

AMENDMENT OF SOLICITATION/MODIFICATION OF CONTRACT			1. CONTRACT ID CODE J	PAGE OF PAGES 1   2
2. AMENDMENT/MODIFICATION NO. 0002	3. EFFECTIVE DATE 21-Mar-2003	4. REQUISITION/PURCHASE REQ. NO. W32CS521613690	5. PROJECT NO.(If applicable)	
6. ISSUED BY USA ENGINEER DISTRICT, JACKSONVILLE PRUDENTIAL OFFICE BLDG 701 SAN MARCO BLVD CESAJ-CT JACKSONVILLE FL 32207-8175	CODE DACW17	7. ADMINISTERED BY (If other than item 6) SOUTH FLORIDA AREA OFFICE CONOPS-S FLA AREA OFFICE 4400 PGA BOULEVA PALM BEACH GARDENS FL 33410		CODE DACW17
8. NAME AND ADDRESS OF CONTRACTOR (No., Street, County, State and Zip Code)			X	9A. AMENDMENT OF SOLICITATION NO. DACW17-02-R-0031
			X	9B. DATED (SEE ITEM 11) 18-Oct-2002
				10A. MOD. OF CONTRACT/ORDER NO.
				10B. DATED (SEE ITEM 13)
CODE	FACILITY CODE			
11. THIS ITEM ONLY APPLIES TO AMENDMENTS OF SOLICITATIONS				
<input checked="" type="checkbox"/> The above numbered solicitation is amended as set forth in Item 14. The hour and date specified for receipt of Offer <input checked="" type="checkbox"/> is extended, <input type="checkbox"/> is not extended.				
Offer must acknowledge receipt of this amendment prior to the hour and date specified in the solicitation or as amended by one of the following methods: (a) By completing Items 8 and 15, and returning <u>1</u> copies of the amendment; (b) By acknowledging receipt of this amendment on each copy of the offer submitted; or (c) By separate letter or telegram which includes a reference to the solicitation and amendment numbers. FAILURE OF YOUR ACKNOWLEDGMENT TO BE RECEIVED AT THE PLACE DESIGNATED FOR THE RECEIPT OF OFFERS PRIOR TO THE HOUR AND DATE SPECIFIED MAY RESULT IN REJECTION OF YOUR OFFER. If by virtue of this amendment you desire to change an offer already submitted, such change may be made by telegram or letter, provided each telegram or letter makes reference to the solicitation and this amendment, and is received prior to the opening hour and date specified.				
12. ACCOUNTING AND APPROPRIATION DATA (If required)				
13. THIS ITEM APPLIES ONLY TO MODIFICATIONS OF CONTRACTS/ORDERS. IT MODIFIES THE CONTRACT/ORDER NO. AS DESCRIBED IN ITEM 14.				
A. THIS CHANGE ORDER IS ISSUED PURSUANT TO: (Specify authority) THE CHANGES SET FORTH IN ITEM 14 ARE MADE IN THE CONTRACT ORDER NO. IN ITEM 10A.				
B. THE ABOVE NUMBERED CONTRACT/ORDER IS MODIFIED TO REFLECT THE ADMINISTRATIVE CHANGES (such as changes in paying office, appropriation date, etc.) SET FORTH IN ITEM 14, PURSUANT TO THE AUTHORITY OF FAR 43.103(B).				
C. THIS SUPPLEMENTAL AGREEMENT IS ENTERED INTO PURSUANT TO AUTHORITY OF:				
D. OTHER (Specify type of modification and authority)				
E. IMPORTANT: Contractor <input type="checkbox"/> is not, <input type="checkbox"/> is required to sign this document and return _____ copies to the issuing office.				
14. DESCRIPTION OF AMENDMENT/MODIFICATION (Organized by UCF section headings, including solicitation/contract subject matter where feasible.) SUSTAINABILITY OF RENOURISHMENT, MIAMI BEACH, BEACH EROSION CONTROL AND HURRICANE PROTECTION PROJECT, DADE COUNTY, FLORIDA				
14.A. Standard Form 1442, Block 13.A., closing due date is hereby changed from TEMPORARILY POSTPONED, TO APRIL 10 2003 AT 4:00 PM.				
14.b. Any enclosures accompanying this amendment should be inserted in the plans and specifications as applicable. All superseded materials should be removed or adequately marked to indicate they have been superseded. (See Page 2 for continuation of Block 14.)				
Except as provided herein, all terms and conditions of the document referenced in Item 9A or 10A, as heretofore changed, remains unchanged and in full force and effect.				
15A. NAME AND TITLE OF SIGNER (Type or print)			16A. NAME AND TITLE OF CONTRACTING OFFICER (Type or print)	
			TEL: _____ EMAIL: _____	
15B. CONTRACTOR/OFFEROR _____ (Signature of person authorized to sign)	15C. DATE SIGNED	16B. UNITED STATES OF AMERICA BY _____ (Signature of Contracting Officer)		16C. DATE SIGNED 21-Mar-2003

## SECTION SF 30 BLOCK 14 CONTINUATION PAGE

14.C. SPECIFICATIONS: Specifications for this project have been updated.

14.C. (1) Asterisks appear before and after the line or lines where revisions have been made to the text on the enclosed revised pages and pertain only to the changes made by this amendment except where the reverse side of a page has been previously amended; however, these can be identified by the amendment number opposite the page number at the bottom of each page.

14.C. (2) Some specification revisions include additions with underlined text or deletions with line/cross-outs.

14.C. (3) The text changes may have necessitated reformatting of subsequent text or pages. If this is the case, those pages have also been issued as amended pages but are not marked with asterisks, underlining or line/cross-outs.

14.D. Section 00010 (Standard Form 1442):

14.D. (1) Block 10: MAGNITUDE OF CONSTRUCTION IS BETWEEN: Changed FROM: "\$10,000,000.00 AND \$25,000,000.00; TO: \$25,000,000.00 AND \$100,000,000.00.

14.D. (2) Block 13.A.: The required response date/time has changed from "Temporarily Postponed to 10-Apr-2003 04:00 PM.

14.D. (3) Block 29. AWARD, add the following statement: "THE CONTRACTOR ENTIRE PROPOSAL IS HEREBY INCORPORATED INTO THE CONTRACT."

14.E. Section 01355: **Delete** entire section, and **Insert** new Section 01355.

14.F. **ITEMS POSTED WITH AMENDMENT:** Posted are one electronic (PDF) file showing answers to questions from offerors, one electronic (PDF) file showing the signed Water Quality Certification (WQC), and one electronic (PDF) file showing WQC permit drawings.

