

SPECIAL PROVISIONS

WATERWAY PERMITS CONDITIONS

C-R-S: UNI-47-7.33

PID: 86209

Date: 1/10/2017

1. Waterway Permit Time Restrictions:

Regional General Permit (RGP) Section B (Maintenance) is authorized for UNI-47-7.33, PID 86209 (USACE ID: LRH-2016-01073-SCR). A copy of the RGP shall be kept at the work site at all times and made available to all contractors and subcontractors. The permit is effective starting: **January 10, 2017**. The RGP expires **October 24, 2019**.

For permitted work in aquatic resources (including, but not limited to: streams, wetlands, jurisdictional ditches, captured streams, lakes, ponds), the Department will consider the Contractor's submission of a reauthorization to the waterway permit end date based on project constraints. In order to be considered, the Contractor must submit a justification to the Engineer at least 90 days prior to the waterway permit end date. The Engineer will submit the request for a time extension to ODOT-OES-WPU for consideration and coordination with the U.S. Army Corps of Engineers (USACE), Ohio Environmental Protection Agency (OEPA), U.S. Coast Guard (USCG), U.S. Fish and Wildlife Service (USFWS), and Ohio Department of Natural Resources (ODNR).

2. Deviations From Permitted Construction Activities

No deviation from the requirements for work in aquatic resources depicted in the plans, Special Provisions, and/or working drawings may be made unless a modification has been submitted to ODOT-OES-WPU and approved by the appropriate agencies (i.e., USACE, OEPA, USCG, ODNR, and USFWS).

For emergency situations resulting in unanticipated impacts to aquatic resources, provide notification (verbal or written) to the Engineer as soon as possible following discovery of the situation. Written notification to the Engineer and notification to the ODOT-OES-WPU (614-466-7100) must be made within 24 hours.

For non-emergency situations, notify the Engineer in writing for submission to the ODOT-OES-WPU (614-466-7100) for consideration and coordination with the appropriate agencies. Notification must be made at least 90 days prior to planned, non-permitted activities. Consideration of the requested deviation is at the discretion of the Director and must be coordinated with the appropriate regulatory agencies.

3. In-Stream Work Restrictions

Work in the following aquatic resources is further restricted as follows:

Stream Name /Description	Location	Work restriction dates (No in-stream work permitted)
Bokes Creek	387+60	April 15 – June 30*
Fulton Creek	547+15	None

*This restriction does not apply if Bokes Creek has been dewatered within the construction limits prior to April 15.

In-stream work has been defined as the placement and/or removal of fill materials (temporary or permanent) below ordinary high water of a stream. Examples of "fill" include, but are not limited to: bridge piers, abutments, culverts, rock channel protection, scour protection and temporary work pads.

Fills placed within a stream identified in the above table (outside of the work restriction dates) can continue to be worked from during the work restriction dates, but cannot be expanded, removed, or otherwise modified (below ordinary high water) until once again outside of the work restriction dates.

4. Materials:

Materials utilized in or adjacent to aquatic resources on this project for temporary or permanent fill or bank protection shall consist of suitable material free from toxic contaminants in other than trace quantities. Broken asphalt is specifically excluded. Chromated Copper Arsenate (CCA), creosote, and other pressure treated lumber shall not be used in structures that are placed in aquatic resources.

5. Cultural Resources

If archeological sites or human remains are discovered, cease all work in the immediate area and notify the Engineer who will immediately contact the ODOT-District Environmental Coordinator and ODOT-OES-Cultural Resource Section at 614-466-7100. In the event of human remains are identified by OES-Cultural Resources Section the Engineer shall also contact the Union County Sheriff's Office at (937) 645-4100.

6. Aquatic Resource Demarcation:

All aquatic resources indicated on the plans shall be demarcated in the field as per SS 832 prior to site disturbance. Table 1 is attached and includes detailed amounts of impact quantities for UNI-47-7.33 that are permitted within the aquatic resources. The table below includes the resource and impact quantities authorized for UNI-47-10.37 and UNI-47-9.16.

Resource ID	Resource Location	Impact Location (Station)	Impact Amount
Fulton Creek	UNI-47-10.37	547+15	104 feet (0.06 acre) temporary impact
Wetland C	UNI-47-13.37	547+25	0.049 acre permanent impact
Wetland D	UNI-47-10.37	547+00	0.0265 acre permanent impact
Wetland E	UNI-47-10.37	547+25	0.0093 acre permanent impact
Wetland F	UNI-47-9.16	483+50	0.027 acre permanent impact
Wetland G	UNI-47-9.16	483+30	0.0091 acre permanent impact

The remainder of the aquatic resources must be demarcated as to ensure avoidance. The fence shall remain in place and be maintained throughout the construction process. Following the completion of the project, the fence and posts shall be removed.

