

Request for Proposal (RFP)
Bid No: 18-10-1940LE
Addendum No. 1

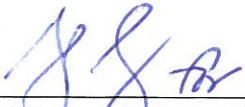
Date: October 23, 2018
To: All Proposers
Subject: Addendum No. 1
Consisting of Fifteen (15) Pages
RFP No.: 18-10-1940LE
Project Name: N12(19-4)1,2&4
Owner: Navajo Division of Transportation

Proposer shall make note of and/or incorporate all changes listed below into the requested Request for Proposal (RFP):

1. Mandatory Pre-Proposal Meeting Minutes and Sign-In Sheets from October 18, 2018 held at Wheatfields Chapter House, Wheatfields, AZ. Meeting minutes include questions asked by attendees with Navajo DOT responses.
2. On Pages 13-15 of the RFP, Attachments, 1) Bid Schedule; the Bid Schedule has been provided in an excel file format for the Contractors use and is attached to Addendum 1 as a separate file.
3. On Pages 112-117 of Exhibit F of the Contract Book, remove and replace the BIA Forestry Special Provisions with the attached.

END OF ADDENDUM NO. 1

Thank you for your interest!



Ardaniel Begay, Principal Contract Analyst
Project Contact Person



Navajo Division of Transportation

Bid No. 18-10-1940LE

N12(19-4)1,2&4

PRE-PROPOSAL MEETING MINUTES

October 18, 2018, 10:00 am at Wheatfields Chapter House, Wheatfields, AZ

The purpose of this Mandatory Pre-Proposal Meeting is to receive presentations on the Project Scope of Work and the necessary items required to be submitted as part of the Request for Proposal (RFP).

1. Self-Introductions (See Sign-In Sheet)

2. Welcome address provided by Garret Silversmith, Navajo DOT Division Director; Devon Begay, Tsaile/Wheatfields Chapter Vice President; and Paula Begay, Tsaile/Wheatfields Chapter Service Coordinator. The following remarks were made:

- Thank you for your attendance and interest in this project.
- Thank you to the Tsaile/Wheatfields Chapter for being supportive in pushing us to get this project completed. It has taken us years to get to this point to advertise this project and select an experienced and knowledgeable contractor.
- Our intent is to improve the livelihood of our Navajo Nation by improving our transportation system. We have 1,500 miles of paved highways and we are slowly making improvements to upgrade this system.
- This project is funded by Federal Highway Administration (FHWA), who is our government oversight. We have a number of projects that are under construction or well soon be under construction in: Kaibeto, AZ; N251-Tselani/Cottonwood, AZ; Littlewater, NM; and N12-Tsaile/Wheatfields, AZ. We also want to advertise soon the following projects: N71 Birdsprings, AZ; Dennehotso Loop; Ojo Amarillo, NM; and N15 Burnside to Cornfields, AZ. We are grateful for the funds coming from FHWA to construct these projects.
- Historically, this corridor serves many needs for the community and provides access from I-40 to the Four Corners. N12 is identified as a scenic route with several scenic attractions. N12 also serves many school districts and is identified as a school bus route with Average Daily Traffic over 4,000 vehicles per day. N12 serves the Navajo Nation and the many travelers who either visit or pass through the Navajo Nation.
- Characteristic of the project are turnouts for putting on tire chains, two major bridge replacements, drainage improvements, wildlife friendly fencing, shoulder widening, signing and striping. The project is just under 11 miles and starts 1 mile north of Wheatfields Lake and ends 1/2 mile north of the N64/N12 intersection in Tsaile.
- We encourage you to do your research on subcontractors, water source, backfill/borrow material and gravel pit source.
- Tsaile/Wheatfields Chapter has been advocating for the N12 project and it's great to see it come to fruition. Dine College is here and has many students who drive in from Window Rock, AZ and Gallup, NM to attend classes.

3. General Announcements

- a. Sign-In Sheet – Please sign in.
- b. Information on the RFP is available on the Navajo DOT website:
<http://www.navajodot.org/RFP.aspx>
- c. Inquiries on this RFP must be submitted in writing via fax or email to Ardaniel Begay, Principal Contract Analyst. The contact information is on Page 3 of the RFP.



