

BOULDER COUNTY

RIGHT OF WAY USE AND CONSTRUCTION PERMIT REQUIREMENTS

May 26, 2026

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1. GENERAL REQUIREMENTS

1.1 Authority

Authority for the administration and enforcement of the Right of Way Construction Permit is derived from the Colorado Revised Statutes (C.R.S.), Sections: 30-11-107(1)(h); 38-5.5-107; 29-20-104; 43-2-101, *et. seq.*

Boulder County regulates construction in the County right of way to maintain the integrity of the public road system and minimize negative impacts to the traveling public during the construction process.

Failure to comply with the requirements set forth herein may constitute a civil infraction and cause the offender to be liable to any person, government, or corporation in a civil action for damages as provided by law. C.R.S. §§ 43-5-301, 307.

NOTE: The County reserves the right to impose use and construction requirements that vary from these County-wide standards based upon conditions specific to the location where the work will occur. The "special conditions" section of the permit will outline any required variations from these standards.

1.2 Definitions

- Applicant: Any person or entity, including but not limited to a contractor, developer, property owner, or government agency, applying for a permit hereunder to perform Construction within a Boulder County right of way. This includes work deemed routine maintenance.
- Boulder County right of way ("ROW"): All public highways, as defined in C.R.S. § 43-2-201, within unincorporated Boulder County excluding any state highway controlled and managed by the Transportation Commission of Colorado and Colorado Department of Transportation. Without limiting the foregoing, Boulder County ROW includes a portion of land that is dedicated or granted to, and accepted by, the County for transportation purposes, such as a roadway or highway, whether or not maintained by the County. The term may be used in the singular or plural.
- Construction or Work: Any activity or improvement within the County ROW and private driveways serving more than one parcel. including the storage of materials and equipment.
- Contractor: A person or entity that has legally agreed to perform the permitted Construction activity on behalf of Applicant. A Contractor may be an Applicant. Applicant remains responsible for fulfilling all of its obligations hereunder even if Applicant hires a Contractor to help perform the Work.
- County: References to the "County" mean Boulder County.
- Facility Owner ("Owner"): The legal owner of a Facility, regardless of whether the Facility is leased, licensed, or rented to a third party.
- Facility: All appurtenances that are located within the County ROW that are not associated with the County's transportation network.
- Inspector: Boulder County's designated staff that inspect the Work performed by Applicant or Contractor.

- Right of Way Use and Construction Permit (“Construction Permit” or “Permit”): County approval to perform approved Construction activity(ies) in County ROW according to applicable laws, including without limitation local ordinances and codes, and Permit terms and conditions.

1.3 Permit Application Process

A Boulder County Right of Way Use and Construction Permit is not required for the installation, maintenance or removal of utilities; please apply for a Utility Construction Permit instead.

1.3.1 Permit Submittal Requirements

An application for a Right of Way Use and Construction Permit, known as a Construction Permit Request, must be submitted to the County at least 10 business days before construction is scheduled to start.

Applicant must include the following items with the Construction Permit Request in order to be considered:

1.3.1.1 Construction Documents

Construction plans (plan and profile) and specifications prepared and stamped by a professional engineer actively registered by the State of Colorado, that clearly show the following:

- Proposed Work;
- Position and location of work, road names/numbers, widths of roads, property lines, topographic and man-made features, existing drainage patterns, and all other relevant topographical feature
- Proposed profile cross section that also shows its relation to existing utilities;
- Distance line will be within the ROW or if it crosses ROW;
- Nature of installation;
- Relative position of the existing utilities and existing improvements; and
- Shall be drawn to a scale of one (1) inch = fifty (50) feet or larger and shall include a north reference.

Applicant’s proposed plans for road construction and restoration on all permits are subject to the review and approval of the County. Applicant may not deviate from County-approved construction documents without prior written consent of the County. County approval does not mean that Applicant’s proposed plans are legally compliant. Notwithstanding any County approval, Applicant is responsible for its means and methods and ensuring that they comply with all applicable laws, regulations, standards, codes, ordinances, and requirements.

