

Casco Bay Island Transit District
Marine Structures Improvements

WIN NO. 18363.00

January 11, 2013

Updated 10/04/12

FEDERAL PROJECT

BIDDING INSTRUCTIONS

FOR ALL PROJECTS:

1. Use pen and ink to complete all paper Bids.
2. As a minimum, the following must be received prior to the time of Bid opening:

For a Paper Bid:

- a) a copy of the Notice to Contractors, b) the completed Acknowledgement of Bid Amendments form, c) the completed Schedule of Items, d) two copies of the completed and signed Contract Offer, Agreement & Award form, e) a Bid Guaranty, (if required), and f) any other certifications or Bid requirements listed in the Bid Documents as due by Bid opening.

For an Electronic Bid:

- a) Electronic Bidding is not applicable for this project.
3. Include prices for all items in the Schedule of Items (excluding non-selected alternates).
 4. Bid Guaranty acceptable forms are:
 - a) a properly completed and signed Bid Bond on the Department's prescribed form (or on a form that does not contain any significant variations from the Department's form as determined by the Department) for 5% of the Bid Amount or
 - b) an Official Bank Check, Cashier's Check, Certified Check, U.S. Postal Money Order or Negotiable Certificate of Deposit in the amount stated in the Notice to Contractors or
 5. If a paper Bid is to be sent, "FedEx First Overnight" delivery is suggested as the package is delivered directly to the DOT Headquarters Building located at 16 Child Street in Augusta. Other means, such as U.S. Postal Service's Express Mail has proven not to be reliable.

IN ADDITION, FOR FEDERAL AID PROJECTS:

6. Complete the DBE Proposed Utilization form, and submit with your bid. If you are submitting your bid electronically, you must FAX the form to (207) 624-3431. This is a curable defect.

If you need further information regarding Bid preparation, call the office of Scott Simons Architects, attn: Austin Smith at (207) 772-4656x103.

For complete bidding requirements, refer to Section 102 of the Maine Department of Transportation, Standard Specifications, Revision of December 2002.

NOTICE

For security and other reasons, all Bid Packages which are mailed, shall be provided in double (one envelope inside the other) envelopes. The *Inner Envelope* shall have the following information provided on it:

Bid Enclosed - Do Not Open

PIN:

Date of Bid Opening:

Name of Contractor with mailing address and telephone number:

In Addition to the usual address information, the *Outer Envelope* should have written or typed on it:

Double Envelope: Bid Enclosed

PIN:

Date of Bid Opening:

Name of Contractor:

This should not be much of a change for those of you who use Federal Express or similar services.

Hand-carried Bids may be in one envelope as before, and should be marked with the following information:

Bid Enclosed: Do Not Open

PIN:

Name of Contractor:

October 16, 2001

STATE OF MAINE DEPARTMENT OF TRANSPORTATION
Bid Guaranty-Bid Bond Form

KNOW ALL MEN BY THESE PRESENTS THAT _____

_____ of the City/Town of _____ and State of _____

as Principal, and _____ as Surety, a Corporation duly organized under the laws of the State of _____ and having a usual place of Business in _____ and hereby held and firmly bound unto the Treasurer of the State of Maine in the sum of _____ for payment which Principal and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally.

The condition of this obligation is that the Principal has submitted to the Maine Department of Transportation, hereafter Department, a certain bid, attached hereto and incorporated as a part herein, to enter into a written contract for the construction of _____

_____ and if the Department shall accept said bid and the Principal shall execute and deliver a contract in the form attached hereto (properly completed in accordance with said bid) and shall furnish bonds for this faithful performance of said contract, and for the payment of all persons performing labor or furnishing material in connection therewith, and shall in all other respects perform the agreement created by the acceptance of said bid, then this obligation shall be null and void; otherwise it shall remain in full force, and effect.

Signed and sealed this _____ day of _____ 20_____

WITNESS:

WITNESS

PRINCIPAL:

By _____
By: _____
By: _____

SURETY:

By _____
By: _____
Name of Local Agency: _____

NOTICE

Bidders:

Please use the attached "Request for Information" form when faxing questions and comments concerning specific Contracts that have been Advertised for Bid. Include additional numbered pages as required. Questions are to be faxed to the number listed in the Notice to Contractors. This is the only allowable mechanism for answering Project specific questions. Maine DOT will not be bound to any answers to Project specific questions received during the Bidding phase through other processes.

NOTICE

Disadvantaged Business Enterprise Proposed Utilization

The Apparent Low Bidder shall submit the Disadvantaged Business Enterprise Proposed Utilization form with their bid. This is a curable bid defect.

The Contractor's Disadvantaged Business Enterprise Proposed Utilization Plan form contains additional information that is required by USDOT.

The Contractor's Disadvantaged Business Enterprise Proposed Utilization Plan form should be used.

A copy of the new Contractor's Disadvantaged Business Enterprise Proposed Utilization Plan and instructions for completing it are attached.

Note: Questions about DBE firms, or to obtain a printed copy of the DBE Directory, contact The Office of Civil Rights at (207) 624-3066.

MDOT's DBE Directory of Certified firms can also be obtained at www.maine.gov/mdot/disadvantaged-business-enterprises/dbe-home.php

INSTRUCTIONS FOR PREPARING THE MaineDOT CONTRACTOR'S DBE/SUBCONTRACTOR UTILIZATION FORM

The Contractor Shall Extend equal opportunity to MaineDOT certified DBE firms (as listed in MaineDOT's DBE Directory of Certified Businesses) in the selection and utilization of Subcontractors and Suppliers.

SPECIFIC INSTRUCTIONS FOR COMPLETING THE FORM:

Insert Contractor name, the name of the person(s) preparing the form, and that person(s) telephone, fax number and e-mail address.

Calculate and provide percentage of your bid that will be allocated to DBE firms, Federal Project Identification Number, and location of the Project work.

In the columns, name each subcontractor, DBE and non-DBE firm to be used, provide the Unit/Item cost of the work/product to be provided by the subcontractor, give a brief description and the dollar value of the work.

Revised 1/12

DBE GOAL NOTICE
Maine Department of Transportation
Disadvantaged Business Enterprise Program

Notice is hereby given that in accordance with US DOT regulation 49 CFR Part 26, the Maine Department of Transportation has established a DBE Program for disadvantaged business participation in the federal-aid highway and bridge construction program; MaineDOT contracts covered by the program include consulting, construction, supplies, manufacturing, and service contracts.

For FFY 2013-15 (October 1, 2012 through September 30, 2015) MaineDOT has established an annual DBE participation goal of **4.0%** to be achieved through race/gender neutral means. This goal has been approved by the Federal Highway Administration and remains in effect through September 30, 2015. Maine DOT must meet this goal each federal fiscal year. If the goal is not met, MaineDOT must provide a justification for not meeting the goal and provide a plan to ensure the goal is met, which may include contract goals on certain projects that contractors will be required to meet.

MaineDOT asks all contractors, consultants and subcontractors to seek certified DBE firms for projects and to work to meet the determined 4.0% goal without the need to impose contract goals. DBE firms are listed on the MaineDOT website at:

<http://www.maine.gov/mdot/disadvantaged-business-enterprises/pdf/directory.pdf>

Interested parties may view MaineDOT's DBE goal setting methodology also posted on this website. If you have questions regarding this goal or the DBE program you may contact Sherry Tompkins at the Maine Department of Transportation, Civil Rights Office by telephone at (207) 624-3066 or by e-mail at: sherry.tompkins@maine.gov

**MaineDOT CONTRACTOR'S DBE/SUBCONTRACTOR
PROPOSED UTILIZATION FORM**

All Bidders must furnish this form with their bid on Bid Opening day

Contractor: _____ Telephone: _____ Ext _____

Contact Person: _____ Fax: _____

E-mail: _____

BID DATE: _____

FEDERAL PROJECT PIN # _____ PROJECT LOCATION: _____

TOTAL ANTICIPATED DBE ___% PARTICIPATION FOR THIS CONTRACT

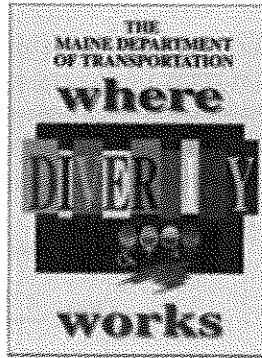
W B E	D B E	Non DBE	Firm Name	Item Number & Description of Work	Quantity	Cost Per Unit/Item	Anticipated \$ Value
Subcontractor Total >							
DBE Total >							

NOTE: THIS INFORMATION IS USED TO TRACK AND REPORT ANTICIPATED DBE PARTICIPATION IN ALL FEDERALLY FUNDED MAINE DOT CONTRACTS. THE ANTICIPATED DBE AMOUNT IS VOLUNTARY AND WILL NOT BECOME A PART OF THE CONTRACTUAL TERMS.

Equal Opportunity Use:

Form received: ___/___/___ Verified by: _____

For a complete list of certified firms and company designation (WBE/DBE) go to <http://www.maine.gov/mdot>



**Maine Department of Transportation Civil
Rights Office**

**Directory of Certified Disadvantaged Business
Enterprises**

Listing can be found at:

**[www.maine.gov/mdot/disadvantaged-business-
enterprises/dbe-home.php](http://www.maine.gov/mdot/disadvantaged-business-enterprises/dbe-home.php)**

**For additional information and guidance contact: Civil
Rights Office at (207) 624-3066**

*It is the responsibility of the Contractor to access
the DBE Directory at this site in order to have
the most current listings.*

Army Corps of Engineers, (USACE) and the United States Coast Guard (USCG).

SUMMARY: This notice announces action taken by the United States Army Corps of Engineers (USACE) and the United States Coast Guard (USCG) that is final within the meaning of 23 U.S.C. 139(j)(1). The action relates to the proposed Fore River Bridge (State Route 3A over the Weymouth Fore River) replacement project in Quincy and Weymouth, Norfolk County, Massachusetts. The action grants licenses, permits, and approvals for the project.

DATES: By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(j)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before December 24, 2012. If the Federal law that authorizes judicial review of a claim provides a time period of less than 180 days for filing such claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: For FHWA: Damaris Santiago, Environmental Engineer, FHWA Massachusetts Division Office, 55 Broadway, 10th Floor, Cambridge, MA 02142, 617-494-2419, dsantiago@dot.gov. For Massachusetts Department of Transportation Highway Division (MassDOT): Michael Furlong, Project Manager, Environmental Services, 10 Park Plaza, Room 4260, Boston, MA 02116, Monday through Friday 8:45 a.m.-5:00 p.m., 617-973-8067, michael.furlong@state.ma.us.

SUPPLEMENTARY INFORMATION: On January 11, 2012, the FHWA published "Notice of Final Federal Agency Actions on Proposed Bridge in Massachusetts" in the Federal Register at 77 FR 1782. The proposed project involves the replacement of the temporary bridge over the Weymouth Fore River in Quincy and Weymouth,

Massachusetts with a vertical lift bridge, as well as reconstruction of the immediate approaches. The bridge will provide a 250-foot navigable, horizontal opening with a 175-foot vertical clearance on the same alignment of the 1936 bridge, and will have two travel lanes in each direction, shoulders, and sidewalks. The Finding of No Significant Impact (FONSI) for this project was issued December 12, 2011. Notice is hereby given that, subsequent to the earlier FHWA notice, the USACE and USCG have taken final agency actions within the meaning of 23 U.S.C. 139(j)(1) by issuing permits and approvals for the bridge project. The

actions by the USACE and USCG, related final actions by other Federal agencies, and the laws under which such actions were taken, are described in the USACE and USCG decisions and its administrative record for the project, referenced as USACE Permit Numbers NAE-2009-360A and NAE-2009-360B, and USCG Bridge Permit number 1-12-1. That information is available by contacting the Massachusetts Department of Transportation at the address provided above.

Information about the project also is available from the FHWA at the address provided above. The FHWA FONSI, and the USACE and USCG decisions can also be viewed and downloaded from the project Web site at: <http://www.massdotprojectsforeriverbridge.info/>.

This notice applies to all USACE, USCG and other Federal agency final actions taken after the issuance date of the FHWA Federal Register notice described above. The laws under which actions were taken include, but are not limited to:

- (1) The General Bridge Act of 1946.
- (2) Section 404 of the Clean Water Act of 1972.
- (3) Section 9 & 10 of the Rivers and Harbors Act of 1899, as applicable.

Authority: 23 U.S.C. 139(j)(1).

Issued on: June 14, 2012.

Pamela S. Stephenson,
Division Administrator, Cambridge, MA.
[FR Doc. 2012-15243 Filed 6-22-12; 8:45 am]
BILLING CODE 4910-RY-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[FHWA Docket No. FHWA-2011-0122]

Revision of Form FHWA-1273

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice.

SUMMARY: This final notice announces the availability of revised form FHWA-1273—"Required Contract Provisions Federal-Aid Construction Contracts." This form includes certain contract provisions that are required on all Federal-aid construction projects. Federal-aid recipients must incorporate the revised form in Federal-aid construction projects no later than 45 days after publication of this final notice.

DATES: Effective Date: The final notice is effective August 9, 2012.

FOR FURTHER INFORMATION CONTACT: Gerald Yakowenko, Office of Program Administration, (202) 366-1562,

gerald.yakowenko@dot.gov or Michael Harkins, Office of the Chief Counsel, (202) 366-4928, michael.harkins@dot.gov. Office hours for the FHWA are from 8:00 a.m. to 4:30 p.m., e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access

This document may be viewed online through the Federal eRulemaking portal at: <http://www.regulations.gov>. Electronic submission and retrieval help and guidelines are available on the Web site. It is available 24 hours each day, 366 days this year. Please follow the instructions. An electronic copy of this document may also be downloaded from the Office of the Federal Register's home page at: <http://www.archives.gov/federal-register> and the Government Printing Office's Web page at: <http://www.gpo.gov/fdsys>.

Background

On January 31, 2012, at 77 FR 4880, FHWA published a notice and request for comments regarding FHWA's proposal to revise form FHWA-1273. As provided in 23 CFR 633.103, form FHWA-1273 includes contract provisions and proposal notices that are required by regulations promulgated by the FHWA or other Federal agencies. The provisions include non-discrimination, prevailing wage rates, subcontracting, job-site safety and other important requirements that must be included in every Federal-aid construction project. According to 23 CFR 633.104(a), FHWA will update the form as regulatory revisions occur. Since form FHWA-1273 was last revised on March 10, 1994, a number of regulatory revisions have occurred that necessitate the revision of the form.

Discussion of Comments

I. Summary

All comments received in response to the notice and request for comments have been considered in adopting this final notice. Comments were received from five representatives of three State departments of transportation (State DOT). The following discussion identifies and summarizes the major comments submitted by the commenters in response to the January 31, 2012, notice, as well as FHWA's response to those comments.

II. General Comments

Comment: A representative of the New Jersey DOT indicated that their contracts specifically preclude subcontractors from being a party to the

prime contract, and therefore, any direction to a subcontractor is not appropriate. This representative also noted that instructions or directions as to what State agencies must or must not do are not relevant or appropriate for inclusion in contract requirements between the New Jersey DOT and the contractor.

FHWA Response: Form FHWA-1273 is a compilation of Federal provisions that are required to be inserted into federally funded contracts and subcontracts. Under 23 CFR 633.102(d), these required contract provisions apply to all work performed on the contract by the prime contractor's own organization and by all of the prime's subcontractors. Pursuant to 23 CFR 633.102(b) and (e), form FHWA-1273 is to be physically incorporated into each Federal-aid highway construction contract and into each subcontract. These regulations were promulgated under lawful authority and are enforceable. Additionally, FHWA did not propose any changes to existing regulations. As such, FHWA cannot accept comments that would require FHWA to amend existing regulations. New Jersey DOT's comments would require FHWA to amend existing regulations.

III. Analysis of and Response to Comments by Section

Section I. General

The Wyoming DOT recommended that FHWA either mandate the inclusion of the FHWA-1273 in every subcontract agreement, purchase order, and rental agreement, or allow the contractor to reference form FHWA-1273. Also, a representative from the Pennsylvania DOT (PennDOT) recommended that FHWA consider allowing the States to include form FHWA-1273 in published standard specification documents (e.g. PennDOT Publication 408 Specifications) that become part of every construction contract by reference. This commenter stated that including form FHWA-1273 in the standard specifications publication would make the provisions available at all times for review.

FHWA Response: While FHWA appreciates the recommendations to reduce paperwork by allowing the incorporation of form FHWA-1273 by reference, FHWA is not able to comply with this request for several reasons. First, as explained in the January 31 notice, form FHWA-1273 incorporates existing regulatory requirements. As a result, FHWA proposed updates to make the form consistent with existing regulatory requirements. Since FHWA's regulatory policy in 23 CFR 633.102

requires physical incorporation of form FHWA-1273 in each contract and subcontract, the FHWA would have to amend this requirement through the rulemaking process. Second, the U.S. Department of Labor's (DOL) regulation at 29 CFR 5.5 requires the physical insertion of certain contract provisions in all contracts, which are reflected in form FHWA-1273. Lastly, FHWA is mindful of the burdens associated with excess paperwork. As such, FHWA permits form FHWA-1273 to be incorporated by reference in bid proposals or request for proposal documents, purchase orders, rental agreements and other agreements for supplies or services related to a construction contract. However, form FHWA-1273 must continue to be physically incorporated into all Federal-aid highway contracts and subcontracts.

Section II. Nondiscrimination

Comment 1: A representative of the PennDOT recommended that the word "qualifiable" be used in addition to the term "qualified" in the first sentence of Section II.4.a.

FHWA Response 1: Without a definition of "qualifiable" that adds clarity to this issue, FHWA does not believe that this recommendation improves clarity. The existing phrase, "sources likely to yield qualified minorities and women," is adequate to convey the intent of this section.

Comment 2: The Wyoming DOT recommended moving the language of Section II, 10(a) and inserting it under Section II, 9 as item (c).

FHWA Response 2: It is important to keep the Equal Employment Opportunity Responsibilities of Section 9 of Appendix A to Subpart A of 23 CFR Part 230 separate from the 49 CFR Part 26 provisions and assurances. Therefore, no change is made.

Comment 3: The Wyoming DOT recommended that FHWA clarify the requirements of Section II, 11(b) which require the submittal of Form PR-1391—"Federal-aid Highway Construction Contractors Annual EEO Report" each July. It was suggested that FHWA either remove the PR-1391 reporting requirement or require companies to submit one report listing their total company workforce rather than the project-related workforce. The Wyoming DOT stated that this would more accurately reflect the contractor's or subcontractor's actual affirmative action accomplishments and reduce the reporting burden.

FHWA Response 3: The information collected through form FHWA-1391 provides a snapshot of the contractor's project-related workforce during the last

payroll period preceding the end of July. Title 23 CFR 230.121(a)(2) requires the submittal of reports for each covered contract or subcontract under a Federal-aid project. While some Federal agencies that enforce Federal laws for equal employment opportunity (e.g. the DOL Office of Federal Contract Compliance and the Equal Employment Opportunity Commission) have broad authority to collect employment information about a company's workforce, FHWA does not. The FHWA's authority is limited to specific Federal-aid projects. Thus, no change is made to the language in Section II.11.b.

Comment 4: A representative of the New Jersey DOT stated that unless there are statutory requirements to comply with the storage requirements noted in Section II, 11, the requirements will not be enforceable after the contract is accepted.

FHWA Response 4: The recordkeeping requirement is a regulatory requirement found in Appendix A, Section 10, to Subpart A of 23 CFR Part 230. As such, the requirement is enforceable. A regulation has the force and effect of law.

FHWA Modification: During the final review process of form FHWA-1273, FHWA decided that it is preferable to maintain the existing language in Section II.9 regarding the bases for discrimination. To be consistent with statutory bases for discrimination, in the final version of the form we have removed the proposed use of "anyone" in Section II.9 and restored the original language which provides that "The contractor shall not discriminate on the grounds of race, color, religion, sex, national origin, age or disability in the selection and retention of subcontractors, including procurement of materials and leases of equipment."

Section IV. Davis-Bacon and Related Act Provisions

Comment 1: The Wyoming DOT commented that Section IV.3(a), (b) and (c), require the prime contractor to retain, house, and make available payroll documents for a period of 3 years after the completion of the project and further recommended that it should be the sole responsibility of prime contractors to review, retain, and house payroll documents for their subcontractors and lower-tier subcontractors. The Wyoming DOT stated that State DOT's should not be required to maintain payroll documents since that information would be available upon request if the State found it necessary to perform an audit or investigation.

FHWA Response 1: As explained above, form FHWA-1273 incorporates existing regulatory requirements. As a result, FHWA proposed updates to make the form consistent with existing regulatory requirements. The requirement for the contractor to submit a copy of all payrolls to the contracting agency is a DOL regulatory requirement at 29 CFR 5.5(a)(3). The FHWA does not have the authority to modify this requirement and must incorporate the full text of the DOL's contract clauses in form FHWA-1273.

Comment 2: A representative of the PennDOT inquired about the removal of the reference to social security numbers in Section IV.3.

FHWA Response 2: On December 19, 2008, DOL issued a final rule titled, "Protecting the Privacy of Workers: Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction." This rule revised the DOL's regulatory policy to better protect the personal privacy of laborers and mechanics employed on covered construction contracts. The rule changed the reporting requirements concerning the use of full social security numbers and home addresses on weekly payroll statements provided to contracting agencies. As a result of the rule, payroll statements are only required to include an individually identifying number for each employee (e.g., the last four digits of the employee's social security number). However, it did not change the requirements in 29 CFR 5.5(a)(3)(i) for contractors to maintain that information on their own payroll records.

Section VI. Subletting or Assigning the Contract

Comment 1: The Wyoming DOT noted a typographic error in Section VI.2 that incorrectly references Section VII.

FHWA Response 1: The correction will be made in the final document.

Comment 2: A representative of the Wyoming DOT recommended that Section VI.2 be clarified by stating that the purchase of materials and manufactured products, if done by the prime contractor, will count as part of the minimum 30 percent of work that prime contractors are required to perform with their own organizations.

FHWA Response 2: The FHWA believes that the phrase "total original contract price" as used in Section VI.1 and 23 CFR 635.116 provides sufficient clarity as to what is required. Therefore, no changes are made.

Section VIII. False Statements Concerning Highway Projects

Comment: The Wyoming DOT recommended that the second sentence of paragraph two be clarified to reference form FHWA-1022, which is the False Statements poster required by 23 CFR 635.119. Wyoming also recommended that the phrase, "Notice to all Personnel Engaged on Federal-Aid highway Projects," be removed.

FHWA Response: FHWA agrees with both recommendations. The appropriate revisions will be made in the final document.

Sections IX and X

Comment: A representative of PennDOT noted an inconsistency between references to the submission of bids and the submission of proposals.

FHWA Response: FHWA agrees and the final document will be revised to use the terms bids/proposals or bidders/proposers as appropriate.

Final Form FHWA-1273

Pursuant to 23 CFR 633.104(a), FHWA has updated form FHWA-1273 to be consistent with existing regulatory requirements. The FHWA published the proposed revised form FHWA-1273 for public comment on January 31, 2012. After considering all the comments, the FHWA has incorporated all appropriate edits into the revised form FHWA-1273. As such, the revised form FHWA-1273, which can be found at <http://www.fhwa.dot.gov/programadmin/contracts/1273.cfm>, should be used as soon as possible after publication of this notice and no later than August 9, 2012.

Authority: 23 U.S.C. 315; 23 CFR 633.104(a).

Issued on: June 18, 2012.

Victor M. Mendez,
Administrator.

[FR Doc. 2012-15342 Filed 6-22-12; 6:45 am]

BILLING CODE 4910-22-P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA-2012-0075; Notice 1]

BMW of North America, LLC, a Subsidiary of BMW AG; Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Receipt of Petition.

SUMMARY: BMW of North America, LLC,¹ a subsidiary of BMW AG,² has determined that certain model year 2012 BMW X6M SAV multipurpose passenger vehicles (MPV) manufactured between April 1, 2011 and March 23, 2012, do not fully comply with paragraph S4.3(b) of Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire selection and rims and motor home/recreation vehicle trailer load carrying capacity information for motor vehicles with a GVWR of 4,536 kilograms (10,000 pounds) or less*. BMW has filed an appropriate report dated April 4, 2012, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports*.

Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), BMW submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of BMW's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

Vehicles involved: Affected are approximately 364 model year 2012 BMW X6M SAV MPVs manufactured between April 1, 2011 and March 23, 2012.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, these provisions only apply to the subject 364³ vehicles that BMW no longer controlled at the time it determined that the noncompliance existed.

Noncompliance: BMW explains that the noncompliance is that the tire

¹ BMW of North America, LLC, is a U.S. company that manufactures and imports motor vehicles.

² BMW AG, is a German company that manufactures motor vehicles.

³ BMW's petition, which was filed under 49 CFR part 556, requests an agency decision to exempt BMW as a vehicle manufacturer from the notification and recall responsibilities of 49 CFR part 573 for the 364 affected vehicles. However, a decision on this petition will not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after BMW notified them that the subject noncompliance existed.

**SPECIAL PROVISION
102.7.3
ACKNOWLEDGMENT OF BID
AMENDMENTS**

With this form, the Bidder acknowledges its responsibility to check for all Amendments to the Bid Package. For each Project under Advertisement, Amendments will be made available to registered bidders through Xpress Copy. It is the responsibility of the Bidder to determine if there are Amendments to the Project, to download them, to incorporate them into their Bid Package, and to reference the Amendment number and the date on the form below. The CBITD will not post Bid Amendments any later than noon the day before Bid opening without individually notifying all the planholders.

Amendment Number	Date

The Contractor, for itself, its successors and assigns, hereby acknowledges that it has received all of the above referenced Amendments to the Bid Package.

CONTRACTOR

Date

Signature of authorized representative

(Name and Title Printed)



CASCO BAY FERRY TERMINAL IMPROVEMENTS
MARINE STRUCTURES IMPROVEMENTS
SCHEDULE OF VALUES

Base Bid Items

<u>Item #</u>	<u>Item Name</u>	<u>Quantity</u>	<u>Unit</u>
202.02	Removing Structure and Obstructions – Property of Contractor.	1	LS
504.80	Fabricate, Deliver and Install New Apron	1	LS
504.81	Fabricate, Deliver and Install Transverse Beam and Other Bridge Repairs	1	LS
504.82	Repairs to Transfer Bridge Pontoon	150	SF
530.201	12” SYP Timber Pile – Delivered & In Place	1,105	LF
530.203	12” Greenheart Fender Pile – Delivered & In Place	3,325	LF
530.92	Pile Driving Equipment Mobilization	1	LS
530.300	Pile Driving Sound Monitoring	1	LS
534.20	Heavy Timber Construction	1	LS
550.30	Rubber Units	1	LS
602.20	Metal Fabrications	1	LS
632.10	Paint Pontoon	1	LS
659.10	Mobilization	1	LS

Alternate Bid Item

530.205	Alternate Fender Pile (separate from Base Bid) 12” SYP Timber Pile w/UHMW Face–Delivered & In Place	3,325	LF
---------	--	-------	----

SCHEDULE OF ITEMS – BID SHEET

ITEM DESCRIPTION	APPROX. QUANTITY AND UNITS	UNIT PRICE		BID AMOUNT	
		DOLLARS	CTS	DOLLARS	CTS
202.02 - Removing Structure and Obstructions – Property of Contractor	Lump Sum	Lump			
504.80 - Fabricate, Deliver and Install New Apron	Lump Sum	Lump			
504.81 - Fabricate, Deliver and Install Transverse Beam and Other Bridge Repairs	Lump Sum	Lump			
504.82 - Repairs to Transfer Bridge Pontoon	150 Square Feet				
530.201 - 12” SYP Timber Pile – Delivered & In Place	1,105 Linear Feet				
530.203 - 12” Greenheart Fender Pile – Delivered & In Place	3,325 Linear Feet				
530.92 - Pile Driving Equipment Mobilization	Lump Sum	Lump			
530.300 - Pile Driving Sound Monitoring	Lump Sum	Lump			
534.20 - Heavy Timber Construction	Lump Sum	Lump			
550.30 - Rubber Units	Lump Sum	Lump			
602.20 - Metal Fabrications	Lump Sum	Lump			
632.10 - Paint Pontoon	Lump Sum	Lump			
659.10 - Mobilization	Lump Sum	Lump			
TOTAL BASE BID					

530.205 -Alternate Fender Pile -12” SYP Timber Pile w/UHMW Face– Delivered & In Place	3,325 Linear Feet				
TOTAL ALTERNATE BID					

**Note: If 530.205 - Alternate Fender Pile price is used, the base price for 530.230 – Greenheart Fender Pile will be removed from the base bid amount. Contract will be awarded based on lowest responsible base bid.



CASCO BAY ISLAND TRANSIT DISTRICT

NOTICE TO CONTRACTORS

Sealed Bids addressed to the Casco Bay Island Transit District, 56 Commercial Street, Portland, Maine 04101 and endorsed on the wrapper "Bids for Casco Bay Ferry Terminal Improvements – Marine Structures Improvements in the city/town of Portland" will be received from contractors at the Ticket Office of the Casco Bay Ferry Terminal, 56 Commercial Street, Portland, Maine, until 2:00 o'clock P.M. (prevailing time) on Tuesday, January 29, 2013 and at that time and place publicly opened and read. Bids will be accepted from all bidders. The lowest responsive bidder must have completed, or successfully complete, a (Marine Construction prequalification), or project specific prequalification to be considered for the award of this contract. We will not be accepting electronic bids for this project.

Description: WIN NO. 18363.00

Location: In Cumberland County, project is located at the existing Casco Bay Ferry Terminal.

Outline of Work: Marine Structures Improvements and other incidental work.

For general information regarding Bidding and Contracting procedures, contact Austin Smith at Scott Simons Architects, Tel: (207) 772-4656x103. For Project-specific information fax all questions to Austin Smith at Scott Simons Architects, Fax: (207) 828-4656 Email: austin@simonsarchitects.com. Questions received after 12:00 noon of Monday prior to bid date will not be answered. Bidders shall not contact any CBITD staff for clarification of Contract provisions, and the CBITD will not be responsible for any interpretations so obtained.

Complete written bids shall be submitted in sealed envelopes marked **BID FOR CASCO BAY FERRY TERMINAL – MARINE STRUCTURES IMPROVEMENTS**, addressed to Scott Simons Architects, 75 York Street, Portland, Maine 04101. Bids shall be received no later than 2 P.M., Tuesday, January 29, 2013. The Bids will be opened and read aloud at 2 P.M.

Plans and specifications may be obtained on or after Friday, January 11, 2013. General Bidders and Subcontractors may obtain sets of Drawings and Specification, including instruction to Bidders and Bid Forms. No partial sets will be issued. Each set(s) can be ordered by logging onto www.xpressplanroom.com. The job will be listed under "PUBLIC JOBS". Contract Documents can be ordered online for a fee of \$45 per set, or downloaded for a fee of \$25 per set. Checks should be made payable to Scott Simons Architects. Xpress Copy must receive payment either by mail or hand prior to release of documents. Documents will be available only at Xpress Copy, 100 Fore Street, Portland, Maine 04101 (207-775-2444).

Copies of Addenda will be made available to registered bidders online.

Each Bid must be made upon blank forms provided in the Project Manual must be accompanied by a bid bond at 5% of the bid amount or an official bank check, cashier's check, certified check, certificate of deposit, or United States postal money order in the amount of \$25,000.00 payable to CBITD. A Contract Performance Surety Bond and a Contract Payment Surety Bond, each in the amount of 100 percent of the Contract price, will be required of the successful Bidder.

This Contract is subject to all applicable Federal Laws. This contract is subject to compliance with the Disadvantaged Business Enterprise program requirements as set forth by the CBITD.

All work shall be governed by "State of Maine, Department of Transportation, Standard Specifications, Revision of December 2002", price \$10 [\$13 by mail], and Standard Details, Revision of December 2002, price \$20 [\$25 by mail]. Standard Detail updates can be found at <http://www.maine.gov/md/contractors/publications/>.

The right is hereby reserved to the CBITD to reject any or all bids. The basis of award will be based on the total of the base bid only.

General Contractors are requested to attend an on-site Pre-Bid Conference in the Casco Bay Ferry Terminal Conference Room at 10:15 AM, Tuesday, January 22, 2013. Other interested subcontractors or suppliers are invited to attend.

Augusta, Maine
January 11, 2013



CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by Casco Bay Island Transit District with its principal administrative offices located at 56 Commercial Street, Portland, Maine, with a mailing address at PO Box 4656, Portland, Maine 04112, and

_____ a corporation or other legal entity organized under the laws of the State of _____, with its principal place of business located at _____

The CBITD and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

A. The Work.

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, WIN. 18363.00 for Casco Bay Ferry Terminal Improvements – Marine Structures Improvements in the city/ town of Portland, County of Cumberland, Maine. The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The CBITD shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

B. Time.

The Contractor agrees to complete all Work, except warranty work, on or before August 30, 2013. The Contractor agrees to complete all Work associated with the car ferry slip, except warranty work, on or before May 17, 2013. Further, the CBITD may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the State of Maine Department of Transportation Standard Specifications, Revision of December 2002 and related Special Provisions.

C. Price.

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is _____

\$ _____ Performance Bond and Payment Bond each being 100% of the amount of this Contract.

D. Contract.

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

E. Certifications.

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in the Federal Contract Provisions Supplement, and the Contract are still complete and accurate as of the date of this Agreement.
2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.
3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

F. Offer.

The undersigned, having carefully examined the site of work, the Plans, Standard Specifications Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:

WIN. 18363.00 – Casco Bay Ferry Terminal Improvements – Marine Structures Improvements - in the city/ town of Portland.

State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items".

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items", which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the Standard Specifications, Revision of December 2002, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the CBITD and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work as stated in Section 107.2 of the Standard Specifications Revision of December 2002 and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan with their bid.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the CBITD.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

Date

(Signature of Legally Authorized
Representative of the
Contractor)

Witness

(Name and Title Printed)

G. Award.

Your offer is hereby accepted. This award consummates the Contract, and the documents referenced herein.

CASCO BAY ISLAND TRANSIT DISTRICT

Date

By: Henry Berg, General Manager

Witness

CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by Casco Bay Island Transit District with its principal administrative offices located at 56 Commercial Street, Portland, Maine, with a mailing address at PO Box 4656, Portland, Maine 04112, and

_____ a corporation or other legal entity organized under the laws of the State of _____, with its principal place of business located at _____

The CBITD and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

A. The Work.

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, WIN. 18363.00 for Casco Bay Ferry Terminal Improvements – Marine Structures Improvements in the city/ town of Portland, County of Cumberland, Maine. The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsible for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The CBITD shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

B. Time.

The Contractor agrees to complete all Work, except warranty work, on or before August 30, 2013. The Contractor agrees to complete all Work associated with the car ferry slip, except warranty work, on or before May 17, 2013. Further, the CBITD may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the State of Maine Department of Transportation Standard Specifications, Revision of December 2002 and related Special Provisions.

C. Price.

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is _____

\$ _____ Performance Bond and Payment Bond each being 100% of the amount of this Contract.

D. Contract.

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents listed above.

E. Certifications.

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in the Federal Contract Provisions Supplement, and the Contract are still complete and accurate as of the date of this Agreement.
2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.
3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

F. Offer.

The undersigned, having carefully examined the site of work, the Plans, Standard Specifications Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:

WIN. 18363.00 – Casco Bay Ferry Terminal Improvements – Marine Structures Improvements - in the city/ town of Portland.

State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items".

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered by the attached "Schedule of Items", which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the Standard Specifications, Revision of December 2002, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the CBITD and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work as stated in Section 107.2 of the Standard Specifications Revision of December 2002 and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan with their bid.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the CBITD.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations contained in the Contract Documents.

CONTRACTOR

Date

(Signature of Legally Authorized
Representative of the
Contractor)

Witness

(Name and Title Printed)

G. Award.

Your offer is hereby accepted. This award consummates the Contract, and the documents referenced herein.

CASCO BAY ISLAND TRANSIT DISTRICT

Date

By: Henry Berg, General Manager

Witness

CONTRACT AGREEMENT, OFFER & AWARD

AGREEMENT made on the date last signed below, by Casco Bay Island Transit District with its principal administrative offices located at 56 Commercial Street, Portland, Maine, with a mailing address at PO Box 4656, Portland, Maine 04112, and

(Name of the firm bidding the job)

a corporation or other legal entity organized under the laws of the State of _____, with its principal place of business located at _____

(address of the firm bidding the job)

The CBITD and the Contractor, in consideration of the mutual promises set forth in this Agreement (the "Contract"), hereby agree as follows:

A. The Work.

The Contractor agrees to complete all Work as specified or indicated in the Contract including Extra Work in conformity with the Contract, WIN 18363.00

for Casco Bay Ferry Terminal Improvements - Marine Structures Improvements in the city/ town of Portland, County of Cumberland, Maine. The Work includes construction, maintenance during construction, warranty as provided in the Contract, and other incidental work.

The Contractor shall be responsi

ble for furnishing all supervision, labor, equipment, tools supplies, permanent materials and temporary materials required to perform the Work including construction quality control including inspection, testing and documentation, all required documentation at the conclusion of the project, warranting its work and performing all other work indicated in the Contract.

The CBITD shall have the right to alter the nature and extent of the Work as provided in the Contract; payment to be made as provided in the same.

B. Time.

The Contractor agrees to complete all Work, except warranty work, on or before June 15, 2013. Further, the CBITD may deduct from moneys otherwise due the Contractor, not as a penalty, but as Liquidated Damages in accordance with Sections 107.7 and 107.8 of the State of Maine Department of Transportation Standard Specifications, Revision of December 2002 and related Special Provisions.

C. Price.

The quantities given in the Schedule of Items of the Bid Package will be used as the basis for determining the original Contract amount and for determining the amounts of the required Performance Surety Bond and Payment Surety Bond, and that the amount of this offer is (Place bid here in alphabetical form such as One Hundred and Two dollars and 10 cents)

\$ (repeat such as \$102.10) Performance Bond and Payment Bond each being 100% of the amount of this Contract.

D. Contract.

This Contract, which may be amended, modified, or supplemented in writing only, consists of the Contract documents as defined in the Plans, Standard Specifications, Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds. It is agreed and understood that this Contract will be governed by the documents li

ted above.

