

**SPECIAL USE PERMIT**



**George Washington Memorial Parkway**  
700 George Washington Memorial Parkway  
McLean, Virginia, 22101  
(703)-289-2500



Name Jon Lawler			
Company/Organization Arlington County Department of Environmental Services			
Street Address 4200 28 <sup>th</sup> Street South			
City Arlington	State VA	Zip Code 22206	Country USA
Telephone Number 703-228-7612	Cell Phone Number 571-255-0105		
Fax Number 703-228-6585			
Email Address jlawler@arlingtonva.us			

Park Alpha Code  
NCR-GWMP  
Type of Use  
Construction  
Permit #  
5700-20-043

is hereby authorized to use the following described land or facilities in George Washington Memorial Parkway Reservation 404V section I:

NPS land tracts 112-017, 112-016, 112-018, and 112-020, Bridge pillar, stormwater drainage along VDOT North Glebe Road and Potomac Heritage National Scenic Trail (NST) crossing under Pimmit Run Bridge in Arlington Virginia.

The area must be restored to its original condition at the end of the permit.

The permit begins at Noon  am /  pm on 3-5-2021

The permit expires at Noon  am /  pm on 3-4-2023

SUMMARY OF PERMITTED ACTIVITY: (see attached sheets for additional information and conditions) **PEPC 96710**

Rehabilitation work from 2019 water main break under Glebe Road which caused increased flow and subsequent damage to the roadside ditch and washing out the downstream crossing for the Potomac Heritage NST. Arlington County's consultant, Wetland Studies and Solutions, Inc. has developed the plan to repair the damaged roadside ditch, protect the existing Parkway bridge pier, and reestablish the crossing for the Potomac Heritage NST. This plan has been developed through several meetings and collaboration with Arlington County, The National Park Service and Virginia Department of Transportation.  
Person on site responsible for adherence to the terms and conditions of the permit (include contact information)

Dave Hundelt 571-220-4544

Authorizing legislation or other authority

(RE – DO-53) 54 U.S.C. 100101

APPLICATION FEE	<input type="checkbox"/> Received	Amount
	<input checked="" type="checkbox"/> Not Required	\$
PERFORMANCE BOND	<input type="checkbox"/> Required	Amount
	<input checked="" type="checkbox"/> Not Required	\$
LIABILITY INSURANCE	<input checked="" type="checkbox"/> Required	Amount
	<input type="checkbox"/> Not Required	\$ 3 Million
COST RECOVERY	<input type="checkbox"/> Required	Amount
	<input checked="" type="checkbox"/> Not Required	\$
LOCATION FEE	<input type="checkbox"/> Required	Amount
	<input checked="" type="checkbox"/> Not Required	\$

ISSUANCE of this permit is subject to the attached conditions. The undersigned hereby accepts this permit subject to the terms, covenants, obligations, and reservations, expressed or implied herein.

\_\_\_\_\_  
PERMITTEE Signature Title: Chief Support Engineer Date: 5/10/2022

\_\_\_\_\_  
Authorizing NPS Official Title: Superintendent Date:



### CONDITIONS OF THIS PERMIT

Failure to comply with any of the terms and conditions of this permit may result in the immediate suspension or revocation of the permit. [36 CFR 1.6(h)]

1. The permittee is prohibited from giving false information; to do so will be considered a breach of conditions and be grounds for revocation: [36 CFR 2.32(a)(3)].
2. This permit may not be transferred or assigned without the prior written consent of the Superintendent.
3. The permittee shall exercise this privilege subject to the supervision of the Superintendent or designee, and shall comply with all applicable Federal, State, county and municipal laws, ordinances, regulations, codes, and the terms and conditions of this permit. Failure to do so may result in the immediate suspension of the permitted activity or the revocation of the permit. All costs associated with clean up or damage repairs in conjunction with a revoked permit will be the responsibility of the permittee.
4. The permittee is responsible for making all necessary contacts and arrangements with other Federal, State, and local agencies to secure required inspections, permits, licenses, etc.
5. The park area associated with this permit will remain open and available to the public during park visiting hours. This permit does not guarantee exclusive use of an area. Permit activities will not unduly interfere with other park visitors' use and enjoyment of the area.
6. This permit may be revoked at the discretion of the Superintendent upon 24 hours' notice.
7. This permit may be revoked without notice if damage to resources or facilities occurs or is threatened, notwithstanding any other term or condition of the permit to the contrary.
8. Hold Harmless/Indemnification statement and liability insurance requirement:  
Arlington County will indemnify, save, and hold harmless and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of or from any omission or activity of the Arlington County, or its employees to the extent allowable under law.  
  
