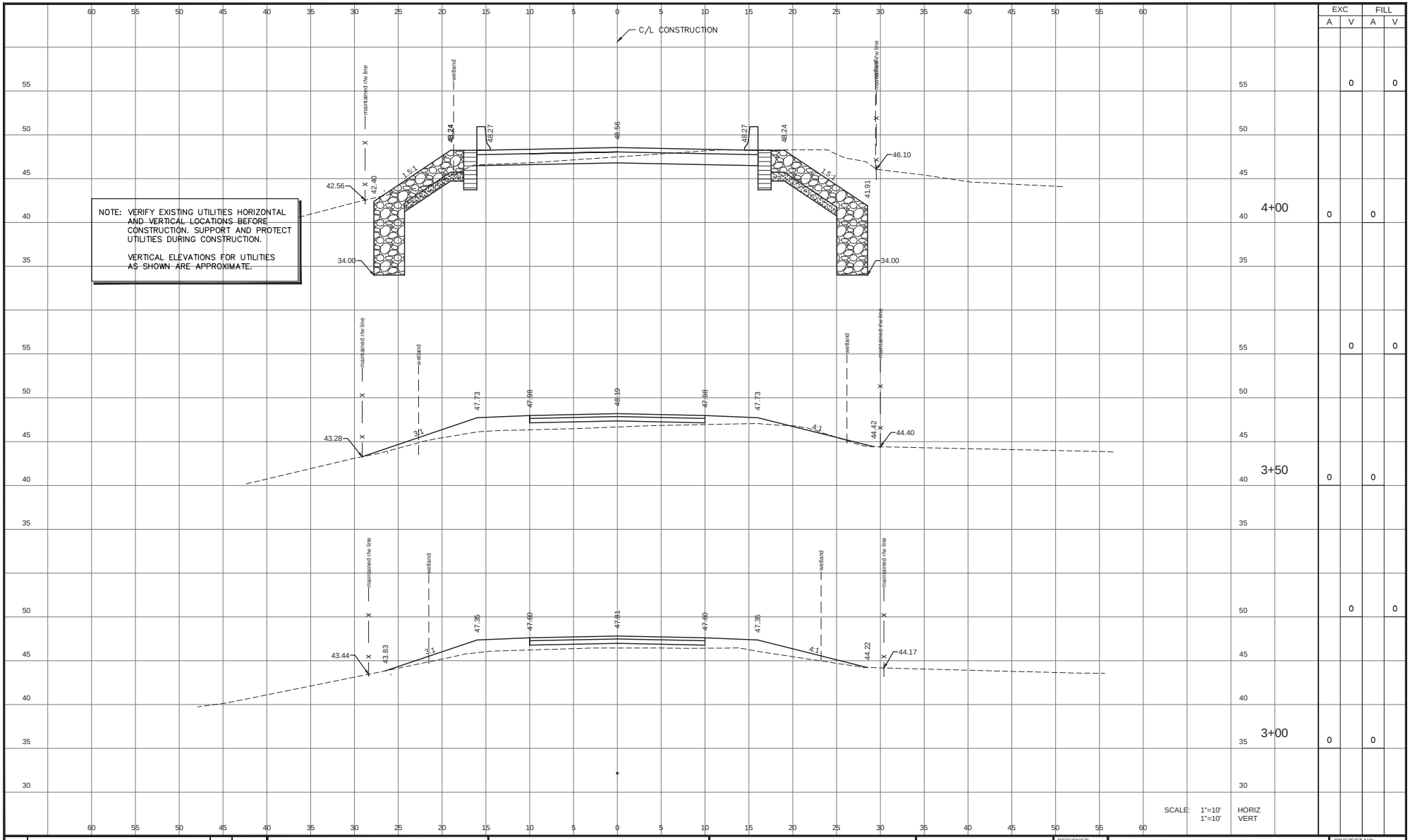
SAJ-2013-03284 (NW-CSH)
MANATEE COUNTY
DECEMBER 5, 2013
SHEET 6 OF 18



NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

TAYLOR ROAD BRIDGE

Cardno TBE
22 Sarasota Center Blvd, Sarasota, Florida, 34240
www.cardnotbe.com - 941.377.9084
Certificate of Authorization No. 3843

JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

DESIGNED JRB
DRAWN TJB
Q.C.
APPROVED

CROSS SECTIONS

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 6

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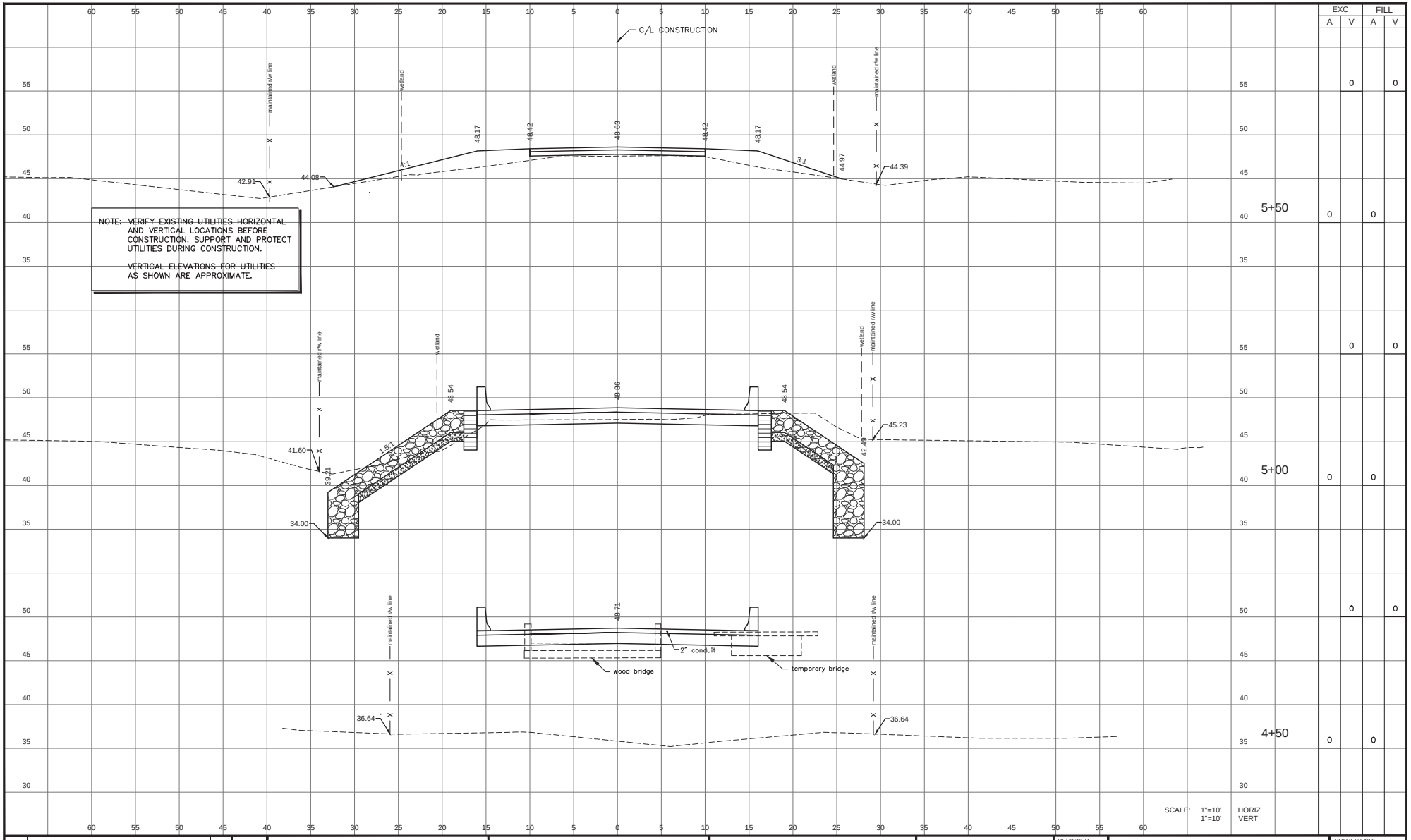

NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

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Certificate of Authorization No. 3843

JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

DESIGNED JRB
DRAWN TJB
Q.C.
APPROVED

CROSS SECTIONS

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 7

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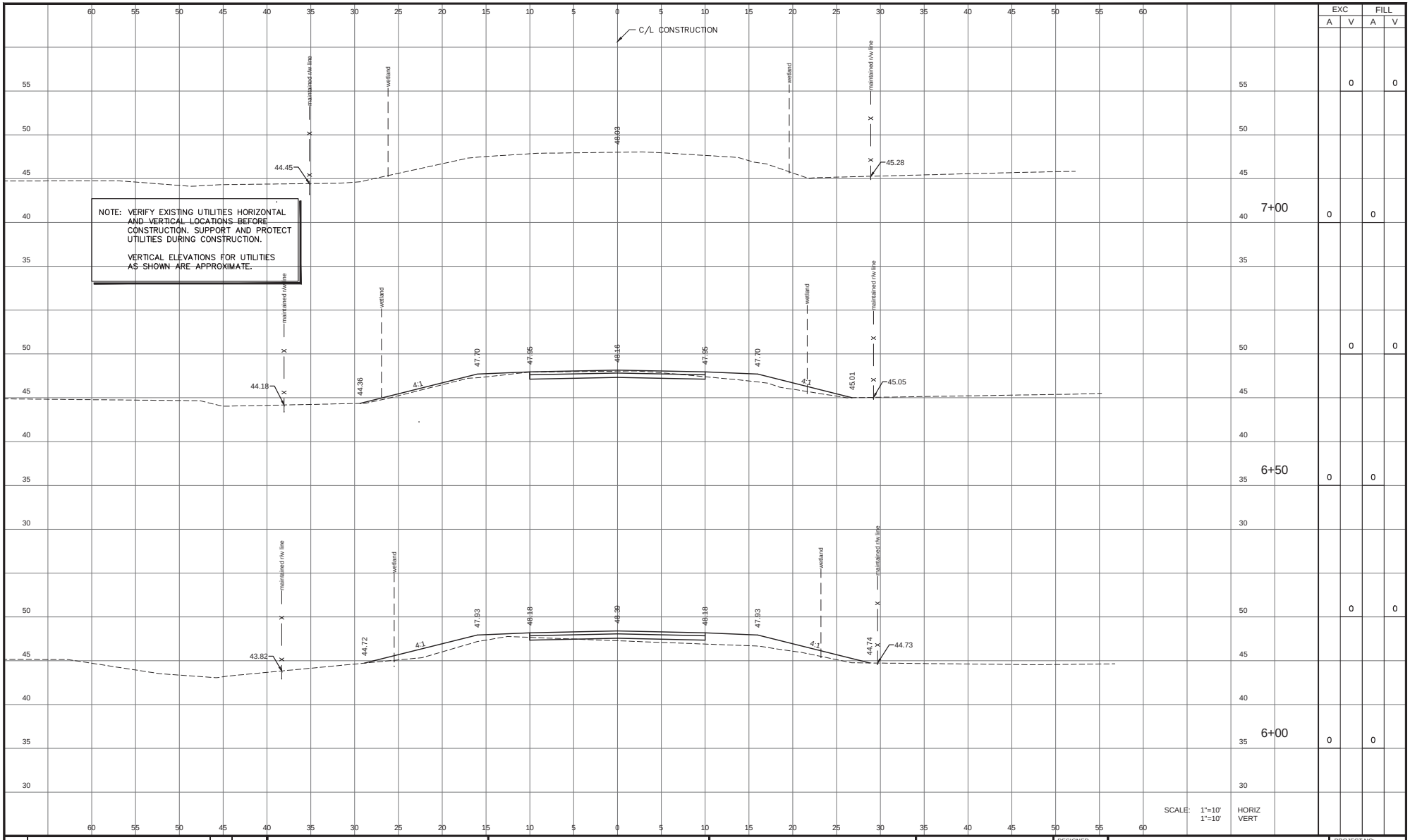

NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

TAYLOR ROAD BRIDGE

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22 Sarasota Center Blvd, Sarasota, Florida, 34240
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JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

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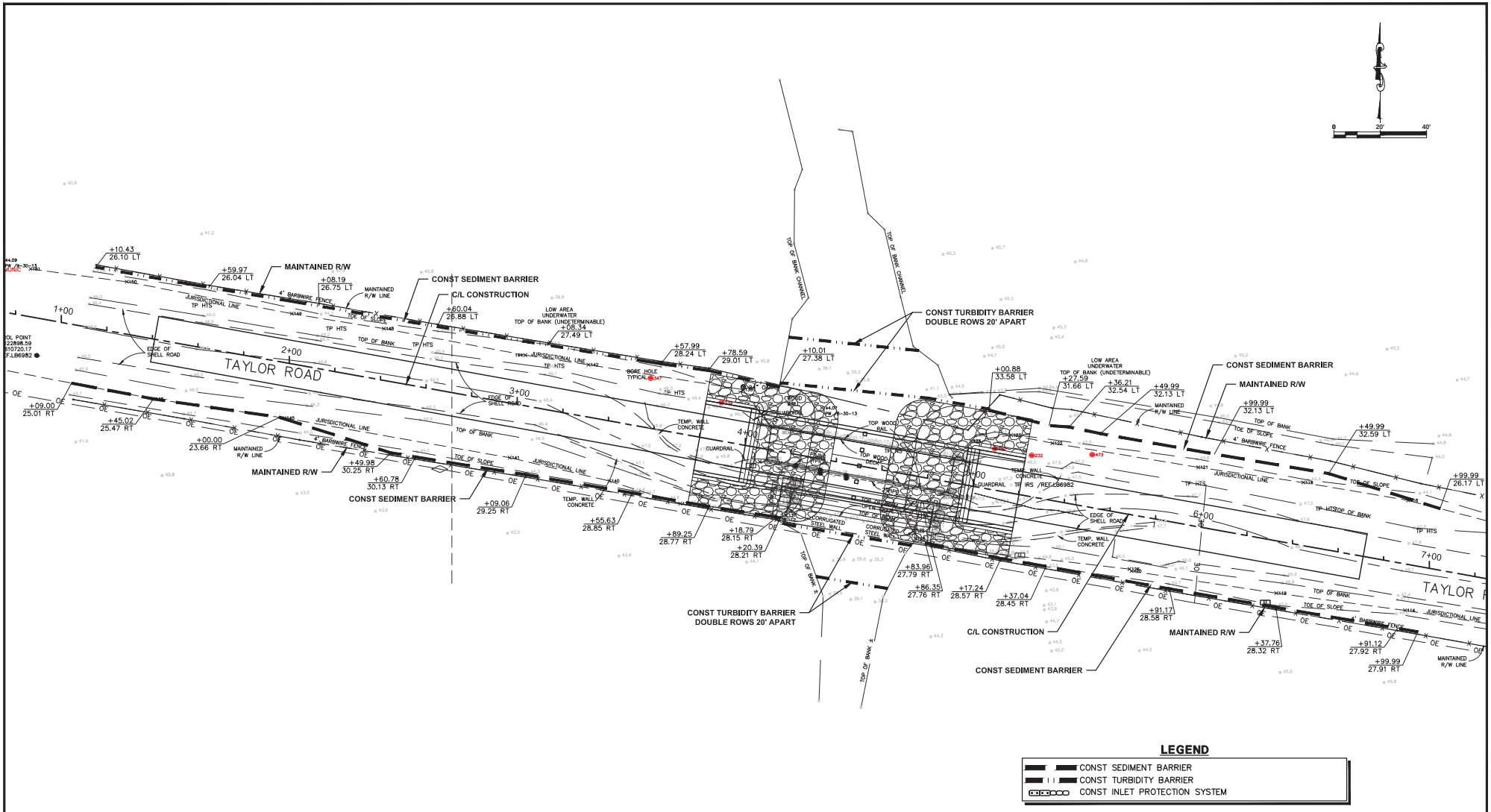
DRAWN TJB
Q.C.
APPROVED

CROSS SECTIONS

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 8

FILE: J:\00193\00193008.26\ACAD\dwg\Sheets\XS00193008826-1.dwg LAST SAVED: Fri, 11/15/13-3:46p PLOTTED: Fri, 11/15/13-4:49p BY: Tim.Bowe



NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

TAYLOR ROAD BRIDGE

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JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

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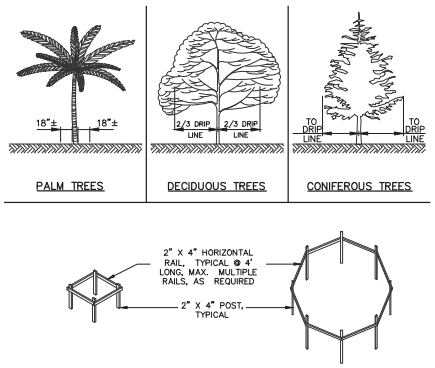
EROSION CONTROL PLAN

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 9

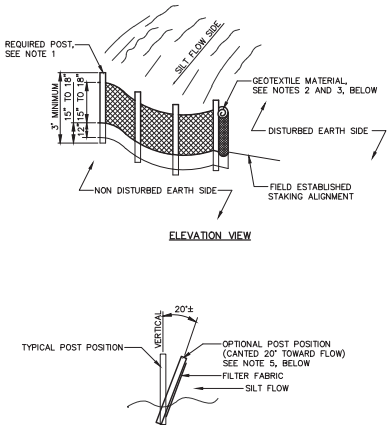
FILE: J:\00193\00193008.26\ACAD\dwg\Sheets\ER00193008 26-2.dwg LAST SAVED: Fri, 11/15/13-2:58p PLOTTED: Fri, 11/15/13-4:50p BY: Tim.Bowe

SAJ-2013-03284 (NW-CSH)
MANATEE COUNTY
DECEMBER 5, 2013
SHEET 10 OF 18



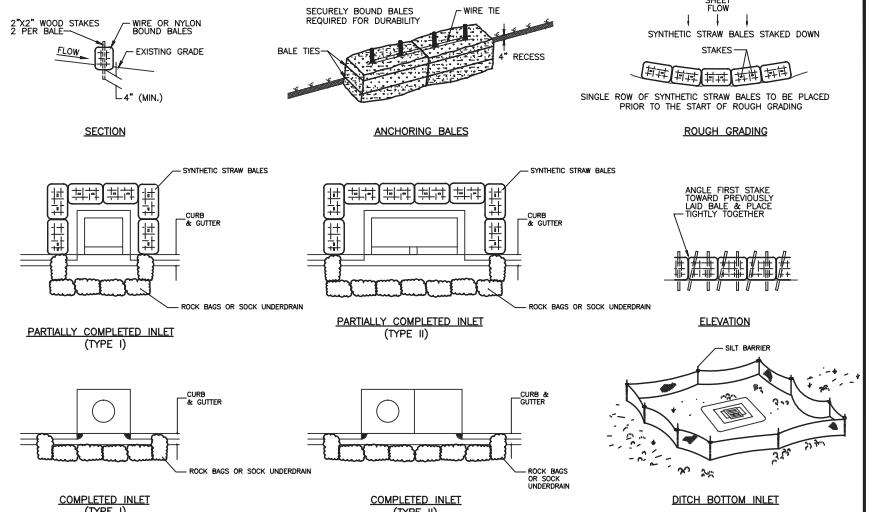
NOTES:
1. NO TRUCKS OR HEAVY EQUIPMENT ALLOWED WITHIN BARRIERS, ONLY HAND LABOR ALLOWED.
2. NO CONSTRUCTION MATERIALS, SOILS DEPOSITS, OR SOLVENTS SHALL BE ALLOWED WITHIN BARRIERS.
3. BARRIERS ARE TO IN PLACE PRIOR TO ANY CONSTRUCTION ACTIVITIES WITHIN TREE AREA.
4. BARRIERS ARE TO STAY IN PLACE UNTIL ALL PAVING, CONSTRUCTION, AND HEAVY EQUIPMENT IS REMOVED FROM THE AREA.

TREE PROTECTION BARRIERS DETAIL
NTS



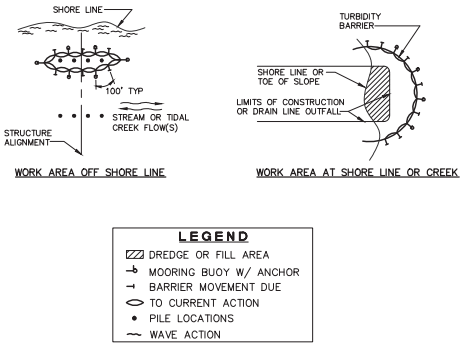
NOTES:
1. POST: 2" X 2" WOOD, P.T. OR 2-1/2" ø STEEL AT 6'-0" CENTERS MAXIMUM.
2. GEOTEXTILE: GRAB TENSILE AT 90 LBS, TRAPEZOIDAL TEAR AT 35 LBS., MULLEN BURST AT 180 PSI.
3. GEOTEXTILE MATERIAL SHALL BE BURIED IN THE GROUND A MINIMUM OF 12" AND BACK FILLED.
4. ALSO SEE FDOT INDEX 199, "GEOTEXTILE CRITERIA", EROSION CLASS.
5. OPTIONAL POST POSITION REQUIRED WHEN SLOPE IS GREATER THAN 1:2.

STAKED SILT BARRIER DETAIL
NTS



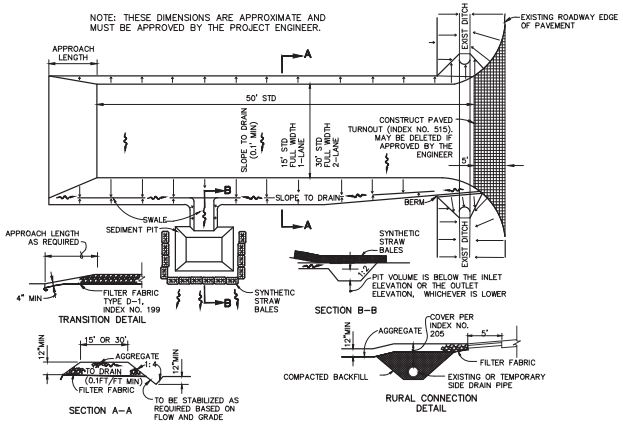
NOTE:
CONTRACTOR MAY USE OTHER ACCEPTABLE EROSION CONTROL DEVICES AROUND INLETS AS APPROVED BY THE ENGINEER.

ROCK BAGS, SYNTHETIC STRAW OR SILT BARRIERS
NTS



NOTES:
1. CURTAIN TO REACH THE BOTTOM UP TO DEPTHS OF 10', 2 PANELS ARE TO BE USED FOR DEPTHS GREATER THAN 10' UNLESS SPECIAL DEPTH CURTAINS SPECIFICALLY ARE CALLED FOR IN THE PLANS OR AS DIRECTED BY THE ENGINEER.
2. COMPONENTS OF TYPES I AND TYPES II MAY BE SIMILAR OR IDENTICAL TO PROPRIETARY DESIGNS. ANY INFRINGEMENT OF THE DESIGNER SHALL BE THE SOLE RESPONSIBILITY OF THE USER. SUBSTITUTIONS FOR TYPES I AND/OR TYPE II SHALL BE AS APPROVED BY THE ENGINEER.
3. TURBIDITY BARRIERS SHALL BE USED IN ALL PERMANENT BODIES OF WATER REGARDLESS OF WATER DEPTH.
4. NUMBER AND SPACING OF ANCHORS DEPENDENT ON CURRENT VELOCITIES.
5. DEPLOYMENT OF BARRIER AROUND PILE LOCATIONS MAY VERY TO ACCOMMODATE CONSTRUCTION OPERATIONS.
6. NAVIGATION MAY REQUIRE SEGMENTING BARRIER DURING CONSTRUCTION ACTIVITIES.
7. FOR ADDITIONAL INFORMATION, SEE SECTION 104 OF THE STANDARD FDOT SPECIFICATIONS.

FLOATING TURBIDITY BARRIER DETAIL
NTS



SOIL TRACKING PREVENTION DEVICE TYPE A
NTS

SOIL TRACKING PREVENTION DEVICE NOTES

1. IF DEEMED NECESSARY A SOIL TRACKING PREVENTION DEVICE (STPD) WILL BE CONSTRUCTED AT LOCATIONS DESIGNATED BY THE DESIGN BUILDER FOR POINTS OF EGRESS FROM UNSTABILIZED AREAS OF THE PROJECT TO PUBLIC ROADS WHERE OFF SITE TRACKING OF MUD COULD OCCUR. TRAFFIC FROM UNSTABILIZED AREAS OF THE CONSTRUCTION PROJECT SHOULD BE DIRECTED THROUGH A STPD. BARRIERS, FLAGGING, OR OTHER POSITIVE MEANS SHOULD BE USED AS REQUIRED TO LIMIT AND DIRECT VEHICULAR EGRESS ACROSS THE STPD.

2. THE CONTRACTOR MAY PROPOSE AN ALTERNATIVE TECHNIQUE TO MINIMIZE OFF SITE TRACKING OF SEDIMENT. THE ALTERNATIVE MUST BE REVIEWED AND APPROVED BY THE ENGINEER PRIOR TO ITS USE.

3. ALL MATERIALS SPILLED, DROPPED OR TRACKED ONTO PUBLIC ROADS (INCLUDING THE STPD AGGREGATE AND CONSTRUCTION MUD) SHOULD BE REMOVED DAILY, OR MORE FREQUENTLY IF SO DIRECTED BY THE ENGINEER.

4. AGGREGATE SHALL BE DESCRIBED IN SECTION 901 EXCLUDING 901-2.3. AGGREGATES SHALL BE FDOT SIZE #1. IF THIS SIZE IS NOT AVAILABLE, THE NEXT AVAILABLE SMALLER SIZE AGGREGATE MAY BE SUBSTITUTED WITH THE APPROVAL OF THE ENGINEER. SIZES CONTAINING EXCESSIVE SMALL AGGREGATE WILL TRACK OFF THE PROJECT AND ARE NOT SUITABLE.