E. Certifications.

By signing below, the Contractor hereby certifies that to the best of the Contractor's knowledge and belief:

1. All of the statements, representations, covenants, and/or certifications required or set forth in the Bid and the Bid Documents, including those in the Federal Contract Provisions Supplement, and the Contract are still complete and accurate as of the date of this Agreement.
2. The Contractor knows of no legal, contractual, or financial impediment to entering into this Contract.
3. The person signing below is legally authorized by the Contractor to sign this Contract on behalf of the Contractor and to legally bind the Contractor to the terms of the Contract.

F. Offer.

The undersigned, having carefully examined the site of work, the Plans, Standard Specifications Revision of December 2002, Standard Details Revision of December 2002 as updated through advertisement, Supplemental Specifications, Special Provisions, Contract Agreement; and Contract Bonds contained herein for construction of:

WIN. 18363.00 – Casco Bay Ferry Terminal Improvements – Marine Structures Improvements – in the city/ town of Portland.

State of Maine, on which bids will be received until the time specified in the "Notice to Contractors" do(es) hereby bid and offer to enter into this contract to supply all the materials, tools, equipment and labor to construct the whole of the Work in strict accordance with the terms and conditions of this Contract at the unit prices in the attached "Schedule of Items".

The Offeror agrees to perform the work required at the price specified above and in accordance with the bids provided in the attached "Schedule of Items" in strict accordance with the terms of this solicitation, and to provide the appropriate insurance and bonds if this offer is accepted by the Government in writing.

As Offeror also agrees:

First: To do any extra work, not covered

by the attached "Schedule of Items", which may be ordered by the Resident, and to accept as full compensation the amount determined upon a "Force Account" basis as provided in the Standard Specifications, Revision of December 2002, and as addressed in the contract documents.

Second: That the bid bond at 5% of the bid amount or the official bank check, cashier's check, certificate of deposit or U. S. Postal Money Order in the amount given in the "Notice to Contractors", payable to the CBITD and accompanying this bid, shall be forfeited, as liquidated damages, if in case this bid is accepted, and the undersigned shall fail to abide by the terms and conditions of the offer and fail to furnish satisfactory insurance and Contract bonds under the conditions stipulated in the Specifications within 15 days of notice of intent to award the contract.

Third: To begin the Work as stated in Section 107.2 of the Standard Specifications Revision of December 2002 and complete the Work within the time limits given in the Special Provisions of this Contract.

Fourth: The Contractor will be bound to the Disadvantaged Business Enterprise (DBE) Requirements contained in the attached Notice (Additional Instructions to Bidders) and submit a completed Contractor's Disadvantaged Business Enterprise Utilization Plan with their bid.

Fifth: That this offer shall remain open for 30 calendar days after the date of opening of bids.

Sixth: The Bidder hereby certifies, to the best of its knowledge and belief that: the Bidder has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of competitive bidding in connection with its bid, and its subsequent contract with the CBITD.

IN WITNESS WHEREOF, the Contractor, for itself, its successors and assigns, hereby execute two duplicate originals of this Agreement and thereby binds itself to all covenants, terms, and obligations con

tained in the Contract Documents.

CONTRACTOR

(Sign Here)

Date

(Signature of Legally Authorized
Representative of the Contractor)

(Witness Sign Here)

Witness

(Print Name Here)

(Name and Title Printed)

G. Award.

Your offer is hereby accepted. This award consummates the Contract, and the documents referenced herein.

CASCO BAY ISLAND TRANSIT DISTRICT

Date

By: Henry Berg, General Manager

Witness

BOND # _____

CONTRACT PERFORMANCE BOND
(Surety Company Form)

KNOW ALL MEN BY THESE PRESENTS: That _____
_____ in the State of _____, as principal,
and _____,
a corporation duly organized under the laws of the State of _____ and having a
usual place of business _____,
as Surety, are held and firmly bound unto the Treasurer of the State of Maine in the sum
of _____ and 00/100 Dollars (\$ _____),
to be paid said Treasurer of the State of Maine or his successors in office, for which
payment well and truly to be made, Principal and Surety bind themselves, their heirs,
executors and administrators, successors and assigns, jointly and severally by these
presents.

The condition of this obligation is such that if the Principal designated as Contractor in
the Contract to construct Project Number _____ in the Municipality of _____
promptly and faithfully performs the Contract, then this
obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the State
of Maine.

Signed and sealed this _____ day of _____, 20_____

WITNESSES:

SIGNATURES:

CONTRACTOR:

Signature.....

.....

Print Name Legibly

Print Name Legibly

SURETY:

Signature

.....

Print Name Legibly

Print Name Legibly

SURETY ADDRESS:

NAME OF LOCAL AGENCY:

ADDRESS

.....

.....

.....

.....

.....

TELEPHONE.....

.....

BOND # _____

CONTRACT PAYMENT BOND
(Surety Company Form)

KNOW ALL MEN BY THESE PRESENTS: That _____
_____ in the State of _____, as principal,
and.....
a corporation duly organized under the laws of the State of and having a
usual place of business in
as Surety, are held and firmly bound unto the Treasurer of the State of Maine for the use
and benefit of claimants as herein below defined, in the sum of
_____ and 00/100 Dollars (\$ _____)
for the payment whereof Principal and Surety bind themselves, their heirs, executors and
administrators, successors and assigns, jointly and severally by these presents.

The condition of this obligation is such that if the Principal designated as Contractor in
the Contract to construct Project Number _____ in the Municipality of _____
promptly satisfies all claims and demands incurred for all
labor and material, used or required by him in connection with the work contemplated by
said Contract, and fully reimburses the obligee for all outlay and expense which the
obligee may incur in making good any default of said Principal, then this obligation shall
be null and void; otherwise it shall remain in full force and effect.

A claimant is defined as one having a direct contract with the Principal or with a
Subcontractor of the Principal for labor, material or both, used or reasonably required for
use in the performance of the contract.

Signed and sealed this day of, 20 .. .

WITNESS: SIGNATURES:
CONTRACTOR:

Signature.....
Print Name Legibly

SURETY:

Signature.....
Print Name Legibly

Print Name Legibly

SURETY ADDRESS: NAME OF LOCAL AGENCY:
ADDRESS

TELEPHONE

OPERATOR: Crane.....	\$ 22.60	9.29
OPERATOR: Drill.....	\$ 17.09	3.79
OPERATOR: Excavator.....	\$ 19.88	5.06
OPERATOR: Loader.....	\$ 16.93	3.51
OPERATOR: Mechanic.....	\$ 24.35	6.66
OPERATOR: Roller.....	\$ 15.99	6.31
TRUCK DRIVER: Low Bed Truck.....	\$ 16.43	3.07
TRUCK DRIVER.....	\$ 14.67	2.04

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

=====

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

The body of each wage determination lists the classification and wage rates that have been found to be prevailing for the cited type(s) of construction in the area covered by the wage determination. The classifications are listed in alphabetical order of "identifiers" that indicate whether the particular rate is union or non-union.

Union Identifiers

An identifier enclosed in dotted lines beginning with characters other than "SU" denotes that the union classification and rate have found to be prevailing for that classification. Example: PLUM0198-005 07/01/2011. The first four letters , PLUM, indicate the international union and the four-digit number, 0198, that follows indicates the local union number or district council number where applicable , i.e., Plumbers Local 0198. The next number, 005 in the example, is an internal number used in processing the wage determination. The date, 07/01/2011, following these characters is the effective date of the most current negotiated rate/collective bargaining agreement which would be July 1, 2011 in the above example.

Union prevailing wage rates will be updated to reflect any changes in the collective bargaining agreements governing the rates.

0000/9999: weighted union wage rates will be published annually each January.

Non-Union Identifiers

Classifications listed under an "SU" identifier were derived from survey data by computing average rates and are not union rates; however, the data used in computing these rates may include both union and non-union data. Example: SULA2004-007 5/13/2010. SU indicates the rates are not union majority rates, LA indicates the State of Louisiana; 2004 is the year of the survey; and 007 is an internal number used in producing the wage determination. A 1993 or later date, 5/13/2010, indicates the classifications and rates under that identifier were issued as a General Wage Determination on that date.

Survey wage rates will remain in effect and will not change until a new survey is conducted.

WAGE DETERMINATION APPEALS PROCESS

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

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

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

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

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

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

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

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

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

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

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

END OF GENERAL DECISION

CASCO BAY ISLAND TRANSIT DISTRICT

CASCO BAY FERRY TERMINAL IMPROVEMENTS

MARINE STRUCTURES IMPROVEMENTS

WIN NO. 18363.00

SPECIAL PROVISIONS

Prepared by Fay Spofford & Thorndike, LLC

October, 2012

CASCO BAY FERRY TERMINAL IMPROVEMENTS

MARINE STRUCTURES IMPROVEMENTS

TABLE OF CONTENTS

SECTION 3

SPECIAL PROVISION - SECTION 104.4 - COMMUNICATION AND COORDINATION
SPECIAL PROVISION - SECTION 104 - COORDINATION WITH MARINE TRAFFIC
SPECIAL PROVISION - SECTION 104 - CONSTRUCTION TIMING & PROTECTION OF EXISTING STRUCTURES
SPECIAL PROVISION - SECTION 104 - ELECTRONIC PAYROLL SUBMISSION
SPECIAL PROVISION - SECTION - 105 - OVERLIMIT PERMITS
SPECIAL PROVISION - SECTION - 105 - LEGAL RELATIONS
SPECIAL PROVISION - SECTION - 105 - EQUAL OPPORTUNITY AND CIVIL RIGHTS
SPECIAL PROVISION - SECTION - 105 - BUY AMERICA CERTIFICATION
SPECIAL PROVISION - SECTION - 105 - ENVIRONMENTAL REQUIREMENTS
SPECIAL PROVISION - SECTION - 107.3 - ALLOWABLE WORK TIMES
SPECIAL PROVISION - SECTION - 107.9 - PROJECT CLOSEOUT
SPECIAL PROVISION - SECTION - 107 - PROJECTED PAYMENT SCHEDULE
SPECIAL PROVISION - SECTION - 107 - SCHEDULING OF WORK
SPECIAL PROVISION - SECTION - 107 - CONTRACT COMPLETION TIME
SPECIAL PROVISION - SECTION - 107 - SUPPLEMENTAL LIQUIDATED DAMAGES

SPECIAL PROVISIONS - TECHNICAL

Note: These specifications are to be used with the State of Maine Department of Transportation Standard Specifications, Revision of December 2002, as amended. Those specifications can be found on the MaineDOT web site or purchased in book form from the Department.

202	REMOVING STRUCTURES AND OBSTRUCTIONS
504	STRUCTURAL STEEL
506	PAINTING STRUCTURAL STEEL
507	RAILINGS
530	TIMBER PILES
534	HEAVY TIMBER CONSTRUCTION
550	RUBBER UNITS
602	METAL FABRICATIONS
632	TRANSFER BRIDGE PONTOON

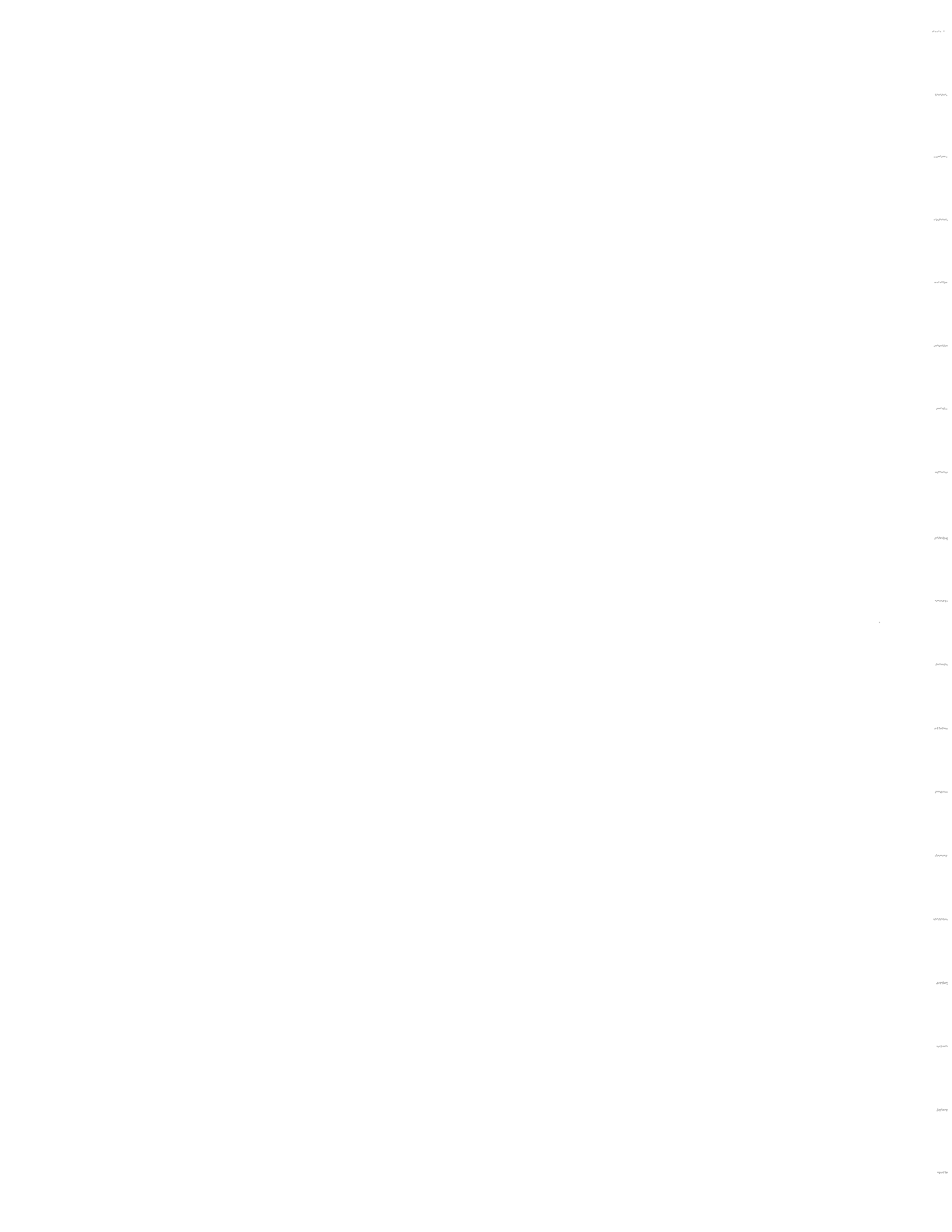
SPECIAL PROVISION

SECTION 104.4

COMMUNICATION AND COORDINATION

(Progress Meetings)

Progress meetings shall be held weekly or as agreed to by Casco Bay Lines and the Designer or Owner's Representative. A time and location shall be determined for the meetings and this time and location shall be agreeable to all parties. The current construction schedule will be discussed and updates will be given to all parties on what the next three weeks activities are and their potential impact on the site, the harbor, the ferry service and abutting properties. If it appears there will be an impact on abutting properties or users of the harbor, then the Contractor will make contact with the potentially impacted abutter and invite them to attend the meeting or come to an agreement on what is acceptable for impacts and bring that agreement in writing to the meeting.



SPECIAL PROVISION

SECTION 104

COORDINATION WITH MARINE TRAFFIC

(Vessel Navigation, Ferry Service, Harbor Traffic, City Floats)

VESSEL NAVIGATION, STAGING and FLOATING EQUIPMENT:

1. The Contractor shall be required to conduct his work in such a manner so as not to obstruct the navigation of any ferry or other vessels outside the construction area. In case Contractor's plant so obstructs the ferries or local vessels, it shall be promptly moved on the approach of these vessels to such an extent as may be necessary to afford a safe, practicable passage. Upon completion of the Work, Contractor shall promptly remove all plant, buoys and other markers placed by him under the Contract.
2. All staging and floating equipment required shall be erected or furnished by the Contractor and maintained in safe condition by him for use of all trades. The Contractor shall submit his proposed method of staging and floating equipment to the Owner's Representative/Owner for approval prior to start-up of operations. The Owner's Representative /Owner will seek input from all effected parties prior to giving such approval. The Contractor will make adjustments to the proposed plan based on any comments received. The plan as a minimum should demonstrate how the work, current operations and access to all adjacent facilities will be maintained and protected through the progress of the work.

The Contractor is being made aware of the fact that there is a very active harbor at this location. The Contractor should plan to do all work in such a way as to minimize the impact on the various harbor activities. The public landing and the emergency response berths must be continuously available and accessible by the general public and emergency response personnel. The Contractor shall not block the ferry, any emergency vessels or small boat traffic and shall maintain at least a 100 foot clearance on the approach of the ferry or be behind existing or temporary fendering or in agreed to designated staging areas.

3. All hoists, scaffolds, rigging and floating equipment shall be of approved design; erected, maintained and removed by experienced tradesman; and comply with the requirements of all applicable federal, (including OSHA), state and local laws, rules and regulations including those applicable requirements of "American Standard Safety Code for Building Construction" published by ANSI. All necessary hoisting equipment and machinery will be installed, operated and maintained in safe condition by the Contractor.

4. Contractor shall keep proper lights each night between sunset and sunrise upon all floating plant and equipment and any other obstructions connected with the work in accordance with CG169, Rules of the Road, and Code of Federal Regulations, Title 33, Chapter 1, Subchapter C and Chapter 11, Part 207. Contractor shall be required to install and maintain for the duration of the contract, standard obstruction lights upon all stakes, piles, dolphins, or upon any other obstructions connected with the work which are located in navigable waters. The obstruction light shall consist of a quick flashing white light which shows not less than sixty flashes per minute when viewed from any direction. The light shall have a luminous intensity which can be seen from not less than two miles.
5. Should the Contractor, during the progress of the Work lose, dump, throw overboard, sink or misplace any materials, plant, machinery, or appliance, the Contractor shall recover and remove the same with the utmost dispatch. Should the Contractor refuse, neglect or delay compliance with the above, such obstructions may be removed by the Owner, and the cost of such removal shall be deducted from money due the Contractor.
6. Due to the amount of vessel traffic and the nature of the work, the Contractor will keep in place a containment boom that surrounds the entire work area of the Contractor. The boom shall be constructed and secured such that any material dropped into the water will be held within the area of the boom and the Contractor will take the appropriate steps to remove that material immediately from the area. The Contractor shall be especially careful not to allow timbers, debris or other matter to go adrift and shall promptly retrieve and remove such items as may accidentally go adrift. With the potential hazard of an oil or fuel spill along the berth area, the Contractor shall have immediately available containment boom for ocean use and/or the Contractor shall be able to demonstrate to Owner's Representative/Owner that they have immediately available absorbent boom pads, pumps, and all associated apparatus to clean up a spill.

FERRY SERVICE

1. Normal ferry operations will be carried on during the life of this Contract. In the preparation of his schedule, the Contractor shall carefully coordinate the planning of his work with the Casco Bay Island Transit District (Casco Bay Lines). The Contractor shall arrange his work so that once an area is made available and work is started, it shall be carried through to completion within the time agreed upon.
2. The Contractor shall obtain the latest ferry service schedule to coordinate all work activities at the various gates and shall be prepared for changes in the schedule that may occur. The Contractor should not sequence work activities such that it may cause a delay to any of the ferries or impact the current schedule. The Contractor shall coordinate their work daily with Casco Bay Lines.
3. The Contractor shall maintain pedestrian and vehicle access during normal ferry operations to prevent any delays in the ferry service operating schedule. Except for periods after normal operating hours, no vehicles or equipment shall be parked or stored within the designated queue lines or access ways to any of the Gates or passenger waiting or freight staging areas

in a manner that would prevent or impede Casco Bay Lines' use or vehicular traffic flow. Any vehicle or equipment parked or stored within these areas at any time, shall have an operator immediately available to move the vehicle or equipment, in case of emergency.

4. The Contractor will coordinate with Casco Bay Lines (CBL) for the location and timing of the delivery of materials. CBL may designate an area and blocks of time when deliveries would be best and the Contractor will adhere to this designation.
5. Due to limited space at the facility, Casco Bay Lines cannot provide any staging or parking areas for the Contractor. Should the Contractor desire a staging area near the work site or parking, then arrangements will need to be made by the Contractor with the municipal officials or private land owners.
6. Casco Bay Lines cannot provide space for a field Office on site and has not required one for this project. The Contractor should plan on having a work space on the barge for the Owners Representative that will allow for the placement of plans and submittals. During times when the temperature drops below 50 degrees, the Contractor will supply a safe heat source at the work space that will maintain the space at or above 60 degrees.

UTILITY SERVICES FOR CONSTRUCTION

1. The Contractor shall provide complete temporary facilities and controls required for the successful execution of the Work, including arranging for, at his own expense, water, heat and electricity for construction purposes, sanitary facilities for workmen, telephone, and other facilities and services as found necessary for his own operations. All resultant costs shall be the responsibility of the Contractor. Temporary services shall be protected and maintained by the Contractor.
2. Water for all purposes shall be obtained at the Contractor's expense from an approved source of acceptable quality. Drinking water shall be provided to all workmen and satisfactorily cooled. The Contractor shall provide and operate all pumping facilities, pipe lines and appurtenances, storage tanks and all other equipment necessary for this work. The Contractor shall be responsible for the adequate functioning of the system and liable for any claims arising from the use of same, including discharge or waste of water therefrom.
3. The Contractor shall provide and maintain sanitary facilities in a neat and sanitary condition such accommodations for the use of his employees, as may be necessary to comply with the requirements and regulations of the state and local authorities having jurisdiction thereof. No source of inconvenience, complaint or nuisance shall result to the public or to residents or others in the vicinity of the work.
4. All necessary light and power, including temporary feeders, shall be provided at the Contractor's expense and adequate services extended to all points requiring same. Temporary electrical services shall be maintained in a safe and satisfactory manner, including replacement of all lamps, fuses and other appurtenances. All outlets shall be GFI protected.

5. Any modifications to any existing utility services shall be restored to a condition acceptable to the Owner.
6. Power for welding shall be derived from motor generator sets at the Contractor's expense.
7. Before final acceptance of the Work, all temporary connections, pipe lines, conduits and so forth shall be entirely removed, and all affected improvements restored to a condition acceptable to the Owner.

CONSTRUCTION LINES AND GRADES

The Contractor shall be given benchmarks and control points at locations convenient to the work from which he shall establish all lines and grades for layout and control of his work, subject to check and correction by the Owners Representative. The Contractor shall furnish all stakes and incidental materials for himself and the Owners Representative and shall be responsible that the finished product meets the contract lines and grades. Where original control points will be lost during the construction, the Contractor shall transfer control points in a permanent manner that will prevent them from being lost.

SIGNS

The Contractor shall install up to 4 construction area signs complying with the standards of the MUTCD (Manual of Uniform Traffic Control Devices). The Contractor shall provide all post, hardware, equipment and labor associated with the installation of the signs. Cost associated with this will be incidental to the project.

CONSTRUCTION FENCE

A construction fence shall be provided as necessary to protect the public from the Contractor's operation. Construction fence shall be six feet high and of chain link or other approved construction, erected in a substantial manner straight, plumb and true as approved by the Owners Representative. A gate shall be built into the fence at an approved location, well cross-braced and hung on heavy strap hinges with proper post and hook for double gates. Provide heavy hasps and padlocks for each gate. Provide keys to the Owners Representative /Owner to facilitate emergency access.

Fencing shall be removed at such time before final completion as the Owners Representative directs. Restore site to acceptable condition after removing fence.

SPECIAL PROVISION

SECTION 104

CONSTRUCTION TIMING & PROTECTION OF EXISTING STRUCTURES

It is the intent of Casco Bay Island Transit District to send the car ferry to a shipyard for approximately six weeks during the months of February and March of 2013. The Contractor should plan their work such that the existing pontoon is removed, reconditioned and returned to service during this same time frame. The exact date of the vessel work is subject to the shipyard schedule and may be able to be adjusted slightly in order to facilitate construction activity. The Contractor will work closely with the Owners Representative and the Owner to coordinate this activity and once agreed upon will take all steps necessary to return the car ferry berth to normal operations. Under no circumstances will the car ferry berth be allowed to remain out of service due to construction activities after May 17, 2013. Should the Contractor not comply with this provision, then additional liquidated damages will be assessed in accordance with Special Provision 107, Supplemental Liquidated Damages.

In order to remove the existing pontoon from under the transfer bridge, the Contractor will be required to provide a means of temporarily supporting the Transfer Bridge in such a manner that it will not be submerged during any tidal condition, whether normal or extreme (storm driven). The temporary structure will be designed and approved by a licensed engineer and submitted to the Owners Representative /Owner for review and comment. The Contractor will also provide a means of preventing access to the Transfer Bridge to the general public while it is temporarily supported. Should the Contractor find it necessary to remove one of the guide dolphins to remove the pontoon, then they shall submit a plan on how they intend to dismantle and re-assemble the dolphin so that it functions as it did before the project began. Any damage to the members or components of the dolphin shall be replaced with new material, similar in nature to what was damaged and in compliance with the applicable specification sections for that type of material.

The Contractor shall take all actions necessary to protect existing structures to remain during the execution of work. These structures include, but are not limited to, Transfer Bridge, car ferry berth dolphins, fixed piers, terminal building, adjacent floats and access systems, open pavement areas and existing seawall. Any damage to structures or adjacent facilities shall be repaired by the Contractor at no additional cost to the Owner.

December 17, 2010
Supersedes December 30, 2009

SPECIAL PROVISION
SECTION 104
GENERAL RIGHTS AND RESPONSIBILITIES
(Electronic Payroll Submission)
(Payment Tracking)

104.3.8.1 Electronic Payroll Submission The prime contractor and all subcontractors and lower-tier subcontractors will submit their certified payrolls electronically on this contract utilizing the Elation System web based reporting. There is no charge to the contracting community for the use of this service. The submission of paper payrolls will not be allowed or accepted. Additional information can be found at <http://www.maine.gov/indot/comprehensive-list-projects/project-information.php> under the first "Notice".

104.3.8.2 Payment Tracking The prime contractor and all subcontractors and lower-tier subcontractors will track and confirm the delivery and receipt of all payments through the Elation System

SPECIAL PROVISION

SECTION 105

ENVIRONMENTAL REQUIREMENTS

In-Water work consists of any activity conducted below the normal high water mark of a river, stream, brook, lake, pond or "Coastal Wetland" areas that are subject to tidal action during the highest tide level for the year which an activity is proposed as identified in the tide tables published by the National Ocean Service. <http://www.oceanservice.noaa.gov/> For full definition of "Coastal Wetlands", please refer to 38 MRSA 480-B(2)

- I. There are no In-Water work restrictions. In –Water work is allowed anytime.

- II. Special Conditions: Pile driving operations shall conform to the Category 1 provisions of the Maine General Permit ("GP"). All pile driving operations must be performed and completed from November 8th to April 9th. Along with the date restrictions and to ensure compliance with the noise level limitations of the GP, the Contractor shall perform underwater acoustic monitoring during the first day of pile driving operations following the parameters set forth in the GP. If pile driving sound levels are above the levels set forth in the GP, attenuation measures must be used to ensure the levels stay within the permitted range. Findings shall be reported to the Casco Bay Island Transit District or their representative, Corps of Engineers Maine Project Office and National Marine Fisheries Service. Point of contact at the National Marine Fisheries Service shall be Max Tritt at max.tritt@noaa.gov . Should the Contractor elect to expand the window, they must work with Casco Bay Lines and their representative to seek an amendment to the current permit from the Army Corps of Engineers and the Maine Department of Environmental Protection. The cost associated with any amendments will be the responsibility of the Contractor.

This project includes the driving of approximately 75 wooden piles with a vibratory or impact hammer for the rehabilitation of the ferry terminal marine structures. No more than 50 piles will be driven in a 24 hour period. Pile driving requirements include:

- Impact hammers limited to one hammer and <50 piles per day with wood piles of any size
- In water noise levels do not exceed >187 dB SEL re IJ.IPa or 206 dB peak re IJ.IPa at a distance > 10M from the pile being installed and

- In water noise levels shall not exceed 12 consecutive hours with a 12 hour recovery period.
- III. Approvals: submit and have approved a Temporary Soil Erosion and Water Pollution Control Plan
- IV. All activities are prohibited (including placement and removal of cofferdams unless otherwise permitted by Regulatory Agencies) below the normal high water mark if outside the prescribed in-water work window, except for the following:
- a. Work within a cofferdam constructed according to MaineDOT's Standard Specifications and in adherence with the Contractors approved "Soil Erosion and Water Pollution Control Plan".
- V. No work is allowed that completely blocks a river, stream, or brook without providing downstream flow. When working in Tidal streams or rivers, flow needs to be provided in both directions.

NOTE: Regulatory Review and Approval is required to modify the existing In-Water work requirements and restrictions.

**SPECIAL PROVISION
SECTION 107.3**

ALLOWABLE WORK TIMES

(Night Work)

The Contractor is being made aware of the close proximity of local residences and businesses. The Contractor shall conduct operations so as not to generate loud noises between the hours of 8:00 PM and 6:00 AM unless otherwise approved. Local requirements or ordinances concerning noise may impose additional restrictions and must be complied with by the Contractor.

SPECIAL PROVISION

SECTION 107.9

PROJECT CLOSEOUT

The following is in addition to the requirements of 107.9 of the MaineDOT Standard Specifications.

The Contractor shall maintain at the site, a set of drawings on which shall be recorded accurately as the work progresses, the actual dimensions and grades of all the work, indicating thereon all variations from the contract documents. The record shall include the work of all subcontractors. Record drawings shall be reviewed by the Owners Representative and the Contractor shall make all necessary changes according to the Owners Representative review.

Prior to final acceptance of the Work, all recorded data shall be transferred by the Contractor, to a complete set of reproducible record drawings, in ink, photolitho or electronic reproductions of the original Contract Drawings showing "As-Built" conditions.

SPECIAL PROVISION

SECTION 107

PROJECTED PAYMENT SCHEDULE

The Contractor shall provide Casco Bay Lines with a monthly Projected Payment Schedule that estimates the value of work as scheduled, including request for payment of delivered materials. The Project Payment Schedule must be in accordance with the Contractor's Schedule of Work and prices submitted by the Contractor's bid. The Contractor shall submit the Projected Payment Schedule prior to ordering materials or beginning any work.

SPECIAL PROVISION

SECTION 107

SCHEDULING OF WORK

Within 21 days of Contract Execution and before beginning any on-site activities, the Contractor shall provide Casco Bay Lines with its Schedule of Work. The Contractor will plan the work, including the activity of Subcontractors, vendors and suppliers, such that all Work will be performed in substantial conformity with its Schedule of Work. The Schedule must include sufficient time for Casco Bay Lines or its representative to perform its functions as indicated in this contract, including QA inspection and testing, approval of the Contractor's TCP, SEWOCP and QCP, and review of working drawings and submissions.

At a minimum, the Schedule of Work shall include a bar chart which shows the major work activities, milestones, durations, submittals and approvals, and a timeline. Milestones to be included in the Schedule include: (A) start of work; (B) beginning and ending of pontoon re-conditioning and suspension of car ferry berth access; (C) anticipated work on fixed pier fender system; (D) completion of physical work and (E) project completion. If the Contractor plans to complete the work before the specified completion date, the Schedule shall so indicate.

Any restrictions that affect the Schedule of Work such as environmental conditions must be charted, with the related activities to demonstrate that the Schedule of Work complies with the Contract.

Casco Bay Lines or their representative will review the Schedule of Work and provide comments to the Contractor within 20 days of receipt of the Schedule. The Contractor will make the requested changes to the schedule and issue a finalized version to Casco Bay Lines.

SPECIAL PROVISION
SECTION 107
CONTRACT COMPLETION TIME

All work shall be completed by August 30, 2013 which is the specified completion date for this contract.

SPECIAL PROVISION

SECTION 107

SUPPLEMENTAL LIQUIDATED DAMAGES

The Contractor is being made aware that additional liquidated damages in the amount of One Thousand Eight Hundred Dollars (\$3,000.00) will be assessed for every calendar day, or portion thereof, that the car ferry transfer bridge remains out of service due to construction related activities with the bridge or the car ferry slip berth, after May 17, 2013. These damages will be withheld from monies due to the Contractor for work successfully completed on the project.

SPECIAL PROVISIONS

TECHNICAL

Note: These specifications are to be used with the State of Maine Department of Transportation Standard Specifications, Revision of December 2002, as amended. Those specifications can be found on the MaineDOT web site or purchased in book form from the Department.

SPECIAL PROVISIONS - TECHNICAL

SECTION 202
REMOVING STRUCTURES AND OBSTRUCTIONS

Section 202 Removing Structures and Obstructions is revised as follows:

202.01 Description. This subsection is amended by the addition of the following paragraphs:

This work shall consist of removing portions of the various marine facilities. Specifically, timber fender piles, wales and chocks as identified on the plans along the fixed pier; fender panels and associated elastomeric units as identified; several timber batter and plumb piles, structural timber, blocking, mooring hardware and ladders as identified; transfer bridge apron and one transverse beam; and all other items as shown on the contract drawings and specifications.

The following items are to be salvaged by the Contractor and re-incorporated into the work or turned over to Casco Bay Lines as directed:

1. Mooring cleats, chocks and other hardware.
2. Limit switches associated with the apron.
3. Ladders.
4. Piles and timbers associated with the guide dolphin for the transfer bridge.
5. Transfer Bridge Pontoon.
6. Hardware, counterweights and other components that assist with the proper operation of the transfer bridge apron.

The items to be salvaged shall be carefully dismantled by the Contractor and shall be carefully stored by the Contractor at a location to be designated by Casco Bay Lines. Items to be re-used shall be repaired as identified, temporarily stored on site, at the contractor's laydown area, then reinstalled at the new location as indicated on the drawings.

Payment will be made under:

<u>PAY ITEM</u>	<u>PAY UNIT</u>
202.02 Removing Structures and Obstruction – Property of Contractor	Lump Sum

SPECIAL PROVISIONS - TECHNICAL

SECTION 504
STRUCTURAL STEEL

Section 504 Structural Steel is revised as follows:

504.01 Description. This subsection is amended by the addition of the following paragraphs:

The work shall include but not limited to the following:

Transfer Bridge Transverse Beam
Transfer Bridge Apron
Repairs to the Transfer Bridge Pontoon

504.02 Materials. This subsection is amended by the addition of the following paragraph:

Steel in main load carrying members shall meet the Charpy-V-Notch impact test requirements as specified for Zone 2 in Table 7.1 of the AASHTO "Guide Specifications for Fracture Critical Non-Redundant Steel Bridge Members". Girders and floor beams are considered to be main load carrying members.

Payment will be made under:

<u>PAY ITEM</u>	<u>PAY UNIT</u>
504.80 Fabricate, Deliver and Install New Apron	Lump Sum
504.81 Fabricate, Deliver and Install Transverse Beam and Other Bridge Repairs	Lump Sum
504.82 Repairs to Transfer Bridge Pontoon	Square Foot

SPECIAL PROVISIONS - TECHNICAL

SECTION 506 PAINTING STRUCTURAL STEEL

506.01 Description. This work shall consist of furnishing and applying a shop applied prime coat and finish coats for items constructed in a shop, and field applied finish coating system in accordance with the plans and specifications.

506.02 Materials. Products specified are manufactured by the following companies and are specified as a standard of quality:

- Tnemec Company, Inc., North Kansas City, Missouri.
- American Safety Technologies (AST), Roseland, New Jersey
- International Paint-Protective Coatings, Union, New Jersey
- PPG Protective & Marine Coatings, Pittsburg, Pennsylvania

Equivalent materials of other manufacturers may be substituted only by approval of the Designer. Requests for substitution shall include manufacturer's literature for each product giving the name, generic type, descriptive information, solids by volume, recommended dry film thicknesses and a list of five projects where each product has been used and rendered satisfactory service. No request for substitution will be considered that would decrease film thickness or offer a change in the generic type of coating specified. Manufacturer's certified test reports showing that the substitute product(s) equal or exceed the performance of the specified products as outlined herein, System Requirements, shall be submitted.

506.03 Surface Preparation. All surfaces of structural steel shall be thoroughly cleaned prior to the application of any paint. All rust, millscale, weld slag or spatter, oil, grease, dirt, old paint or any other foreign matter shall be removed. All surfaces shall be approved by QC inspector in the presence of the owner's representative prior to the application of paint.

All surface preparation shall be in accordance with Steel Structures Painting Council Surface Preparation Specification No. 10 - Near-White Blast Cleaning.

506.04 Weather Conditions. Paint shall not be applied when the following conditions exist:

- (a) Temperature of the surrounding air or temperature of the metal is outside the range recommended by the manufacturer.
- (b) Temperature of the air is expected to fall outside the range for curing as recommended by the manufacturer before the paint has properly cured.

- (c) The metal is hot enough to cause the paint to blister and produce a porous paint film or is otherwise detrimental to the life of the paint.
- (d) The surrounding air is foggy, misty, rainy, snowy or dusty.
- (e) The surfaces to be painted are wet, damp, frosted or when in the opinion of the Owners Representative, conditions are otherwise unsatisfactory for the work.

Subject to approval of the Designer, the Contractor may provide a suitable enclosure to permit painting during inclement weather. Provisions shall be made to artificially control atmospheric conditions inside the enclosure within limits suitable for painting throughout the painting operation. Full compensation for providing and maintaining such enclosures shall be considered as included in the prices paid for the various contract items of work involving painting and no additional compensation will be allowed.

506.05 Preparation of Paint. Mix and thin materials for shop and field application according to manufacturer's latest printed instructions. Do not use materials beyond manufacturer's recommended shelf life. Do not use mixed materials beyond manufacturer's recommended pot life.

506.06 Paint Application. Apply materials for shop and field application at specified film thickness by method recommended by manufacturer. Allow each coat to dry thoroughly before recoating. Follow manufacturers recommended recoat time. Cut edges clean and sharp where work joins other materials or colors. Make finish coats smooth, uniform in color, and free of brush marks, laps, runs, dry spray, overspray and skipped or missed areas. Field touch-up shall be in accordance with the paint manufacturer's recommendations.

506.07 Inspection. Request acceptance of each coat before applying succeeding coats. Repair and touch-up all work that is not acceptable to the Owners Representative and request final acceptance.

506.08 Cleaning. Remove paint spatters from adjoining surfaces. Repair damage to coatings or surfaces caused by cleaning operations. Remove debris from job site and leave storage areas clean.

506.09 Painting Schedule.

- A. Surfaces to be painted under this section:
 - 1. End of Transfer Bridge Longitudinal Beams.
 - 2. Transverse Bridge Beam
 - 3. Transfer Bridge Apron

4. Transfer Bridge Pontoon
5. Apron Dogging Frame
6. Counter Weight Enclosures
7. Railings

B. Coating System:

1. End of Transfer Bridge longitudinal beams, transverse bridge beam, apron dogging frame, Counter Weight Enclosures and Transfer Bridge apron (accept top wearing surface).

