

## APPENDIX A – INDOT GUIDANCE

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## **Intended Use of Manual for INDOT and Local Projects**

**This manual has been written to set expectations for waterway permitting deliverables and review paths for projects developed by the Indiana Department of Transportation (INDOT). Other projects may also benefit from the guidance in this manual. Specifically, preparers of permits for local projects that receive federal funds and which follow INDOT standard specifications are encouraged to use this manual; however, INDOT does not review permits or other related deliverables for local projects**





## PE/PS CHECKLIST

*Project:* \_\_\_\_\_  
*Contract #:* \_\_\_\_\_  
*Location:* \_\_\_\_\_  
*Date:* \_\_\_\_\_  
*Presenter(s):* \_\_\_\_\_

- **Before PRECON**

- PE/PS initial permit review*
  - Locate project specific permits online
  - Print permits and review conditions that must be followed during construction
  - Link all permitted impacts to project plans and contact INDOT-ESD with any questions/concerns
  - Forward to contractor for review
- Permit modifications/waivers*
  - Contractor reviews permits for any modifications/waivers

Includes: temporary impacts (i.e. stream crossings, causeways, pump-arounds, dewatering devices), waivers (i.e. fish spawning, IN Bat tree clearing, bird nesting season), additional impacts outside of construction limits, Rule 5 NOI amendment, etc.

- **PRECON**

- Discussion of necessary permit modifications/waivers*
  - Communicate need to INDOT-ESD (only applicant can modify permits)
  - Allow time for processing at INDOT-ESD and regulatory agencies (several weeks or longer)
- Discussion of expectations for permit compliance*
  - Compliance with all permit conditions during construction
  - Off-site movement of sediment violates multiple waterway permit conditions
- Post all permits onsite prior to the start of construction*
- Utility companies responsible for permitting impacts related to their work*

- **Construction**

- Initial operations (clearing/demolition)*
  - Perimeter control measures installed prior to land disturbing activities
  - Temporary erosion control measures installed following clearing/demolition (temporary seed/mulch)
- Avoiding non-permitted impacts*
  - Knowledge of all permit conditions and the stream/wetland/habitat impacts that are permitted/not permitted
  - Permitted activities/impacts are not exceeded or modified without consultation with INDOT-ESD
  - Off-site borrow/disposal forms prepared by contractor and spot checked by PE/PS
  - Compliance with IN Bat tree clearing restrictions **IF REQUIRED** (no clearing April 1 - September 30)
  - Compliance with fish spawning season restrictions **IF REQUIRED** (no in-stream work April 1 - June 30)
  - Compliance with nesting season restrictions **IF REQUIRED** (no work May 7 – September 7)
  - Questions/concerns during construction should be directed to INDOT-ESD
- Erosion/sediment control*

- Perimeter control measures installed prior to land-disturbing activities
- Focus on erosion control measures (sediment control measures should be a secondary focus)
- Weekly/rain event inspections reports provided by contractor and spot checked for accuracy by PE/PS
- Slopes properly tracked per 203.09 of INDOT Standard Specifications
- Measures correctly installed and maintained per INDOT Standard Specifications
- Modify as needed for field conditions
- Permit violation response*
  - Coordinate with INDOT-ESD
  - Formal response detailing corrective action prepared by contractor and PE/PS for all Rule 5 violations
- Mitigation site construction*
  - Constructed per project plans or changes to plans coordinated with INDOT-ESD
  - Questions/concerns during construction should be directed to INDOT-ESD for resolution