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- d. Contractors are encouraged to conduct a field review of the project site on their own after this meeting. There is no formal field review scheduled.

4. Schedule of Activities

- a. The Schedule of Activities is shown on Page 3 of the RFP.
- b. Pre-Proposal Meeting today.
- c. Inquiry Timeline – all inquiries must be submitted in writing by 4:00 pm on November 14, 2018. Written responses to inquiries will be distributed through an Addendum by 10:00 am on November 20, 2018.
- d. Proposal due by 4:00 pm on November 28, 2018.
- e. Opening Proposals and Evaluation – Between November 29 to December 6, 2018.
- f. Selection of Contractor – December 7, 2018
- g. Estimated Notice to Proceed Date – Mid-February 2019

5. Project Description & Scope of Work

- a. Project Plans, Roadway Cross-sections, Contract Book, and Geotechnical Report are available for download from the Navajo DOT website (<http://www.navajodot.org/RFP.aspx>).
- b. Funding Source is Federal Highway Administration (FHWA) Tribal Transportation Program funds.
- c. Scope of Work consists of: grading and subgrade treatment; placement of aggregate base course; placement of hot asphaltic concrete pavement; installation of drainage structures, two arch type bridges, fencing, cattleguards, gates, signs, striping, and other miscellaneous work.
- d. Completion Time – See Article 4.3 of the EJCDC C-520 Agreement.

6. Coordination with BIA Navajo Region Division of Transportation (NRDOT)

- a. Project was designed by the BIA NRDOT and are the “Engineer of Record”.
- b. Permit to work inside BIA right-of-way.
- c. All coordination with the BIA NRDOT will be conducted by Navajo DOT.

7. Utility Coordination – See Article 7.1 of the EJCDC C-700 Standard General Conditions and Section 107.02 of the FP-14 Specifications.

8. Ernie Pahe from the Navajo Nation Business Regulatory Department (NN BRD) provided the following remarks:

- NN BRD oversees the Navajo Business Opportunity Act (NBOA). One of the purposes of the NBOA is to give Qualified Navajo and Indian Owned businesses first opportunity to gain contracts within the Navajo Nation. The NBOA does not state that Navajo DOT must select Navajo owned businesses. All contractors need to be qualified.



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- **NN BRD will attend and monitor both the proposal opening and bid opening. All proposals must have a name and return address. If your packet does not have a name and return address, it will be deemed non-responsive and will not be opened.**
- **The General Contractor are to use Navajo preference in the selection of their subcontractors. You can find a list of potential subcontractors on the Source List of Certified Navajo Businesses at www.navajobusiness.com (see Page 9 of RFP). If you cannot find a qualified Navajo subcontractor, you are allowed use outside subcontractors.**

9. Review of Request for Proposal

- a. **Page 2 - proposals must be submitted to Navajo DOT at the address shown. Electronic proposals will not be accepted.**
- b. **Page 5 - all work performed on this project is subject to the 6% Navajo Sales Tax.**
- c. **Page 5 – evaluation procedures and criteria, including the scoring criteria.**
- d. **Page 6 – the proposals will be opened and evaluated in accordance with the Navajo Nation Business Opportunity Act.**
- e. **Page 7 to 11 – Outline of Request for Proposal**
- f. **Proposal must be submitted in a sealed envelope.**
- g. **Bid Schedule must be submitted in a separate sealed envelope clearly marked as “Bid Schedule – RFP #18-10-1940LE Project N12(19-4)1,2&4”. The Standard Form 1442 must be submitted along with the Bid Schedule in a separate sealed envelope. Please use the Bid Schedule format that we have provided in the RFP.**
- h. **Prime Contractor requirements – Self-Perform 50% of the work. See Special Contract Requirement Clause NN-236-1.**
- i. **Davis Bacon Wage Rates (Exhibit H of the Contract Book) apply for this Project.**
- j. **Questions from the attendees with Navajo DOT responses:**

- i. **Are there any designated construction water sources?**

The Contractor is responsible for identifying and obtaining a water source.