- A. Primer shall be Tnemec-Zinc 90-97, one component urethane, zinc-rich primer at 2.5-3.5 mils DFT as manufactured by Tnemec Co., Inc.
- B. Intermediate coat shall be Tnemec Series 161 Tnemec-Fascure epoxy-polyamide coating at 4.0-6.0 mils DFT.
- C. Top coat shall be Tnemec Series 73 Endura Shield III, aliphatic polyurethane enamel at 4.0-6.0 mils DFT. Color of top coat shall be selected by the Department.
- D. Equal products as manufactured by Dupont or Ameron will also be acceptable.

2. Transfer Bridge apron (top wearing surface).

- A. Primer shall be MS-7CZ Industrial Metal Primer, one coat 4-6 mils as manufactured by AST.
- B. Top coat shall be AS-175 Non-skid safety coating, one coat roller applied, as manufactured by AST.

3. Pontoon, all outside surface areas.

- A. Primer shall be AMERLOCK 400, one coat 5-7 mils, as manufactured by PPG.
- B. Intermediate and Top coats, one coat each, 4-6 mils, as manufactured by PPG.

3. Pontoon, all inside surface areas.

- A. Primer shall be Cathacoat 302H, one coat, 3-4 mils, as manufactured by International Paint.
- B. Intermediate coat shall be Devran 201H, one coat, 3-4 mils, as manufactured by International Paint.
- C. Top coat shall be Devthane 379, one coat, 3-4 mils, as manufactured by International Paint.

506.10 Removal of Paint. If the painting is determined to be unsatisfactory by the Owners Representative, the paint shall be removed and the metal thoroughly cleaned and repainted with the required number of coats.

506.11 Protective Measures. During field application of the coating system, the Contractor shall provide appropriate safety measures, approved by the Owners Representative, for the protection of the public against damage due to paint drippings, paint spatter, wind blown paint, falling objects, abrasives, etc. The Contractor shall be fully responsible for property damage or personal injury which may result from operations incidental to the field cleaning of structural steel and field application of the paint system.

Portions of the structure(s) (superstructure, substructure, slope protection and highway appurtenances) shall be protected from paint contamination and blast cleaning damage by means of suitable protective covering when deemed necessary by the Owners Representative.

The paint system shall, at all times during its application or repair, be protected from dust, either caused by construction activities or by traffic, that might adhere to the uncured coating. If, in the opinion of the Owners Representative, traffic produces an objectionable amount of dust, the Contractor shall, at his own expense, allay the dust for the necessary distance on each side of the bridge and take any other precautions necessary to prevent dust and dirt from coming in contact with freshly painted surfaces or with surfaces before the paint is applied.

Payment will be made under:

Payment for painting will be incidental to the item being painted and made under that pay item.

SPECIAL PROVISIONS - TECHNICAL

SECTION 507
RAILINGS

All work under this item shall conform with Section 507 of the MaineDOT Standard Specifications modified as follows:

507.01 Description. This work shall consist of the furnishing of all materials for and the construction of railings and handrails on the transfer bridge apron, in reasonably close conformity with the lines and grades shown on the plans or established by the Owners Representative.

507.02 Materials. Railings and handrails shall be black steel pipe conforming to the requirements of ASTM A53, Type S, Grade A. Railings shall be painted in accordance with Section 506, Painting Structural Steel.

507.03 Steel Bridge Railing. Jointing of posts, rail and corners shall be by one of the following methods:

- (1) Flush-type rail fittings of commercial standard, welded and ground smooth.
- (2) Mitered and welded joints made by fitting post to top rail and intermediate rail to post, mitering corners, groove welding joints, and grinding smooth. Railing splices shall be butted and reinforced by a tight fitting interior sleeve not less than 6 inches long.
- (3) Railings shall be bent at corners to the radius as indicated on the plans (or matching existing apron railings) using suitable jigs which will not crush the pipe.

The Contractor shall provide all additional connection details which are not specifically indicated on the plans, as necessary, to complete the work under this section.

Payment will be made under:

Payment for railings will be considered incidental to 504.80 New Apron and made under that pay item.

SPECIAL PROVISIONS - TECHNICAL

SECTION 530 TIMBER PILES

530.01 Description. This work shall consist of furnishing, driving, fitting, and connecting timber piles, in accordance with the plans and specifications. This section supplements the pertinent requirements of Section 501 – Foundation Piles, from the State of Maine, Department of Transportation Standard Specifications, Revision of December 2002, as amended.

530.02 Plant Inspection. Timber piles shall be inspected by an independent commercial laboratory prior to delivery to the site. The laboratory shall be employed by the Contractor and approved by the Owner. The basis of the laboratory's approval shall be in conformance with Sections 3 and 4 of ASTM Standard E 329. The name, qualifications, and evidence of the laboratory's conformance with the above shall be submitted to the Owners Representative for approval.

530.03 Notice. The Owners Representative shall be given notice at least one day in advance of all pile driving.

530.04 Pile Driving Criteria and Testing. The Contractor shall submit a Wave Equation Analysis for each configuration of Pile Driving Equipment and each pile type. The Wave Equation Analysis shall demonstrate that excessive driving stresses will not occur and shall be used to establish initial driving criteria.

MATERIALS

530.05 Materials. Timber piles shall meet the following requirements:

- (1) Timber piles shall conform to ASTM D 25. The maximum butt diameter shall be 16 inches. Minimum butt diameter, 3 ft. from the butt, shall be 12 inches. Minimum tip diameter shall be 8 inches.
- (2) Timber foundation piles for all marine structures shall be Southern Yellow Pine, clean-peeled, treated with chromated copper arsenate (CCA) in accordance with AWWA U1-10. CCA shall conform to AWWA P5. The retention of preservative shall not be less than 2.5 pounds per cubic foot of wood.
- (3) Timber fender piles shall be Greenheart (*Nectandra Rodiaei*), clean-peeled conforming to the Guyana Timber Grading Rules for Hardwoods.

- (4) Should Greenheart piles not be available to meet the construction schedule, then they will be substituted with Southern Yellow Pine, clean-peeled, treated with chromated copper arsenate (CCA) in accordance with AWWA U1-10. CCA shall conform to AWWA P5. The retention of preservative shall not be less than 2.5 pounds per cubic foot of wood. The pile face exposed to vessel impact for these piles shall be covered with a 1.5" thick by 12" wide UHMW wearing face, extruded to conform to a 12" diameter pile and attached as shown on the drawings.
- (5) Piles shall be of lengths shown on the Drawings and shall include an allowance for cut-off.

Timber pile appurtenances shall meet the following requirements:

- (1) Bolts, nuts, and washers shall conform to ASTM A 307 and shall be hot-dip galvanized in accordance with ASTM A 153.
- (2) Pile bands used for driving shall be cold rolled, fully heat treated, high tensile steel strapping not less than 1 1/4 inch wide and 0.031 inch thick and shall be painted and waxed.
- (3) Pile bands for Greenheart Fender Piles shall be 3/4" x 0.030" type Type 304 Stainless Steel bands installed at the elevation indicated on the plans or six inches below the lowest point of the pile top.

CONSTRUCTION REQUIREMENTS

All piles shall be driven in the locations shown within the tolerances hereinafter stated, and as shown on the plans. Piles shall be driven continuously to the elevations shown on the plans.

(1) For vertical piles, the maximum allowable variation from the vertical is one-quarter inch per foot of pile length.

(2) For batter piles, the maximum allowable variation from the batter is one-quarter inch per foot of pile length.

(3) All piles shall be driven to pile tip elevations or capacity as shown on the Contract Drawings. Pile capacities are working loads.

Piles shall be driven by an approved diesel, steam, or air-driven hammer. The hammer shall be in good condition and capable of operating in accordance with the manufacturer's rating.

(1) The hammer furnished shall have a capacity at least equal to the hammer manufacturer's recommendation for the total weight of pile and character of subsurface material to be encountered. The rated driving energy of the hammer shall be 15,000 foot-pounds. For load bearing piles, drive without interruption to the required blow count for the last 6 inches.

(2) Other types of hammers, such as ultrasonic, may be used if the Contractor obtains approval in writing prior to such use. A definite correlation between the proposed and specified hammers shall be submitted with the request.

Spudding shall not be used, except that an approved steel spud may be used to penetrate riprap or other obstructions if necessary to prevent damage to the piles.

The first pile driven for each group shall be near the center of the group and subsequent driving from the center outward. Any driven pile raised more than one-half inch by subsequent driving of adjacent piles shall be re-driven to original elevation, and thereafter to the required driving resistance, with no compensation for the additional driving. Bearing piles shall be driven to the capacity shown on the contract drawings.

Water jetting of piles will be permitted only with the approval of the Designer and when necessary to obtain the required penetration. The volume and pressure at the jet nozzle shall be sufficient to erode the material adjacent to the pile. The plant shall have a sufficient capacity to deliver at least 200 pounds per square inch at the jet nozzle. A water gauge and relief valve set at the required pressure shall be part of the equipment. Before the final depth is reached, the jet shall be withdrawn and the pile driven to secure the final penetration in a stratum not previously affected by the jet.

Obstructions encountered in pile locations shall be dealt with as follows:

(1) All rocks, timbers, pile stubs, or other obstructions at the ground surface (either above or under water) which interfere with driving of piles shall be removed at no additional cost to the Owner.

(2) In the case of an apparent obstruction below the ground surface but above the anticipated full depth, which prevents appreciable penetration of a pile, the abnormal condition will receive further consideration by the Designer. Depending on depth and the resistance of the obstruction, the Designer will decide whether to consider the pile acceptable or order the obstruction removed. The decision may be deferred until the driving of adjacent piles indicated the obstruction to be isolated or extending over the area of several piles.

Care shall be taken in driving to avoid subjecting piles to excessive or undue stress. Any pile driven in the wrong position or damaged by reason of defects, or by driving, shall be

withdrawn and replaced by a new pile, or supplemented by a second pile adjacent to the first. In either case, no payment shall be made for the unacceptable pile.

After driving, the heads of the piles (except as hereinafter specified) shall be cut-off at the correct elevation, with the cut made as indicated on the plans. Pile cut-offs shall become the property of the Contractor, to be removed from the site. The tops of all fender piles shall be wrapped in fiberglass after cut-off. A minimum of three layers of fiberglass resin and two layers of fiberglass fabric, placed in alternating layers, shall be provided. The Contractor shall take care to follow proper procedures for fiberglass work regarding weather and temperature conditions at the time of placement.

Care shall be taken in handling timber piles to prevent damage. Driving and fitting shall meet the following requirements:

(1) Piles shall be fitted as shown on the plans, after driving.

(2) Excessive manipulation of piles to force them into proper location will not be permitted.

Contractor shall maintain a complete and accurate record of each pile driven. Indicate pile location, deviations from design location, diameter, original length, mudline elevation, tip elevation, cutoff elevation, penetration in blows per foot for the last 10 feet, hammer data including rate of operation, make, and size, and unusual pile behavior or circumstances experienced during driving such as re-driving, heaving, weaving, obstructions, and unanticipated interruptions. Make pile driving records available to the Owners Representative at the job site, not less than 24 hours after each day of pile driving.

Payment will be made under:

<u>PAY ITEM</u>	<u>PAY UNIT</u>
530.201 12" SYP Timber Pile – Delivered & In Place	Linear Foot
530.203 12" Greenheart Fender Pile – Delivered & In Place	Linear Foot
530.205 Alternate Fender Pile (separate from Base Bid) 12" SYP Timber Pile with UHMW Face – Delivered & In Place	Linear Foot
530.300 Pile Driving Sound Monitoring	Lump Sum
530.92 Pile Driving Equipment Mobilization	Lump Sum

SPECIAL PROVISIONS - TECHNICAL

SECTION 534
HEAVY TIMBER CONSTRUCTION

534.01 Description. The work shall consist of the furnishing and installing all heavy timber construction where heavy timber is hereby defined to include structural framing of wood members with thicknesses of 5" (nominal) or more.

MATERIALS

534.02 Materials. Except as noted all work shall conform to the latest editions of the following codes, specifications and standards:

- (a) Southern Pine Inspection Bureau (SPIB)
- (b) West Coast Lumber Inspection Bureau (WCLIB)
- (c) Western Wood Products Association (WWPA)
- (d) National Forest Products Association (NFPA)
- (e) American Society for Testing and Materials (ASTM)
- (f) Building Officials and Code Administrators (BOCA)
- (g) American Institute of Timber Construction (AITC)
- (h) Northeast Lumber Manufacturers Association (NELMA)

534.03 Submittals. For each type of treatment required, provide treater's certification stating chemicals and process used, quantities of chemicals retained, conformance with applicable standards and certification that moisture content after treatment was reduced to maximum specified.

Submit shop drawings showing large scale details of various parts of the work, methods of joinery, profiles, and provisions for assembly, wood finish and installation. Show methods of enforcement, anchorage and support.

534.04 Materials.

A. Timber

1. All timber shall be Southern Yellow Pine of the Quality listed below. Grades of Southern Yellow Pine refer to the latest Standard Grading Rules of the Southern Pine Inspection Bureau. Dressing of timber shall be as indicated below.

ITEM	DRESSING	SPECIES
Wales	S4S	Southern Yellow Pine No. 1 Dense
Chocks	S2S	Southern Yellow Pine No. 1 Dense
Mounting Timbers	S4S	Southern Yellow Pine No. 1 Dense
Blocking	S2S	Southern Yellow Pine No. 1 Dense
Bracing	S2S	Southern Yellow Pine No. 1 Dense

Blocking shall be planed not to exceed the nominal thickness indicated.

2. All timber shall be pressure treated with chromated copper arsenate (CCA) conforming to AWPAs Standard P5. The treatment shall be by the full cell process in accordance with AWPAs Standards U1-10 and T1-10. All timber shall be treated to 2.5 pounds per cubic foot retention.

B. Galvanized Hardware

All hardware including bolts, nuts, washers, spikes and drift pins shall be hot-dip galvanized steel conforming to the respective ASTM Standards and other requirements specified below:

1. Bolts and Nuts: A307. Bolts shall have hexagonal heads, except where button heads are shown on the drawings. Nuts shall be hexagonal.
2. Washers, angles, plates, and miscellaneous items shall be A36 steel. Washers shall be square, except that round washers shall be used under button heads and where countersunk.
3. Galvanizing shall be in accordance with ASTM A123 and A153, as applicable.

CONSTRUCTION REQUIREMENTS

534.05 General. Store and handle in strict compliance with manufacturer's instructions and recommendations. Store timber under cover and protect from moisture and damage. Stack materials to promote air circulation and to prevent twisting. Sequence deliveries to avoid delays, while minimizing on-site storage. Do not store kiln-dried lumber in wet or damp areas.

534.06 Installation.

- A. Treated timber shall be carefully handled without sudden dropping, breaking of outer fibers, bruising or penetrating the surface with tools. It shall be handled with rope slings. Cant hooks, peaveys, pikes or hooks shall not be used.
- B. Timber shall be closely fitted, accurately set to required lines and levels, and rigidly secured in place, as shown on the drawings. The following requirements shall be met:
 - a. Joints are to be square, tight and well-fastened with all members assembled in accordance with the Drawings.
2. Holes for bolts shall be in accordance with the latest edition of the National Design Specifications (NDS) for Wood Construction. Holes shall be swabbed with two (2) coats of copper naphthenate 2% in accordance with the manufacturer's recommendations, before installing the bolt.
3. Holes for drift pins and spikes shall be in accordance with the latest edition of the National Design Specification (NDS) for Wood Construction. Care shall be taken in driving not to split the timbers

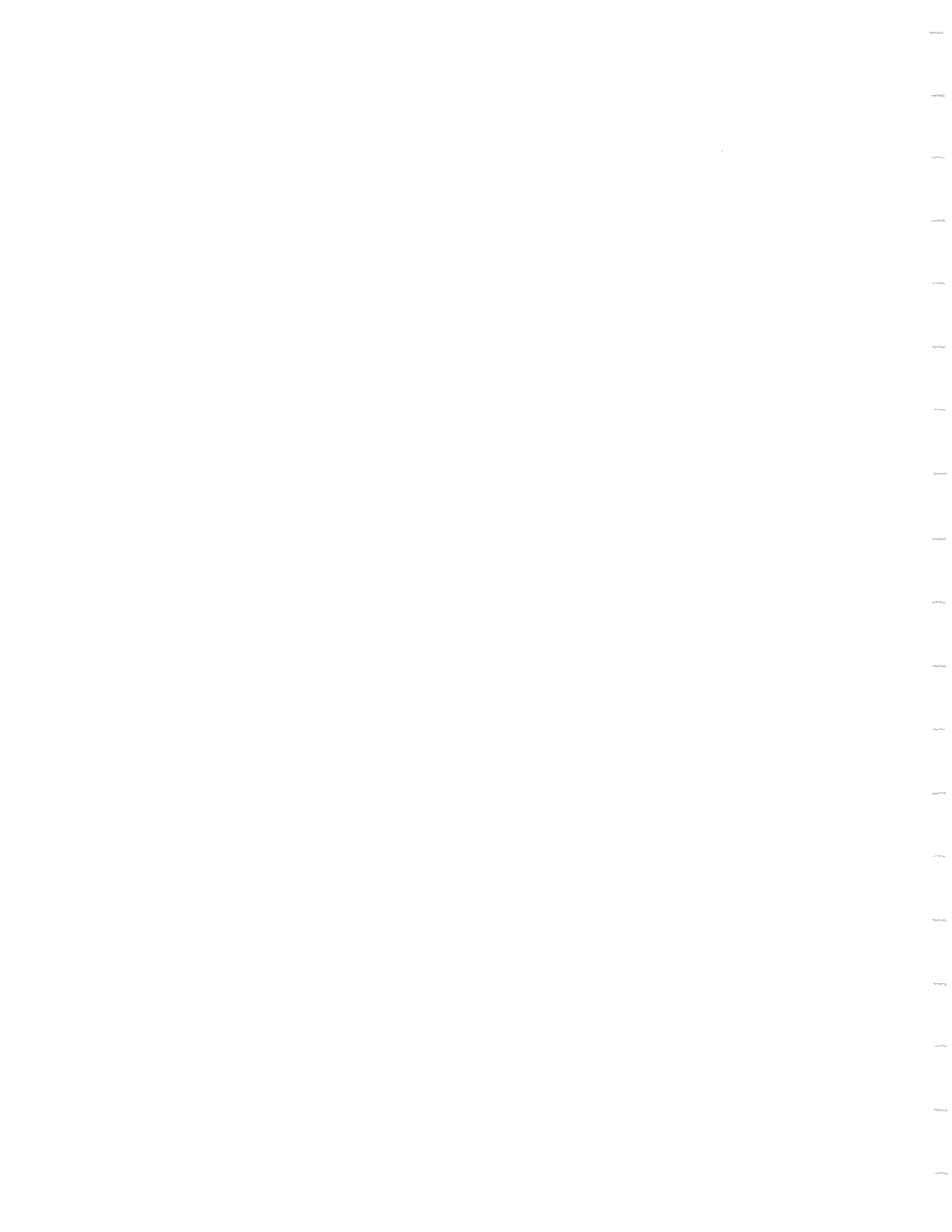
4. All timber shall be placed with the sap wood on the top side of the piece, if possible.
5. Washers shall be placed under both bolt heads and nuts. Bolts shall be tightened to provide a solid connection. No more than one (1) washer shall be installed under the bolt head or nut. Bolt threads shall project no more than two (2) inches beyond the nut.
6. The care and handling of treated timber shall conform to the requirements of AWPA Standard M4. All timber shall be handled in a manner to avoid damage to the treated surfaces.
7. Where damaged or cut for fittings, or during handling, treated timber shall be brush coated with copper naphthenate 2% in accordance with the manufacturers recommendations, provide 2 coats minimum.
8. All timber chocks shall be cut and fit in such a manner as to have full bearing over the entire contact surface.

534.07 Method of Measurement: All measurement shall be for furnishing, all labor, materials and equipment necessary for the satisfactory completion of the work.

534.08 Basis of Payment: Payment for all work pertaining to this section shall be combined and applied as a lump sum payment.

Payment will be made under:

<u>PAY ITEM</u>	<u>PAY UNIT</u>
534.20 Heavy Timber Construction	Lump Sum



SPECIAL PROVISIONS - TECHNICAL

SECTION 550
RUBBER UNITS

550.01 Description. This work shall consist of furnishing and installing rubber fender units to the piers in accordance with the plans and specifications. Fender units shall include the brackets and rubber fenders including mounting hardware, chain and attachments.

MATERIALS

550.02 Materials. This subsection covers the material requirements for the fender units.

- (a) The rubber elements used shall be cone fenders of the size indicated on the drawings and as manufactured by Trelleborg Marine Systems, Maritime International or approved equal. Fender units shall be resistant to ozone, sunlight, temperature extremes, marine growth, wear and abrasion.

Rated energy and reaction for the cone fenders shall be as indicated.

- (b) Attachment Hardware: Mounting bolts, Nuts and Washers. Bolts, nuts and washers shall conform to ASTM A 307 unless otherwise required by fender manufacturer and shall be hot dip galvanized. Fenders shall be provided with steel plate washer bars and templates for setting anchor bolts.

Chains and Attachments:

- Chains shall be hot-dip galvanized, proof coil chain, working load limit 17,900 lbs. and of the size shown on the plans.

Chain Tensioners

- Chain Tensioners shall be of the dog bone type, sized to suit the provided chain and hot-dip galvanized.

- (c) Steel for brackets and miscellaneous steel items shall be of structural steel conforming to ASTM Standard A 36 or stronger and shall be of the shape, size and details indicated or suitable for the purposes. Steel shall be hot-dip galvanized in accordance with ASTM A-123.

550.03 Fender Unit Warranty The contractor and the manufacturer of the fender unit shall warranty that the rubber energy absorption units and all connection hardware, meets or exceeds the material and performance criteria specified and against defects in construction and/or materials for a period of two years.

Should any breach in warranty be found within this period, the contractor shall be required to repair any and all defects at no additional cost to the Owner.

550.04 Submittals

Design Data:

- (a) Reaction - energy percent compression curves.
- (b) Dimensions
- (c) Material Specifications

Manufacturers Catalog Data

- (a) Fenders units, performance curves and hardware
- (b) Method of Manufacture
- (c) Hardware including steel plate, anchor bolts, chain, chain tensioners, anchor shackles, eye-nuts, button head bolts and shoulder eye bolts.

Manufacturer's Instructions

- (a) Handling, Assembly and Installation Instructions

Factory Test Reports

Warranty Certification

Shop Drawings:

- (a) Fender unit attachment drawings, including anchoring and support chains.

CONSTRUCTION REQUIREMENTS

550.04 General. Care shall be taken to secure all fender units with required hardware without sagging or distortion. Installation shall include chains and all necessary connecting and tightening hardware.

550.05 Method of Measurement: All measurement shall be for furnishing, all labor, materials and equipment necessary for the satisfactory completion of the work.

550.06 Basis of Payment: Payment for all work pertaining to this section shall be combined and applied as a lump sum payment.

Payment will be made under:

<u>PAY ITEM</u>	<u>PAY UNIT</u>
550.30 Rubber Units	Lump Sum

SPECIAL PROVISIONS - TECHNICAL

SECTION 602 METAL FABRICATIONS

602.01 Description. This work shall consist of furnishing and installing mooring cleats, ladders, handrails, railings, brackets and miscellaneous metal fabrications in accordance with the plans and specifications.

MATERIALS

602.02 Materials. Products shall conform to the respective reference specifications and standards and to the requirements specified herein.

Castings shall conform to ASTM A-27, Grade 60-30.

Steel and Iron. If not specified otherwise, use standard mill finished structural steel shapes or bar iron in compliance with AISC S326 Specifications for Design, Fabrication and Erection of Structural Steel for Buildings.

Structural steel shall conform to ASTM A588

Stainless steel shall conform to Alloy 304 or 316.

Steel pipe shall conform to ASTM A53, Type E or S, Grade B.

Steel sheet metal shall conform to ASTM A611, Grade B.

Bolts, anchor bolts, nuts and washers shall conform to ASTM A307 and shall be hot-dip galvanized.

Screws shall conform to FS FF-S-92, and shall be stainless steel.

602.03 Dissimilar Material. Where dissimilar metals as defined by MIL-STD-889 are in contact with wood, or absorptive materials subject to wetting, protect the surfaces with a coat of bituminous paint, a coat of varnish conforming to Federal Specification TT-V-51, or a coat of zinc chromate primer conforming to Federal Specification TT-P-645 or Federal Specification TT-P-664 to prevent galvanic or corrosive action.

CONSTRUCTION REQUIREMENTS

Fabrication shall be performed by mechanics skilled in the trade and in accordance with the manufacturer's directions. Metalwork shall be well formed to shape and size, with sharp lines, angles, and true curves. All work shall be fabricated to allow for expansion and contraction of materials. Provide welding and bracing of adequate strength and durability, with tight, flush joints, dressed smooth and clean.

Measurements shall be performed before fabrication, provide necessary field measurements and verify all measurements.

Metal surfaces shall be clean and free from mill scale, flake rust and rust pitting; well formed and finished to shape and size, with sharp lines, angles, and smooth surfaces. Shearing and punching shall leave clean true lines and surfaces. Unless otherwise indicated, weld connections. Welds shall be used and finished flush and smooth on surfaces that will be exposed after installation. Do not use screws or bolts where they can be avoided; when used, heads shall be countersunk, screwed up tight and threads nicked to prevent loosening.

Fastening: Provide the necessary rabbets, lugs, and brackets so that the work can be assembled in a neat and substantial manner. Holes for bolts and screws shall be drilled. Joints exposed to the weather shall be formed to exclude water. Conceal fastenings where possible.

Shop Fabrication: Fabrication and assembly shall be done in the shop to the greatest extent possible.

Miscellaneous Items:

1. Brackets

Brackets shall be hot-dip galvanized steel plates secured as indicated.

2. Ladders

Fabricate ladders with steel channels or bars for stringers and steel rods for rungs. Rungs shall be plug welded or shouldered and headed into stringers. Ladders shall be hot-dip galvanized after fabrication. Install ladders so that the distance from the rungs to the pier face will not be less than 7 inches. Unless otherwise indicated on the plans, secure ladders to the adjacent construction with clip angles bolted to the pier.

3. Mooring Cleats

Cleats shall be steel castings conforming to ASTM Standard A-27, Grade 60-30, fully annealed. Sizes shall be as shown on the plans. Contractor shall reinstall existing mooring bollards/cleats as directed at new locations.

Anchorage, Fastenings, and Connections

1. Anchorage

Provide anchorage for fastening work strictly in place. Sizes, kinds, and spacing of anchors not indicated or specified shall be as necessary for the purpose, as approved. Anchorage not otherwise specified or indicated includes through bolts, lag bolts, and screws for wood. Except where specified otherwise, anchors and anchor bolts shall be hot dip galvanized.

2. Threaded Connections

Make threaded connections up tight so that threads are entirely concealed. Make bolted work up tight and nick the threads or bush the stem to prevent loosening. Abutting bars shall be shouldered and headed, dowelled and pinned. Pass small bars through larger bars and pin. Rivet, bolt, and screw heads shall be flat and countersunk in exposed work and elsewhere as required.

3. Anchors and Connecting Members

Cut, fit, and drill as necessary so all materials are properly set in place and to permit engaging work to be properly installed.

4. Design Connections

Where not shown or indicated, connection details shall be in accordance with AISC M011 and connections shall be provided using common steel bolts. Provide necessary holds for securing work to structure. Use lock washers under nuts.

Welding: Perform welding, welding inspection, and corrective welding in accordance with AWS D1.1. Weld in a manner to prevent permanent distortion of the connected parts. Weld continuously along the entire area of contact except where tack welding is permitted. Do not tack weld exposed connections. Grind smooth visible welds in the finished installation.

Finishes.

1. Galvanizing

Hot-dip galvanize items specified to be zinc-coated after fabrication, where practicable. Galvanizing: ASTM A123, ASTM A153 and ASTM A525, as applicable.

a. Galvanize

Anchor bolts, washers, and parts or devices necessary for proper installation unless indicated otherwise.

2. Repair of Zinc-Coated Surfaces

Repair surfaces damaged by welding or other means with galvanizing repair paint conforming to DOD-P-21035 or by the application of stick or thick paste material specifically designed for repair of galvanizing, as approved. Clean areas to be repaired

and remove the slag from welds. Surfaces to which stick or paste material is applied, shall be heated with a torch to a temperature sufficient to melt the metallics in stick or paste; spread the molten material uniformly over surfaces to be coated and wipe the excess material off.

3. Painting Cleats

Cleats shall be painted in accordance with the requirements of Section 506 - Painting Structural Steel. Color to be chosen by Owner.

602.04 Submittals. Shop drawings and/or catalog cuts shall be submitted for review and approval and shall indicate all materials, thicknesses and show connection and welding details, as applicable.

602.05 Method of Measurement. All measurement shall be for furnishing, all labor, materials and equipment necessary for the satisfactory completion of the work.

602.06 Basis of Payment. Payment for all work pertaining to this section shall be combined and applied as a lump sum payment.

Payment will be made under:

<u>PAY ITEM</u>	<u>PAY UNIT</u>
602.20 Metal Fabrications	Lump Sum

SPECIAL PROVISIONS - TECHNICAL

SECTION 632

PONTOON

632.01 Description. This work shall consist of, but not be limited to, all labor, equipment and materials necessary to successfully remove, clean, rehabilitate/re-condition, paint and re-install the pontoon for the transfer bridge.

All structural steel work shall be in accordance with Section 504 - Structural Steel. Structural steel for the pontoon shall conform to the requirements of ASTM A36. Structural steel shall be fabricated and erected in accordance with the applicable requirements of the AASHTO 2002 Standard Specifications for Highway Bridges and the 2000 Standard Specifications for Moveable Highway Bridges, including current interims. Welding of structural steel shall be performed in accordance with ANSI/AASHTO/AWS D1.5-99, Bridge Welding Code.

632.02 Structural Repair. The existing pontoon has areas of deterioration that will need to be repaired. On the outside surface there are areas that have been patched in the past, especially on the top of the pontoon. When the Contractor opens all of the compartments, they will review all damaged areas with the Designer and the Owners Representative to determine which areas will need to be repaired. For the purposes of bidding, there is a bid item to repair one hundred and fifty (150) square feet of pontoon shell and the associated framing underlying it. Sizes of material will match what is shown on the original design drawings made part of the plans for this project. The Contractor and Owners Representative will agree on the number of square feet to be repaired before repairs are undertaken. Should additional repair be necessary as the work progresses, it will be brought to the attention of the Owners Representative and approved prior to moving forward. Failure to provide proper notifications and obtain the necessary approvals will result in the work not being eligible for payment in as identified in the schedule of values.

632.03 Painting. The existing pontoon shall be removed from the water, completely drained, inspected for damage, repaired and then shall be cleaned and painted, both inside and out in accordance with the requirements of Section 506 -- Painting Structural Steel.

632.04 Existing Systems. The pontoon is made up of several ballast compartments that are connected to a pumping system in order to accommodate changes in freeboard for the ferry. The Contractor shall carefully disconnect any electrical and mechanical components and properly store them while the pontoon structure is undergoing rehabilitation. There are also several intake and discharge pipes that aid in the addition or removal of seawater for ballasting operations. This piping shall be carefully removed and stored prior to rehabilitation. Some compartments have foam billets that will need to be removed before performing any rehabilitation work and then re-installed after painting has been completed and cured. All material being removed shall be first inspected by the Contractor and any damage documented and brought to the attention of the Owners Representative prior to removing the item. Replacement of damaged components shall be agreed to prior to the work being performed. Should the Contractor fail to review the damaged material with the Owners Representative prior to removal, then it will be the Contractor's responsibility to replace any damaged material that is discovered after removal at

no additional cost to the Owner. The Contractor should plan on replacing all connection hardware and the price for so doing shall be considered incidental to the project and carried in the base bid item for the pontoon. The Contractor should include as part of the bid price all work necessary to re-connect all components that make up a complete working pontoon system equal to or better than what it was before the work began. All work will be done by qualified craftsmen for the various specialties.

The Contractor should also be aware that there are cathodic protection anodes attached on both the outside and inside of the pontoon. Care should be taken so not to damage the anodes or the pontoon while moving or handling. Anodes will need to be removed prior to repairing or painting any portion of the pontoon and re-installed after painting has been completed.

632.05 Connection Details. The Contractor shall provide connection details for all structural steel rehabilitation that is necessary to complete the work under this section which is not specifically indicated on the plans. Connection details shall conform to the original plans made part of the contract documents and the requirements of the AASHTO standards referenced herein.

632.06 Test and Operation. Upon completion of the installation of the pontoon to the transfer bridge and all associated hook-ups, the Contractor shall conduct an operating test for acceptance. The test will be done in the presence of the Owners Representative and the Owner and will demonstrate that the bridge operates in the same manner and at the same speed as it did before the work had begun. The operating test shall include, but not be limited to, the ability to fill and drain ballast tanks, proper movement and locking of the apron in a stored position and proper seating of the apron on the deck of the ferry for loading/off-loading of traffic. The Contractor shall furnish any necessary documents or manuals as a result of any changes made to the operating system during the project.

A written acceptance of the transfer bridge will be issued by the Owners Representative /Owner after successful demonstration of the operating machinery meeting the requirements set forth on the plans and specifications.

632.07 Method of Measurement: All measurement shall be for furnishing, all labor, materials and equipment necessary for the satisfactory completion of the work.

632.08 Basis of Payment: Payment for all work pertaining to this section shall be combined and applied as a lump sum payment.

Payment will be made under:

PAY ITEM

PAY UNIT

632.10 Paint Pontoon

Lump Sum

SUPPLEMENTAL SPECIFICATION
(Corrections, Additions, & Revisions to Standard Specifications - Revision of December 2002)

SECTION 101
CONTRACT INTERPRETATION

101.2 Definitions

Closeout Documentation Replace the sentence "A letter stating the amount..... DBE goals." with "DBE Goal Attainment Verification Form"

Add "Environmental Information Hazardous waste assessments, dredge material test results, boring logs, geophysical studies, and other records and reports of the environmental conditions. For a related provision, see Section 104.3.14 - Interpretation and Interpolation."

Add "Fabrication Engineer The Department's representative responsible for Quality Assurance of pre-fabricated products that are produced off-site."

Geotechnical Information Replace with the following: "Boring logs, soil reports, geotechnical design reports, ground penetrating radar evaluations, seismic refraction studies, and other records of subsurface conditions. For a related provision, see Section 104.3.14 - Interpretation and Interpolation."

SECTION 102
DELIVERY OF BIDS

102.7.1 Location and Time Add the following sentence "As a minimum, the Bidder will submit a Bid Package consisting of the Notice to Contractors, the completed Acknowledgement of Bid Amendments form, the completed Schedule of Items, 2 copies of the completed Agreement, Offer, & Award form, a Bid Bond or Bid Guarantee, and any other Certifications or Bid Requirements listed in the Bid Book."

102.11.1 Non-curable Bid Defects Replace E. with "E. The unit price and bid amount is not provided or a lump sum price is not provided or is illegible as determined by the Department."

SECTION 103
AWARD AND CONTRACTING

103.3.1 Notice and Information Gathering Change the first paragraph to read as follows: "After Bid Opening and as a condition for Award of a Contract, the Department may require an Apparent Successful Bidder to demonstrate to the Department's satisfaction that the Bidder is responsible and qualified to perform the Work."

SECTION 104
GENERAL RIGHTS AND RESPONSIBILITIES

104.3.14 Interpretation and Interpolation In the first sentence, change "...and Geotechnical Information." to "...Environmental Information, and Geotechnical Information."

SECTION 105 GENERAL SCOPE OF WORK

Delete the entire Section 105.6 and replace with the following:

105.6.1 Department Provided Services The Department will provide the Contractor with the description and coordinates of vertical and horizontal control points, set by the Department, within the Project Limits, for full construction Projects and other Projects where survey control is necessary. For Projects of 1,500 feet in length, or less: The Department will provide three points. For Projects between 1,500 and 5,000 feet in length: The Department will provide one set of two points at each end of the Project. For Projects in excess of 5,000 feet in length, the Department will provide one set of two points at each end of the Project, plus one additional set of two points for each mile of Project length. For non-full construction Projects and other Projects where survey control is not necessary, the Department will not set any control points and, therefore, will not provide description and coordinates of any control points. Upon request of the Contractor, the Department will provide the Department's survey data management software and Survey Manual to the Contractor, or its survey Subcontractor, for the exclusive use on the Department's Projects.

105.6.2 Contractor Provided Services Utilizing the survey information and points provided by the Department, described in Subsection 105.6.1, Department Provided Services, the Contractor shall provide all additional survey layout necessary to complete the Work. This may include, but not be limited to, reestablishing all points provided by the Department, establishing additional control points, running axis lines, providing layout and maintenance of all other lines, grades, or points, and survey quality control to ensure conformance with the Contract. The Contractor is also responsible for providing construction centerline, or close reference points, for all Utility Facilities relocations and adjustments as necessary to complete the Work. When the Work is to connect with existing Structures, the Contractor shall verify all dimensions before proceeding with the Work. The Contractor shall employ or retain competent engineering and/or surveying personnel to fulfill these responsibilities.

The Contractor must notify the Department of any errors or inconsistencies regarding the data and layout provided by the Department as provided by Section 104.3.3 - Duty to Notify Department If Ambiguities Discovered.

105.6.2.1 Survey Quality Control The Contractor is responsible for all construction survey quality control. Construction survey quality control is generally defined as, first, performing initial field survey layout of the Work and, second, performing an independent check of the initial layout using independent survey data to assure the accuracy of the initial layout; additional iterations of checks may be required if significant discrepancies are discovered in this process. Construction survey layout quality control also requires written documentation of the layout process such that the process can be followed and repeated, if necessary, by an independent survey crew.

105.6.3 Survey Quality Assurance It is the Department's prerogative to perform construction survey quality assurance. Construction survey quality assurance may, or may not, be performed by the Department. Construction survey quality assurance is generally defined as an independent check of the construction survey quality control. The construction survey

quality assurance process may involve physically checking the Contractor's construction survey layout using independent survey data, or may simply involve reviewing the construction survey quality control written documentation. If the Department elects to physically check the Contractor's survey layout, the Contractor's designated surveyor may be required to be present. The Department will provide a minimum notice of 48 hours to the Contractor, whenever possible, if the Contractor's designated surveyor's presence is required. Any errors discovered through the quality assurance process shall be corrected by the Contractor, at no additional cost to the Department.