7. Spill containment:

Provide and Maintain an Oil Spill Kit with a minimum capacity of 65 gallons. The Spill Kit shall contain:

- 6 - 3 in. X 8 ft. Oil only socks
- 4 - 18 in. X18 in. Oil only pillows
- 2 - 5 in. X 10ft. Booms
- 50 - 16in. X 20 in. Oil only pads
- 10- Disposable Bags
- 1- 65 Gallon drum with lid
- 25 pounds of Granular Oil Absorbent

The Oil Spill Kit shall be located within 150 feet of any equipment working in a stream or wetland. The oil Spill Kit shall be maintained for the life of the contract. Any materials utilized during the project will be replaced within 48 hours. All costs associated with furnishing and maintaining the above referenced spill containment kit is incidental to work.

8. Blasting:

State law requires notification to the Ohio Department of Natural Resources should blasting be required within or near stream channels (See ORC 1533.58 & CMS 107.09). Notify Engineer, in writing, for submission to ODOT-OES-WPU (614-466-7100) for coordination with ODNR.

9. Bridge Inspection:

Prior to the removal of bridge structures, the underside must be carefully examined for the presence of birds and bats. Should any birds or bats be found roosting on the underside of the bridge, the Contractor is required to notify the Engineer for coordination with ODOT-OES-WPU (614-466-7100).

10. Project Inspection:

Inspection of Work may include inspection by representatives of other government agencies or railroad corporations that pay a portion of the cost of the Work or regulate the Work through State and Federal law. Comments from the representatives of these agencies shall be directed to the Engineer. Please forward a copy to ODOT-OES-WPU (614-466-7100).

11. Temporary Access Fills (Stream and River Crossings and Fills)

Special Provisions Notes:

Definitions:

Hydraulic Opening

The cross sectional area allowing an unimpeded discharge equal to twice the highest monthly flow without producing a rise in the backwater above the Ordinary High Water Mark (OHWM)*.

Standard Temporary Discharge

The hydraulic opening providing a capacity for a discharge equal to twice the *highest monthly flow* without producing a rise in the backwater above the OHWM shall be known as the Standard Temporary Discharge. The U.S. Geologic Service publication "Techniques for estimating Selected Streamflow Characteristics of Rural Unregulated Streams in Ohio" provides equations that estimate monthly flow for Ohio Waterways These flows are also available in a web application by USGS StreamStats, (<http://water.usgs.gov/osw/streamstat/ohi.html>).

Average Monthly Flow

The average monthly flow represents the estimated "normal" flow.

Temporary Access Fills (TAFs)

In Streams and Rivers may include, but are not limited to, causeways, cofferdams (as described by other items of work), access pads, temporary bridges, etc. The Contractor will make every attempt minimize disturbance to water bodies, stream banks, stream beds, and approach sections during the construction, maintenance, and removal of the TAFs. Fording of streams and rivers is prohibited. Construct TAFs in such a manner that will maintain flows, minimize upstream flooding, and avoid overtopping the TAF on a regular basis. ***TAFs shall be designed and constructed so that the hydraulic opening provides capacity for a discharge equal to twice the highest monthly flow without producing a rise in the backwater above the Ordinary High Water Mark (OHWM)*.***

Requirements

21 calendar days prior to the initiation of any in-stream work, provide the Engineer with working drawings that include:

- Plan view drawing (200 scale or less) showing the location of all jurisdictional temporary fill proposed for use on the project.
- Scaled Cross section and profile drawing showing the OHWM and the proposed compliant hydraulic opening.
- A description of the installation and staging of all temporary jurisdictional fill over the life of the contract.
- A description of the removal of all jurisdictional temporary fill and restoration of the channel and all areas impacted by the jurisdictional temporary fill.
- A schedule outlining the timing of the placement and removal of all TAF.
- Have an Ohio Registered Engineer prepare, sign, seal, and date the working drawings. Have a second Ohio Registered Engineer check, sign, and seal and date the working drawings. The preparer and checker are two different Engineers. Include the following statement on the working drawings:
“These working drawings were prepared in compliance with the terms of the Regional General Permit and all contract documents.”
- Include supporting hydraulic calculations developed by the engineer(s) who sealed the working drawings.
- Do not begin in-stream work until the Engineer has accepted the working drawings.

If the OHWM is not shown on the plans, the Department will establish the OHWM based on the definition of OHWM (as defined in SS 832) or the peak discharge from the 2 year event, using the method described in the most current version of the Department’s Location and Design Manual Volume II.