(End of Summary of Changes)

<b>SOLICITATION, OFFER, AND AWARD</b> <i>(Construction, Alteration, or Repair)</i>	1. SOLICITATION NO. DACW17-02-R-0031	2. TYPE OF SOLICITATION <input type="checkbox"/> SEALED BID (IFB) <input checked="" type="checkbox"/> NEGOTIATED (RFP)	3. DATE ISSUED 18-Oct-2002	PAGE OF PAGES 1 OF 153
	<b>IMPORTANT - The "offer" section on the reverse must be fully completed by offeror.</b>			

4. CONTRACT NO.	5. REQUISITION/PURCHASE REQUEST NO. W32CS521613690	6. PROJECT NO.
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7. ISSUED BY USA ENGINEER DISTRICT, JACKSONVILLE PRUDENTIAL OFFICE BLDG 701 SAN MARCO BLVD CESAJ-CT JACKSONVILLE FL 32207	CODE DACW17	8. ADDRESS OFFER TO (If Other Than Item 7) CODE BY HAND: DELIVER TO "ISSUED BY" ADDRESS BY MAIL: USAED JACKSONVILLE, PO BOX 4970, ATTN: CESAJ-CT JACKSONVILLE FL 32232-0019	DACW17
TEL:	FAX:	TEL:	FAX:

9. FOR INFORMATION CALL:	A. NAME DEIDRA W COX	B. TELEPHONE NO. (Include area code) (NO COLLECT CALLS) 904-232-1215
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**SOLICITATION**

**NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".**

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS (Title, identifying no., date):

SUSTAINABILITY OF RENOURISHMENT, MIAMI BEACH, Beach Erosion Control and Hurricane Protection Project, Dade County, Florida

DRAWINGS: D.O. FILE NO.: 24-37, 635 dated July 1998, cover plus 15 sheets

DESCRIPTION OF PROJECT: See Page 00010-3

MAGNITUDE OF CONSTRUCTION IS BETWEEN \$25,000,000.00 and \$100,000,000.00

THIS ACQUISITION IS UNRESTRICTED, being issued pursuant to the Small Business Competitive Demonstration Program. You must be registered in the Central Contractor Registration in order to be eligible to receive an award from this solicitation. Call 1-888-227-2423 for more information.

**\*NOTE regarding Block 13A below: Sealed offers in original and (SEE SECTION 00100A FOR NUMBER OF COPIES) to perform the work required are due at the place specified in Item 8 by 04:00 PM (hour) local time 17 Dec 2002 (date).**

11. The Contractor shall begin performance within 30 calendar days and complete it within 270 calendar days after receiving  award,  notice to proceed. This performance period is  mandatory,  negotiable. (See Section 00700 \_\_\_\_\_.)

12 A. THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE AND PAYMENT BONDS? (If "YES," indicate within how many calendar days after award in Item 12B.) <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	12B. CALENDAR DAYS 10
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13. ADDITIONAL SOLICITATION REQUIREMENTS:

A. Sealed offers in original and \* copies to perform the work required are due at the place specified in Item 8 by 04:00 PM (hour) local time 10 Apr 2003 (date). If this is a sealed bid solicitation, offers must be publicly opened at that time. Sealed envelopes containing offers shall be marked to show the offeror's name and address, the solicitation number, and the date and time offers are due.

B. An offer guarantee  is,  is not required.

C. All offers are subject to the (1) work requirements, and (2) other provisions and clauses incorporated in the solicitation in full text or by reference.

D. Offers providing less than 90 calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.

**OFFER (Must be fully completed by offeror)**

14. NAME AND ADDRESS OFFEROR (Include ZIP Code)	15. TELEPHONE NO. (Include area code)
	16. REMITTANCE ADDRESS (Indicate only if different than item 14)
CODE	FACILITY CODE

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

AMOUNTS

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

**19. ACKNOWLEDGMENT OF AMENDMENTS**

*(The offeror acknowledges receipt of amendments to the solicitation - give number and date of each)*

AMENDMENT NO.										
DATE										

20A. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER <i>(Type or print)</i>	20B. SIGNATURE	20C. OFFER DATE
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**AWARD (To be completed by Government)**

21. ITEMS ACCEPTED:

22. AMOUNT	23. ACCOUNTING AND APPROPRIATION DATA
24. SUBMIT INVOICES TO ADDRESS SHOWN IN <i>(4 copies unless otherwise specified) &gt;&gt;</i>	ITEM 26
26. ADMINISTERED BY  K3M0J00  SOUTH FLORIDA AREA OFFICE USA CORPS OF ENGINEERS ((CESAJ-CO-W) 4400 PGA BLVD, SUITE 203 PALM BEACH GARDENS, FL 33410 (PHONE: 561-626-5299)	25. OTHER THAN FULL AND OPEN COMPETITION PURSUANT TO <input type="checkbox"/> 10 U.S.C. 2304(c) ( ) <input type="checkbox"/> 41 U.S.C. 253(c) ( )
	27. PAYMENT WILL BE MADE BY  t0b0200  USACE FINANCE CENTER 5722 INTEGRITY DRIVE ATTN: CEFC-AO-P MILLINGTON, TN 38054-5005

**CONTRACTING OFFICER WILL COMPLETE ITEM 28 OR 29 AS APPLICABLE**

<input type="checkbox"/> 28. NEGOTIATED AGREEMENT (Contractor is required to sign this document and return _____ copies to issuing office). Contractor agrees to furnish and deliver all items or perform all work, requirements identified on this form and any continuation sheets for the consideration stated in this contract. The rights and obligations of the parties to this contract shall be governed by (a) this contract award, (b) the solicitations, and (c) the clauses, representations, certifications, and specifications incorporated by reference in or attached to this contract.	<input type="checkbox"/> 29. AWARD (Contractor is not required to sign this document). Your offer on this solicitation is hereby accepted as to the items listed. This award consummates the contract, which consists of (a) the Government solicitation and your offer, and (b) this contract award. No further contractual document is necessary. THE CONTRACTOR'S ENTIRE PROPOSAL IS HEREBY INCORPORATED INTO THE CONTRACT.
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30A. NAME AND TITLE OF CONTRACTOR OR PERSON AUTHORIZED TO SIGN (Type or print)	31A. NAME OF CONTRACTING OFFICER (Type or print)
30B SIGNATURE	31B. UNITED STATES OF AMERICA
30C. DATE	31C. AWARD DATE
	BY

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SECTION 01355

ENVIRONMENTAL PROTECTION

PART 1 GENERAL

1.1 SCOPE

This Section covers prevention of environmental damage as the result of construction operations under this contract and for those measures set forth in other Technical Requirements of these specifications. For the purpose of this specification, environmental damage is defined as the presence of hazardous, physical, chemical, or biological elements or agents which adversely affect human health or welfare; unfavorably alter ecological balances; affect other species, biological communities, or ecosystems; or degrade the quality of the environment for aesthetic, cultural, and/or historical purposes. The control of environmental damage requires consideration of land, water, and air, and includes management of visual aesthetics, noise, solid waste, radiant energy and radioactive materials, as well as other pollutants.

1.2 REFERENCES

1.2.1 Miscellaneous Environmental Laws And Regulations

There are numerous environmental laws and regulations. At the Federal level, the applicable laws and regulations include compliance with the Clean Water Act (CWA); Clean Air Act (CAA); Coastal Zone Management Act (CZMA); Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); Endangered Species Act (ESA); Fish and Wildlife Coordination Act (FWCA); Marine Protection, Research, and Sanctuaries Act (MPRSA); Magnuson-Stevens Fishery Conservation and Management Act (MSFCMA); National Environmental Policy Act (NEPA); National Historic Preservation Act (NHPA); National Pollution Discharge Elimination System (NPDES); Research and Sanctuaries Act; Native American Graves Protection and Repatriation Act (NAGPRA); Resource Conservation and Recovery Act (RCRA); Rivers and Harbors Act (R&H); Safe Drinking Water Act (SDWA); Toxic Substance Control Act (TSCA); Wild and Scenic Rivers Act (WSRA); Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA); Code of Federal Regulations (CFRs); Executive Orders; and, Environmental Protection Agency (EPA) requirements. NEPA compliance measures specified in an Environmental Assessment (EA) or Environmental Impact Statements (EIS) are also applicable with regard to compliance.