## Resources:

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- **IDEM Emergency Response # 1-888-233-7745** ([http://www.in.gov/idem/files/er\\_quickref.pdf](http://www.in.gov/idem/files/er_quickref.pdf))
- **IDEM Waterways Permitting Handbook**  
([http://www.in.gov/idem/files/wetlands\\_waterways\\_booklet.pdf](http://www.in.gov/idem/files/wetlands_waterways_booklet.pdf))  
*Description:* IDEM publication that provides general information concerning the legal requirements that apply when persons wish to engage in activities that will impact or affect wetlands or other regulated waters, including lakes, rivers, streams, and ponds.
- **Indiana Storm Water Quality Manual**  
(<http://www.in.gov/idem/4899.htm>)  
Chapter 7: Storm Water Quality Measures: Construction and Land-Disturbing Activities  
*Description:* IDEM publication that provides the purpose, specifications, installation guidelines, and maintenance guidelines for each erosion and sediment control measure. This chapter also includes information on stabilized construction entrances, secure concrete washouts, and stream crossings.
- **IDNR Permit Application Assistance Manual**  
(<http://www.in.gov/dnr/water/4953.htm>)  
*Description:* IDNR publication that assists individuals with the preparation and submission of permit applications and minimize the time spent in the DNR's review process.
- **USGS Topographic Maps**  
(<http://inmap.indiana.edu/viewer.htm>)  
*Description:* Online resource for USGS maps which can be used when evaluating an area for potential streams (solid or dashed blue-lines). Open the “Contours, Imagery, and Other” folder on right side of screen and check the box next to the line listed “Topo Map USGS 1:24000.” Zoom in on the map to the location in question.
- **INDOT Links**
  - Project Specific Permits:  
(<http://www.in.gov/dot/div/contracts/letting/index.html>)  
*Description:* The above link connects to a database that lists permits for every INDOT project. Click “View or Download Contract Letting Documents.” Select “Permits” for the document type and enter the project’s contract number.

- INDOT Standard Specifications (2012):  
(<http://www.in.gov/dot/div/contracts/standards/book/sep11/sep.htm>)
- INDOT Recurring Special Provisions:  
(<http://www.in.gov/dot/div/contracts/standards/rsp/sep11/sep11.htm>)  
RSP 108-C-192 Rule 5 Storm Water Pollution Prevention Plan
- INDOT Request for Approval of Borrow or Disposal Site (*IC 203 R3 11/09*)  
(<http://www.in.gov/dot/div/contracts/standards/forms/IC-203.pdf>)  
**Description:** The contractor is required to complete this form for any off-site borrow or disposal site. It includes what permits, if any, have been obtained by the contractor and whether or not the site has been cleared of wetlands and archaeological resources.
- INDOT Standard Drawings:  
(<http://www.in.gov/dot/div/contracts/standards/drawings/sep11/sep.htm>)  
**Description:** The above link connects to standard drawings for riprap check dams, straw bale check dams, sediment traps, inlet protection, silt fence, and slope drains. All erosion and sediment control measures should be installed to INDOT standards.
- General Instructions to Field Employees (GIFE) *Updated 2/24/10*  
3.1 Erosion and Sediment Control  
([http://www.in.gov/dot/div/contracts/standards/GIFE\\_Interim09/SECTION%2003.pdf](http://www.in.gov/dot/div/contracts/standards/GIFE_Interim09/SECTION%2003.pdf))  
**Description:** Provides a summary of PE/PS responsibilities in regards to erosion and sediment control.
- INDOT, Environmental Services Division (ESD)  
Ecology and Waterway Permitting Office (<http://www.in.gov/indot/2675.htm>)  
**Description:** The tasks assigned to this section are summarized on this webpage.

### **INDOT-ESD Contacts:**

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- Nathan Saxe, Manager, Ecology and Waterway Permitting Office: (317) 232-0240; [nsaxe@indot.in.gov](mailto:nsaxe@indot.in.gov)
- \_\_\_\_\_, Ecology and Waterway Permitting Specialist: (317) 23\_\_-\_\_\_\_\_;  
[\\_\\_\\_\\_\\_.@indot.in.gov](mailto:_____.@indot.in.gov)
- \_\_\_\_\_, Storm Water Specialist: (317) 23\_\_-\_\_\_\_\_; [\\_\\_\\_\\_\\_.@indot.in.gov](mailto:_____.@indot.in.gov)
- Marlene Mathas, Hazmat Specialist: (317) 232-5113; [mmathas@indot.in.gov](mailto:mmathas@indot.in.gov)