Minor maintenance projects may be exempt from submitting the above-described construction plans upon prior written consent from County. In such cases, however, sketch plans must accompany the permit application. A drawing, 8.5" by 11" in size, may suffice for minor installations. Requirements of a professional engineer’s signature and stamp on the

construction plans may be waived at the County's discretion if the project would not warrant design by a registered professional engineer.

1.3.1.2 Environmental Clearance

Applicant must obtain a floodplain development permit ("FDP") issued by the Boulder County Floodplain Management Program for all Work conducted in a ROW that is located within a federal, state, or locally designated floodplain. Applicant must also obtain a County Stormwater Quality Permit (SWQP) from the Boulder County Public Works Department for projects that:

- Disturb one acre or more in size;
- Are less than one acre and construction activity is part of a larger common plan of development that will ultimately disturb one acre or more, even if multiple, separate, and distinct land development activities may take place at different times; or
- Disturb less than one acre and are within 100 horizontal feet of a watercourse.

FDP and SWQP fees are designated by the department issuing the permit.

It is Applicant's responsibility to contact all agencies and authorities with jurisdiction and obtain all environmental clearances that apply to the proposed Construction activity(ies) prior to the start of Work. Such clearances may include, but are not necessarily limited to, Corp of Engineers 404 Permits, Colorado Discharge Permit System permits, and ecological, archaeological, historical, or cultural resource clearances.

1.3.1.3 Traffic Control Plan

A Traffic control plan prepared by a state-certified traffic control supervisor is required for all operations and must conform to the most recent version of the "Manual of Uniform Traffic Control Devices for Streets and Highways" adopted by the Transportation Commission of Colorado.

State of Colorado certified flagging personnel shall be required for one-lane and/or potentially hazardous operations. Adequate warning signs, barricades, lighting, flags, flaggers, and other traffic control devices as specified in the latest version of the Federal Highway Administration's "Manual on Uniform Traffic Control Devices for Streets and Highways" and the Colorado Department of Transportation's Safety Standards ("S-Standards") and as otherwise required by the County, shall be provided, maintained, and paid for by Applicant. Applicant is responsible for submitting and obtaining County approval of its traffic control plan, which Applicant must maintain and follow throughout the Work. Applicant must remove all signs necessary to work within Boulder County ROW at the end of each workday, unless such signage necessary for the safety of the traveling public.

1.3.1.4 Schedule Sequence

Applicant must submit a written schedule covering the general sequence and staging of the Work to be performed. The schedule and the plans shall not be changed after the Permit is approved without the written consent of the County.

1.3.2 Issued Construction Permit

Once issued, a Permit must always be available at the Work site to be inspected upon demand by County personnel. A Permit expires on the approved scheduled end date as indicated on the Permit. A Permit may be extended if Applicant submits a renewal request to the County at least 5 business days before the approved scheduled end date.

If circumstances arise during Construction that risk public health or safety, Applicant must immediately notify the Boulder County Communications Center by calling 911 for emergencies and 303-441-4444 for non-emergencies. Applicant must also immediately notify the Boulder County Public Works Department by calling 303-441-3900. If the County provides verbal authorization to Applicant to promptly address emergency conditions, Applicant must request written approval from County to ratify the verbal authorization within two business days of the verbal authorization.

1.4 Permit Application Fee(s)

Payment of a Construction Permit Fee is required. The Construction Permit Fee charged includes a base fee and fee for each additional required inspection. The fees defray the administrative and inspection costs of Construction Permits. The base fee includes two inspections. Upon further review of the Construction Permit Application, additional fees may be added by the County based on the size and scope of the project and whether, and to what extent, material testing is required.

- Base Fee: \$300.00 per accepted Permit; Includes two inspections
- Additional Inspection Fee: \$150.00 per inspection

1.5 Bonding Requirements

Upon demand from the County at its discretion, Applicant shall provide a bond or other acceptable surety by a qualified corporate surety or other qualified institution conditioned upon faithful performance of the Construction and restoration of the ROW for an amount based on material and labor prices for performing such work as proposed by Applicant, with supporting documentation, and approved by the County. Failure to complete the Construction and restore the ROW as approved by County will cause the bond or surety to be in default and enable the County to recover on same.