1.2.2 Publication Reference(s)

The publication(s) listed below form(s) a part of this specification to the extent referenced. The publication(s) are referred to in the text by basic designation only.

U.S. ARMY CORPS OF ENGINEERS (USACE)

COE EM 385-1-1

(1996) U.S. Army Corps of Engineers Safety  
and Health Requirements Manual

COE ER 1110-1-5

(1984) Plant Pest Quarantined Areas and  
Foreign Soil Samples

### 1.3 QUALITY CONTROL

The Contractor shall establish and maintain quality control for environmental protection of all items set forth herein. The Contractor shall record on daily quality control reports or attachments thereto, any problems in complying with laws, regulations and ordinances, and corrective action taken.

### 1.4 PERMITS AND AUTHORIZATIONS

The Contractor shall obtain all needed permits or licenses. The Government will not obtain any permits for this project; see Clause PERMITS AND RESPONSIBILITIES of Section 00700 CONTRACT CLAUSES. The Contractor shall be responsible for implementing the terms and requirements of the appropriate permits as needed and for payment of all fees.

In addition to the above, the Contractor shall comply with all requirements under the terms and conditions set out in the following permit(s) and authorization(s) obtained by the Corps of Engineers listed below. These permit(s) and authorization(s) are available for review by contacting the Jacksonville District, Programs and Project Management Division at 904-232-2113.

a. Florida Department of Environmental Protection Permit No. 0080982-001-JC. ~~Notice of Intent to issue is dated September 26, 2002. Permit will be issued prior to receipt of proposals. The issue date is 14 March 2003, and expiration date is 14 March 2008.~~

### 1.5 SUBMITTALS

Government approval is required for submittals with a "G" designation; submittals not having a "G" designation are for information only. When used, a designation following the "G" designation identifies the office that will review the submittal for the Government. The following shall be submitted in accordance with Section 01330 SUBMITTAL PROCEDURES:

#### SD-01 Preconstruction Submittals

Environmental Protection Plan; G|PD

Within 20 calendar days after the date of Notice of Award, the Contractor shall submit an Environmental Protection Plan for review and acceptance by the Contracting Officer, and an electronic copy shall be sent to Florida Department of Environmental Protection (FDEP) at the e-mail address provided in the subparagraph "Reporting" of Section 01411 TURBIDITY AND DISPOSAL MONITORING. The Government will consider an interim plan for the first 30 days of operations. However, the Contractor shall furnish an acceptable final plan no later than 30 calendar days after receipt of Notice to Proceed. Acceptance of the Contractor's plan shall not relieve the Contractor of his responsibility for adequate and continuing control of pollutants and other environmental protection measures. Acceptance of the plan is conditional and predicated on satisfactory performance during construction. The Government reserves the right to require the Contractor to make changes to the Environmental Protection

Plan or operations if the Contracting Officer determines that environmental protection requirements are not being met. No physical work at the site shall begin prior to acceptance of the Contractor's plan or an interim plan covering the work to be performed. The Environmental Protection Plan shall include but not be limited to the following:

a. A list of Federal, State, and local laws, regulations, and permits concerning environmental protection, pollution control, and abatement that are applicable to the Contractor's proposed operations and the requirements imposed by those laws, regulations, and permits.

b. Methods for protection of features to be preserved within authorized work areas. The Contractor shall prepare a listing of methods to protect resources needing protection, i.e., trees, shrubs, vines, grasses and ground cover, landscape features, air and water quality, fish and wildlife, soil, historical, archeological, and cultural resources.

c. Procedures to be implemented to provide the required environmental protection and to comply with the applicable laws and regulations. The Contractor shall provide written assurance that immediate corrective action will be taken to correct pollution of the environment due to accident, natural causes, or failure to follow the procedures set out in accordance with the environmental protection plan.

d. A permit or license for and the location of the solid waste disposal area.

e. Drawings showing locations of any proposed temporary excavations or embankments for haul roads, stream crossing, material storage areas, structures, sanitary facilities, and stockpiles of excess or spoil materials.

f. Environmental monitoring plans for the job site, including land, water, air, and noise monitoring.

g. Traffic control plan.

h. Methods of protecting surface and ground water during construction activities.

i. Spill prevention. The Contractor shall specify all potentially hazardous substances to be used on the job site and intended actions to prevent accidental or intentional introduction of such materials into the air, ground, water, wetlands, or drainage areas. The plan shall specify the Contractor's provisions to be taken to meet Federal, State, and local laws and regulations regarding labeling, storage, removal, transport, and disposal of potentially hazardous substances.

j. Spill contingency plan for hazardous, toxic, or petroleum material.

k. Work area plan showing the proposed activity in each portion of the area and identifying the areas of limited use or nonuse. Plan should include measures for marking the limits of

use areas.

1. Plan of borrow area(s).

m. A statement as to the person who shall be responsible for implementation of the Environmental Protection Plan. The Contractor personnel responsible shall report directly to the Contractor's top management and shall have the authority to act for the Contractor in all environmental protection matters.

n. Recycling and Waste Management Plan. Executive Order 12873 of 20 October 1993 requires a number of considerations in planning a project. Fallen trees should not be burned or buried. Mulching, composting, and other uses for trees should be considered. Also, recovery of metals at the job site, including aluminum cans, should be considered with proceeds to be retained by the Contractor. Non-Federal recycling and waste minimization efforts shall also be incorporated into this plan.

o. A Certification Letter must be signed acknowledging the Contractor has a copy of all permits applicable to the project and understands the conditions in the permit. The Certification Letter shall be attached to the Environmental Protection Plan. (A sample Certification Letter is appended to the end of this Section.)

p. Operational plan to achieve protection of sea turtles during hopper dredge(s) operation.

q. Construction activities shall be conducted in a manner as not to impact migratory birds or induce their nesting.

SD-07 Certificates

Qualifications

The Contractor shall submit a certified copy of Florida Fish and Wildlife Conservation Commission (FF&WCC) permit for handling of sea turtle eggs.

SD-11 Closeout Submittals

Logs/Final Summary Report

Contractor shall submit as specified, logs and final summary report of sightings and incidents with endangered species.

Project Environmental Summary Sheet

Contractor shall submit within 30 days following completion of the project, a written report of the absence or occurrence of environmental incidents. In addition, for construction activities whose anticipated duration is more than one calendar year, the Contractor shall complete a sheet each May 31st (plus/minus 14 days).

1.6 SUBCONTRACTORS

Assurance of compliance with this section by subcontractors shall be the

responsibility of the Contractor.

#### 1.7 NOTIFICATION

The Contracting Officer will notify the Contractor in writing of any observed noncompliance with the aforementioned Federal, State, or local laws or regulations, permits and other elements of the Contractor's environmental protection plan. The Contractor shall, after receipt of such notice, inform the Contracting Officer of proposed corrective action and take such action as may be approved. If the Contractor fails to comply promptly, the Contracting Officer may issue an order stopping all or part of the work until satisfactory corrective action has been taken. No time extensions shall be granted or costs or damages allowed to the Contractor for any such suspension.

Additionally, the Contractor shall notify the Contracting Officer, in writing, of the absence or occurrence of environmental incidents, as required on the Project Environmental Summary Sheet, copy appended to the end of this Section. (Refer to paragraph SUBMITTALS above.)