Melvin Badonie, NN Water Code Administration (WCA)-Shiprock, reported the following:

- ***What is the total amount of water needed for the project? As per the Bid Schedule, 25 M-liter (approximately 6.6 million gallons).***
- ***The Contractor may need to tap into the Wheatfields and Tsaike Lakes for a source. This will require the review and approval of NN Fish and Wildlife to do this. There are no other permitted sources or wells in this area.***
- ***The Navajo Nation rate for water use is \$4 per 1,000 gallons with 6% Navajo Nation tax and a filing fee of \$25. WCA has an on-line application form on their website: www.watercode.navajo-nsn.gov/***



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- *Melvin Badonie will check with the NN Fish & Wildlife about the use of Wheatfields and Tsaile Lakes and will inform the Navajo DOT of availability.*
 - *Melvin Badonie's contact information is 505-368-1426 (Office) or 505-406-6634 (Cell) and email address is badoniem@yahoo.com*
 - *Drilling could be another option but let's check on the availability of Wheatfields and Tsaile Lakes.*
- ii. *Derek Meier of Wilson and Company, Inc. provided information on Timber Cutting Permit coordination efforts with Navajo Nation Forestry and BIA Forestry on the following:*
- *Supplemental Specifications Section 202 in Exhibit F of the Contract Book provides the BIA Forestry Special Provisions. Navajo DOT will issue Amendment No. 1 with revised Forestry Special Provisions.*
 - *Contractor will need to submit a Logging Plan at the Preconstruction Meeting.*
 - *The Forestry Special Provisions mentions that the Permittee must provide a Performance Bond to guarantee performance under the Timber Cutting Permit. The Navajo DOT will take care of paying for this Performance Bond. The Contractor will still be required to submit his Performance Bond for the overall construction project.*
 - *Contractor schedule needs to consider migratory bird season requirements that may impact your schedule.*
 - *NN Forestry went out and marked that trees to be removed. A rough tree count of 1,131 trees to be removed was developed and is included in the Special Provisions. The size of ponderosa pine was indicated and the woodland species (pinyon, juniper and oak trees) are noted as greater than six inches. Please perform your own field assessment of the trees to be removed.*
 - *Landing areas are shown on the plans with special hatching with associated notes. Trees will be cut up and offered to the community for firewood. All work is covered under Clearing and Grubbing bid item.*
 - *Ed Sam of NN Forestry reported that woodland species diameter is taken at the root collar. NN Forestry will be onsite during tree cutting operations to monitor the tree removals to ensure compliance with timber cutting permit requirements.*

- iii. *Are there any previously used sites that are close by that were used as an asphalt hot plant?*

There are no known current sites. There was a previous site that NECA had used for the N64 construction project just north of the EOP in Tsaile, AZ that is over 9 years old. There is also a site that was used for the N31 project south of here at the junction of N12/N31, but this site has challenges with regards to eagles and migratory bird requirements.

- iv. *Will the sign-in sheet be shared?*

Yes, a copy of the Sign-in sheet will be attached with Pre-Proposal meeting minutes and will be issued as Addendum No. 1. Please check our website for Addendum No. 1.



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PRE-PROPOSAL MEETING MINUTES

October 18, 2018, 10:00 am at Wheatfields Chapter House, Wheatfields, AZ

10. Addendum(s)
 - i. Addendum(s) will be available for download from the Navajo DOT website. It is important that respondents check the Navajo DOT website for addendum(s).
 - ii. Addendum Acknowledgement Form must be submitted with your RFP.
11. Adjourn at 10:55 am.