5. THE SEDIMENT PIT SHOULD PROVIDE A RETENTION VOLUME OF 3600 CUBIC FEET/ACRE OF SURFACE AREA DRAINING TO THE PIT. WHEN THE STPD IS ISOLATED FROM OTHER DRAINAGE AREAS, THE FOLLOWING PIT VOLUMES WILL SATISFY THIS REQUIREMENT: 15'X50'=100 FT.², 30'X50'=200 FT.², AS AN OPTION TO THE SEDIMENT PIT, THE WIDTH OF THE SWALE BOTTOM CAN BE INCREASED TO OBTAIN THE VOLUME. WHEN THE SEDIMENT PIT OR SWALE VOLUME HAS BEEN REDUCED TO ONE HALF, IT SHALL BE CLEANED. WHEN A SWALE IS USED, HAY BALES OR SILT FENCE SHALL BE PLACED ALONG THE ENTIRE LENGTH.

6. THE SWALE DITCH DRAINING THE STPD SHALL HAVE A 0.2% MINIMUM AND A 1.0% MAXIMUM GRADE ALONG THE STPD AND TO THE SEDIMENT PIT.

7. MITERED END SECTIONS ARE NOT REQUIRED WHEN THE SIDE DRAIN PIPE SATISFIES THE CLEAR ZONE REQUIREMENTS.

8. THE STPD SHALL BE MAINTAINED IN A CONDITION THAT WILL ALLOW IT TO PERFORM ITS FUNCTION. TO PREVENT OFFSET TRACKING, THE STPD SHALL BE RINSED (DAILY WHEN IN USE) TO MOVE ACCUMULATED MUD DOWNWARD THROUGH THE STONE. ADDITIONAL STABILIZATION OF THE VEHICULAR ROUTE LEADING TO THE STPD MAY BE REQUIRED TO LIMIT MUD TRACKED.

9. THE STPD WILL INCLUDE CONSTRUCTION, MAINTENANCE, REPLACEMENT OF MATERIALS, REMOVAL, AND RESTORATION OF THE AREA UTILIZED FOR THE STPD: INCLUDING BUT NOT LIMITED TO EXCAVATION, GRADING, TEMPORARY PIPE (INCLUDING M.E.S. WHEN REQUIRED), FILTER FABRIC, AGGREGATE, PAVED TURNOUT (INCLUDING ASPHALT AND BASE CONSTRUCTION), DITCH STABILIZATION, APPROACH ROUTE STABILIZATION, SEDIMENT REMOVAL AND DISPOSAL, WATER, RINSING AND CLEANING OF THE STPD AND CLEANING OF PUBLIC ROADS, GRASSING AND SOD.

10. THE NOMINAL SIZE OF A STANDARD STPD IS 15'X50' UNLESS OTHERWISE SHOWN IN THE PLANS. IF THE VOLUME OF ENTERING AND EXITING VEHICLES WARRANT, A 30' WIDTH STPD MAY BE USED IF APPROVED BY THE ENGINEER. WHEN A DOUBLE WIDTH (30') STPD IS USED, THE PAY QUANTITY SHALL BE 2 FOR EACH LOCATION.

NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

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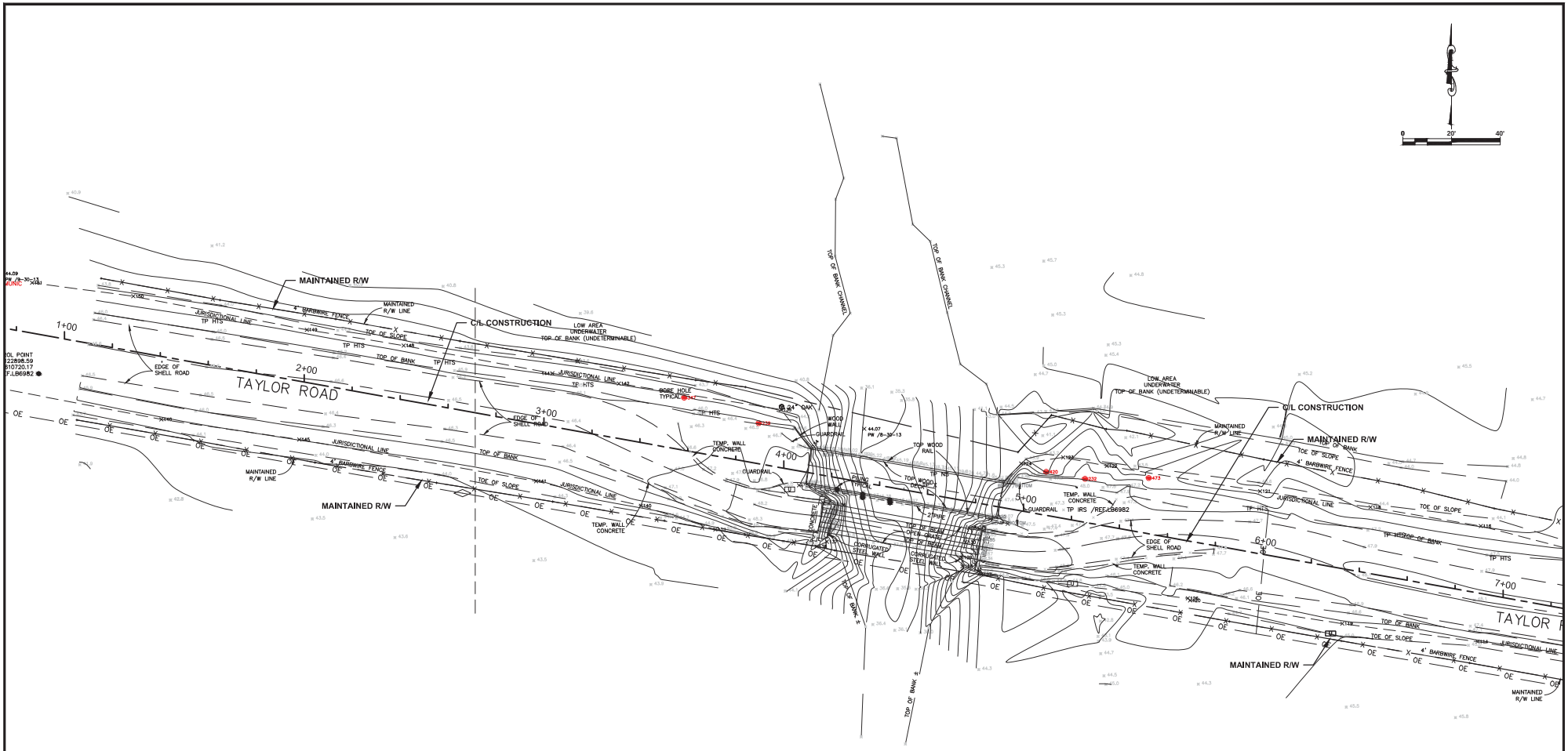
JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

DESIGNED JRB
DRAWN TJB
Q.C.
APPROVED

EROSION CONTROL AND TREE PROTECTION

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 10

FILE: J:\00193\00193008.26\ACADdwg\Sheets\ER00193008026-1.dwg LAST SAVED: Fri, 11/15/13-2:59p PLOTTED: Fri, 11/15/13-4:50p BY: Tim.Bowe



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JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

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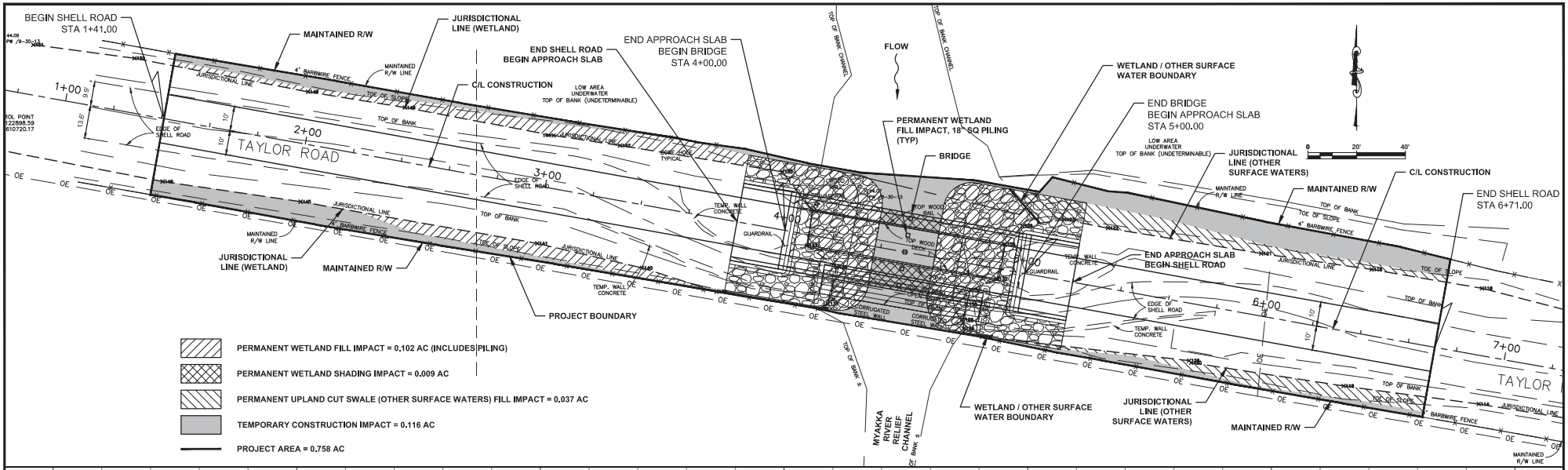
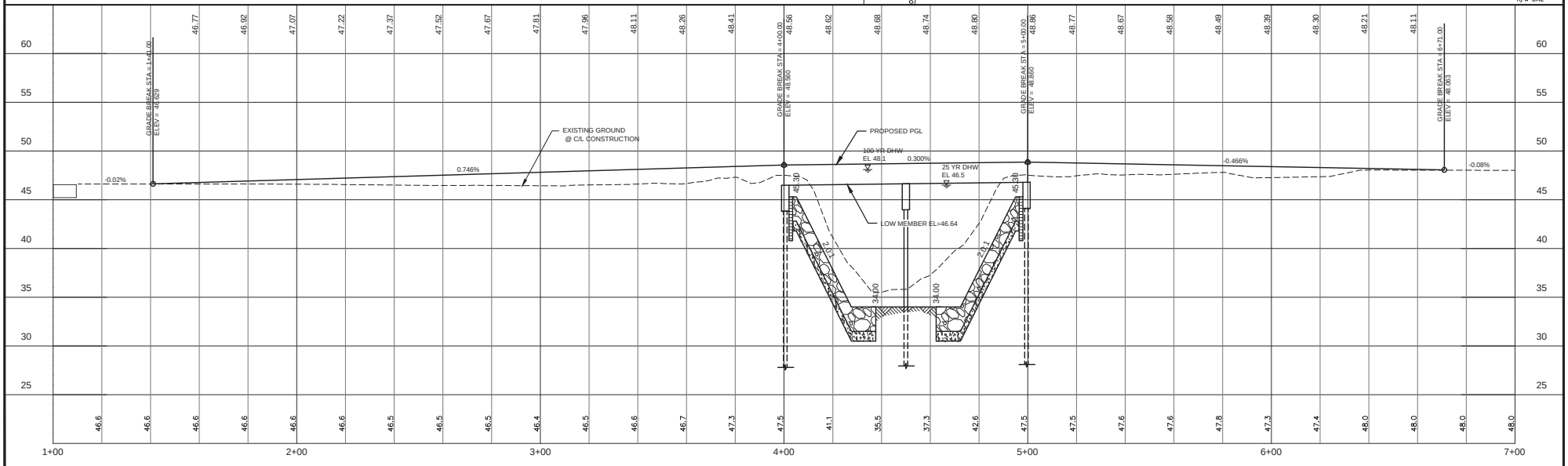
Q.C.
APPROVED

EXISTING CONDITIONS SURVEY

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 11

FILE: J:\00193\00193008.26\ACAD\dwg\Sheets\E00193008626-1.dwg LAST SAVED: Fri, 11/15/13-3:46p PLOTTED: Fri, 11/15/13-4:50p BY: Tim.Bowe





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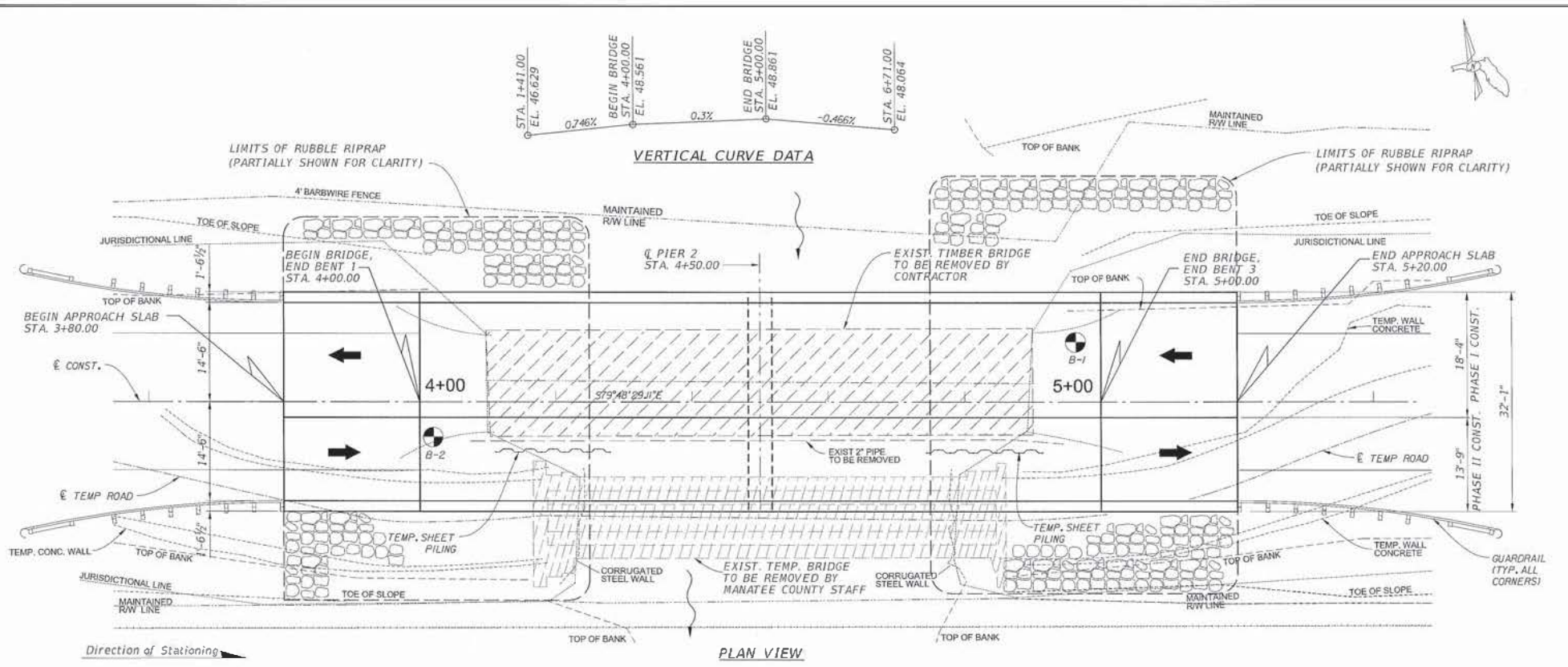
JAMES R. BERNARD, P.E. DATE
LIC. NO.: 55499

DESIGNED JRB
DRAWN TJB
Q.C.
APPROVED

PROJECT AND WETLAND IMPACT AREAS

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 12

FILE: J:\00193\00193008.26\ACADdwg\Sheets\IW00193008026-1.dwg LAST SAVED: Fri, 11/15/13-4:46p PLOTTED: Fri, 11/15/13-4:51p BY: Tim.Bowe



BRIDGE NO. 134122

NO.	DESCRIPTION	BY	DATE

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TAYLOR ROAD BRIDGE

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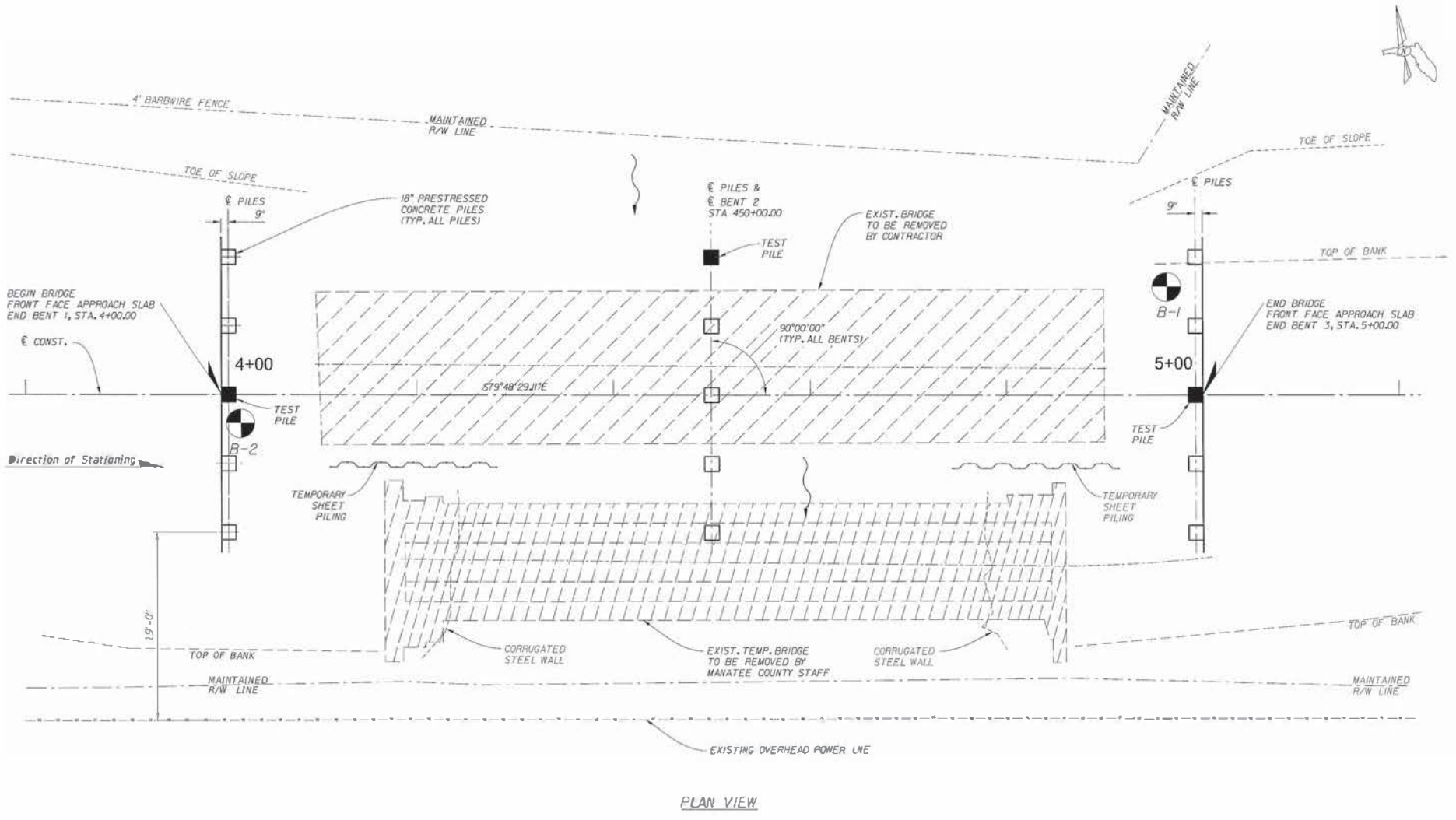
MIGUEL A. VILLEGAS, P.E. DATE
LIC. NO.: 69755

DESIGNED MAV
DRAWN MAV
Q.C. RAH
APPROVED RAH

PLAN AND ELEVATION

PROJECT NO: 001993008.28
DATE: 11-15-13
SHEET NO: 2



PLAN VIEW

BRIDGE NO. 134122

NO.	DESCRIPTION	BY	DATE

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TAYLOR ROAD BRIDGE

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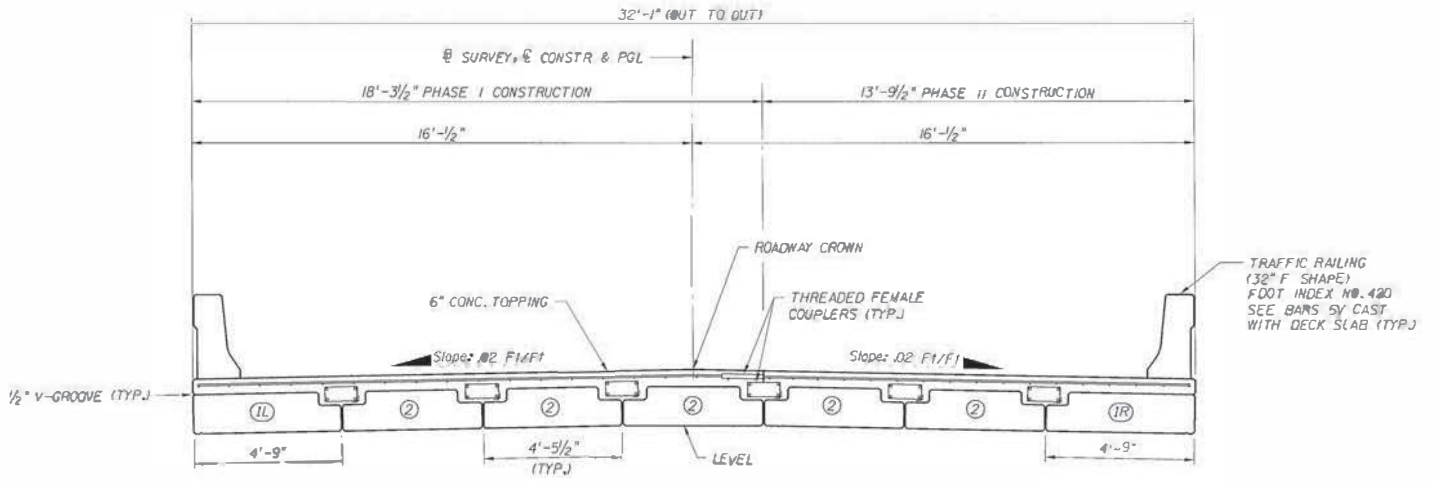
MIGUEL A. VILLEGAS, P.E. DATE
LIC. NO.: 68768

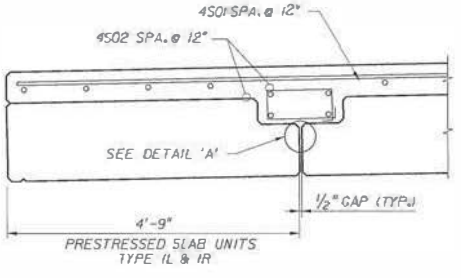
DESIGNED MAV
DRAWN MAV
Q.C. RAH
APPROVED MAH

FOUNDATION LAYOUT

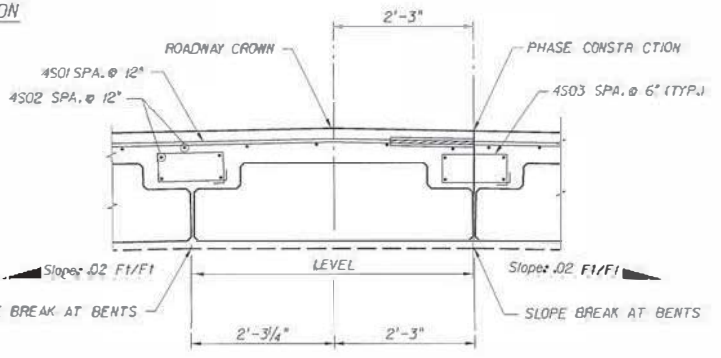
PROJECT NO: 00193008.26
DATE: 11-15-13
SHEET NO: 3



SUPERSTRUCTURE SECTION



DETAIL 'A'



SUPERSTRUCTURE DETAILS

BREAKDOWN OF ESTIMATED CONCRETE QUANTITIES		
ITEM	UNIT	QUANTITY
CONCRETE TOPPING	CY	

ESTIMATED QUANTITIES		
ITEM	UNIT	QUANTITY
PRESTRESSED SLAB UNIT (57" WIDE) (15" DEEP)	LF	
PRESTRESSED SLAB UNITS (53½" WIDE) (15" DEEP)	LF	
CLASS II CONCRETE (SUPERSTRUCTURE) *	CY	
REINFORCING STEEL (SUPERSTRUCTURE) *	LBS	
BRIDGE TRAFFIC RAILING **	LF	

* QUANTITY INCLUDES BRIDGE TOPPING AND APPROACH SLABS.
** WORK THIS SHEET WITH BRIDGE RAILING SHEETS.

NOTES:

1. TOP SURFACES OF PRECAST SLABS SHALL BE THOROUGHLY SATURATED WITH WATER 30 MINUTES PRIOR TO PLACEMENT OF C.I.P. CONCRETE SLAB.
2. APPLY AN APPROVED EPOXY BONDING AGENT TO THE BOTTOM AND SIDES OF SLAB KEYWAY PRIOR TO PLACEMENT OF C.I.P. CONCRETE SLAB.
3. CONTRACTOR MAY SUBSTITUTE WELDED WIRE FABRIC SIZE 6x6-D10xD10 FOR BARS 4S01 AND 4S02.