#### 1.8 CONTRACTOR PERSONNEL QUALIFICATIONS IN POLLUTION CONTROL

The Contractor's personnel shall be qualified to perform all phases of environmental protection, including methods of detecting and avoiding pollution, familiarization with pollution standards, both statutory and contractual, and careful installation and monitoring of the project to ensure adequate and continuous environmental pollution control. Quality Control and supervisory personnel shall be thoroughly knowledgeable of Federal, State, and local laws, regulations, and permits as listed in the Environmental Protection Plan submitted by the Contractor. Quality Control personnel will be identified in the Quality Control Plan submitted in accordance with Section 01452 DREDGING/BEACH FILL PLACEMENT - CONTRACTOR QUALITY CONTROL.

#### PART 2 PRODUCTS (NOT APPLICABLE)

#### PART 3 EXECUTION

##### 3.1 PROTECTION OF ENVIRONMENTAL RESOURCES

For contract work, the Contractor shall comply with all applicable Federal, State, or local laws and regulations. The environmental resources within the project boundaries and those affected outside the limits of permanent work under this contract shall be protected at least during the entire period of this contract. The Contractor shall confine his activities to areas defined by the drawings and specifications. Deviations from drawings or specifications (e.g., proposed alternate borrow areas, disposal areas, staging areas, and alternate access routes) could result in the need for the Government to reanalyze and re-approve the project from an environmental standpoint. Environmental protection shall be as stated in the following subparagraphs.

##### 3.1.1 General Project Environmental Design and Installation Criteria

Some project sites have features that shall not be impacted in any way, including cultural, historic, or archeological features. At all sites, project plans should minimize disturbance to existing features at the site to the extent possible, including vegetative, topographic, and drainage pattern features. Wetland impacts (temporary access, detours, staging

areas, and other work area impacts) to project sites should be avoided and may require separate permitting action. Any wetlands temporarily impacted shall have its soil restored upon project completion. Expansion of previously permitted project footprints may likewise require separate permitting action.

In all cases, the design and/or installation of project system shall provide for protection of the environment during handling, installing, storing, utilizing, transporting, servicing, testing, refilling, transferring, pumping, processing, removing waste products, repairing and maintaining systems and their components. Necessary design protection shall also be considered that would prevent contamination of the environment from impacts to the system caused by storm water runoff and flooding. Retrofit of connected systems on project sites to modern environmental protection design standards shall also be considered.

In the event environmental protection measures fail, the Contractor shall implement procedures to control and correct environmental damage.

#### 3.1.1.1 Petroleum-Based Systems Environmental Design and Installation Criteria

For petroleum-based systems, a statement of site suitability shall be provided and shall include what would be necessary to prevent adverse impact to water quality; natural resources; habitat; historic, cultural, and archeological sites; and fragile local resources in the event of a fuel spill. Human error and mechanical/electrical failure of components without human intervention shall also be considered in the design with regard to spills. Additionally, appropriate noise and emissions controls shall be incorporated into the design, including vapor and exhaust controls.

At a minimum, environmental protection design requirements shall also include the following: (1) stationary tanks and piping shall have secondary containment features; (2) approved materials and corrosion protection systems shall be utilized; (3) system leaks shall be readily detected and contained without human intervention; and, (4) overfill containment systems shall be provided.

Applicable Federal, State, and local codes and requirements shall be strictly adhered to in the design, including those of the U.S. Environmental Protection Agency (EPA), the State of Florida, the South Florida Water Management District (SFWMD), and other local governing agencies such as those of counties and municipalities. In the case of the State, requirements include Chapter of the Florida Administrative Code (FAC) such as 62-17 (Approved Materials), 62-252 (Vapor Emissions), 62-296 (Emissions), 62-761 (Underground Storage Tanks), and 62-762 (Aboveground Tanks). Note that Chapters 62-761 and 62-762 of the FAC may be combined into one Chapter. Best Management Practices from the applicable agencies shall also be adhered to in the design.

#### 3.1.1.2 Sewage-Based Systems Environmental Design and Installation Criteria

In general, there shall be no waste or debris discharges of any kind for a project unless authorized by the Contracting Officer. This shall include the Contractor's providing sufficient temporary sanitary equipment and facilities for the project. The design and/or installation of temporary or permanent sewage systems shall ensure that waters will be free of effects of sewage discharges. Applicable Federal, State, or local codes and requirements regarding sewage shall be strictly adhered to in the design,

such as those of the EPA and, in the case of the State, Chapter 62-620 (Wastewater Facilities) of the FAC. Best Management Practices from the applicable agencies shall also be adhered to in the design.

### 3.1.2 Protection of Land Resources

Prior to the beginning of any construction, the Contractor shall identify all land resources to be preserved or avoided within the Contractor's work area. Materials displaced into uncleared areas shall be removed. The Contractor shall not remove, cut, deface, injure, or destroy land resources including trees, shrubs, vines, grasses, topsoil, and land forms without special permission from the Contracting Officer. The Contractor shall engage a qualified tree surgeon to perform all tree surgery. The Contractor shall be responsible to repair injuries to bark, trunk, branches, and roots of protected trees by dressing, cutting, and painting as specified for Class I Fine Pruning, of the National Arborist Association Pruning Standards for Shade Tree or as per State's Agricultural Extension Agency Guidelines, immediately as occurrences arise. No ropes, cables, or guys shall be fastened to or attached to any trees for anchorage unless specifically authorized. Where such special emergency use is permitted, the Contractor shall provide effective protection for land and vegetation resources at all times as defined in the following subparagraphs.

#### 3.1.2.1 Work Area Limits

Prior to any construction, the Contractor shall mark the areas that are not required to accomplish all work to be performed under this contract. Isolated areas within the general work area which are to be saved and protected shall also be marked or fenced. The Contractor shall protect from damage all existing trees designated to remain. Protection of tree roots shall be provided against noxious materials in solution caused by run-off or spillage. Fires shall be located outside the canopy of protected trees. No materials, trailers, or equipment shall be stored within the drip line of any protected tree. Monuments and markers shall be protected before construction operations commence. Where construction operations are to be conducted during darkness, the markers shall be visible. The Contractor shall convey to his personnel the purpose of marking and/or protection of all necessary objects.

The Contractor shall thoroughly clean all construction equipment and tools at the prior job site in a manner that ensures all residual soil is removed and that egg deposits from plant pests are not present. The Contractor shall consult with the U.S. Department of Agriculture (USDA) regarding additional cleaning requirements that may be necessary. In addition, if this contract involves the identification, shipping, storage, testing, or disposal of soils from such a quarantined area, the Contractor agrees to comply with the provisions of COE ER 1110-1-5 and attachments. The Contractor agrees to assure compliance with this obligation by all subcontractors.

#### 3.1.2.2 Contractor Facilities and Other Work Areas

The Contractor's field offices, staging areas, stockpile storage, and temporary buildings shall be placed in areas designated on the drawings or as directed by the Contracting Officer. Temporary movement or relocation of Contractor facilities shall be made when approved by the Contracting Officer. Borrow areas shall be managed to minimize erosion and to prevent sediment from entering nearby watercourses, wetlands, or lakes. Spoil areas shall be managed and controlled to limit spoil intrusion into areas

designated on the drawings and to prevent erosion of soil or sediment from entering nearby watercourses, wetlands, or lakes. Spoil areas shall be developed in accordance with the grading plan indicated on the drawings. Temporary excavation and embankments for plant and/or work areas shall be controlled to protect adjacent areas from despoilment. If there is suspicion that sediment may be unsuitable for disposal at a specified location, the Contractor shall immediately take measures to contain the suspect sediment and notify the Contracting Officer.

