GENERAL CONDITIONS: The Corps will apply the following set of general conditions to each action authorized under Pac-SLOPES.

1. Each applicable condition, BMP, and conservation measure will be included as an enforceable part of the permit document.

2. The Corps will retain the right of reasonable access to projects authorized under Pac-SLOPES to monitor the compliance with and effectiveness of permit conditions.

3. Each permit will contain the requirement that the permittee document and report to the Corps and NMFS, all interactions with listed species, including the disposition of any listed species that are injured or killed. Should an ESA-listed species be adversely affected, all work must stop pending reinitiation of consultation between the Corps and NMFS PRD for that action.

4. Constant vigilance shall be kept for the presence of ESA-listed marine species during all aspects of a proposed action
   a) A responsible party, i.e., permittee/site manager/project supervisor, shall designate a competent observer to survey work sites and the areas adjacent to the proposed action for ESA-listed marine species;
   b) Surveys shall be made prior to the start of work each day, including prior to resumption of work following any break of more than one half hour. Periodic additional surveys throughout the work day are strongly recommended;
   c) All in-water work will be postponed or halted when ESA-listed marine species are within 50 yards of the proposed work, and will only begin/resume after the animals have voluntarily departed the area, with the following exception: if ESA-listed marine species are noticed within 50 yards after work has already begun, that work may continue only if, in the best judgment of the responsible party, the activity is unlikely disturb or harm the animal(s), for example, divers performing surveys or underwater work (excluding the use of toxic chemicals) is likely safe, the use of heavy machinery is not; and
   d) No one shall attempt to feed, touch, ride, or otherwise intentionally interact with any protected species.

5. Project footprints must be limited to the minimum area necessary to complete the project.

6. The project area must be flagged to identify sensitive resource areas, such as seagrass beds, listed terrestrial plants, and turtle nests.

7. Work located waterward of the Mean Higher High Tide Line of a navigable water or waterward of the upward limits of adjacent wetlands must be timed to minimize effects on ESA-listed species and their habitats.

8. Project operations must cease under unusual conditions, such as large tidal events and high surf conditions, except for efforts to avoid or minimize resource damage.

9. A storm water management plan, commensurate to the size of the project, must be prepared and carried out for any project that will produce any new impervious surface or a land cover conversion that will slow the entry of water into the soil to ensure that effects to water quality and hydrology are minimized.

10. A pollution and erosion control plan for the project site and adjacent areas must be prepared and carried out. As a minimum, this plan shall include:
    a) Proper installation and maintenance of silt fences, sausages, equipment diapers, and/or drip pans;
    b) A contingency plan to control and clean spilled petroleum products and other toxic materials.
    c) Appropriate materials to contain and clean potential spills will be stored at the work site, and be readily available;
    d) All project-related materials and equipment placed in the water will be free of pollutants;
    e) Daily pre-work inspections of heavy equipment for cleanliness and leaks, with all heavy equipment operations postponed or halted until leaks are repaired and equipment is cleaned;
    f) Fueling of project-related vehicles and equipment will take place at least 50 feet away from the water, preferably over an impervious surface;
    g) A plan will be developed to prevent trash and debris from entering the marine environment during the project; and
    h) All construction discharge water (e.g., concrete washout, pumping for work area isolation, vehicle wash water, drilling fluids) must be treated before discharge.

11. Erosion controls must be properly installed before any alteration of the area may take place.

12. Temporary access roads and drilling pads must avoid steep slopes, where grade, soil types, or other features suggest a likelihood of excessive erosion or failure; existing access routes must be utilized or improved whenever possible, in lieu of construction of new access routes.

13. All disturbed areas must be immediately stabilized following cessation of activities for any break in work longer than 4 days.

14. Drilling and sampling are restricted to uncontaminated areas, and any associated waste or spoils must be completely isolated and disposed of in an upland location.

15. Authorized work must comply with all applicable NWP General and Regional Conditions.

SPECIAL CONDITIONS: In addition to the general conditions listed the following special conditions may be required under Pac-SLOPES for each activity:

2.2.3 Marina or Harbor Repair & Improvement

1. Repair and replacement of over- and in-water structures (such as piers, docks, and launch ramps) under Pac-SLOPES is expressly limited to their existing footprints.
2. No piling installation or piling replacement will be authorized;
3. Repair and removal work will be accomplished in a manner that minimizes the potential spread of invasive species that may reside on the pilings; and
4. Removed materials must be disposed of at an approved upland disposal site.