BRIDGE NO. 134122

NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

TAYLOR ROAD BRIDGE

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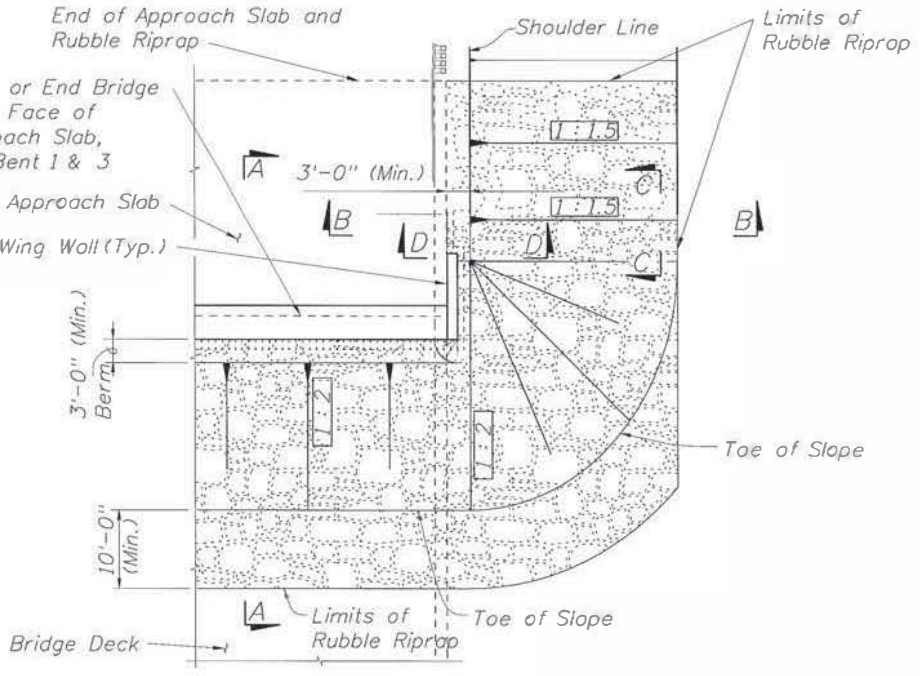
MIGUEL A. VILLEGAS, P.E. DATE
LIC. NO.: 68768

DESIGNED
DRAWN MAV
Q.C. MAV
APPROVED RAH
RAH

TYPICAL SECTION

PROJECT NO: 00193008.26
DATE: 11-15-13
SHEET NO: 4



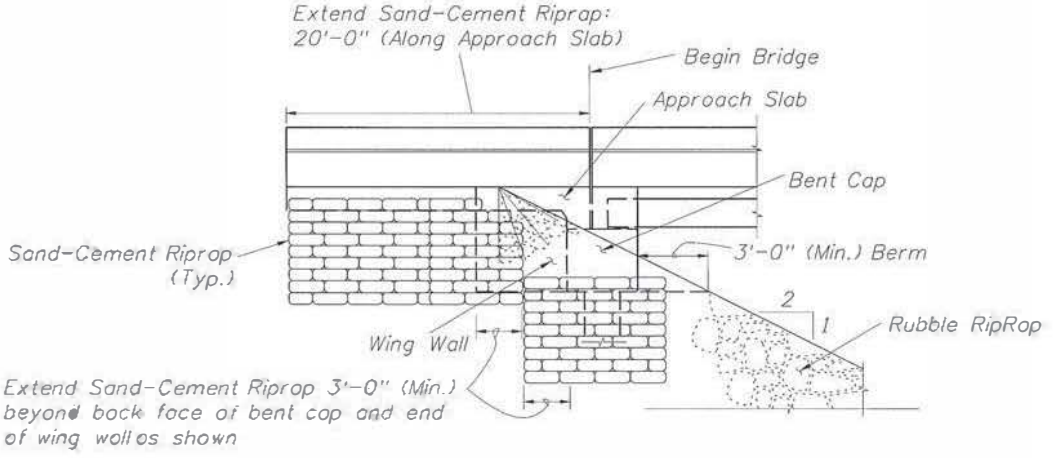
PARTIAL PLAN VIEW

(Bridge Deck and Approach Slab shown Dashed)

NOTE:

For Sections A-A, B-B, C-C & D-D see Sheet No. 6.

ESTIMATED QUANTITIES			
ITEM	UNIT	QUANTITY	
		END BENT 1	END BENT 2
Riprap (Sand-Cement)	CY		
Riprap (Rubble)	TN		
Bedding Stone	TN		



PARTIAL SIDE ELEVATION
(END BENT 1 SHOWN,
END BENT 2 SIMILAR)

BRIDGE NO. 134122

NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

TAYLOR ROAD BRIDGE

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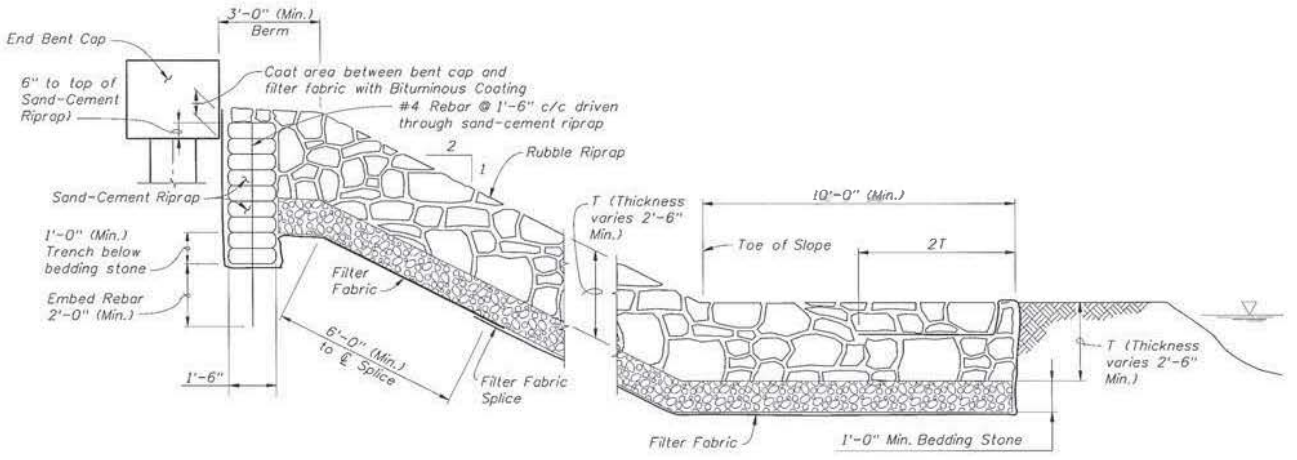
MIGUEL A. VELASCO, P.E. DATE
LIC. NO.: 68768

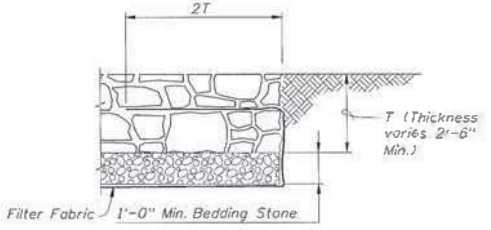
DESIGNED MAV
DRAWN MAV
C.C. RAH
APPROVED RAH

SLOPE PROTECTION (SHEET 1 OF 2)

PROJECT NO: 08193048.26
DATE: 11-15-13
SHEET NO: 5



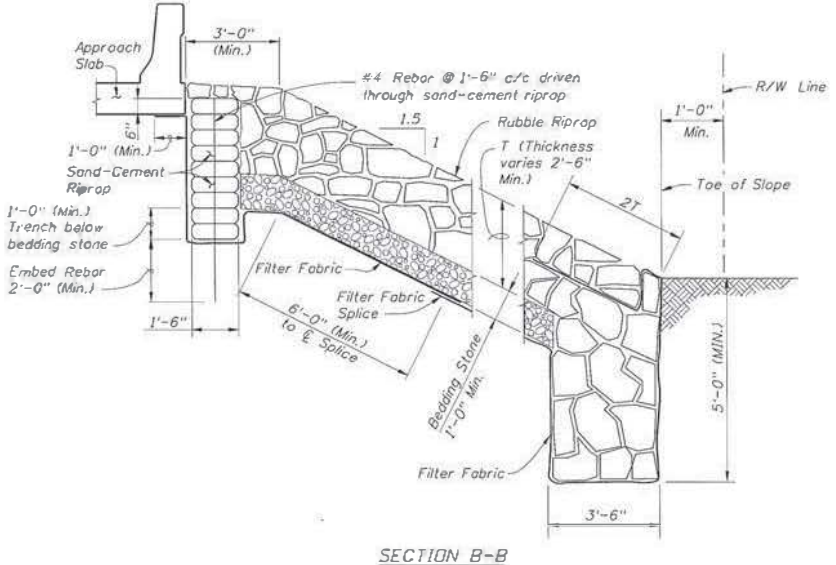
SECTION A-A



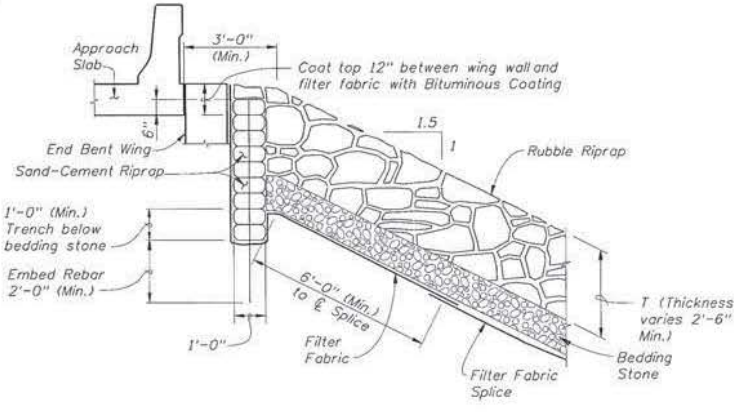
SECTION C-C

NOTE:
Filter Fabric shall be Type D-2, see Design Standard Index 199. Splice length shall be 6" if bedding stone specified or 2'-0" if no bedding stone specified.

For location of Sections A-A, B-B, C-C & D-D see Sheet No. 5.



SECTION B-B



SECTION D-D

BRIDGE NO. 134122

NO.	DESCRIPTION	BY	DATE

MANATEE COUNTY

TAYLOR ROAD BRIDGE

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LIC. NO.: 68768

DESIGNED MAV
DRAWN MAV
Q.C. RAH
APPROVED RAH

SLOPE PROTECTION (SHEET 2 OF 2)

PROJECT NO: 00193008.26
DATE: 11-15-2013
SHEET NO: 6

39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities
45. Repair of Uplands Damaged by Discrete Events
46. Discharges in Ditches
47. [Reserved]
48. Commercial Shellfish Aquaculture Activities
49. Coal Remining Activities
50. Underground Coal Mining Activities
51. Land-Based Renewable Energy Generation Facilities
52. Water-Based Renewable Energy Generation Pilot Projects

Nationwide Permit General Conditions

1. Navigation
2. Aquatic Life Movements
3. Spawning Areas
4. Migratory Bird Breeding Areas
5. Shellfish Beds
6. Suitable Material
7. Water Supply Intakes
8. Adverse Effects From Impoundments
9. Management of Water Flows
10. Fills Within 100–Year Floodplains
11. Equipment
12. Soil Erosion and Sediment Controls
13. Removal of Temporary Fills
14. Proper Maintenance
15. Single and Complete Project
16. Wild and Scenic Rivers
17. Tribal Rights
18. Endangered Species
19. Migratory Bird and Bald and Golden Eagle Permits
20. Historic Properties
21. Discovery of Previously Unknown Remains and Artifacts
22. Designated Critical Resource Waters
23. Mitigation
24. Safety of Impoundment Structures
25. Water Quality
26. Coastal Zone Management
27. Regional and Case-by-Case Conditions
28. Use of Multiple Nationwide Permits
29. Transfer of Nationwide Permit Verifications
30. Compliance Certification
31. Pre-Construction Notification

District Engineer's Decision

Further Information

Definitions

Best management practices (BMPs)
Compensatory mitigation
Currently serviceable
Direct effects
Discharge
Enhancement
Ephemeral stream
Establishment (creation)
High Tide Line
Historic property
Independent utility
Indirect effects
Intermittent stream
Loss of waters of the United States
Non-tidal wetland
Open water
Ordinary high water mark
Perennial stream
Practicable
Pre-construction notification
Preservation
Re-establishment
Rehabilitation
Restoration
Riffle and pool complex
Riparian areas
Shellfish seeding
Single and complete linear project
Single and complete non-linear project
Stormwater management
Stormwater management facilities
Stream bed
Stream channelization
Structure
Tidal wetland
Vegetated shallows
Waterbody

B. Nationwide Permits

1. *Aids to Navigation.* The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66). (Section 10)

2. *Structures in Artificial Canals.* Structures constructed in artificial canals within principally residential developments where the connection of the canal to a navigable water of the United States has been previously authorized (see 33 CFR 322.5(g)). (Section 10)

3. *Maintenance.* (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project or within the boundaries of the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris in the vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and/or the placement of new or additional riprap to protect the structure. The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. The placement of new or additional riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure. Any bank stabilization measures not directly associated with the structure will require a separate authorization from the district engineer.

(c) This NWP also authorizes temporary structures, fills, and work necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills

must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Sections 10 and 404)

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

4. *Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities.* Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This NWP does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks. (Sections 10 and 404)

5. *Scientific Measurement Devices.* Devices, whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge is limited to 25 cubic yards. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to pre-construction elevations. (Sections 10 and 404)

6. *Survey Activities.* Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, sample plots or transects for wetland delineations, and historic resources surveys. For the purposes of this NWP, the term ''exploratory trenching'' means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the United States. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. This NWP authorizes the construction of temporary pads, provided the discharge does not exceed 1/10-acre in waters of the U.S. Discharges and structures associated with the recovery of historic resources are not authorized by this NWP. Drilling and the discharge of excavated material from test wells for oil and gas exploration are not authorized by this NWP; the plugging of such wells is authorized. Fill placed for roads and other similar activities is not authorized by this NWP. The NWP does not authorize any permanent structures. The discharge of drilling mud and cuttings may require a permit under Section 402 of the Clean Water Act. (Sections 10 and 404)

7. *Outfall Structures and Associated Intake Structures.* Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (Section 402 of the Clean Water Act). The construction of intake structures is not authorized by this NWP, unless they are directly associated with an authorized outfall structure.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

8. *Oil and Gas Structures on the Outer Continental Shelf.* Structures for the exploration, production, and transportation of oil, gas, and minerals on the outer continental shelf within areas leased for such purposes by the Department of Interior, Bureau of Ocean Energy Management. Such structures shall not be placed within the limits of any designated shipping safety fairway or traffic separation scheme, except temporary anchors that comply with the fairway regulations in 33 CFR 322.5(l). The district engineer will review such proposals to ensure compliance with the provisions of the fairway regulations in 33 CFR 322.5(l). Any Corps review under this NWP will be limited to the effects on navigation and national security in accordance with 33 CFR 322.5(f), as well as 33 CFR 322.5(l) and 33 CFR part 334. Such structures will not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, nor will such structures be permitted in EPA or Corps designated dredged material disposal areas.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 10)

9. *Structures in Fleeting and Anchorage Areas.* Structures, buoys, floats and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where the U.S. Coast Guard has established such areas for that purpose. (Section 10)

10. *Mooring Buoys.* Non-commercial, single-boat, mooring buoys. (Section 10)

11. *Temporary Recreational Structures.* Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir manager must approve each buoy or marker individually. (Section 10)

12. *Utility Line Activities.* Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than ½-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A ''utility line'' is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and

television communication. The term ''utility line'' does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than ½-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than ½-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

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

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) The activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 31.) (Sections 10 and 404)

Note 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 4: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

13. *Bank Stabilization.* Bank stabilization activities necessary for erosion prevention, provided the activity meets all of the following criteria:

(a) No material is placed in excess of the minimum needed for erosion protection;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;

(c) The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or the high tide line, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;

(d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;

(e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;

(f) No material is placed in a manner that will be eroded by normal or

expected high flows (properly anchored trees and treetops may be used in low energy areas); and,

(g) The activity is not a stream channelization activity.

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

Invasive plant species shall not be used for bioengineering or vegetative bank stabilization.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity: (1) Involves discharges into special aquatic sites; or (2) is in excess of 500 feet in length; or (3) will involve the discharge of greater than an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark or the high tide line. (See general condition 31.) (Sections 10 and 404)

14. *Linear Transportation Projects.* Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than ½-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

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

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

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 31.) (Sections 10 and 404)

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

15. *U.S. Coast Guard Approved Bridges.* Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899 and other applicable laws. Causeways and approach fills are not included in this NWP and will require a separate section 404 permit. (Section 404)

16. *Return Water From Upland Contained Disposal Areas.* Return water from an upland contained dredged material disposal area. The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs in an area that has no waters of the United States and does not require a section 404 permit. This NWP satisfies the technical requirement for a section 404 permit for the return water where the quality of the return water is controlled by the state through the section 401 certification procedures. The dredging activity may require a section 404 permit (33 CFR 323.2(d)), and will require a section 10 permit if located in navigable waters of the United States. (Section 404)

17. *Hydropower Projects.* Discharges of dredged or fill material associated with hydropower projects having: (a) Less than 5000 kW of total generating capacity at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; or (b) a licensing exemption granted by the FERC pursuant to Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and Section 30 of the Federal Power Act, as amended.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)

18. *Minor Discharges.* Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:

(a) The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;

(b) The discharge will not cause the loss of more than 1/10-acre of waters of the United States; and

(c) The discharge is not placed for the purpose of a stream diversion.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or (2) the discharge is in a special aquatic site, including wetlands. (See general condition 31.) (Sections 10 and 404)

19. *Minor Dredging.* Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States (i.e., section 10 waters). This NWP does not authorize the dredging or degradation through siltation of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), anadromous fish spawning areas, or wetlands, or the connection of canals or other artificial waterways to navigable waters of the United States (see 33 CFR 322.5(g)). (Sections 10 and 404)

20. *Response Operations for Oil and Hazardous Substances.* Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution

Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (1) The Spill Control and Countermeasure Plan required by 40 CFR 112.3; (2) the direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or (3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This NWP also authorizes activities required for the cleanup of oil releases in waters of the United States from electrical equipment that are governed by EPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This NWP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises. (Sections 10 and 404)

21. *Surface Coal Mining Activities.* Discharges of dredged or fill material into waters of the United States associated with surface coal mining and reclamation operations.

(a) *Previously Authorized Surface Coal Mining Activities.* Surface coal mining activities that were previously authorized by the NWP 21 issued on March 12, 2007 (see 72 FR 11092), are authorized by this NWP, provided the following criteria are met:

(1) The activities are already authorized, or are currently being processed by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or as part of an integrated permit processing procedure by the Department of Interior, Office of Surface Mining Reclamation and Enforcement;

(2) The permittee must submit a letter to the district engineer requesting re-verification of the NWP 21 authorization. The letter must describe any changes from the previous NWP 21 verification. The letter must be submitted to the district engineer by February 1, 2013;

(3) The loss of waters of the United States is not greater than the loss of waters of the United States previously verified by the district engineer under the NWP 21 issued on March 12, 2007 (i.e., there are no proposed expansions of surface coal mining activities in waters of the United States);

(4) The district engineer provides written verification that those activities will result in minimal individual and cumulative adverse effects and are authorized by NWP 21, including currently applicable regional conditions and any activity-specific conditions added to the NWP authorization by the district engineer, such as compensatory mitigation requirements; and

(5) If the permittee does not receive a written verification from the district engineer prior to March 18, 2013, the permittee must cease all activities until such verification is received. The district engineer may extend the February 1, 2013, deadline by so notifying the permittee in writing, but the permittee must still cease all activities if he or she has not received written verification from the Corps by March 18, 2013, until such verification is received.

(b) *Other Surface Coal Mining Activities.* Surface coal mining activities that were not previously authorized by the NWP 21 issued on March 12, 2007, are authorized by this NWP, provided the following criteria are met:

(1) The activities are already authorized, or are currently being processed by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or as part of an integrated permit processing procedure by the Department of Interior, Office of Surface Mining Reclamation and Enforcement;

(2) The discharge must not cause the loss of greater than ½-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal individual and cumulative adverse effects. This NWP does not authorize discharges into tidal waters or non-tidal wetlands adjacent to tidal waters; and

(3) The discharge is not associated with the construction of valley fills. A ''valley fill'' is a fill structure that is typically constructed within valleys associated with steep, mountainous terrain, associated with surface coal mining activities.

Notification: For activities under paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

22. *Removal of Vessels.* Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation. This NWP does not authorize maintenance dredging, shoal removal, or riverbank snagging.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The vessel is listed or eligible for listing in the National Register of Historic Places; or (2) the activity is conducted in a special aquatic site, including coral reefs and wetlands. (See general condition 31.) If condition 1 above is triggered, the permittee cannot commence the activity until informed by the district engineer that compliance with the ''Historic Properties'' general condition is completed. (Sections 10 and 404)

Note 1: If a removed vessel is disposed of in waters of the United States, a permit from the U.S. EPA may be required (see 40 CFR 229.3). If a Department of the Army permit is required for vessel disposal in waters of the United States, separate authorization will be required.

Note 2: Compliance with general condition 18, Endangered Species, and general condition 20, Historic Properties, is required for all NWPs. The concern with historic properties is emphasized in the notification requirements for this NWP because of the likelihood that submerged vessels may be historic properties.

23. *Approved Categorical Exclusions.* Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:

(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from environmental documentation, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and

(b) The Office of the Chief of Engineers (Attn: CECW–CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters. (Sections 10 and 404)

Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW–CO). Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are the: Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05–07, which is available at: *http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/GuidanceLetters.aspx.* Any future approved categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same Web site.

24. *Indian Tribe or State Administered Section 404 Programs.* Any activity permitted by a state or Indian Tribe administering its own section 404 permit program pursuant to 33 U.S.C. 1344(g)–(l) is permitted pursuant to Section 10 of the Rivers and Harbors Act of 1899. (Section 10)

Note 1: As of the date of the promulgation of this NWP, only New Jersey and Michigan administer their own section 404 permit programs.

Note 2: Those activities that do not involve an Indian Tribe or State section 404 permit are not included in this NWP, but certain structures will be exempted by Section 154 of Public Law 94–587, 90 Stat. 2917 (33 U.S.C. 591) (see 33 CFR 322.4(b)).

25. *Structural Discharges.* Discharges of material such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, and walkways, or for general navigation, such as mooring cells, including the excavation of bottom material from within the form prior to the discharge of concrete, sand, rock, etc. This NWP does not authorize filled structural members that would support buildings, building pads, homes, house pads, parking areas, storage areas and other such structures. The structure itself may require a separate section 10 permit if located in navigable waters of the United States. (Section 404)

26. [Reserved]

27. *Aquatic Habitat Restoration, Establishment, and Enhancement Activities.* Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services.

To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to: The removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, restoration, or establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or establish stream meanders; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to establish or re-establish wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.

This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services.

Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.

Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.

Reversion. For enhancement, restoration, and establishment activities conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this NWP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the

determination of return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting. For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see general condition 31), except for the following activities:

(1) Activities conducted on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the U.S. FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;

(2) Voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or

(3) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency.

However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement. (Sections 10 and 404)

Note: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

28. *Modifications of Existing Marinas.* Reconfiguration of existing docking facilities within an authorized marina area. No dredging, additional slips, dock spaces, or expansion of any kind within waters of the United States is authorized by this NWP. (Section 10)

29. *Residential Developments.* Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than ½-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed ½-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

30. *Moist Soil Management for Wildlife.* Discharges of dredged or fill material into non-tidal waters of the United States and maintenance activities that are associated with moist soil management for wildlife for the purpose of continuing ongoing, site-specific, wildlife management activities where soil manipulation is used to manage habitat and feeding areas for wildlife. Such activities include, but are not limited to, plowing or discing to impede succession, preparing seed beds, or establishing fire breaks. Sufficient riparian areas must be maintained adjacent to all open water bodies, including streams, to preclude water quality degradation due to erosion and sedimentation. This NWP does not authorize the construction of new dikes, roads, water control structures, or similar features associated with the management areas. The activity must not result in a net loss of aquatic resource functions and services. This NWP does not authorize the conversion of wetlands to uplands, impoundments, or other open water bodies. (Section 404)

Note: The repair, maintenance, or replacement of existing water control structures or the repair or maintenance of dikes may be authorized by NWP 3. Some such activities may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

31. *Maintenance of Existing Flood Control Facilities.* Discharges of dredged or fill material resulting from activities associated with the maintenance of existing flood control facilities, including debris basins, retention/detention basins, levees, and channels that: (i) Were previously authorized by the Corps by individual permit, general permit, or 33 CFR 330.3, or did not require a permit at the time they were constructed, or (ii) were constructed by the Corps and transferred to a non-Federal sponsor for operation and maintenance. Activities authorized by this NWP are limited to those resulting from maintenance activities that are conducted within the ''maintenance baseline,'' as described in the definition below. Discharges of dredged or fill materials associated with maintenance activities in flood control facilities in any watercourse that have previously been determined to be within the maintenance baseline are authorized under this NWP. To the extent that a Corps permit is required, this NWP

authorizes the removal of vegetation from levees associated with the flood control project. This NWP does not authorize the removal of sediment and associated vegetation from natural water courses except when these activities have been included in the maintenance baseline. All dredged material must be placed in an area that has no waters of the United States or a separately authorized disposal site in waters of the United States, and proper siltation controls must be used.

Maintenance Baseline: The maintenance baseline is a description of the physical characteristics (e.g., depth, width, length, location, configuration, or design flood capacity, etc.) of a flood control project within which maintenance activities are normally authorized by NWP 31, subject to any case-specific conditions required by the district engineer. The district engineer will approve the maintenance baseline based on the approved or constructed capacity of the flood control facility, whichever is smaller, including any areas where there are no constructed channels but which are part of the facility. The prospective permittee will provide documentation of the physical characteristics of the flood control facility (which will normally consist of as-built or approved drawings) and documentation of the approved and constructed design capacities of the flood control facility. If no evidence of the constructed capacity exists, the approved capacity will be used. The documentation will also include best management practices to ensure that the impacts to the aquatic environment are minimal, especially in maintenance areas where there are no constructed channels. (The Corps may request maintenance records in areas where there has not been recent maintenance.) Revocation or modification of the final determination of the maintenance baseline can only be done in accordance with 33 CFR 330.5. Except in emergencies as described below, this NWP cannot be used until the district engineer approves the maintenance baseline and determines the need for mitigation and any regional or activity-specific conditions. Once determined, the maintenance baseline will remain valid for any subsequent reissuance of this NWP. This NWP does not authorize maintenance of a flood control facility that has been abandoned. A flood control facility will be considered abandoned if it has operated at a significantly reduced capacity without needed maintenance being accomplished in a timely manner.