#### 3.1.2.3 Solid Wastes

Solid wastes (excluding clearing debris) shall be placed in containers which are emptied on a regular schedule. All handling and disposal shall be conducted to prevent contamination. Solid waste materials shall be hauled to an approved solid waste disposal site designated by the Contracting Officer. The Contractor shall comply with Federal, State, and local regulations pertaining to the use of the solid waste disposal site.

#### 3.1.2.4 Fuel, Oil, and Lubricants

Fuel, oil, and lubricants shall be managed so as to prevent spills and evaporation. To prevent spills, fuel dispensers shall have a 4-foot square, 16-gauge metal pan with borders banded up and welded at corners right below the bibb. Edges of the pans shall be 8-inch minimum in depth to ascertain that no contamination of the ground takes place. Pans shall be cleaned by an approved method immediately after every dispensing of fuel and wastes disposed of offsite in an approved area. Should any spilling of fuel occur, the Contractor shall immediately recover the contaminated ground and dispose of it offsite in an approved area. Petroleum waste generated shall be stored in marked corrosion-resistant containers and recycled or disposed of in accordance with 40 CFR 279, State, and local regulations.

#### 3.1.2.5 Hazardous Waste

Hazardous wastes are defined in 40 CFR 261. The Contractor shall ensure that hazardous wastes are stored and disposed of in accordance with 40 CFR 261 and State and local regulations. The Contractor shall ensure that hazardous wastes are packed, labeled, and transported in accordance with 49 CFR 173 and State and local regulations.

#### 3.1.2.6 Hazardous Materials

The Contractor shall ensure that hazardous materials are labeled, stored, and transported in accordance with 49 CFR 173, State, and local regulations.

#### 3.1.2.7 Disposal of Other Materials

Other materials than previously discussed (Construction and Demolition, vegetative waste, etc.) shall be handled as directed.

### 3.1.3 Preservation and Recovery of Historic, Archeological, and Cultural Resources

#### 3.1.3.1 Applicable Law

A number of Federal laws require protection of cultural resources. Two laws, in particular, can be potentially involved with dredging activities: (1) the National Historic Preservation Act, as amended; and, (2) the

Abandoned Shipwreck Act.

#### 3.1.3.2 Known Resources

Known historic, archeological and cultural resources within the Contractor's work area(s) are designated as a "sensitive environmental area" on the contract drawings or other documents. If so designated, the Contractor shall install protection for these resources and shall be responsible for their preservation during the contract's duration. The Contractor shall not distribute maps or other information on these resource locations except for distribution among the Contractor's staff with a "need to know" technical responsibility for protecting the resources.

#### 3.1.3.3 Inadvertent Discoveries

If, during or other construction activities, the Contractor observes items that may have historic or archeological value, such observations shall be reported immediately to the Contracting Officer so that the appropriate Corps staff may be notified and a determination for what, if any, additional action is needed. Examples of historic, archeological and cultural resources are bones, remains, artifacts, shell, midden, charcoal or other deposits, rocks or coral, evidences of agricultural or other human activity, alignments, and constructed features. The Contractor shall cease all activities that may result in the destruction of these resources and shall prevent his employees from further removing, or otherwise damaging, such resources.

The possibility of encountering submerged cultural resources is inherent in dredging and snagging operations. Such findings could include shipwrecks, shipwreck debris fields (such as streamed engine parts), prehistoric watercraft (such as log "dugouts"), and other structural features intact or displaced. The materials may be deeply buried in sediment, resting in shallow sediments or above them, or protruding into water. Suspected cultural materials inadvertently gathered from a water-saturated context should be kept moist by re-immersion, spraying, or some other expedient means of wetting until the appropriate Corps staff provide further directives. No interviews or other contact with media shall occur without clear authorization from the Contracting Officer or the appropriate Corps representative.

#### 3.1.3.4 Claims for Downtime due to Inadvertent Discoveries

Upon discovery and subsequent reporting of a possible inadvertent discovery of cultural resources, the Contractor shall seek to continue work well away from, or otherwise protectively avoiding, the area of interest, or in some other manner that strives to continue productive activities in keeping with the contract. Should an inadvertent discovery be of the nature that substantial impact(s) to the work schedule are evident, such delays shall be coordinated with the Contracting Officer. Contract adjustments resulting from compliance with this paragraph shall be determined in accordance with Clause DIFFERING SITE CONDITIONS of Section 00700 CONTRACT CLAUSES.

#### 3.1.4 Protection of Water Resources

The Contractor shall keep construction activities under surveillance, management, and control to avoid pollution of surface, ground waters, and wetlands. The Contractor shall plan his operation and perform all work necessary to minimize adverse impact or violation of the water quality

standard. Special management techniques as set out below shall be implemented to control water pollution by the listed construction activities which are included in this contract. The Contractor's construction methods shall protect wetland and surface water areas from damage due to mechanical grading, erosion, sedimentation and turbid discharges. There shall be no storage or stockpiling of equipment, tools, or materials within wetlands or along the shoreline within the littoral zone unless specifically authorized.

#### 3.1.4.1 Washing and Curing Water

Waste waters directly derived from construction activities shall not be allowed to enter water areas. These waste waters shall be collected and placed in retention ponds where suspended materials can be settled out or the water evaporates so that pollutants are separated from the water. Analysis shall be performed and results reviewed and approved by Corps staff before water in retention ponds is discharged.

#### 3.1.4.2 Monitoring of Water Areas

Monitoring of water areas affected by construction activities shall be the responsibility of the Contractor. All water areas affected by construction activities shall be monitored by the Contractor.

#### 3.1.4.3 Turbidity

The Contractor shall conduct his operations in a manner to minimize turbidity. Refer to Section 01411 TURBIDITY AND DISPOSAL MONITORING for further instructions.

#### 3.1.4.4 Oil, Fuel, and Hazardous Substance Spill Prevention and Mitigation

The Contractor shall prevent oil, fuel, or other hazardous substances from entering the air, ground, drainage, local bodies of water, or wetlands. This shall be accomplished by design and procedural controls. In the event that a spill occurs despite the design and procedural controls, the following shall occur:

(1) Immediate action shall be taken to contain and cleanup any spill of oil, fuel or other hazardous substance.

(2) Spills shall be immediately reported to the Contracting Officer.

(3) Spill contingency planning shall be strictly in accordance with the criteria of 40 CFR, Part 109.

(4) To control the spread of any potential spill, absorbent materials shall be readily available and capable of absorbing the contents of the single largest tank.

(5) To control the spread of any potential spill, the Contractor shall provide a written certification of commitment of manpower, equipment, and materials required to expeditiously cleanup and dispose of spill materials.

a. Spill Preventive Systems: System design and installation requirements have been discussed at the beginning of this Section. Temporary or portable tanks shall conform to applicable Federal, State,

and local codes and requirements and shall not be placed where they may be affected by storm, flooding, or washout. Diversionary structures for spills shall be put in place in advance where practical. Both spill preventive systems and any deviations from associated requirements must be approved by the Contracting Officer prior to implementation.

b. Liabilities: The Contractor shall be liable in the amounts established in 40 CFR, Part 113 when it can be shown that oil was discharged as a result of willful negligence or willful misconduct. The penalty for failure to report the discharge of oil shall be in accordance with the provision of 33 CFR, Part 153.