N12(19-4)1,2&4 Tsaille/Wheatfields, AZ
PRE-PROPOSAL MEETING - Sign-In Sheet
Wheatfields Chapter House – Wheatfields, AZ
October 18, 2018

Name	Organization	Phone Number	Email
Darryl Bradley	Navajo DOT	(505) 371-8397	dbradley@navajodot.org
Andaniel Begay	NDOT	205 371 8357	abegay@navajodot.org
FRNIE PAHE	BRD	(928) 871-7363	epahe3@yahoo.com
ALBERT LEE	NDOT		albe@navajodot.org
Mark Grant	Bitco	928-781-5175	mgrant1307@gmail.com
MATT BREZONICK	YEH & Assoc	970. 250. 8065	MBREZONICK@YEH-ENG.COM
JOSEPH B. DAVIS	BENNETT/WOODRUFF	928. 429. 3028	davisjb.davis@aol.com
Ryan Farmer	Bennally/Woodruff		ryan@pap-llc.com
RANDAL BALL	BENNETT/WOODRUFF	928. 699. 7839	randal.ball@woodruffaz.com
TED CHAPMAN	LINK BK INC	327-1072 505-320-1499	tcharles@linaba.com
WALTER SNEED	CEE CONCRETE	505-289-2944	WLS@CECONCRETE-NET
BILLY SENKENS	WESTERN TECHNOLOGIES	505-860-2345	b.senkens@wt-us.com
Elmer Murray	Murray Construction Solutions	928 279 9869	elmermurray14@gmail.com
Melvin Badonick	Navajo Water Code	305-406-6684	badonickm@yzhuo.com
LUKE LEONARD	FNF CONSTRUCTION	601-541-9988	lleonard@fnfinc.com



N12(19-4)1,2&4 Tsail/Wheatfields, AZ
PRE-PROPOSAL MEETING - Sign-In Sheet
Wheatfields Chapter House - Wheatfields, AZ
October 18, 2018

Name	Organization	Phone Number	Email
THOM CURLEYHAIR	ARROW Indian Contractors	(480) 776-5821	thom.curleyhair@arrowindian.com
MATT BREZONICK	YEH ASSOC.	970.250.8085	MBREZONICK@YEH-ENG.COM
Jim McCollon	CRANFORD CORP.	(520) 584-6552	jim.mccollon@cranford.com
Gary Brinhall	Brinhall Sand Block	928 205 5594	gary.brinhall@gmail.com
TAVIS HASSE	HASSE CORP		
BRETT GRUBBS	NECA	505-216-7670	brett@navajo.net
STANLEY CHARLEY	NECA	(505) 210-2670	stanley@navajo.net
Paul McGee	Oldcastle Materials SW	970-317-9886	paul.mcgee@fourcornersmaterials.com
Manuel Thompson	Four Corners Materials	505-258-2623	manuelito.thompson@fourcornersmaterials.com
Ernie Hunt	Fisher Sand & Gravel	505-249-4914	erniehunt@yahoo.com
David Dammann	NW Forestry	928-729-4007	dennison.d@frontier.com
Ed Sam	NW Forestry Dept	928-729-4007	esam-nfd@frontier.net
Ray Metteber	NN Forestry	(928) 729-4009	metteber@frontier.com
Robert Catron	NN Forestry	(908) 729-4009	RobertCatronjr@frontier.com
Halbert Goldfeather	GPS	602 300-5710	Halbert@goldfeathersurveying



N12(19-4)1,2&4 Tsail/Wheatfields, AZ
PRE-PROPOSAL MEETING - Sign-In Sheet
Wheatfields Chapter House – Wheatfields, AZ
October 18, 2018

Name	Organization	Phone Number	Email
<i>Tonywyn Sam</i>	<i>FNF Construction</i>	<i>480-209-3634</i>	<i>tsam@fnfinc.com</i>
Garret Silversmith	Navajo DOT	505 371 0300	gsilversmith@navajodot.org
Devon Begay	Tsail wheatfield Chapter	505 399-0414	devonbegay@gmail.com
Levon T. Thomas	Bear Construction LLC	928-266-8303	levont@gmail.com
Levon J. Thomas	Lakeside	928-724-3242	Lakeside140@gmail
Paula & Boss	Badli Wheatfields	928-724-2220	Paula.navajochapters.org
<i>Arnold Gahr</i>	NDOT	<i>505-371-8359</i>	<i>ajake@navajodot.org</i>
Taft Blackhorse	NDOT	505 371-8341	blackhorse@navajodot.org
Harold Riley	BIA NRDOT	505 863-8201	
Florence Martin	Rockhound Ex.	505 6941101	Flore Martin 1977@gmail.com
Fidel Florez	Rockhound Ex	505-486-1998	rockhound excavation@gmail.com
Gene Raines	SMA (Survey)	505 215 8545	gene.reinger@southernill.com
Roger Hadley Jr	BIA-Rds Clinic	505-387-2602	Roger.Hadley@bia.gov