If the Contractor proposes a TAF which does not provide for the Standard Temporary Discharge (discharge equal to twice the highest monthly flow without producing a rise in the backwater), the Contractor is required to coordinate the request for the contractor’s proposed TAF with the Engineer and the ODOT Office of Environmental Services (OES). The Department makes no guarantee to grant the request. The contractor’s proposed TAF request will be coordinated by OES with the USACE and the OEPA, as appropriate.

In addition to the requirements described in SS 832, supply the Engineer/OES with the following:

1. A plan and profile showing the temporary access fill(s) with the OHWM.
2. Cross section showing the hydraulic opening and the anticipated discharge flow.
3. A restoration plan for the area affected by the temporary access fill(s).
4. A schedule outlining the timing of the placement and removal of the temporary access fill(s).

The time frame allowed for the coordination of the contractor’s proposed TAF will be a minimum of 60 days. Installation of any jurisdictional fill without a 404 Permit authorized by the USACE is strictly prohibited. All direct coordination with the USACE and/or OEPA will be performed through OES.

TAFs Construction and Payment

Begin planning and installing causeways and access fills as early in construction as possible to avoid conflicts with 404/401 permits or other environmental commitments that have been included in the construction plans.

TAFs in Streams and Rivers may include, but are not limited to, causeways, cofferdams, access pads, temporary bridges, etc. Make every attempt minimize disturbance to water bodies, stream banks, stream beds, and approach sections during the construction, maintenance, and removal of the TAFs. Make every attempt to minimize disturbance to water bodies during construction, maintenance, and removal of the causeway and access fills. Construct the causeway and access fills as narrow as practical. Install in-stream conduits parallel to the stream banks. Make the causeway and access fills in shallow areas rather than deep pools where possible. Minimize clearing, grubbing, and excavation of stream banks, bed, and approach sections. Construct the causeway and access fills as to not erode stream banks or allow sediment deposits in the channel.

Prior to the initiation of any in-stream work, establish a monument upstream of proposed temporary crossing or temporary construction access fill to visually monitor the water elevation in the waterway where the fill is permitted. Maintain the monument throughout the project. Provide a visual mark on the monument that identifies the elevation 1 foot above the OHWM. If the OHWM is not shown on the plans, the Department will establish the OHWM based on the definition of OHWM (SS 832.02) or the peak discharge from the 2 year event, using the method described in the most current version of the Department's Location and Design Manual Volume II.

Ensure that the monument can be read from the bank of the waterway. Have this elevation set and certified by an Ohio Registered Surveyor.

TAFs placed by the contractor above the OHWM are not subject to the 404/401 permit constraints. All costs associated with furnishing and maintaining the above referenced monument is incidental to the work.

Should the water elevation of the waterway, exceed the elevation 1 foot above OHWM, the Department will compensate the Contractor for repair of any resulting damage to the permitted temporary access fill up to the elevation of 1 foot above the OHWM, except as noted. Follow the requirements in Item 502 for Structures for Maintaining Traffic and in Item 503 for Cofferdams and any modifications to these items as shown in the plans. The Department will not pay for repair and maintenance of temporary access structures that are related to the construction access fill.

Should the water elevation of the waterway exceed the elevation shown on the monument, the Department will recognize this event as an excusable, non-compensable delay in accordance with Section 108.06 of the Construction & Materials Specifications.

Construct the causeway and fills, not including cofferdams and temporary bridges, to a water elevation at least 1 foot (0.3 m) above the OHWM. If more than one-third the width of the stream is filled, then use culvert pipes to allow the movement of aquatic life. Ensure that any ponding of water behind the causeway and access fills will not damage property or threaten human health and safety.

The following minimum requirements apply to TAFs where culverts are used.

- A. Furnish culverts on the existing stream bottom.
- B. Avoid a drop in water elevation at the downstream end of the culvert.
- C. Furnish a sufficient number of culverts in addition to stream openings to providing a discharge equal to twice the highest monthly flow without producing a rise in the backwater above the OHWM.
- D. Furnish culverts with a minimum diameter of 18 inches (0.5 m).

For all fill and surface material placed in the channel, around the culverts, or on the surface of the causeway and access fills furnish clean, non-erodible, nontoxic dumped rock fill, Type B, C, or D, as specified in C&MS 703.19.B. Extend rock fill up the slope from original stream bank for 50 feet (10 m) to catch and remove erodible material from equipment.

When the work requiring the TAFs is complete all portions of the TAF (including all rock and culverts) will be removed in its entirety. The material will not be disposed in other waters of the US or isolated wetland. The stream bottom affected by the causeway and access fills will be restored to its pre-construction elevations. The TAF will not be paid as a separate item but will be included by the Contractor as part of the total project cost.