To the extent that work undertaken is performed by other than Arlington County employees, Arlington County shall require such person or corporation to:
  - a. Carry general liability insurance against claims occasioned by the action or omissions of the permittee, its agents and employees in carrying out the activities and operations authorized by this permit. The policy shall be in the amount of \$ 3 million and underwritten by a United States company naming the **United States of America as additionally insured**. The permittee agrees to provide the Superintendent with a Certificate of Insurance with the proper endorsements prior to the effective date of the permit.
  - b. Pay the United States the full value for all damages to the lands or other property of the United States caused by the said person or organization, its representatives, or employees.
  - c. Indemnify, save and hold harmless, and defend the United States against all fines, claims, damages, losses, judgments, and expenses arising out of, or from, any omission or activity of the said person or organization, its representatives, or employees.
9. Permittee agrees to deposit with the park a bond in the amount of \$ 0.00 from an authorized bonding company or in the form of cash or cash equivalent, to guarantee that all financial obligations to the park will be met.
10. Costs incurred by the park as a result of accepting and processing the application and managing and monitoring the permitted activity will be reimbursed by the permittee. Administrative costs and estimated costs for activities on site must be paid when the permit is approved. If any additional costs are incurred by the park, the permittee will be billed at the conclusion of the permit. Should the estimated costs paid exceed the actual costs incurred; the difference will be returned to the permittee.
11. The person(s) named on the permit as in charge of the permitted activity on-site must have full authority to make any decisions about the activity and must remain available at all times. He/she shall be responsible for all individuals, groups, vendors, etc. involved with the permit