2.2.4 Piling Repair & Removal

1. Repair and removal work will be accomplished in a manner that minimizes the potential spread of invasive species that may reside on the pilings;
2. Removed pilings must be disposed of at an approved upland disposal site; and

3. Installation of new or replacement pilings of any type is not authorized

2.2.5 Buoy Installation & Repair

1. Anchoring locations and moorings must be designed to avoid, to the greatest extent practicable, impacts to live corals and other benthic organisms.
2. The following buoy deployments are expressly excluded from coverage under Pac-SLOPES:
   a) Deployment of mooring buoys in or adjacent to seagrass beds;
   b) Any new deployments or installations within the Hawaiian Islands Humpback Whale National Marine Sanctuary; and
   c) With the exception of certain wave and current monitoring systems that operate in frequency bands well outside the hearing ranges of ESA-listed marine life, the deployment of moored active acoustic devices.

2.2.6 Maintenance Dredging

1. With the exception of the actual dredging apparatus (e.g. clamshell buckets, or the scoop and articulated arm of a backhoe, etc.), heavy equipment will be operated from above and out of the water;
2. The portions of the equipment that enter the water will be clean and free of pollutants;
3. Appropriate silt containment devices must be used and properly installed to avoid degradation of adjacent coral reefs, and aquatic vegetation; and
4. Dredged material must be deposited at upland sites, or at EPA designated ocean disposal sites provided sediment standards are met.
5. Dredging of coral reefs, sites that support submerged aquatic vegetation (including sites where submerged aquatic vegetation is documented to exist but may not be present in a given year), and wetlands, is not authorized;
6. Use of hydraulic dredging (aka vacuum, suction, hopper) is not authorized;
7. Any form of blasting is not authorized; and
8. Any dredging for the purpose of connecting canals or other artificial waterways to navigable waters is not authorized.

2.2.7 Minor Discharges and Excavations

NWP # 18 authorizes minor discharges of dredged or fill material into all waters of the United States, provided the activity meets all of the following criteria:

1. The quantity of discharged material and the volume of area excavated do not exceed 25 cubic yards below the plane of the ordinary high water mark or the high tide line;
2. The discharge will not cause the loss of more than 1/10 acre of waters of the United States; and
3. The discharge is not placed for the purpose of a stream diversion.

NWP # 19 authorizes minor dredging below OHW or the high tide line from navigable waters of the United States, provided the activity meets all of the following criteria:

1. The dredging involves no more than 25 cubic yards below the plane of OHW or the mean high water mark;
2. The dredging will result in no degradation of coral reefs, submerged aquatic vegetation, or wetlands; and
3. The dredging involves no connection of canals or other artificial waterways to navigable waters.

Additionally, the following conditions apply to minor discharges and excavations (dredging) covered under Pac-SLOPES:

1. The dredged or discharged material will be free of contamination; and
2. The site of excavation or discharge will contain no known forage or resting habitat for ESA-listed marine species.

2.2.8 Utility Line Installation & Repair

1. Utility line placement location and method must be designed to avoid to the greatest extent practicable, impacts to live corals, submerged aquatic or marine vegetation and other benthic organisms, and wetlands.
2. The following actions are expressly excluded from coverage under Pac-SLOPES:
   a) New installations within the Hawaiian Islands Humpback Whale National Marine Sanctuary;
   b) New installations in or adjacent to seagrass beds;
   c) Installation of new or expanded outfall and/or intake structures;
   d) Installation, removal, or abandonment of any pipeline used to convey toxic substances (e.g. crude oil or its derivatives, known toxic chemicals, etc.);
   e) Any project that involves the installation of new power lines or other conveyances that may radiate or otherwise exude substances or energies into the marine environment;
   f) Any projects that involve in-water trenching in the marine environment or in the lower reaches of freshwater streams and rivers where ESA-listed marine species may occur, or where downstream impacts of the trenching may impact those species or their habitats;
   g) Any projects that require new hydrographic surveys that employ acoustic devices such as sonars and seismic profilers.

2.2.9 Outfall Structure Repair & Replacement

1. The following actions are expressly excluded from coverage under Pac-SLOPES:
   a) Installation of new or expanded outfall structures; and
   b) Relocation of existing outfall structures.