Unless specific TAFs compensation is included in the plans, all environmental protection and control associated with the 404/401 permit activities, including but not limited to TAFs, are incidental to the work within the boundaries of the 404/401 permit or as otherwise identified in the 404/401 permit application.

12. Excavation Activities:

Excavated material will be placed at the upland site and disposed of in such a manner that sediment and runoff to streams and other waters is controlled and minimized. If any changes to the proposed work are deemed necessary, you must notify and coordinate with the ODOT-OES-WPU (614-466-7100).

13. Bridge Demolition Debris:

Demolition debris from bridge removal activities is considered a fill activity by the USACE and Ohio EPA and placement must not exceed 72 hours within waters of the US. If removal of debris material cannot be achieved within 72 hours, please contact ODOT- Office of Environmental Services - Waterway Permits Unit at 614-466-7100.

14. USACE Construction Completion Certification:

Upon completion of the work, notify the Engineer. The USACE Construction Completion Certification must be completed and signed by the Engineer then forwarded to the:

U.S. Corps of Engineers
DSCC
Building 10, Section 10
3990 East Broad Street
Columbus, Ohio 43218

Forward a copy of the certification to ODOT-OES-WPU (614-466-7100). A copy of the form has been attached to these Special Provisions.

TABLE C. DISCHARGE AND FILL QUANTITIES

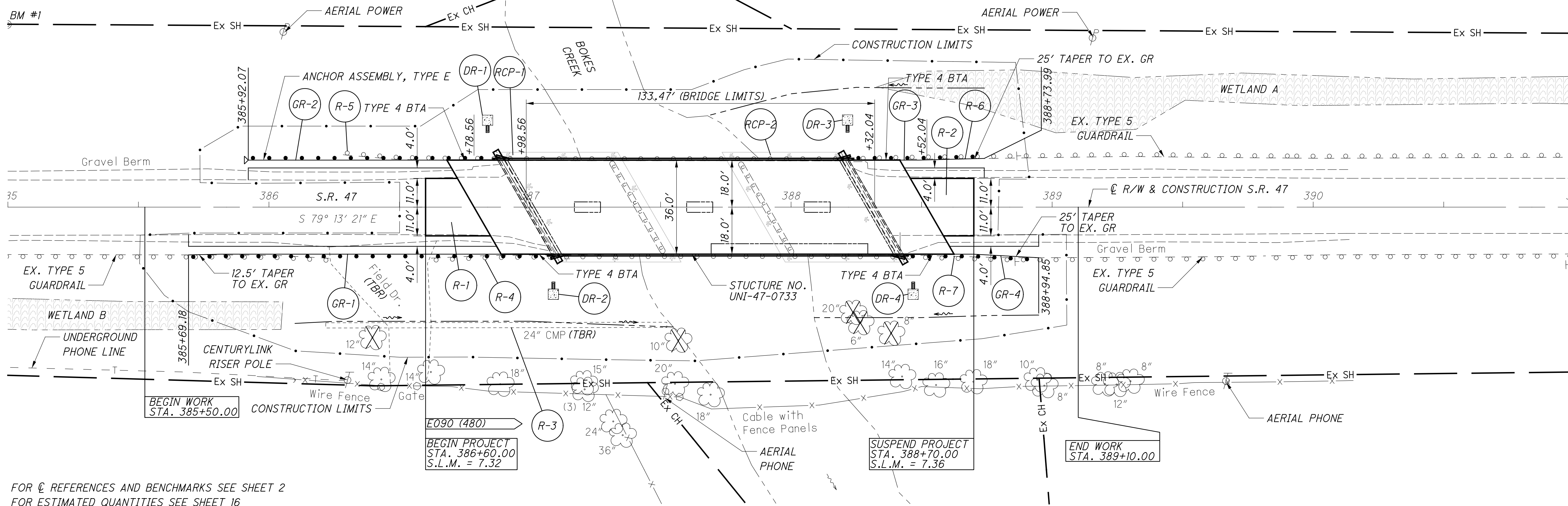
STREAMS						Permanent Fill Within/Below OHWM									Total Permanent Fill Within OHWM			Total Temporary Fill Within OHWM			TOTAL IMPACT (Upstream to Downstream)	TOTAL NEW IMPACT (Total Impact - Pre-Existing Impacts)		
Aquatic Resource ID	Station	Description of Impacts/Activities Within OHWM	Total Length Within Project Area (LF)	Stream Width (LF)	Stream Depth (LF)	Proposed Concrete (Includes Culvert, Piers, Walls, Abutments, etc.)			Proposed RCP			Proposed Earthen, Granular, or Embankment Fill			Length (LF)	Area (AC)	Volume (CY)	Length (LF)	Area (AC)	Volume (CY)	Length (LF)	Area (AC)	Volume (CY)	Length (LF)
						Length (LF)	Area (AC)	Volume (CY)	Length (LF)	Area (AC)	Volume (CY)	Length (LF)	Area (AC)	Volume (CY)										
Bokes Creek	387+60	Concrete piers, RCP, TAF, Demolition debris	118	103	7.0 (max)	5.0	0.0019	68.1	49.0	0.0547	176.5	0.0	0.0000	0.0	54.0	0.0566	244.6	118.0	0.1366	2,354.0	118.0	54.0		