12. Nothing herein contained shall be construed as binding the Service to expend in any one fiscal year any sum in excess of appropriations made by Congress or administratively allocated for the purpose of this permit for the fiscal year, or to involve the Service in any contract or other obligation for the further expenditure of money in excess of such appropriations or allocations.
13. If any provision of this permit shall be found to be invalid or unenforceable, the remainder of this permit shall not be affected, and the other provisions of this permit shall be valid and be enforced to the fullest extent permitted by law.
14. National Park Service (NPS) Coordination: The Permittee shall coordinate the performance of all activities associated with this permit with the Superintendent or the Superintendent's designated representative. The designated NPS representative or Point Of Contact (NPS POC) shall be on the distribution lists for meetings, the work schedule, and other communications as needed to track the project. NPS shall notify Permittee of any changes in designated representative.
15. NPS Permit: A copy of this permit, enclosures, and any amendments shall be kept by the Permittee and distributed to all permittee's Agents. The Permittee shall comply with all State and Federal laws applicable to the purpose for which this permit is approved. Permittee will comply with all instructions issued by the United States Park Police and other representative(s) of the Superintendent, George Washington Memorial Parkway.
16. In accordance with applicable law, including the Park System Resource Protection Act, 54 U.S.C. §§ 100721-100725, the Permittee will be responsible for any damage to or destruction of Park resources resulting from the Permittee's activities that are not reasonably inherent in the use of the Permitted Area authorized by this Permit. This Permit is not a defense to liability under 54 U.S.C. § 100722(c)(3) for any activity not expressly authorized by this Permit.
17. The NPS reserves the right to halt any operation within its jurisdiction, in part or whole, which is determined to be detrimental to the public interest. If such right is exercised, the NPS will determine when, if ever, work may resume. Work will be permitted to resume only if a proper method can be devised to prevent such detrimental behavior from reoccurring.
18. Non-NPS Permits: Prior to commencement of activities on parkland, the Permittee shall have received all necessary permits required by outside agencies for work to be performed under this permit. Copies shall be provided to the NPS, and contact information for each permit.
19. The permittee and its contractors shall be responsible for the maintenance of hiker /pedestrian flow around work zones and trail use on the Potomac Heritage NST. This would include watching out for stray hikers attempting to pass through closed areas where construction equipment is working and downhill effects of escaping material.
20. RipRap shall be of character similar or complementary to native stone within the landscape. NPS staff shall be provided an opportunity to choose source material. Upon Notice to Proceed (and prior to mobilization) the Contractor shall provide submittal information to the County/NPS regarding potential sourcing for Class II material. It is understood that rock will be sourced locally (within 30 mi) due to budgetary limitations and a desire to minimize carbon footprint. However, NPS requests submittal of sourcing information (quarry contact information and pictures of proposed material) before purchase and a minimum of one (1) week prior to delivery to the site. NPS staff will coordinate with County/Contractor in an effort to source material which best matches in-situ bedrock.
21. Stepping stone crossing of the Potomac Heritage Trail: If the grade of the trail approaching the crossing is over 10% please construct rock steps with risers no greater than 8". In order to tie into the existing trail on the south side of the drainage a series of steps will be required.
22. Emergency Access route to the activity or project area must be maintained at all times. Permittee and contractors shall coordinate with law enforcement, fire, and emergency medical services as necessary.
23. Permittee hereby agrees to be fully responsible for the management, performance, use and safety of all operations conducted by or on behalf of the Permittee upon NPS administered property. Work not specifically authorized by this permit shall not be performed without prior written authorization from the Superintendent of the George Washington Memorial Parkway. Additionally:
  - a. Permittee agrees it shall require that all work be performed in a safe and responsible manner and to OSHA standards, to avoid accidents and injury to all workers, government employees, and park visitors. Permittee agrees it shall require safety measures to be installed and maintained where risks or potential hazards are likely or evident.
  - b. Permittee is responsible for all reimbursement costs for damages to any NPS and third party real and personal property caused by permitted activity. Examples of such damages might include, but are not limited to, damages to drains, curbing, road surfaces, and injuries to vegetation, turf, and historic structures. At the direction of the NPS,

the Permittee shall submit detailed plans for the repair, restoration, and/or replacement of such damaged properties prior to performance of the repair work.