1.6 Insurance Requirements

Applicant must obtain and maintain insurance coverages as set forth below prior to commencing and during the performance of any Work. All insurance policies evidencing required coverage shall be issued by insurance companies satisfactory to the County. Applicant must ensure that each of its subcontractors responsible for performing any portion of the Work also complies with the insurance requirements of this section.

Boulder County as Additional Insured: Boulder County shall be named as an additional insured on the insurance policy for Commercial General Liability and Pollution Liability coverages listed below. Boulder County as an additional insured shall be endorsed to the policy in the form of a named additional insured endorsement or blanket additional insured endorsement.

THE ADDITIONAL INSURED WORDING SHOULD BE AS FOLLOWS: *County of Boulder, State of Colorado, a body corporate and politic, is named as Additional Insured.*

Proof of Insurance (Certificate of Insurance): Applicant must submit a current and valid Certificate of Insurance to the County for each type of insurance coverage listed below at least 30 days prior to starting the Work. A new Certificate of Insurance must be submitted to the County on an annual basis to evidence policy renewal. Applicant shall send Certificates of Insurance directly to PWContracts@bouldercounty.gov or by mail to Boulder County Public Works, ATTN: Construction Permits, P.O. Box 471, Boulder, Colorado 80306.

Deductible: All deductibles contained in any insurance policy are the sole responsibility of Applicant.

Primacy of Coverage: Coverage required of Applicant shall be primary and noncontributory over any insurance or self-insurance program carried by the County.

Subrogation Waiver: All insurance policies secured or maintained by Applicant shall include clauses stating that each carrier shall waive all rights of recovery under subrogation or otherwise against the Board of County Commissioners, the Elected Offices of the County, the County itself, and all County officers, agents, employees, and volunteers.

Coverage Requirements: For the entire duration of the Work, Applicant must procure and maintain, at its own expense and without cost to the County, the following kinds and minimum amounts of insurance:

Commercial General Liability

Coverage should be provided on an Occurrence form, ISO CG0001 or equivalent. The policy shall be endorsed to include Additional Insured Owners, Lessees or Contractors endorsements CG 2038 (or equivalent), Designated Construction Project(s) General Aggregate Endorsement CG2503 (or equivalent) and Additional Insured Completed Operations for Owners, Lessees or Contractors CG 2037 (or equivalent). Minimum limits required of \$1,000,000 Each Occurrence, \$2,000,000 General Aggregate and \$2,000,000 Products/Completed Operations Aggregate.

Automobile Liability

Automobile Liability, Bodily Injury and Property Damage for any owned, hired, and non-owned vehicles used in the performance of this Permit: Minimum limits \$1,000,000 Each Accident.

Workers' Compensation and Employer's Liability

Workers' Compensation must be maintained with statutory limits. Employer's Liability is required for minimum limits of \$100,000 Each Accident/\$500,000 Disease-Policy Limit/\$100,000 Disease-Each Employee.

1.7 Special Mobile Machinery/ Registration Requirements

All equipment used on County roads must have proper registration from the State of Colorado and Boulder County.

1.8 Road Closure Requirements

Work must be planned and performed so as not to create safety hazards, cause maintenance problems, lead to unreasonable traffic delays, obstruct drainage, or render any portion of ROW unusable for future improvement. If an unanticipated road closure is needed, Applicant must contact the Boulder County Communications Center non-emergency dispatch line at 303-441-4444 and the Boulder County Public Works Department at 303-441-3900. Unanticipated road closures are not permitted unless justified based on overall benefit and safety to the public and approved in writing in advance by the County. Boulder County reserves the right to deny the closure of a road for any reason. In the event of an emergency that threatens public health or safety, Applicant should immediately call 911 and thereafter immediately call the Boulder County Public Works Department at 303-441-3900.

Applicant must adhere to the following road closure notification procedure for road closure proposals:

- Applicant must notify the County of a proposed road closure at least 15 business days in advance of said closure.
- Applicant must develop and submit a road closure traffic signage and detour plan for approval by the County.
- If the County approves a road closure proposal, Applicant shall ensure that County has information specifying the closure location, start and end dates, times, and project contact information at least 15 business days prior to the start of the road closure. This information will be incorporated into a press release issued by the County regarding the road closure.