Total impact length does not sum to total due to overlap of temporary and permanent impacts.

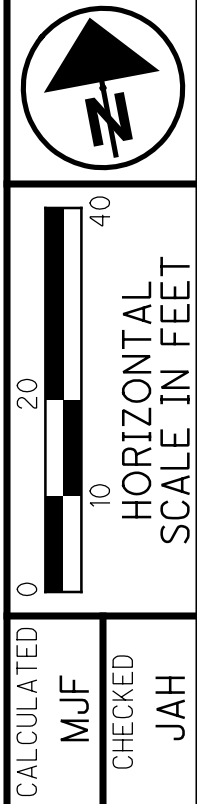
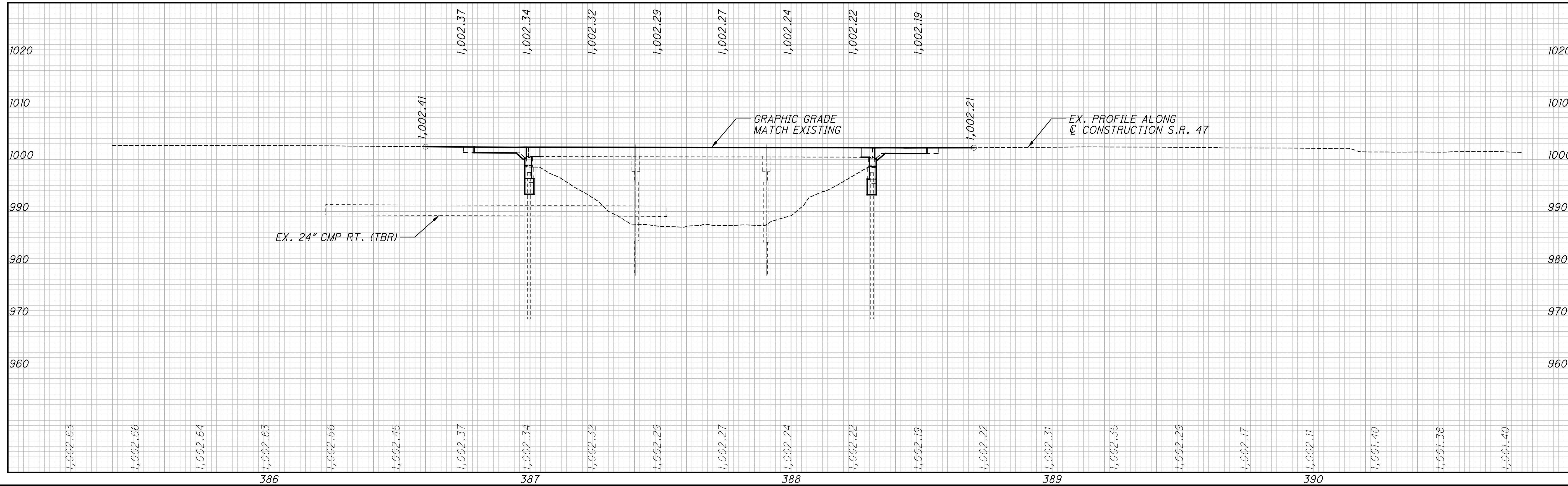
WETLANDS, JURISDICTIONAL DITCHES, PONDS						Permanent Fill Within Wetland Boundary									Total Permanent Fill Within Wetland Boundary			Total Temporary Fill Within Wetland Boundary			TOTAL IMPACT	TOTAL NEW IMPACT (Total - Existing)			
Aquatic Resource ID	Station	Description of Impacts/Activities within Wetland Boundary	Total Acreage Within Project Area	Width (LF)	Depth (LF)	Proposed Concrete (Includes Culvert, Piers, Walls, Abutments, etc.)			Proposed RCP			Proposed Earthen, Granular, or Embankment Fill			Length (LF)	Area (AC)	Volume (CY)	Length (LF)	Area (AC)	Volume (CY)	Length (LF)	Area (AC)	Volume (CY)	Area (AC)	Area (AC)
						Length (LF)	Area (AC)	Volume (CY)	Length (LF)	Area (AC)	Volume (CY)	Length (LF)	Area (AC)	Volume (CY)											
Wetland A	388+75	Grading/Embankment fill	0.0137	N/A	1.0	N/A	0.0000	0.0	N/A	0.0000	0.0	N/A	0.0137	22.1	N/A	0.0137	22.1	N/A	0.0000	0.0	0.0137	0.0137	0.0137		
Wetland B	386+25	Grading/Embankment fill	0.0076	N/A	1.0	N/A	0.0000	0.0	N/A	0.0000	0.0	N/A	0.0076	12.3	N/A	0.0076	12.3	N/A	0.0000	0.0	0.0076	0.0076	0.0076		
TOTAL:						N/A	0.0000	0.0	N/A	0.0000	0.0	N/A	0.0213	34.4	N/A	0.0213	34.4	N/A	0.0000	0.0	0.0213	0.0213	0.0213		