105.6.4 Boundary Markers The Contractor shall preserve and protect from damage all monuments or other points that mark the boundaries of the Right-of-Way or abutting parcels that are outside the area that must be disturbed to perform the Work. The Contractor indemnifies and holds harmless the Department from all claims to reestablish the former location of all such monuments or points including claims arising from 14 MRSA § 7554-A. For a related provision, see Section 104.3.11 - Responsibility for Property of Others.

SECTION 106 QUALITY

106.4.3 Testing Change the first sentence in paragraph three from "...maintain records of all inspections and tests." to "...maintain original documentation of all inspections, tests, and calculations used to generate reports."

106.6 Acceptance Add the following to paragraph 1 of A: "This includes Sections 401 - Hot Mix Asphalt, 402 - Pavement Smoothness, and 502 - Structural Concrete - Method A - Air Content."

Add the following to the beginning of paragraph 3 of A: "For pay factors based on Quality Level Analysis, and"

106.7.1 Standard Deviation Method Add the following to F: "Note: In cases where the mean of the values is equal to either the USL or the LSL, then the PWL will be 50 regardless of the computed value of s."

Add the following to H: "Method C Hot Mix Asphalt: $PF = [55 + (Quality\ Level * 0.5)] * 0.01$ "

SECTION 107 TIME

107.3.1 General Add the following: "If a Holiday occurs on a Sunday, the following Monday shall be considered a Holiday. Sunday or Holiday work must be approved by the Department, except that the Contractor may work on Martin Luther King Day, President's Day, Patriot's Day, the Friday after Thanksgiving, and Columbus Day without the Department's approval."

107.7.2 Schedule of Liquidated Damages Replace the table of Liquidated Damages as follows:

From	Up to and	Amount of Liquidated
------	-----------	----------------------

<u>More Than</u>	<u>Including</u>	<u>Damages per Calendar Day</u>
\$0	\$100,000	\$225
\$100,000	\$250,000	\$350
\$250,000	\$500,000	\$475
\$500,000	\$1,000,000	\$675
\$1,000,000	\$2,000,000	\$900
\$2,000,000	\$4,000,000	\$1,000
\$4,000,000	and more	\$2,100

SECTION 108
PAYMENT

Remove Section 108.4 and replace with the following:

“108.4 Payment for Materials Obtained and Stored Acting upon a request from the Contractor and accompanied by bills or receipted bills, the Department will pay for all or part of the value of acceptable, non-perishable Materials that are to be incorporated in the Work, including Materials that are to be incorporated into the Work, not delivered on the Work site, and stored at places acceptable to the Department. Examples of such Materials include steel piles, stone masonry, curbing, timber and lumber, metal Culverts, stone and sand, gravel, and other Materials. The Department will not make payment on living or perishable Materials until acceptably planted in their final locations.

If payment for Materials is made to the Contractor based on bills, only, then the Contractor must provide receipted bills to the Department for these Materials within 14 days of the date the Contractor receives payment for the Materials. Failure of the Contractor to provide receipted bills for these Materials within 14 days of the date the Contractor receives payment will result in the paid amount being withheld from the subsequent progress payment, or payments, until such time the receipted bills are received by the Department.

Materials paid for by the Department are the property of the Department, but the risk of loss shall remain with the Contractor. Payment for Materials does not constitute Acceptance of the Material. If Materials for which the Department has paid are later found to be unacceptable, then the Department may withhold amounts reflecting such unacceptable Materials from payments otherwise due the Contractor.

In the event of Default, the Department may use or cause to be used all paid-for Materials in any manner that is in the best interest of the Department.”

SECTION 109
CHANGES

109.1.1 Changes Permitted Add the following to the end of the paragraph: “There will be no adjustment to Contract Time due to an increase or decrease in quantities, compared to those estimated, except as addressed through Contract Modification(s).”

109.1.2 Substantial Changes to Major Items Add the following to the end of the paragraph: "Contract Time adjustments may be made for substantial changes to Major Items when the change affects the Critical Path, as determined by the Department"

109.4.4 Investigation / Adjustment Third sentence, delete the words "subsections (A) - (E)"

109.5.1 Definitions - Types of Delays

B. Compensable Delay Replace (1) with the following; "a weather related Uncontrollable Event of such an unusually severe nature that a Federal Emergency Disaster is declared. The Contractor will only be entitled to an Equitable Adjustment if the Project falls within the geographic boundaries prescribed under the disaster declaration."

109.7.2 Basis of Payment Replace with the following: "Adjustments will be established by mutual Agreement based upon Unit or Lump Sum Prices. These agreed Unit or Lump Sum prices will be full compensation and no additions or mark-ups are allowed. If Agreement cannot be reached, the Contractor shall accept payment on a Force Account basis as provided in Section 109.7.5 - Force Account Work, as full and complete compensation for all Work relating to the Equitable Adjustment."

109.7.3 Compensable Items Delete this Section entirely.

109.7.4 Non-Compensable Items Replace with the following: "The Contractor is not entitled to compensation or reimbursement for any of the following items:

- A. Total profit or home office overhead in excess of 15%,
- B."

109.7.5 Force Account Work

C. Equipment

Paragraph 2, delete sentence 1 which starts; "Equipment leased...."

Paragraph 6, change sentence 2 from "The Contractor may furnish..." to read "If requested by the Department, the Contractor will produce cost data to assist the Department in the establishment of such rental rate, including all records that are relevant to the Actual Costs including rental Receipts, acquisition costs, financing documents, lease Agreements, and maintenance and operational cost records."

Add the following paragraph; "Equipment leased by the Contractor for Force Account Work and actually used on the Project will be paid for at the actual invoice amount plus 10% markup for administrative costs."

Add the following section;

"F. Subcontractor Work When accomplishing Force Account Work that utilizes Subcontractors, the Contractor will be allowed a maximum markup of 5% for profit and overhead on the Subcontractor's portion of the Force Account Work. If the Department does not accept the Subcontractor quote, then the Subcontractor work will be subject to the Force Account provisions with a 5% markup for profit & overhead.."

SECTION 110
INDEMNIFICATION, BONDING, AND INSURANCE

Delete the entire Section 110.2.3 and replace with the following:

110.2.3 Bonding for Landscape Establishment Period The Contractor shall provide a signed, valid, and enforceable Performance, Warranty, or Maintenance Bond complying with the Contract, to the Department at Final Acceptance.

The bond shall be in the full amount for all Pay Items for work pursuant to Sec 621, Landscape, payable to the "Treasurer - State of Maine," and on the Department's forms, on exact copies thereof, or on forms that do not contain any significant variations from the Department's forms as solely determined by the Department.

The Contractor shall pay all premiums and take all other actions necessary to keep said bond in effect for the duration of the Landscape Establishment Period described in Special Provision 621.0036 - Establishment Period. If the Surety becomes financially insolvent, ceases to be licensed or approved to do business in the State of Maine, or stops operating in the United States, the Contractor shall file new bonds complying with this Section within 10 Days of the date the Contractor is notified or becomes aware of such change.

All Bonds shall be procured from a company organized and operating in the United States, licensed or approved to do business in the State of Maine by the State of Maine Department of Business Regulation, Bureau of Insurance, and listed on the latest Federal Department of the Treasury listing for "Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies."

By issuing a bond, the Surety agrees to be bound by all terms of the Contract, including those related to payment, time for performance, quality, warranties, and the Department's self-help remedy provided in Section 112.1 - Default to the same extent as if all terms of the Contract are contained in the bond(s).

Regarding claims related to any obligations covered by the bond, the Surety shall provide, within 60 Days of Receipt of written notice thereof, full payment of the entire claim or written notice of all bases upon which it is denying or contesting payment. Failure of the Surety to provide such notice within the 60-day period constitutes the Surety's waiver of any right to deny or contest payment and the Surety's acknowledgment that the claim is valid and undisputed.

SECTION 202
REMOVING STRUCTURES AND OBSTRUCTIONS

202.02 Removing Buildings Make the following change to the last sentence in the final paragraph, change "...Code of Maine Regulations 401." to "...Department of Environmental Protection Maine Solid Waste Management Rules, 06-096 CMR Ch. 401, Landfill Siting, Design and Operation."

SECTION 203
EXCAVATION AND EMBANKMENT

203.01 Description Under b. Rock Excavation; add the following sentence: "The use of perchlorate is not allowed in blasting operations."

Delete the entire Section 203.041 and replace with the following:

"203.041 Salvage of Existing Hot Mix Asphalt Pavement All existing hot mix asphalt pavement designated to be removed under this contract must be salvaged for utilization. Existing hot mix asphalt pavement material shall not be deposited in any waste area or be placed below subgrade in any embankment.

Methods of utilization may be any of the following:

1. Used as a replacement for untreated aggregate surface course on entrances provided the material contains no particles greater than 50 mm [2 in] in any dimension. Payment will be made under Pay Item 411.09, Untreated Aggregate Surface Course or 411.10, Untreated Aggregate Surface Course, Truck Measure. Material shall be placed, shaped, compacted and stabilized as directed by the Resident.

2. Used as the top 3" of gravel. Recycled Asphalt Pavement (RAP) shall be process to 1½" minus and blending will not be allowed. When this method is utilized, a surcharge will not be required

3. Stockpiled at commercial or approved sites for commercial or MaineDOT use.

4. Other approved methods proposed by the Contractor, and approved by the Resident which will assure proper use of the existing hot mix asphalt pavement.

The cost of salvaging hot mix asphalt material will be included for payment under the applicable pay item, with no additional allowances made, which will be full compensation for removing, temporarily stockpiling, and rehandling, if necessary, and utilizing the material in entrances or other approved uses, or stockpiling at an approved site as described above. The material will also be measured and paid for under the applicable Pay Item if it is reused for aggregate in entrances, or other approved uses."

SECTION 502
STRUCTURAL CONCRETE

502.05 Composition and Proportioning; TABLE #1; NOTE #2; third sentence; Change "...alcohol based saline sealer..." to "alcohol based silane sealer...". Add NOTE #6 to Class S Concrete.

502.0502 Quality Assurance Method A - Rejection by Resident Change the first sentence to read: "For an individual subplot with test results failing to meet the criteria in Table #1, or if the calculated pay factor for Air Content is less than 0.80....."

502.0503 Quality Assurance Method B - Rejection by Resident Change the first sentence to read: "For material represented by a verification test with test results failing to meet the criteria in Table #1, the Department will....."

502.0505 Resolution of Disputed Acceptance Test Results Combine the second and third sentence to read: "Circumstances may arise, however, where the Department may"

502.10 Forms and False work

D. Removal of Forms and False work 1., First paragraph; first, second, and third sentence; replace "forms" with "forms and false work"

502.11 Placing Concrete

G. Concrete Wearing Surface and Structural Slabs on Precast Superstructures Last paragraph; third sentence; replace "The temperature of the concrete shall not exceed 24° C [75° F] at the time of placement." with "The temperature of the concrete shall not exceed 24° C [75° F] at the time the concrete is placed in its final position."

502.15 Curing Concrete First paragraph; replace the first sentence with the following; "All concrete surfaces shall be kept wet with clean, fresh water for a curing period of at least 7 days after concrete placing, with the exception of vertical surfaces as provided for in Section 502.10 (D) - Removal of Forms and False work."

Second paragraph; delete the first two sentences.

Third paragraph; delete the entire paragraph which starts "When the ambient temperature...."

Fourth paragraph; delete "approved" to now read "...continuously wet for the entire curing period..."

Fifth paragraph; second sentence; change "...as soon as it is possible to do so without damaging the concrete surface." to "...as soon as possible."

Seventh paragraph; first sentence; change "...until the end of the curing period." to "...until the end of the curing period, except as provided for in Section 502.10(D) - Removal of Forms and False work."

502.19 Basis of Payment First paragraph, second sentence; add "pier nose armor" to the list of items included in the contract price for concrete.

SECTION 503

REINFORCING STEEL

503.06 Placing and Fastening Change the second paragraph, first sentence from: "All tack welding shall be done in accordance with Section 504, Structural Steel." to "All tack welding shall be done in accordance with AWS D1.4 Structural Welding Code - Reinforcing Steel."

SECTION 504

STRUCTURAL STEEL

504.09 Facilities for Inspection Add the follow as the last paragraph: "Failure to comply with the above requirements will be consider to be a denial to allow access to work by the Contractor. The Department will reject any work done when access for inspection is denied."

504.18 Plates for Fabricated Members Change the second paragraph, first sentence from: "...ASTM A 898/A 898 M..." to "...ASTM A 898/A 898 M or ASTM A 435/A 435 M as applicable and..."

504.31 Shop Assembly Add the following as the last sentence: "The minimum assembly length shall include bearing centerlines of at least two substructure units."

504.64 Non Destructive Testing-Ancillary Bridge Products and Support Structures Change the third paragraph, first sentence from "One hundred percent..." to "Twenty five percent..."

SECTION 535

PRECAST, PRESTRESSED CONCRETE SUPERSTRUCTURE

535.02 Materials Change "Steel Strand for Concrete Reinforcement" to "Steel Strand." Add the following to the beginning of the third paragraph; "Concrete shall be Class P conforming to the requirements in this section. 28 day compressive strength shall be as stated on the plans. Coarse aggregate...."

535.05 Inspection Facilities Add the follow as the last paragraph: "If the above requirements are not met, the Contractor shall be considered to be in violation of Standard Specification 104.2.5 – Right to Inspect Work. All work occurring during a violation of this specification will be rejected."

535.26 Lateral Post-Tensioning Replace the first paragraph; "A final tension..." with "Overstressing strands for setting losses cannot be accomplished for chuck to chuck lengths of 7.6 m [25 ft] and less. In such instances, refer to the Plans for all materials and methods. Otherwise, post-tensioning shall be in accordance with PCI standards and shall provide the anchorage force noted in the Plans. The applied jacking force shall be no less than 100% of the design jacking force."

SECTION 603

PIPE CULVERTS AND STORM DRAINS

603.0311 Corrugated Polyethylene Pipe for Option III Replace the Minimum Mandrel Diameter Table with the following:

Nominal Size US Customary (in)	Minimum Mandrel Diameter (in)	Nominal Size Metric (mm)	Minimum Mandrel Diameter (mm)
12	11.23	300	280.73
15	14.04	375	350.91
18	16.84	450	421.09
24	22.46	600	561.45
30	28.07	750	701.81
36	33.69	900	842.18
42	39.30	1050	982.54
48	44.92	1200	1122.90

SECTION 604

MANHOLES, INLETS, AND CATCH BASINS

604.02 Materials Add the following:

“Tops and Traps	712.07
Corrugated Metal Units	712.08
Catch Basin and Manhole Steps	712.09”

SECTION 605 UNDERDRAINS

605.05 Underdrain Outlets Make the following change:

In the first paragraph, second sentence, delete the words “metal pipe”.

SECTION 606 GUARDRAIL

606.02 Materials Delete the entire paragraph which reads “The sole patented supplier of multiple mailbox...” and replace with “Acceptable multiple mailbox assemblies shall be listed on the Department’s Approved Products List and shall be NCHRP 350 tested and approved.” Delete the entire paragraph which reads “Retroreflective beam guardrail delineators...” and replace with “Reflectorized sheeting for Guardrail Delineators shall meet the requirements of Section 719.01 - Reflective Sheeting. Delineators shall be fabricated from high-impact, ultraviolet and weather resistant thermoplastic.

606.09 Basis of Payment First paragraph; delete the second and third sentence in their entirety and replace with “Butterfly-type guardrail reflectorized delineators shall be mounted on all W-beam guardrail at an interval of every 10 posts [62.5 ft] on tangents sections and every 5 posts [31.25 ft] on curved sections as directed by the Resident. On divided highways, the delineators shall be yellow on the left hand side and silver/white on the right hand side. On two-way roadways, the delineators shall be silver/white on the right hand side. All delineators shall have retroreflective sheeting applied to only the traffic facing side. Reflectorized guardrail delineators will not be paid for directly, but will be considered incidental to the guardrail items.”

SECTION 609 CURB

609.04 Bituminous Curb f., Delete the requirement “Color Natural (White)”

SECTION 610 STONE FILL, RIPRAP, STONE BLANKET, AND STONE DITCH PROTECTION

Add the following paragraph to Section 610.02:

“Materials shall meet the requirements of the following Sections of Special Provision 703:

Stone Fill	703.25
Plain and Hand Laid Riprap	703.26
Stone Blanket	703.27
Heavy Riprap	703.28
Definitions	703.32”

Add the following paragraph to Section 610.032.a.

“Stone fill and stone blanket shall be placed on the slope in a well-knit, compact and uniform layer. The surface stones shall be chinked with smaller stone from the same source.”

Add the following paragraph to Section 610.032.b:

“Riprap shall be placed on the slope in a well-knit, compact and uniform layer. The surface stones shall be chinked with smaller stone from the same source.”

Add the following to Section 610.032: “Section 610.032.d. The grading of riprap, stone fill, stone blanket and stone ditch protection shall be determined by the Resident by visual inspection of the load before it is dumped into place, or, if ordered by the Resident, by dumping individual loads on a flat surface and sorting and measuring the individual rocks contained in the load. A separate, reference pile of stone with the required gradation will be placed by the Contractor at a convenient location where the Resident can see and judge by eye the suitability of the rock being placed during the duration of the project. The Resident reserves the right to reject stone at the job site or stockpile, and in place. Stone rejected at the job site or in place shall be removed from the site at no additional cost to the Department.”

SECTION 615 LOAM

615.02 Materials Make the following change:

<u>Organic Content</u>	<u>Percent by Volume</u>
Humus	“5% - 10%”, as determined by Ignition Test

SECTION 618 SEEDING

618.01 Description Change the first sentence to read as follows: “This work shall consist of furnishing and applying seed” Also remove “,and cellulose fiber mulch” from 618.01(a).

618.03 Rates of Application In 618.03(a), remove the last sentence and replace with the following: “These rates shall apply to Seeding Method 2, 3, and Crown Vetch.”

In 618.03(c) “1.8 kg [4 lb]/unit.” to “1.95 kg [4 lb]/unit.”

618.09 Construction Method In 618.09(a) 1, sentence two, replace “100 mm [4 in]” with “25 mm [1 in] (Method 1 areas) and 50 mm [2 in] (Method 2 areas)”

618.15 Temporary Seeding Change the Pay Unit from Unit to Kg [lb].

SECTION 620
GEOTEXTILES

620.03 Placement Section (c)

Title: Replace "Non-woven" in title with "Erosion Control".

First Paragraph: Replace first word "Non-woven" with "Woven monofilament".

Second Paragraph: Replace second word "Non-woven" with "Erosion Control".

620.07 Shipment, Storage, Protection and Repair of Fabric Section (a)

Replace the second sentence with the following: "Damaged geotextiles, as identified by the Resident, shall be repaired immediately."

620.09 Basis of Payment

Pay Item 620.58: Replace "Non-woven" with "Erosion Control"

Pay Item 620.59: Replace "Non-woven" with "Erosion Control"

SECTION 621
LANDSCAPING

621.0036 Establishment Period In paragraph 4 and 5, change "time of Final Acceptance" to "end of the period of establishment". In Paragraph 7, change "Final Acceptance date" to "end of the period of establishment" and change "date of Final Acceptance" to "end of the period of establishment".

SECTION 626
HIGHWAY SIGNING

626.034 Concrete Foundations Add to the following to the end of the second paragraph: "Pre-cast and cast-in-place foundations shall be warranted against leaning and corrosion for two years after the project is completed. If the lean is greater than 2 degrees from normal or the foundation is spalling within the first two years, the Contractor shall replace the foundation at no extra cost."

SECTION 627
PAVEMENT MARKINGS

627.10 Basis of Payment Add to the following to the end of the third paragraph: "If allowed by Special Provision, the Contractor may utilize Temporary Bi-Directional Yellow and White(As required) Delineators as temporary pavement marking lines and paid for at the contract lump sum price. Such payment will include as many applications as required and removal."

SECTION 637
DUST CONTROL

637.06 Basis of Payment Add the following after the second sentence of the third paragraph: "Failure by the Contractor to follow Standard Specification or Special Provision - Section 637

and/or the Contractor's own Soil Erosion and Pollution Control Plan concerning Dust Control and/or the Contractor's own Traffic Control Plan concerning Dust Control and/or visible evidence of excessive dust problems, as determined by the Resident, will result in a reduction in payment, computed by reducing the Lump Sum Total by 5% per occurrence per day. The Department's Resident or any other representative of the Department reserves the right to suspend the work at any time and request a meeting to discuss violations and remedies. The Department shall not be held responsible for any delay in the work due to any suspension under this item. Additional penalties may also be assessed in accordance with Special Provision 652 - Work Zone Traffic Control and Standard Specification 656 - Temporary Soil Erosion and Water Pollution Control."

SECTION 639 ENGINEERING FACILITIES

639.04 Field Offices Change the forth to last paragraph from: "The Contractor shall provide a fully functional desktop copier..." to "...desktop copier/scanner..."

Description Change "Floor Area" to "Floor Area (Outside Dimension)". Change Type B floor area from "15 (160)" to "20 (217)".

639.09 Telephone Paragraph 1 is amended as follows:
"The contractor shall provide **two** telephone lines and two telephones,...."

Add- "In addition the contractor will supply one computer broadband connection, modem lease and router. The router shall have wireless access and be 802.11n or 802.11g capable and wireless. The type of connection supplied will be contingent upon the availability of services (i.e. DSL or Cable Broadband). It shall be the contractor's option to provide dynamic or static IP addresses through the service. **The selected service will have a minimum downstream connection of 1.5 Mbps and 384 Kbps upstream.** The contractor shall be responsible for the installation charges and all reinstallation charges following suspended periods. Monthly service and maintenance charges shall be billed by the Internet Service Provider (ISP) directly to the contractor."

SECTION 652 MAINTENANCE OF TRAFFIC

652.2.3 Flashing Arrow Board Delete the existing 5 paragraphs and replace with the following: Flashing Arrow Panels (FAP) must be of a type that has been submitted to AASHTO's National Transportation Product Evaluation Program (NTPEP) for evaluation and placed on the Maine Department of Transportations' Approved Products List of Portable Changeable Message Signs & Flashing Arrow Panels.

FAP units shall meet requirements of the current Manual on Uniform Traffic Control Devices (MUTCD) for Type "C" panels as described in Section 6F.56 - Temporary Traffic Control Devices. An FAP shall have matrix of a minimum of 15 low-glare, sealed beam, Par 46 elements capable of either flashing or sequential displays as well as the various operating modes as described in the MUTCD, Chapter 6-F. If an FAP consisting of a bulb matrix is used, each element should be recess-mounted or equipped with an upper hood of not less than 180

degrees. The color presented by the elements shall be yellow.

FAP elements shall be capable of at least a 50 percent dimming from full brilliance. Full brilliance should be used for daytime operation and the dimmed mode shall be used for nighttime operation. FAP shall be at least 2.4 M x 1.2 M [96" x 48"] and finished in non-reflective black. The FAP shall be interpretable for a distance not less than 1.6 km [1 mile].

Operating modes shall include, flashing arrow, sequential arrow, sequential chevron, flashing double arrow, and flashing caution. In the three arrow signals, the second light from the arrow point shall not operate.

The minimum element on-time shall be 50 percent for the flashing mode, with equal intervals of 25 percent for each sequential phase. The flashing rate shall be not less than 25 nor more than 40 flashes per minute. All on-board circuitry shall be solid state.

Primary power source shall be 12 volt solar with a battery back-up to provide continuous operation when failure of the primary power source occurs, up to 30 days with fully charged batteries. Batteries must be capable of being charged from an onboard 110 volt AC power source and the unit shall be equipped with a cable for this purpose.

Controller and battery compartments shall be enclosed in lockable, weather-tight boxes. The FAP shall be mounted on a pneumatic-tired trailer or other suitable support for hauling to various locations, as directed. The minimum mounting height of an arrow panel should be 2.1 M [7 feet] from the roadway to the bottom of the panel.

The face of the trailer shall be delineated on a permanent basis by affixing retro-reflective material, known as conspicuity material, in a continuous line as seen by oncoming drivers.

A portable changeable message sign may be used to simulate an arrow panel display."

652.2.4 Other Devices Delete the last paragraph and add the following:

"652.2.5 Portable Changeable Message Sign Trailer mounted Portable Changeable Message Signs (PCMS) must be of a type that has been submitted to AASHTO's National Transportation Product Evaluation Program (NTPEP) for evaluation and placed on the Maine Department of Transportations' Approved Products List of Portable Changeable Message Signs & Flashing Arrow Panels. The PCMS unit shall meet or exceed the current specifications of the Manual on Uniform Traffic Control Devices (MUTCD), 6F.55.

The front face of the sign should be covered with a low-glare protective material. The color of the LED elements shall be amber on a black background. The PCMS should be visible from a distance of 0.8 km [0.5 mile] day and night and have a minimum 15° viewing angle. Characters must be legible from a distance of at least 200 M [650 feet].

The message panel should have adjustable display rates (minimum of 3 seconds per phase), so that the entire message can be read at least twice at the posted speed, the off-peak 85th-percentile speed prior to work starting, or the anticipated operating speed. Each message shall consist of either one or two phases. A phase shall consist of up to eight characters per line. The unit must be capable of displaying at least three lines of text with eight characters per line.

Each character shall be 457 mm [18"] high. Each character module shall use at least a five wide and seven high pixel matrix. The text of the messages shall not scroll or travel horizontally or vertically across the face of the sign.

Units shall automatically adjust their brightness under varying light conditions to maintain legibility.

The control system shall include a display screen upon which messages can be reviewed before being displayed on the message sign. The control system shall be capable of maintaining memory when power is unavailable. Message must be changeable with either a notebook computer or an on-board keypad. The controller shall have the capability to store a minimum of 200 user-defined and 200 pre-programmed messages. Controller and battery compartments shall be enclosed in lockable, weather-tight boxes.

PCMS units shall have the capability of being made programmable by means of wireless communications. PCMS units shall also be fully capable of having an on-board radar system installed if required for a particular application.

PCMS' primary power source shall be solar with a battery back-up to provide continuous operation when failure of the primary power source occurs. Batteries must be capable of being charged from a 110 volt AC power source. The unit must also be capable of being operated solely from a 110 volt AC power source and be equipped with a cable for this purpose.

The PCMS shall be mounted on a trailer in such a way that the bottom of the message sign panel shall be a minimum of 2.1 M [7 ft] above the roadway in urban areas and 1.5 M [5 ft] above the roadway in rural areas when it is in the operating mode. PCMS trailers should be of a heavy duty type with a 51 mm [2"] ball hitch and a minimum of four leveling jacks (at each corner). The sign shall be capable of being rotated 360° relative to the trailer. The face of the trailer shall be delineated on a permanent basis by affixing retro-reflective material, known as conspicuity material, in a continuous line as seen by oncoming drivers."

652.3.3 Submittal of Traffic Control Plan In item e. change "A list of all certified flaggers..." to "A list of all the Contractor's certified flaggers..."

Change a. in the list of requirements to: "a. The name, telephone number, and other contact numbers (cellular phone, pager, if any) of the Contractor's Traffic Control Supervisor (the person with overall responsibility for following the TCP), who has received Work Zone Traffic Control Training commensurate with the level of responsibility shown in the requirements of the Contract, and who is empowered to immediately resolve any work zone traffic control deficiencies or issues. Provide documentation that the Traffic Control Supervisor has completed a Work Zone Traffic Control Training Course (AGC, ATSSA, or other industry-recognized training), and a Supervisory refresher training every 5 years thereafter. Submit the course name, training entity, and date of training.

Traffic Control Training Course curriculum must be based on the standards and guidelines of the MUTCD and must include, at a minimum, the following:

1. Parts of Temporary Traffic Control Zone
2. Appropriate use and spacing of signs
3. Use and spacing of channelizing devices

- 4. Flagging basics
- 5. Typical examples and applications

The Traffic Control Supervisor, or designee directly overseeing physical installation, adjustment, and dismantling of work zone traffic control, will ensure all personnel performing those activities are trained to execute the work in a safe and proper manner, in accordance with their level of decision-making and responsibility.”

Add the follow to the list of requirements: “k. The plan for unexpected nighttime work along with a list of emergency nighttime equipment available on-site.”

In the last paragraph add the following as the second sentence: “The Department will review and provide comments to the Contractor within 14 days of receipt of the TCP.” Add the following as the last sentence: “The creation and modification of the TCP will be considered incidental to the related 652 items.”

652.3.5 Installation of Traffic Control Devices In the first paragraph, first sentence; change “Signs shall be erected...” to “Portable signs shall be erected.” In the third sentence; change “Signs must be erected so that the sign face...” to “Post-mounted signs must also be erected so that the sign face...”

652.4 Flaggers Replace the first paragraph with the following; “The Contractor shall furnish flaggers as required by the TCP or as otherwise specified by the Resident. All flaggers must have successfully completed a flagger test approved by the Department and administered by a Department-approved Flagger-Certifier who is employing that flagger. All flaggers must carry an official certification card with them while flagging that has been issued by their employer. Flaggers shall wear safety apparel meeting ANSI 107-2004 Class 2 risk exposure that clearly identifies the wearer as a person, and is visible at a minimum distance of 300 m [1000 ft], and shall wear a hardhat with 360° retro-reflectivity. For nighttime conditions, Class 3 apparel, meeting ANSI 107-2004, shall be worn along with a hardhat with 360° retro-reflectivity. Retro-reflective or flashing SLOW/STOP paddles shall be used, and the flagger station shall be illuminated to assure visibility in accordance with 652.6.2.”

Second paragraph, first sentence; change “...have sufficient distance to stop before entering the workspace.” to “...have sufficient distance to stop at the intended stopping point.” Third sentence; change “At a spot obstruction...” to “At a spot obstruction with adequate sight distance,...”

Fourth paragraph, delete and replace with “Flaggers shall be provided as a minimum, a 10 minute break, every 2 hours and a 30 minute or longer lunch period away from the work station. Flaggers may only receive 1 unpaid break per day; all other breaks must be paid. Sufficient certified flaggers shall be available onsite to provide for continuous flagging operations during break periods. If the flaggers are receiving the appropriate breaks, breaker flagger(s) shall be paid starting 2 hours after the work begins and ending 2 hours before the work ends. A maximum of 1 breaker per 6 flaggers will be paid. (1 breaker flagger for 2 to 6 flaggers, 2 breaker flaggers for 7 to 12 flaggers, etc)”

Add the following:

“652.5.1 Rumble Strip Crossing When lane shifts or lane closures require traffic to cross a permanent longitudinal rumble strip for 7 calendar days or less, the Contractor shall install

warning signs that read "RUMBLE STRIP CROSSING" with a supplemental Motorcycle Plaque, (W8-15P).

When lane shifts or lane closures require traffic to cross a permanent longitudinal rumble strip for more than 7 calendar days, the Contractor shall pave in the rumble strips in the area that traffic will cross, unless otherwise directed by the Resident. Rumble strips shall be replaced prior to the end of the project, when it is no longer necessary to cross them."

652.6 Nightwork Delete this section entirely and replace with the following:

"652.6.1 Daylight Work Times Unless otherwise described in the Contract, the Contractor is allowed to commence work and end work daily according to the Sunrise/Sunset Table at: <http://www.sunrisesunset.com/usa/Maine.asp> . If the Project town is not listed, the closest town on the list will be used as agreed at the Preconstruction Meeting. Any work conducted before sunrise or after sunset will be considered Night Work.

652.6.2 Night Work When Night Work occurs (either scheduled or unscheduled), the Contractor shall provide and maintain lighting on all equipment and at all work stations.

The lighting facilities shall be capable of providing light of sufficient intensity to permit good workmanship, safety and proper inspection at all times. The lighting shall be cut off and arranged on stanchions at a height that will provide perimeter lighting for each piece of equipment and will not interfere with traffic, including commercial vehicles, approaching the work site from either direction.

The Contractor shall have available portable floodlights for special areas.

The Contractor shall utilize padding, shielding or other insulation of mechanical and electrical equipment, if necessary, to minimize noise, and shall provide sufficient fuel, spare lamps, generators, etc. to maintain lighting of the work site.

The Contractor shall submit, as a subset of the Traffic Control Plan, a lighting plan at the Preconstruction Conference, showing the type and location of lights to be used for night work. The Resident may require modifications be made to the lighting set up in actual field conditions.

Prior to beginning any Night Work, the Contractor shall furnish a light meter for the Residents use that is capable of measuring the range of light levels from 5 to 20 foot-candles.

Horizontal illumination, for activities on the ground, shall be measured with the photometer parallel to the road surface. For purposes of roadway lighting, the photometer is placed on the pavement. Vertical illumination, for overhead activities, shall be measured with the photometer perpendicular to the road surface. Measurements shall be taken at the height and location of the overhead activity.

Night Work lighting requirements:

Mobile Operations: For mobile-type operations, each piece of equipment (paver, roller, milling machine, etc) will carry indirect (i.e. balloon type) lights capable of producing at least 10 foot-candles of lighting around the work area of the equipment.

Fixed Operations: For fixed-type operations (flaggers, curb, bridge, pipes, etc.), direct (i.e. tower) lighting will be utilized capable of illuminating the work area with at least 10 foot-candles of light.

Hybrid Operations: For hybrid-type operations (guardrail, sweeping, Inslope excavation, etc.), either direct or indirect lighting may be utilized. The chosen lights must be capable of producing at least 10 foot-candles of light around the work area of the equipment

Inspection Operations: Areas required to be inspected by the Department will require a minimum of 5 foot-candles of lighting. This may be accomplished through direct or indirect means.

All workers shall wear safety apparel labeled as meeting the ANSI 107-2004 standard performance for Class 3 risk exposure.

The Contractor shall apply 2- inch wide retro-reflective tape, with alternating red and white segments, to outline the front back and sides of construction vehicles and equipment, to define their shape and size to the extent practicable. Pickup trucks and personal vehicles are exempt from this requirement. The Contractor shall furnish approved signs reading "Construction Vehicle - Keep Back" to be used on trucks hauling to the project when such signs are deemed necessary by the Resident. The signs shall be a minimum of 30 inches by 60 inches, Black and Orange, ASTM D 4956 - Type VII, Type VIII, or Type IX (prismatic).

All vehicles used on the project, including pickup trucks and personal vehicles, shall be equipped with amber flashing lights, visible from both front and rear, or by means of single, approved type, revolving, flashing or strobe lights mounted so as to be visible 360°. The vehicle flashing system shall be in continuous operation while the vehicle is on any part of the project.

The Resident or any other representative of the Department reserves the right to suspend the work at any time and request a meeting to discuss violations and remedies. The Department shall not be held responsible for any delay in the work due to any suspension under this item. Failure to follow the approved Lighting Plan will result in a Traffic Control violation.

Payment for lighting, vehicle mounted signs and other costs accrued because of night work will not be made directly but will be considered incidental to the related contract items."

652.8.2 Other Items Replace the first paragraph with the following: "The accepted quantities of flagger hours will be paid for at the contract unit price per hour for each flagging station occupied excluding lunch breaks, and for each approved breaker flagger. Overtime hours, as reported on the certified payrolls, will be paid an additional 30% of the bid price for 652.38. The computation and additional payment for overtime hours will occur during the project close-out process and will be paid as additional hours of 652.38 to the nearest ¼ hour. The

contract unit price shall be full compensation for hiring, transporting, equipping, supervising, and the payment of flaggers and all overhead and incidentals necessary to complete the work.” Replace the last paragraph with the following: “There will be no payment made under any 652 pay items after the expiration of the adjusted total contract time.”

SECTION 653 POLYSTYRENE PLASTIC INSULATION

653.05 Placing Backfill In the second sentence; change “...shall be not less than 150 mm [6 in] loose measure.” to “...shall be not less than 250 mm [10 in] loose measure.” In the third sentence; change “...crawler type bulldozer of not more than 390 kg/m² [80 lb/ft²] ground contact pressure...” to “...crawler type bulldozer of not more than 4875 kg/m² [2000 lb/ft²] ground contact pressure...”

653.06 Compaction In the last sentence; change “...not more than 390 kg/m² [80 lb/ft²] ground contact...” to “...not more than 4875 kg/m² [2000 lb/ft²] ground contact...”

SECTION 656 TEMPORARY SOIL EROSION AND WATER POLLUTION CONTROL

656.5.1 If Pay Item 656.75 Provided Replace the second paragraph with the following: “Failure by the Contractor to follow Standard Specification or Special Provision - Section 656 and/or the Contractor’s own Soil Erosion and Pollution Control Plan will result in a reduction in payment, computed by reducing the Lump Sum Total by 5% per occurrence per day. The Department’s Resident or any other representative of the Department reserves the right to suspend the work at any time and request a meeting to discuss violations and remedies. The Department shall not be held responsible for any delay in the work due to any suspension under this item.”

SECTION 701 STRUCTURAL CONCRETE RELATED MATERIALS

701.10 Fly Ash - Chemical Requirements Change all references from “ASTM C311” to “ASTM C114”.

SECTION 703 AGGREGATES

703.05 Aggregate for Sand Leveling Change the percent passing the 9.5 mm [3/8 in] sieve from “85 – 10” to “85 – 100”

703.06 Aggregate for Base and Subbase Delete the first paragraph: “The material shall have...” and replace with “The material shall have a minimum degradation value of 15 as determined by Washington State DOT Test Method T113, Method of Test for Determination of Degradation Value (January 2009 version), except that the reported degradation value will be the result of testing a single specimen from that portion of a sample that passes the 12.5 mm [½ in] sieve and is retained on the 2.00 mm [No. 10] sieve, minus any reclaimed asphalt pavement used.”

703.07 Aggregates for HMA Pavements Delete the forth paragraph: "The composite blend shall have..." and replace with "The composite blend, minus any reclaimed asphalt pavement used, shall have a Micro-Deval value of 18.0 or less as determined by AASHTO T 327. In the event the material exceeds the Micro Deval limit, a Washington Degradation test shall be performed. The material shall be acceptable if it has a value of 30 or more as determined by Washington State DOT Test Method T 113, Method of Test for Determination of Degradation Value (January 2009 version) except that the reported degradation value will be the result of testing a single composite specimen from that portion of the sample that passes the 12.5mm [1/2 inch] sieve and is retained on the 2.00mm [No 10] sieve, minus any reclaimed asphalt pavement used."

703.09 HMA Mixture Composition The coarse and fine aggregate shall meet the requirements of Section 703.07. The several aggregate fractions for mixtures shall be sized, graded, and combined in such proportions that the resulting composite blends will meet the grading requirements of the following table.