Mitigation: The district engineer will determine any required mitigation one-time only for impacts associated with maintenance work at the same time that the maintenance baseline is approved. Such one-time mitigation will be required when necessary to ensure that adverse environmental impacts are no more than minimal, both individually and cumulatively. Such mitigation will only be required once for any specific reach of a flood control project. However, if one-time mitigation is required for impacts associated with maintenance activities, the district engineer will not delay needed maintenance, provided the district engineer and the permittee establish a schedule for identification, approval, development, construction and completion of any such required mitigation. Once the one-time mitigation described above has been completed, or a determination made that mitigation is not required, no further mitigation will be required for maintenance activities within the maintenance baseline. In determining appropriate mitigation, the district engineer will give special consideration to natural water courses that have been included in the maintenance baseline and require compensatory mitigation and/or best management practices as appropriate.

Emergency Situations: In emergency situations, this NWP may be used to authorize maintenance activities in flood control facilities for which no maintenance baseline has been approved. Emergency situations are those which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if action is not taken before a maintenance baseline can be approved. In such situations, the determination of mitigation requirements, if any, may be deferred until the emergency has been resolved. Once the emergency has ended, a maintenance baseline must be established expeditiously, and mitigation, including mitigation for maintenance conducted during the emergency, must be required as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer before any maintenance work is conducted (see general condition 31). The pre-construction notification may be for activity-specific maintenance or for maintenance of the entire flood control facility by submitting a five-year (or less) maintenance plan. The pre-construction notification must include a description of the maintenance baseline and the dredged material disposal site. (Sections 10 and 404)

32. *Completed Enforcement Actions.* Any structure, work, or discharge of dredged or fill material remaining in place or undertaken for mitigation, restoration, or environmental benefit in compliance with either:

(i) The terms of a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or the terms of an EPA 309(a) order on consent resolving a violation of Section 404 of the Clean Water Act, provided that:

(a) The unauthorized activity affected no more than 5 acres of non-tidal waters or 1 acre of tidal waters;

(b) The settlement agreement provides for environmental benefits, to an equal or greater degree, than the environmental detriments caused by the unauthorized activity that is authorized by this NWP; and

(c) The district engineer issues a verification letter authorizing the activity subject to the terms and conditions of this NWP and the settlement agreement, including a specified completion date; or

(ii) The terms of a final Federal court decision, consent decree, or settlement agreement resulting from an enforcement action brought by the United States under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or

(iii) The terms of a final court decision, consent decree, settlement agreement, or non-judicial settlement agreement resulting from a natural resource damage claim brought by a trustee or trustees for natural resources (as defined by the National Contingency Plan at 40 CFR subpart G) under Section 311 of the Clean Water Act, Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, Section 312 of the National Marine Sanctuaries Act, Section 1002 of the Oil Pollution Act of 1990, or the Park System Resource Protection Act at 16 U.S.C. 19jj, to the extent that a Corps permit is required.

Compliance is a condition of the NWP itself. Any authorization under this NWP is automatically revoked if the permittee does not comply with the terms of this NWP or the terms of the court decision, consent decree, or judicial/non-judicial settlement agreement. This NWP does not apply to any activities occurring after the date of the decision, decree, or agreement that are not for the purpose of mitigation, restoration, or environmental benefit. Before reaching any settlement agreement, the Corps will ensure compliance with the provisions of 33

CFR part 326 and 33 CFR 330.6(d)(2) and (e). (Sections 10 and 404)

33. *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. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse effects on aquatic resources. Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Sections 10 and 404)

34. *Cranberry Production Activities.* Discharges of dredged or fill material for dikes, berms, pumps, water control structures or leveling of cranberry beds associated with expansion, enhancement, or modification activities at existing cranberry production operations. The cumulative total acreage of disturbance per cranberry production operation, including but not limited to, filling, flooding, ditching, or clearing, must not exceed 10 acres of waters of the United States, including wetlands. The activity must not result in a net loss of wetland acreage. This NWP does not authorize any discharge of dredged or fill material related to other cranberry production activities such as warehouses, processing facilities, or parking areas. For the purposes of this NWP, the cumulative total of 10 acres will be measured over the period that this NWP is valid.

Notification: The permittee must submit a pre-construction notification to the district engineer once during the period that this NWP is valid, and the NWP will then authorize discharges of dredge or fill material at an existing operation for the permit term, provided the 10-acre limit is not exceeded. (See general condition 31.) (Section 404)

35. *Maintenance Dredging of Existing Basins.* Excavation and removal of accumulated sediment for maintenance of existing marina basins, access channels to marinas or boat slips, and boat slips to previously authorized depths or controlling depths for ingress/egress, whichever is less, provided the dredged material is deposited at an area that has no waters of the United States site and proper siltation controls are used. (Section 10)

36. *Boat Ramps.* Activities required for the construction of boat ramps, provided the activity meets all of the following criteria:

(a) The discharge into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless the district engineer waives the 50 cubic yard limit by making a written determination concluding that the discharge will result in minimal adverse effects;

(b) The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;

(c) The base material is crushed stone, gravel or other suitable material;

(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and,

(e) No material is placed in special aquatic sites, including wetlands.

The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another NWP, a regional general permit, or an individual permit.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge into waters of the United States exceeds 50 cubic yards, or (2) the boat ramp exceeds 20 feet in width. (See general condition 31.) (Sections 10 and 404)

37. *Emergency Watershed Protection and Rehabilitation.* Work done by or funded by:

(a) The Natural Resources Conservation Service for a situation requiring immediate action under its emergency Watershed Protection Program (7 CFR part 624);

(b) The U.S. Forest Service under its Burned-Area Emergency Rehabilitation Handbook (FSH 2509.13);

(c) The Department of the Interior for wildland fire management burned area emergency stabilization and rehabilitation (DOI Manual part 620, Ch. 3);

(d) The Office of Surface Mining, or states with approved programs, for abandoned mine land reclamation activities under Title IV of the Surface Mining Control and Reclamation Act (30 CFR Subchapter R), where the activity does not involve coal extraction; or

(e) The Farm Service Agency under its Emergency Conservation Program (7 CFR part 701).

In general, the prospective permittee should wait until the district engineer issues an NWP verification or 45 calendar days have passed before proceeding with the watershed protection and rehabilitation activity. However, in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the emergency watershed protection and rehabilitation activity may proceed immediately and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

Notification: Except in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). (Sections 10 and 404)

38. *Cleanup of Hazardous and Toxic Waste.* Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this NWP. This NWP does not

authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

39. *Commercial and Institutional Developments.* Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than ½-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

40. *Agricultural Activities.* Discharges of dredged or fill material into non-tidal waters of the United States for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include the installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the United States; and similar activities.

This NWP also authorizes the construction of farm ponds in non-tidal waters of the United States, excluding perennial streams, provided the farm pond is used solely for agricultural purposes. This NWP does not authorize the construction of aquaculture ponds.

This NWP also authorizes discharges of dredged or fill material into non-tidal waters of the United States to relocate existing serviceable drainage ditches constructed in non-tidal streams.

The discharge must not cause the loss of greater than ½-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)

Note: Some discharges for agricultural activities may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4). This NWP authorizes the construction of farm ponds that do not qualify for the Clean Water Act Section 404(f)(1)(C) exemption because of the recapture provision at Section 404(f)(2).

41. *Reshaping Existing Drainage Ditches.* Discharges of dredged or fill material into non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the United States, for the purpose of improving water quality by regrading the drainage ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. The reshaping of the ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the ditch as originally constructed (i.e., the capacity of the ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the United States). Compensatory mitigation is not required because the work is designed to improve water quality.

This NWP does not authorize the relocation of drainage ditches constructed in waters of the United States; the location of the centerline of the reshaped drainage ditch must be approximately the same as the location of the centerline of the original drainage ditch. This NWP does not authorize stream channelization or stream relocation projects.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity, if more than 500 linear feet of drainage ditch will be reshaped. (See general condition 31.) (Section 404)

42. *Recreational Facilities.* Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized by this NWP include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This NWP also authorizes the construction or expansion of small support facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity, but it does not authorize the construction of hotels, restaurants, racetracks, stadiums, arenas, or similar facilities.

The discharge must not cause the loss of greater than ½-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)

43. *Stormwater Management Facilities.* Discharges of dredged or fill material into non-tidal waters of the United States for the construction of stormwater management facilities, including stormwater detention basins and retention basins and other

stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; and the construction of low impact development integrated management features such as bioretention facilities (e.g., rain gardens), vegetated filter strips, grassed swales, and infiltration trenches. This NWP also authorizes, to the extent that a section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities. Note that stormwater management facilities that are determined to be waste treatment systems under 33 CFR 328.3(a)(8) are not waters of the United States, and maintenance of these waste treatment systems generally does not require a section 404 permit.

The discharge must not cause the loss of greater than ½-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams.

Notification: For the construction of new stormwater management facilities, or the expansion of existing stormwater management facilities, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) Maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities of the stormwater management facility. (Section 404)

44. *Mining Activities.* Discharges of dredged or fill material into non-tidal waters of the United States for mining activities, except for coal mining activities. The discharge must not cause the loss of greater than ½-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification. (Sections 10 and 404)

45. *Repair of Uplands Damaged by Discrete Events.* This NWP authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This NWP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high water mark, that existed before the damage occurred. The district engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this NWP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the district engineer. This NWP cannot be used to reclaim lands lost to normal erosion processes over an extended period.

This NWP does not authorize beach restoration or nourishment.

Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.

Notification: The permittee must submit a pre-construction notification to the district engineer (see general condition 31) within 12-months of the date of the damage. The pre-construction notification should include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. (Sections 10 and 404)

Note: The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters). (See also 33 CFR 328.5.) This NWP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands.

46. *Discharges in Ditches.* Discharges of dredged or fill material into non-tidal ditches that are: (1) Constructed in uplands, (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch, (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch, and (4) are determined to be waters of the United States. The discharge must not cause the loss of greater than one acre of waters of the United States. This NWP does not authorize discharges of dredged or fill material into ditches constructed in streams or other waters of the United States, or in streams that have been relocated in uplands. This NWP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)

47. [Reserved]

48. *Commercial Shellfish Aquaculture Activities.* Discharges of dredged or fill material in waters of the United States or structures or work in navigable waters of the United States necessary for commercial shellfish aquaculture operations in authorized project areas. For the purposes of this NWP, the project area is the area in which the operator is currently authorized to conduct commercial shellfish aquaculture activities, as identified through a lease or permit issued by an appropriate state or local government agency, a treaty, or any other easement, lease, deed, or contract which establishes an enforceable property interest for the operator. This NWP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This NWP also authorizes discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities. Rafts and other floating structures must be securely anchored and clearly marked. This NWP does not authorize:

(a) The cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody;

(b) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990; or,

(c) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste.

This NWP also authorizes commercial shellfish aquaculture activities in new project areas, provided the project proponent has obtained a valid

authorization, such as a lease or permit issued by an appropriate state or local government agency, and those activities do not directly affect more than ½-acre of submerged aquatic vegetation beds.

Notification: The permittee must submit a pre-construction notification to the district engineer if: (1) Dredge harvesting, tilling, or harrowing is conducted in areas inhabited by submerged aquatic vegetation; (2) the activity will include a species not previously cultivated in the waterbody; (3) the activity involves a change from bottom culture to floating or suspended culture; or (4) the activity occurs in a new project area. (See general condition 31.)

In addition to the information required by paragraph (b) of general condition 31, the pre-construction notification must also include the following information: (1) A map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the cultivated species; and (3) whether canopy predator nets are being used. (Sections 10 and 404)

Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the project.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines ''aquatic nuisance species'' as ''a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.''

49. *Coal Remining Activities.* Discharges of dredged or fill material into non-tidal waters of the United States associated with the remining and reclamation of lands that were previously mined for coal. The activities must already be authorized, or they must currently be in process as part of an integrated permit processing procedure, by the Department of Interior Office of Surface Mining Reclamation and Enforcement, or by states with approved programs under Title IV or Title V of the Surface Mining Control and Reclamation Act (SMCRA) of 1977. Areas previously mined include reclaimed mine sites, abandoned mine land areas, or lands under bond forfeiture contracts.

As part of the project, the permittee may conduct new coal mining activities in conjunction with the remining activities when he or she clearly demonstrates to the district engineer that the overall mining plan will result in a net increase in aquatic resource functions. The Corps will consider the SMCRA agency's decision regarding the amount of currently undisturbed adjacent lands needed to facilitate the remining and reclamation of the previously mined area. The total area disturbed by new mining must not exceed 40 percent of the total acreage covered by both the remined area and the additional area necessary to carry out the reclamation of the previously mined area.

Notification: The permittee must submit a pre-construction notification and a document describing how the overall mining plan will result in a net increase in aquatic resource functions to the district engineer and receive written authorization prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

50. *Underground Coal Mining Activities.* Discharges of dredged or fill material into non-tidal waters of the United States associated with underground coal mining and reclamation operations provided the activities are authorized, or are currently being processed as part of an integrated permit processing procedure, by the Department of Interior, Office of Surface Mining Reclamation and Enforcement, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977.

The discharge must not cause the loss of greater than ½-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize coal preparation and processing activities outside of the mine site.

Notification: The permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 31.) If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification. (Sections 10 and 404)

Note: Coal preparation and processing activities outside of the mine site may be authorized by NWP 21.

51. *Land-Based Renewable Energy Generation Facilities.* Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land-based renewable energy generation facility.

The discharge must not cause the loss of greater than½-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This permit does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based renewable generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization. If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove utility lines, then NWP 12 shall be used if those activities meet the terms and conditions of NWP 12, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.

Note 2: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

52. *Water-Based Renewable Energy Generation Pilot Projects.* Structures and

work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction, expansion, modification, or removal of water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, roads, parking lots, and stormwater management facilities.

For the purposes of this NWP, the term ''pilot project'' means an experimental project where the renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.

The discharge must not cause the loss of greater than ½-acre of waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. The placement of a transmission line on the bed of a navigable water of the United States from the renewable energy generation unit(s) to a land-based collection and distribution facility is considered a structure under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322.2(b)), and the placement of the transmission line on the bed of a navigable water of the United States is not a loss of waters of the United States for the purposes of applying the ½-acre or 300 linear foot limits.

For each single and complete project, no more than 10 generation units (e.g., wind turbines or hydrokinetic devices) are authorized.

This NWP does not authorize activities in coral reefs. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic separation schemes established by the U.S. Coast Guard (see 33 CFR 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.

Upon completion of the pilot project, the generation units, transmission lines, and other structures or fills associated with the pilot project must be removed to the maximum extent practicable unless they are authorized by a separate Department of the Army authorization, such as another NWP, an individual permit, or a regional general permit. Completion of the pilot project will be identified as the date of expiration of the Federal Energy Regulatory Commission (FERC) license, or the expiration date of the NWP authorization if no FERC license is issued.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization.

Note 2: An activity that is located on an existing locally or federally maintained U.S. Army Corps of Engineers project requires separate approval from the Chief of Engineers under 33 U.S.C. 408.

Note 3: If the pilot project, including any transmission lines, is placed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration, National Ocean Service, for charting the generation units and associated transmission line(s) to protect navigation.

Note 4: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

C. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

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

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

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. *Aquatic Life Movements.* No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

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

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

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

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

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

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

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

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

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

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

13. *Removal of Temporary Fills.* Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

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

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

16. *Wild and Scenic Rivers.* 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 responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

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

18. *Endangered Species.* (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which ''may affect'' a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

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

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

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

including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at *http://www.fws.gov/* or *http://www.fws.gov/ipac* and *http://www.noaa.gov/fisheries.html* respectively.

19. *Migratory Birds and Bald and Golden Eagles.* The permittee is responsible for obtaining any ''take'' permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such ''take'' permits are required for a particular activity.

20. *Historic Properties.* (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR 800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h–2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. *Discovery of Previously Unknown Remains and Artifacts.* If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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

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

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, 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.

23. *Mitigation.* The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

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

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2)–(14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

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

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

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

25. *Water Quality.* Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. *Coastal Zone Management.* In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

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

28. *Use of Multiple Nationwide Permits.* The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

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

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

_____

(Transferee)

_____

(Date)

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

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

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

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

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

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

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is ''no effect'' on listed species or ''no potential to cause effects'' on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

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

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

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; 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. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. 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 results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants 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. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) *Form of Pre-Construction Notification:* The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) *Agency Coordination:* (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via email, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments. The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

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

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

D. District Engineer's Decision

1. 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. For a linear project, this determination will include an evaluation of the individual crossings to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to intermittent or ephemeral streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51 or 52, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in minimal adverse effects. When making minimal effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the

adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

2. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. 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 activity are minimal. The compensatory mitigation proposal may be either conceptual or detailed. 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 activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. 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 proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the 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, including any activity-specific conditions added to the NWP authorization by the district engineer.

3. 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: (a) 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; (b) that the project is authorized under the NWP subject to the applicant's submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (c) 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, with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an 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.

F. Definitions

Best management practices (BMPs): 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 non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term ''discharge'' means any discharge of dredged or fill material.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

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. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of

the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear 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.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

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 United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material 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 United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an 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 services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. 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. Examples of ''open waters'' include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for 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.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

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.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term ''single and complete project'' is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. 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, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, 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. A single and complete non-linear project must have independent utility (see definition of ''independent utility''). Single and complete non-linear projects may not be ''piecemealed'' to avoid the limits in an NWP authorization.

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 best management practices, 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 bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) 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, which is defined at 33 CFR 328.3(d).

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: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a jurisdictional wetland is adjacent—meaning bordering, contiguous, or neighboring—to a waterbody determined to be a water of the United States under 33 CFR 328.3(a)(1)–(6), that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of ''waterbodies'' include streams, rivers, lakes, ponds, and wetlands.

[FR Doc. 2012–3687 Filed 2–17–12; 8:45 am]

BILLING CODE 3720–58–P

2012 Nationwide Permits, Conditions, District Engineer's Decision, Further Information, and Definitions (with corrections)

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B. Nationwide Permits

1. Aids to Navigation. The placement of aids to navigation and regulatory markers which are approved by and installed in accordance with the requirements of the U.S. Coast Guard (see 33 CFR, chapter I, subchapter C, part 66). (Section 10)

2. Structures in Artificial Canals. Structures constructed in artificial canals within principally residential developments where the connection of the canal to a navigable water of the United States has been previously authorized (see 33 CFR 322.5(g)). (Section 10)

3. Maintenance. (a) The repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill, or of any currently serviceable structure or fill authorized by 33 CFR 330.3, provided that the structure or fill is not to be put to uses differing from those uses specified or contemplated for it in the original permit or the most recently authorized modification. Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, requirements of other regulatory agencies, or current construction codes or safety standards that are necessary to make the repair, rehabilitation, or replacement are authorized. Any stream channel modification is limited to the minimum necessary for the repair, rehabilitation, or replacement of the structure or fill; such modifications, including the removal of material from the stream channel, must be immediately adjacent to the project or within the boundaries of the structure or fill. This NWP also authorizes the repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events, provided the repair, rehabilitation, or replacement is commenced, or is under contract to commence, within two years of the date of their destruction or damage. In cases of catastrophic events, such as hurricanes or tornadoes, this two-year limit may be waived by the district engineer, provided the permittee can demonstrate funding, contract, or other similar delays.

(b) This NWP also authorizes the removal of accumulated sediments and debris in the vicinity of existing structures (e.g., bridges, culverted road crossings, water intake structures, etc.) and/or the placement of new or additional riprap to protect the structure. The removal of sediment is limited to the minimum necessary to restore the waterway in the vicinity of the structure to the approximate dimensions that existed when the structure was built, but cannot extend farther than 200 feet in any direction from the structure. This 200 foot limit does not apply to maintenance dredging to remove accumulated sediments blocking or restricting outfall and intake structures or to maintenance dredging to remove accumulated sediments from canals associated with outfall and intake structures. All dredged or excavated materials must be deposited and retained in an area that has no waters of the United States unless otherwise specifically approved by the district engineer under separate authorization. The placement of new or additional riprap must be the minimum necessary to protect the structure or to ensure the safety of the structure. Any bank stabilization measures not directly associated with the structure will require a separate authorization from the district engineer.

(c) This NWP also authorizes temporary structures, fills, and work necessary to conduct the maintenance activity. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills,

or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

(d) This NWP does not authorize maintenance dredging for the primary purpose of navigation. This NWP does not authorize beach restoration. This NWP does not authorize new stream channelization or stream relocation projects.

Notification: For activities authorized by paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The pre-construction notification must include information regarding the original design capacities and configurations of the outfalls, intakes, small impoundments, and canals. (Sections 10 and 404)

Note: This NWP authorizes the repair, rehabilitation, or replacement of any previously authorized structure or fill that does not qualify for the Clean Water Act Section 404(f) exemption for maintenance.

4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities. Fish and wildlife harvesting devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, duck blinds, and clam and oyster digging, fish aggregating devices, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This NWP does not authorize artificial reefs or impoundments and semi-impoundments of waters of the United States for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks. (Sections 10 and 404)

5. Scientific Measurement Devices. Devices, whose purpose is to measure and record scientific data, such as staff gages, tide and current gages, meteorological stations, water recording and biological observation devices, water quality testing and improvement devices, and similar structures. Small weirs and flumes constructed primarily to record water quantity and velocity are also authorized provided the discharge is limited to 25 cubic yards. Upon completion of the use of the device to measure and record scientific data, the measuring device and any other structures or fills associated with that device (e.g., foundations, anchors, buoys, lines, etc.) must be removed to the maximum extent practicable and the site restored to pre-construction elevations. (Sections 10 and 404)

6. Survey Activities. Survey activities, such as core sampling, seismic exploratory operations, plugging of seismic shot holes and other exploratory-type bore holes, exploratory trenching, soil surveys, sampling, sample plots or transects for wetland delineations, and historic resources surveys. For the purposes of this NWP, the term “exploratory trenching” means mechanical land clearing of the upper soil profile to expose bedrock or substrate, for the purpose of mapping or sampling the exposed material. The area in which the exploratory trench is dug must be restored to its pre-construction elevation upon completion of the work and must not drain a water of the United States. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. This NWP authorizes the construction of temporary pads, provided the discharge does not exceed 1/10-acre in waters of the U.S. Discharges and structures associated with the recovery of historic resources are not authorized by this NWP. Drilling and the discharge of excavated material from test wells for oil and gas

exploration are not authorized by this NWP; the plugging of such wells is authorized. Fill placed for roads and other similar activities is not authorized by this NWP. The NWP does not authorize any permanent structures. The discharge of drilling mud and cuttings may require a permit under Section 402 of the Clean Water Act. (Sections 10 and 404)

7. Outfall Structures and Associated Intake Structures. Activities related to the construction or modification of outfall structures and associated intake structures, where the effluent from the outfall is authorized, conditionally authorized, or specifically exempted by, or otherwise in compliance with regulations issued under the National Pollutant Discharge Elimination System Program (Section 402 of the Clean Water Act). The construction of intake structures is not authorized by this NWP, unless they are directly associated with an authorized outfall structure.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

8. Oil and Gas Structures on the Outer Continental Shelf. Structures for the exploration, production, and transportation of oil, gas, and minerals on the outer continental shelf within areas leased for such purposes by the Department of the Interior, Bureau of Ocean Energy Management. Such structures shall not be placed within the limits of any designated shipping safety fairway or traffic separation scheme, except temporary anchors that comply with the fairway regulations in 33 CFR 322.5(l). The district engineer will review such proposals to ensure compliance with the provisions of the fairway regulations in 33 CFR 322.5(l). Any Corps review under this NWP will be limited to the effects on navigation and national security in accordance with 33 CFR 322.5(f), as well as 33 CFR 322.5(l) and 33 CFR part 334. Such structures will not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, nor will such structures be permitted in EPA or Corps designated dredged material disposal areas.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 10)

9. Structures in Fleeting and Anchorage Areas. Structures, buoys, floats and other devices placed within anchorage or fleeting areas to facilitate moorage of vessels where the U.S. Coast Guard has established such areas for that purpose. (Section 10)

10. Mooring Buoys. Non-commercial, single-boat, mooring buoys. (Section 10)

11. Temporary Recreational Structures. Temporary buoys, markers, small floating docks, and similar structures placed for recreational use during specific events such as water skiing competitions and boat races or seasonal use, provided that such structures are removed within 30 days after use has been discontinued. At Corps of Engineers reservoirs, the reservoir manager must approve each buoy or marker individually. (Section 10)

12. Utility Line Activities. Activities required for the construction, maintenance, repair, and removal of utility lines and associated facilities in waters of the United States, provided the activity does not result in the loss of greater than 1/2-acre of waters of the United States for each single and complete project.

Utility lines: This NWP authorizes the construction, maintenance, or repair of utility lines, including outfall and intake structures, and the associated excavation, backfill, or bedding for the utility lines, in all waters of the United States, provided there is no change in pre-construction contours. A "utility line" is defined as any pipe or pipeline for the transportation of any gaseous, liquid, liquescent, or slurry substance, for any purpose, and any cable, line, or wire for the transmission for any purpose of electrical energy, telephone, and telegraph messages, and radio and television communication. The term "utility line" does not include activities that drain a water of the United States, such as drainage tile or french drains, but it does apply to pipes conveying drainage from another area.

Material resulting from trench excavation may be temporarily sidecast into waters of the United States for no more than three months, provided the material is not placed in such a manner that it is dispersed by currents or other forces. The district engineer may extend the period of temporary side casting for no more than a total of 180 days, where appropriate. In wetlands, the top 6 to 12 inches of the trench should normally be backfilled with topsoil from the trench. The trench cannot be constructed or backfilled in such a manner as to drain waters of the United States (e.g., backfilling with extensive gravel layers, creating a french drain effect). Any exposed slopes and stream banks must be stabilized immediately upon completion of the utility line crossing of each waterbody.

Utility line substations: This NWP authorizes the construction, maintenance, or expansion of substation facilities associated with a power line or utility line in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not result in the loss of greater than 1/2-acre of waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters of the United States to construct, maintain, or expand substation facilities.

Foundations for overhead utility line towers, poles, and anchors: This NWP authorizes the construction or maintenance of foundations for overhead utility line towers, poles, and anchors in all waters of the United States, provided the foundations are the minimum size necessary and separate footings for each tower leg (rather than a larger single pad) are used where feasible.