LF = linear feet; AC = acres; CY = cubic yards; RCP = rock channel protection; N/A = Not Applicable

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FOR ESTIMATED QUANTITIES SEE SHEET 16

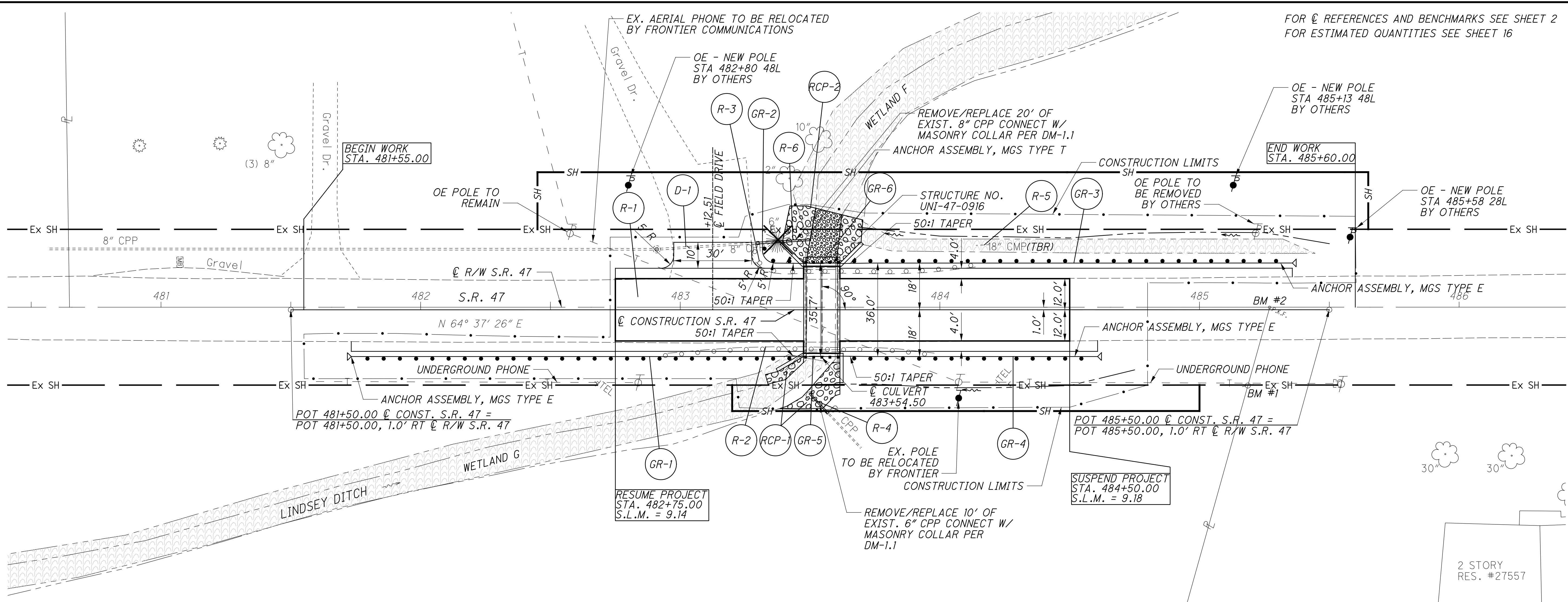