AGGREGATE GRADATION CONTROL POINTS

SIEVE SIZE	Nominal Maximum Aggregate Size---Control Points (Percent Passing)				
	TYPE 25 mm	TYPE 19 mm	TYPE 12.5 mm	TYPE 9.5 mm	TYPE 4.75 mm
PERCENT BY WEIGHT PASSING - COMBINED AGGREGATE					
37.5 mm	100				
25 mm	90-100	100			
19 mm	-90	90-100	100		
12.5 mm		-90	90-100	100	100
9.5 mm		-	-90	90-100	95-100
4.75 mm		-	-	-90	80-100
2.36 mm	19-45	23-49	28-58	32-67	40 - 80
1.18 mm		-	-	-	-
600 µm		-	-	-	-
300 µm		-	-	-	-
75 µm	1-7	2-8	2-10	2-10	2-10

Gradation Classification---- The combined aggregate gradation shall be classified as coarse-graded when it passes below the Primary Control Sieve (PCS) control point as defined in the following table. All other gradations shall be classified as fine-graded.

GRADATION CLASSIFICATION

PCS Control Point for Mixture Nominal Maximum Aggregate Size (% passing)				
Nominal Maximum Aggregate Size	TYPE 25 mm	TYPE 19 mm	TYPE 12.5 mm	TYPE 9.5 mm
Primary Control Sieve	4.75 mm	4.75 mm	2.36 mm	2.36 mm
PCS Control Point (% passing)	40	47	39	47

If a Grading "D" mixture is allowed per Special Provision Section 403, it shall meet the following gradation and the aggregate requirements of Section 703.07.

Sieve Designation	Percentage by Weight Passing Square Mesh Sieves
½ inch	100
¾ inch	93-100
No. 4	60-80
No. 8	46-65
No. 16	25-55
No. 30	16-40
No. 50	10-30
No. 100	6-22
No. 200	3.0-8.0

703.18 Common Borrow Replace the first paragraph with the following: "Common borrow shall consist of earth, suitable for embankment construction. It shall be free from frozen material, perishable rubbish, peat, and other unsuitable material including material currently or previously contaminated by chemical, radiological, or biological agents unless the material is from a DOT project and authorized by DEP for use."

703.22 Underdrain Backfill Material Change the first paragraph from "...for Underdrain Type B..." to "...for Underdrain Type B and C..."

Replace subsections 703.25 through 703.28 with the following:

"703.25 Stone Fill Stones for stone fill shall consist of hard, sound, durable rock that will not disintegrate by exposure to water or weather. Stone for stone fill shall be angular and rough. Rounded, subrounded, or long thin stones will not be allowed. Stone for stone fill may be obtained from quarries or by screening oversized rock from earth borrow pits. The maximum allowable length to thickness ratio will be 3:1. The minimum stone size (10 lbs) shall have an average dimension of 5 inches. The maximum stone size (500 lbs) shall have a maximum dimension of approximately 36 inches. Larger stones may be used if approved by the Resident. Fifty percent of the stones by volume shall have an average dimension of 12 inches (200 lbs).

703.26 Plain and Hand Laid Riprap Stone for riprap shall consist of hard, sound durable rock that will not disintegrate by exposure to water or weather. Stone for riprap shall be angular and rough. Rounded, subrounded or long thin stones will not be allowed. The maximum allowable length to width ratio will be 3:1. Stone for riprap may be obtained from quarries or by screening oversized rock from earth borrow pits. The minimum stone size (10 lbs) shall have an average dimension of 5 inches. The maximum stone size (200 lbs) shall have an average dimension of approximately 12 inches. Larger stones may be used if approved by the Resident. Fifty percent of the stones by volume shall have an average dimension greater than 9 inches (50 lbs).

703.27 Stone Blanket Stones for stone blanket shall consist of sound durable rock that will not disintegrate by exposure to water or weather. Stone for stone blanket shall be angular and rough. Rounded or subrounded stones will not be allowed. Stones may be obtained from

quarries or by screening oversized rock from earth borrow pits. The minimum stone size (300 lbs) shall have minimum dimension of 14 inches, and the maximum stone size (3000 lbs) shall have a maximum dimension of approximately 66 inches. Fifty percent of the stones by volume shall have average dimension greater than 24 inches (1000 lbs).

703.28 Heavy Riprap Stone for heavy riprap shall consist of hard, sound, durable rock that will not disintegrate by exposure to water or weather. Stone for heavy riprap shall be angular and rough. Rounded, subrounded, or thin, flat stones will not be allowed. The maximum allowable length to width ratio will be 3:1. Stone for heavy riprap may be obtained from quarries or by screening oversized rock from earth borrow pits. The minimum stone size (500 lbs) shall have minimum dimension of 15 inches, and at least fifty percent of the stones by volume shall have an average dimension greater than 24 inches (1000 lbs)."

Add the following paragraph:

"703.32 Definitions (ASTM D 2488, Table 1).

Angular: Particles have sharp edges and relatively plane sides with unpolished surfaces

Subrounded: Particles have nearly plane sides but have well-rounded corners and edges

Rounded: Particles have smoothly curved sides and no edges"

SECTION 706 NON-METALLIC PIPE

706.06 Corrugated Polyethylene Pipe for Underdrain, Option I and Option III Culvert Pipe Change the first sentence from "...300 mm diameters to 900 mm" to "...300 mm diameters to 1200 mm" Delete, in its' entirety, the last sentence which begins "This pipe and resins..." and replace with the following; "Manufacturers of corrugated polyethylene pipe must participate in, and maintain compliance with, AASHTO's National Transportation Product Evaluation Program (www.ntpep.org) which audits producers of plastic pipe. A certificate of compliance must be provided with each shipment."

SECTION 708 PAINTS AND PERSERVATIVES

708.03 Pavement Marking Paint Change the first sentence from "...AASHTO M248" to "...the Maine DOT Maintenance Fast-Dry Water-Based Traffic Paint on file at the Traffic Section in Augusta". Delete, in its' entirety, the last sentence.

SECTION 709 REINFORCING STEEL AND WELDED STEEL WIRE FABIC

709.03 Steel Strand Change the second paragraph from "...shall be 12mm [1/2 inch] AASHTO M203M/M203 (ASTM A416/A416M)..." to "...shall be 15.24 mm [0.600 inch] diameter AASHTO M203 (ASTM A416)..."

SECTION 710 FENCE AND GUARDRAIL

710.03 Chain Link Fabric Add the following sentence: "Chain Link fabric for PVC coated shall conform to the requirements of AASHTO M181, Type IV-Class B."

710.04 Metal Beam Rail Replace with the following: “Galvanized steel rail elements shall conform to the requirements of AASHTO M 180, Class A, Type II.

When corrosion resistant steel is specified, rail shall conform to AASHTO M 180, Class A, Type IV. Beams of corrosion resistant steel shall not be painted or galvanized. They shall be so handled and stored that the traffic face of these beams, used in a continuous run of guardrail, shall not show a distinctive color differential.

When metal beam rail is to be installed on a curve having a radius of curvature of 150 ft. or less, the beam sections shall be fabricated on an arc to the required radius and permanently stamped or embossed with the designated radius.

The engineer may take one piece of guardrail, a backup plate, and end or buffer section from each 200 pieces in a lot, or from each lot if less than 200 pieces are included therein for determination of compliance with specification requirements. If one piece fails to conform to the requirements of this specification, two other pieces shall be tested. If either of these pieces fails to conform to the requirements of this specification, the lot of material represented by these samples shall be rejected. A lot shall be considered that quantity of material offered for inspection at one time that bears the same heat and coating identification.”

710.07 Guardrail Posts Section b. change “...AASHTO M183/M183M...” to “...AASHTO M 270M/M 270 Grade 250 (36)...”

SECTION 712 MISCELLANEOUS HIGHWAY MATERIALS

712.04 Stone Curbing and Edging Delete the existing and replace with the following: “Stone for curbing and edging shall be approved granite from acceptable sources. The stone shall be hard and durable, predominantly gray in color, free from seams that would be likely to impair its structural integrity, and of a smooth splitting character. Natural grain size and color variations characteristic of the source deposit will be permitted. Such natural variations may include bands or clusters of mineral crystallization provided they do not impair the structural integrity of the curb stone. The Contractor shall submit for approval the name of the quarry that is the proposed source of the granite for curb materials along with full scale color photos of the granite. Such submission shall be made sufficiently in advance of ordering so that the Resident may have an opportunity to judge the stone, both as to quality and appearance. Samples of curbing shall be submitted for approval only when requested by the Resident. The dimensions, shape, and other details shall be as shown on the plans.”

712.06 Precast Concrete Units In the first paragraph, change “...ASTM C478M...” to “...AASHTO M199...” Delete the second paragraph and replace with the following; “Approved structural fibers may be used as a replacement of 6 x 6 #10 gauge welded wire fabric when used at an approved dosage rate for the construction of manhole and catch basin units. The material used shall be one of the products listed on the Maine Department of Transportation’s Approved Product List of Structural Fiber Reinforcement.” Delete the fifth paragraph and replace with the following; “The concrete mix design shall be approved by the Department. Concrete shall contain 6% air content, plus or minus 1½% tolerance when tested according to AASHTO T152. All concrete shall develop a minimum compressive strength of

28 MPa [4000 psi] in 28 days when tested according to AASHTO T22. The absorption of a specimen, when tested according to AASHTO T280, Test Method "A", shall not exceed nine percent of the dry mass."

Add the following:

"712.07 Tops, and Traps These metal units shall conform to the plan dimensions and to the following specification requirements for the designated materials.

Gray iron or ductile iron castings shall conform to the requirements of AASHTO M306 unless otherwise designated."

712.08 Corrugated Metal Units The units shall conform to plan dimensions and the metal to AASHTO M36/M36M. Bituminous coating, when specified, shall conform to AASHTO M190 Type A.

712.09 Catch Basin and Manhole Steps Steps for catch basins and for manholes shall conform to ASTM C478M [ASTM C478], Section 13 for either of the following material:

(a) Aluminum steps-ASTM B221M, [ASTM B211] Alloy 6061-T6 or 6005-T5.

(b) Reinforced plastic steps Steel reinforcing bar with injection molded plastic coating copolymer polypropylene. Polypropylene shall conform to ASTM D 4101.

712.23 Flashing Lights Flashing Lights shall be power operated or battery operated as specified.

(a) Power operated flashing lights shall consist of housing, adapters, lamps, sockets, reflectors, lens, hoods and other necessary equipment designed to give clearly visible signal indications within an angle of at least 45 degrees and from 3 to 90 m [10 to 300 ft] under all light and atmospheric conditions.

Two circuit flasher controllers with a two-circuit filter capable of providing alternate flashing operations at the rate of not less than 50 nor more than 60 flashes per minute shall be provided.

The lamps shall be 650 lumens, 120 volt traffic signal lamps with sockets constructed to properly focus and hold the lamp firmly in position.

The housing shall have a rotatable sun visor not less than 175 mm [7 in] in length designed to shield the lens.

Reflectors shall be of such design that light from a properly focused lamp will reflect the light rays parallel. Reflectors shall have a maximum diameter at the point of contact with the lens of approximately 200 mm [8 in].

The lens shall consist of a round one-piece convex amber material which, when mounted, shall have a visible diameter of approximately 200 mm [8 in]. They shall distribute light and not diffuse it. The distribution of the light shall be asymmetrical in a downward direction. The light distribution of the lens shall not be uniform, but shall consist of a small high intensity portion with narrow distribution for long distance throw and a larger

low intensity portion with wide distribution for short distance throw. Lenses shall be marked to indicate the top and bottom of the lens.

(b) Battery operated flashing lights shall be self-illuminated by an electric lamp behind the lens. These lights shall also be externally illuminated by reflex-reflective elements built into the lens to enable it to be seen by reflex-reflection of the light from the headlights of oncoming traffic. The batteries must be entirely enclosed in a case. A locking device must secure the case. The light shall have a flash rate of not less than 50 nor more than 60 flashes per minute from minus 30 °C [minus 20 °F] to plus 65 °C [plus 150 °F]. The light shall have an on time of not less than 10 percent of the flash cycle. The light beam projected upon a surface perpendicular to the axis of the light beam shall produce a lighted rectangular projection whose minimum horizontal dimension shall be 5 degrees each side of the horizontal axis. The effective intensity shall not have an initial value greater than 15.0 candelas or drop below 4.0 candelas during the first 336 hours of continuous flashing. The illuminated lens shall appear to be uniformly bright over its entire illuminated surface when viewed from any point within an angle of 9 degrees each side of the vertical axis and 5 degrees each side of the horizontal axis. The lens shall not be less than 175 mm [7 in] in diameter including a reflex-reflector ring of 13 mm [½ in] minimum width around the periphery. The lens shall be yellow in color and have a minimum relative luminous transmittance of 0.440 with a luminance of 2854° Kelvin. The lens shall be one-piece construction. The lens material shall be plastic and meet the luminous transmission requirements of this specification. The case containing the batteries and circuitry shall be constructed of a material capable of withstanding abuse equal to or greater than 1.21 mm thick steel [No. 18 U.S. Standard Gage Steel]. The housing and the lens frame, if of metal shall be properly cleaned, degreased and pretreated to promote adhesion. It shall be given one or more coats of enamel which, when dry shall completely obscure the metal. The enamel coating shall be of such quality that when the coated case is struck a light blow with a sharp tool, the paint will not chip or crack and if scratched with a knife will not powder. The case shall be so constructed and closed as to exclude moisture that would affect the proper operation of light. The case shall have a weep hole to allow the escape of moisture from condensation. Photoelectric controls, if provided, shall keep the light operating whenever the ambient light falls below 215 lx [20 foot candles]. Each light shall be plainly marked as to the manufacturer's name and model number.

If required by the Resident, certification as to conformance to these specifications shall be furnished based on results of tests made by an independent testing laboratory. All lights are subject to random inspection and testing. All necessary random samples shall be provided to the Resident upon request without cost to the Department. All such samples shall be returned to the Contractor upon completion of the tests.

712.32 Copper Tubing Copper tubing and fittings shall conform to the requirements of ASTM B88M Type A [ASTM B88, Type K] or better.

712.33 Non-metallic Pipe, Flexible Non-metallic pipe and pipe fittings shall be acceptable flexible pipe manufactured from virgin polyethylene polymer suitable for transmitting liquids intended for human or animal consumption.

712.34 Non-metallic Pipe, Rigid Non-metallic pipe shall be Schedule 40 polyvinylchloride (PVC) that meets the requirement of ASTM D1785. Fittings shall be of the same material.

712.341 Metallic Pipe Metallic pipe shall be ANSI, Standard B36.10, Schedule 40 steel pipe conforming to the requirements of ASTM A53 Types E or S, Grade B. End plates shall be steel conforming to ASTM A36/A36M.

Both the sleeve and end plates shall be hot dip galvanized. Pipe sleeve splices shall be welded splices with full penetration weld before galvanizing.

712.35 Epoxy Resin Epoxy resin for grouting or sealing shall consist of a mineral filled thixotropic, flexible epoxy resin having a pot life of approximately one hour at 10°C [50°F]. The grout shall be an approved product suitable for cementing steel dowels into the preformed holes of curb inlets and adjacent curbing. The sealant shall be an approved product, light gray in color and suitable for coating the surface.

712.36 Bituminous Curb The asphalt cement for bituminous curb shall be of the grade required for the wearing course, or shall be Viscosity Grade AC-20 meeting the current requirements of Subsection 702.01 Asphalt Cement. The aggregate shall conform to the requirements of Subsection 703.07. The coarse aggregate portion retained on the 2.36 mm [No. 8] sieve may be either crushed rock or crushed gravel.

The mineral constituents of the bituminous mixture shall be sized and graded and combined in a composite blend that will produce a stable durable curbing with an acceptable texture.

Bituminous material for curb shall meet the requirements of Section 403 - Hot Bituminous Pavement.

712.37 Precast Concrete Slab Portland cement concrete for precast slabs shall meet the requirements of Section 502 - Structural Concrete, Class A.

The slabs shall be precast to the dimension shown on the plans and cross section and in accordance with the Standard Detail plans for Concrete Sidewalk Slab. The surface shall be finished with a float finish in accordance with Subsection 502.14(c). Lift devices of sufficient strength to hold the slab while suspended from cables shall be cast into the top or back of the slab.

712.38 Stone Slab Stone slabs shall be of granite from an acceptable source, hard, durable, predominantly gray in color, free from seams which impair the structural integrity and be of smooth splitting character. Natural color variations characteristic of the deposit will be permitted. Exposed surfaces shall be free from drill holes or indications of drill holes. The granite slabs in any one section of backslope must be all the same finish.

The granite slabs shall be scabble dressed or sawed to an approximately true plane having no projections or depressions over 13 mm [$\frac{1}{2}$ in] under a 600 mm [2 ft] straightedge or over 25 mm [1 in] under a 1200 mm [4 ft] straightedge. The arris at the intersection of the top surface and exposed front face shall be pitched so that the arris line is uniform throughout the length of the installed slabs. The sides shall be square to the exposed face unless the slabs are to be set

on a radius or other special condition which requires that the joints be cut to fit, but in any case shall be so finished that when the stones are placed side by side no space more than 20 mm [3/4 in] shall show in the joint for the full exposed height.

Liftpin holes in all sides will be allowed except on the exposed face.

SECTION 717
ROADSIDE IMPROVEMENT MATERIAL

717.03 C. Method #3 - Roadside Mixture #3 Change the seed proportions to the following:

Crown Vetch	25%
Perennial Lupine	25%
Red Clover	12.5%
Annual Rye	37.5%

717.05 Mulch Binder Change the third sentence to read as follows:

“Paper fiber mulch may be used as a binder at the rate of 2.3 kg/unit [5 lb/unit].”

SECTION 720
STRUCTURAL SUPPORTS FOR HIGHWAY SIGNS, LUMINAIRES, AND
TRAFFIC SIGNALS

720.08 U-Channel Posts Change the first sentence from “..., U-Channel posts...” to “..., Rib Back U-Channel posts...”

SECTION 722
GEOTEXTILES

722.01 Stabilization/Reinforcement Geotextile Add the following to note #3; “The strengths specified in the columns labeled “<50%” and “≥ 50%” refer to the elongation at which the geotextile material was tested. For example; if a fabric is tested at 15% elongation then it must meet or exceed the minimum strength shown in the “<50%” column. Submittals must include the percent elongation at which the material was tested.”

722.02 Drainage Geotextile Add the following to note #3; “The strengths specified in the columns labeled “<50%” and “≥ 50%” refer to the elongation at which the geotextile material was tested. For example; if a fabric is tested at 15% elongation then it must meet or exceed the minimum strength shown in the “<50%” column. Submittals must include the percent elongation at which the material was tested.”

722.01 Erosion Control Geotextile Add the following note to Elongation in the Mechanical Property Table; “The strengths specified in the columns labeled “<50%” and “≥ 50%” refer to the elongation at which the geotextile material was tested. For example; if a fabric is tested at 15% elongation then it must meet or exceed the minimum strength shown in the “<50%” column. Submittals must include the percent elongation at which the material was tested.”



Environmental Summary Sheet

Pin: 18363.00

Date Submitted: 12/21/12

Town: Portland

CPD Team Leader: Kristen Chamberlain

NEPA Complete: FTA CE

Section 106
PA No Effect
Special Conditions:

Section 4(f) and 6(f)
Section 4(f)
Review Complete No use
Section 6(f)
Not Applicable

Section 7

Hazardous Waste Review
Complete

State and Federal Permits
Letter 12 submitted X Copies of approvals submitted X

NOTE: Local Town/Municipality is responsible for obtaining and providing copies of Maine Department of Environmental Protection and Army Corps of Engineers Permits.

General Notes and/or Comments:

**All approvals based on plans/scope as of:*

SPECIAL PROVISION
SECTION 656
Temporary Soil Erosion and Water Pollution Control

Standard Specification 656 of the Standard Specifications is deleted and replaced by this Special Provision.

The following information and requirements will constitute the Soil Erosion and Water Pollution Control Plan for this Project. The soil erosion and water pollution control measures associated with this work are as follows:

All work shall be done in accordance with the latest revision of the Maine Department of Transportation Best Management Practices for Erosion and Sediment Control (a.k.a. Best Management Practices manual or BMP Manual). The latest version is dated February 2008 and is available at:

<http://www.maine.gov/ndot/environmental-office-homepage/surface-water-resources.php>

Procedures specified shall be according to the BMP Manual unless stated otherwise.

1. The on-site person responsible for implementation of this plan, shall be the Contractor's Superintendent or other supervisory employee (the "Environmental Coordinator") with the authority to immediately remedy any deficient controls and shall provide the Resident with their numbers (telephone number, cellular phone and pager numbers, if applicable) where the Environmental Coordinator can be reached 24 hours a day.
2. All areas where soil is disturbed shall be permanently mulched on a daily basis and seeded on a weekly basis (if seeded by hand, it shall be done on a daily basis). All previously mulched areas shall be maintained and re-mulched on a daily basis if bare areas develop until an acceptable growth of grass has been obtained.
3. All disturbed ditches shall receive erosion control blanket or stone rip rap, as required, prior to leaving the site each day.
4. Winter stabilization BMPs shall be applied in accordance with the MDOT BMP Manual between November 1 and April 15 or during frozen ground conditions.
5. If the Work includes the handling or storage of petroleum products or Hazardous Materials including the on site fueling of Equipment, the Resident must be provided with a Spill Prevention Control and Countermeasure Plan (SPCCP) plan. At a minimum, the SPCCP shall include:
 - The name and emergency response numbers (telephone number, cellular phone and pager numbers, if applicable) of the Contractor's representative responsible for spill prevention;
 - General description and location of (1) handling, transfer, storage, and containment facilities of such products or Materials ("activities and facilities") and (2) potential receptors of such products or Materials including oceans, lakes, ponds, rivers, streams, wetlands, and sand and gravel aquifers ("sensitive resources") including the distances between said activities and facilities and said sensitive resources;

SPECIAL PROVISION
SECTION 656
Temporary Soil Erosion and Water Pollution Control

- Description of preventative measures to be used to minimize the possibility of a spill including Equipment and/or Materials to be used to prevent discharges including absorbent Materials,
 - A contingency response plan to be implemented if a spill should occur including a list of emergency phone/pager numbers including the Contractor's representative, MDEP Spill Response, the Resident, and local police and fire authorities. For a related provision, see *Standard Specification, Section, 105.2.2 - Project Specific Emergency Planning*.
6. The Environmental Coordinator must inspect and maintain daily all controls for the duration of the project.
 7. If the Project Resident directs new soil disturbance that requires temporary erosion and sedimentation control, all permits shall be obtained by the MaineDOT and a full SEWPCP will be required and paid for as Extra Work.

Any costs related to this plan shall be considered incidental to the contract.



DEPARTMENT OF THE ARMY
NEW ENGLAND DISTRICT, CORPS OF ENGINEERS
696 VIRGINIA ROAD
CONCORD, MASSACHUSETTS 01742-2751

REPLY TO
ATTENTION OF

AMENDMENT TO DEPARTMENT OF THE ARMY
GENERAL PERMIT
STATE OF MAINE

1. Due to a Distinct Population Segment (DPS) of Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) being listed as a threatened species in the Gulf of Maine, the New England District of the U.S. Army Corps of Engineers has modified the following General Permit Conditions (GC) for the general permit for the State of Maine (MEGP), issued on October 12, 2010.

GC 3. The following is to be added: (d) Direct impacts in tidal waters from contiguous bank stabilization projects in excess of 200 linear feet (Applicant or Applicant + Abutters combined) must undergo Cat 2 review.

GC 10. The following is to read as: (b) Work in Inland Waters and Wetlands¹ and the non-tidal portions of Navigable Waters² (e.g., the Penobscot River, Kennebec River) is not eligible for Category 1 if:

- i. The project action area occurs within a watershed occupied by listed Atlantic salmon, Atlantic sturgeon, or shortnose sturgeon. Project proponents must check the site in Footnote 3 below.
- ii. In areas outside these watersheds contact the USFWS and NMFS (see Appendix D, Page 1 for contact information) to check for the presence of other listed species.


(c) Work in the tidal portions of Navigable Waters may be eligible for Category 1. Reference Appendix A, II, Navigable Waters, Pages 4 – 9, and the other terms and general conditions (GC 11 is particularly relevant) of this GP to determine Category 1 eligibility. Project proponents must contact the USFWS and NMFS (see Appendix D, Page 1 for contact information) to ensure that work in all tidal portions of Navigable Waters² is not in critical habitat or areas occupied by listed species other than Atlantic salmon, Atlantic sturgeon, or shortnose sturgeon.

GC 20. The following is to read as: (d) Direct impacts in tidal waters from contiguous bank stabilization projects in excess of 200 linear feet (Applicant or Applicant + Abutters combined) must undergo Cat 2 review. Additional information for Navigable Water bank stabilization activities are provided at Appendix A, Page 4

GC 22. The following is to read as: (b) In-stream work in a watershed occupied by listed Atlantic salmon, Atlantic sturgeon, or shortnose sturgeon.

2. This amendment will become effective on June 1, 2012 and will remain in effect until October 12, 2015 unless further modified or revoked by the New England District.

3. For further information, contact Jay Clement or Shawn Mahaney at the Manchester, Maine Project Office at 207-623-8367


Frank J. Del Giudice
Chief, Permits & Enforcement Branch
Regulatory Division

¹ For areas considered occupied by listed Atlantic salmon, Atlantic sturgeon, and/or shortnose sturgeon in Inland Waters and Wetlands, and in Navigable Waters, see [http://www.usace.army.mil/Regulatory/InlandWatersandWetlands/](#). Tidal portions of navigable waters occupied by listed Atlantic salmon are more specifically described as those waters from the Kennebec River to its mouth at Merrymeeting Bay, northeast to the Dennys River, including the Androscoggin River upstream to the Brunswick Dam, and other streams northeast of this line to the limit of their tidal reaches.

11. State transportation facilities**A. Applicability**

- (1) This section applies to the maintenance, repair, reconstruction, rehabilitation, replacement or minor construction of a State Transportation Facility carried out by, or under the authority of, the Maine Department of Transportation (MaineDOT) or the Maine Turnpike Authority, including any testing or preconstruction engineering, and associated technical support services.
- (2) This section does not apply to an activity within a coastal sand dune system.

NOTE: The construction of a transportation facility other than roads and associated facilities may be subject to the Storm Water Management Law, 38 M.R.S.A. Section 420-D.

B. Standards

- (1) Photographs of the area to be altered by the activity must be taken before work on the site begins. The photographs must be kept on file and be made available at the request of the DEP.
- (2) The activity must be reviewed by the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, as applicable. The applicant must coordinate with the reviewing agencies and incorporate any recommendations from those agencies into the performance of the activity.
- (3) All construction activities undertaken must be detailed in a site-specific Soil Erosion and Water Pollution Control Plan and conducted in accordance with MaineDOT's Best Management Practices for Erosion and Sediment Control, dated January 2000, and Standard Specifications, dated December 2002.
- (4) Alignment changes may not exceed a distance of 200 feet between the old and new center lines in any natural resource.
- (5) The activity may not alter more than 300 feet of shoreline (both shores added together) within a mile stretch of any river, stream or brook, including any bridge width or length of culvert.
- (6) The activity may not alter more than 150 feet of shoreline (both shores added together) within a mile stretch of any outstanding river segment identified in 38 M.R.S.A. 480-P, including any bridge width or length of culvert.
- (7) The activity must minimize wetland intrusion. The activity is exempt from the provisions of Chapter 310, the Wetland and Waterbodies Protection Rules, if the activity alters less than 15,000 square feet of natural resources per mile of roadway (centerline measurement) provided that the following impacts are not exceeded within the 15,000 square foot area:
 - (a) 1,000 square feet of coastal wetland consisting of salt tolerant vegetation or shellfish habitat; or

- (b) 5,000 square feet of coastal wetland not containing salt tolerant vegetation or shellfish habitat; or
- (c) 1,000 square feet of a great pond.

All other activities must be performed in compliance with all sections of Chapter 310, the Wetland Protection Rules, except 310.2(C), 5(A), 9(A), 9(B) and 9(C).

- (8) The activity may not permanently block any fish passage in any watercourse containing fish. The applicant must coordinate with the reviewing agencies listed in paragraph 2 above to improve fish passage and incorporate any recommendations from those agencies into the performance of the activity.

NOTE: For guidance on meeting the design objectives for fish passage, including peak flow, maximum velocity, mining depth and gradient, see the MaineDOT Waterbody and Wildlife Crossing Policy and Design Guide (July 2008), developed in conjunction with state and federal resource and regulatory agencies.

- (9) Rocks may not be removed from below the normal high water line of any coastal wetland, freshwater wetland, great pond, river, stream or brook except to the minimum extent necessary for completion of work within the limits of construction.
- (10) If work is performed in a river, stream or brook that is less than three feet deep at the time and location of the activity, the applicant must isolate the work area from the resource and divert stream flows around the work area, maintaining downstream flows while work is in progress.
- (11) Wheeled or tracked equipment may not operate in the water. Equipment operating on the shore may reach into the water with a bucket or similar extension. Equipment may cross streams on rock, gravel or ledge bottom. If avoiding the operation of wheeled or tracked equipment in the water is not possible, the applicant must explain the need to operate in the water. Approval from the DEP to operate in the water must be in writing, and any recommendations from the DEP must be incorporated into the performance of the activity.
- (12) All wheeled or tracked equipment that must travel or work in a vegetated wetland area must travel and work on mats or platforms.
- (13) Any debris or excavated material must be stockpiled either outside the wetland or on mats or platforms. Erosion and sediment control best management practices must be used, where necessary, to prevent sedimentation. Any debris generated during the activity must be prevented from washing downstream and must be removed from the wetland or water body. Disposal of debris must be in conformance with the Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Section 1301 *et seq.*
- (14) Work below the normal high water line of a great pond, river, stream or brook must be done at low water except for emergency work or work agreed to by the resource agencies listed in paragraph 2 above.

- (15) Perimeter controls must be installed before the work starts. Disturbance of natural resources beyond the construction limits shown on the plans is not allowed under this rule.

NOTE: Guidance on the location of construction limits can be obtained from the on site Construction Manager.

- (16) The use of untreated lumber is preferred. Lumber pressure treated with chromated copper arsenate (CCA) may be used only if necessary and only if use is allowed under federal law and not prohibited from sale under 38 M.R.S.A. 1682, and provided it is cured on dry land in a manner that exposes all surfaces to the air for a period of at least 21 days prior to construction. Wood treated with creosote or pentachlorophenol may not be used where it will contact water.
- (17) A temporary road for equipment access must be constructed of crushed stone, blasted ledge, or similar materials that will not cause sedimentation or restrict fish passage. Such roads must be completely removed at the completion of the activity. In addition, any such temporary roads which are in rivers, streams or brooks, must allow for a passage of stormwater flows associated with a 10-year storm.
- (18) Non-native species may not be planted in restored areas.
- (19) Disposal of debris must be in conformance with Maine Hazardous Waste, Septage and Solid Waste Management Act, 38 M.R.S.A. Sections 1301 *et seq.*
- (20) Disturbance of vegetation must be avoided, if possible. Where vegetation is disturbed outside of the area covered by any road or structure construction, it must be reestablished immediately upon completion of the activity and must be maintained.
- (21) A vegetated area at least 25 feet wide must be established and maintained between any new stormwater outfall structure and the high water line of any open water body. A velocity reducing structure must be constructed at the outlet of the stormwater outfall that will create sheet flow of stormwater, and prevent erosion of soil within the vegetated buffer. If the 25 foot vegetated buffer is not practicable, the applicant must explain the reason for a lesser setback in writing. Approval from the DEP must be in writing and any recommendations must be incorporated into the activity.

C. **Definitions.** The following terms, as used in this chapter, have the following meanings, unless the context indicates otherwise:

- (1) **Diversion.** The rerouting of a river, stream or brook around a construction site and then back to the downstream channel.
- (2) **Fill.** a. (verb) To put into or upon, supply to, or allow to enter a water body or wetland any earth, rock, gravel, sand, silt, clay, peat, or debris; b. (noun) Material, other than structures, placed in or immediately adjacent to a wetland or water body.
- (3) **Floodplain wetlands.** Freshwater wetlands that are inundated with flood water during a 100-year flood event based on flood insurance maps produced by the Federal Emergency Agency or other site specific information.

- (4) **Riprap.** Heavy, irregularly shaped rocks that are fit into place, without mortar, on a slope as defined in the MaineDOT Standard Specifications, dated December 2002.

12. Restoration of natural areas

A. Applicability

- (1) This section applies to the restoration of an altered portion of a coastal wetland, freshwater wetland, great pond, river, stream or brook to its pre-existing natural condition through the removal of fill, structures or debris which is located in, on over, or adjacent to the natural resource.
- (2) This section applies to the removal of non-native species and the planting of natural vegetation in any protected resource.
- (3) This section applies to the retrieval of sand from below the normal high water line for redistribution on an existing adjacent sand beach on a great pond.
- (4) This section applies to the restoration of the natural grade within a dredged area of a freshwater or coastal wetland.
- (5) This section does not apply to:
 - (a) Restoration or replacement of a structure or unnatural condition such as the installation of a dam structure;
 - (b) Conversion of existing natural wetlands to wetland of a different type through flooding, inundation or other means;
 - (c) Dredging of silt, sand or soil materials which have been naturally deposited from a great pond, river, stream or brook, coastal wetland or freshwater wetland except that eroded sand may be retrieved from a great pond for redistribution on an existing adjacent sand beach;
 - (d) Mining of gravel or other mineral materials from a river, stream, or brook;
 - (e) Replacement of eroded soil material in areas above, below and adjacent to the normal high water mark of a great pond, river, stream or brook, freshwater wetland, or coastal wetland, except that sand may be regraded on an existing sand beach;
 - (f) Removal of a man-made dam structure;
 - (g) Draining of a freshwater wetland to convert an area to upland; or
 - (h) An activity occurring within a coastal sand dune system.
- (6) This section does not apply to an activity that is not or will not be in compliance with the terms and conditions of permits issued under the Site Location of Development Law, 38°M.R.S.A.

**DEPARTMENT OF THE ARMY
GENERAL PERMIT
STATE OF MAINE**

The New England District of the U.S. Army Corps of Engineers (Corps) hereby issues this General Permit (GP) for activities in waters of the United States (U.S.) that have no more than minimal individual, secondary, and cumulative adverse effects on the aquatic environment in waters of the U.S. within the boundaries of and off the coast of the State of Maine.

I. GENERAL CRITERIA

In order for activities to qualify for this GP, they must meet the GP's terms and eligibility criteria (Pages 1 – 4), general conditions (GC) (Pages 5 – 18), and Appendix A - Definition of Categories.

Under this GP, projects may qualify for the following:

- Category 1: Category 1 Notification Form required.
(Submittal of the Category 1 Notification Form at Appendix B to the Corps is required.)
- Category 2: Application required.
(Submittal of an application to the Corps is required and written approval from the Corps must be received.)

If your project is ineligible for Category 1, it may qualify for Category 2 or an Individual Permit and you must submit an application (see Page 3). The thresholds for Categories 1 and 2 are defined in Appendix A. This GP does not affect the Corps Individual Permit review process or activities exempt from Corps regulation.

II. ACTIVITIES COVERED:

- Work and structures that are located in, under or over any navigable water of the U.S.¹ that affect the course, location, condition, or capacity of such waters; or the excavating from or depositing of material in such waters. The Corps regulates this under Section 10 of the Rivers and Harbors Act of 1899);
- The discharge of dredged or fill material into waters of the U.S.². The Corps regulates this under Section 404 of the Clean Water Act (CWA).³
- The transportation of dredged material for the purpose of disposal in the ocean. The Corps regulates this under Section 103 of the Marine Protection, Research and Sanctuaries Act.

¹ Defined at 33 CFR 329 and Appendix A, Page 4.

² Defined at 33 CFR 328

³ When there is a regulated discharge of dredged or fill material into waters of the U.S., the Corps will also consider secondary impacts, which are defined at Appendix A, Endnote/Definition 2.

III. PROCEDURES:

1. State Approvals

Applicants are responsible for applying for and obtaining any of the required state or local approvals (see GC 1, Page 5). Federal and state jurisdictions may differ in some instances. State permits may be required for specific projects regardless of the general permit category.

In order for authorizations under this GP to be valid, when any of the following state approvals or statutorily-required reviews is also required, the approvals must be obtained prior to the commencement of work in Corps jurisdiction.

- Maine Department of Environmental Protection (DEP): Natural Resources Protection Act (NRPA) permit, including permit-by-rule and general permit authorizations; Site Location of Development Act permit; and Maine Waterway Development and Conservation Act permit.
- Maine Department of Conservation: Land Use Regulation Commission (LURC) permit.
- Maine Department of Marine Resources: Aquaculture Leases.
- Maine Department of Conservation, Bureau of Parks and Lands, Submerged Lands: Lease

NOTE: This GP may authorize projects that are not regulated by the State of Maine (e.g., seasonal floats or moorings).

2. Corps Authorizations

a. Category 1 (Submission of Category 1 Notification Form required)

Eligibility Criteria

Activities in Maine that:

- Are subject to Corps jurisdiction (see GC 2, Page 5),
- Meet the terms and eligibility criteria of this GP (Pages 1 - 4),
- Meet all GCs of this GP (Pages 5 – 18), and
- Meet the definition of Category 1 in Appendix A - Definition of Categories,

may proceed without application to the Corps provided:

- The Category 1 Notification Form (Appendix B) is submitted to the Corps before starting the work authorized by this GP.

Consultation with the Corps and/or outside experts may be necessary to ensure compliance with this GP's general conditions (starting on Page 5) and related federal laws such as the National Historic Preservation Act, the Endangered Species Act (ESA), and the Wild and Scenic Rivers Act. For example, experts on historic resources may include the agencies and tribes referenced in GC 8, while experts on endangered species include the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS). Project proponents are encouraged to contact the Corps with Category 1 eligibility questions.