Upon approval of a road closure proposal, the County will:

- Provide signed, written approval to Applicant.
- At least 10 business days prior to the scheduled start of the road closure, the County Traffic Engineer and Public Works communication staff will create and distribute a press release about the road closure to media representatives.
- The County Traffic Engineer will draft and submit to the County Engineer a road closure memorandum explaining why the road closure is warranted, the duration of the closure, and a vicinity map showing the affected roads.
- Transmit the signed road closure approval and County Traffic Engineer memorandum to the Colorado State Patrol, Boulder County Sheriff's Office, Boulder County Public Works Road Maintenance Division supervisor ("Road Supervisor"), Boulder County Public Works traffic control section, and Boulder County Public Works communication staff. The Boulder County Sheriff's Office may thereby notify affected emergency response agencies prior to the start of the road closure.

Road closures are permitted only if all the following conditions are met:

- The road closure is explicitly permitted by the language of the Construction Permit;

- The road closure occurs only during the approved closure time and dates; and,
- The road closure is conducted as approved by the County.

In the event of road closure, Applicant is responsible for providing a suitable detour that is adequately marked and signed to accommodate day and night traffic. Contact information for Applicant's project traffic control supervisor and Applicant's project supervisor must be provided to the County and such persons must be available at all times during the entire duration of the road closure and must respond to the road closure site within one hour of notification from the County.

If Applicant's failure to fulfill its obligations for road closures or the Construction otherwise necessitates a response from the County, other governmental entity, law enforcement agency, or other emergency service provider, Applicant is solely responsible for all costs incurred by such entities to respond, including but not limited to costs incurred for deployment and transportation of resources and agents.

1.9 Phasing of Installation and Multiple Permits

Phasing Construction work may be required to produce the least disruption possible for the traveling public. A permit for any subsequent stage will not be issued until the prior stage has been completed and approved or has otherwise sufficiently progressed to the County's satisfaction.

1.10 Safety and Public Convenience

Applicant shall always conduct the Work in a way that ensures the least possible obstruction and hazard to the traveling public and nearby residents. No Work is allowed during inclement weather (including snow, ice, rain or fog) unless and until all hazards on site have been cleared. Applicant shall ensure the safety and convenience of the public and residents along the road and the protection of people and property.

Equipment in the ROW for the Work must be identified with a minimum 2' x 2' logo and phone number for Applicant or its Contractor.

Plates, steel or similar items, are only allowed with the prior written approval of Boulder County. Plates must be placed at the existing elevation of the road surface and must be securely anchored. Plates cannot be used during the winter months.

Applicant's operations when performing the Work must conform to applicable laws, regulations, standards, codes, ordinances, and requirements established for employee and workplace safety, including but not limited to those set by the U.S. Occupational Safety and Health Administration (OSHA).

1.11 Additional Permits

Additional permits that may be necessary include but are not limited to:

- Access Permit (County)
- Building Permit (County)
- Floodplain Development Permit (from all jurisdictions applicable)
- Haul Permit (County)

- Stormwater Quality (from all jurisdictions applicable)
- Utility Permit (County)

Applicant shall obtain all applicable permits for work conducted within Boulder County ROW. Failure to do so may result in application delays, rejection, denial, stop work notice, permit modification, termination of a permit, or other remedies allowed by law, as applicable.

1.12 Maintenance and Repair Responsibility

Maintenance of the work area during Construction is the responsibility of Applicant. If Applicant damages a County ROW during Construction, Applicant must cover the costs of repairing such damage. After completion of the Work, the Owner is responsible for ongoing maintenance and repair of installed Facilities. If the failure of any Facility causes damage to a County ROW following completion of the Work, Owner must cover the costs of repairing such damage.

1.13 Inspection, Final Release Requirements

County inspection is required before Applicant can be released from construction zone maintenance responsibility and before release of any bond. Applicant must contact the County's construction inspector (hereinafter referred to as "Inspector") at least 24 hours in advance of a requested inspection. Applicants may request in-progress inspections of all elements of the Work to help prevent the need for extensive post-construction testing. The County will notify Applicant of any aspect of the Work or incorporated material that does not conform to County standards. Applicant is then responsible for making immediate corrections to identify deficiencies or suspending the Work. The omission of any County notification of any deficiency in the Work does not alleviate Applicant from its obligation to fully comply with all applicable laws, regulations, standards, codes, ordinances, and requirements in performing the Work.