- c. To the extent practical, the permittee is responsible for the restoration of NPS land to pre-existing conditions upon completion of this project.
24. Hazardous Incidents: In the event of any action or occurrence at the site which causes or threatens the environment or public health and welfare, such as hazardous material release or hazardous environmental conditions that constitutes an emergency situation, the Permittee shall immediately take all appropriate action to prevent or abate and mitigate such threat and shall immediately notify the NPS. Such incidents might include, but are not limited to, examples such as flooding or accidental release of hazardous materials.
  25. Nothing in the preceding paragraphs shall be deemed to limit any authority of the United States, (a) to take all appropriate action to protect human health and the environment or to prevent, abate, respond to or minimize an actual or threatened release of hazardous substances on, at, or from the Site, or (b) to direct or order such action, or seek an order from the requisite Court, to protect human health and the environment or to prevent, abate, respond to or minimize an actual or threatened release of hazardous substances on, at or from the Site.
  26. The Permittee shall comply with all Federal, State, and Local regulations pertaining to environmental quality and safety. This includes but is not limited to the Resource Conservation Recovery Act ("RCRA"), the Clean Water Act ("CWA"), the Clean Air Act ("CAA"), the Oil Pollution Act ("OPA"), and OSHA 1910.120 ("Hazwopper"). The Permittee must show proof of licenses if applicable when performing work on NPS property. The Permittee shall show proof that employees are in a medical monitoring program if applicable. If Applicable, the Permittee shall submit written emergency response procedures for NPS review and approval.
  27. "Hazardous substance" shall, for purposes of this Permit, be defined as including any material identified as a "hazardous substance" pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) section 101 (14), 42 U.S.C. section 9601 (14) or any petroleum product or waste.
  28. The Permittee may not store overnight any tools, supplies, materials, equipment, or vehicles (unattended) on park property unless a staging plan is pre-approved in writing by the Superintendent or designated representative.
  29. Any toilet facility (e.g., portable toilet) required at the worksite, shall be requested by Permittee and pre-approved by the Superintendent (or his/her representative). Location shall be pre-coordinated with NPS to allow maintenance of the portable toilet by commercial vehicle and be hidden as best as possible. Use of portable toilets on mobile trailers are acceptable alternative if site not suitable.
  30. Only vegetation identified in the Arlington County / WSSI / NPS site walk and noted on the application are approved to be removed for staging of material and allow room for equipment under Pimmit Run VDOT bridge. Any additional vegetation that must be removed shall be mitigated as specified by the Superintendent or designee. Pruning of NPS trees must be done with the approval, and in the presence, of an official of the NPS. Use of pesticides or herbicides are not authorized.
  31. Tree Removals will not include any digging or root disturbance and tree debris shall remain cut up and spread out flat on ground in adjacent wooded areas. Trees removed or trees found significantly damaged from permitted activity will be replaced by the Permittee in the following planting season on a Diameter Breast Height (DBH) inch for inch basis. For example, if a 10" inch DBH oak were removed during work, then the Permittee would be liable for the replacement of ten inches of trees (i.e. five 2-inch diameter trees or four 2.5-inch diameter trees). Any exceptions to the replacement sizes must be pre-approved in writing. The species, size, and planting location will be determined by the Natural Resource Manager (NRM) of the George Washington Memorial Parkway and may require a separate planting plan to be reviewed and approved. If NPS management determines permitted area not suitable for replanting, an alternate location will be provided to the permittee to replace tree loss from permitted activity.
  32. In the planting plan, *Solidago speciosa* and *Agrimonia parviflora* should not be used. These can be substituted with *Solidago caesia* and *Agrimonia pubescens*. Natural Resources Manager prefers to see these two species added to the plan and widely used: *Helianthus decapetalus* and *Helianthus divaricatus*. Other good species to use or substitute if some species are not available are *Solidago flexicaulis*, *S. gigantea*, and *S. ulmifolia*.
  33. All heavy equipment shall be power-washed and inspected for invasive plant material and seed before being transported to the work site to reduce the introduction of invasive species. This inspection location, date, and time shall be coordinated with the NPS point of contact prior to access or delivery.