Work that is not regulated by the State of Maine, but is subject to Corps jurisdiction, is eligible for Category 1 authorization under this GP. The Maine DEP and LURC have waived WQC for projects authorized under Categories 1 and 2 of this GP. The state has concurred with the determination that projects authorized under Categories 1 and 2 of this GP are consistent with the enforceable policies of the Maine CZM Program.

b. Category 2 (Application to and written approval from the Corps required)

Eligibility Criteria

Activities in Maine that:

- Are subject to Corps jurisdiction (see GC 2, Page 5),
- Meet the terms of this GP (Pages 1 - 4),
- Meet all GCs of this GP (Pages 5 - 18),
- Meet the definition of Category 2 in Appendix A - Definition of Categories,

require an application to and written approval from the Corps. The Corps will coordinate review of Category 2 activities with federal and state agencies, as appropriate. To be eligible and subsequently authorized, an activity must result in no more than minimal impacts to the aquatic environment as determined by the Corps based on comments from the review team and the criteria listed above. This may require project modifications involving avoidance, minimization or compensatory mitigation for unavoidable impacts to ensure the net effects of a project are minimal. Compensatory mitigation for waterway/wetland impacts may take the form of wetland preservation, restoration, enhancement, creation, and/or “in-lieu fee” for inclusion into the Natural Resources Mitigation Fund. See www.nae.usace.army.mil/reg, “Mitigation” and then “Maine” for more information.

Work that is not regulated by the State of Maine, but is subject to Corps jurisdiction, is eligible for Category 2 authorization under this GP. The Maine DEP and LURC have waived WQC for projects authorized under Categories 1 and 2 of this GP. The state has concurred with the determination that projects authorized under Categories 1 and 2 of this GP are consistent with the enforceable policies of the Maine CZM Program.

3. Applying for a Permit

All applicants for Category 2 projects must:

- a. Apply directly to the Corps using the state application form or the Corps application form (ENG Form 4345¹), and apply directly to the state (DEP, LURC, BPL or DMR) as applicable using the appropriate state form, if the work is regulated by the Corps and the state.
- b. Apply directly to the Corps using the Corps application form (ENG Form 4345¹) if the work is regulated by the Corps but not the state (DEP, LURC, BPL or DMR).
- c. Provide application information (see “Information Typically Required” in Appendix C) to help ensure the application is complete and to speed project review.
- d. Submit a copy of their application materials to the Maine Historic Preservation Commission (MHPC) and the five Indian tribes listed at Appendix D, at the same time, or before, they apply to the state (DEP or LURC) or the Corps, to be reviewed for the presence of historic, archaeological or tribal resources in the permit area that the proposed work may affect. Submittals to the DEP or Corps shall include information to indicate that this has been done (a copy of the applicant’s cover letter to MHPC and tribes or a copy of the MHPC and tribal response letters is acceptable).

¹ Located at www.nae.usace.army.mil/reg under “Forms.”

4. Review Procedures

The Corps will coordinate review of all Category 2 activities with federal and state agencies, as appropriate, to ensure that the work will result in no more than a minimal impact to the aquatic environment. Applicants are responsible for applying for the appropriate state and local approvals listed on Page 2.

Emergency Procedures: 33 CFR 325.2(e)4 states that an “emergency” is a situation which would result in an unacceptable hazard to life, a significant loss of property, or an immediate, unforeseen, and significant economic hardship if corrective action requiring a permit is not undertaken within a time period less than the normal time needed to process the application under standard procedures.” The Corps will work with all applicable agencies to expedite authorization according to established procedures in emergency situations.

Individual Permit Procedures: Proponents of work that does not meet the terms and general conditions of this GP must submit the Corps application form and the appropriate application materials to the Corps at the earliest possible date in order to expedite the Individual Permit review process. General information and application forms can be obtained at our website or by calling us (see Appendix D). Individual WQC and CZM consistency concurrence are required when applicable from the State of Maine before Corps permit issuance. The Corps encourages applicants to concurrently apply for a Corps Individual Permit and state permits.

5. Approval Process

Applicants for Category 2 activities may not proceed with work in Corps jurisdiction until written authorization is received from the Corps. If the Corps determines that the Category 2 activity is eligible for the GP, the Corps will send an authorization letter directly to the applicant. The Corps will attempt to issue a written eligibility determination within the state’s review period. If the Corps determines that the activity is not eligible under the GP or that additional information is required, the Corps will notify the applicant in writing and send a copy to the DEP or LURC. Applicants are responsible for obtaining all applicable approvals listed on Page 2 from the appropriate state and local agencies before commencing work in Corps jurisdiction.

V. GENERAL PERMIT CONDITIONS:

The following conditions apply to activities authorized under this Maine GP, unless otherwise specified, including all Category 1 (notification required) and Category 2 (application required) activities:

1. Other Permits. Authorization under this GP does not obviate the need to obtain other federal, state, or local authorizations required by law. This includes, but is not limited to, the project proponent obtaining a Flood Hazard Development Permit issued by the town, if necessary. Inquiries may be directed to the municipality or to the Maine Floodplain Management Coordinator at (207) 287-8063. See www.maine.gov/spo/flood.

2. Federal Jurisdictional Boundaries.

(a) Applicability of this GP shall be evaluated with reference to federal jurisdictional boundaries. Applicants are responsible for ensuring that the boundaries used satisfy the federal criteria defined at 33 CFR 328 "Waters of the U.S." and 33 CFR 329 "Navigable Waters of the U.S."

Note: Waters of the U.S. include the subcategories "navigable waters of the U.S." and "wetlands."

(b) For Category 1 projects, proponents are not required to delineate the waters of the U.S. that they plan to impact, but must approximate the square footage of impacts in order to determine the review category (1 or 2 or Individual Permit). For projects filling <15,000 SF of waters of the U.S. that do not qualify for Category 1 (e.g., vernal pool, secondary or endangered species impacts, etc.) and therefore require an application to the Corps, and for those filling \geq 15,000 SF, applicants shall delineate all waters of the U.S. that will be filled (direct impacts) in accordance with the Corps of Engineers Wetlands Delineation Manual and the most recent regional supplements (see Appendix E). In addition, applicants shall approximately identify all waters of the U.S. on the property and known waters adjacent to the property in order for the Corps to evaluate secondary impacts. The waters of the U.S. shall be clearly shown on the project plans submitted with the application. This includes all waters of the U.S. in areas under DEP or LURC jurisdiction regardless of whether they're shown on LURC zoning maps.

(c) On a case-by-case basis, the Corps may modify/refine the above delineation and identification requirements for waters of the U.S.

3. Minimal Direct, Secondary and Cumulative Impacts.

(a) Projects authorized by this GP shall have no more than minimal direct, secondary and cumulative adverse environmental impacts. Category 2 applicants should provide information on secondary and cumulative impacts as stated in Appendix C. Compensatory mitigation may be required to offset unavoidable impacts (see GC 16) and to ensure that they are no more than minimal. Compensatory mitigation requirements will be determined on a case-by-case basis.

(b) Secondary impacts to waterway and/or wetland areas, (e.g., areas drained, flooded, cleared, excavated or fragmented) shall be added to the total fill area when determining whether the project qualifies for Category 1 or 2. Direct, secondary and cumulative impacts are defined at Appendix A, Endnote 2.

(c) Site clearing, grading and construction activities in the upland habitat surrounding vernal pools ("Vernal Pool Management Areas") are secondary impacts. See GC 28 for avoidance and minimization requirements and recommendations.

4. Discretionary Authority. Notwithstanding compliance with the terms and conditions of this permit, the Corps retains discretionary authority to require Category 2 or Individual Permit review based on concerns for the aquatic environment or for any other factor of the public interest [33 CFR

320.4(a)]. This authority is invoked on a case-by-case basis whenever the Corps determines that the potential consequences of the proposal warrant a higher level of review based on the concerns stated above. This authority may be invoked for projects that may contribute to cumulative environmental impacts that are more than minimal or if there is a special resource or concern associated with a particular project that is not already covered by the remaining conditions of the GP and that warrants greater review. Whenever the Corps notifies an applicant that an Individual Permit may be required, the project is not authorized under this GP and no work may be conducted until an Individual Permit is obtained or until the Corps notifies the applicant that further review has demonstrated that the work may proceed under this GP.

5. Single and Complete Projects.

(a) This GP shall not be used to piecemeal work and shall be applied to single and complete projects¹. When determining the review category in Appendix A (Category 1 or 2) for a single and complete project, proponents must include any permanent historic fill placed since October 1995 that is associated with that project and all currently proposed temporary and permanent impact areas.

(b) A single and complete project must have independent utility¹.

(c) Unless the Corps determines the activity has independent utility¹:

i. This GP shall not be used for any activity that is part of an overall project for which an Individual Permit is required,

ii. All components of a single project and/or all planned phases of a multi-phased project (e.g., subdivisions should include all work such as roads, utilities, and lot development) shall be treated together as constituting one single and complete project¹.

(d) For linear projects, such as power lines or pipelines with multiple crossings, the single and complete project¹ is all crossings of a single water of the U.S. (i.e., single waterbody) at a specific location. For linear projects crossing a single waterbody several times at separate and distant locations, each crossing is considered a single and complete project. However, individual channels in a braided stream or river, or individual arms of a large, irregularly-shaped wetland or lake, etc., are not separate waterbodies and crossings of such features cannot be considered separately. If any crossing requires a Category 2 activity, then the entire linear project shall be reviewed as one project under Category 2.

6. Permit On-Site. For Category 2 projects, the permittee shall ensure that a copy of this GP and the accompanying authorization letter are at the work site (and the project office) authorized by this GP whenever work is being performed, and that all personnel with operation control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit authorization shall be made a part of any and all contracts and sub-contracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this GP. This shall be achieved by including the entire permit authorization in the specifications for work. The term "entire permit authorization" means this GP and the authorization letter (including its drawings, plans, appendices and other attachments) and also includes permit modifications. If the authorization letter is issued after the construction specifications, but before receipt of bids or quotes, the entire permit authorization shall be included as an addendum to the specifications. If the authorization letter is issued after receipt of bids or quotes, the entire permit authorization shall be included in the contract or sub-contract. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire GP authorization, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

¹ Single and Complete Project and Independent Utility are defined at Appendix E.

7. St. John/St. Croix Rivers. Work within the Saint John and Saint Croix River basins that requires approval of the International Joint Commission is not eligible for Category 1 and an application to the Corps is required if any temporary or permanent use, obstruction or diversion of international boundary waters could affect the natural flow or levels of waters on the Canadian side of the line; or if any construction or maintenance of remedial works, protective works, dams, or other obstructions in waters downstream from boundary waters could raise the natural level of water on the Canadian side of the boundary.

8. Historic Properties. No activity otherwise authorized by this GP shall result in effects (as that term is defined at 36 C.F.R. § 800.16(i)) on 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, unless and until the Corps or another federal agency has satisfied the consultation requirements of Section 106 of the National Historic Preservation Act. Work is not eligible for Category 1 and an application to the Corps is required if the activity may have the potential to cause effects to any historic properties listed, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. Work is eligible for Category 1 if a no effect or no adverse effect determination has been made for that work by another federal action agency in its Section 106 consultation with the Maine Historic Preservation Commission (MHPC) and the five federally recognized Indian tribes listed at Appendix D. Information on the location and existence of known historic resources can be obtained from the MHPC, the National Register of Historic Places, and the five tribes listed in Appendix D. Historic properties include those that are eligible for inclusion, but not necessarily listed on the National Register. If the permittee, either prior to construction or during construction of the work authorized herein, encounters a previously unidentified archaeological or other cultural resource within the area subject to Corps jurisdiction that might be eligible for listing in the National Register of Historic Places, he/she shall stop work and immediately notify the Corps and the MHPC and/or applicable tribe(s).

9. National Lands. None of the following work is eligible as a Category 1 project:

(a) Activities that impinge upon the value of any National Wildlife Refuge, National Forest, National Marine Sanctuary, National Park or any other area administered by the National Park Service, U.S. Fish and Wildlife Service (USFWS) or U.S. Forest Service.

(b) Work on Corps properties and Corps-controlled easements. Contact the Corps, Real Estate Division (978) 318-8585 to initiate reviews about both Corps holdings and permit requirements.

(c) Any proposed temporary or permanent modification or use of a federal project (including but not limited to a levee, dike, floodwall, channel, sea wall, bulkhead, jetty, wharf, pier, or other work built but not necessarily owned by the United States), which would obstruct or impair the usefulness of the federal project in any manner, and/or would involve changes to the authorized federal project's scope, purpose, and/or functioning that go beyond minor modifications required for normal operation and maintenance (requires review and approval by the Corps pursuant to 33 USC 408). Federal projects in Maine as of October 2010 are shown at Appendix F. This map may not be inclusive of all projects.

10. Endangered Species.

(a) No activity may be authorized under Category 1 of this GP which:

i. "May affect" a threatened or endangered species, a species proposed for listing as threatened or endangered, or designated or proposed critical habitat (all herein referred to as "listed species or habitat") as identified under the federal Endangered Species Act (ESA) (unless specified in a programmatic agreement with NMFS or USFWS),

ii. Results in a “take” of any federally-listed threatened or endangered species of fish or wildlife, or
iii. Results in any other violation of Section 9 of the ESA protecting threatened or endangered species of plants.

(b) Work in Inland Waters and Wetlands¹ and the non-tidal portions of Navigable Waters² (e.g., the Penobscot River, Kennebec River) is not eligible for Category 1 if:

i. The project action area occurs within a watershed occupied by listed Atlantic salmon or shortnose sturgeon. Project proponents must check the site in Footnote 3 below.

ii. In areas outside these watersheds contact the USFWS (see Appendix D, Page 1 for contact information) to check for the presence of other listed species.

(c) Work in the tidal portions of Navigable Waters may be eligible for Category 1. Reference Appendix A, II. Navigable Waters, Pages 4 – 9, and the other terms and general conditions (GC 11 is particularly relevant) of this GP to determine Category 1 eligibility. Project proponents must contact the USFWS (see Appendix D, Page 1 for contact information) to ensure that work in all tidal portions of Navigable Waters² is not in critical habitat or areas occupied by listed species other than Atlantic salmon or shortnose sturgeon.

(d) Although some work is excluded from Category 1 as stated in (b) and (c) above, work may qualify for Category 1 if a no effect determination has been made for that work by a federal action agency such as the Corps.

(e) Proponents must submit an application to the Corps if any of the activities in 10(a)-10(c) that do not qualify for Category 1 may occur and provide information on federally-listed species or habitat to allow the Corps to conduct any required consultation under Section 7 of the ESA.

(f) The Corps review may consider species listed as endangered and threatened pursuant to Maine state law.

11. Essential Fish Habitat. Any work in the following rivers and streams, including all tributaries to the extent that they are currently or were historically accessible for salmon migration, shall not be authorized under Category 1 of the GP and must be screened for potential impacts to EFH (see Appendix E for more information).

Androscoggin River	Aroostook River	Boyden River	Dennys River
Ducktrap River	East Machias River	Hobart Stream	Kennebec River
Machias River	Narraguagus River	Orland River	Passagassawankeag River
Patten Stream	Penobscot River	Pleasant River	Presumpscot River
Saco River	Sheepscoot River	St. Croix River	Tunk Stream
			Union River

The above does not apply to the following activities which may qualify for Category 1 work:

- Exploratory drilling and borings for bridges.
- Moorings (see Appendix A, Page 6 for Category 1 thresholds and requirements)
- Structures and floats (see Appendix A, Page 7 for Category 1 thresholds and requirements)
- Other activities specified in a programmatic agreement with NMFS.

¹ See Appendix A, Page 1 for definition.

² See Appendix A, Page 4 for definition.

³ For areas considered occupied by listed Atlantic salmon and/or shortnose sturgeon in Inland Waters and Wetlands, and in Navigable Waters, see: www.nero.noaa.gov/prot_res/altsalmon/dpsinaps.html. Tidal portions of navigable waters occupied by listed Atlantic salmon are more specifically described as those waters from the Kennebec River to its mouth at Merrymeeting Bay, northeast to the Dennys River, including the Androscoggin River upstream to the Brunswick Dam, and other streams northeast of this line to the limit of their tidal reaches.

12. Wild and Scenic Rivers. Any activity that occurs in the designated main stem of, within 0.25 mile up or downstream of the designated main stem of, or in tributaries within .25 miles of the designated main stem of a National Wild and Scenic River, or in “bordering and contiguous wetlands” (see Appendix A, Endnote 1) that are adjacent to the designated main stem of a National Wild and Scenic River, or that has the potential to alter flows within a river within the National Wild and Scenic River System, is not eligible for Category 1 regardless of size of the impacts. This condition applies to both designated Wild and Scenic Rivers and rivers officially designated by Congress as study rivers for possible inclusion while such rivers are in an official study status. National Wild and Scenic Rivers System segments for Maine as of October 2010 include: Allagash River beginning at Telos Dam continuing to Allagash checkpoint at Eliza Hole Rapids, approximately 3 miles upstream of the confluence with the St. John River (length = 92 miles).

13. Federal Navigation Project. Any structure or work that extends closer to the horizontal limits of any Corps Federal Navigation Project (see Appendix F) than a distance of three times the project’s authorized depth shall be subject to removal at the owner’s expense prior to any future Corps dredging or the performance of periodic hydrographic surveys. This is applicable to Category 1 and 2. Reference Appendix A, Page 6 (Mooring) and Page 7 (Structure and Floats).

14. Navigation.

(a) There shall be no unreasonable interference with navigation by the existence or use of the activity authorized herein and no attempt shall be made by the permittee to prevent the full and free use by the public of all navigable waters at or adjacent to the activity authorized herein.

(b) The permittee understands and agrees that, if future U.S. operations 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, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the U.S. No claim shall be made against the U.S. on account of any such removal or alteration.

15. Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following: (a) damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes; (b) damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the U.S. in the public interest; (c) damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit; (d) design or construction deficiencies associated with the permitted work; (e) damage claims associated with any future modification, suspension, or revocation of this permit.

16. Avoidance, Minimization and Compensatory Mitigation.

Discharges of dredged or fill material into waters of the U.S., including wetlands, shall be avoided and minimized to the maximum extent practicable through consideration of alternatives. The Corps may require compensatory mitigation of unavoidable direct and secondary impacts associated with Category 2 projects on a case-by-case basis (see Appendix E).

17. Heavy Equipment in Wetlands. Operating heavy equipment other than fixed equipment (drill rigs, fixed cranes, etc.) within wetlands shall be minimized, and such equipment shall not be stored, maintained or repaired in wetlands, to the maximum extent practicable. Where construction requires heavy equipment operation in wetlands, the equipment shall either have low ground pressure

(typically <3 psi), or it shall be placed on swamp/construction/timber mats (herein referred to as “construction mats” and defined at Appendix A, Endnote 4) that are adequate to support the equipment in such a way as to minimize disturbance of wetland soil and vegetation. Construction mats are to be placed in the wetland from the upland or from equipment positioned on swamp mats if working within a wetland. Dragging construction mats into position is prohibited. Other support structures that are capable of safely supporting equipment may be used with written Corps authorization (Category 2 authorization or Individual Permit). Similarly, the permittee may request written authorization from the Corps to waive use of mats during frozen, dry or other conditions. An adequate supply of spill containment equipment shall be maintained on site.

18. Temporary Fill.

Temporary fill that qualifies for Category 1 (e.g., <15,000 SF of combined temporary and permanent fill associated with the single and complete project) or is authorized in writing under Category 2, shall adhere to the following:

- (a) All temporary fill shall be stabilized to prevent its eroding into portions of waters of the U.S., including wetlands, where it is not authorized.
- (b) Unconfined temporary fill authorized for discharge into waters of the U.S., including wetlands, shall consist of material that minimizes impacts to water quality (e.g. sandbags, clean gravel, stone, aggregate, etc.).
- (c) Temporary fill authorized for discharge into wetlands should be placed on geotextile fabric or other material (e.g., straw) laid on the pre-construction wetland grade where practicable to minimize impacts.
- (d) Temporary fill shall be removed as soon as it is no longer needed, disposed of at an upland site, and suitably contained to prevent subsequent erosion into waters of the U.S, including wetlands. To qualify for Category 1, temporary fill placed during the:
 - i. Growing season must be removed before the beginning of the next growing season.
 - ii. Non-growing season may remain throughout the following growing season, but must be removed before the beginning of the next growing season.
- (e) Waters of the U.S., including wetlands, where temporary fill was discharged shall be restored (see GC 19).
- (f) 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 be placed in a manner that will not be eroded by expected high flows (see GC 21).
- (g) Construction mats and corduroy roads (see GC 17 above) are considered as temporary fill when they are removed immediately upon work completion. The area must be restored (see GC 19).

19. Work Site Restoration.

- (a) Wetland areas where permanent disturbance is not authorized shall be restored to their original condition and elevation, which under no circumstances shall be higher than the pre-construction elevation. Original condition means careful protection and/or removal of existing soil and vegetation, and replacement back to the original location such that the original soil layering and vegetation schemes are approximately the same, unless otherwise authorized.
- (b) Upon completion of construction, all disturbed wetland areas (the disturbance of these areas must be authorized) shall be properly stabilized. Any seed mix shall contain only plant species native to New England and shall not contain any species listed in the “Invasive and Other Unacceptable Plant Species” Appendix in the “New England District Compensatory Mitigation Guidance” (see Appendix E, Paragraph 6). This list may be updated periodically.
- (c) In areas of authorized temporary disturbance, if trees are cut they shall be cut at ground level and

not uprooted in order to prevent disruption to the wetland soil structure and to allow stump sprouts to revegetate the work area, unless otherwise authorized.

20. Bank Stabilization.

(a) Projects involving construction or reconstruction/maintenance of bank stabilization structures within Corps jurisdiction shall be designed to minimize environmental effects, effects to neighboring properties, scour, etc. to the maximum extent practicable.

(b) Project proponents must design and construct bank stabilization projects using this sequential minimization process: avoidance of aquatic resource impacts, diversion of overland flow, vegetative stabilization, stone-sloped surfaces, and walls/bulkheads. Vertical walls/bulkheads shall only be used in situations where reflected wave energy can be tolerated. Refer to Appendix E for design guidance.

(c) Inland Water bank stabilization activities necessary for erosion prevention must meet all of the following criteria: (i) No material is placed in excess of the minimum needed for erosion protection; (ii) The activity is no more than 500 feet in length along the bank; (iii) 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; (iv) Structures angled steeper than 1H:1V and any material other than angular or subangular stone or fiber roll revetments require at least a Category 2 review. (v) The activity does not involve discharges of dredged or fill material into special aquatic sites; (vi) No material is of the type, or is placed in any location, or in any manner, to impair surface water flow into or out of any water of the U.S.; (vii) 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, (viii) The activity is not a stream channelization activity.

(d) Navigable Water bank stabilization activities are provided at Appendix A, Page 4.

21. Sedimentation and Erosion Control.

(a) Adequate sedimentation and erosion control management measures, practices and devices, such as phased construction, installation of sediment control barriers (i.e. silt fence, vegetated filter strips, geotextile silt fences, erosion control mixes, hay bales or other devices) downhill of all exposed areas, retention of existing vegetated buffers, application of temporary mulching during construction, and permanent seeding and stabilization shall be installed and properly maintained to reduce erosion and retain sediment on-site during and after construction. They shall be capable of preventing erosion, of collecting sediment, suspended and floating materials, and of filtering fine sediment.

(b) Temporary sediment control barriers shall be removed upon completion of work, but not until all disturbed areas are permanently stabilized. The sediment collected by these sediment barriers shall be removed and placed at an upland location and stabilized to prevent its later erosion into a waterway or wetland.

(c) All exposed soil and other fills shall be permanently stabilized at the earliest practicable date (see GC 19).

22. Stream Work and Crossings¹.

Notes:

(a) GC 22(a) and (b) apply to Inland Waters and Wetlands (see Appendix A, Page 1 for definition) and Navigable Waters (see Appendix A, Page 4 for definition). GC 22(c)-(l) only apply to Inland Waters and Wetlands that are streams. All new and replacement crossings in Navigable Waters require an application to the Corps and at least a Category 2 review.

(b) In-stream work in a watershed occupied by listed Atlantic salmon or shortnose sturgeon [see GC 10(b)] and some stream work such as crossings on EFH waters (see GC 11) is not eligible for Category 1.

(c) “High-Quality Stream Segments” are shown at www.maine.gov/dep/gis/datamaps and may be useful in evaluating impacts to fisheries. GIS shape files are under “Other Google Earth Interactive Maps” and PDFs by county are under “DEP GIS Maps.” See Appendix E, 8(b) for more information.

Conditions:

(a) All permanent crossings of rivers, streams, brooks, etc. (hereon referred to as “streams”) shall be suitably culverted, bridged, or otherwise designed to i) withstand and to prevent the restriction of high flows to qualify for Category 1, and ii) not obstruct the movement of or not 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, beyond the actual duration of construction unless the activity’s primary purpose is to impound water to qualify for Category 1 or 2. (NOTE: Areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine applicability of this GP).

(b) Any work that temporarily or permanently impacts upstream or downstream flood conditions, or permanently impacts wetlands in excess of Category 1 thresholds, must be reviewed at least under Category 2. See the documents referenced in Appendix E, 8(c) and (d) for guidance.

(c) New Stream Crossings. For new stream crossings to qualify for Category 1:

i. Must ensure compliance with GC 22(a) and GC 22(b) above.

ii. Shall be designed and constructed in accordance with the Corps General Stream Crossing Standards provided on Page 14 and the stream simulation document listed at Appendix E, 8(a).

(d) Replacement Stream Crossings. For replacement stream crossings to qualify for Category 1:

i. Must ensure compliance with GC 22(a) and GC 22(b) above.

ii. Shall be designed and constructed in accordance with the Corps General Stream Crossing Standards provided on Page 14 and the stream simulation document listed at Appendix E, 8(a).

(e) Culvert Extensions. Culvert extensions on culverts that do not meet the Corps General Stream Crossing Standards do not qualify for Category 1 and require an application to the Corps at least as a Category 2 project.

(f) Temporary Stream Crossings.

Note: The General Stream Crossing Standards don’t apply to temporary stream crossings.

i. Temporary stream crossings or cofferdams shall be used for equipment access across streams [see Appendix E, 8(e)]. Note: Areas of fill and/or cofferdams must be included in total waterway/wetlands impacts to determine the review category in Appendix A.

ii. Temporary stream crossings shall be removed within 180 days to qualify for Category 1.

iii. Temporary stream crossings that are not spans² (typically culverts) must be designed in accordance with 1-6 below to qualify for Category 1. Category 2 applications should include information demonstrating 2-6 below:

¹ This condition does not apply to non-tidal drainage systems and irrigation ditches excavated on dry land.

² For the purposes of this GP, spans are bridges, three-sided box culverts, open-bottom culverts or arches that span the stream with footings landward of bankfull width.

1. Installed and removed during the low flow period specified in GC 22(l) below.
2. Placed on geotextile fabric or other material where practicable to ensure restoration to the original grade. Soil may not be used to construct or stabilize these structures and rock must be large enough to allow for easy removal without disrupting the streambed.
3. Designed and maintained to withstand and pass high flows. Water height should be no higher than the top of the culvert's inlet. A minimum culvert diameter of two feet is required to pass debris. Culverts must be aligned to prevent bank erosion or streambed scour.
4. Equipped with energy dissipating devices installed downstream if necessary to prevent scour.
5. Designed and maintained to prevent soil from entering the waterbody.
6. Removed upon the completion of work. Impacts to the streambed or banks requires restoration to their original condition using stream simulation methods¹.

(g) Slip Lining. Work using slip lining (retrofitting an existing culvert by inserting a smaller diameter pipe), invert lining, or resulting in decreased diameter, do not qualify for Category 1, either as new work or maintenance activities.

(h) Work in Flowing Waters. To qualify for Category 1, no unconfined fill [see GC 18(b)] or excavation in flowing waters is allowed. To accomplish this:

i. Bank stabilization work below ordinary high water (OHW) shall utilize erosion controls such as inflatable cofferdams, jersey barrier, silt screen, turbidity curtain, etc. where practicable to prevent sediment input to the stream and to minimize turbidity and sedimentation impacts for sensitive life stages. Bank stabilization above OHW must utilize erosion controls.

ii. Management techniques such as temporary flume pipes, culverts, cofferdams, etc. must be used to maintain normal flows within the stream boundary's confines, or water diversions may be used immediately up and downstream of the work footprint (see Appendix A, Endnote 6) or work must be performed in the dry under no flow conditions, or under very low flow conditions following the practices in GC 22(a).

(i) Minimization. In order to make the Category 2 review process more efficient and result in a faster decision, new and replacement stream crossings should be designed using the least intrusive and environmentally damaging method following this sequential minimization process: 1) spans with no stream impacts, 2) spans with stream impacts, and 3) embedded culverts with stream simulation or low-slope design.

(j) Maintenance Requirements. The permittee shall maintain the work authorized herein in good condition and in conformance with the terms and general conditions of this permit to facilitate aquatic life passage as stated in GC 22(a). Culverts that develop "hanging" inlets or outlets, result in bed washout, or a stream that doesn't match the characteristics of the substrate in the natural stream channel such as mobility, slope, stability confinement will require maintenance or repair to comply with this GC. This does not apply to GC 22(f) above.

(k) Maintenance and Replacement Information. An existing stream crossing must be authorized and in compliance with all conditions of its authorization(s) to qualify for maintenance not subject to regulation. See Appendix A, Endnote 7. A non-serviceable crossing is not eligible for maintenance and is therefore considered as a replacement crossing [see 22(d)].

(l) Work Window. For projects that otherwise meet the terms of Category 1, in-stream construction work shall be conducted during the low flow period July 15 - October 1 in any year. Projects that are not to be conducted during that time period are ineligible for Category 1 and shall be screened pursuant to Category 2, regardless of the waterway and wetland fill and/or impact area.

(See next page for Corps General Stream Crossing Standards.)

¹ Design and construction shall be in accordance with the stream simulation document listed at Appendix E, 8(a).

Corps General Stream Crossing Standards (required for Category 1, recommended for Category 2):

(a) Culverts must be embedded:

- ≥ 2 feet for box culverts and other culverts with smooth internal walls,
- ≥ 1 foot for corrugated pipe arches
- ≥ 1 foot and at least 25 percent for corrugated round pipe culverts

(b) For new crossings, spans¹ are required to avoid or cause minimal disruption to the streambed and to meet the requirements of General Condition 22(a) and 22(b). Footings and abutments must be landward of 1.2 times bankfull width. To the greatest extent practicable, work in the stream shall be minimized, and design and construction shall allow the streambed's natural structure and integrity to remain intact. Any fill or excavation of the streambed below bankfull width other than footings, support pilings, or work specified in 22(h)ii requires Category 2 review and, unless demonstrated otherwise, stream simulation² to establish substrate and banks in the span structure and work area as specified in (d) and (e) below.

(c) For replacement crossings, spans¹ are required to meet the requirements of General Condition 22(a) and 22(b). Footings and abutments shall be landward of 1.2 times bankfull width. Unless demonstrated otherwise, stream simulation² is required to establish substrate and banks in the span structure and work area as specified in (d) and (e) below.

(d) Crossings must have a natural bottom substrate within the structure matching the characteristics of the substrate in the natural stream channel and the banks (mobility, slope, stability, confinement, grain and rock size)² at the time of construction and over time as the structure has had the opportunity to pass significant flood events. To allow terrestrial passage for wildlife and prevent undermining the footings, crossings shall have a bank on both sides of the stream matching the horizontal profile of the existing stream and banks².

(e) Crossings must be designed and constructed² with appropriate bed forms and streambed characteristics so that water depths and velocities are comparable to those found in the natural channel at a variety of flows. In order to provide appropriate water depths and velocities at a variety of flows and especially low flows, it is usually necessary to reconstruct the streambed or preserve the natural channel within the structure. Otherwise, the width of the structure needed to accommodate higher flows will create conditions that are too shallow at low flows. The grain and rock size, and arrangement of streambed materials within the structure should be in accordance with (d) above. Flows could go subsurface within the structure if only large material is used without smaller material filling the voids.

23. Wetland Crossings.

(a) All temporary and permanent crossings of wetlands shall be suitably culverted, bridged, or otherwise designed to: **i)** Withstand and prevent the restriction of high flows, **ii)** Not obstruct the movement of or not substantially disrupt the necessary life-cycle movements of those species of aquatic life indigenous to the wetland, including those species that normally migrate through the area, beyond the actual duration of construction unless the activity's primary purpose is to impound water. See Appendix E for the Maine DEP's crossing standards.

(b) To qualify for Category 1, new and replacement wetland crossings that are permanent shall be culverted, spanned or bridged in such a manner as to preserve hydraulic and ecological connectivity, at its present level, between the wetlands on either side of the road. To meet this requirement, we

¹ For the purposes of this GP, spans are bridges, three-sided box culverts, open-bottom culverts or arches that span the stream with footings landward of bankfull width.

² Design and construction shall be in accordance with the stream simulation document listed at Appendix E, 8(a).

recommend that culverts, spans or bridges be placed at least every 50 feet with an opening at least 2 feet high and 3 feet wide at ground level where practicable. Closed bottom culverts shall be embedded at least 6 inches with a natural bottom.

(c) In the case of non-compliance, the permittee shall take necessary measures to correct wetland damage due to lack of hydraulic and ecological connectivity.

(d) Any work that results in flooding, results in impacts to wetlands on either side of the wetland crossing in excess of Category 1 thresholds, or impacts wetland drainage from the upgradient side of the wetland crossing does not qualify for Category 1.

24. Discharge of Pollutants.

(a) All activities involving any discharge of pollutants into waters of the U.S., including wetlands, authorized under this GP shall be consistent with applicable water quality standards, effluent limitations, standards of performance, prohibitions, and pretreatment standards and management practices established pursuant to the Clean Water Act (CWA) (33 USC 1251), and applicable state and local laws. If applicable water quality standards, limitations, etc., are revised or modified during the term of this GP, the authorized work shall be modified to conform with these standards within six months of the effective date of such revision or modification, or within a longer period of time deemed reasonable by the Corps in consultation with the EPA. Issuance of a LURC or DEP NRPA permit confirms that state water quality standards are met.

(b) All projects authorized by this GP shall be designed, constructed and operated to minimize or eliminate the discharge of pollutants.

(c) All activities involving any discharge of pollutants into waters of the U.S., including wetlands, authorized under this GP must comply with Section 402 [33 U.S.C. 1342] of the CWA and the requirements of the National Pollutant Discharge Elimination System (40 CFR 122).

25. Spawning, Breeding and Migratory Areas. Activities and impacts such as excavations, discharges of dredged or fill material, and/or suspended sediment producing activities, in fish migratory areas, fish and shellfish spawning or nursery areas, or amphibian and migratory bird breeding areas, during spawning or breeding seasons shall be avoided and minimized to the maximum extent practicable.

26. Storage of Seasonal Structures. Coastal structures, such as pier sections and floats, that are removed from the waterway for a portion of the year (often referred to as seasonal structures) shall be stored in an upland location located above mean high water (MHW) and not in tidal wetlands or mudflats. These seasonal structures may be stored on the fixed, pile-supported portion of the structure that is seaward of MHW. This is intended to prevent structures from being stored on the marsh substrate, mudflats, or the substrate seaward of MHW. Seasonal storage of structures in navigable waters, e.g., in a protected cove on a mooring, requires Corps and local harbormaster approval.

27. Environmental Functions and Values. The permittee shall make every reasonable effort to carry out the construction or operation of the work authorized herein in a manner that maintains as much as is practicable, and minimize any adverse impacts on existing fish, wildlife, and natural environmental functions and values.

28. Protection of Vernal Pools (VPs).

(a) Impacts to VP Management Areas¹ for all VPs on, and known VPs surrounding, the project site shall be minimized to the maximum extent practicable.

(b) The following management practices must be followed for all work within the VP Management Area (750' of a VP's edge) of all VPs in order to qualify for Category 1 when there is fill placed in a water of the U.S., including wetlands:

i. Similar to the DEP's Significant Wildlife Habitat regulations²:

1. No disturbance within the VP Depression or VP Envelope (area within 100 feet of the VP Depression's edge)³;
2. Maintain a minimum of 75% of the Critical Terrestrial Habitat (area within 100-750 feet of the VP Depression's edge) as unfragmented forest with at least a partly-closed canopy of overstory trees to provide shade, deep litter and woody debris³;
3. Maintain or restore forest corridors connecting wetlands and significant vernal pools;
4. Minimize forest floor disturbance; and
5. Maintain native understory vegetation and downed woody debris.

ii. Cape Cod style-curbings or no curbing options shall be used on new roads to facilitate amphibian passage².

(c) For work not complying with the requirements in (b) above, applicants shall submit an application to the Corps for at least Category 2 review with information on directional buffers in accordance with the VP Directional Buffer Guidance document². Conservation of the unimpacted area within the VP Management Area will often be required.

(d) GC 2 requires applicants to delineate or approximately identify on the project plans all waters of the U.S., which include vernal pools. Appendix A, Page 1 lists VP Category 1 thresholds.

29. Invasive Species.

(a) The introduction, spread, or the increased risk of invasion of invasive plant or animal species on the project site, into new or disturbed areas, or areas adjacent to the project site caused by the site work is prohibited (see Appendix E, Paragraph 6).

(b) Unless otherwise directed by the Corps, all applications for Category 2 inland projects and Category 2 coastal fill projects proposing fill in Corps jurisdiction shall include an Invasive Species Control Plan (ISCP) (see Appendix E, Paragraph 6).

30. Cranberry Development Projects. For cranberry development projects authorized under the GP, the following conditions apply:

(a) If a cranberry bog is abandoned for any reason, the area must be allowed to revert to natural wetlands unless an Individual Permit is obtained from the Corps allowing the discharge of fill for an alternate use.

¹ The Corps VP Management Area, which includes the VP and a 750' radius from the VP's edge, is defined at Appendix A, Endnote 5.

² Appendix E, 10(a)-(d) provides links to the state's Significant Wildlife Habitat regulations and references that provide impact minimization measures to reference when designing projects.

³ The no disturbance requirement in the VP envelope [see (b)(i)(1)], and (b)(i)(2), do not apply to temporary impacts associated with construction mats in previously disturbed areas of existing utility project (e.g., transmission lines, gas pipelines) or linear transportation project (e.g., roads, highways, railways, trails, airport runways and taxiways) right-of-ways provided there is a Vegetation Management Plan that avoids, minimizes and mitigates impacts to aquatic resources.

- (b) No stream diversion shall be allowed under Category 1 of this GP.
- (c) No impoundments of intermittent or perennial streams shall be allowed under Category 1 and an application to the Corps is required for at least Category 2 review.
- (d) The project shall be designed and constructed to not cause flood damage on adjacent properties.

31. Inspections. The permittee shall allow the Corps to make periodic inspections at any time deemed necessary in order to ensure that the work is being or has been performed in accordance with the terms and conditions of this GP. The Corps may also require post-construction engineering drawings for completed work or post-dredging survey drawings for any dredging work. To facilitate these inspections, the permittee shall complete and return to the Corps:

- For Category 1 projects, the Category 1 Notification Form (Appendix B).
- For Category 2 projects, the 1) Work-Start Notification Form and 2) Compliance Certification Form whenever either is provided with a Category 2 authorization letter.