### 3.1.5 Protection of Fish and Wildlife Resources

The Contractor shall keep construction activities under surveillance, management, and control to minimize interference with, disturbance to, and damage of fish and wildlife. Species that require specific attention along with measures for their protection shall be listed in the Contractor's Environmental Protection Plan prior to the beginning of construction operation.

#### 3.1.5.1 Endangered Species Protection

The Contractor shall instruct all personnel associated with the project of the potential presence of manatees, sea turtles, and whales in the area, and the need to avoid collisions with and harming these animals. All construction personnel shall be advised that there are civil and criminal penalties for harming, harassing, or killing manatees, sea turtles, or whales which are protected under the Marine Mammal Protection Act of 1972, the Endangered Species Act of 1973, and the Florida Manatee Sanctuary Act. The Contractor shall be held responsible for any manatee, sea turtle, or whale harmed, harassed, or killed as a result of construction activities. All construction personnel are responsible for observing water-related activities for the presence of manatee(s).

a. Siltation Barriers: If siltation barriers are used, they shall be made of material in which manatees cannot become entangled, are properly secured, and are regularly monitored to avoid manatee entrapment. Barriers must not block manatee entry to or exit from essential habitat.

b. Special Operating Conditions:

(1) All vessels associated with the project shall operate at "no wake/idle" speeds at all times while in waters where the draft of the vessel provides less than a four-foot clearance from the bottom, and vessels shall follow routes of deep water whenever possible. Boats used to transport personnel shall be shallow-draft vessels, preferably of the light-displacement category, where navigational safety permits. Mooring bumpers shall be placed on all barges, tugs, and similar large vessels wherever and whenever there is a potential for manatees to be crushed between two moored vessels. The bumpers shall provide a minimum stand-off distance of four feet.

(2) If a manatee(s) is sighted within 100 yards of the project area, all appropriate precautions shall be implemented by the Contractor to ensure protection of the manatee. These

precautions shall include the operation of all moving equipment no closer than 50 feet of a manatee. If a manatee is closer than 50 feet to moving equipment or the project area, the equipment shall be shut down and all construction activities shall cease within the waterway to ensure protection of the manatee. Construction activities shall not resume until the manatee has departed the project area.

(3) During the period December through March, barges or dredges moving through the designated critical habitat of the right whale (*Eubalaena glacialis*) shall take the following precautions. During evening hours or when there is limited visibility due to fog or sea states greater than Beaufort 3, the tug/barge or dredge operator shall slow down to 5 knots or less when traversing between areas if whales have been spotted within 15 nautical miles (nm) of the vessel's path within the previous 24 hours. During the period 1 December through 30 March, daily aerial surveys within 15 nautical miles (nm) of the dredging and disposal sites will be conducted by others to monitor for the presence of the right whale. Right whale sightings will be immediately communicated by marine radio to the dredging Contractor's dredge. In addition, the tug/barge or dredge operator shall maintain a 500-yard buffer between the vessel and any whale. The area designated as critical habitat in the southeastern United States encompasses waters between 31 degrees 15 seconds N (approximately located at the mouth of the Altamaha River, GA) and 30 degrees 15 seconds N (approximately Jacksonville, FL) from the shoreline out to 15 nm offshore; and the waters between 30 degrees 15 seconds N and 28 degrees 00 seconds N (approximately Sebastian Inlet, FL) from the shoreline out to 5 nm. If a stranded/injured/incapacitated whale is observed within the construction site, the Contractor is requested to immediately contact the NMFS Whale Stranding Network pager number at 305-862-2850.

c. Manatee Monitoring (Clamshell Only): During clamshell dredging operations, a dedicated observer shall monitor for the presence of manatees. The dedicated observer shall have experience in manatee observation and be equipped with polarized sunglasses to aid in observing. If manatees are present, the observer shall document all activities with the use of a video camera with the capabilities of video taping at night. The video tape shall have date/time signature and record all manatee movements in the construction area and note any reactions to turbidity, sound, and light. Nighttime lighting of waters within and adjacent to the work area shall be illuminated, using shielded or low-pressure sodium-type lights, to a degree that allows the dedicated observer to sight any manatee on the surface within 200 feet of the operation. The dredge operator shall gravity-release the clamshell bucket only at the water surface, and only after confirmation that there are no manatees within the safety distance identified in the standard construction conditions. The Contractor shall forward 3 copies to Chief, Environmental Branch, P.O. Box 4970, Jacksonville, Florida, 32232-0019, within 10 days of completion of the dredging.

d. Manatee Signs: Prior to commencement of construction, each vessel involved in construction activities shall display at the vessel control station or in a prominent location, visible to all employees operating the vessel, a temporary sign at least 8-1/2" x 11" reading, "CAUTION: MANATEE HABITAT/IDLE SPEED IS REQUIRED IN CONSTRUCTION

AREA." ~~In the absence of a vessel, a temporary 3' x 4' sign reading "CAUTION: MANATEE AREA" shall be posted adjacent to the issued construction permit.~~ A sign measuring at least 3 feet by 4 feet which reads "CAUTION: MANATEE AREA" shall be posted in a location prominently visible to water related construction crews. A second temporary sign measuring 8-1/2" x 11" reading "CAUTION: MANATEE HABITAT. EQUIPMENT MUST BE SHUTDOWN IMMEDIATELY IF A MANATEE COMES WITHIN 50 FEET OF OPERATION" shall be posted at the dredge operator control station and at a location prominently adjacent to the issued construction permit. The Contractor shall remove the signs upon completion of construction. Sample Manatee Caution Signs are appended to the end of this Section.

3.1.5.2 Endangered Species Observers (Hopper Dredge Only)

During dredging operations, an observer approved by the National Marine Fisheries Service (NMFS) for sea turtles and whales shall be aboard to monitor for the presence of the species. During transit to and from the disposal area, the observer shall monitor from the bridge during daylight hours for the presence of endangered species, especially the right whale, during the period December through March. During dredging operations, the observer shall monitor the inflow screening for turtles and/or turtle parts.

a. Observation Sheets: The results of the monitoring shall be recorded on the appropriate observation sheet. An observation sheet shall be completed for each dredging cycle whether or not sea turtle or sea turtle parts are present. Sample observation sheets are appended to the end of this Section.

b. Endangered Species Observer(s): NMFS-approved firms shall provide and manage the endangered species observer(s). A list of acceptable firms can be obtained by contacting NMFS Chief of Office of Protective Species in St. Petersburg, Florida at 727-570-5312. The trained observer(s) shall require quarters on board the dredge.