34. If heavy equipment must be transported on protected areas during the activity, use of weight distributing protective matting or plywood sheeting shall be used to protect tree roots, curbing, pavement edges, and trail. In addition, the Permittee shall protect existing storm water drains from crushing with cribbing or mounting blocks as needed to prevent damage.
35. The Permittee shall always have an approved Spill Response Kit available on-site and personnel shall be trained in the use of the equipment. All spills must be reported to NPS point of contact, or alternate contact, or USPP immediately.
36. Underground utilities - Before commencement of any below grade work, the Permittee shall contact Miss Utility at 1 800 257 7777, and have all below grade utilities clearly marked on the surface above. Any underground utilities previously located within the limit of disturbance (LOD) or designated work area which are damaged or disrupted during permitted activity or maintenance shall be reported to the NPS POC and shall be repaired or restored by the Permittee.
37. Erosion control methods shall be used to prevent silt-laden water from entering the stream and watershed. These may include, but are not limited to, silt fencing, filter fabric, excelsior or fumigated straw filter logs, temporary sediment ponds, check dams of pea gravel-filled burlap bags or other material, and/or immediate mulching of exposed areas. This measure is designed to keep fine and coarse sediments from reaching flowing waters where they can be transported downstream and may affect spawning gravels, substrate embeddedness, pool frequency/quality and the development of large pools. Silt protection structures should be inspected and cleaned out periodically.
38. Minimize erosion - The Permittee shall take adequate measures as directed and approved by the park to minimize damages to park resources, these include:
  - a. Any waste or erosion materials entering on park land shall be removed and the affected property cleaned, stabilized, or restored, to the satisfaction of NPS. This restoration shall take place within the time period directed by NPS.
  - b. Only park approved native seed mixtures and plant species shall be used to re-vegetate areas specified by NPS.
  - c. The Permittee accepts responsibility for cleaning of accumulated silt and debris from the existing culverts and open drainage channels as directed by NPS, if determined to be caused by the permitted activity.
  - d. Permittee agrees to meet, at a minimum, all state and local erosion and sedimentation regulations.
39. All traffic management during construction activities shall be undertaken in accordance and meet standards set forth in the "Manual on Uniform Traffic Control Devices" (MUTCD).
40. Flaggers and traffic control workers setting up lane closures must be certified American Traffic Safety Services Association (ATSSA) Traffic Control Technician.
41. The Permittee shall take responsibility for all vehicles and equipment used during this permitted activity including any and all releases and/or discharges of hazardous substances, petroleum products, and non-hazardous wastes into the environment resulting from project activities. The Permittee will assume responsibility for immediate clean-up for any such releases and discharges.
42. Before work begins: Permittee will perform a preliminary walk-through with NPS to define the Limit of Disturbance (LOD) area, document prior existing conditions, review the work-plan with all construction crews and be familiar with the pre-approved staging area(s) and site plans.
43. Wildlife protection: The Permittee shall notify the NPS of any unforeseen concerns pertaining to wildlife within the construction area. The NPS Natural Resource Manager shall respond to concerns of trapped or injured wildlife. Care shall be taken not to disturb any wildlife species (reptiles, migratory birds, raptors, or bats) found nesting, hibernating, estivating, or otherwise living in, or immediately nearby worksites.
44. Archeological discoveries - The Permittee will halt any activities and notify the NPS point of contact immediately upon discovery of archeological findings. These findings may include, but are not limited to, single or multiple discoveries of:
  - a. Whole objects or partial artifacts such as arrowheads, ceramic dinnerware shards, glass bottles and fragments, oyster shell and bone, metallic objects like coins or nails, etc.
  - b. Structural remains such as stone or brick and mortar building foundation ruins, fence-line post remains, old terra cotta or fired clay utility pipes, etc.
  - c. Unusual soil conditions such as dark or unusually colored soil stains possibly indicating grave shafts, privy pits or wells, etc.

All archeological findings unearthed remain the property of the park. If artifacts are discovered, the artifact is to remain in place as is. The permittee shall not resume work in the area until instructed to do so by the NPS.

**Communication Plan:**

In case of emergencies and during non-business hours, contact **U.S. Park Police Dispatch at (202) 610-7500**

Notify NPS designated representative for all emergencies as soon as possible. Include them on all distribution lists for meetings, the work schedule, and other communications as needed to track the activity or project. NPS and Permittee shall notify each other of staff changes and contact information, to keep contact information current.

**Contact Information**

<b>National Park Service</b>	<b>Permittee contact information</b>
<p><b>NPS Authority:</b> Charles Cuvelier Superintendent George Washington Memorial Parkway <u>Contact number:</u> Office: 703- 289-2500 <u>Address:</u> George Washington Memorial Parkway Turkey Run Park 700 GW Memorial Parkway McLean, VA 22101</p>	<p><b>Arlington County Department of Environmental Services</b></p> <p><b>Jon Lawler</b> <b>jlawler@arlingtonva.us</b></p> <p><b>Cell 571-255-0105</b></p>
<p><b>Primary NPS Point Of Contact:</b></p> <p>Peter McCallum Park Ranger, Right of Way permits coordinator Office (703)-419-6435 Cell (202)-439-7322 <a href="mailto:peter_mccallum@nps.gov">peter_mccallum@nps.gov</a></p> <p><b>United States Park Police (D2) POC</b></p> <p>Sergeant Richard Yurko District 2 Substation Desk Sergeant <a href="mailto:richard_yurko@nps.gov">richard_yurko@nps.gov</a> (703)-285-1000 (202)-270-8560</p>	<p><b>WSSI</b></p> <p><b>John Connelly</b> <b>jconnelly@wetlands.com</b> Phone 703-679-5627 Cell 703-216-6787</p> <p><b>Alternate</b></p> <p><b>Nathan Staley</b> <b>nstaley@wetlands.com</b></p>