Access roads: This NWP authorizes the construction of access roads for the construction and maintenance of utility lines, including overhead power lines and utility line substations, in non-tidal waters of the United States, provided the activity, in combination with all other activities included in one single and complete project, does not cause the loss of greater than 1/2-acre of non-tidal waters of the United States. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters for access roads. Access roads must be the minimum width necessary (see Note 2, below). Access roads must be constructed so that the length of the road minimizes any adverse effects on waters of the United States and must be as near as possible to pre-construction contours and elevations (e.g., at grade corduroy roads or geotextile/gravel roads). Access roads constructed above pre-construction contours and elevations in waters of the United States must be properly bridged or culverted to maintain surface flows.

This NWP may authorize utility lines in or affecting navigable waters of the United States even if there is no associated discharge of dredged or fill material (See 33 CFR Part 322). Overhead utility lines constructed over section 10 waters and utility lines that are routed in or under section 10 waters without a discharge of dredged or fill material require a section 10 permit.

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

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if any of the following criteria are met: (1) the activity involves mechanized land clearing in a forested wetland for the utility line right-of-way; (2) a section 10 permit is required; (3) the utility line in waters of the United States, excluding overhead lines, exceeds 500 feet; (4) the utility line is placed within a jurisdictional area (i.e., water of the United States), and it runs parallel to or along a stream bed that is within that jurisdictional area; (5) discharges that result in the loss of greater than 1/10-acre of waters of the United States; (6) permanent access roads are constructed above grade in waters of the United States for a distance of more than 500 feet; or (7) permanent access roads are constructed in waters of the United States with impervious materials. (See general condition 31.) (Sections 10 and 404)

Note 1: Where the proposed utility line is constructed or installed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration (NOAA), National Ocean Service (NOS), for charting the utility line to protect navigation.

Note 2: Access roads used for both construction and maintenance may be authorized, provided they meet the terms and conditions of this NWP. Access roads used solely for construction of the utility line must be removed upon completion of the work, in accordance with the requirements for temporary fills.

Note 3: Pipes or pipelines used to transport gaseous, liquid, liquescent, or slurry substances over navigable waters of the United States are considered to be bridges, not utility lines, and may require a permit from the U.S. Coast Guard pursuant to Section 9 of the Rivers and Harbors Act of 1899. However, any discharges of dredged or fill material into waters of the United States associated with such pipelines will require a section 404 permit (see NWP 15).

Note 4: For overhead utility lines authorized by this NWP, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

13. Bank Stabilization. Bank stabilization activities necessary for erosion prevention, provided the activity meets all of the following criteria:

(a) No material is placed in excess of the minimum needed for erosion protection;

(b) The activity is no more than 500 feet in length along the bank, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;

(c) The activity will not exceed an average of one cubic yard per running foot placed along the bank below the plane of the ordinary high water mark or the high tide line, unless the

district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;

(d) The activity does not involve discharges of dredged or fill material into special aquatic sites, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;

(e) No material is of a type, or is placed in any location, or in any manner, that will impair surface water flow into or out of any waters of the United States;

(f) No material is placed in a manner that will be eroded by normal or expected high flows (properly anchored trees and treetops may be used in low energy areas); and,

(g) The activity is not a stream channelization activity.

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

Invasive plant species shall not be used for bioengineering or vegetative bank stabilization.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if the bank stabilization activity: (1) involves discharges into special aquatic sites; or (2) is in excess of 500 feet in length; or (3) will involve the discharge of greater than an average of one cubic yard per running foot along the bank below the plane of the ordinary high water mark or the high tide line. (See general condition 31.) (Sections 10 and 404)

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

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

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

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) the loss of waters of the United States exceeds 1/10-acre; or (2) there is a discharge in a special aquatic site, including wetlands. (See general condition 31.) (Sections 10 and 404)

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

15. U.S. Coast Guard Approved Bridges. Discharges of dredged or fill material incidental to the construction of a bridge across navigable waters of the United States, including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills, provided the construction of the bridge structure has been authorized by the U.S. Coast Guard under Section 9 of the Rivers and Harbors Act of 1899 and other applicable laws. Causeways and approach fills are not included in this NWP and will require a separate section 404 permit. (Section 404)

16. Return Water From Upland Contained Disposal Areas. Return water from an upland contained dredged material disposal area. The return water from a contained disposal area is administratively defined as a discharge of dredged material by 33 CFR 323.2(d), even though the disposal itself occurs in an area that has no waters of the United States and does not require a section 404 permit. This NWP satisfies the technical requirement for a section 404 permit for the return water where the quality of the return water is controlled by the state through the section 401 certification procedures. The dredging activity may require a section 404 permit (33 CFR 323.2(d)), and will require a section 10 permit if located in navigable waters of the United States. (Section 404)

17. Hydropower Projects. Discharges of dredged or fill material associated with hydropower projects having: (a) Less than 5000 kW of total generating capacity at existing reservoirs, where the project, including the fill, is licensed by the Federal Energy Regulatory Commission (FERC) under the Federal Power Act of 1920, as amended; or (b) a licensing exemption granted by the FERC pursuant to Section 408 of the Energy Security Act of 1980 (16 U.S.C. 2705 and 2708) and Section 30 of the Federal Power Act, as amended.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)

18. Minor Discharges. Minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:

(a) The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;

(b) The discharge will not cause the loss of more than 1/10-acre of waters of the United States; and

(c) The discharge is not placed for the purpose of a stream diversion.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge or the volume of area excavated exceeds 10 cubic yards below the plane of the ordinary high water mark or the high tide line, or

(2) the discharge is in a special aquatic site, including wetlands. (See general condition 31.) (Sections 10 and 404)

19. Minor Dredging. Dredging of no more than 25 cubic yards below the plane of the ordinary high water mark or the mean high water mark from navigable waters of the United States (i.e., section 10 waters). This NWP does not authorize the dredging or degradation through siltation of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), anadromous fish spawning areas, or wetlands, or the connection of canals or other artificial waterways to navigable waters of the United States (see 33 CFR 322.5(g)). (Sections 10 and 404)

20. Response Operations for Oil and Hazardous Substances. Activities conducted in response to a discharge or release of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR part 300) including containment, cleanup, and mitigation efforts, provided that the activities are done under either: (1) the Spill Control and Countermeasure Plan required by 40 CFR 112.3; (2) the direction or oversight of the federal on-scene coordinator designated by 40 CFR part 300; or (3) any approved existing state, regional or local contingency plan provided that the Regional Response Team (if one exists in the area) concurs with the proposed response efforts. This NWP also authorizes activities required for the cleanup of oil releases in waters of the United States from electrical equipment that are governed by EPA's polychlorinated biphenyl spill response regulations at 40 CFR part 761. This NWP also authorizes the use of temporary structures and fills in waters of the U.S. for spill response training exercises. (Sections 10 and 404)

21. Surface Coal Mining Activities. Discharges of dredged or fill material into waters of the United States associated with surface coal mining and reclamation operations.

(a) Previously Authorized Surface Coal Mining Activities. Surface coal mining activities that were previously authorized by the NWP 21 issued on March 12, 2007 (see 72 FR 11092), are authorized by this NWP, provided the following criteria are met:

(1) The activities are already authorized, or are currently being processed by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or as part of an integrated permit processing procedure by the Department of Interior, Office of Surface Mining Reclamation and Enforcement;

(2) The permittee must submit a letter to the district engineer requesting re-verification of the NWP 21 authorization. The letter must describe any changes from the previous NWP 21 verification. The letter must be submitted to the district engineer by February 1, 2013;

(3) The loss of waters of the United States is not greater than the loss of waters of the United States previously verified by the district engineer under the NWP 21 issued on March 12, 2007 (i.e., there are no proposed expansions of surface coal mining activities in waters of the United States);

(4) The district engineer provides written verification that those activities will result in minimal individual and cumulative adverse effects and are authorized by NWP 21, including currently applicable regional conditions and any activity-specific conditions added to the NWP authorization by the district engineer, such as compensatory mitigation requirements; and

(5) If the permittee does not receive a written verification from the district engineer prior to March 18, 2013, the permittee must cease all activities until such verification is received. The

district engineer may extend the February 1, 2013, deadline by so notifying the permittee in writing, but the permittee must still cease all activities if he or she has not received written verification from the Corps by March 18, 2013, until such verification is received.

(b) Other Surface Coal Mining Activities. Surface coal mining activities that were not previously authorized by the NWP 21 issued on March 12, 2007, are authorized by this NWP, provided the following criteria are met:

(1) The activities are already authorized, or are currently being processed by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977 or as part of an integrated permit processing procedure by the Department of Interior, Office of Surface Mining Reclamation and Enforcement;

(2) The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal individual and cumulative adverse effects. This NWP does not authorize discharges into tidal waters or non-tidal wetlands adjacent to tidal waters; and

(3) The discharge is not associated with the construction of valley fills. A "valley fill" is a fill structure that is typically constructed within valleys associated with steep, mountainous terrain, associated with surface coal mining activities.

Notification: For activities under paragraph (b) of this NWP, the permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

22. Removal of Vessels. Temporary structures or minor discharges of dredged or fill material required for the removal of wrecked, abandoned, or disabled vessels, or the removal of man-made obstructions to navigation. This NWP does not authorize maintenance dredging, shoal removal, or riverbank snagging.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The vessel is listed or eligible for listing in the National Register of Historic Places; or (2) the activity is conducted in a special aquatic site, including coral reefs and wetlands. (See general condition 31.) If condition 1 above is triggered, the permittee cannot commence the activity until informed by the district engineer that compliance with the "Historic Properties" general condition is completed. (Sections 10 and 404)

Note 1: If a removed vessel is disposed of in waters of the United States, a permit from the U.S. EPA may be required (see 40 CFR 229.3). If a Department of the Army permit is required for vessel disposal in waters of the United States, separate authorization will be required.

Note 2: Compliance with general condition 18, Endangered Species, and general condition 20, Historic Properties, is required for all NWPs. The concern with historic properties is emphasized in the notification requirements for this NWP because of the likelihood that submerged vessels may be historic properties.

23. Approved Categorical Exclusions. Activities undertaken, assisted, authorized, regulated, funded, or financed, in whole or in part, by another Federal agency or department where:

(a) That agency or department has determined, pursuant to the Council on Environmental Quality's implementing regulations for the National Environmental Policy Act (40 CFR part 1500 et seq.), that the activity is categorically excluded from environmental documentation, because it is included within a category of actions which neither individually nor cumulatively have a significant effect on the human environment; and

(b) The Office of the Chief of Engineers (Attn: CECW-CO) has concurred with that agency's or department's determination that the activity is categorically excluded and approved the activity for authorization under NWP 23.

The Office of the Chief of Engineers may require additional conditions, including pre-construction notification, for authorization of an agency's categorical exclusions under this NWP.

Notification: Certain categorical exclusions approved for authorization under this NWP require the permittee to submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The activities that require pre-construction notification are listed in the appropriate Regulatory Guidance Letters. (Sections 10 and 404)

Note: The agency or department may submit an application for an activity believed to be categorically excluded to the Office of the Chief of Engineers (Attn: CECW-CO). Prior to approval for authorization under this NWP of any agency's activity, the Office of the Chief of Engineers will solicit public comment. As of the date of issuance of this NWP, agencies with approved categorical exclusions are the: Bureau of Reclamation, Federal Highway Administration, and U.S. Coast Guard. Activities approved for authorization under this NWP as of the date of this notice are found in Corps Regulatory Guidance Letter 05-07, which is available at: http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits/GuidanceLetters.aspx . Any future approved categorical exclusions will be announced in Regulatory Guidance Letters and posted on this same web site.

24. Indian Tribe or State Administered Section 404 Programs. Any activity permitted by a state or Indian Tribe administering its own section 404 permit program pursuant to 33 U.S.C. 1344(g)-(l) is permitted pursuant to Section 10 of the Rivers and Harbors Act of 1899. (Section 10)

Note 1: As of the date of the promulgation of this NWP, only New Jersey and Michigan administer their own section 404 permit programs.

Note 2: Those activities that do not involve an Indian Tribe or State section 404 permit are not included in this NWP, but certain structures will be exempted by Section 154 of Pub. L. 94-587, 90 Stat. 2917 (33 U.S.C. 591) (see 33 CFR 322.4(b)).

25. Structural Discharges. Discharges of material such as concrete, sand, rock, etc., into tightly sealed forms or cells where the material will be used as a structural member for standard pile supported structures, such as bridges, transmission line footings, and walkways, or for general navigation, such as mooring cells, including the excavation of bottom material from within the form prior to the discharge of concrete, sand, rock, etc. This NWP does not authorize filled structural members that would support buildings, building pads, homes, house pads, parking areas, storage areas and other such structures. The structure itself may require a separate section 10 permit if located in navigable waters of the United States. (Section 404)

26. [Reserved]

27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities. Activities in waters of the United States associated with the restoration, enhancement, and establishment of tidal and non-tidal wetlands and riparian areas, the restoration and enhancement of non-tidal streams and other non-tidal open waters, and the rehabilitation or enhancement of tidal streams, tidal wetlands, and tidal open waters, provided those activities result in net increases in aquatic resource functions and services.

To the extent that a Corps permit is required, activities authorized by this NWP include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms, as well as discharges of dredged or fill material to restore appropriate stream channel configurations after small water control structures, dikes, and berms, are removed; the installation of current deflectors; the enhancement, restoration, or establishment of riffle and pool stream structure; the placement of in-stream habitat structures; modifications of the stream bed and/or banks to restore or establish stream meanders; the backfilling of artificial channels; the removal of existing drainage structures, such as drain tiles, and the filling, blocking, or reshaping of drainage ditches to restore wetland hydrology; the installation of structures or fills necessary to establish or re-establish wetland or stream hydrology; the construction of small nesting islands; the construction of open water areas; the construction of oyster habitat over unvegetated bottom in tidal waters; shellfish seeding; activities needed to reestablish vegetation, including plowing or discing for seed bed preparation and the planting of appropriate wetland species; re-establishment of submerged aquatic vegetation in areas where those plant communities previously existed; re-establishment of tidal wetlands in tidal waters where those wetlands previously existed; mechanized land clearing to remove non-native invasive, exotic, or nuisance vegetation; and other related activities. Only native plant species should be planted at the site.

This NWP authorizes the relocation of non-tidal waters, including non-tidal wetlands and streams, on the project site provided there are net increases in aquatic resource functions and services.

Except for the relocation of non-tidal waters on the project site, this NWP does not authorize the conversion of a stream or natural wetlands to another aquatic habitat type (e.g., stream to wetland or vice versa) or uplands. Changes in wetland plant communities that occur when wetland hydrology is more fully restored during wetland rehabilitation activities are not considered a conversion to another aquatic habitat type. This NWP does not authorize stream channelization. This NWP does not authorize the relocation of tidal waters or the conversion of tidal waters, including tidal wetlands, to other aquatic uses, such as the conversion of tidal wetlands into open water impoundments.

Compensatory mitigation is not required for activities authorized by this NWP since these activities must result in net increases in aquatic resource functions and services.

Reversion. For enhancement, restoration, and establishment activities conducted: (1) In accordance with the terms and conditions of a binding stream or wetland enhancement or restoration agreement, or a wetland establishment agreement, between the landowner and the U.S. Fish and Wildlife Service (FWS), the Natural Resources Conservation Service (NRCS), the Farm Service Agency (FSA), the National Marine Fisheries Service (NMFS), the National Ocean Service (NOS), U.S. Forest Service (USFS), or their designated state cooperating agencies; (2) as voluntary wetland restoration, enhancement, and establishment actions documented by the

NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or (3) on reclaimed surface coal mine lands, in accordance with a Surface Mining Control and Reclamation Act permit issued by the Office of Surface Mining Reclamation and Enforcement (OSMRE) or the applicable state agency, this NWP also authorizes any future discharge of dredged or fill material associated with the reversion of the area to its documented prior condition and use (i.e., prior to the restoration, enhancement, or establishment activities). The reversion must occur within five years after expiration of a limited term wetland restoration or establishment agreement or permit, and is authorized in these circumstances even if the discharge occurs after this NWP expires. The five-year reversion limit does not apply to agreements without time limits reached between the landowner and the FWS, NRCS, FSA, NMFS, NOS, USFS, or an appropriate state cooperating agency. This NWP also authorizes discharges of dredged or fill material in waters of the United States for the reversion of wetlands that were restored, enhanced, or established on prior-converted cropland or on uplands, in accordance with a binding agreement between the landowner and NRCS, FSA, FWS, or their designated state cooperating agencies (even though the restoration, enhancement, or establishment activity did not require a section 404 permit). The prior condition will be documented in the original agreement or permit, and the determination of return to prior conditions will be made by the Federal agency or appropriate state agency executing the agreement or permit. Before conducting any reversion activity the permittee or the appropriate Federal or state agency must notify the district engineer and include the documentation of the prior condition. Once an area has reverted to its prior physical condition, it will be subject to whatever the Corps Regulatory requirements are applicable to that type of land at the time. The requirement that the activity results in a net increase in aquatic resource functions and services does not apply to reversion activities meeting the above conditions. Except for the activities described above, this NWP does not authorize any future discharge of dredged or fill material associated with the reversion of the area to its prior condition. In such cases a separate permit would be required for any reversion.

Reporting. For those activities that do not require pre-construction notification, the permittee must submit to the district engineer a copy of: (1) The binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement, or a project description, including project plans and location map; (2) the NRCS or USDA Technical Service Provider documentation for the voluntary stream enhancement or restoration action or wetland restoration, enhancement, or establishment action; or (3) the SMCRA permit issued by OSMRE or the applicable state agency. The report must also include information on baseline ecological conditions on the project site, such as a delineation of wetlands, streams, and/or other aquatic habitats. These documents must be submitted to the district engineer at least 30 days prior to commencing activities in waters of the United States authorized by this NWP.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing any activity (see general condition 31), except for the following activities:

(1) Activities conducted on non-Federal public lands and private lands, in accordance with the terms and conditions of a binding stream enhancement or restoration agreement or wetland enhancement, restoration, or establishment agreement between the landowner and the U.S. FWS, NRCS, FSA, NMFS, NOS, USFS or their designated state cooperating agencies;

(2) Voluntary stream or wetland restoration or enhancement action, or wetland establishment action, documented by the NRCS or USDA Technical Service Provider pursuant to NRCS Field Office Technical Guide standards; or

(3) The reclamation of surface coal mine lands, in accordance with an SMCRA permit issued by the OSMRE or the applicable state agency.

However, the permittee must submit a copy of the appropriate documentation to the district engineer to fulfill the reporting requirement. (Sections 10 and 404)

Note: This NWP can be used to authorize compensatory mitigation projects, including mitigation banks and in-lieu fee projects. However, this NWP does not authorize the reversion of an area used for a compensatory mitigation project to its prior condition, since compensatory mitigation is generally intended to be permanent.

28. Modifications of Existing Marinas. Reconfiguration of existing docking facilities within an authorized marina area. No dredging, additional slips, dock spaces, or expansion of any kind within waters of the United States is authorized by this NWP. (Section 10)

29. Residential Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of a single residence, a multiple unit residential development, or a residential subdivision. This NWP authorizes the construction of building foundations and building pads and attendant features that are necessary for the use of the residence or residential development. Attendant features may include but are not limited to roads, parking lots, garages, yards, utility lines, storm water management facilities, septic fields, and recreation facilities such as playgrounds, playing fields, and golf courses (provided the golf course is an integral part of the residential development).

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Subdivisions: For residential subdivisions, the aggregate total loss of waters of United States authorized by this NWP cannot exceed 1/2-acre. This includes any loss of waters of the United States associated with development of individual subdivision lots.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

30. Moist Soil Management for Wildlife. Discharges of dredged or fill material into non-tidal waters of the United States and maintenance activities that are associated with moist soil management for wildlife for the purpose of continuing ongoing, site-specific, wildlife management activities where soil manipulation is used to manage habitat and feeding areas for wildlife. Such activities include, but are not limited to, plowing or discing to impede succession, preparing seed beds, or establishing fire breaks. Sufficient riparian areas must be maintained adjacent to all open water bodies, including streams, to preclude water quality degradation due to erosion and sedimentation. This NWP does not authorize the construction of new dikes, roads, water control structures, or similar features associated with the management areas. The activity must not result in a net loss of aquatic resource functions and services. This NWP does not

authorize the conversion of wetlands to uplands, impoundments, or other open water bodies. (Section 404)

Note: The repair, maintenance, or replacement of existing water control structures or the repair or maintenance of dikes may be authorized by NWP 3. Some such activities may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

31. Maintenance of Existing Flood Control Facilities. Discharges of dredged or fill material resulting from activities associated with the maintenance of existing flood control facilities, including debris basins, retention/detention basins, levees, and channels that: (i) were previously authorized by the Corps by individual permit, general permit, or 33 CFR 330.3, or did not require a permit at the time they were constructed, or (ii) were constructed by the Corps and transferred to a non-Federal sponsor for operation and maintenance. Activities authorized by this NWP are limited to those resulting from maintenance activities that are conducted within the "maintenance baseline," as described in the definition below. Discharges of dredged or fill materials associated with maintenance activities in flood control facilities in any watercourse that have previously been determined to be within the maintenance baseline are authorized under this NWP. To the extent that a Corps permit is required, this NWP authorizes the removal of vegetation from levees associated with the flood control project. This NWP does not authorize the removal of sediment and associated vegetation from natural water courses except when these activities have been included in the maintenance baseline. All dredged material must be placed in an area that has no waters of the United States or a separately authorized disposal site in waters of the United States, and proper siltation controls must be used.

Maintenance Baseline: The maintenance baseline is a description of the physical characteristics (e.g., depth, width, length, location, configuration, or design flood capacity, etc.) of a flood control project within which maintenance activities are normally authorized by NWP 31, subject to any case-specific conditions required by the district engineer. The district engineer will approve the maintenance baseline based on the approved or constructed capacity of the flood control facility, whichever is smaller, including any areas where there are no constructed channels but which are part of the facility. The prospective permittee will provide documentation of the physical characteristics of the flood control facility (which will normally consist of as-built or approved drawings) and documentation of the approved and constructed design capacities of the flood control facility. If no evidence of the constructed capacity exists, the approved capacity will be used. The documentation will also include best management practices to ensure that the impacts to the aquatic environment are minimal, especially in maintenance areas where there are no constructed channels. (The Corps may request maintenance records in areas where there has not been recent maintenance.) Revocation or modification of the final determination of the maintenance baseline can only be done in accordance with 33 CFR 330.5. Except in emergencies as described below, this NWP cannot be used until the district engineer approves the maintenance baseline and determines the need for mitigation and any regional or activity-specific conditions. Once determined, the maintenance baseline will remain valid for any subsequent reissuance of this NWP. This NWP does not authorize maintenance of a flood control facility that has been abandoned. A flood control facility will be considered abandoned if it has operated at a significantly reduced capacity without needed maintenance being accomplished in a timely manner.

Mitigation: The district engineer will determine any required mitigation one-time only for impacts associated with maintenance work at the same time that the maintenance baseline is

approved. Such one-time mitigation will be required when necessary to ensure that adverse environmental impacts are no more than minimal, both individually and cumulatively. Such mitigation will only be required once for any specific reach of a flood control project. However, if one-time mitigation is required for impacts associated with maintenance activities, the district engineer will not delay needed maintenance, provided the district engineer and the permittee establish a schedule for identification, approval, development, construction and completion of any such required mitigation. Once the one-time mitigation described above has been completed, or a determination made that mitigation is not required, no further mitigation will be required for maintenance activities within the maintenance baseline. In determining appropriate mitigation, the district engineer will give special consideration to natural water courses that have been included in the maintenance baseline and require compensatory mitigation and/or best management practices as appropriate.

Emergency Situations: In emergency situations, this NWP may be used to authorize maintenance activities in flood control facilities for which no maintenance baseline has been approved. Emergency situations are those which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if action is not taken before a maintenance baseline can be approved. In such situations, the determination of mitigation requirements, if any, may be deferred until the emergency has been resolved. Once the emergency has ended, a maintenance baseline must be established expeditiously, and mitigation, including mitigation for maintenance conducted during the emergency, must be required as appropriate.

Notification: The permittee must submit a pre-construction notification to the district engineer before any maintenance work is conducted (see general condition 31). The pre-construction notification may be for activity-specific maintenance or for maintenance of the entire flood control facility by submitting a five-year (or less) maintenance plan. The pre-construction notification must include a description of the maintenance baseline and the dredged material disposal site. (Sections 10 and 404)

32. Completed Enforcement Actions. Any structure, work, or discharge of dredged or fill material remaining in place or undertaken for mitigation, restoration, or environmental benefit in compliance with either:

(i) The terms of a final written Corps non-judicial settlement agreement resolving a violation of Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or the terms of an EPA 309(a) order on consent resolving a violation of Section 404 of the Clean Water Act, provided that:

(a) The unauthorized activity affected no more than 5 acres of non-tidal waters or 1 acre of tidal waters;

(b) The settlement agreement provides for environmental benefits, to an equal or greater degree, than the environmental detriments caused by the unauthorized activity that is authorized by this NWP; and

(c) The district engineer issues a verification letter authorizing the activity subject to the terms and conditions of this NWP and the settlement agreement, including a specified completion date; or

(ii) The terms of a final Federal court decision, consent decree, or settlement agreement resulting from an enforcement action brought by the United States under Section 404 of the Clean Water Act and/or Section 10 of the Rivers and Harbors Act of 1899; or

(iii) The terms of a final court decision, consent decree, settlement agreement, or non-judicial settlement agreement resulting from a natural resource damage claim brought by a trustee or trustees for natural resources (as defined by the National Contingency Plan at 40 CFR subpart G) under Section 311 of the Clean Water Act, Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act, Section 312 of the National Marine Sanctuaries Act, Section 1002 of the Oil Pollution Act of 1990, or the Park System Resource Protection Act at 16 U.S.C. 19jj, to the extent that a Corps permit is required.