2.2.10 Bank Stabilization

1. No material will be discharged into special aquatic sites;
2. An activity will involve no more than 500 feet in total length along the bank;
3. The maximum amount of material placed shall not exceed the minimum needed for erosion protection;
4. No more than one cubic yard, per running foot, of new fill will be placed below ordinary high water (OHW) or the high tide line; and
5. All material will be placed in a manner that will avoid erosion by normal or expected high flows.

2.2.12 Road Construction, Repair, and Improvement

1. Maximum road width shall be limited to the minimum width necessary;
2. Roads shall be designed and constructed in a manner that minimizes adverse impacts on surface and marine waters due to runoff and erosion;
3. Roads shall be constructed as near as possible to pre-construction contours and elevations; and
4. Roads must be bridged or culverted in a manner that maintains surface flows with minimal modification to flow direction or velocity.

2.2.13 Bridge Repair & Replacement

1. Temporary fills must consist of stable materials, and be placed in a manner, that will not be eroded by expected high flows;

2. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations within 30 days of project completion; and
3. Installation of pilings, including steel sheetpile cofferdams, is expressly excluded from coverage under Pac-SLOPES, as is any in-water drilling.

ACTIVITY-SPECIFIC BMPs: The following Best Management Practices (BMPs) may apply to each action authorized under Pac-SLOPES:

5.1 Collision with vessels:

1. Vessel operators shall alter course to remain at least 100 yards from whales, and at least 50 yards from other marine mammals and sea turtles.
2. Vessel operators shall reduce vessel speed to 10 knots or less when piloting vessels in the proximity of marine mammals, and to 5 knots or less when piloting vessels in areas of known or suspected turtle activity.
3. If approached by a marine mammal or turtle, the vessel operator shall put the engine in neutral and allow the animal to pass.
4. Vessel operators shall not encircle or trap marine mammals or sea turtles between multiple vessels or between vessels and the shore.

5.2. Direct physical impact:

1. Before any equipment, anchor(s), or material enters the water, a responsible party, i.e., permittee/site manager/project supervisor, shall verify that no ESA-listed species are in the area where the equipment, anchor(s), or materials are expected to contact the substrate. If practicable, the use of divers to visually confirm that the area is clear is preferred.
2. Equipment operators shall employ “soft starts” when initiating work that directly impacts the bottom. Buckets and other equipment shall be sent to the bottom in a slow and controlled manner for the first several cycles before achieving full operational impact strength or tempo.
3. All objects lowered to the bottom shall be lowered in a controlled manner. This can be achieved by the use of buoyancy controls such as lift bags, or the use of cranes, winches, or other equipment that affect positive control over the rate of descent.
4. Equipment, anchor(s), or materials shall not be deployed in areas containing live corals, sea grass beds, or other significant resources.

5.3 Entanglement:

1. Mooring systems shall employ the minimum line length necessary to account for expected fluctuations in water depth due to tides and waves.
2. Mooring systems shall be designed to keep the line as tight as possible, with the intent to eliminate the potential for loops to form.
3. Mooring lines shall consist of a single line. No additional lines or material capable of entangling marine life may be attached to the mooring line or to any other part of the deployed system.
4. Mooring systems shall be designed to keep the gear off the bottom, by use of a mid-line float when appropriate, with the intent to eliminate scouring of corals or entanglement of the line on the substrate.
5. Any permanent or long-term deployments shall include an inspection and maintenance program to reduce the likelihood of failures that may result in loose mooring lines lying on the substrate or hanging below a drifting buoy.
6. Mooring systems, including those used for temporary markers, scientific sensor buoys, or vessel moorings, shall be completely removed from the marine environment immediately

at the completion of the authorized work or the end of the mooring's service life. The only exceptions to this rule shall be mooring anchors such as eyebolts that are epoxied into the substrate and which pose little or no risk to marine life.

5.5 Exposure to elevated noise levels:

1. For any equipment used in undertaking the authorized work, the 160 dB and 120 dB isopleths shall not exceed the 50 yard shut-down range for impulsive and continuous sound sources, respectively.
2. Maintenance dredging, in-water excavation, movement of large armor stones, and benthic core sampling shall not be undertaken if any ESA-listed species is within 50 yards of the authorized work, and those operations shall immediately shut-down if an ESA-listed species enters within 50 yards of the authorized work.