3.1.5.3 Manatee, Sea Turtle, and Whale Sighting Reports

Any take concerning a manatee, sea turtle, or whale or sighting of any injured or incapacitated manatees, sea turtles, or whales shall be reported immediately to the Corps of Engineers. The order of contact within the Corps of Engineers shall be as follows:

Order of Contact of Corps Personnel for Dredging  
 Contractor to Report Endangered Species Death or Injury

<u>Title</u>	<u>Telephone Number</u>	
	<u>Work Hours</u>	<u>After Hours</u>
Corps, Inspector	On site	Lodging Location
Mr. George Cooper, Area Engineer, South Florida Area Office (CESAJ-CO-W) Chief, Environmental Branch, Planning Division (CESAJ-PD-E)	561-626-8195	To be Provided
Mr. Charles McGehee, Chief, Construction Branch, Construction-Operations Division (CESAJ-CO-C)	904-232-1010	To be Provided
Mr. Gordon M. Butler, Jr., Chief, Construction-Operations Division (CESAJ-CO)	904-232-1122	To be Provided
Mr. Gordon M. Butler, Jr., Chief, Construction-Operations Division (CESAJ-CO)	904-232-3765	To be Provided

A copy of the incidental take report shall be provided within 24 hours of the incident. The Contractor shall also immediately report any collision with and/or injury to a manatee to the Florida Marine Patrol "Manatee Hotline" 1-800-342-5367 as well as the U.S. Fish and Wildlife Service, Vero Beach Field Office 772-562-3909 for South Florida.

#### 3.1.5.4 Disposition of Turtles or Turtle Parts

Positively identified turtle parts shall be disposed of in accordance with the direction of the Contracting Officer. Turtle parts which cannot be positively identified on board the dredge or barge(s) shall be preserved by the observer(s) for later identification. Observer(s) shall measure, weigh, tag, and release any uninjured turtles incidentally taken by the dredge. Observer(s) (or their authorized representative) shall transport, as soon as possible, any injured turtles to a rehabilitation facility such as Sea World at Orlando, Florida.

#### 3.1.5.5 Report Submission

The Contractor shall maintain a log detailing all incidents, including sightings, collisions with, injuries, or killing of manatees, sea turtles, or whales occurring during the contract period. The data shall be recorded on forms provided by the Contracting Officer (sample forms are appended to the end of this Section). All data in original form shall be forwarded directly to Chief, Environmental Branch, P. O. Box 4970, Jacksonville, Florida, 32232-0019, within 10 days of collection and copies of the data shall be supplied to the Contracting Officer. Following project completion, a report summarizing the above incidents and sightings shall be submitted to the following:

Florida Fish and Wildlife Conservation Commission  
Bureau of Protected Species Management  
620 South Meridian Street  
Tallahassee, Florida 32399-1600

Chief, Environmental Branch  
U.S. Army Corps of Engineers (CESAJ-PD-E)  
P.O. Box 4970  
Jacksonville, Florida 32232-0019

Area Engineer, South Florida Area Office  
U.S Army Corps of Engineers (CESAJ-CO-W)  
4400 PGA Boulevard, Suite 203  
Palm Beach Gardens, Florida 33410

U.S. Fish and Wildlife Service  
1339 20th Street  
Vero Beach, Florida 32960-3559]

National Marine Fisheries Service  
Protected Species Management Branch  
9721 Executive Center Drive  
St. Petersburg, Florida 33702

#### 3.1.5.6 Sea Turtle Beach Nest Monitoring

- a. Sea Turtle (Work Stoppage) Window and Monitoring: If dredging and placement of material in the beach fill area along Florida Beaches

has commenced on or before April 1st, turtle monitoring and nest location shall commence on April 1st and continue concurrently with the performance of work. If dredging and placement of material on Florida Beaches has not commenced prior to April 1st, the Contractor shall commence turtle monitoring and nest location activities for a period of 65 days prior to performing any work (including movement of equipment) in the beach fill area or commence turtle monitoring April 1st whichever date is later. In such case, after turtle monitoring and nest location activities have been performed for a period of 65 days, the Contractor shall commence work in the beach fill area and continue the monitoring activities concurrently with performance of the work. In any case turtle monitoring and nest location/relocation activities are required through ~~September 30th~~ October 31st or until completion of the work on Florida Beaches, whichever is earlier.

b. Daily Visual Inspection: Turtle monitoring activities shall include performance of daily visual inspections of the beach at sunrise by a person permitted by the FF&WCC for handling sea turtle eggs. Any nests discovered shall be excavated and relocated prior to 9:00 a.m. to a nearby self-release beach location where artificial lighting and/or other disturbances shall not interfere with successful incubation, hatching nor hatchling orientation. Mr. Jim Hoover (Miami-Dade Department of Parks and Recreation-Haulover Park) is the FF&WCC permitted sea turtle monitor for all of Miami-Dade County (excluding Golden Beach and Virginia Key), and manages the County's sea turtle hatchery and nest relocation program. The Contractor shall contact and coordinate all sea turtle monitoring needs and requirements with the permitted individual. Mr. Hoover can be contacted at (305) 947-3526, extension 12. The Contractor shall make arrangements with the person responsible for the turtle monitoring and nest relocation to obtain copies of the daily turtle survey logs taken during the contract period, and to provide a report describing the results of the survey and nest relocation. A log of the results of turtle egg monitoring and recovery activities shall be kept and a copy submitted weekly to the Chief, Environmental Branch, Jacksonville District (sample Marine Turtle Nesting Summary Report form is appended to the end of this Section). It is the responsibility of the permitted to ensure that the project area and access sites are surveyed for marine turtle nesting activity. All nesting surveys, nest relocations screening or caging activities shall be conducted only by persons with prior experience and training in these activities, and who are duly authorized to conduct such activities through a valid permit issued by the Fish and Wildlife Conservation Commission (FWC, also known as FF&WCC), pursuant to Florida Administrative Code 68E-1.

c. Disturbance of Turtle Nest by Contractor: In the event a turtle nest is disturbed by construction activities, the Contractor must immediately notify the FF&WCC permitted individual responsible for nest relocation on the project, and have the nest relocated by the individual. Disturbance of the nest must be avoided until it is relocated. Any dead sea turtles will be immediately recovered and held until instructions are received by telephone from the Chief, Environmental Branch.

d. Report Submission: Following completion of the project, a copy of the Contractor's log regarding sea turtles shall be forwarded to the Chief, Environmental Branch and the Area Engineer, South Florida Area Office.

e. Coordination: Prior to commencement of work, the Contractor shall arrange a meeting through the Contracting Officer's Representative. The meeting shall include Mr. Jim Hoover of Dade County (permitted person responsible for egg relocation), representative of Dade County Environmental Resource Management (DERM), representative of the Contractor, representative of the U.S. Fish and Wildlife Service (FWS), and representative of the FF&WCC (also known as the FWC). The meeting shall be arranged at least 30 days prior to commencement of work with at least 10 days of advance notice of the meeting.

f. Notification: Upon locating a dead, injured or sick endangered sea turtle specimen, initial notification shall be made to the Contracting Officer's Representative, and Mr. Jim Hoover at (305) 947-3526, the FWS' Law Enforcement Office in Miami, Florida at (305) 526-2789, and the FWC at 1-888-404-FWCC. Care shall be taken in handling sick or injured specimens to ensure effective treatment, and care in handling dead specimens to preserve biological materials in the best possible state for later analysis for cause of death. In conjunction with the care of sick or injured endangered or threatened species, or preservation of biological materials from a dead animal, the finder has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

### 3.1.5.7 Beach Placement Restrictions

a. Equipment Lighting During Sea Turtle Nesting Period April 1 to November 30: Direct lighting of the beach and near shore waters shall be limited to the immediate construction area and shall comply with safety requirements. Lighting on offshore or onshore equipment shall be minimized through reduction, shielding, lowering, and appropriate placement to avoid excessive illumination of the waters surface and nesting beach while meeting all Coast Guard, COE EM 385-1-1, and OSHA requirements. Light intensity of lighting plants should be reduced to the minimum standard required by OSHA for General Construction areas, in order not to misdirect sea turtles. Shields should be affixed to the light housing and be large enough to block light from all lamps from being transmitted outside the construction area. Refer to Beach Lighting Schematic appended to the end of this Section.