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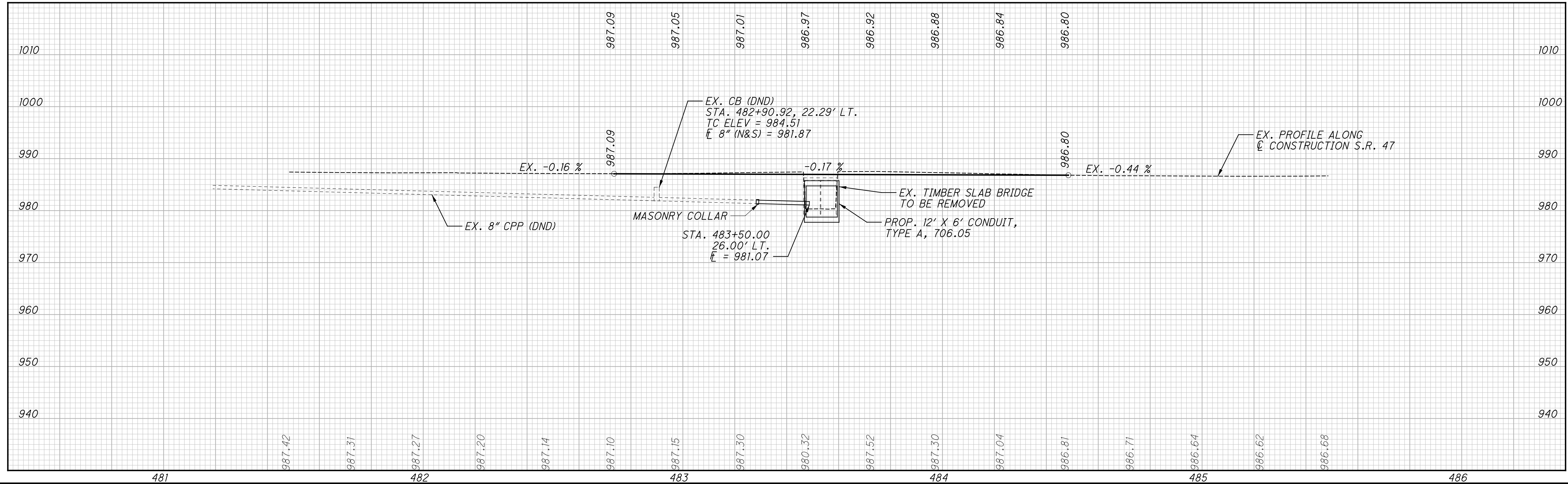
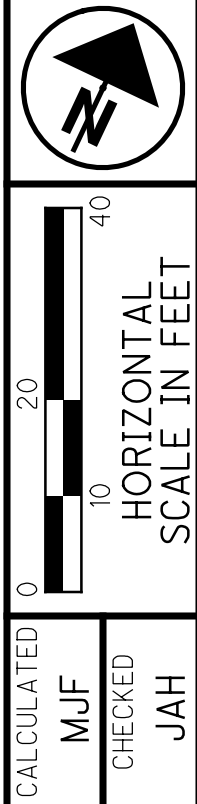
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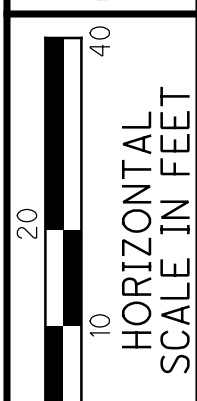