Addendum No. 1 - BIA Forestry Special Provisions

Timber Cutting, Removal, and Stockpiling Requirements

Selective Clear under Section 202.4

The Special Provisions and Standard Provisions for Timber Cutting Permit No. FY20180007 attached herein are required of the Contractor. All references made to the Permittee (Navajo Department of Transportation) are the responsibility of the Contractor who is a subcontractor under the terms of the Timber Cutting Permit, as defined by the Standard Provisions. Note: The Government will cover the cost of the performance bond indicated in Section 9.0 of the Special Provisions.

The Officer in Charge has direct oversight to all forest product harvesting activity on lands administered by the Navajo Nation. The Officer in Charge shall direct the Construction Manager on the Timber Cutting Permit requirements listed within the Standard Provisions and Special Provisions. The Officer in Charge will coordinate with the Construction Manager to ensure all vegetative removal, and grubbing needs are met.

Although the Construction Manager has direct oversight on many aspects of the Contract, they do not have the authority to disregard any requirement the Officer in Charge imposes in the execution of Timber Cutting Permit No. FY20180007, to protect the trust assets of the Navajo Nation.

Table 1

Total estimated volume of trees to be harvested. No guarantee is made of the forest products volume or quality mentioned herein. You are urged to make your own independent estimates to determine your bidding decisions.

Ponderosa Pine				
Tree Diameter at Breast Height (Inches)	$\geq 5.0 \leq 11.4$	$\geq 11.5 \leq 11.9$	$\geq 12 \leq 17.9$	≥ 18.0
Subtotal Tree Count (each)	537	6	52	17
Total Volume (Thousand Board Feet)	2.16	0.17	3.45	12.17
Woodland Species				
Tree Diameter at Root Collar (inches)	≥ 6.0			
Two needle Pinyon (each):	264			
Juniper spp. (each):	96			
Oak (each):	159			
Total Estimated Trees to be Harvested (all species):	1,131			

Addendum No. 1 - BIA Forestry Special Provisions

This permit is issued under the following Standard Provisions:

1.0 DEFINITIONS

- 1.1 "Approving Officer" means the officer who approves the contract or their authorized representative.
- 1.2 "Superintendent" means the Superintendent or other Bureau official representing the Agency having jurisdiction over the logging unit or, the authorized representative.
- 1.3 "Officer in Charge" means the forest officer of highest rank assigned to the supervision of forestry work at the Agency having jurisdiction over the logging unit, or his or her authorized representative.
- 1.4 "Permittee" means the Permittee, including employees, agents, or subcontractors.
- 1.5 "Permittee Operations" means all activities and use of equipment by the Permittee in the execution of the permit.

2.0 PERMIT OPERATIONS

- 2.1 The Permittee shall possess this Permit at all times when operating on, or hauling products from, the permit area.
- 2.2 Timber not designated for cutting and young growth will be protected from damage. Unnecessary damage by the Permittee shall be assessed by the Approving Officer, and paid for by the Permittee at double the permit stumpage rates.
- 2.3 Stumps will be cut low as practical so as to avoid waste. The mean height of any stump shall not exceed one-half its diameter, unless authorized by the Officer in Charge.
- 2.4 The slash resulting from Permittee Operations, including limbs, tops, damaged young growth and other material, will be treated as directed by the Officer in Charge. The slash will be cut into smaller pieces, scattered, or piled compactly away from the residual trees on the permit area, or a combination thereof. Roads and road rights-of-way and landings will be kept clear of slash.