Compliance is a condition of the NWP itself. Any authorization under this NWP is automatically revoked if the permittee does not comply with the terms of this NWP or the terms of the court decision, consent decree, or judicial/non-judicial settlement agreement. This NWP does not apply to any activities occurring after the date of the decision, decree, or agreement that are not for the purpose of mitigation, restoration, or environmental benefit. Before reaching any settlement agreement, the Corps will ensure compliance with the provisions of 33 CFR part 326 and 33 CFR 330.6(d)(2) and (e). (Sections 10 and 404)

33. 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. This NWP also authorizes temporary structures, work, and discharges, including cofferdams, necessary for construction activities not otherwise subject to the Corps or U.S. Coast Guard permit requirements. Appropriate measures must be taken to maintain near normal downstream flows and to minimize flooding. Fill must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. The use of dredged material may be allowed if the district engineer determines that it will not cause more than minimal adverse effects on aquatic resources. Following completion of construction, temporary fill must be entirely removed to an area that has no waters of the United States, dredged material must be returned to its original location, and the affected areas must be restored to pre-construction elevations. The affected areas must also be revegetated, as appropriate. This permit does not authorize the use of cofferdams to dewater wetlands or other aquatic areas to change their use. Structures left in place after construction is completed require a separate section 10 permit if located in navigable waters of the United States. (See 33 CFR part 322.)

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). The pre-construction notification must include a restoration plan showing how all temporary fills and structures will be removed and the area restored to pre-project conditions. (Sections 10 and 404)

34. Cranberry Production Activities. Discharges of dredged or fill material for dikes, berms, pumps, water control structures or leveling of cranberry beds associated with expansion, enhancement, or modification activities at existing cranberry production operations. The cumulative total acreage of disturbance per cranberry production operation, including but not limited to, filling, flooding, ditching, or clearing, must not exceed 10 acres of waters of the United States, including wetlands. The activity must not result in a net loss of wetland acreage. This NWP does not authorize any discharge of dredged or fill material related to other cranberry production activities such as warehouses, processing facilities, or parking areas. For the purposes of this NWP, the cumulative total of 10 acres will be measured over the period that this NWP is valid.

Notification: The permittee must submit a pre-construction notification to the district engineer once during the period that this NWP is valid, and the NWP will then authorize discharges of dredge or fill material at an existing operation for the permit term, provided the 10-acre limit is not exceeded. (See general condition 31.) (Section 404)

35. Maintenance Dredging of Existing Basins. Excavation and removal of accumulated sediment for maintenance of existing marina basins, access channels to marinas or boat slips, and boat slips to previously authorized depths or controlling depths for ingress/egress, whichever is less, provided the dredged material is deposited at an area that has no waters of the United States site and proper siltation controls are used. (Section 10)

36. Boat Ramps. Activities required for the construction of boat ramps, provided the activity meets all of the following criteria:

(a) The discharge into waters of the United States does not exceed 50 cubic yards of concrete, rock, crushed stone or gravel into forms, or in the form of pre-cast concrete planks or slabs, unless the district engineer waives the 50 cubic yard limit by making a written determination concluding that the discharge will result in minimal adverse effects;

(b) The boat ramp does not exceed 20 feet in width, unless the district engineer waives this criterion by making a written determination concluding that the discharge will result in minimal adverse effects;

(c) The base material is crushed stone, gravel or other suitable material;

(d) The excavation is limited to the area necessary for site preparation and all excavated material is removed to an area that has no waters of the United States; and,

(e) No material is placed in special aquatic sites, including wetlands.

The use of unsuitable material that is structurally unstable is not authorized. If dredging in navigable waters of the United States is necessary to provide access to the boat ramp, the dredging must be authorized by another NWP, a regional general permit, or an individual permit.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity if: (1) The discharge into waters of the United States exceeds 50 cubic yards, or (2) the boat ramp exceeds 20 feet in width. (See general condition 31.) (Sections 10 and 404)

37. Emergency Watershed Protection and Rehabilitation. Work done by or funded by:

(a) The Natural Resources Conservation Service for a situation requiring immediate action under its emergency Watershed Protection Program (7 CFR part 624);

(b) The U.S. Forest Service under its Burned-Area Emergency Rehabilitation Handbook (FSH 2509.13);

(c) The Department of the Interior for wildland fire management burned area emergency stabilization and rehabilitation (DOI Manual part 620, Ch. 3);

(d) The Office of Surface Mining, or states with approved programs, for abandoned mine land reclamation activities under Title IV of the Surface Mining Control and Reclamation Act (30 CFR Subchapter R), where the activity does not involve coal extraction; or

(e) The Farm Service Agency under its Emergency Conservation Program (7 CFR part 701).

In general, the prospective permittee should wait until the district engineer issues an NWP verification or 45 calendar days have passed before proceeding with the watershed

protection and rehabilitation activity. However, in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the emergency watershed protection and rehabilitation activity may proceed immediately and the district engineer will consider the information in the pre-construction notification and any comments received as a result of agency coordination to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

Notification: Except in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity (see general condition 31). (Sections 10 and 404)

38. Cleanup of Hazardous and Toxic Waste. Specific activities required to effect the containment, stabilization, or removal of hazardous or toxic waste materials that are performed, ordered, or sponsored by a government agency with established legal or regulatory authority. Court ordered remedial action plans or related settlements are also authorized by this NWP. This NWP does not authorize the establishment of new disposal sites or the expansion of existing sites used for the disposal of hazardous or toxic waste.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

Note: Activities undertaken entirely on a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) site by authority of CERCLA as approved or required by EPA, are not required to obtain permits under Section 404 of the Clean Water Act or Section 10 of the Rivers and Harbors Act.

39. Commercial and Institutional Developments. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of commercial and institutional building foundations and building pads and attendant features that are necessary for the use and maintenance of the structures. Attendant features may include, but are not limited to, roads, parking lots, garages, yards, utility lines, storm water management facilities, and recreation facilities such as playgrounds and playing fields. Examples of commercial developments include retail stores, industrial facilities, restaurants, business parks, and shopping centers. Examples of institutional developments include schools, fire stations, government office buildings, judicial buildings, public works buildings, libraries, hospitals, and places of worship. The construction of new golf courses and new ski areas is not authorized by this NWP.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

Note: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

40. Agricultural Activities. Discharges of dredged or fill material into non-tidal waters of the United States for agricultural activities, including the construction of building pads for farm buildings. Authorized activities include the installation, placement, or construction of drainage tiles, ditches, or levees; mechanized land clearing; land leveling; the relocation of existing serviceable drainage ditches constructed in waters of the United States; and similar activities.

This NWP also authorizes the construction of farm ponds in non-tidal waters of the United States, excluding perennial streams, provided the farm pond is used solely for agricultural purposes. This NWP does not authorize the construction of aquaculture ponds.

This NWP also authorizes discharges of dredged or fill material into non-tidal waters of the United States to relocate existing serviceable drainage ditches constructed in non-tidal streams.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)

Note: Some discharges for agricultural activities may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4). This NWP authorizes the construction of farm ponds that do not qualify for the Clean Water Act Section 404(f)(1)(C) exemption because of the recapture provision at Section 404(f)(2).

41. Reshaping Existing Drainage Ditches. Discharges of dredged or fill material into non-tidal waters of the United States, excluding non-tidal wetlands adjacent to tidal waters, to modify the cross-sectional configuration of currently serviceable drainage ditches constructed in waters of the United States, for the purpose of improving water quality by regrading the drainage ditch with gentler slopes, which can reduce erosion, increase growth of vegetation, and increase uptake of nutrients and other substances by vegetation. The reshaping of the ditch cannot increase drainage capacity beyond the original as-built capacity nor can it expand the area drained by the ditch as originally constructed (i.e., the capacity of the ditch must be the same as originally constructed and it cannot drain additional wetlands or other waters of the United States). Compensatory mitigation is not required because the work is designed to improve water quality.

This NWP does not authorize the relocation of drainage ditches constructed in waters of the United States; the location of the centerline of the reshaped drainage ditch must be approximately the same as the location of the centerline of the original drainage ditch. This NWP does not authorize stream channelization or stream relocation projects.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity, if more than 500 linear feet of drainage ditch will be reshaped. (See general condition 31.) (Section 404)

42. Recreational Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction or expansion of recreational facilities. Examples of recreational facilities that may be authorized by this NWP include playing fields (e.g., football fields, baseball fields), basketball courts, tennis courts, hiking trails, bike paths, golf courses, ski areas, horse paths, nature centers, and campgrounds (excluding recreational vehicle parks). This

NWP also authorizes the construction or expansion of small support facilities, such as maintenance and storage buildings and stables that are directly related to the recreational activity, but it does not authorize the construction of hotels, restaurants, racetracks, stadiums, arenas, or similar facilities.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)

43. Stormwater Management Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction of stormwater management facilities, including stormwater detention basins and retention basins and other stormwater management facilities; the construction of water control structures, outfall structures and emergency spillways; and the construction of low impact development integrated management features such as bioretention facilities (e.g., rain gardens), vegetated filter strips, grassed swales, and infiltration trenches. This NWP also authorizes, to the extent that a section 404 permit is required, discharges of dredged or fill material into non-tidal waters of the United States for the maintenance of stormwater management facilities. Note that stormwater management facilities that are determined to be waste treatment systems under 33 CFR 328.3(a)(8) are not waters of the United States, and maintenance of these waste treatment systems generally does not require a section 404 permit.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize discharges of dredged or fill material for the construction of new stormwater management facilities in perennial streams.

Notification: For the construction of new stormwater management facilities, or the expansion of existing stormwater management facilities, the permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) Maintenance activities do not require pre-construction notification if they are limited to restoring the original design capacities of the stormwater management facility. (Section 404)

44. Mining Activities. Discharges of dredged or fill material into non-tidal waters of the United States for mining activities, except for coal mining activities. The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification. (Sections 10 and 404)

45. Repair of Uplands Damaged by Discrete Events. This NWP authorizes discharges of dredged or fill material, including dredging or excavation, into all waters of the United States for activities associated with the restoration of upland areas damaged by storms, floods, or other discrete events. This NWP authorizes bank stabilization to protect the restored uplands. The restoration of the damaged areas, including any bank stabilization, must not exceed the contours, or ordinary high water mark, that existed before the damage occurred. The district engineer retains the right to determine the extent of the pre-existing conditions and the extent of any restoration work authorized by this NWP. The work must commence, or be under contract to commence, within two years of the date of damage, unless this condition is waived in writing by the district engineer. This NWP cannot be used to reclaim lands lost to normal erosion processes over an extended period.

This NWP does not authorize beach restoration or nourishment.

Minor dredging is limited to the amount necessary to restore the damaged upland area and should not significantly alter the pre-existing bottom contours of the waterbody.

Notification: The permittee must submit a pre-construction notification to the district engineer (see general condition 31) within 12-months of the date of the damage. The pre-construction notification should include documentation, such as a recent topographic survey or photographs, to justify the extent of the proposed restoration. (Sections 10 and 404)

Note: The uplands themselves that are lost as a result of a storm, flood, or other discrete event can be replaced without a section 404 permit, if the uplands are restored to the ordinary high water mark (in non-tidal waters) or high tide line (in tidal waters). (See also 33 CFR 328.5.) This NWP authorizes discharges of dredged or fill material into waters of the United States associated with the restoration of uplands.

46. Discharges in Ditches. Discharges of dredged or fill material into non-tidal ditches that are: (1) constructed in uplands, (2) receive water from an area determined to be a water of the United States prior to the construction of the ditch, (3) divert water to an area determined to be a water of the United States prior to the construction of the ditch, and (4) are determined to be waters of the United States. The discharge must not cause the loss of greater than one acre of waters of the United States.

This NWP does not authorize discharges of dredged or fill material into ditches constructed in streams or other waters of the United States, or in streams that have been relocated in uplands. This NWP does not authorize discharges of dredged or fill material that increase the capacity of the ditch and drain those areas determined to be waters of the United States prior to construction of the ditch.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Section 404)

47. [Reserved]

48. Commercial Shellfish Aquaculture Activities. Discharges of dredged or fill material in waters of the United States or structures or work in navigable waters of the United States necessary for commercial shellfish aquaculture operations in authorized project areas. For the purposes of this NWP, the project area is the area in which the operator is currently authorized to conduct commercial shellfish aquaculture activities, as identified through a lease or permit issued by an appropriate state or local government agency, a treaty, or any other easement, lease, deed, or contract which establishes an enforceable property interest for the operator. This NWP authorizes the installation of buoys, floats, racks, trays, nets, lines, tubes, containers, and other structures into navigable waters of the United States. This NWP also authorizes discharges of dredged or fill material into waters of the United States necessary for shellfish seeding, rearing, cultivating, transplanting, and harvesting activities. Rafts and other floating structures must be securely anchored and clearly marked. This NWP does not authorize:

(a) The cultivation of a nonindigenous species unless that species has been previously cultivated in the waterbody;

(b) The cultivation of an aquatic nuisance species as defined in the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990; or,

(c) Attendant features such as docks, piers, boat ramps, stockpiles, or staging areas, or the deposition of shell material back into waters of the United States as waste.

This NWP also authorizes commercial shellfish aquaculture activities in new project areas, provided the project proponent has obtained a valid authorization, such as a lease or permit issued by an appropriate state or local government agency, and those activities do not directly affect more than 1/2-acre of submerged aquatic vegetation beds.

Notification: The permittee must submit a pre-construction notification to the district engineer if: (1) dredge harvesting, tilling, or harrowing is conducted in areas inhabited by submerged aquatic vegetation; (2) the activity will include a species not previously cultivated in the waterbody; (3) the activity involves a change from bottom culture to floating or suspended culture; or (4) the activity occurs in a new project area. (See general condition 31.)

In addition to the information required by paragraph (b) of general condition 31, the pre-construction notification must also include the following information: (1) a map showing the boundaries of the project area, with latitude and longitude coordinates for each corner of the project area; (2) the name(s) of the cultivated species; and (3) whether canopy predator nets are being used. (Sections 10 and 404)

Note 1: The permittee should notify the applicable U.S. Coast Guard office regarding the project.

Note 2: To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable regional aquatic nuisance species management plan.

Note 3: The Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 defines “aquatic nuisance species” as “a nonindigenous species that threatens the diversity or abundance of native species or the ecological stability of infested waters, or commercial, agricultural, aquacultural, or recreational activities dependent on such waters.”

49. Coal Remining Activities. Discharges of dredged or fill material into non-tidal waters of the United States associated with the remining and reclamation of lands that were previously mined for coal. The activities must already be authorized, or they must currently be in process as part of an integrated permit processing procedure, by the Department of Interior Office of

Surface Mining Reclamation and Enforcement, or by states with approved programs under Title IV or Title V of the Surface Mining Control and Reclamation Act (SMCRA) of 1977. Areas previously mined include reclaimed mine sites, abandoned mine land areas, or lands under bond forfeiture contracts.

As part of the project, the permittee may conduct new coal mining activities in conjunction with the remining activities when he or she clearly demonstrates to the district engineer that the overall mining plan will result in a net increase in aquatic resource functions. The Corps will consider the SMCRA agency's decision regarding the amount of currently undisturbed adjacent lands needed to facilitate the remining and reclamation of the previously mined area. The total area disturbed by new mining must not exceed 40 percent of the total acreage covered by both the remined area and the additional area necessary to carry out the reclamation of the previously mined area.

Notification: The permittee must submit a pre-construction notification and a document describing how the overall mining plan will result in a net increase in aquatic resource functions to the district engineer and receive written authorization prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

50. Underground Coal Mining Activities. Discharges of dredged or fill material into non-tidal waters of the United States associated with underground coal mining and reclamation operations provided the activities are authorized, or are currently being processed as part of an integrated permit processing procedure, by the Department of Interior, Office of Surface Mining Reclamation and Enforcement, or by states with approved programs under Title V of the Surface Mining Control and Reclamation Act of 1977.

The discharge must not cause the loss of greater than 1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. This NWP does not authorize discharges into non-tidal wetlands adjacent to tidal waters. This NWP does not authorize coal preparation and processing activities outside of the mine site.

Notification: The permittee must submit a pre-construction notification to the district engineer and receive written authorization prior to commencing the activity. (See general condition 31.) If reclamation is required by other statutes, then a copy of the reclamation plan must be submitted with the pre-construction notification. (Sections 10 and 404)

Note: Coal preparation and processing activities outside of the mine site may be authorized by NWP 21.

51. Land-Based Renewable Energy Generation Facilities. Discharges of dredged or fill material into non-tidal waters of the United States for the construction, expansion, or modification of land-based renewable energy production facilities, including attendant features. Such facilities include infrastructure to collect solar (concentrating solar power and photovoltaic), wind, biomass, or geothermal energy. Attendant features may include, but are not limited to roads, parking lots, and stormwater management facilities within the land-based renewable energy generation facility.

The discharge must not cause the loss of greater than1/2-acre of non-tidal waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by

making a written determination concluding that the discharge will result in minimal adverse effects. This permit does not authorize discharges into non-tidal wetlands adjacent to tidal waters.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based renewable generation facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization. If the only activities associated with the construction, expansion, or modification of a land-based renewable energy generation facility that require Department of the Army authorization are discharges of dredged or fill material into waters of the United States to construct, maintain, repair, and/or remove utility lines, then NWP 12 shall be used if those activities meet the terms and conditions of NWP 12, including any applicable regional conditions and any case-specific conditions imposed by the district engineer.

Note 2: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

52. Water-Based Renewable Energy Generation Pilot Projects. Structures and work in navigable waters of the United States and discharges of dredged or fill material into waters of the United States for the construction, expansion, modification, or removal of water-based wind or hydrokinetic renewable energy generation pilot projects and their attendant features. Attendant features may include, but are not limited to, land-based collection and distribution facilities, control facilities, roads, parking lots, and stormwater management facilities.

For the purposes of this NWP, the term "pilot project" means an experimental project where the renewable energy generation units will be monitored to collect information on their performance and environmental effects at the project site.

The discharge must not cause the loss of greater than 1/2-acre of waters of the United States, including the loss of no more than 300 linear feet of stream bed, unless for intermittent and ephemeral stream beds the district engineer waives the 300 linear foot limit by making a written determination concluding that the discharge will result in minimal adverse effects. The placement of a transmission line on the bed of a navigable water of the United States from the renewable energy generation unit(s) to a land-based collection and distribution facility is considered a structure under Section 10 of the Rivers and Harbors Act of 1899 (see 33 CFR 322.2(b)), and the placement of the transmission line on the bed of a navigable water of the United States is not a loss of waters of the United States for the purposes of applying the 1/2-acre or 300 linear foot limits.

For each single and complete project, no more than 10 generation units (e.g., wind turbines or hydrokinetic devices) are authorized.

This NWP does not authorize activities in coral reefs. Structures in an anchorage area established by the U.S. Coast Guard must comply with the requirements in 33 CFR part 322.5(l)(2). Structures may not be placed in established danger zones or restricted areas as designated in 33 CFR part 334, Federal navigation channels, shipping safety fairways or traffic

separation schemes established by the U.S. Coast Guard (see 33 CFR part 322.5(l)(1)), or EPA or Corps designated open water dredged material disposal areas.

Upon completion of the pilot project, the generation units, transmission lines, and other structures or fills associated with the pilot project must be removed to the maximum extent practicable unless they are authorized by a separate Department of the Army authorization, such as another NWP, an individual permit, or a regional general permit. Completion of the pilot project will be identified as the date of expiration of the Federal Energy Regulatory Commission (FERC) license, or the expiration date of the NWP authorization if no FERC license is issued.

Notification: The permittee must submit a pre-construction notification to the district engineer prior to commencing the activity. (See general condition 31.) (Sections 10 and 404)

Note 1: Utility lines constructed to transfer the energy from the land-based collection facility to a distribution system, regional grid, or other facility are generally considered to be linear projects and each separate and distant crossing of a waterbody is eligible for treatment as a separate single and complete linear project. Those utility lines may be authorized by NWP 12 or another Department of the Army authorization.

Note 2: An activity that is located on an existing locally or federally maintained U.S. Army Corps of Engineers project requires separate approval from the Chief of Engineers under 33 U.S.C. 408.

Note 3: If the pilot project, including any transmission lines, is placed in navigable waters of the United States (i.e., section 10 waters) within the coastal United States, the Great Lakes, and United States territories, copies of the pre-construction notification and NWP verification will be sent by the Corps to the National Oceanic and Atmospheric Administration, National Ocean Service, for charting the generation units and associated transmission line(s) to protect navigation.

Note 4: For any activity that involves the construction of a wind energy generating structure, solar tower, or overhead transmission line, a copy of the PCN and NWP verification will be provided to the Department of Defense Siting Clearinghouse, which will evaluate potential effects on military activities.

C. Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer. Prospective permittees should contact the appropriate Corps district office to determine if regional conditions have been imposed on an NWP. Prospective permittees should also contact the appropriate Corps district office to determine the status of Clean Water Act Section 401 water quality certification and/or Coastal Zone Management Act consistency for an NWP. Every person who may wish to obtain permit authorization under one or more NWPs, or who is currently relying on an existing or prior permit authorization under one or more NWPs, has been and is on notice that all of the provisions of 33 CFR §§ 330.1 through 330.6 apply to every NWP authorization. Note especially 33 CFR § 330.5 relating to the modification, suspension, or revocation of any NWP authorization.

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

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

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

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

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

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

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

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

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

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not

restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

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

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

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

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

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

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

16. Wild and Scenic Rivers. 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 responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

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

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such

species. No activity is authorized under any NWP which “may affect” a listed species or critical habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

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

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

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

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

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle

Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. Historic Properties. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to

prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

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

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

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, 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.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

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

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

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

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality

or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

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

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with

any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S. EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. Use of Multiple Nationwide Permits. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

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

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

_____

(Transferee)

_____

(Date)

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

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

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

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

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

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

(2) 45 calendar days have passed from the district engineer's receipt of the complete PCN and the prospective permittee has not received written notice from the district or division engineer. However, if the permittee was required to notify the Corps pursuant to general condition 18 that listed species or critical habitat might be affected or in the vicinity of the project, or to notify the Corps pursuant to general condition 20 that the activity may have the potential to cause effects to historic properties, the permittee cannot begin the activity until receiving written notification from the Corps that there is "no effect" on listed species or "no potential to cause effects" on historic properties, or that any consultation required under Section 7 of the Endangered Species Act (see 33 CFR 330.4(f)) and/or Section 106 of the National Historic Preservation (see 33 CFR 330.4(g)) has been completed. Also, work cannot begin under NWPs 21, 49, or 50 until the permittee has received written approval from the Corps. If the proposed activity requires a written waiver to exceed specified limits of an NWP, the permittee may not begin the activity until the district engineer issues the waiver. If the district or division engineer notifies the permittee in writing that an individual permit is required within 45 calendar days of receipt of a complete PCN, the permittee cannot begin the activity until an individual permit has been obtained. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

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

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

(2) Location of the proposed project;

(3) A description of the proposed project; the project's purpose; direct and indirect adverse environmental effects the project would cause, including the anticipated amount of loss of water of the United States expected to result from the NWP activity, in acres, linear feet, or other appropriate unit of measure; 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. The description should be sufficiently detailed to allow the district engineer to determine that the adverse effects of the project will be minimal and to determine the need for compensatory mitigation. 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 results in a quicker decision. Sketches should contain sufficient detail to provide an illustrative

description of the proposed activity (e.g., a conceptual plan), but do not need to be detailed engineering plans);

(4) The PCN must include a delineation of wetlands, other special aquatic sites, and other waters, such as lakes and ponds, and perennial, intermittent, and ephemeral streams, on the project site. Wetland delineations must be prepared in accordance with the current method required by the Corps. The permittee may ask the Corps to delineate the special aquatic sites and other waters on the project site, but there may be a delay if the Corps does the delineation, especially if the project site is large or contains many waters of the United States. Furthermore, the 45 day period will not start until the delineation has been submitted to or completed by the Corps, as appropriate;

(5) If the proposed activity will result in the loss of greater than 1/10-acre of wetlands and a PCN is required, the prospective permittee must submit a statement describing how the mitigation requirement will be satisfied, or explaining why the adverse effects are minimal and why compensatory mitigation should not be required. As an alternative, the prospective permittee may submit a conceptual or detailed mitigation plan.

(6) If any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, for non-Federal applicants the PCN must include the name(s) of those endangered or threatened species that might be affected by the proposed work or utilize the designated critical habitat that may be affected by the proposed work. Federal applicants must provide documentation demonstrating compliance with the Endangered Species Act; and

(7) For an activity that may affect a historic property listed on, determined to be eligible for listing on, or potentially eligible for listing on, the National Register of Historic Places, for non-Federal applicants 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. Federal applicants must provide documentation demonstrating compliance with Section 106 of the National Historic Preservation Act.

(c) Form of Pre-Construction Notification: The standard individual permit application form (Form ENG 4345) may be used, but the completed application form must clearly indicate that it is a PCN and must include all of the information required in paragraphs (b)(1) through (7) of this general condition. A letter containing the required information may also be used.

(d) Agency Coordination: (1) The district engineer will consider any comments from Federal and state agencies concerning the proposed activity's compliance with the terms and conditions of the NWPs and the need for mitigation to reduce the project's adverse environmental effects to a minimal level.

(2) For all NWP activities that require pre-construction notification and result in the loss of greater than 1/2-acre of waters of the United States, for NWP 21, 29, 39, 40, 42, 43, 44, 50, 51, and 52 activities that require pre-construction notification and will result in the loss of greater than 300 linear feet of intermittent and ephemeral stream bed, and for all NWP 48 activities that require pre-construction notification, the district engineer will immediately provide (e.g., via e-mail, facsimile transmission, overnight mail, or other expeditious manner) a copy of the complete PCN to the appropriate Federal or state offices (U.S. FWS, state natural resource or water quality agency, EPA, State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Office (THPO), and, if appropriate, the NMFS). With the exception of NWP 37, these agencies will have 10 calendar days from the date the material is transmitted to telephone or fax the district engineer notice that they intend to provide substantive, site-specific comments.