Boulder County may require construction management and inspections of any work as deemed necessary to ascertain compliance with these standards. If required, Applicant must hire and manage a reputable engineering firm capable of providing external construction management, testing and inspection. Any work performed without the required inspections shall be subject to removal and replacement at Applicant's expense, regardless of the quality of the work. Where large scale projects exceed the ability of the County to provide inspection, Applicant must hire a private inspection firm. This inspection firm must be mutually agreed upon by Applicant and the County prior to issuance of the Permit, and Applicant is responsible for all related costs.

The County will release a bond or surety following receipt of written approval of satisfactory completion of the Work and road restoration from the Inspector.

2. SPECIFICATIONS

2.1 General Information

2.1.1 Applicant Public Inconvenience and Work Hours

Applicant shall conduct work in such a manner as to avoid unnecessary inconvenience and annoyance to the public. In the performance of the work, Applicant shall take appropriate measures

to reduce dust, noise and unnecessary debris. No work shall be done between the hours of 8:00p.m. and 7:00a.m., nor at any time on Sunday, except with prior approval from the Inspector, or in case of an emergency.

2.2 Quality Control

Without limitation, the Work must conform in all respects to the latest edition of the Boulder County Multimodal Transportation Standards.

Any work in which untested and unaccepted materials are used without prior written approval by the Inspector shall be removed and replaced at Applicant's expense.

Tests ordered by the Inspector and procured by Applicant to enforce compliance with specifications shall conform to the most recent standard methods of AASHTO or American Society for Testing and Materials (ASTM) and shall be conducted by an independent testing firm at the sole expense of Applicant. Specific test locations and testing frequency may be specified by the Inspector. Where Applicant or utility owner or operator maintains their own testing equipment and qualified personnel, the requirement for an independent testing firm may be waived by the County. Copies of test data shall be furnished to the Inspector within 1 business day after Applicant has received such data. Failure to timely submit ordered test results to the Inspector may cause the County to require Applicant to suspend the work. Applicant is fully responsible for the maintenance and correction of any faulty Construction, including unsuitable road cuts and potholes. Applicant is responsible for ensuring that the roadway and roadside areas where work has been performed are thoroughly cleared of all debris and extraneous material and restored to its previous or an improved condition. Items that Applicant is responsible for include, but are not limited to, clean-up of pavement and all roadway appurtenances; repairing pavement damage or failures; repairing broken concrete; repairing damaged signs or fencing; clean-up of debris on adjacent private property; and replacement of road shoulders. All deficiencies must be resolved to the satisfaction of the County.

2.3 Protection of Existing Facilities

Applicant shall take proper precautions and be responsible for the protection of existing road and alley surfaces, driveway culverts, road intersection culverts or aprons, irrigation systems, mailboxes, driveway approaches, curbs, gutters, sidewalks, and all other identifiable installations that may be encountered during construction.

Applicant shall take proper precautions for the protection of existing utilities, the presence of which are known or can be determined by field locations of the utility companies. The Applicant shall contact UNCC (One Call) at 1-800-922-1987 for utility locates.

Existing improvements to adjacent property such as landscaping, fencing, utility services, and driveway surfaces, that are not authorized to be removed shall be protected from injury or damage resulting from the Applicant's operations.

Applicant shall take proper precautions for the protection of property pins/corners and survey control monuments encountered during construction. Any damaged or disturbed survey markers shall be replaced by a registered land surveyor at Applicant's expense. The repair of any damaged improvements as described above shall be the responsibility of Applicant.

2.4 Work Completion

Applicant, by accepting this permit, agrees that it will move facilities it owns if at any time in the future, Boulder County requires that Applicant's facilities be moved in order to accommodate the County's needs to use the ROW. Applicant shall move the facilities, as requested by the County, within 90 days of the request.

2.5 Removal and Replacement of Unsatisfactory Work

Applicant must remove and replace unsatisfactory work within fifteen (15) days of written notification by the County of the deficiency unless deemed an emergency requiring immediate action. In the event the replacement work has not been completed, the County will act upon Applicant's bond to cover all related costs.