3.0 SCALING AND MOVEMENT OF PRODUCTS

- 3.1 For sales of estimated volumes, logs or other products shall be decked, stacked, or otherwise held at scaling points designated by the Officer in Charge, and will not be moved therefrom until they have been scaled, stamped, numbered or otherwise released by the Officer in Charge. Products that are moved contrary to the instructions of the Officer in Charge shall be paid for by the Permittee at double the permit stumpage rates.
- 3.2 For estimated volume sales, waste from high stumps, improper bucking, breakage and partially sound logs, and all trees which are left felled, lodged or badly damaged by the Permittee Operations, will be scaled for their merchantable contents (as if they had not been damaged) and paid for by the Permittee at double the permit stumpage rates.

4.0 FIRE OPERATIONS

- 4.1 The Permittee will take all reasonable and practicable action to prevent fires resulting from permit activity, as required by a Fire Plan or the Superintendent. When no other fire prevention direction has been provided, the requirements will not be less than that required under the laws of the State in which the permit area is located.
- 4.2 The Permittee will immediately report any and all wildfires to the Officer in Charge.
- 4.3 When called upon by the Superintendent, the Permittee will make available any or all qualified personnel and equipment for use in suppressing wildfire on or threatening the sale area.
- 4.4 The Superintendent may require the Permittee to suspend any or all operations during high fire danger, or when fire is within or threatening the permit area.
- 4.5 It is understood and agreed that the Permittee shall be liable for all damages and suppression costs of fires caused by negligence on the part of the Permittee, in an amount to be determined by the Superintendent.

5.0 ENVIRONMENTAL

- 5.1 In the event that human remains or items of historical or archeological significance is discovered, the Permittee will immediately halt operations and inform the Officer in Charge.
- 5.2 Permittee Operations will be conducted in a manner that will minimize damage to the course, channel and sides of all streams, riparian areas, and wetlands whenever encountered. Streams include both flowing and intermittent watercourses.
- 5.3 The Permittee will take immediate action to contain any hazardous materials spills that have occurred as a part result of Permittee's operations. The Permittee must notify the Officer in Charge immediately of such spills. Hazardous materials will be disposed of as directed by the Officer in Charge. Hazardous materials include, but are not limited to, petroleum products such as fuel, oil, and hydraulic fluids, and contaminated soils, rock, and vegetative material. Permittee is responsible for environmental liabilities caused by Permittee Operations.
- 5.4 The Officer in Charge may suspend Permittee Operations during periods of wet weather when soil damages and road rutting could occur. The Officer in Charge may direct the Permittee to take reasonable soil erosion prevention measures to retain road surfaces and prevent the gulying of roads and skid trails, or to repair damages caused by Permittee Operations.
- 5.5 All equipment, rubbish, garbage, litter, and other refuse resulting from the Permittee Operations shall be removed and disposed of properly.

6.0 OTHER PROVISIONS

- 6.1 A performance bond may be required by the Approving Officer.
- 6.2 The Permittee will comply with all other laws and regulations governing the reservation within which the permit tracts are located.

SPECIAL PROVISIONS

1.0 GENERAL GUIDELINES

- 1.1 All forest products designated on the Timber Cutting Permit (BIA Form 5-5331) are to be cut and removed.
- 1.2 Boundaries for trees to be removed are marked by wooden stakes on either side of the Right-of-Way (ROW). Trees (of various species) identified to be removed are marked with 1 to 2 red/orange dot(s) on the bole of trees. The red/orange dots face into the Right-of-Way.
- 1.3 SALE AREA BOUNDARY = The sale area boundary is shown as the construction cut/fill slope limits on the design plans and is generally defined by operability limits identified by wooden stakes placed on either side of the N12 Right-of-Way.
- 1.4 ARCHEOLOGICAL SITE BOUNDARY = In addition to site specific mitigation requirements listed in the Cultural Resource Compliance Form, red flagging will be hanging on the outer edge of the sites so that these areas are avoided.