The comments must explain why the agency believes the adverse effects will be more than minimal. If so contacted by an agency, the district engineer will wait an additional 15 calendar days before making a decision on the pre-construction notification. The district engineer will fully consider agency comments received within the specified time frame concerning the proposed activity's compliance with the terms and conditions of the NWPs, including the need for mitigation to ensure the net adverse environmental effects to the aquatic environment of the proposed activity are minimal. The district engineer will provide no response to the resource agency, except as provided below. The district engineer will indicate in the administrative record associated with each pre-construction notification that the resource agencies' concerns were considered. For NWP 37, the emergency watershed protection and rehabilitation activity may proceed immediately in cases where there is an unacceptable hazard to life or a significant loss of property or economic hardship will occur. The district engineer will consider any comments received to decide whether the NWP 37 authorization should be modified, suspended, or revoked in accordance with the procedures at 33 CFR 330.5.

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

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

D. District Engineer's Decision

1. 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. For a linear project, this determination will include an evaluation of the individual crossings to determine whether they individually satisfy the terms and conditions of the NWP(s), as well as the cumulative effects caused by all of the crossings authorized by NWP. If an applicant requests a waiver of the 300 linear foot limit on impacts to intermittent or ephemeral streams or of an otherwise applicable limit, as provided for in NWPs 13, 21, 29, 36, 39, 40, 42, 43, 44, 50, 51 or 52, the district engineer will only grant the waiver upon a written determination that the NWP activity will result in minimal adverse effects. When making minimal effects determinations the district engineer will consider the direct and indirect effects caused by the NWP activity. The district engineer will also consider site specific factors, such as the environmental setting in the vicinity of the NWP activity, the type of resource that will be affected by the NWP activity, the functions provided by the aquatic resources that will be affected by the NWP activity, the degree or magnitude to which the aquatic resources perform those functions, the extent that aquatic resource functions will be lost as a result of the NWP activity (e.g., partial or complete loss), the duration of the adverse effects (temporary or permanent), the importance of the aquatic resource functions to the region (e.g., watershed or ecoregion), and mitigation required by the district engineer. If an appropriate functional assessment method is available and practicable to use, that assessment method may be used by the district engineer to assist in the minimal adverse effects determination. The district engineer may add case-specific special conditions to the NWP authorization to address site-specific environmental concerns.

2. If the proposed activity requires a PCN and will result in a loss of greater than 1/10-acre of wetlands, the prospective permittee should submit a mitigation proposal with the PCN. Applicants may also propose compensatory mitigation for projects with smaller impacts. 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 activity are minimal. The compensatory mitigation proposal may be either conceptual or detailed. 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 activity-specific conditions in the NWP verification the district engineer deems necessary. Conditions for compensatory mitigation requirements must comply with the appropriate provisions at 33 CFR 332.3(k). The district engineer must approve the final mitigation plan before the permittee commences work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation. 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 proposed compensatory mitigation plan within 45 calendar days of receiving a complete PCN and determine whether the 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, including any activity-specific conditions added to the NWP authorization by the district engineer.

3. 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: (a) 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; (b) that the project is authorized under the NWP subject to the applicant’s submission of a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level; or (c) 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, with activity-specific conditions that state the mitigation requirements. The authorization will include the necessary conceptual or detailed mitigation or a requirement that the applicant submit a mitigation plan that would reduce the adverse effects on the aquatic environment to the minimal level. When mitigation is required, no work in waters of the United States may occur until the district engineer has approved a specific mitigation plan or has determined that prior approval of a final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation.

E. Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an 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.

F. Definitions

Best management practices (BMPs): 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 non-structural.

Compensatory mitigation: The restoration (re-establishment or rehabilitation), establishment (creation), enhancement, and/or in certain circumstances preservation of aquatic resources for the purposes of offsetting unavoidable adverse impacts which remain after all appropriate and practicable avoidance and minimization has been achieved.

Currently serviceable: Useable as is or with some maintenance, but not so degraded as to essentially require reconstruction.

Direct effects: Effects that are caused by the activity and occur at the same time and place.

Discharge: The term "discharge" means any discharge of dredged or fill material.

Enhancement: The manipulation of the physical, chemical, or biological characteristics of an aquatic resource to heighten, intensify, or improve a specific aquatic resource function(s). Enhancement results in the gain of selected aquatic resource function(s), but may also lead to a decline in other aquatic resource function(s). Enhancement does not result in a gain in aquatic resource area.

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. Runoff from rainfall is the primary source of water for stream flow.

Establishment (creation): The manipulation of the physical, chemical, or biological characteristics present to develop an aquatic resource that did not previously exist at an upland site. Establishment results in a gain in aquatic resource area.

High Tide Line: The line of intersection of the land with the water's surface at the maximum height reached by a rising tide. The high tide line may be determined, in the absence of actual data, by a line of oil or scum along shore objects, a more or less continuous deposit of fine shell or debris on the foreshore or berm, other physical markings or characteristics, vegetation lines, tidal gages, or other suitable means that delineate the general height reached by a rising tide. The line encompasses spring high tides and other high tides that occur with periodic frequency but does not include storm surges in which there is a departure from the normal or predicted reach of the tide due to the piling up of water against a coast by strong winds such as those accompanying a hurricane or other intense storm.

Historic Property: Any prehistoric or historic district, site (including archaeological site), building, structure, or other object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria (36 CFR part 60).

Independent utility: A test to determine what constitutes a single and complete non-linear 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.

Indirect effects: Effects that are caused by the activity and are later in time or farther removed in distance, but are still reasonably foreseeable.

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 United States: Waters of the United States that are permanently adversely affected by filling, flooding, excavation, or drainage because of the regulated activity. Permanent adverse effects include permanent discharges of dredged or fill material 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 United States is a threshold measurement of the impact to jurisdictional waters for determining whether a project may qualify for an 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 services. The loss of stream bed includes the linear feet of stream bed that is filled or excavated. Waters of the United States temporarily filled, flooded, excavated, or drained, but restored to pre-construction contours and elevations after construction, are not included in the measurement of loss of waters of the United States. Impacts resulting from activities eligible for exemptions under Section 404(f) of the Clean Water Act are not considered when calculating the loss of waters of the United States.

Non-tidal wetland: A non-tidal wetland is a wetland that is not subject to the ebb and flow of tidal waters. The definition of a wetland can be found at 33 CFR 328.3(b). Non-tidal wetlands contiguous to tidal waters are located landward of the high tide line (i.e., spring high tide line).

Open water: For purposes of the NWPs, an open water is any area that in a year with normal patterns of precipitation has water flowing or standing above ground to the extent that an ordinary high water mark can be determined. 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. Examples of “open waters” include rivers, streams, lakes, and ponds.

Ordinary High Water Mark: An ordinary high water mark is a line on the shore established by the fluctuations of water and indicated by physical characteristics, or by other appropriate means that consider the characteristics of the surrounding areas (see 33 CFR 328.3(e)).

Perennial stream: A perennial stream has flowing water year-round during a typical year. The water table is located above the stream bed for 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.

Practicable: Available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes.

Pre-construction notification: A request submitted by the project proponent to the Corps for confirmation that a particular activity is authorized by nationwide permit. The request may be a permit application, letter, or similar document that includes information about the proposed work and its anticipated environmental effects. Pre-construction notification may be required by the terms and conditions of a nationwide permit, or by regional conditions. A pre-construction notification may be voluntarily submitted in cases where pre-construction notification is not required and the project proponent wants confirmation that the activity is authorized by nationwide permit.

Preservation: The removal of a threat to, or preventing the decline of, aquatic resources by an action in or near those aquatic resources. This term includes activities commonly associated with the protection and maintenance of aquatic resources through the implementation of appropriate legal and physical mechanisms. Preservation does not result in a gain of aquatic resource area or functions.

Re-establishment: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former aquatic resource. Re-establishment results in rebuilding a former aquatic resource and results in a gain in aquatic resource area and functions.

Rehabilitation: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of repairing natural/historic functions to a degraded aquatic resource. Rehabilitation results in a gain in aquatic resource function, but does not result in a gain in aquatic resource area.

Restoration: The manipulation of the physical, chemical, or biological characteristics of a site with the goal of returning natural/historic functions to a former or degraded aquatic resource. For the purpose of tracking net gains in aquatic resource area, restoration is divided into two categories: re-establishment and rehabilitation.

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.

Riparian areas: Riparian areas are lands adjacent to streams, lakes, and estuarine-marine shorelines. Riparian areas are transitional between terrestrial and aquatic ecosystems, through which surface and subsurface hydrology connects riverine, lacustrine, estuarine, and marine waters with their adjacent wetlands, non-wetland waters, or uplands. Riparian areas provide a variety of ecological functions and services and help improve or maintain local water quality. (See general condition 23.)

Shellfish seeding: The placement of shellfish seed and/or suitable substrate to increase shellfish production. Shellfish seed consists of immature individual shellfish or individual shellfish attached to shells or shell fragments (i.e., spat on shell). Suitable substrate may consist

of shellfish shells, shell fragments, or other appropriate materials placed into waters for shellfish habitat.

Single and complete linear project: A linear project is a project constructed for the purpose of getting people, goods, or services from a point of origin to a terminal point, which often involves multiple crossings of one or more waterbodies at separate and distant locations. The term "single and complete project" is defined as that portion of the total linear project proposed or accomplished by one owner/developer or partnership or other association of owners/developers that includes all crossings of a single water of the United States (i.e., a single waterbody) at a specific location. For linear projects crossing a single or multiple waterbodies several times at separate and distant locations, each crossing is considered a single and complete project for purposes of NWP authorization. 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, and crossings of such features cannot be considered separately.

Single and complete non-linear project: For non-linear projects, 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. A single and complete non-linear project must have independent utility (see definition of "independent utility"). Single and complete non-linear projects may not be "piecemealed" to avoid the limits in an NWP authorization.

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 best management practices, 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 bed: The substrate of the stream channel between the ordinary high water marks. The substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks, are not considered part of the stream bed.

Stream channelization: The manipulation of a stream's course, condition, capacity, or location that causes more than minimal interruption of normal stream processes. A channelized stream remains a water of the United States.

Structure: An object that is arranged in a definite pattern of organization. Examples of structures include, without limitation, any pier, boat dock, boat ramp, wharf, dolphin, weir, boom, breakwater, bulkhead, revetment, riprap, jetty, artificial island, artificial reef, permanent mooring structure, power transmission line, permanently moored floating vessel, piling, aid to navigation, or any other manmade obstacle or obstruction.

Tidal wetland: A tidal wetland is a wetland (i.e., water of the United States) 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, which is defined at 33 CFR 328.3(d).

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: For purposes of the NWPs, a waterbody is a jurisdictional water of the United States. If a jurisdictional wetland is adjacent – meaning bordering, contiguous, or neighboring – to a waterbody determined to be a water of the United States under 33 CFR 328.3(a)(1)-(6), that waterbody and its adjacent wetlands are considered together as a single aquatic unit (see 33 CFR 328.4(c)(2)). Examples of "waterbodies" include streams, rivers, lakes, ponds, and wetlands.

JACKSONVILLE DISTRICT NATIONWIDE PERMITS
Summary of Applicability, Limits, State and Tribal Certifications, and Regional Conditions
March 29, 2012

Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordi-nation Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
1. Aids to Navigation (10)	Navigable	NA	Regional Condition #9	No	NA	Yes$^{\phi}$								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL) 2. In Florida, prior to installation of aids to navigation and other water dependent informational signs, the permittee must have the appropriate authorization required from the U.S. Coast Guard and the Florida Fish and Wildlife Conservation Commission. (CZM-FL) 3. Aids to navigation may not be located on tribal lands or in tribal waters without prior written approval from the Seminole Tribe of Florida. (WQC-STF) 4. Excluded from all navigable waters within the boundaries of the Florida Keys National Marine Sanctuary, except when NWP 1 is used by the Sanctuary in carrying out its mandate. (COE) 5. Excluded within the boundaries of Designated Marine Reserves, Marine Protected Areas, or Parks in the Antilles, except when used within those areas by the local or federal agency responsible for the management of those areas. (COE) 6. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 7. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 8. In the Jacksonville District placement of aids to navigation cannot cause adverse impacts to coral assemblages. (COE) 9. PCN required in the Antilles in designated critical habitat for *Acropora* spp. (COE) 10. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
2. Structures in Artificial Canals (10)	Artificial Canals	NA	Regional condition #8	No	NA	Yes$^{\phi}$								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of

See Last Page for List of Acronyms and Definitions.

JACKSONVILLE DISTRICT NATIONWIDE PERMITS
Summary of Applicability, Limits, State and Tribal Certifications,
and
Regional Conditions
March 29, 2012

Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordi-nation Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL) 2. A structure may not be located on tribal lands or in tribal waters without prior written approval from the Seminole Tribe of Florida. (WQC-STF) 3. Structures are limited to private, single-family docks/piers, and/or mooring pilings, davits and boat lifts on lands owned by the Seminole Tribe of Florida. (WQC-STF) 4. Excluded from all navigable waters within the boundaries of the Florida Keys. (COE) 5. In Florida, other than the Florida Keys, this NWP is limited to the installation and removal of individual, single family docks/piers and/or mooring pilings, davits, and boat lifts at single-family residences. (COE) 6. All dock or pier construction over submerged aquatic vegetation, marsh, and/or mangroves shall comply with the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat - August 2001," and where applicable, the "Key for Construction Conditions for Docks or Other Minor Structures Constructed in or Over Johnson's seagrass (*Halophila johnsonii*) National Marine Fisheries Service/U.S. Army Corps of Engineers - February 2002." (See http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) (COE) 7. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 8. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE) 9. PCN in Puerto Rico shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
3. Maintenance (10/404)	All	200 linear ft from structure;	All activities except repair, replacement or rehab; Regional conditions #4, #5, #6, #8, #9; GC #22	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. In Florida any structure replaced or repaired in accordance with an emergency order issued by the Governor of Florida or the Secretary of the Department of Environmental Protection is subject to full compliance with the terms of the order. (WQC/CZM-FL)

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														3. Excluded from use in the Antilles if the structure is within 100 feet of the near edge of a Federal channel. (COE) 4. In Florida PCN required for projects proposed adjacent to Federally maintained channels. No structures, including mooring piles, authorized under this Nationwide Permit shall be within the established 100' setback, calculated from the near bottom edge of the channel. The setback may vary between different Federal channels and between specific reaches of the same Federal channel. Exact locations of the proposed work may be verified by use of Florida State Plane Coordinate System (XY coordinates). Any activity within Federal rights-of-way may require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity. (COE) 5. PCN required prior to start of any work in the Florida Keys, any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages anywhere in the Jacksonville District, or any work located in the Coastal Zone of the Antilles, including the areas listed in Notes 1 and 2 below. The PCN shall be submitted in accordance with General Condition 31. (COE) 6. For all work in La Parguera area and Culebra Island, in the Commonwealth of Puerto Rico, the permittee must submit a PCN to the District Engineer prior to commencing the activity, in accordance with General Condition 31. Reconstruction of structures within La Parguera will not be allowed under this nationwide permit. (COE) 7. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 8. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE) 9. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE) 10. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities (10/404)	All	None	Regional Condition #5	If over ½ acre of WOTUS will be lost	Yes[ϕ]	Yes[ϕ]								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. Dredging of sediments is not authorized (except if approved under Condition 1), except for recreational, commercial, aquaculture broodstock collection, scientific research, education, and exhibition harvesting activities authorized pursuant to Chapter 379, F.S., and/or Title 68, Florida Administrative Code. (WQC/CZM-FL) 3. In Florida, aquaculture projects must be certified pursuant to s. 597.004, F.S., and if applicable, have obtained a submerged land lease pursuant to Chapter 253, F.S. (WQC/CZM-FL) 4. In Florida and the adjacent EEZ, the placement of any type of surface or subsurface fish aggregating devices (FADs) is prohibited for all but research purposes. (WQC/CZM-FL) 5. In Florida and Puerto Rico, PCN required for structures proposed in waters accessible to manatees. (COE)

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														6. Placement of materials for Live Rock culture and the harvesting of Live Rock are excluded from this nationwide. (COE) 7. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 8. Excluded from use in the Florida Keys for proposed structures. (COE) 9. PCN in Puerto Rico shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
5. Scientific Measurement Devices (10/404)	All	25cy for weirs & flumes	None	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. In Florida and the adjacent EEZ to Florida, this NWP is excluded from use for any activity in, anchored or otherwise affixed in, or in proximity to live/hard-bottom communities or NOAA-designated coral or deepwater coral Habitat Areas of Particular Concern (HAPC). (WQC/CZM-FL) 3. The maximum size of the measurement device and associated structures shall not exceed 1000 sq. feet, and the structure shall be used exclusively for purposes associated with scientific measurement unless authorized by the applicable permit under Condition 1. (WQC/CZM-FL) 4. A structure may not be located on tribal lands or in tribal waters without prior written approval from the Seminole Tribe of Florida. (WQC-STF) 5. A structure may not be located on the sea bed of the Florida Keys without prior approval from NOAA Florida Keys National Marine Sanctuary. (COE) 6. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 7. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
6. Survey Activities (10/404)	All	None	Regional Condition #8	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an

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														exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. Seismic exploratory devices are not authorized within the limits of the Everglades as defined in Sections 403.031(13)(a) and (b), F.S., and the Big Cypress and Water Conservation Areas 1, 2A, 2B, 3 and 3A. (WQC/CZM-FL) 3. Activities involving surveying for oil and gas exploration or production shall be performed in accordance with an applicable permit from DEP's Bureau of Mining and Minerals Regulation. (WQC/CZM-FL) 4. No survey may be located on tribal lands or in tribal waters without prior written approval from the Seminole Tribe of Florida. (WQC-STF) 5. Seismic exploratory activities on tribal lands or in tribal waters are not authorized without prior written approval from the Seminole Tribe of Florida. (WQC-STF) 6. Survey activities on tribal lands or in tribal waters using ground penetrating radar are not authorized without prior written approval from the Seminole Tribe of Florida. (WQC-STF) 7. Survey activities on tribal lands or in tribal waters using isotope technology are not authorized. (WQC-STF) 8. In the Jacksonville District, PCN required for seismic exploratory activities in WOTUS accessible to manatees, Gulf sturgeon, shortnose sturgeon, swimming sea turtles, smalltooth sawfish, or whales. (COE) 9. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 10. A structure may not be located on the sea bed of the Florida Keys without prior approval from NOAA Florida Keys National Marine Sanctuary. (COE) 11. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
7. Outfall Structures and Associated Intake Structures (10/404)	All	None	All activities	If over ½ acre of WOTUS will be lost	Yes[ϕ]	Yes[ϕ]							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct

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														2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE). 3. In the Antilles, this NWP is excluded from use in coral assemblages, forested wetlands, salt flats, and/or submerged aquatic or tidal vegetation. (COE) 4. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 5. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
8. Oil and Gas Structures on the Outer Continental Shelf (10)	Navigable	None	All activities	No	NA	No							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. For Outer Continental Shelf oil and gas activities that affect Florida, this NWP is not applicable until the state has made its final CZCC decision. (CZM-FL) 2. In Florida, any construction, alteration, repair, removal or abandonment of any transportation or distribution activities or works located within the waters of Florida associated with oil or gas exploration under this NWP must be authorized, prior to construction, by the applicable permit under Part IV of Chapter 373, F.S., by the DEP, a WMD under Section 373.069, F.S., or a local government with delegated authority under Section 373.441, F.S., and receive applicable CZCC or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. (CZM-FL)
9. Structures in Fleeting and Anchorage Areas (10)	Areas established by the US Coast Guard	None	None	No	NA	Yes[ϕ]								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL) 2. A structure may not be located on tribal lands or in tribal waters without prior written approval from the Seminole Tribe of Florida. (WQC-STF) 3. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 4. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
10. Mooring Buoys (10)	Navigable	None	Regional Conditions #2, #3; GC #22	No	NA	Yes[ϕ]							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an

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														exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL) 2. PCN required prior to the start of any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 3. PCN required for all activities in the Antilles. (COE) 4. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 5. A structure may not be located on the sea bed of the Florida Keys without prior approval from NOAA Florida Keys National Marine Sanctuary. (COE) 6. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 7. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
11. Temporary Recreational Structures (10)	Navigable	None	Regional Condition #2	No	NA	Yes$^{\phi}$								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL) 2. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE) 3. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 4. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 5. A structure may not be located on the sea bed of the Florida Keys without prior approval from NOAA Florida Keys National Marine Sanctuary. (COE) 6. Excluded within the boundaries of Designated Marine Reserves, Marine Protected Areas, or Parks in the Antilles, except when used within those areas by the local or federal agency responsible for the management of those areas. (COE)
12. Utility	Non-tidal	½ acre	1/10 acre; or	If over ½	Yes$^{\phi}$	Yes$^{\phi}$							22. Discharges not	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordi-nation Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
Line Activities (10/404)	<u>only</u>, (also excludes all wetlands adjacent to tidal waters) Substations and all access roads. <u>All waters</u> Utility lines and foundations for overhead utility line towers, poles, and anchors.		Section 10; Regional Conditions #2, #5, #6, #7, #12, #13	acre of WOTUS will be lost.									authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. For water intake projects in Puerto Rico, the permittee must submit a PCN to the District Engineer prior to commencing the activity, in accordance with General Condition 31. The PCN must contain plans and drawings, a description of all WOTUS impacted by the project, amount of water to be withdrawn in MGDs, and minimum in-stream flows in MGDs after water extraction, Q99. (COE) 3. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 4. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 5. In Florida, PCN required prior to the start of any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 6. PCN required for projects in the following rivers, creeks, and their tributaries: Escambia River, Yellow River, Choctawhatchee River, Chipola River, Apalachicola River, Ochlockonee River, Santa Fe and New Rivers, and Econfina Creek. (COE) 7. In Florida, PCN required for projects in WOTUS accessible to the Florida panther. (COE) 8. Aerial transmission lines must meet the U.S. Army Corps of Engineers clearance criteria as described in 33 CFR, Part 322.5(i)(1), (2), (3), and (4). (COE) 9. Excluded from use in or under all Federal channels with design depths greater than 14 feet.(COE) 10. In the Jacksonville District, all subaqueous utility and/or transmission lines authorized by this general permit must be installed a minimum of 14 feet below the authorized depth of any Federal channel it crosses. The 14-foot criterion applies to the entire authorized width of the channel, plus a minimum of 25 feet outside the channel edges to allow for maintenance of the side slopes. (COE) 11. Where the proposed subaqueous utility or transmission line is to be installed in navigable waters of the United States, at least two weeks prior to the start of the authorized work, the permittee must notify the National Oceanic Atmospheric Administration (NOAA) and the Corps' office in writing that the work is commencing, and again upon completion of the work. The permittee shall notify the District Engineer at the letterhead address, attention Regulatory Division, and NOAA, at Nautical Data Branch N/CS26, Station 7317, 1315 East-West Highway, Silver Spring, MD 20910-3282. This notification shall include "as-built plans," signed and sealed by a registered surveyor/engineer licensed in the State of Florida, Commonwealth of Puerto Rico, or Territory of U.S. Virgin Islands, as appropriate, that certify the project is constructed as authorized, and must include an accurate (within plus or minus 1 foot) depiction of the location and configuration of the completed activity in relation to the mean high water of the navigable water. (COE) 12. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE) 13. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE) 14. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see

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														http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 15. A structure may not be located on the sea bed of the Florida Keys without prior approval from NOAA Florida Keys National Marine Sanctuary. (COE)
13. Bank Stabilization (10/404)	All	500 ft length; 1cy/ft below OHWM or high tide line	500 ft length; or 1cy/ft below OHWM or high tide line; Project located in a special aquatic site; Regional Conditions #3, #6, #7, #8, #9; GC #22	If over ½ acre of WOTUS will be lost;	Yes$^{\phi}$	Yes$^{\phi}$							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. Excluded from use in the Florida Keys. (COE) 3. PCN required for all activities under this NWP in the Antilles. (COE) 4. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 5. Excluded from use in the Antilles if the structure is within 100 feet of the near edge of a Federal channel (COE) 6. In Florida, PCN required for projects proposed adjacent to Federally maintained channels. No structures, including mooring piles, authorized under this Nationwide Permit shall be within the established 100' setback, calculated from the near bottom edge of the channel. The setback may vary between different Federal channels and between specific reaches of the same Federal channel. Exact locations of the proposed work may be verified by use of Florida State Plane Coordinate System (XY coordinates). Any activity within Federal rights-of-way may require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity. (COE) 7. PCN required for projects in the following rivers, creeks, and their tributaries: Escambia River, Yellow River, Shoal River, Choctawhatchee River, Chipola River, Apalachicola River, Ochlockonee River, Santa Fe and New Rivers, and Econfina Creek. (COE) 8. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE) 9. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE) 10. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
14. Linear Transportation Projects (10/404)	Non-tidal waters Tidal Waters	½ acre 1/3 acre	1/10 acre; or Discharges into special aquatic sites; Regional Conditions #3,	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption

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			#6, #7, #8, #10											under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, coral assemblages, and/or tidal wetlands. (COE) 3. PCN required for all projects in the Antilles and shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 4. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE) 5. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE) 6. In Florida, PCN required for projects in WOTUS accessible to the Florida panther. (COE) 7. In Florida, PCN required for projects in waters accessible to manatees. (COE) 8. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish (COE) 9. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 10. PCN required for projects in the following rivers, creeks, and their tributaries: Escambia River, Yellow River, Shoal River, Choctawhatchee River, Chipola River, Apalachicola River, Ochlockonee River, Santa Fe and New Rivers, and Econfina Creek. (COE) 11. Excluded from use in the Florida Keys. (COE)
15. U.S. Coast Guard Approved Bridges (404)	All	None	Regional Conditions #3, #4; GC #22	No	Yes[ϕ]	Yes[ϕ]							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, coral assemblages, and/or tidal wetlands. (COE) 3. PCN required for all projects in the Antilles and shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 4. In Florida, PCN required for projects in waters accessible to manatees. (COE)
16. Return Water from Upland Contained	All	None	None	No									22. Discharges not authorized in Designated Critical Resource Waters [3]	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority

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Disposal Areas (404)													and/or their adjacent wetlands.	under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, tidal vegetation, and/or coral assemblages. (COE)
17. Hydropower Projects (404)	existing reservoirs, project licensed by FERC	total generating capacity< 5000KW	All activities	If over ½ acre of WOTUS will be lost	Yes[ϕ]	Yes[ϕ]							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. Excluded from use in the Florida Keys. (COE)
	Project w/ FERC exemption	None												
18. Minor Discharges (10/404)	All	Discharge does not exceed 25 cy below MHWM or OHWM; 1/10 acre	10 cy below OHWM or high tide line; Any fill in special aquatic site; Regional Conditions #2, #6, #7, #8; GC #22	If over ½ acre of WOTUS will be lost	Yes[ϕ]	Yes[ϕ]							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. In the Antilles PCN required for all activities proposed in the areas listed below in Notes 1 and 2. (COE) 3. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 4. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 5. Excluded from use in the Florida Keys. (COE) 6. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE) 7. In Florida, PCN required for projects in WOTUS accessible to the Florida panther. (COE)

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordi-nation Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														8. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees.(COE) 9. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
19. Minor Dredging (10/404)	Navigable	25 cy below OHWM / MHW	Regional Conditions #2, #5, #6, #8; GC #22	No	Yes$^{\phi}$	Yes$^{\phi}$							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN required for all projects in the Antilles and shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. Excluded from use in the Florida Keys. (COE) 4. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 5. In Florida, PCN required for projects in waters accessible to manatees. (COE) 6. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE) 7. For projects in WOTUS accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 8. PCN required for projects in the following rivers, creeks, and their tributaries: Escambia River, Yellow River, Shoal River, Choctawhatchee River, Chipola River, Apalachicola River, Ochlockonee River, Santa Fe and New Rivers, and Econfina Creek. (COE) 9. Hopper dredging is not allowed under this NWP. (COE)
20. Oil Spill Cleanup (10/404)	All	None	None	No	Yes$^{\phi}$	Yes$^{\phi}$								1. In Florida, activities authorized under this NWP shall be conducted in conformance with the National Response Team Integrated Contingency Plan Guidance, available at 1-800-424-9346 and in conformance with any applicable emergency order for oil spill or hazardous waste control, clean-up, and recovery/restoration issued by the DEP. (WQC/CZM-FL)
21. Surface Coal Mining Operations (10/404)	All	None	All activities	If over ½ acre of WOTUS will be lost; if more than 300 linear feet of intermittent	NAJ	NAJ							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	NONE. COAL MINING DOES NOT OCCUR IN THE JACKSONVILLE DISTRICT

See Last Page for List of Acronyms and Definitions

Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordi-nation Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
				or ephemeral stream bed will be impacted										
22. Removal of Vessels (10/404)	All	None	Vessels listed/ or eligible for NRHP; activity in special aquatic sites; regional condition #2, #6; GC #22	If over ½ acre of WOTUS will be lost	Yes[ϕ]	Yes[ϕ]							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. In Florida and the Antilles, PCN required prior to use in forested wetlands, submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 3. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 4. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 5. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 6. PCN required if the activity is proposed within designated critical habitat for any federally listed species.(COE)
23. Approved Categorical Exclusions (10/404)	All	None	Those stipulated by the CatExs themselves; GC #22	If stipulated by the CatExs themselves;	Yes[ϕ]	Yes[ϕ]							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordi-nation Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 4. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
24. Indian Tribe or State Administered Section 404 Programs (10)	All	None	None	No	NAJ	NAJ								NONE. NO TRIBAL OR STATE ASSUMPTION HAS OCCURRED YET IN THE JACKSONVILLE DISTRICT.
25. Structural Discharges (404)	All	None	Regional Condition #2; GC #22	No	Yes$^{\phi}$	Yes$^{\phi}$							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN required for all projects in the Antilles and shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 4. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
26. [Reserved]														
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities (10/404)	All	None	All activities except those undertaken with USFWS, NRCS, FSA, NMFS, NOS, or OSM in accordance with the	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004,

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements :	Coordi-nation Req'd	WQ C FL	CZM FL	WQC PR	CZM PR	WQ C VI	CZM VI	WQ C STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
			notification requirement; GC #22											by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. Lake restoration projects proposing any type of in-lake disposal of dredged or fill material are excluded from use of this permit. (COE) 4. Except when used by the Sanctuary for restoration work within the Sanctuary as noted in regional condition #5 below, projects proposing restoration of submerged aquatic vegetation are excluded from this permit. (COE) 5. Excluded from all navigable waters within the boundaries of the Florida Keys National Marine Sanctuary, except when NWP 27 is used by the Sanctuary for restoration work within the Sanctuary. (COE)
28. Modifications of Existing Marinas (10)	Navigable	None	Regional Conditions #3, #5; GC #22	No	NA	Yes$^{\phi}$							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. In Florida and Puerto Rico, PCN required for projects in waters accessible to manatees. (COE) 4. For projects in WOTUS accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 5. PCN is required prior to the start of any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 6. Excluded from use in the Florida Keys. (COE)
29. Residential Developments (10/404)	Non-tidal, excluding all wetlands adjacent to tidal waters	1/2 acre; 300 linear feet of stream bed	All activities	If over ½ acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral	Yes$^{\phi}$	Yes$^{\phi}$							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL)

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordination Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
				stream bed will be lost										2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. Excluded from use in forested wetlands in the Antilles. (COE) 4. Excluded from use in the Florida Keys. (COE) 5. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE) 6. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE)
30. Moist Soil Management for Wildlife (404)	Non-tidal	None	GC #22	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
31. Maintenance of Existing Flood Control Facilities (10/404)	All	Projects previously permitted by, or built by the Corps.	All activities	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
32. Completed Enforcement Actions (10/404)	All	5 acres (nontidal); 1 acre (tidal)	NA	No	Yes$^{\phi}$	Yes$^{\phi}$								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordi-nation Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. Application shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010. The application must also contain the information described in General Condition 31. (COE) 3. In the Antilles, this NWP cannot be used to legalize any unauthorized fill activities with impacts to forested wetlands. (COE)
33. Temporary Construction, Access and Dewatering (10/404)	All	None	All activities	If over ½ acre of WOTUS will be lost	Yes[ϕ]	Yes[ϕ]							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, the activities under this NWP may have already have received WQC and applicable CZCC as part of a permit under Part IV of Chapter 373, F.S., and any applicable authorization for work on state-owned submerged lands under Chapter 253, F.S., for the larger activity for which construction access is required. If it has not, prior to the initiation of any construction or alteration under this NWP, the construction access must be authorized by the applicable permits required under Chapter 373, F.S., by the DEP, a WMD under Section 373.069, F.S., or a delegated local government under Section 373.441, F.S., as well as any authorization required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. (WQC/CZM-FL) 2. In the Antilles, this NWP is excluded from use in forested wetlands, submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 3. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
34. Cranberry Production Activities (404)	All	10 acres	All activities	If over ½ acre of WOTUS will be lost	Yes[ϕ]	Yes[ϕ]							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	NONE. CRANBERRY PRODUCTION DOES NOT OCCUR IN THE JACKSONVILLE DISTRICT.
35. Maintenance Dredging of Existing Basins (10)	Navigable	None	Regional Conditions #4, #5	No	NA	Yes[ϕ]							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (CZM-FL) 2. On lands of the Seminole Tribes of Florida the following conditions will apply: (a) Dredging authorized by this nationwide permit will not exceed the originally excavated depth. (WQC-STF) (b) This permit does not authorize the removal of plugs or connections of any canal to navigable waters of the U.S. (WQC-STF) (c) Documentation shall be provided showing the originally authorized depth. (WQC-STF) (d) Any spoil material shall be deposited at a self-contained upland spoil site in such a manner that it will be totally contained in the uplands without discharge. (WQC-STF) 3. Excluded from use in the Florida Keys and the Antilles. (COE) 4. In Florida other than the Florida Keys, a PCN is required prior to the start of any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 5. In Florida, PCN required for projects in waters accessible to manatees. (COE)

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordination Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														6. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE) 7. For projects in WOTUS accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 8. Hopper dredging is not allowed under this NWP. (COE)
36. Boat Ramps (10/404)	All except special aquatic sites	50 cy; 20 ft width	> 50 cy; or > 20 ft width; Regional Conditions #5, #6, #7; GC#22	No	Yes$^{\phi}$	Yes$^{\phi}$							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. No boat ramps may be constructed on tribal lands or in tribal waters without prior written approval of the STF. (WQC-STF) 3. Excluded from use in the Florida Keys and the Antilles. 4. Excluded in areas without existing access to navigation channels where the minimum water depth for ingress to or egress from the navigation channels is less than -3 feet at mean or ordinary low water. (COE) 5. In Florida, PCN required for projects in WOTUS accessible to the Florida panther. (COE) 6. In Florida, other than the Florida Keys, PCN required for projects in waters accessible to manatees. (COE) 7. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE) 8. For projects in WOTUS accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
37. Emergency Watershed Protection and Rehabilitation (10/404)	All	NRCS, USFS, or DOI only	All activities	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345,

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordination Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
38. Cleanup of Hazardous and Toxic Waste (10/404)	All	None	All activities	If over ½ acre of WOTUS will be lost	Yes[ϕ]	Yes[ϕ]							22. Activities in Designated Critical Resource Waters [3] and/or their adjacent wetlands require notification.	1. In Florida, WQC is granted and the Corps may presume CZCC for cleanup conducted in accordance with Section 121(e) of CERCLA, and separate state permits are not required. Any other cleanup activities under this NWP must be authorized, prior to the initiation of any construction or alteration, by the applicable permit required under Part IV of Chapter 373, F.S., by the DEP, a WMD under Section 373.069, F.S., or a delegated local government under Section 373.441, F.S., and receive WQC and applicable CZCC or waiver thereto, as well as any authorizations required for the use of state-owned submerged lands under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE)
39. Commercial, and Institutional Developments (10/404)	Non-tidal, excluding all wetlands adjacent to tidal waters	½ acre; 300 linear feet of stream bed	All activities	If over ½ acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost	Yes[ϕ]	Yes[ϕ]							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. Excluded from use in forested wetlands in the Antilles. (COE) 4. Excluded from use in the Florida Keys. (COE) 5. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE) 6. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE)
40. Agricultural Activities (404)	Non-tidal, excluding all wetlands adjacent to tidal waters	½ acre; 300 linear feet of stream bed	All activities	If over ½ acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost	Yes[ϕ]	Yes[ϕ]							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. Excluded from use in forested wetlands in the Antilles. (COE)

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordination Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														4. Excluded from use in the Florida Keys. (COE) 5. Excluded from use in the Belle Meade North bounded by I-75 to the south, Golden Gate Canal to the west, and Miller Canal to the east, and Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE) 6. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE)
41. Reshaping Existing Drainage Ditches (404)	Non-tidal, excluding all wetlands adjacent to tidal waters	minimum necessary	Reshaping >500 linear ft; Regional Condition #3	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. No change in the rate or volume of water discharged from the site from pre-construction conditions is authorized. (WQC/CZM-FL) 3. PCN required prior to the start of any activity in the Jacksonville District. (COE) 4. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 5. Excluded from use in the Florida Keys. (COE) 6. In Florida, the PCN shall include a sediment and erosion control plan. (COE) 7. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE) 8. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE)
42. Recreational Facilities (404)	Non-tidal, excluding all wetlands adjacent to tidal waters	½ acre; 300 linear feet of stream bed	All activities	If over ½ acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost	Yes$^{\phi}$	Yes$^{\phi}$							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. Excluded from use in forested wetlands in the Antilles. (COE) 4. Excluded from use in the Florida Keys. (COE) 5. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east,

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordination Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														and U.S. 41 to the south in Collier County, FL. (COE) 6. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE)
43. Stormwater Management Facilities (404)	Non-tidal, excluding wetlands adjacent to tidal waters	½ acre; 300 linear feet of stream bed	All new construction or expansion but not maintenance; Regional Conditions #2 and #7	If over ½ acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost	Yes[ϕ]	Yes[ϕ]							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN required prior to start of all work in wetlands adjacent to Deerpoint Lake and its tributaries, Bay County, FL. (COE) 3. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 4. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE) 5. Excluded from use in the Florida Keys. (COE) 6. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE) 7. In Florida, PCN required for projects in WOTUS accessible to the Florida panther. (COE)
44. Mining Activities (10/404)	non-tidal WOTUS; 300 linear feet of intermittent or ephemeral stream bed	½ acre	All activities	If over ½ acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost	Yes[ϕ]	Yes[ϕ]							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. Excluded from use in the Belle Meade North bounded by I-75 to the south, Golden Gate Canal to the west, and Miller Canal to the east, and Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE) 4. Excluded from use in the Corkscrew Marsh Basin, south of S.R. 82, east of I-75 in Collier and Lee Counties. (COE) 5. Excluded from use in the Florida Keys. (COE) 6. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE)
45. Repair of	All	Minimum	All activities	If over ½	Yes[ϕ]	Yes[ϕ]								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by an Emergency Order

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordination Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
Uplands Damaged by Discrete Events (10/404)		necessary		acre of WOTUS will be lost										executed by the Governor or the Secretary of FDEP, or the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. Excluded from use in the Antilles if the structure is within 100 feet of the near edge of a Federal channel. (COE) 3. In Florida, PCN required for projects proposed adjacent to Federally maintained channels. No structures, including mooring piles, authorized under this Nationwide Permit shall be within the established 100' setback, calculated from the near bottom edge of the channel. The setback may vary between different Federal channels and between specific reaches of the same Federal channel. Exact locations of the proposed work may be verified by use of Florida State Plane Coordinate System (XY coordinates). Any activity within Federal rights-of-way may require the permittee to enter into a consent-to-easement with the Real Estate Division, U.S. Army Corps of Engineers, Jacksonville or Mobile District, as appropriate, prior to the commencement of any construction activity. (COE) 4. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 5. For projects in WOTUS accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE)
46. Discharges in Ditches and Canals (404)	Upland-cut ditches only	1 acre	All Activities	If over ½ acre of WOTUS will be lost	Yes$^{\phi}$	Yes$^{\phi}$								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. Prior to initiation of construction on tribal lands or in tribal waters under this NWP, prior written approval must be obtained from the Seminole Tribe of Florida. (WQC-STF) 3. Prior to initiation of construction on tribal lands or in tribal waters which discharge into Miccosukee Federal Reservation, under this NWP, prior written approval must be obtained from the Miccosukee Tribe of Indians of Florida. (WQC-MTIF) 4. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 5. In Florida, the PCN shall include a sediment and erosion control plan. (COE)

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordi-nation Req'd	WQ C FL	CZM FL	WQC PR	CZM PR	WQ C VI	CZM VI	WQ C STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														6. Excluded from use in the Florida Keys. (COE) 7. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE) 8. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE)
47. [Reserved]														
48. Commercial Shellfish Aquaculture Activities (10/404)	All	None, unless new project area then >1/2 acre impact to SAV	Change in species; or dredge harvesting in SAV; or change in culture methods; or new project area. Regional Conditions #3, #4, #5, #6	All requiring PCN	Yes[ϕ]	Yes[ϕ]								1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S. Such permit issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1), or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities, as well as for aquaculture certificates issued by the Florida Department of Agriculture and Consumer Services under s. 597.004, by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapters 597 and 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. Dredging of sediments is not authorized (except as outlined in Condition 1), except for harvesting of crabs, sand dollars, sea urchins and similar invertebrates by properly accredited scientific researchers and private individuals not engaged in commercial activities. (WQC/CZM-FL) 3. In Florida, PCN required prior to the start of any activity proposed within submerged aquatic vegetation, tidal wetlands, and/or coral assemblages. (COE) 4. PCN required for all projects in the Antilles and shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 5. In Florida, PCN required for projects in waters accessible to manatees. (COE) 6. In Florida, PCN required for projects proposed within critical habitat for the smalltooth sawfish. (COE) 7. Placement of materials for Live Rock culture and the harvesting of Live Rock are excluded from this nationwide. (COE) 8. For projects in WOTUS accessible to sea turtles, Smalltooth sawfish, Gulf sturgeon, or Shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 9. Excluded from use in the Florida Keys. (COE)
49. Coal Remining Activities (10/404)	All	None	All activities	If over ½ acre of WOTUS will be lost	NAJ	NAJ	NAJ	NAJ	NAJ	NAJ	NAJ	NAJ	22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	NONE. COAL MINING DOES NOT OCCUR IN THE JACKSONVILLE DISTRICT
50. Underground Coal Mining	All	2 acres non-tidal waters	All activities	If over ½ acre of WOTUS	NAJ	NAJ	NAJ	NAJ	NAJ	NAJ	NAJ	NAJ	22. Discharges not authorized in Designated Critical	NONE. COAL MINING DOES NOT OCCUR IN THE JACKSONVILLE DISTRICT

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordination Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
Activities (10/404)				will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost									Resource Waters [3] and/or their adjacent wetlands.	
51. Land-Based Renewable Energy Generation Facilities (10/404)	Non-tidal, excluding wetlands adjacent to tidal waters	½ acre; 300 linear feet of stream bed	All activities	If over ½ acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost	Yes[ϕ]	Yes[ϕ]							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 3. Excluded from use in forested wetlands in the Antilles. (COE) 4. Excluded from use in the Florida Keys. (COE) 5. Excluded from use in Golden Gate Estates, south of Alligator Alley in Collier County. This NWP may apply up to the 1/2 acre limit within Golden Gates Estates north of Alligator Alley. (COE) 6. Excluded from use in the Belle Meade South bounded by I-75 to the north, CR 951 to the west, Miller Canal to the east, and U.S. 41 to the south in Collier County, FL. (COE)
52. Water-Based Renewable Energy Generation Pilot Projects (10/404)	All	½ acre; 300 linear feet of stream bed	All Activities	If over ½ acre of WOTUS will be lost ; if more than300 linear feet of intermittent or ephemeral stream bed will be lost	Yes[ϕ]	Yes[ϕ]							22. Discharges not authorized in Designated Critical Resource Waters [3] and/or their adjacent wetlands.	1. In Florida, activities qualifying for this Nationwide general permit (NWP) must be authorized by the applicable permit or exemption under Part IV of Chapter 373, F.S., and by any authorization required to use or occupy state-owned submerged lands (SSL) under Chapter 253, F.S., and, as applicable, Chapter 258, F.S. Such permit, issued by the Department of Environmental Protection, a water management district under s. 373.069, F.S., or a local government with delegated authority under s. 373.441, F.S., will provide the applicable Water Quality Certification (WQC) or waiver thereto, and Coastal Zone Consistency Concurrence (CZCC). WQC is waived for activities authorized under this NWP that qualify for an exemption under s. 403.813(1) or 373.406, F.S., or the rules of the Florida Administrative Code (F.A.C.) adopted under Part IV of Chapter 373, F.S. The Corps under 33 C.F.R. § 325.2(b)(2) may presume CZCC for the above exempt activities by operation of s. 380.23(7), F.S., provided the activity receives the applicable authorization to use and occupy SSL under Chapter 253, F.S., and, as applicable, Chapter 258, F.S., and the rules of the F.A.C. adopted thereunder. The Corps shall not be precluded from acting on a request to use this NWP before the applicable SSL authorization is granted. (WQC/CZM-FL) 2. In Florida, in addition to not being available in coral reefs, this NWP is not applicable in the following areas: other coral communities, submerged aquatic vegetation communities, live/hard-bottom communities, and shellfish harvesting areas. A visual survey, conducted by qualified professionals, documenting the benthic habitat types in the project area must be submitted. (CZM-FL)

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Type of Nationwide Permit	Applicable Waters	Acreage & Linear Limits	PCN Threshold and/or Requirements:	Coordi-nation Req'd	WQC FL	CZM FL	WQC PR	CZM PR	WQC VI	CZM VI	WQC STF	WQC MTIF	GENERAL CONDITIONS Permittee must satisfy all applicable general conditions. General Condition #22 restrictions are noted below.	Regional Conditions and Water Quality Certification and/or Coastal Zone Consistency Certification Special Conditions **NOTE:** U.S. Army Corps of Engineers (Corps) Regional Conditions are Jacksonville District conditions and have (COE) beside the condition. All others are special conditions attached to Water Quality Certification or Coastal Zone Consistency. A Nationwide permit cannot be used in an exclusion area designated by the Corps (COE). Exclusion areas attached to WQC/CZM are denied without prejudice until individual WQC/CZM is received. Where technical notes, guidelines, etc. are referenced in the regional conditions below, these documents may be subject to revision at any time. It is our intention that the most recent version of these conditions shall be utilized during the evaluation of the permit application.
														3. This NWP is not applicable in Designated Critical Resource Waters in Florida and other state- and federally-managed areas such as marine sanctuaries, Habitat Areas of Particular Concern (HAPC), aquatic preserves, and parks. (CZM-FL) 4. PCN in the Antilles shall be made through the Joint Permit Process using the DA Permit Application ENG FORM 4345, Oct 2010, and the form must indicate it is a NWP Pre-Construction Notification. (COE) 5. In Florida and Puerto Rico, for projects in WOTUS accessible to manatees, the permittee shall utilize the "Standard Manatee Conditions For In-Water Work" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 6. For projects in WOTUS accessible to sea turtles, smalltooth sawfish, Gulf sturgeon, or shortnose sturgeon, the permittee shall utilize the "Sea Turtle and Smalltooth Sawfish Construction Conditions" (see http://www.saj.usace.army.mil/Divisions/Regulatory/sourcebook.htm) and/or requirements, as appropriate for the proposed activity. (COE) 7. Excluded from all navigable waters within the boundaries of the Florida Keys National Marine Sanctuary. (COE) 8. Excluded within the boundaries of Designated Marine Reserves, Marine Protected Areas and Parks in the Antilles. (COE)

1. Puerto Rico: Culebra Island; the coastal zone of La Parguera from Punta Jorobado for a distance of approximately twenty kilometers west to Cabo Rojo; Cartagena Lagoon; Tortuguero Lagoons; Mona Island; Forest Reserve Area at Piñones and Torrecilla; Las Cabezas; El Yunque; Jobos Bay; Mar Negro; Río Mameyes; Las Cucharillas Marsh; Caño Tiburones; Rio Herrera/Miñi-Miñi/Mediania area; entire Municipality of Cabo Rojo; Caño Boquillas west of PR-2; Cayures Marsh in Aguada and its contiguous wetlands; the basin wetlands of Bajuras at Isabela, Camuy, and Carrizales in Arecibo; Prieta wetlands at Vega Alta; San Pedro wetlands in Dorado and Toa Alta; Cienaga Baja in Río Grande; wetlands associated with Herrera and Espiritu Santo Rivers; coastal wetlands of Santa Isabel; and all Commonwealth designated Natural Reserve areas. Also, areas along Martin Pena Channel and associated wetlands; Pinones State Forest wetlands; Torecilla Alta Pterocarpus Forest - Loiza; El Faro (Cabezas de San Juan) - Fajardo; wetlands in the Guanica State Forest; Humacao Swamp and Pterocarpus Forest; Caja de Muertos - Ponce, Jobos Bay - Salinas, Mar Negro - Salinas, Boqueron State Forest - Cabo Rojo; Dorado Pterocarpus Forest; Vieques Bioluminescent Bay; Laguna Tortugero; Caño Tiburones; Espinar Swamp (Aguada-Aguadilla); Laguna Joyuda mangroves - Cabo Rojo; Pandura and Guardarraya Special Planning Area; and Ceiba State Forest.

2. U.S. Virgin Islands: St. Croix Annally, Green Cay, Isaac Bay, Cramer's Park and East Point, Sandy Point, Salt River, Teague Bay Reef, Vagthus Point, Altonna Lagoon; St. John -- All Cays, Lagoon Point Newfound Bay, Chocolate Hole, Fish Bay; and St. Thomas -- Botany Bay and Sandy Bay, Coki Cliffs, Mangrove Lagoon (in its entirety), Bovoni wetland area; All cays, Cane Bay, Magens Bay, Mandahl Bay, Neltjeberg Bay and Stumpy Bay.

[3] In accordance with General Condition No. 21, Designated Critical Resource Waters in Florida are:
(a) Wetlands and other surface waters in National Estuarine Research Reserves, NOAA-managed National Marine Sanctuaries and marine monuments, and state designated Outstanding National Resource Waters: Biscayne National Park; Everglades National Park.
(b) State natural heritage sites, and the Marjorie Harris Carr Cross Florida Greenway State Recreation and Conservation Area.
(c) Wetlands and other surface waters in the Florida Keys.
(d) Wetlands and other surface waters in active designated State of Florida Areas of Critical State Concern, including the Green Swamp, and the Big Cypress Swamp, and surface waters of the state (as defined in rule 62-312.030, F.A.C.) in the City of Apalachicola.

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Antilles: For purposes of these regional conditions, the Antilles means either or both the Commonwealth of Puerto Rico and the Territory of the U.S. Virgin Islands.
COE: U.S. Army Corps of Engineers
CZM: Consistency with the State's Coastal Zone Management Plan
DEP: Florida Department of Environmental Protection
FL: Florida
FWS: U.S. Fish and Wildlife Service
MTIF: Miccosukee Tribe of Indians of Florida
NA: Not Applicable
NAJ: Not applicable in the Jacksonville District
NMFS: National Marine Fisheries Service
NOAA: National Oceanic and Atmospheric Administration
PCN: Pre-construction notification
PR: Commonwealth of Puerto Rico
STF: Seminole Tribe of Florida
USVI: Territory of the U.S. Virgin Islands
WOTUS: waters of the United States
WQC: Water Quality Certification conferred by the State
$^{\phi}$ Indicates a special condition requiring State of Florida individual review language in verification letter.

The term "coral assemblage" includes coral reefs as well as other hard and soft coral communities, including hard-bottom communities.

The term "live/hard-bottom communities" includes any area that contains varying biological assemblages of algal species and/or invertebrates such as corals (stony, soft or black corals), hydroids, gorgonians, telestaceans, anemones, zoanthids, corallimorphs, worms, bryozoans, tunicates or sponges, living upon and attached to naturally occurring permanent or ephemeral hard or rocky formations with rough, broken or smooth topography and of variable vertical relief. This would include both natural reefs (e.g., coral reefs, oyster reefs, and worm reefs), and artificial reefs.

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