

**SUPPLEMENTAL SPECIFICATION****SECTION 106 -- CONTROL OF MATERIAL****Amend 106.02 to read:**

**106.02 Local Material Sources.** Possible sources of local materials may be indicated on the Plans and described in the Proposal. Since it is not feasible to determine from natural deposit sampling the acceptable limits for an entire deposit, variations in materials quality within the deposits are to be considered usual and to be expected. The Engineer may order procurement of material from any portion of a deposit and will reject portions of the deposit as unacceptable if the material fails to meet specification requirements.

The Department may make available the right to take materials from designated sources described in the Contract together with the right to use the property as specified, for plant site, stockpiles, and hauling roads. If this procedure has been chosen by the Department, the Contract will define the acquisitions or rights provided.

If material is used from other than Contract designated sources, the Contractor shall comply with the regulations of RSA 155-E, acquire the necessary rights to take materials from the sources and pay all related costs. The Contractor shall submit to the Department a copy of the permit for excavation (required under RSA 155-E) showing that the excavation site has been permitted by the Regulator prior to removing any material from that site.

Where practicable, pits, quarry sites, and access roads shall be located so that they will not be visible from any highway. Pits and quarries shall be excavated so that water does not collect and stand on the site during the work. Following the completion of the work, pits and quarries shall be left in a neat and presentable condition.

For Contractor acquired rights to excavation sites, upon completion of the work, the Contractor shall ensure that the necessary grading and reclamation work as required per RSA 155-E is done. Acceptance of the project will not be made until a written release from the property owner indicates that the agreement conditions with the Contractor have been satisfied.

The Contractor's attention is directed to **RSA 482-A:3**, the requirements of which must be fulfilled if this excavation site involves excavation or dredging of wetlands and to the provisions of **RSA 483-B** and **RSA 485-A:17**, if this excavation site involves dredging or mining on the border of the surface waters of the State or will significantly alter the characteristic natural runoff or create an unnatural runoff. The Contractor's attention is also directed to Executive Orders 11988 and 11990 if this excavation site will affect floodplains or wetlands. The Contractor's attention is also directed to Section 10 of the Rivers and Harbors Act of 1899 and Sections 401 and 404 of the Clean Water Act, for which compliance may require a permit for work in or affecting "navigable waters of the U.S.," or material placed in "waters of the U.S.," including wetlands. The Contractor is cautioned of the potential to encounter contaminated soils within the excavation area and, if encountered, shall avoid incorporating contaminated soils within the limits of the project. Furthermore, the Contractor shall complete a Historic and Archaeological Resources certification in accordance with the Contract.

The following Pit Agreement Form shall be completed and submitted for each excavation site that the Contractor intends to open in accordance with RSA 155-E:2,IV:

Rev. 4/05  <b>STATE OF NEW HAMPSHIRE</b> <b>DEPARTMENT OF TRANSPORTATION</b> <b>PIT AGREEMENT</b> (This form does not apply to commercial pits)	
Project _____	Project Number(s) _____
Pit (#) Name _____	City/Town _____
This form sets forth the conditions under which the Department will approve material removal by a Contractor who, under contract as an agent of the Department, seeks to open and operate any pit for the lawful construction, reconstruction, or maintenance of a class I, II, III, IV, or V highway in accordance with <b>RSA 155-E:2, IV</b> .	
<b>By signature herein, the Contractor (agent) and the property owner(s) acknowledge and agree to the following conditions and specifications subject to Departmental approval:</b>	
(1) Prior to the start of excavation, a copy of this agreement executed by the property owner(s), the Contractor, and the Department will be filed with the Regulator (as defined in <b>RSA 155-E:1, III</b> ) within the municipality or unincorporated place in which the pit is located.	
(2) Prior to the start of excavation, the Contractor shall meet the requirements of <b>RSA 155-E:2, IV(b)</b> as follows: <ul style="list-style-type: none"> <li>(a) The excavation shall comply with the operational and reclamation standards of <b>RSA 155-E:4-a, RSA 155-E:5, and RSA-E:5-a</b>.</li> <li>(b) The excavation shall not be within 50 feet of the boundary of a disapproving abutter or within 10 feet of the boundary of an approving abutter, unless requested by said approving abutter.</li> <li>(c) The excavation shall not be unduly hazardous or injurious to the public welfare.</li> <li>(d) Existing visual barriers in the areas specified in <b>RSA 155-E:3, III</b> shall not be removed, except to provide access to the excavation.</li> <li>(e) The excavation shall not substantially damage a known aquifer, so designated by the United States Geological Survey.</li> <li>(f) All required permits for the excavation shall be obtained from state or federal agencies.</li> </ul>	
(3) Exemptions from the provisions of local zoning or other applicable ordinances may be requested by the Contractor through local municipalities. When such request is denied, with respect to the excavation or transportation of materials being used exclusively for the lawful construction, reconstruction, or maintenance of a class I, II or III highway, the Contractor may appeal directly through the Transportation Appeals Board per <b>RSA 155-E:2, IV(c)</b> .	
(4) Property owner(s) with excavation not meeting the permit-exempt requirements of <b>RSA 155-E:2, IV</b> for highway excavations may be required to obtain a permit from the Regulator and meet the requirements of <b>RSA Chapter 155-E</b> , including the Minimum and Express Operational and Reclamation standards contained therein.	
(5) Prior to pit excavation and before Project Completion the Contractor shall provide initial and final survey of the pit area by a New Hampshire licensed land surveyor. The total quantity of material removed from the pit shall be reported to the Department and the property owner(s) prior to Project Acceptance unless waived by written consent between involved parties.	
(6) Approval by the Department to open and operate the pit will expire at the specified or extended completion date of the project. Access roads to pits adjacent to highways shall be obliterated unless permission is given by the Department to preserve such access roads. If the Contractor has removed screening trees and brush between the highway and the pit, the area shall be replanted to provide a screen in a zone along the edge of the pit as directed by the Department.	
Prior to acceptance of the project, the Contractor shall finish the pit area in accordance with the noted RSA's and applicable specifications. By the box(es) checked below, the property owner(s), the Contractor, and the Department's Contract Administrator shall agree on the specific minimum landscaping treatment required in order for the reclamation to be acceptable to the Department:	
<input type="checkbox"/> The entire area is to be seeded with slope seed as specified in New Hampshire Department of Transportation Standard Specification 644.	

- The entire area is to be replanted with seedlings in accordance with accepted horticultural practice or as directed.
- The area is to be partly seeded and the remainder replanted with seedlings depending upon original condition of growth.
- Working face to be left operational; remainder of area to be  seeded or  replanted with seedlings. Seedlings shall be \_\_\_\_\_

(Age or size, species, variety)

planted 8 feet center to center, or \_\_\_\_\_

(Spacing)

Additional landscaping required and any pertinent information desired to be a part of the official record is  attached, or  noted below:

Landscaping provisions approved by: \_\_\_\_\_

NHDOT Contract Administrator

Date

The Contractor's attention is directed to **RSA 482-A:3**, the requirements of which must be fulfilled if this pit involves excavation or dredging of wetlands and to the provisions of **RSA 483-B** and **RSA 485-A:17**, if this pit involves dredging or mining on the border of the surface waters of the State or will significantly alter the characteristic natural runoff or create an unnatural runoff. The Contractor's attention is also directed to Executive Orders 11988 and 11990 if this pit will affect floodplains or wetlands. The Contractor's attention is also directed to Section 10 of the Rivers and Harbors Act of 1899 and Sections 401 and 404 of the Clean Water Act, for which compliance may require a permit for work in or affecting "navigable waters of the U.S.," or material placed in "waters of the U.S.," including wetlands. The Contractor is cautioned of the potential to encounter contaminated soils within the pit area and, if encountered, shall avoid incorporating contaminated soils within the limits of the project. Furthermore, the Contractor shall complete a Historic and Archaeological Resources certification in accordance with the Contract.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name(s) of Joint Owner(s)

\_\_\_\_\_  
Street

\_\_\_\_\_  
Street

\_\_\_\_\_  
Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Town

\_\_\_\_\_  
State

\_\_\_\_\_  
Contractor

\_\_\_\_\_  
By: (Signature)

\_\_\_\_\_  
Date

If joint owners are involved, the property owner signing should give all other names and addresses. Separate forms should be filed in connection with adjacent owners.

**Note: The signing of this agreement does not constitute permission to commence excavation. Written approval stating the effective date must be received from the Department.**

Distribution:  Contract Administrator

Construction Bureau

Engineering Audit

Property Owner

Contractor

Municipality/Regulator

(via certified mail)

All work indicated in the Pit Agreement Form will be subsidiary to the items of the Contract.

If joint owners are involved, the Owner signing should give all other names and addresses. Separate forms should be filed in connection with adjacent owners.

**Note: The signing of this Agreement does not constitute permission to commence excavation. Written approval stating the effective date must be received from the Engineer.**