b. Pipeline Placement, Staging Areas and Equipment Storage: ~~Any construction pipes placed parallel to the shoreline shall be placed as far landward as possible up to the vegetated dune line.~~ Staging areas for construction equipment shall be located off the beach to the maximum extent practicable. Nighttime storage of construction equipment not in use shall be off the beach to minimize disturbance to sea turtle nesting and hatching activities. In addition, all construction pipes that are placed on the beach shall be located as far landward as possible without compromising the integrity of the dune system. Temporary storage of pipes shall be off the beach to the maximum extent possible.

c. Beach Tilling: Till the fill area between the landward edge and the seaward edge of the top of the berm with equipment operated so as to penetrate and loosen beach sand (a) to a depth of 36 inches and (b) laterally without leaving unloosened compact sand between the adjacent paths of tines or penetrating part of the equipment. (Suitable equipment is Caterpillar D9L/No. 9 Adjustable Parallelogram Multishank Ripper, or equal.) The Contractor shall be careful not to drag the

beach where rock structures have been covered with less than 3 feet of sand.

d. Turtle Nest Surveys. Surveys shall be performed in such a manner as to ensure that construction activity does not occur in any location prior to completion of the necessary sea turtle protection measures.

#### 3.1.5.8 Escarpments

The Contractor shall perform daily visual surveys for escarpments along finished sections of the beach nourishment area that have not been accepted by the Contracting Officer as complete. Results of the surveys shall be submitted to the Contracting Officer. Escarpments that interfere with sea turtle nesting or that exceed 18 inches in height for a distance of 100 feet or more shall be mechanically leveled by the Contractor to the natural beach contour. Once a beach section is accepted by the Contracting Officer as complete, Dade County Department of Environmental Resources Management (DERM) will take over the responsibility for visual surveys and escarpment removal.

#### 3.1.5.9 Hardground/Reef Protection

Existing hardground/reef areas within the Contractor's work area will be so designated on the contract drawings and precaution will be taken to preserve these resources as they existed prior to construction. The Contractor shall install all protection for these resources so designated on the drawings and shall be responsible for their preservation during this contract. Pipelines will be placed only in approved areas and anchoring will be permitted in sandy areas only. Pipeline will be monitored for leaks. Any leaks that develop shall be repaired immediately, especially over hardgrounds/reefs, and the pumpout operations shall be shutdown until repairs are completed. Refer to Section 02391 BEACH FILL.

#### 3.1.6 Seagrass Protection Measures

a. The Contractor shall instruct all personnel associated with the project of the presence of seagrasses, especially the Federally-listed threatened Johnson's Seagrass (*Halophlia johnsonii*), and the need to avoid contact with seagrasses.

b. All construction personnel shall be advised that there are civil and criminal penalties for harming or destroying seagrasses, especially Johnson's Seagrass which is protected under the Endangered Species Act of 1973, as amended. The Contractor may be held responsible for any seagrasses harmed or destroyed due to construction activities.

c. The Contractor shall not anchor, place pipeline, or stage equipment in a manner that will cause any damage to seagrasses or hardbottoms. Anchoring, placing pipeline, or staging equipment shall avoid these sensitive areas. If such activities cannot be done without affecting these sensitive areas, the activities shall cease and the Contracting Officer and Chief, Environmental Branch (904-232-1010) shall be immediately notified (no later than the morning following the next working day if the incident occurs after normal working hours). Any actual or potential incident involving damage to, or disturbance of, seagrasses or hardbottoms shall be reported.

#### 3.1.7 Protection of Air Resources

The Contractor shall keep construction activities under surveillance, management, and control to minimize pollution of air resources. All activities, equipment, processes and work operated or performed by the Contractor in accomplishing the specified construction shall be in strict accordance with the applicable air pollution standards of the State of Florida (Florida Statute, Chapter 403 and others and Chapters 200 series of the FAC) and all Federal emission and performance laws and standards, including the U.S. Environmental Protection Agency's Ambient Air Quality Standards. Information regarding Florida Statutes can be obtained from the following web sites:

<http://www.dep.state.fl.us/ogc/documents/statutes/text/403.doc>;  
<http://www.dep.state.fl.us/ogc/documents/rules/aiur/62-213.doc>; and,  
<http://www.dep.state.fl.us/ogc/documents/rules/mainrule.htm>.

#### 3.1.7.1 Particulates

Particulates, such as dust, shall be controlled at all times, including weekends, holidays, and hours when work is not in progress. The Contractor shall maintain excavations, stockpiles, haul roads, permanent and temporary access roads, plant sites, spoil areas, borrow areas, and work areas within or outside the project boundaries free from particulates that would cause air pollution standards to be exceeded or that would cause a hazard or nuisance. The Contractor shall have the necessary equipment and approved methods to control particulates as the work proceeds and before a problem develops.

#### 3.1.7.2 Burning

All burning shall be subject to State and local requirements, including requirements for burn permits and bans during certain conditions such as droughts.

#### 3.1.7.3 Odors

Odors shall be controlled at all times for all construction activities.

#### 3.1.8 Protection of Sound Intrusions

The Contractor shall keep construction activities under surveillance and control to minimize damage to the environment by noise.

#### 3.2 POSTCONSTRUCTION CLEANUP

The Contractor shall clean up any area(s) used for construction.

#### 3.3 PRESERVATION AND RESTORATION OF LANDSCAPE AND MARINE VEGETATION DAMAGES

The Contractor shall restore all landscape features and marine vegetation damaged or destroyed during construction operations outside the limits of the approved work areas. Such restoration shall be a part of the Environmental Protection Plan as defined in subparagraph "Environmental Protection Plan" of paragraph SUBMITTALS above. This work shall be accomplished at the Contractor's expense.

#### 3.4 MAINTENANCE OF POLLUTION CONTROL FACILITIES

The Contractor shall maintain all constructed facilities and pollution control facilities and devices for the duration of the contract or for that length of time construction activities create the particular pollutant.

3.5 SAMPLE - MANATEE CAUTION SIGNS

See APPENDIX A at the end of this Section (2 pages).

3.6 SAMPLE - DAILY MANATEE REPORTING LOG

See APPENDIX B at the end of this Section (1 page).

3.7 SAMPLE - INCIDENT REPORT OF SEA TURTLE MORTALITY AND DREDGING ACTIVITIES

See APPENDIX C at the end of this Section (1 page).

3.8 MARINE TURTLE NESTING SUMMARY REPORT

See APPENDIX D at the end of this Section (2 pages).

3.9 BEACH LIGHTING SCHEMATIC

See APPENDIX E at the end of this Section (1 page).

3.10 SAMPLE - WHALE SIGHTING LOG

See APPENDIX F at the end of this Section (1 page).

3.11 PROJECT ENVIRONMENTAL SUMMARY SHEET

See APPENDIX G at the end of this Section (2 pages).

3.12 CERTIFICATION LETTER ACKNOWLEDGING ALL PERMITS ARE ON FILE

See APPENDIX H at the end of this Section (1 page).

-- End of Section --