32. Maintenance.

- (a) The permittee shall maintain the work authorized herein in good condition and in conformance with the terms and general conditions of this permit.
- (b) This does not include maintenance of dredging projects. Each maintenance dredging event exceeding the Category 1 thresholds (see Appendix A, Page 6) requires a new written Corps authorization unless an unexpired, written Corps authorization specifies that the permittee may “dredge and maintain” an area for a particular time period. Category 1 or 2 maintenance dredging includes only those areas and depths previously authorized and dredged.
- (c) Some maintenance activities may not be subject to regulation under Section 404 in accordance with 33 CFR 323.4(a)(2) (see Appendix A, Endnote 7).

33. Property Rights. This PGP does not convey any property rights, either in real estate or material, or any exclusive privileges, nor does it authorize any injury to property or invasion of rights or any infringement of Federal, State, or local laws or regulations.

34. Transfer of GP Verifications. When the structures or work authorized by this GP are still in existence at the time the property is transferred, the terms and conditions of this GP, including any special conditions, will continue to be binding on the entity or individual who received the GP verification, as well as the new owner(s) of the property. The permittee may transfer responsibilities and obligations under the GP verification to the new owner by submitting a letter to the Corps (see Appendix D for address) to validate the transfer. A copy of the GP 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 GP are still in existence at the time the property is transferred, the terms and conditions of this GP, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this GP and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.”

35. Modification, Suspension, and Revocation. This GP or any work authorized under Category 1 or 2 may be either modified, suspended, or revoked, in whole or in part, pursuant to the policies and procedures of 33 CFR 325.7. Any such action shall not be the basis for any claim for damages against the United States.

36. Restoration Directive. The permittee, upon receipt of a notice of revocation of authorization under this GP, shall restore the wetland or waterway to its former condition without expense to the United States and as directed by the Secretary of the Army or his authorized representative. If the permittee fails

to comply with such a directive, the Secretary or his designee may restore the wetland or waterway to its former condition, by contract or otherwise, and recover the cost from the permittee.

37. Special Conditions. The Corps may independently, or at the request of the Federal resource agencies, impose other special conditions on a project authorized pursuant to this GP that are determined necessary to minimize adverse navigational and/or environmental effects or based on any other factor of the public interest. Failure to comply with all conditions of the authorization, including special conditions, constitutes a permit violation and may subject the permittee to criminal, civil, or administrative penalties and/or an ordered restoration.

38. False or Incomplete Information. If the Corps makes a determination regarding the eligibility of a project under this GP and subsequently discovers that it has relied on false, incomplete, or inaccurate information provided by the permittee, the GP authorization shall not be valid and the U.S. government may institute appropriate legal proceedings.

39. Abandonment. If the permittee decides to abandon the activity authorized under this GP, unless such abandonment is merely the transfer of property to a third party, he/she may be required to restore the area to the satisfaction of the Corps.

40. Enforcement Cases. This GP does not apply to any existing or proposed activity in Corps jurisdiction associated with an on-going Corps or EPA enforcement action, until such time as the enforcement action is resolved or the Corps and/or EPA as appropriate determines that the activity may proceed independently without compromising the enforcement action.

41. Duration of Authorization. This GP expires on October 11, 2015. Activities authorized under this GP that have commenced (i.e., are under construction) or are under contract to commence before this GP expires will have until October 11, 2016 to complete the activity under the terms and conditions of the current GP.

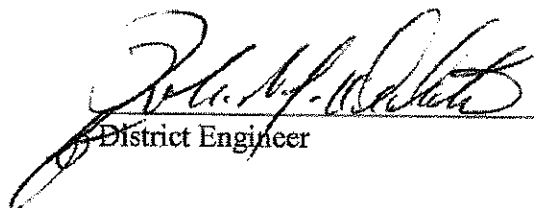
42. Previously Authorized Activities.

(a) Projects that have received authorization (Category 1 or 2) from the Corps and that were completed under the previous PGPs, nationwide permits, regional general permits or letters of permission, shall remain authorized.

(b) Activities authorized pursuant to 33 CFR Part 330.3 ("Activities occurring before certain dates") are not affected by this GP.

(c) Any work not commenced nor completed that was authorized in a written letter from the Corps under the PGP in effect between October 11, 2005 and October 11, 2010 remains authorized subject to the terms and general conditions of this GP along with any special conditions in the authorizing written letter.

43. NEPA Compliance. The Maine PGP was authorized in full compliance with Council for Environmental Quality ("CEQ") NEPA regulations. The Corps has determined that individual permit actions taken under the terms and conditions of the PGP are not a major federal action significantly affecting the quality of the human environment.


District Engineer
10/12/10
Date

APPENDIX A: DEFINITION OF CATEGORIES

<p>A. INLAND WATERS AND WETLANDS</p>	<p>Inland Waters and Wetlands: Waters that are regulated under Section 404 of the Clean Water Act, including rivers, streams, lakes, ponds and wetlands, and excluding Section 10 Navigable Waters of the U.S. The jurisdictional limits are the ordinary high water (OHW) mark in the absence of adjacent wetlands, beyond the OHW mark to the limit of adjacent wetlands when adjacent wetlands are present, and the wetland limit when only wetlands are present. For the purposes of this GP, fill placed in the area between the mean high water (MHW) and the high tide line (HTL), and in the bordering and contiguous wetlands¹ to tidal waters are reviewed in the Navigable Waters section. (See II. Navigable Waters on page 4 below.)</p> <p>Projects not meeting Category 1 require an application for review as a Category 2 or Individual Permit project.</p> <p>All Category 1 and 2 projects must comply with all of this GP's applicable terms (Pages 1 – 4) and general conditions (Pages 5–18).</p>	
<p>ACTIVITY</p>	<p style="text-align: center;">CATEGORY 2</p>	
<p>(a) NEW FILL/ EXCAVATION DISCHARGES</p> <p>(You must reference (b) – (e) below for other thresholds that may be relevant to your project.)</p>	<p>CATEGORY 1</p> <p>1. <15,000 square feet (SF) (in LURC or DEP territories) of inland waterway and/or wetland fill and associated secondary impacts² (e.g., areas drained, flooded, fragmented, mechanically cleared or excavated). Fill area includes all temporary and permanent fill, and regulated discharges associated with excavation. Construction mats are considered as fill. [See General Condition (GC) 18(g).]</p> <p><u>Provided:</u></p> <ul style="list-style-type: none"> • Historic fill + proposed impact area <15,000 SF and subdivision fill complies with GC 5, Single and Complete Projects. • No work in special aquatic sites (SAS)⁴ other than wetlands. <p>2. Construction mats⁴ of any area necessary to conduct activities that were previously authorized, authorized under Category 1, or not subject to regulation (see Endnote 7). Authorized construction mats must be in place for <3 months, removed immediately upon work completion, and the wetlands must be restored (see GC 19).</p> <p>3. For work in Vernal Pool (VP) Management Areas (includes VPs)⁵:</p> <ul style="list-style-type: none"> • See GC 2 and Appendix C for VP delineation requirements. • See GC 28 to determine if work qualifies for Category 1 or 2. • See Appendix E, Page 3 for VP documents providing mitigation guidance. 	<p>1. ≥15,000 square feet (SF) (in LURC or DEP territories) to <3 acres of inland waterway and/or wetland fill and associated secondary impacts (e.g., areas drained, flooded, fragmented, or excavated). Fill area includes all temporary and permanent fill, and regulated discharges associated with excavation. Mechanical clearing without grubbing or other soil disturbance >3 acres as a secondary impact may still be eligible for Category 2 at the discretion of the Corps.</p> <p>2. Specific activities with impacts of any area ≥15,000 SF required to affect 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. Wetlands must be restored in place.</p> <p>3. Temporary structures, work, and discharges (including construction mats⁴) ≥15,000 SF necessary for construction activities or access fills or dewatering of construction sites, provided that the associated primary activity is authorized by the Corps, authorized under Category 1, or not subject to Corps regulation. GCs 16 -19 are particularly relevant.</p> <p>See GC 2 and Appendix C for wetland delineation requirements.</p>

ACTIVITY	CATEGORY 1	CATEGORY 2
(b) BANK STABILIZATION PROJECTS	<p>1. Inland bank stabilization <500 FT long and <1 CY of fill per linear foot below OHW, provided:</p> <ul style="list-style-type: none"> • ≤1 cubic yard of fill per linear foot placed along the bank waterward of ordinary high water. • Work complies with the GCs (GC 20 in particular), including: <ul style="list-style-type: none"> ○ No structures angled steeper than 1H:1V allowed. Only rough-faced stone or fiber roll revetments allowed. ○ No in-stream work involving fill or excavation in flowing waters (see GC 22(h)). • In-stream work limited to Jul 15 - Oct 1 [see GC 22 (l)]. • No work in vernal pools⁵ or SAS³. • GC 10 Endangered Species and GC 11 Essential Fish Habitat are particularly relevant. 	<p>1. Inland bank stabilization ≥500 FT long and/or ≥1 CY of fill per linear foot, or any amount with fill in wetlands.</p>
(c) RIVER/ STREAM/ BROOK WORK & CROSSINGS and WETLAND CROSSINGS	<p>1. River, stream and brook work and crossings:</p> <ul style="list-style-type: none"> • Must comply with GC 22 in particular, including: <ul style="list-style-type: none"> ○ No slip lining [see GC 22 (g)]. ○ No in-stream work involving fill or excavation in flowing waters [see GC 22(h)]. ○ In-stream work limited to Jul 15 - Oct 1 [see GC 22 (l)]. • No work in riffles and pools³. • No stream relocations. • No dams or dikes⁶. • Work in areas designated as Atlantic salmon critical habitat or occupied by listed Atlantic salmon, or any other area occupied by a listed species is not eligible for Category 1 (see GC 10). • No work in EFH streams except for the activities stated in GC 11. <p>2. Wetland crossings must comply with the particularly relevant GC 23.</p>	<p>1. Work not qualifying for Category 1.</p>

ACTIVITY	CATEGORY 1	CATEGORY 2
<p>(d) REPAIR, REPLACEMENT, & MAINTENANCE OF AUTHORIZED FILLS</p>	<p>1. Repair or maintenance of existing, currently serviceable, authorized fills with no expansion or change in use:</p> <ul style="list-style-type: none"> • Conditions of the original authorization apply • Minor deviations in fill design allowed.⁷ • The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, 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. 	<p>2. Replacement of non-serviceable fills, or repair/maintenance of serviceable fill, with expansion <3 acres, or with a change in use.</p>
<p>(e) MISCELLANEOUS</p>	<p>1. Activities required for the containment and cleanup of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) provided that the work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR 112.3 and any existing state contingency plan and provided that the Regional Response Team (if one exists in the area) concurs with the proposed containment and cleanup action. SAS³ must typically be restored in place at the same elevation.</p> <p>2. Scientific measurement devices whose purpose is to measure and record scientific data, such as staff gages, water recording devices, water quality testing and improvement devices, and similar structures. This excludes any biological sampling devices. Structures may not restrict movement of aquatic organisms.</p> <p>3. 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, and historic resources surveys (but not recovery). Exploratory trenches must be restored in accordance with GC 19. The construction of temporary pads is authorized provided the discharge doesn't exceed 25 CY. This doesn't authorize permanent structures or the drilling and the discharge of excavated material from test wells for oil and gas exploration (the plugging of such wells is authorized).</p> <p>4. Any work not commenced nor completed that was authorized in a written letter from the Corps under the PGP in effect between October 11, 2005 and October 11, 2010. The terms and general conditions of this GP apply along with any special conditions in the written authorization.</p>	<p>1. Aquatic habitat restoration, establishment, and enhancement of wetlands and riparian areas and the restoration and enhancement of streams and other open waters with impacts of any area $\geq 15,000$ SF, provided those activities result in net increase in overall aquatic resource functions and services.⁸</p> <p>2. Projects where an EIS is required by the Corps are not eligible for Category 2.</p>

<p>II. NAVIGABLE WATERS</p>	<p>Navigable Waters of the United States: Waters that are subject to the ebb and flow of the tide and/or the tidal and non-tidal portions of the Federally designated navigable waters (the Penobscot River, Kennebec River, and Lake Umbagog) (Section 10 Rivers and Harbors Act of 1899). The jurisdictional limits are the mean high water (MHW) line in tidal waters and the ordinary high water (OHW) mark in non-tidal portions of the federally designated navigable rivers. For the purposes of this GP, fill placed in the area between the mean high water (MHW) and the high tide line (HTL), and in the bordering and contiguous wetlands' to tidal waters are also reviewed in this Navigable Waters section.</p> <p>Projects not meeting Category 1 require an application for review as a Category 2 or Individual Permit project. All Category 1 and 2 projects must comply with all of this GP's applicable terms (Pages 1 - 4) and general conditions (Pages 5 - 18).</p>	
<p>ACTIVITY</p>	<p>CATEGORY 1</p>	
<p>(a) FILL</p>	<p>1. Discharges of dredged or fill material incidental to the construction of bridges across navigable waters of the U.S., including cofferdams, abutments, foundation seals, piers, and temporary construction and access fills provided the U.S. Coast Guard authorizes such discharges as part of the bridge permit or appropriate approval. Causeways and approach fills are not included in this category and require Category 2 or Individual Permit authorization.</p> <p>2. Bank stabilization projects <200 linear feet:</p> <ul style="list-style-type: none"> • ≤1 cubic yard of fill per linear foot placed along the bank waterward of high tide line. No fill or equipment will occur in SAS³. • Work conducted in the intertidal zone must be conducted in-the-dry during low water, or between Nov. 8 – Apr. 9. • No structures angled steeper than 1H:1V and only rough-faced stone or fiber roll revetments allowed. • No driving of piles or sheeting. <p>3. For 1 and 2 above:</p> <ul style="list-style-type: none"> • Project proponents must contact the USFWS for work on coastal beaches to ensure no impacts to piping plovers, roseate terns or their habitat [see GC 10(b)ii]. 	<p>CATEGORY 2</p> <p>1. <1 acre temporary or permanent fill, excavation and/or secondary impacts (e.g., areas drained, flooded, fragmented or mechanically cleared). Fill area includes all temporary and permanent waterway fills, provided:</p> <ul style="list-style-type: none"> • Temporary or permanent fill in eelgrass¹⁴ <1000 SF. • Permanent fill in SAS (excluding eelgrass¹⁴) <4300 SF.
<p>(b) STREAM WORK & CROSSINGS, and WETLAND CROSSINGS</p>	<p>1. No new fill for crossings allowed.</p>	<p>1. New crossings or replacement crossings that do not fit the (c) Repair and Maintenance activity below.</p>

ACTIVITY	CATEGORY 1	CATEGORY 2
<p>(c) REPAIR AND MAINTENANCE WORK</p>	<p>I. Repair, replacement in-kind, or maintenance of existing, currently serviceable⁷, authorized structures or fills:</p> <ul style="list-style-type: none"> • Conditions of the original authorization apply. • No substantial expansion or change in use. • Must be rebuilt in same footprint, however minor deviations in structure design allowed⁷. • The repair, rehabilitation, or replacement of those structures or fills destroyed or damaged by storms, floods, fire or other discrete events is authorized, 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. Minor deviations for work involving piles shall adhere to one of the 4 methods in a - d below: <ul style="list-style-type: none"> a. Piles installed in-the-dry during low water or in-water between Nov. 8th - Apr. 9th, or b. Must be drilled and pinned to ledge, or c. Vibratory hammers used to install any size and quantity of wood, concrete or steel piles, or d. Impact hammers limited to one hammer and <50 piles installed/day with the following: wood piles of any size, concrete piles ≤18-inches diameter, steel piles <12-inches diameter if the hammer is ≤3000 lbs and a wood cushion is used between the hammer and steel pile, and <ul style="list-style-type: none"> • For b - d above: <ul style="list-style-type: none"> o In-water noise levels shall not exceed >187dB SEL re 1µPa or 206dB peak re 1µPa at a distance >10m from the pile being installed, and o In-water noise levels >155dB peak re 1µPa shall not exceed 12 consecutive hours on any given day and a 12 hour recovery period (i.e., in-water noise below 155dB peak re 1µPa) must be provided between work days. • For a - d above: <ul style="list-style-type: none"> o Work is not eligible for Category 1 if conducted in tidal portions of the Penobscot river upstream of a line extending from Turner point in Castine to Moose Point (formerly squaw point) on Cape Jellison in Stockton Springs or in tidal portions of the Kennebec or Androscoggin Rivers upstream of a line extending from Doubling point in Arrowsic to Hospital Point in West Bath. 	<p>I. Replacement of non-serviceable structures and fills or repair/maintenance of serviceable structures or fills, with fill, replacement or expansion <1 acre, or with a change in use.</p>

ACTIVITY	CATEGORY 1	CATEGORY 2
<p>(d) DREDGING AND ASSOCIATED DISPOSAL</p>	<p>1. Maintenance dredging¹⁰ for navigational purposes <1,000 CY with upland disposal. Includes return water from upland contained disposal area, provided:</p> <ul style="list-style-type: none"> • Proper siltation controls are used. • Dredging & disposal operation limited to Nov. 8 – Apr. 9. • No impact to SAS³. • No dredging in intertidal areas. • No dredging in areas considered occupied by listed Atlantic salmon [see GC 10(b)(ii)]. • For dredging in waters outside of Atlantic salmon critical habitat, applicants must contact NMFS (Appendix D) to ensure no impacts to listed species such as shortnose sturgeon. • Project proponents must contact the USFWS for work on coastal beaches to ensure no impacts to piping plovers, roseate terns or their habitat [see GC 10(c)]. 	<p>1. Maintenance dredging¹⁰ ≥1,000 CY, new dredging <25,000 CY, or projects not meeting Category 1. Includes return water from upland contained disposal areas. Disposal includes:</p> <ul style="list-style-type: none"> • Upland. • Beach nourishment (above mean high water) of any area provided dredging's primary purpose is navigation or sand is from an upland source. • Open water & confined aquatic disposal, if Corps finds the material suitable. <p>2. Beach nourishment associated with dredging when the primary purpose is not navigation requires at least a Category 2 review.</p> <p>3. Maintenance or new dredging¹⁰ and/or disposal in or affecting a SAS³ requires an Individual Permit. See II(a) above for dredge disposal in wetlands or waters.</p>
<p>(e) MOORINGS</p>	<p>1. Private, non-commercial, non-rental, single-boat moorings, provided:</p> <ul style="list-style-type: none"> • Authorized by the local harbormaster/town. • Not associated with any boating facility.¹¹ • Boat or mooring not located in a Federal Navigation Project¹² other than a Federal Anchorage¹². Moorings in Federal Anchorage not associated with a boating facility¹¹ and are not for rent. • No interference with navigation. • No new moorings located in SAS³. Prior to installation of moorings, a site-specific eelgrass survey should be conducted to document that eelgrass is not present. • When existing, authorized moorings in SAS³ are going to be replaced, they shall be replaced with elastic mooring systems that prevent mooring chains from resting or dragging on the bottom substrate at all tides and helical anchors, or equivalent SAS protection systems where practicable. <p>2. Minor relocation of previously authorized moorings and moored floats, provided:</p> <ul style="list-style-type: none"> • Authorized by the local harbormaster/town. • Not located in SAS³ • No interference with navigation. • Cannot be relocated into a Federal Navigation Project¹² other than a Federal Anchorage¹² 	<p>1. Moorings associated with a boating facility¹¹. An eelgrass¹⁴ survey may be required.</p> <p>2. Moorings that don't meet the terms in Category 1 and don't require an Individual Permit. This includes private moorings with no harbormaster or means of local approval.</p> <p>3. Moorings located such that they, and/or vessels docked or moored at them, are within the buffer zone of the horizontal limits¹³ of a Federal Channel¹². (See Appendix F.) The buffer zone is equal to 3 times the authorized depth of that channel.</p> <p>4. An IP is required for moorings within the horizontal limits¹¹, or with moored vessels that extend, into the horizontal limits of a Federal Navigation Project¹², except those in Federal Anchorages¹².</p> <p>For 1-4 above, siting of new individual moorings in SAS³, including eelgrass¹⁴, should be avoided to the maximum extent practicable. If SAS³ cannot be avoided, plans should show elastic mooring systems that prevent mooring chains from resting or dragging on the bottom substrate at all tides and helical anchors, or equivalent SAS protection systems, where practicable.</p>

ACTIVITY	CATEGORY 1	CATEGORY 2
<p>(0) STRUCTURES AND FLOATS</p>	<p>1. Reconfiguration of existing, authorized structures or floats.</p> <p><u>Provided:</u></p> <p>a. Piles shall adhere to one of the 4 methods in (i) –(iv) below:</p> <ul style="list-style-type: none"> i. Piles installed in-the-dry during low water or in-water between Nov. 8th - Apr. 9th, or ii. Must be drilled and pinned to ledge, or iii. Vibratory hammers used to install any size and quantity of wood, concrete or steel piles, or iv. Impact hammers limited to one hammer and <50 piles installed/day with the following: wood piles of any size, concrete piles ≤18-inches diameter, steel piles <12-inches diameter if the hammer is ≤3000 lbs and a wood cushion is used between the hammer and steel pile. <p>b. For (ii) – (iv) above:</p> <ul style="list-style-type: none"> i. In-water noise levels shall not exceed >187dB SEL re 1µPa or 206dB peak re 1µPa at a distance >10m from the pile being installed-, and ii. In-water noise levels >155dB peak re 1µPa shall not exceed 12 consecutive hours on any given day and a 12 hour recovery period (i.e., in-water noise below 155dB peak re 1µPa) must be provided between work days. <p>c. For (i) –(iv) above:</p> <ul style="list-style-type: none"> i. Work is not eligible for Category 1 if conducted in tidal portions of the Penobscot river upstream of a line extending from Turner point in Castine to Moose Point (formerly squaw point) on Cape Jellison in Stockton Springs or in tidal portions of the Kennebec or Androscoggin Rivers upstream of a line extending from Doubling point in Arrowsic to Hospital Point in West Bath. 	<p>CATEGORY 2</p> <p>1. Private structures or floats, including floatways/skidways, built to access waterway (seasonal and permanent)</p> <p>2. Expansions to existing boating facilities¹¹.</p> <p>For 1 & 2 above, compliance with the following design standards is not required but recommended:</p> <ul style="list-style-type: none"> • Pile-supported structures <400 SF, with attached floats totaling ≤200 SF. • Bottom anchored floats ≤200 SF. • Structures are ≤4' wide and have at least a 1:1 height:width ratio¹¹. • Floats supported a minimum of 18" above the substrate during all tides. • Structures & floats not located within 25' of any eelgrass⁸. • Moored vessels not positioned over SAS⁴. • No structure located within 25' of the riparian property boundary without written approval from the abutter(s). • No structure extends across >25% of the waterway width at mean low water. • Not located within the buffer zone of the horizontal limits¹³ of a Corps Federal Navigation Project (FNP) (App. F). The buffer zone is equal to three times the authorized depth of that FNP. <p>3. An Individual Permit is required for structures or floats, including floatways/skidways, located such that they and/or vessels docked or moored at them are within the horizontal limits¹³ of a Corps Federal Navigation Project¹² (see App. F).</p> <p>4. An Individual Permit is required for structures & floats associated with a new or previously unauthorized boating facility¹¹.</p>

ACTIVITY	CATEGORY 1	CATEGORY 2
(g) MISCELLANEOUS	<p>1. Temporary buoys, markers, floats, etc. for recreational use during specific events, provided they are removed within 30 days after use is discontinued.</p> <p>2. 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 66, Chapter I, subchapter C).”</p> <p>3. Activities required for the containment and cleanup of oil and hazardous substances that are subject to the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR 300) provided that the work is done in accordance with the Spill Control and Countermeasure Plan required by 40 CFR 112.3 and any existing state contingency plan and provided that the Regional Response Team (if one exists in the area) concurs with the proposed containment and cleanup action. SAS³ must typically be restored in place at the same elevation.</p> <p>4. Fish and wildlife harvesting, enhancement, and attraction devices and activities such as pound nets, crab traps, crab dredging, eel pots, lobster traps, and clam and oyster digging, and small fish attraction devices such as open water fish concentrators (sea kites, etc.). This does not authorize artificial reefs or impoundments and semi-impoundments of waters of the U.S. for the culture or holding of motile species such as lobster, or the use of covered oyster trays or clam racks. No activity that results in a hazard to navigation. Note: A Category 1 Notification Form is not required for these devices and activities.</p> <p>5. Scientific measurement devices whose purpose is to measure and record scientific data, such as staff gages, water recording devices, water quality testing and improvement devices, and similar structures. Structures may not restrict movement of aquatic organisms. No activity results in a hazard to navigation.</p> <p>6. Survey activities such as exploratory drilling, surveying and sampling activities, excluding any biological sampling devices. Does not include oil and gas exploration and fill for roads or construction pads. No activity results in a hazard to navigation. Applicants must contact NMFS to ensure no impacts to listed species.</p>	<p>1. Structures or work in or affecting tidal or navigable waters, that are not defined under any of the previous headings listed above. Includes, but is not limited to, utility lines, aerial transmission lines, pipelines, outfalls, boat ramps, floatways/skidways, bridges, tunnels and horizontal directional drilling activities seaward of the mean high water line.</p> <p>2. Shellfish/finfish (other than Atlantic salmon), or other aquaculture facilities with no more than minimal individual and cumulative impacts to environmental resources or navigation. --Aquaculture guidelines are provided at: www.maine.gov/dmr/aquaculture/index.htm.</p> <p>3. Specific activities with impacts of any area required to affect 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. Wetlands must typically be restored in place at the same elevation to qualify.</p> <p>4. Aquatic habitat restoration, establishment and enhancement provided those activities are proactive and result in net increases in aquatic resource functions and services.</p> <p>5. Projects where an EIS is required by the Corps are not eligible for Category 2.</p>

ACTIVITY	CATEGORY 1	CATEGORY 2
(g) MISCELL- ANEOUS (continued)	<p>7. Shellfish seeding (brushing the flats)⁷ projects.</p> <p>8. Marine railway work not eligible for maintenance⁷ (i.e. not currently serviceable⁷ or in non-compliance) may be replaced “in-kind” with minor deviations⁷ provided:</p> <ul style="list-style-type: none"> • Work is in the intertidal zone • No fill expansion below high tide line. • Work conducted in-the-dry during low water or in-water between Nov. 8 – Apr. 9. <p>9. Test plots <100 SF for the planting of wetland species native to the area. No grading, no structures, no plant growing devices and no interference with navigation, which require at least Category 2 review.</p> <p>10. Any work not commenced nor completed that was authorized in a written letter from the Corps under the PGP in effect between October 11, 2005 and October 11, 2010. The terms and general conditions of this GP apply along with any special conditions in the written authorization</p>	

Endnotes/Definitions

¹ **Bordering and Contiguous Wetlands:** A bordering wetland is immediately next to its adjacent waterbody and may lie at, or below, the ordinary high water mark (mean high water in navigable waters) of that waterbody and is directly influenced by its hydrologic regime. Contiguous wetlands extend landward from their adjacent waterbody to a point where a natural or manmade discontinuity exists. Contiguous wetlands include bordering wetlands as well as wetlands that are situated immediately above the ordinary highwater mark and above the normal hydrologic influence of their adjacent waterbody. Note, with respect to the federally designated navigable rivers, the wetlands bordering and contiguous to the tidally influenced portions of those rivers are reviewed under “II. Navigable Waters.”

² **Direct, Secondary, and Cumulative Impacts/Effects:**

Direct Impacts: The immediate loss of aquatic ecosystem within the footprint of the fill.

Secondary Impacts: These are effects on an aquatic ecosystem that are associated with a discharge of dredged or fill materials, but do not result from the actual placement of the dredged or fill material. Information about secondary effects on aquatic ecosystems shall be considered prior to the time final section 404 action is taken by permitting authorities. Some examples of secondary effects on an aquatic ecosystem are a) fluctuating water levels in all impoundment and downstream associated with the operation of a dam, b) septic tank leaching and surface runoff from residential or commercial developments on fill, and c) leachate and runoff from a sanitary landfill located in waters of the U.S. Put another way, secondary effects are those impacts outside the footprint of the fill that arise from and are associated with the discharge of dredged or fill material, including the operation of an activity or facility associated with the discharge. Examples may include habitat fragmentation; interruption of travel corridors for wildlife (for example, for amphibians that migrate to and from seasonal or vernal pools used as breeding habitat); hydrologic regime changes; and impacts from operation and maintenance activities for constructed facilities; such as noise/lighting, storm water runoff, and road kill of wetland dependent wildlife. Using the directions contained in the guidelines, we consider the circumstances of a proposed discharge and the project of which it is a part to evaluate the scope, extent, severity, and permanence of direct, secondary, and cumulative adverse effects upon the aquatic ecosystem.

Cumulative Impacts: The extent of past, present, and foreseeable developments in the area may be an important consideration in evaluating the significance of a particular project's impacts. Although the impacts associated with a particular discharge may be minor, the cumulative effect of numerous similar discharges can result in a large impact. Cumulative impacts should be estimated only to the extent that they are reasonable and practical.

³Special Aquatic Sites: Includes wetlands and saltmarsh, mudflats, riffles and pools, and vegetated shallows (predominantly comprised of eelgrass in Maine).

⁴Construction Mats: Constructions, swamp and timber mats (herein referred to as "construction mats") are generic terms used to describe structures that distribute equipment weight to prevent wetland damage while facilitating passage and providing work platforms for workers and equipment. They are comprised of sheets or mats made from a variety of materials in various sizes. A timber mat consists of large timbers bolted or cabled together. Corduroy roads, which are not considered to be construction mats, are cut trees and/or saplings with the crowns and branches removed, and the trunks lined up next to one another. Corduroy roads are typically installed as permanent structures. Like construction mats, they are considered as fill whether they're installed temporarily or permanently.

⁵Vernal Pools: A vernal pool, also referred to as a seasonal forest pool, is a temporary to semi-permanent body of water occurring in a shallow depression that typically fills during the spring or fall and may dry during the summer. Vernal pools have no permanent inlet or outlet and no viable populations of predatory fish. A vernal pool may provide the primary breeding habitat for wood frogs (*Rana sylvatica*), spotted salamanders (*Ambystoma maculatum*), blue-spotted salamanders (*Ambystoma laterale*), and fairy shrimp (*Eubranchipus* sp.), as well as valuable habitat for other plants and wildlife, including several rare, threatened, and endangered species. A vernal pool intentionally created for the purposes of compensatory mitigation is included in this definition. For the purposes of this GP, the presence of any of the following species in any life stage in any abundance level/quantity would designate the waterbody as a vernal pool: fairy shrimp, blue spotted salamanders, spotted salamanders or wood frogs. The Corps may determine during a Category 2 review that a waterbody should not be regulated as a VP based on available evidence. For the purposes of this GP*, the VP Management Areas are the: Vernal Pool Depression (includes the vernal pool depression up to the spring or fall high water mark, and includes any vegetation growing within the depression), Vernal Pool Envelope (area within 100 FT of the VP Depression's edge) and Critical Terrestrial Habitat (area within 100-750 FT of the Vernal Pool Depression's edge). [*Note: Critical Terrestrial Habitat is defined as 100-750 FT on page 243 of the document "Science and Conservation of Vernal Pools in Northeastern North America." Calhoun and deMaynadier, 2008, which is referenced in Appendix E, page 3, Paragraph 10(b).

⁶Water Diversions: Water diversions are activities such as bypass pumping or water withdrawals. Temporary flume pipes, culverts or cofferdams where normal flows are maintained within the stream boundary's confines aren't water diversions. "Normal flows" are defined as no change in flow from pre-project conditions.

⁷Maintenance: a) In accordance with 33 CFR 323.4(a)(2), any discharge of dredged or fill material that may result from any of the following activities is not prohibited by or otherwise subject to regulation under Section 404 of the CWA: "Maintenance, including emergency reconstruction of recently damaged parts, of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures. Maintenance does not include any modification that changes the character, scope, or size of the original fill design." Otherwise, the following work is regulated and subject to the Category 1 or 2 thresholds in Appendix A above: 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 – "Activities occurring before certain dates," 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.

b) Minor deviations in the structure's configuration or filled area, including those due to changes in materials, construction techniques, or current construction codes or safety standards that are necessary to make repair, rehabilitation, or replacement are authorized. c) Currently serviceable means useable as is or with some maintenance, but not so degraded as to essentially require reconstruction. d) No seaward expansion for bulkheads or any other fill activity is considered Category 1 maintenance. e) Only structures or fills that were previously authorized and are in compliance with the terms and condition of the original authorization can be maintained as a non-regulated activity under 33 CFR 323.4(a)(2), or in accordance with the Category 1 or 2 thresholds in Appendix A. f) The state's maintenance provisions may differ from the Corps and may require reporting and written authorization from the state. g) Contact the Corps to determine whether stream crossing replacements require a written application to the Corps for at least a Category 2 review.

⁸Aquatic Habitat Restoration, Establishment and Enhancement: The Corps will decide if a project qualifies and must determine in consultation with federal and state agencies that the net effects are beneficial. The Corps may refer to Nationwide Permit 27 published in the 3/12/07 Federal Register. Activities authorized here may include, but are not limited to: the removal of accumulated sediments; the installation, removal, and maintenance of small water control structures, dikes, and berms; 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 and drainage ditches; the removal of existing drainage structures; the construction of small nesting islands in inland waters; the construction of open water areas; the construction of native shellfish species habitat over unvegetated bottom for the purpose of habitat protection or restoration 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; 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.

⁹ **Brushing the Flats:** The placement of tree boughs, wooden lath structure, or small-mesh fencing on mudflats to enhance recruitment of soft-shell clams (*Mya arenaria*).

¹⁰ **Maintenance Dredging:** This includes only those areas and depths previously authorized by the Corps and dredged.

¹¹ **Boating Facilities:** Facilities that provide for a fee, rent, or sell mooring space, such as marinas, yacht clubs, boat clubs, town facilities, dockminiums, etc.

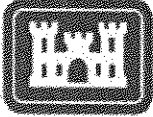
¹² **Federal Navigation Projects (FNPs):** FNPs are comprised of Federal Channels and Federal Anchorages. See Appendix F for their location and contact the Corps for more information. "Horizontal Limits" is the outer edge of an FNP. "Buffer Zone" is equal to three times the authorized depth of that channel.

¹³ **Horizontal Limits:** The outer edge of a Federal Navigation Project (FNP). See Appendix F and contact the Corps for information on FNP's.

¹⁴ **Eelgrass (*Zostera marina*):** A type of rooted aquatic vegetation that exists in intertidal and shallow subtidal areas known as vegetated shallows. See www.nero.noaa.gov/fcd/ for eelgrass survey guidance.

¹⁵ **Structures:** The height of structures shall at all points be equal to or exceed the width of the deck. For the purpose of this definition, height shall be measured from the marsh substrate to the bottom of the longitudinal support beam.





**US Army Corps
of Engineers**®
New England District

Appendix B: Category 1 Notification Form
(for all Inland and Navigable Water Projects
in Maine subject to Corps jurisdiction)

Two (2) weeks **before** work commences, submit this to the following mailing address or complete the form at www.nae.usace.army.mil/reg, "State General Permits," "Maine." Call (207) 623-8367 with any questions.

Maine Project Office
U.S. Army Corps of Engineers
New England District
675 Western Avenue #3
Manchester, Maine 04351

State Permit Number: _____
Date of State Permit: _____
State Project Manager: _____

Permittee: _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Contractor: _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Consultant/Engineer/Designer: _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Wetland/Vernal Pool Consultant: _____
Address, City, State & Zip: _____
Phone(s) and Email: _____

Project Location/Description: _____
Address, City, State & Zip: _____
Latitude/Longitude Coordinates: _____
Waterway Name: _____
Work Description: _____

Provide any prior Corps permit numbers: _____
Proposed Work Dates: Start: _____ Finish: _____

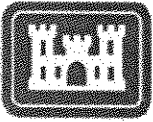
Area of wetland impact: _____ SF (leave blank if work involves structures & no fill in Navigable Waters)
Area of waterway impact: _____ SF (leave blank if work involves structures & no fill in Navigable Waters)
Area of compensatory mitigation provided: _____ SF

Work will be done under the following Appendix A categories (circle all that apply):

- I. Inland Waters and wetlands: a b c d e
- II. Navigable Waters: a b c d e f g

Your name/signature below, as permittee, indicates that you accept and agree to comply with the terms, eligibility criteria, and general conditions of Category I of the Maine General Permit.

Permittee Printed Name: _____
Permittee Signature: _____ Date: _____



**US Army Corps
of Engineers**®
New England District

**Appendix C: Information Typically Required
for Department of the Army Permits
(Category 2 & Individual Projects)**

The following information may not be necessary for all projects. For a more comprehensive checklist, go to www.nae.usace.army.mil/reg "Forms" and then "Application and Plan Guideline Checklist." Please check with our Maine office for project-specific requirements at (207) 623-8367.

All Projects:

- Corps application form (ENG Form 4345) as appropriate.
- Photographs of wetland/waterway to be impacted.
- Purpose of the project.
- Legible, reproducible black and white (no color) plans no larger than 11"x17" with bar scale. Provide locus map and plan views of the entire property.
- Typical cross-section views of all wetland and waterway fill areas and wetland replication areas.
- In navigable waters, show mean low water (MLW) and mean high water (MHW) elevations. Show the high tide line (HTL) elevations when fill is involved. In other waters, show ordinary high water (OHW) elevation.
- On each plan, show the following for the project:
 - Vertical datum and the NAVD 1988 equivalent with the vertical units as U.S. feet. Don't use local datum. In coastal waters this may be mean higher high water (MHHW), mean high water (MHW), mean low water (MLW), mean low lower water (MLLW) or other tidal datum with the vertical units as U.S. feet. MLLW and MHHW are preferred. Provide the correction factor detailing how the vertical datum (e.g., MLLW) was derived using the latest National Tidal Datum Epoch for that area, typically 1983-2001.
 - Horizontal state plane coordinates in U.S. survey feet based on the [insert state grid system] for the [insert state] [insert zone] NAD 83.
- Show project limits with existing and proposed conditions.
- Limits of any Federal Navigation Project in the vicinity of the project area and horizontal State Plane Coordinates in U.S. survey feet for the limits of the proposed work closest to the Federal Navigation Project;
- Volume, type, and source of fill material to be discharged into waters and wetlands, including the area(s) (in square feet or acres) of fill in wetlands, below the ordinary high water in inland waters and below the high tide line in coastal waters.
- Delineation of all waterways and wetlands on the project site, including vernal pools:
 - Use federal delineation methods and include Corps wetland delineation data sheets. See GC 2; Endnotes 1, 3 and 14 in Appendix A; and www.nero.noaa.gov/hcd for eelgrass survey guidance.
 - Appendix A, (e) Moorings, contains eelgrass survey requirements for the placement of moorings.
 - Labels on the plans should indicate whether the federal wetland is also a ME DEP "Wetlands of Special Significance," i.e, coastal wetland, great pond, or one of the eight "Freshwater Wetlands of Special Significance" such as "Critically imperiled or imperiled community," "Significant wildlife habitat," etc. [see Appendix E, 10(a)].
- For activities involving discharges of dredged or fill material into waters of the U.S., include a statement describing how impacts to waters of the U.S. are to be avoided and minimized, and either a statement describing how impacts to waters of the U.S. are to be compensated for (or a conceptual or detailed mitigation plan) or a statement explaining why compensatory mitigation should not be required for the proposed impacts. Please contact the Corps for guidance.