2.0 HARVEST DESIGNATION AND METHOD

- 2.1 All merchantable stems designated for harvest will be harvested and yarded to landings as shown on the design plans. Grapple skidders and/or tracked skidders, front-end loader, backhoe or other equipment authorized by the Officer in Charge may be used.
- 2.2 Harvesting/transportation operations must be conducted during the daytime (when visibility is high), all night operations are prohibited.
- 2.3 Felling shall minimize breakage of material and damage to the surrounding residual stand, including regeneration.
- 2.4 Directional felling into natural openings to prevent damage to the residual stand must be practiced.
- 2.5 Any trees identified to be directionally felled will be marked with blue paint, with a blue arrow indicating the direction the tree is to be felled.
- 2.6 Felling trees across roads is not allowed unless permitted by the Officer in Charge.
- 2.7 Trees are not permitted to be pushed over, including damaged trees unless authorized by the Officer in Charge.
- 2.8 Damage to non-target trees may be charged at 2 times their appraised value to the Permittee.
- 2.9 Landings (i.e. stockpile locations) are not to exceed the established areas shown on the design plans and cannot be placed on slopes $\geq 45^\circ$, drainages, and intermittent streams unless authorized by the Officer in Charge.
- 2.10 All landings are predetermined as shown on the design plans, any additional landings must be approved by the Officer in Charge.
- 2.11 Although no additional standards or harvest requirements are anticipated, the Permittee will be responsible to follow any additional standards and harvest requirements as determined by the Navajo Forestry Department and the Bureau of Indian Affairs to protect the natural resources of the Navajo Nation.
- 2.12 The Permittee will be responsible to follow all applicable Navajo Nation and Bureau of Indian Affairs Best Management Practices (BMP's), listed in the Navajo Nation Ten-Year Forest Management Plan.

3.0 SLASH DISPOSAL - GENERAL

- 3.1 All slash must be treated within thirty (30) calendar days of felling.
- 3.2 Tree felling operations cannot proceed beyond one-half (1/2) mile of untreated slash.

4.0 SLASH DISPOSAL - LOPPING

- 4.1 All limbs must be removed from the main stem and cut flush with the bole. Limbs and branches greater than 5 inches must be bucked up for firewood and made available for public use.
- 4.2 To keep the risk of increased *Ips* species (bark beetle) activity low, avoid felling material 3" + diameter between January and June, unless such material is chipped and dispersed widely within thirty (30) calendar days.
- 4.3 Lop and scatter techniques will be implemented throughout the treatment area whenever hand/mechanized piling or chipping is not possible between July and December. The Officer in Charge will give specific guidance and direction on acceptable techniques and locations to be piled.
- 4.4 Slash, including chipped material must be pulled-back a minimum of 6 feet away from the bole of any residual tree, structures and identified construction zones. The Officer in Charge will give specific direction and guidance on acceptable lop and scatter techniques.
- 4.5 Slash that is lopped and/or scattered cannot exceed a maximum height of 18 inches over the entire sale area unless the Officer in Charge otherwise directs the Permittee. This may be accomplished either by hand or by machine.
- 4.6 Slash shall not be piled more than 4.0 feet high.
- 4.7 Slash that is piled, must be piled in open areas and away from residual trees, structures, and construction zones.
- 4.8 All slash must be cut into segments no greater than 4 feet in length.
- 4.9 Cull trees/logs must be bucked into segments no longer than 20 feet in length. Cull trees/logs must have all exposed branches and limbs cut flush with the bole.

5.0 SLASH DISPOSAL – LANDING SLASH

- 5.1 To keep the risk of increased *Ips* species (bark beetle) activity low, avoid felling material 3 inches + diameter between January and June, unless such material is chipped and dispersed widely within thirty (30) calendar days.
- 5.2 The Permittee is obligated to machine and or hand-pile landing slash on and adjacent to identified landings between July and December.
- 5.3 The Permittee may be obligated to drag all or portions of landing slash back in to the surrounding stand.
- 5.4 All cull logs on and within 50 feet of landings will be removed back to the surrounding stand.
- 5.5 The Officer in Charge will give specific direction and guidance on acceptable landing slash requirements.

6.0 ACCESS

- 6.1 The sale area may only be accessed from BIA Road N12.

7.0 ROAD CONSTRUCTION, MAINTENANCE, AND CLOSURE

- 7.1 BIA Road N12 will be utilized as the primary haul road in and out of the Right-of-Way. The Permittee must not deviate from this designated haul route from the sale unless authorized by the Officer in Charge.