2.6 Excavation

- Excavation shall consist of removal of all material necessary for the construction of the roadway section to the subgrade elevation, line, and grade shown on the plans or as specified in the contract documents. Unacceptable material defined as any earthen material containing vegetable or organic silt, topsoil, frozen material, trees, stumps, certain man-made deposits, or industrial waste, sludge or landfill, or other undesirable materials will be removed from the site and disposed of in accordance with applicable County, State and Federal requirements. All tree stumps and roots shall be removed to a minimum of two (2) feet below subgrade. .
- Excavation shall be performed in a careful and orderly manner with due consideration given to protection of adjoining property, and the public. Any damage to roads, parking lots, utilities, irrigation systems, plants, trees, buildings or structures, private property, construction stakes or benchmarks, caused by the Applicant, shall be repaired and restored to its original condition by the Applicant at their expense. Those areas that are to be saved must be clearly fenced off by Applicant per the owner's instructions. It will be Applicant's responsibility to ensure that these areas are not damaged during the construction process. Following completion of construction, should any of these trees, shrubs, irrigation facilities, or other structures require replacement, it shall be done at Applicant's expense.
- All materials determined acceptable by the County acquired from roadway excavations may be used for embankment fill and backfill as needed. The entire area in the vicinity of the construction where excavation and filling has been performed own shall be raked clean of all trash, wood forms, and debris, after completion of the work. Material removed in excavation and not acceptable or not required for embankment fill or backfill shall be disposed of by Applicant. It shall not be disposed of on private property without written permission of the property owner. Waste banks shall be left with reasonable smooth and regular surfaces.
- Any construction activity within the ROW shall be accomplished by Applicant by open cut, jacking, boring, tunneling or a combination of these methods as approved by the permit. The County shall approve any change from the approved permit.
- Trenches shall be excavated by Applicant along the lines and grades established and in no case shall be more than two hundred (200) feet in length or be trenched or backfilled in non-

continuous sections unless approved by the County. Failure by Applicant to comply with these requirements may result in an order to stop the excavation in progress until compliance has been achieved.

- All excavated material shall be stockpiled by Applicant in a manner that does not endanger the work or workers and that does not obstruct sidewalks, roads and driveways. No stockpiled materials shall be allowed on the asphalt surface or adjacent walkways. The work shall be done in a manner that will minimize interference with traffic and/or drainage of the road. Applicant, at the end of each work day, shall barricade all excavations and ditch lines, remove excess material from travel ways, and thoroughly clean all road, alleys and sidewalks affected by the excavation. If it becomes necessary, all roads, alleys (if asphalt or concrete) and sidewalks shall be swept or washed by Applicant as required by the County.
- Materials encountered during excavation such as rubbish, organic, or frozen material, and any other material that is not satisfactory for use as backfill in the opinion of the County, shall be removed by Applicant from the site and disposed of daily by Applicant at their expense. Stones, concrete or asphalt chunks larger than six (6) inches or frozen material shall be considered unsatisfactory backfill and removed by Applicant.
- All excavation, shoring and trenching by Applicant shall comply with OSHA's "Construction Industry Standards" as well as all applicable Federal and State regulations.
- No tracked vehicles shall be allowed by Applicant on asphalt or concrete unless approved by the County.
- Crossings under sidewalks or curbs may be made by Applicant by tunneling only when approved in advance in writing by the County. If Applicant elects to remove a portion of the sidewalk or curb, the applicable County standards shall be followed.
- Grading shall be done as necessary by Applicant to prevent surface water from entering the excavation; any other water accumulation therein shall be promptly removed. Surface drainage flowing from adjoining areas shall be kept unobstructed.
- When soft or unstable material or rock is encountered in the trench subgrade, that will not uniformly support the pipe, this material shall be excavated by Applicant to additional depths directed by the County and backfilled with Type B material

2.7 Dewatering

Where ground water is encountered in the excavation, it shall be removed by Applicant to avoid interfering with the work. It is Applicant's responsibility to comply with all Federal, State and local permitting requirements prior to beginning any dewatering operations.