- Provide information on secondary and cumulative effects associated with the project (see GC 3).
- Indicate that application materials were submitted to the Maine Historic Preservation Commission (MHPC) and the appropriate tribes (see Section 3(d) on Page 4).
- The name(s) of federal endangered and threatened “listed species or habitat” present in the action area (see GC 10 and Appendix E).
- Identify and describe potential impacts to Essential Fish Habitat (see GC 11).
- Invasive Species Control Plan (see GC 29).

Information typically required for dredging projects:

- Sediment testing, including physical (e.g., grain-size analysis), chemical and biological testing. For projects proposing open water disposal, applicants are encouraged to contact the Corps as early as possible regarding sampling and testing protocols. Sampling and testing of sediments without such contact should not occur and if done, would be at the applicant’s risk.
- The area in square feet and volume of material to be dredged below mean high water.
- Existing and proposed water depths.
- Type of dredging equipment to be used.
- Nature of material (e.g., silty sand).
- Any existing sediment grain size and bulk sediment chemistry data for the proposed or any nearby projects.
- Information on the location and nature of municipal or industrial discharges and occurrence of any contaminant spills in or near the project area.
- Shellfish survey.
- Location of the disposal site (include locus sheet).
- Identify and describe potential impacts to Essential Fish Habitat (see GC 11).
- Delineation of submerged aquatic vegetation (e.g., eelgrass beds).

Appendix D: Contacts and Tribal Areas of Interest

1. FEDERAL

U.S. Army Corps of Engineers

Maine Project Office
675 Western Avenue #3
Manchester, Maine 04351
(207) 623-8367; (207) 623-8206 (fax)

Federal Endangered Species

U.S. Fish and Wildlife Service
Maine Field Office
17 Godfrey Drive, Suite 2
Orono, Maine 04473
(207) 866-3344; (207) 866-3351 (fax)

Wild and Scenic Rivers

National Park Service
North Atlantic Region
15 State Street
Boston, Massachusetts 02109
(617) 223-5203

Bridge Permits

Commander (obr)
First Coast Guard District
One South Street - Battery Bldg
New York, New York 10004
(212) 668-7021; (212) 668-7967 (fax)

Federal Endangered Species

National Marine Fisheries Service
Maine Field Office
17 Godfrey Drive Suite 1
Orono, ME 04473
(207) 866-7379; (978) 866-7342 (fax)

Federal Endangered Species & EFH

National Marine Fisheries Service
55 Great Republic Drive
Gloucester, Massachusetts 01930
(978) 281-9102; (978) 281-9301 (fax)

2. STATE OF MAINE

Maine Department of Environmental Protection (for State Permits & Water Quality Certifications)

Division of Land Resource Regulation
Bureau of Land and Water Quality
17 State House Station
Augusta, Maine 04333
(207) 287-7688

Eastern Maine Regional Office
106 Hogan Road
Bangor, Maine 04401
(207) 941-4570

Southern Maine Regional Office
312 Canco Road
Portland, Maine 04103
(201) 822-6300

Northern Maine Regional Office
1235 Central Drive - Skyway Park
Presque Isle, Maine 04769
(207) 764-0477

Maine Land Use Regulation Commission (LURC) (www.maine.gov/doc/lurc/offices.html)

22 State House Station
Augusta, Maine 04333-0022
(207) 287-2631; (207) 287-7439 (fax)

106 Hogan Rd, Suite 7
Bangor, Maine 04401
(207) 941-4052; (207) 941-4222 (fax)

Lakeview Drive
P.O. Box 1107
Greenville, Maine 04441
(207) 695-2466; (207) 695-2380 (fax)

45 Radar Road
Ashland, ME 04732-3600
(207) 435-7963; (207) 435-7184 (fax)

191 Main Street
East Millinocket, ME 04430
(207) 746-2244; (207) 746-2243 (fax)

(For CZM Determinations)

State Planning Office
Coastal Program
184 State Street
State House Station 38
Augusta, Maine 04333
(207) 287-1009

(For Aquaculture Leases)

Maine Department of Marine Resources
P.O. Box 8
West Boothbay Harbor, Maine 04575
(207) 633-9500

(For Submerged Lands Leases)

Maine Department of Conservation
Bureau of Parks and Lands
22 State House Station
Augusta, Maine 04333
(207) 287-3061

3. HISTORIC PROPERTIES

Maine Historic Preservation Commission
(MHPC)

State House Station 65
Augusta, Maine 04333-0065
(207) 287-2132; (207) 287-2335 (fax)

Aroostook Band of Micmacs

Attn: Victoria Higgins, Chief
7 Northern Road
Presque Isle, Maine 04769
(207) 764-1972; (207) 764-7667 (fax)

Houlton Band of Maliseet Indians

Attn: Sharri Venno, Environmental Planner
88 Bell Road
Littleton, Maine 04730
(207) 532-4273, x215; (207) 532-1883 (fax)
envplanner@maliseets.com

Passamaquoddy Tribe of Indians

Indian Township Reservation
Attn: Donald Soctomah, THPO
P.O. Box 301
Princeton, Maine 04668
(207) 796-2301; (207) 796-5256 (fax)

Passamaquoddy Tribe of Indians

Pleasant Point Reservation
Attn: Donald Soctomah, THPO
P.O. Box 343
Perry, Maine 04667
(207) 853-2600; (207) 853-6039 (fax)

Penobscot Indian Nation

Indian Island Reservation
Attn: Ms. Bonnie Newsom, THPO
12 Wabanaki Way
Indian Island, Maine 04468
(207) 817-7471; (207) 817-7450 (fax)

4. ORGANIZATIONAL WEBSITES:

Army Corps of Engineers, N.E. District
Army Corps of Engineers, Headquarters
Environmental Protection Agency
National Marine Fisheries Service
U.S. Fish and Wildlife Service
National Park Service
State of Maine
Maine Department of Environmental Protection
Maine Land Use Regulation Commission
State of Maine -Aquaculture Guidelines

www.nae.usace.army.mil/reg
www.usace.army.mil/CECW/Pages/cecwo_reg.aspx
www.epa.gov/owow/wetlands
www.nmfs.noaa.gov
www.fws.gov/mainefieldoffice
www.nps.gov/rivers/index.html
www.maine.gov
www.maine.gov/dep
www.maine.gov/doc/lurc
www.maine.gov/dmr/aquaculture/index.htm

Appendix E: Additional References

1. GC 2: Federal Jurisdictional Boundaries.

(a) Corps Wetlands Delineation Manual, regional supplements, and Corps Wetland Delineation Data Sheets: www.nae.usace.army.mil/reg and then “Wetlands and Jurisdictional Limits.”

(b) The USFWS publishes the 1988 National List of Plant Species that Occur in Wetlands (www.nwi.fws.gov).

The Natural Resources Conservation Service (NRCS) publishes the current hydric soil definition, criteria and lists: <http://soils.usda.gov/use/hydric>. For the Field Indicators for Identifying Hydric Soils in N.E., see www.neiwpcc.org/hydricsoils.asp.

2. GC 5:

Single and complete project means the total project proposed or accomplished by one owner/developer or partnership or other association of owners/developers. For example, if construction of a residential development affects several different areas of a headwater or isolated water, or several different headwaters or isolated waters, the cumulative total of all filled areas should be the basis for deciding whether or not the project will be covered by Category 1 or 2.

The *Independent utility* test is used to determine what constitutes a single and complete project in the Corps regulatory program. A project is considered to have independent utility if it would be constructed absent the construction of other projects in the project area. Portions of a multi-phase project that depend upon other phases of the project do not have independent utility. Phases of a project that would be constructed even if the other phases were not built can be considered as separate single and complete projects with independent utility.

3. GC 10: Threatened and Endangered Species.

(a) The following NMFS site must be referenced to ensure that listed species or critical habitat are not present in the action area [GC 10(b)] or to provide information on federally-listed species or habitat [GC 10(e)]: www.nero.noaa.gov/prot_res/esp/ListE&Tspec.pdf. Contact the USFWS for information to check for the presence of listed species (see Appendix D for contact information).

(b) The Endangered Species Act Consultation Handbook – Procedures for Conducting Section 7 Consultations and Conferences, defines action area as “all areas to be affected directly or indirectly by the federal action and not merely the immediate area involved in the action. [50 CFR 402.02].”

4. GC 11: Essential Fish Habitat.

As part of the PGP screening process, the Corps may coordinate with NMFS in accordance with the 1996 amendments to the Magnuson-Stevens Fishery Conservation and Management Act to protect and conserve the habitat of marine, estuarine and anadromous finfish, mollusks, and crustaceans. This habitat is termed “Essential Fish Habitat (EFH)”, and is broadly defined to include “those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.” There are EFH waters throughout inland and coastal waters in Maine. For additional information, see the EFH regulations 50 CFR 600 at www.nero.noaa.gov/hcd including the “Guide for EFH Descriptions” at www.nero.noaa.gov/hcd/list.htm. Additional information on the location of EFH can be obtained from NMFS (see Appendix D for contact information).

5. GC 16: Avoidance, Minimization and Compensatory Mitigation.

(a) See www.nae.usace.army.mil/reg and then “Mitigation” to view the April 10, 2008 “Final Compensatory Mitigation Rule” (33 CFR 332) and related documents. The Q&A document states: “In order to reduce risk and uncertainty and help ensure that the required compensation is provided, the rule establishes a preference hierarchy for mitigation options. The most preferred option is mitigation

bank credits, which are usually in place before the activity is permitted. In-lieu fee program credits are second in the preference hierarchy, because they may involve larger, more ecologically valuable compensatory mitigation projects as compared to permittee-responsible mitigation. Permittee-responsible mitigation is the third option, with three possible circumstances: (1) conducted under a watershed approach, (2) on-site and in kind, and (3) off-site/out-of-kind.

(b) Compensatory mitigation may take the form of wetland preservation, restoration, enhancement, creation, and/or in lieu fee (ILF) for inclusion into the Natural Resources Mitigation Fund for projects in DEP and LURC territories. Avoidance of wetland impacts will reduce the ILF dollar total for applicants. The ILF compensation program was established to provide applicants with a flexible compensation option over and above traditional permittee responsible compensation projects. See the Maine ILF Agreement at www.nae.usace.army.mil/reg, "Mitigation" and then "Maine," or www.maine.gov/dep/blwq/docstand/nrpa/ILF_and_NRCP/index.htm.

6. GCs 19 and 29: Invasive Species.

(a) Information on what are considered "invasive species" is provided in our "Compensatory Mitigation Guidance" document at www.nae.usace.army.mil/reg under "Mitigation." The "Invasive Species" section has a reference to our "Invasive Species Control Plan (ISCP) Guidance" document, located at www.nae.usace.army.mil/reg under "Invasive Species," which provides information on preparing an ISCP.

(b) The June 2009 "Corps of Engineers Invasive Species Policy" is at www.nae.usace.army.mil/reg under "Invasive Species" and provides policy, goals and objectives.

7. GC 20: Bank Stabilization.

This generally eliminates bodies of water where the reflected wave energy may interfere with or impact on harbors, marinas, or other developed shore areas. A revetment is sloped and is typically employed to absorb the direct impact of waves more effectively than a vertical seawall. It typically has a less adverse effect on the beach in front of it, abutting properties and wildlife. See the Corps Coastal Engineering Manual EM 1110-2-1100 at www.nae.usace.army.mil/reg under "Useful Links and Documents" for design and construction guidance.

8. GC 22: Stream Crossings and Work.

(a) Projects should be designed and constructed to ensure long-term success using the most recent manual located at www.nae.usace.army.mil/reg under "Stream and River Continuity," currently "Stream Simulation: An Ecological Approach to Providing Passage for Aquatic Organisms at Road-Stream Crossings, by the U.S. Forest Service." Section 5.3.3 is of particular importance. Sections 7.5.2.3 Construction Methods and 8.2.11 Stream-Simulation Bed Material Placement both show important steps in the project construction.

(b) For more information on High-Quality Stream Segments and their components see:

i. High-Quality Stream Segments are shown at www.maine.gov/dep/gis/datamaps.

ii. Class A Waters or Class AA Waters:

www.mainelegislature.org/legis/statutes/38/title38sec465.html, and

www.mainelegislature.org/legis/statutes/38/title38sec467.html.

iii. Outstanding river segments www.mainelegislature.org/legis/statutes/38/title38sec480-P.html.

(c) The Massachusetts Dam Removal and the Wetland Regulations guidance may be used to evaluate the positive and negative impacts of culvert replacement, including the loss of upstream wetlands, which may be offset by the overall benefits of the river restoration. See www.nae.usace.army.mil/reg and then "Stream and River Continuity."

(d) The ME DOT's document "Waterway and Wildlife Crossing Policy and Design Guide for Aquatic Organism, Wildlife Habitat, and Hydrologic Connectivity," 3rd Edition, July 2008, may be used to

evaluate impacts to aquatic, wildlife and surface water resources when designing, constructing, repairing and maintaining stream crossings. Note: Adherence to this DOT document does not ensure compliance with this GP. Projects must comply with the requirements of this GP including GC 22 and the Corps General Stream Crossing Standards contained therein.

www.maine.gov/indot/environmental-office-homepage/fishpassage/3rd%20edition%20-%20merged%20final%20version%207-01-08a1.pdf.

(e) GC 22(f): The Skidder Bridge Fact Sheet at www.nae.usace.army.mil/reg under “Stream and River Continuity” may be a useful temporary span construction method.

9. GC 23: Wetland Crossings. The Maine DEP’s crossing standards are at 06-096 DEP, Chapter 305: Permit by Rule, 9) Crossings (utility lines, pipes and cables).
www.maine.gov/dep/blwq/rules/NRPA/2009/305/305_effective_2009.pdf

10. GC 28: Protection of Vernal Pools.

(a) The state’s Significant Wildlife Habitat rules (Chapter 335, Section 9(C) “Habitat management standards for significant vernal pool habitat”) are located at www.maine.gov/dep/blwq/docstand/nrpapage.htm#rule under “Rules.”

(b) The following documents provide conservation recommendations:

i. Best Development Practices: Conserving pool-breeding amphibians in residential and commercial development in the northeastern U.S., Calhoun and Klemens, 2002. Chapter III, Management Goals and Recommendations, Pages 15 – 26, is particularly relevant. (Available for purchase at www.maineaudubon.org/resource/index.shtml and on Corps website*.)

ii. Science and Conservation of Vernal Pools in Northeastern North America, Calhoun and deMaynadier, 2008. Chapter 12, Conservation Recommendations section, Page 241, is particularly relevant. (Available for purchase via the internet. Chapter 12 is available on Corps website*.)

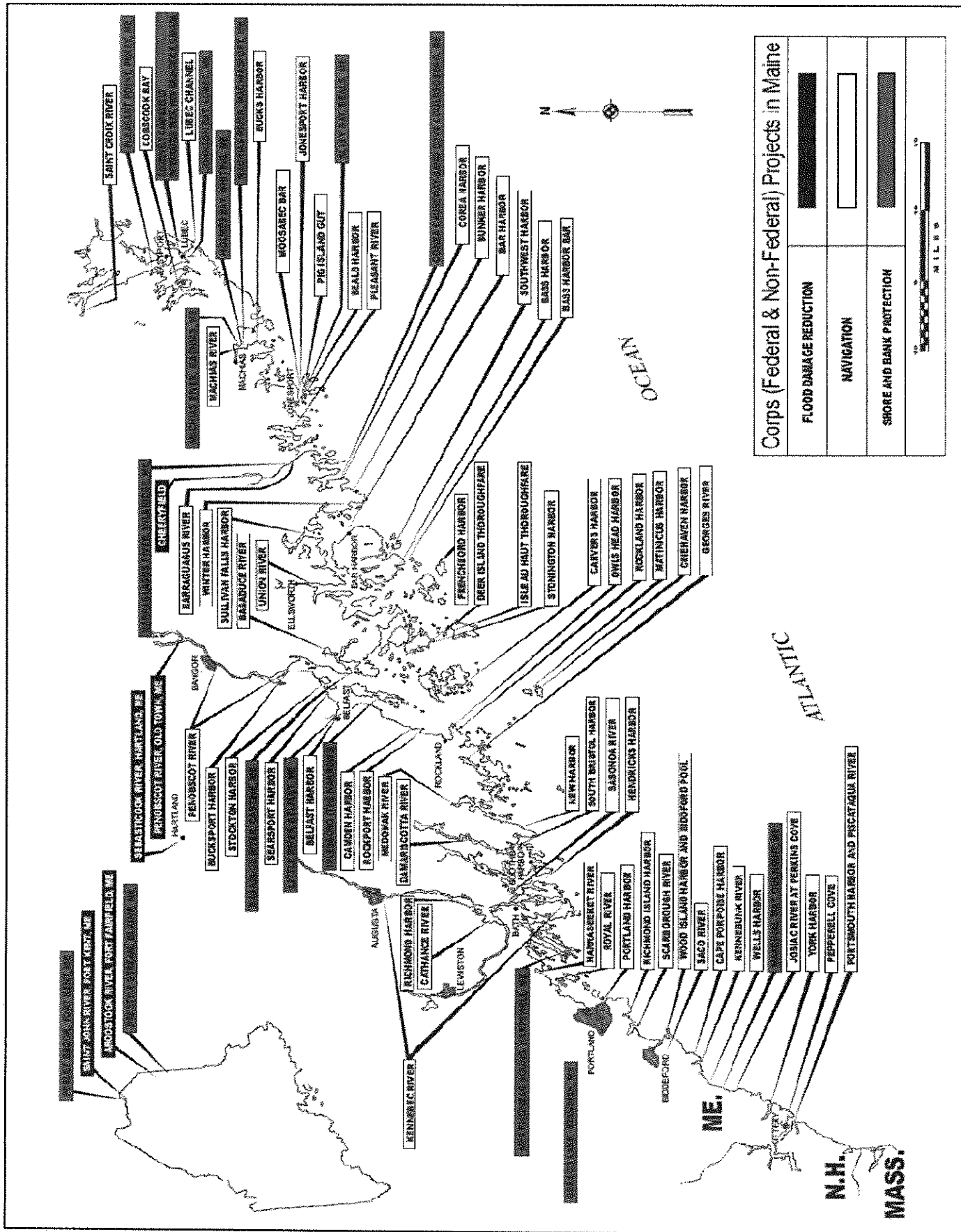
* www.nae.usace.army.mil/reg under “Vernal Pools.”

(c) Cape Cod Curbing: For smaller roads and driveways, the most important design feature to consider is curbing. Granite curbs and some traditional curbing can act as a barrier to amphibian and hatchling turtle movements. Large numbers of salamanders have been intercepted in their migrations by curbs and catch basins. Use of Cape Cod curbs rather than traditional curbing may be one solution. Alternatively, where storm water management systems require more traditional curbing, it may be possible to design in escape ramps on either side of each catch basin. Cape Cod curbing is shown on Page 35 of the document cited in 10.b.i above. Bituminous material is not required; other materials such as granite are acceptable.

(d) The VP Directional Buffer Guidance document is located at www.nae.usace.army.mil/reg under: 1) “State General Permits” and then “Maine,” and 2) “Vernal Pools.”

11. GC 32: Maintenance. River restoration projects that are designed to accommodate the natural dynamic tendencies of the fluvial system are maintained in accordance with the project’s design objectives (Category 1) or the Corps authorization letter (Category 2). These projects are generally designed to support and implement channel assessment and management practices that recognize a stream’s natural dynamic tendencies.

Appendix F: Corps Projects in Maine





STATE OF MAINE
Department of Environmental Protection

PAUL R. LEPAGE
GOVERNOR

PATRICIA W. AHO
COMMISSIONER

November 2012

Casco Bay Island Transit District
Post Office Box 4656
Portland, Maine 04112-4656
ATTN: Hank Berg

RE: Site Location of Development Act Permit Application, Portland, DEP #L-07866-26-S-M

Dear Mr. Berg:

Please find enclosed a signed copy of your Department of Environmental Protection land use permit. You will note that the permit includes a description of your project, findings of fact that relate to the approval criteria the Department used in evaluating your project, and conditions that are based on those findings and the particulars of your project. Please take several moments to read your permit carefully, paying particular attention to the conditions of the approval. The Department reviews every application thoroughly and strives to formulate reasonable conditions of approval within the context of the Department's environmental laws. You will also find attached some materials that describe the Department's appeal procedures for your information.

If you have any questions about the permit or thoughts on how the Department processed this application please get in touch with me directly. I can be reached at (207) 822-6300 or at robert.green@maine.gov

Sincerely,

Robert L. Green, Jr., Project Manager
Division of Land Resource Regulation
Bureau of Land & Water Quality

pc: File

AUGUSTA
17 STATE HOUSE STATION
AUGUSTA, MAINE 04333-0017
(207) 287-7688 FAX: (207) 287-7826
RAY BLDG., HOSPITAL ST

BANGOR
106 HEDDAN ROAD
BANGOR, MAINE 04401
(207) 941-4370 FAX: (207) 941-4384

PORTLAND
312 CANOE ROAD
PORTLAND, MAINE 04103
(207) 822-6300 FAX: (207) 822-6393

PRESQUE ISLE
1235 CENTRAL DRIVE, SKYWAY PARK
PRESQUE ISLE, MAINE 04769-2091
(207) 764-0477 FAX: (207) 764-3143

WEBSITE: WWW.MAINE.GOV/DEP



STATE OF MAINE
DEPARTMENT OF ENVIRONMENTAL PROTECTION
17 STATE HOUSE STATION
AUGUSTA, ME 04333

DEPARTMENT ORDER
IN THE MATTER OF

CASCO BAY ISLAND TRANSIT DISTRICT) SITE LOCATION OF DEVELOPMENT ACT
Portland, Cumberland County)
TERMINAL IMPROVEMENTS) MINOR REVISION
L-07866-26-S-M (approval)) FINDINGS OF FACT AND ORDER

Pursuant to the provisions of 38 M.R.S.A. Sections 481 *et seq.*, the Department of Environmental Protection has considered the application of CASCO BAY ISLAND TRANSIT DISTRICT with the supporting data, agency review comments, and other related materials on file and FINDS THE FOLLOWING FACTS:

I. PROJECT DESCRIPTION:

A. History: In Board Order #L-007866-26-A-X, dated June 9, 1982, the Board approved the development of a ship repair and overhaul facility for Bath Iron Works (BIW) pursuant to the Site Location of Development Act (Site Law). The facility is located along Commercial Street in Portland. The Department subsequently issued several minor revisions and new permits for the project site under both the Site Law and the Natural Resources Protection Act (NRPA). On December 20, 2001, the Department transferred all Department Orders for the property to the City of Portland, the property's owner.

In Department Orders #L-007866-26-E-N and L-007866-4E-F-N, dated August 20, 2004, the Department approved the development of Phase I of the Ocean Gateway project. The Ocean Gateway project included improvements on the former BIW site and improvements to the Casco Bay Island Transit District facility located on the Maine State Pier. In Department Orders #L-007866-26-G-M and L-007866-4E-H-M, dated December 21, 2004, the Department approved the after-the-fact construction of pile dolphins and the replacement of a ramp and floats. Department Orders #L-007866-26-I-M and L-007866-4E-J-M, dated December 21, 2004, approved the removal of 1.06 acres of land from the jurisdiction of the Site Law, the construction of Gate 4 of the Casco Bay Lines Transit District, and the relocation of the receiving station building so that 500 square feet of the building is over the coastal wetland to avoid a sewer main. In Department Orders #L-007866-26-K-M and L-007866-4E-L-M, dated September 14, 2009, the Department approved the construction of a 100-ton mooring bollard on an extension to the Maine State Pier.

B. Summary: The applicant proposes to make improvements to the terminal building that include demolishing the southern (seaward) end of the building to construct a new ticketing office and passenger waiting area. The terminal improvements will expand the building by approximately 3,000 square feet and will occur over existing impervious area. Existing pavement around this end of the building, used for vehicle and pedestrian traffic, will also be renovated.

In addition to the building expansion the applicant is proposing to make improvements to marine structures that include replacement of fender piles, repairs to the transfer bridge for the car ferry, and replacement of breasting and alignment dolphins for the car ferry slip.

The applicant submitted a Natural Resources Protection Act (NRPA) Permit-By-Rule Notification Form (PBR #55197) for the marine structure improvements. These improvements will be constructed in accordance with NRPA Rules, Chapter 305, Section 11, State transportation facilities.

C. Current Use of Site: The project site is located on the Maine State Pier that extends into the Fore River.

2. FINDING:

During the July 26, 2012 with the applicant, the Department determined that treating the stormwater runoff associated with the proposed project was not practicable to meet the General Standards contained in Department Rules, Chapter 500 Section (4)(B)(3)(f). The Department is not seeking off-site mitigation as an alternative for stormwater treatment.

The proposed project is a minor change and will not significantly affect any issues identified during previous Department reviews of the project site.

Based on its review of the application, the Department finds the requested minor revision to be in accordance with all relevant Departmental standards. All other findings of fact, conclusions and conditions remain as approved in Board Order #L-07866-26-A-X, and subsequent orders.

BASED on the above findings of fact, and subject to the conditions listed below, the Department makes the following conclusions pursuant to 38 M.R.S.A. Sections 481 et seq.:

- A. The applicant has provided adequate evidence of financial capacity and technical ability to develop the project in a manner consistent with state environmental standards.
- B. The applicant has made adequate provision for fitting the development harmoniously into the existing natural environment and the development will not adversely affect existing

uses, scenic character, air quality, water quality or other natural resources in the municipality or in neighboring municipalities.

- C. The proposed development will be built on soil types which are suitable to the nature of the undertaking and will not cause unreasonable erosion of soil or sediment nor inhibit the natural transfer of soil.
- D. The proposed development meets the standards for storm water management in Section 420-D and the standard for erosion and sedimentation control in Section 420-C.
- E. The proposed development will not pose an unreasonable risk that a discharge to a significant groundwater aquifer will occur.
- F. The applicant has made adequate provision of utilities, including water supplies, sewerage facilities and solid waste disposal required for the development and the development will not have an unreasonable adverse effect on the existing or proposed utilities in the municipality or area served by those services.
- G. The activity will not unreasonably cause or increase the flooding of the alteration area or adjacent properties nor create an unreasonable flood hazard to any structure.

THEREFORE, the Department APPROVES the application of CASCO BAY ISLAND TRANSIT DISTRICT to construct a 3,000-square foot building expansion and other site improvements, as outlined in Finding 1, SUBJECT TO THE FOLLOWING CONDITIONS and all applicable standards and regulations:

- 1. The Standard Conditions of Approval, a copy attached.
- 2. In addition to any specific erosion control measures described in this or previous orders, the applicant shall take all necessary actions to ensure that its activities or those of its agents do not result in noticeable erosion of soils or fugitive dust emissions on the site during the construction and operation of the project covered by this approval.
- 3. Severability. The invalidity or unenforceability of any provision, or part thereof, of this License shall not affect the remainder of the provision or any other provisions. This License shall be construed and enforced in all respects as if such invalid or unenforceable provision or part thereof had been omitted.

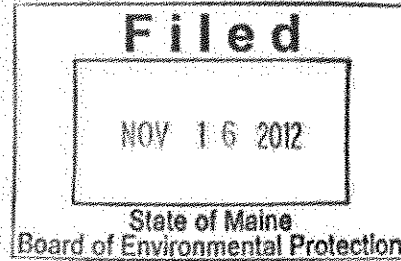
4. All other Findings of Fact, Conclusions and Conditions remain as approved in Board Order #L-07866-26-A-X, and subsequent orders, and are incorporated herein.

THIS APPROVAL DOES NOT CONSTITUTE OR SUBSTITUTE FOR ANY OTHER REQUIRED STATE, FEDERAL OR LOCAL APPROVALS NOR DOES IT VERIFY COMPLIANCE WITH ANY APPLICABLE SHORELAND ZONING ORDINANCES.

DONE AND DATED IN AUGUSTA, MAINE, THIS 16th DAY OF November, 2012.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

BY: Michael Keenan for
Patricia W. Aho, Commissioner



PLEASE NOTE THE ATTACHED SHEET FOR GUIDANCE ON APPEAL PROCEDURES...

RLG/L07866SM/ATS#75199

**DEP SITE LOCATION OF DEVELOPMENT (SITE) STANDARD CONDITIONS
STRICT CONFORMANCE WITH THE STANDARD AND SPECIAL CONDITIONS OF THIS
APPROVAL IS NECESSARY FOR THE PROJECT TO MEET THE STATUTORY CRITERIA FOR
APPROVAL.**

- A. Approval of Variations from Plans.** The granting of this approval is dependent upon and limited to the proposals and plans contained in the application and supporting documents submitted and affirmed to by the applicant. Any variation from these plans, proposals, and supporting documents is subject to review and approval prior to implementation. Further subdivision of proposed lots by the applicant or future owners is specifically prohibited without prior approval of the Board, and the applicant shall include deed restrictions to that effect.
- B. Compliance with All Applicable Laws.** The applicant shall secure and comply with all applicable federal, state, and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
- C. Compliance with All Terms and Conditions of Approval.** The applicant shall submit all reports and information requested by the Board or the Department demonstrating that the applicant has complied or will comply with all preconstruction terms and conditions of this approval. All preconstruction terms and conditions must be met before construction begins.
- D. Advertising.** Advertising relating to matters included in this application shall refer to this approval only if it notes that the approval has been granted WITH CONDITIONS, and indicates where copies of those conditions may be obtained.
- E. Transfer of Development.** Unless otherwise provided in this approval, the applicant shall not sell, lease, assign or otherwise transfer the development or any portion thereof without prior written approval of the Board where the purpose or consequence of the transfer is to transfer any of the obligations of the developer as incorporated in this approval. Such approval shall be granted only if the applicant or transferee demonstrates to the Board that the transferee has the technical capacity and financial ability to comply with conditions of this approval and the proposals and plans contained in the application and supporting documents submitted by the applicant.
- F. Time frame for approvals.** If the construction or operation of the activity is not begun within four years, this approval shall lapse and the applicant shall reapply to the Board for a new approval. The applicant may not begin construction or operation of the development until a new approval is granted. A reapplication for approval may include information submitted in the initial application by reference. This approval, if construction is begun within the four-year time frame, is valid for seven years. If construction is not completed within the seven-year time frame, the applicant must reapply for, and receive, approval prior to continuing construction.
- G. Approval Included in Contract Bids.** A copy of this approval must be included in or attached to all contract bid specifications for the development.
- H. Approval Shown to Contractors.** Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the developer a copy of this approval.

(2/81)/Revised December 27, 2011



DEP INFORMATION SHEET

Appealing a Department Licensing Decision

Dated: March 2012

Contact: (207) 287-2811

SUMMARY

There are two methods available to an aggrieved person seeking to appeal a licensing decision made by the Department of Environmental Protection's ("DEP") Commissioner: (1) in an administrative process before the Board of Environmental Protection ("Board"); or (2) in a judicial process before Maine's Superior Court. An aggrieved person seeking review of a licensing decision over which the Board had original jurisdiction may seek judicial review in Maine's Superior Court.

A judicial appeal of final action by the Commissioner or the Board regarding an application for an expedited wind energy development (35-A M.R.S.A. § 3451(4)) or a general permit for an offshore wind energy demonstration project (38 M.R.S.A. § 480-HH(1)) or a general permit for a tidal energy demonstration project (38 M.R.S.A. § 636-A) must be taken to the Supreme Judicial Court sitting as the Law Court.

This INFORMATION SHEET, in conjunction with a review of the statutory and regulatory provisions referred to herein, can help a person to understand his or her rights and obligations in filing an administrative or judicial appeal.

I. ADMINISTRATIVE APPEALS TO THE BOARD

LEGAL REFERENCES

The laws concerning the DEP's *Organization and Powers*, 38 M.R.S.A. §§ 341-D(4) & 346, the *Maine Administrative Procedure Act*, 5 M.R.S.A. § 11001, and the DEP's *Rules Concerning the Processing of Applications and Other Administrative Matters* ("Chapter 2"), 06-096 CMR 2 (April 1, 2003).

HOW LONG YOU HAVE TO SUBMIT AN APPEAL TO THE BOARD

The Board must receive a written appeal within 30 days of the date on which the Commissioner's decision was filed with the Board. Appeals filed after 30 calendar days of the date on which the Commissioner's decision was filed with the Board will be rejected.

HOW TO SUBMIT AN APPEAL TO THE BOARD

Signed original appeal documents must be sent to: Chair, Board of Environmental Protection, c/o Department of Environmental Protection, 17 State House Station, Augusta, ME 04333-0017; faxes are acceptable for purposes of meeting the deadline when followed by the Board's receipt of mailed original documents within five (5) working days. Receipt on a particular day must be by 5:00 PM at DEP's offices in Augusta; materials received after 5:00 PM are not considered received until the following day. The person appealing a licensing decision must also send the DEP's Commissioner a copy of the appeal documents and if the person appealing is not the applicant in the license proceeding at issue the applicant must also be sent a copy of the appeal documents. All of the information listed in the next section must be submitted at the time the appeal is filed. Only the extraordinary circumstances described at the end of that section will justify evidence not in the DEP's record at the time of decision being added to the record for consideration by the Board as part of an appeal.

WHAT YOUR APPEAL PAPERWORK MUST CONTAIN

Appeal materials must contain the following information at the time submitted:

1. *Aggrieved Status.* The appeal must explain how the person filing the appeal has standing to maintain an appeal. This requires an explanation of how the person filing the appeal may suffer a particularized injury as a result of the Commissioner's decision.
2. *The findings, conclusions or conditions objected to or believed to be in error.* Specific references and facts regarding the appellant's issues with the decision must be provided in the notice of appeal.
3. *The basis of the objections or challenge.* If possible, specific regulations, statutes or other facts should be referenced. This may include citing omissions of relevant requirements, and errors believed to have been made in interpretations, conclusions, and relevant requirements.
4. *The remedy sought.* This can range from reversal of the Commissioner's decision on the license or permit to changes in specific permit conditions.
5. *All the matters to be contested.* The Board will limit its consideration to those arguments specifically raised in the written notice of appeal.
6. *Request for hearing.* The Board will hear presentations on appeals at its regularly scheduled meetings, unless a public hearing on the appeal is requested and granted. A request for public hearing on an appeal must be filed as part of the notice of appeal.
7. *New or additional evidence to be offered.* The Board may allow new or additional evidence, referred to as supplemental evidence, to be considered by the Board in an appeal only when the evidence is relevant and material and that the person seeking to add information to the record can show due diligence in bringing the evidence to the DEP's attention at the earliest possible time in the licensing process or that the evidence itself is newly discovered and could not have been presented earlier in the process. Specific requirements for additional evidence are found in Chapter 2.

OTHER CONSIDERATIONS IN APPEALING A DECISION TO THE BOARD

1. *Be familiar with all relevant material in the DEP record.* A license application file is public information, subject to any applicable statutory exceptions, made easily accessible by DEP. Upon request, the DEP will make the material available during normal working hours, provide space to review the file, and provide opportunity for photocopying materials. There is a charge for copies or copying services.
2. *Be familiar with the regulations and laws under which the application was processed, and the procedural rules governing your appeal.* DEP staff will provide this information on request and answer questions regarding applicable requirements.
3. *The filing of an appeal does not operate as a stay to any decision.* If a license has been granted and it has been appealed the license normally remains in effect pending the processing of the appeal. A license holder may proceed with a project pending the outcome of an appeal but the license holder runs the risk of the decision being reversed or modified as a result of the appeal.

WHAT TO EXPECT ONCE YOU FILE A TIMELY APPEAL WITH THE BOARD

The Board will formally acknowledge receipt of an appeal, including the name of the DEP project manager assigned to the specific appeal. The notice of appeal, any materials accepted by the Board Chair as supplementary evidence, and any materials submitted in response to the appeal will be sent to Board members with a recommendation from DEP staff. Persons filing appeals and interested

persons are notified in advance of the date set for Board consideration of an appeal or request for public hearing. With or without holding a public hearing, the Board may affirm, amend, or reverse a Commissioner decision or remand the matter to the Commissioner for further proceedings. The Board will notify the appellant, a license holder, and interested persons of its decision.

II. JUDICIAL APPEALS

Maine law generally allows aggrieved persons to appeal final Commissioner or Board licensing decisions to Maine's Superior Court, see 38 M.R.S.A. § 346(1); 06-096 CMR 2; 5 M.R.S.A. § 11001; & M.R. Civ. P 80C. A party's appeal must be filed with the Superior Court within 30 days of receipt of notice of the Board's or the Commissioner's decision. For any other person, an appeal must be filed within 40 days of the date the decision was rendered. Failure to file a timely appeal will result in the Board's or the Commissioner's decision becoming final.

An appeal to court of a license decision regarding an expedited wind energy development, a general permit for an offshore wind energy demonstration project, or a general permit for a tidal energy demonstration project may only be taken directly to the Maine Supreme Judicial Court. See 38 M.R.S.A. § 346(4).

Maine's Administrative Procedure Act, DEP statutes governing a particular matter, and the Maine Rules of Civil Procedure must be consulted for the substantive and procedural details applicable to judicial appeals.

ADDITIONAL INFORMATION

If you have questions or need additional information on the appeal process, for administrative appeals contact the Board's Executive Analyst at (207) 287-2452 or for judicial appeals contact the court clerk's office in which your appeal will be filed.

Note: The DEP provides this INFORMATION SHEET for general guidance only; it is not intended for use as a legal reference. Maine law governs an appellant's rights.