- 7.2 The Permittee will be required to place logging signage and hauling signage, along BIA Road N12 to notify the public of logging operations.
- 7.3 Spur roads within the Right-of-Way will be flagged by the Officer in Charge prior to use. Minor spur road improvements will be authorized within the Right-of-Way boundary only. Spur roads may require to be closed-out upon completion of harvesting activities i.e., tank trapped, back dragged, racked, scarified etc.
- 7.4 Forest products must be transported in accordance with local and state laws and regulations. It is the responsibility of the Permittee to know the local and state laws and regulations.
- 7.5 The Permittee must fill out a harvest record (BIA Truck Ticket Book) and submit the harvest record to the Officer in Charge, during all harvesting and transportation of the forest product(s).

8.0 LOGGING SEASON

- 8.1 No hauling activities will be allowed during spring break-up or when moisture conditions are such that excessive damage occurs to roadbeds and subsurface soil.
- 8.2 No harvesting activity of any kind will be allowed during the Migratory Bird Breeding Season April 01 - August 15. If the breeding season cannot be avoided, a biological survey will precede construction and vegetation removal. The Navajo Nation Department of Fish and Wildlife (NNDFW) recommend a survey buffer of 165 feet for non-endangered migratory birds. Removal or disturbance of nesting habitat (i.e., trees and shrubs) shall not be allowed within 50 meters of an active nest during incubation to fledgling.
- 8.3 No skidding operations will be allowed when soil moisture conditions are such that excessive damage will occur to the soil.
- 8.4 To reduce the chance of catastrophic fire, all operations during peak fire season may be restricted. For example, when red-flag days are identified by the Officer in Charge, through the Bureau of Indian Affairs, Navajo Region Branch of Wildland Fire and Aviation Management all forest operations must stop. Red flag days are usually from May to end of June for the Navajo Region.
- 8.5 Other than the restrictions stated above, no additional seasonal restrictions on logging and log hauling activities are anticipated on the sale area. However, if in the judgment of the Officer in Charge, local conditions become such that logging, log hauling, or road construction activities will have a detrimental effect on resource values, logging and related activity will be suspended as necessary to protect resource values.

9.0 PERFORMANCE BOND

- 9.1 The Permittee must provide a performance bond to guarantee performance under the terms of the permit. The form of the performance bond must be acceptable to the Regional Director and may be in the form of:
 - A. Corporate Surety.
 - B. Cash.
 - C. Negotiable U.S. Government Securities.
 - D. Irrevocable Letter of Credit from a Federally Insured Institution.
 - E. Assigned Savings Account at a Federally Insured Institution.
 - F. Tribal Holding Account.

10.0 MINIMUM CUT

- 10.1 No guarantee is made for the forest product volume listed within the Timber Cutting Permit.
- 10.2 Although it is not anticipated additional trees may be marked for harvest or removed from harvest as directed by the Officer in Charge.

- 10.3 The total forest product volume designated for harvest shall be cut and removed in accordance with the Standard Provisions and these Special Provisions prior to the expiration of the Timber Cutting Permit.

11.0 LOGGING PLAN

- 11.1 A simplistic logging plan will be required. For example, a descriptive letter and/or map that indicate a starting point/stopping point of felling, skidding, hauling and slash disposal operations. The logging plan may be updated as needed. A copy will be given to the Officer in Charge to update him on harvest and slash mitigation procedures and anticipated timelines for completion.

12.0 ARCHEOLOGICAL CLEARANCE

- 12.1 The cultural resource survey for the Navajo Route 12 is completed and sites are flagged with Red flagging.
- 12.2 Additionally, if the permittee, his contractor, subcontractors, or their employees discovers, encounters, or becomes aware of any additional objects or site of cultural value on the sale area (historical or prehistorical ruins, graves, or grave markers, fossils or artifacts) the permittee shall immediately suspend all operations in the vicinity of the cultural value and notify the Officer in Charge of the finding. Operations may resume at the discovery site upon receipt of written notice from the Regional Director.