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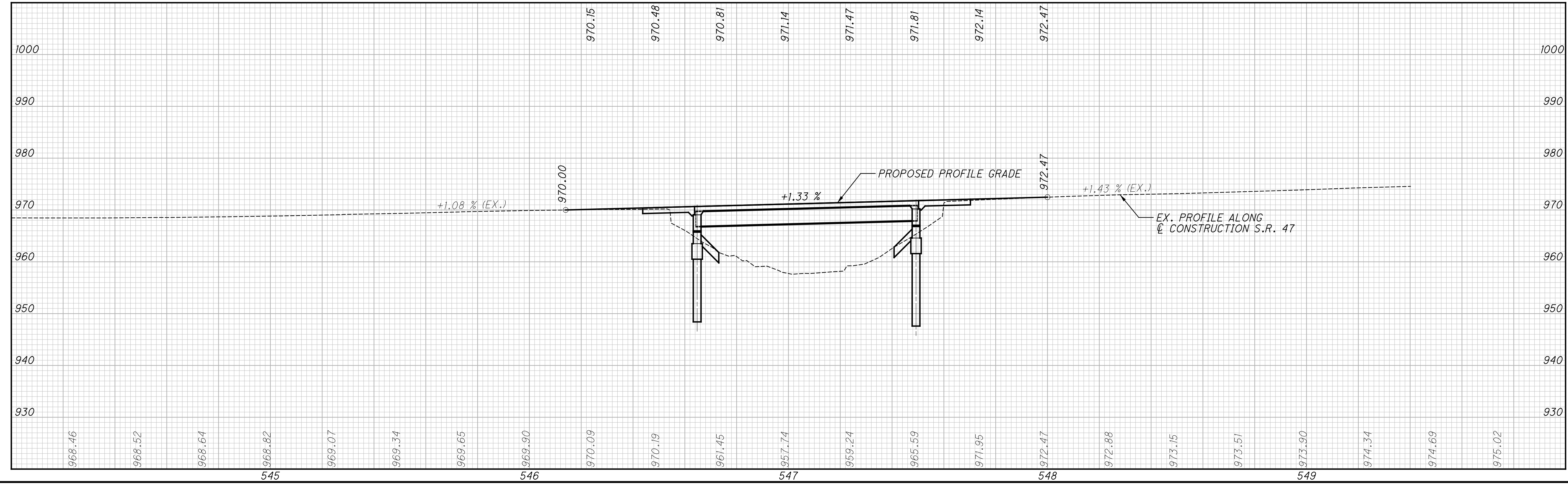
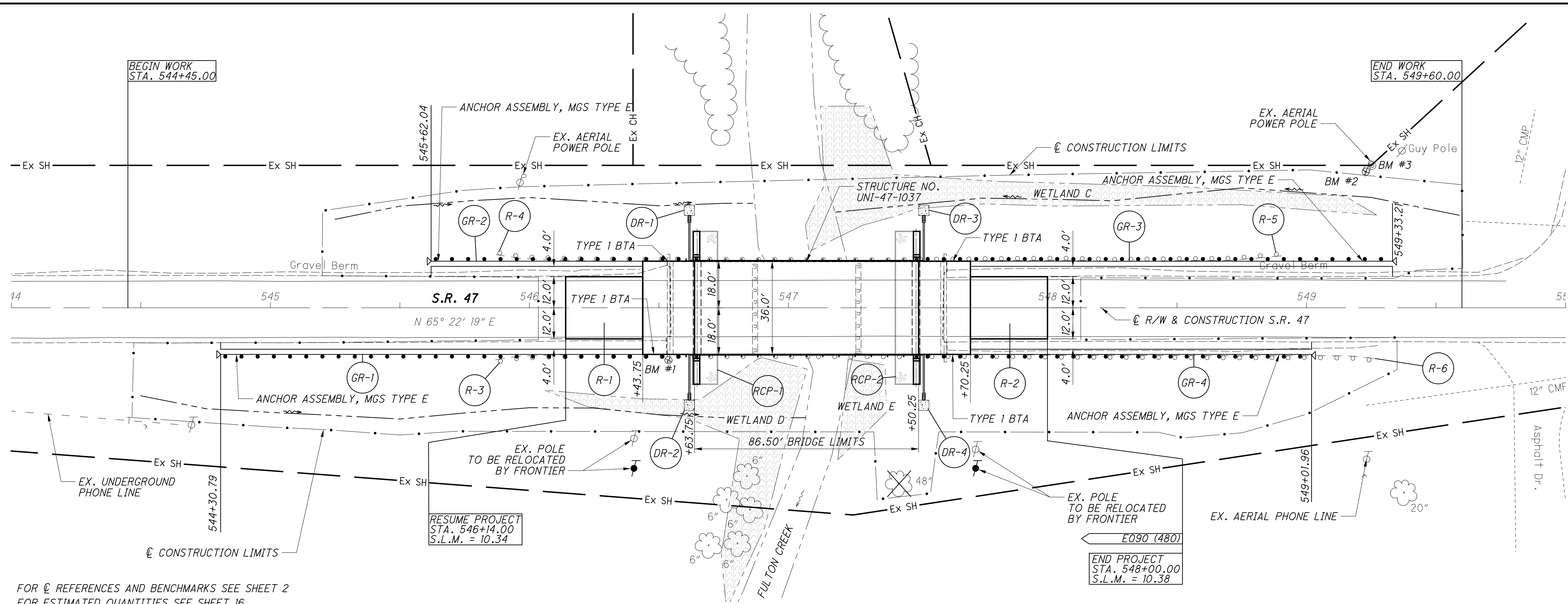


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FOR ESTIMATED QUANTITIES SEE SHEET 16

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**US Army Corps of Engineers
Huntington District**

Permit Number: 2016-01073-SCR

Name of Permittee: Ohio Department of Transportation

Date of Issuance: January 6, 2017

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers - Huntington District
Building 10/ Section 10
PO Box 3990
Columbus, OH 43218-3990

Please note that your permitted activity is subject to a compliance inspection by an U.S. Army Corps of Engineers representative. If you fail to comply with this permit you are subject to permit suspension, modification, or revocation.

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Signature of Permittee

Date