**PERMIT DETERMINATION CHECKLIST**

<b>1. PROJECT SPECIFIC INFORMATION</b>		<b>Date:</b>																																					
Project Route/Type																																							
INDOT Des. Number	Contract #																																						
County																																							
Letting Date	RFC Date																																						
<b>2. Reviewer/Contact #</b>																																							
<b>3. Materials Used</b>	<input type="checkbox"/> Waters Determination	<input type="checkbox"/> Scope of Work	<input type="checkbox"/> Project Plans																																				
	<input type="checkbox"/> NEPA Documents	<input type="checkbox"/> Project Data	<input type="checkbox"/> _____																																				
	<input type="checkbox"/> USGS Indiana StreamStats	<input type="checkbox"/> IndianaMAP	<input type="checkbox"/> _____																																				
	Other Resources																																						
Waterway Permit Manual, agency guidance																																							
<b>4. 401 WQC (IDEM)/ 404 (USACE)</b>																																							
a. Are there jurisdictional streams, wetlands and/or ponds within the project area?																																							
<input type="checkbox"/> Yes – Type: <input type="checkbox"/> Stream(s) <input type="checkbox"/> Wetland(s) <input type="checkbox"/> Pond(s) <input type="checkbox"/> No [NPR]																																							
b. If yes, what are the total impacts to the resources (reference the waters report)?																																							
<table border="1" style="width:100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"><i><b>Wetlands</b></i></th> <th style="width: 35%;"><b>TOTAL ON-SITE</b></th> <th style="width: 35%;"><b>IMPACTED</b></th> </tr> </thead> <tbody> <tr> <td>type(s)</td> <td></td> <td></td> </tr> <tr> <td>total acres</td> <td></td> <td></td> </tr> <tr> <td>jurisdictional status</td> <td></td> <td></td> </tr> <tr> <td colspan="3"><i><b>Streams</b></i></td> </tr> <tr> <td>LF below OHWM</td> <td></td> <td></td> </tr> <tr> <td>acres below OHWM</td> <td></td> <td></td> </tr> <tr> <td>LF stream relocation</td> <td></td> <td></td> </tr> <tr> <td>net gain/loss</td> <td></td> <td></td> </tr> <tr> <td colspan="3"><i><b>Ponds</b></i></td> </tr> <tr> <td>total acres</td> <td></td> <td></td> </tr> <tr> <td>jurisdictional status</td> <td></td> <td></td> </tr> </tbody> </table>				<i><b>Wetlands</b></i>	<b>TOTAL ON-SITE</b>	<b>IMPACTED</b>	type(s)			total acres			jurisdictional status			<i><b>Streams</b></i>			LF below OHWM			acres below OHWM			LF stream relocation			net gain/loss			<i><b>Ponds</b></i>			total acres			jurisdictional status		
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c. Determine the appropriate permit application.																																							
▶ <b>Use State Form 51937 (Louisville or Detroit Districts)</b>																																							
<input type="checkbox"/> Cumulative impacts are <input type="checkbox"/> <300' <input type="checkbox"/> <0.1 ac and/or <input type="checkbox"/> <150' encapsulation																																							
<input type="checkbox"/> There <b>is no</b> stream relocation.																																							
<input type="checkbox"/> What permit (NWP or RGP) does the project qualify for? Are the permit conditions met? See the Waterway Permit Manual chapters 4 and 6 for the submittal requirements.																																							
▶ <b>Use State Form 51821 (Louisville or Detroit Districts)</b>																																							
<input type="checkbox"/> Cumulative impacts are <input type="checkbox"/> >300' <input type="checkbox"/> >0.1 ac and/or <input type="checkbox"/> >150' encapsulation																																							
<input type="checkbox"/> There <b>is</b> stream relocation.																																							
<input type="checkbox"/> NWP and/or RGP conditions are violated.																																							
▶ <b>Use USACE Form 4345</b>																																							
<input type="checkbox"/> <b>404 IP</b> – a single wetland or stream is impacted that is >1.0 acre or > 1,500'																																							
<input type="checkbox"/> USACE Chicago District (Lake, Porter, & LaPorte [above I-94] counties) permit																																							

applications.

**DATE DRAFT DUE TO ES 401** \_\_\_ - \_\_\_/\_\_\_/\_\_\_ **404** \_\_\_ - \_\_\_/\_\_\_/\_\_\_  
 (401/404 NWP/RGP (6 m pre-RFC), 404 IP (20 m pre-RFC), 401 IP (4 m pre-RFC) )

**5. Construction in a Floodway (CIF)(IDNR)**

- a. Is any stream’s individual drainage area ≥ 1 mile<sup>2</sup>?  Yes  No [NPR]  
 Each project location that will impact a DNR jurisdictional floodway will require a permit.
- b. Does the impacted stream qualify under an IDNR exemption?  Yes [NPR]  No  
 Exemption Type -  Logjam  Wetland Restoration  Outfall  
 Bridge - Project must meet the following five requirements.
  - Construction/reconstruction project of a state highway bridge funded by INDOT.
  - Upstream drainage area of the waterway is less than or equal to 50 square miles (does not exceed 50 square miles).
  - Project is located in a rural area (outside the incorporated limits of a city/town as well as their urban planning zone).
  - Project is limited to a bridge or culvert (bank stabilization, roadway repair, and stream relocation are not exempt activities.)
  - Each building impacted by the project is higher than the regulatory flood elevation (lowest elevation in the structure including the basement.)
- c. Does the INDOT-IDNR-MOU (maintenance) exemption apply?  Yes [NPR]  No  
 Qualified work types may include: pipe liner installation, roadside mowing, herbicide treatments, tree removal/trimming, slide repair to the original slope configuration, replacement of original riprap, scour protection and cleaning roadside ditches to original grade. The original structure waterway opening must be maintained.
- d. If an IDNR CIF permit is required, will mitigation be required? See NRC Information Bulletin #17 – Floodway Habitat Mitigation. Mitigation unit is acres and is based on habitat restoration.
  - No mitigation is required.
  - Palustrine Emergent Wetland Habitat, 2:1 mitigation ratio.
  - Palustrine Shrub-Shrub Wetland Habitat, 3:1 mitigation ratio.
  - Palustrine Forested Wetland Habitat, 4:1 mitigation ratio.
  - Nonwetland forest (at least one acre of disturbance), 2:1 mitigation ratio.
  - Nonwetland forest (less than one acre of disturbance in a rural area), 1:1 mitigation ratio.
  - Nonwetland forest (less than one acre of disturbance in an urban area), 5:1 based on trees at least 10” DBH.
- e. Use State Form 42946. **DATE DRAFT DUE TO ES** (9 m pre-RFC) \_\_\_/\_\_\_/\_\_\_

**6. Rule 5**

- a. Will > 1 acre of soil be disturbed?  Yes  No [NPR]
- b. Will there be < 1 acre but >0.90 acres or more of soil be disturbed?  No  Yes  
 [Coordination with INDOT-ES Storm Water Team is required.]  
**DATE DRAFT DUE TO ES** (5 m pre-RFC) \_\_\_/\_\_\_/\_\_\_

**7. County Regulated Drains**

- a. Is the project located on a regulated drain?  Yes  No [NPR]
  - b. Is the project located in Allen, Elkhart, Hamilton, Lake or LaPorte counties?  
 Yes  No [NPR]
- NOTE - Designation as a regulated drain may prevent construction of on-site mitigation.  
**DATE DRAFT DUE TO ES** (4 m pre-RFC) \_\_\_/\_\_\_/\_\_\_

**8. Section 9 (USCG) and Section 10 (USACE)**

Does the project impact a navigable waterway? See Waterway Permit Manual.

Yes  No [NPR]

**DATE DRAFT DUE TO ES Section 9** (5 m pre-RFC) \_\_/\_\_/\_\_\_\_

**Section 10** (7 m pre-RFC) \_\_/\_\_/\_\_\_\_

**9. Levee**

Does the project impact a levee? See Waterway Permitting Manual Ch. 4.6.

Yes  No [NPR]

**10. Additional Considerations**

- Fish Spawning Waiver (April 1 – June 30)
  - Tree Clearing Waiver (April 1 – September 30)
  - Wildlife Concerns---Swallows, Wildlife Crossing....
  - Adjacent project that may be looked at cumulatively for impacts/mitigation
  - ETR – Endangered, Threatened or Rare Species
- If marked, notify the project manager in your permit determination response of these conflicts.

**11. Follow-up Required**

Email to: PM \_\_\_\_\_ Designer \_\_\_\_\_

Storm Water \_\_\_\_\_

cc: Team Lead \_\_\_\_\_ Other \_\_\_\_\_

In email, describe what documents were reviewed, what permits are required and why. For preliminary permit determinations include statement “A final permit determination will be done at the time of permit application submittal and/or any change to the scope of the project.”

Date sent: \_\_\_\_\_ Update:  Milestones  EWPS  ProjectWise (file PD email)

Revision – 7/30/2014