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Driving Indiana's Economic Growth

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Mitchell E. Daniels, Jr., Governor
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September 13, 2010

To: Environmental Staff
Environmental Consultants

From: mba Michelle Allen, Director
Office of Environmental Services

Re: Environmental Commitments Guidelines

Through the project development process, INDOT seeks input from a variety of resource agencies and stakeholders. Many provide standardized responses, or operate under programmatic agreements which contain a list of typical conditions. A need has been identified to sort these standardized conditions and improve focus on those which are not covered by existing INDOT Standard Specifications, the Indiana Design Manual (IDM), or standard drawings.

The purpose of this document is to provide guidance to those preparing or reviewing environmental documents (Categorical Exclusions, Environmental Assessments or Environmental Impact Statements) and environmental permits. Each of the following tables lists a set of standard responses that may be received from a resource agency or other stakeholder, and explains when each should be carried forward in the environmental document and/or Project Commitments Database.

A certain level of professional judgment should be exercised when using these tables. For example, an agency comment regarding scour protection around bridge piers is appropriate to include in environmental documentation and the commitment database only for projects that actually include bridge work. The same commitment should be eliminated for projects that involve only paving. In addition, recommendations in early coordination letter responses from an agency may become conditions if a permit is required from that agency. Use professional judgment to determine whether a commitment is for consideration or required assuming that a permit will be needed.

All bracketed citations reference the 2010 Indiana Standard Specifications unless otherwise noted. Citations from the Indiana Design Manual (IDM) reference the version that is active on or after January 1, 2010. This guidance document will be updated as necessary to reflect changes in INDOT or resource agency policies. The most current version can always be found on the Office of Environmental Services- Environmental Policy web page (http://www.in.gov/indot/3338.htm).

If you have any questions, please contact Ben Lawrence at (317) 233-1164 or blawrence@indot.in.gov.

List of Tables

Commitment Source	Table #
US Fish and Wildlife Service MOU	1
DNR Correspondence Commitments	2
IDEM Commitments and Conditions	3
Corps of Engineers Nationwide Permit Conditions	4

Table 1: US Fish and Wildlife Memorandum of Understanding Conditions*			
Item	**Insert into**		**Notes**
	Environmental Document?	**Commitment Database?**	
Post DO NOT DISTURB signs at the construction zone boundaries and do not clear trees or understory vegetation outside the boundaries. [101.10, 201.01, 201.02]	Y	N	Addressed by specifications.
Restrict below-water work to placement of piers, pilings and/or footings, shaping of the spill slopes around the bridge abutments, and placement of riprap.	Y	Y	
Restrict channel work and vegetation clearing to within the width of the normal approach road right-of-way. [201.01, 201.02]	Y	N	Addressed by specifications.
Minimize the extent of artificial bank stabilization.	Y	Y	
If riprap is utilized for bank stabilization, extend it below low-water elevation to provide aquatic habitat.	Y	Y	
Implement temporary erosion and siltation control devices such as placement of straw bales in drainage ways and ditches, covering exposed areas with burlap, jute matting or straw, and grading slopes to retain runoff in basins. [205]	Y	N	Addressed by specifications.
Revegetate all disturbed soil areas immediately upon project completion. [108.04]	Y	N	Addressed by specifications.
Avoid all work within the inundated part of the stream channel during the fish spawning season (April 1 through June 30), except for work within sealed structures such as caissons or cofferdams that were installed prior to the spawning season (as applicable).	Y	Y	

*All items from the US Fish and Wildlife MOU should be marked "for consideration".

Table 2: Department of Natural Resources Commitments/Conditions			
Item	**Insert into**		**Notes**
	Environmental Document?	**Commitment Database?**	
Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush. [201.01, 201.02]	Y	N	Addressed by specifications.
Do not work in the waterway from April 1 through June 30 without prior written approval of the Division of Fish and Wildlife	Y	Y	
Post "Do Not Mow or Spray" signs along the right-of-way. [622.20]	Y	N	Addressed by specifications.
Seed and protect all disturbed streambanks and slopes that are 3:1 or steeper with erosion control blankets (follow manufacturer's recommendations for installation); seed and apply mulch on all other disturbed areas. [205]	Y	N	Addressed by specifications.
Revegetate "low maintenance" areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion; low endophyte tall fescue may be used in "high maintenance" areas only. [621]	Y	N	Addressed by specifications.
Do not cut any trees suitable for Indiana bat roosting (greater than 3 inches dbh, living or dead, with loose hanging bark) from April 1 through September 30. [RSP 107-B-040]	Y	Y	
Appropriately designed measures for controlling erosion and sediment must be implemented to prevent sediment from entering the stream or leaving the construction site; maintain these measures until construction is complete and all disturbed areas are stabilized. [205]	Y	N	Addressed by specifications.
Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure.	Y	Y	
Do not work in salmonid waterways from March 15 through June 15 and from July 15 through November 30 without the prior written approval of the Department of Natural Resources, Division of Fish and Wildlife.	Y	Y	
Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids.	Y	Y	
The project must not create conditions that are less favorable for wildlife passage under the structure compared to current conditions. This includes maintaining land under the bridge unarmored with riprap to allow for wildlife passage.	Y	Y	
If any archaeological artifacts or human remains are uncovered during construction, work must stop and the discovery must be reported within 2 business days. [104.07]	Y	N	Addressed by specifications.

Permit must be posted and maintained at the project site until the project is completed.	N	Y	
Revegetate all bare and disturbed areas with a mixture of grasses (excluding all varieties of tall fescue), legumes, and native shrub and hardwood tree species as soon as possible upon completion. [108.04]	Y	N	Addressed by specifications.
Place all excavated material landward of the floodway. [206.07]	Y	N	Addressed by specifications.
Do not leave felled trees, brush, or other debris in the floodway. Remove all construction debris from the floodway. [210.02, 108.04]	Y	N	Addressed by specifications.
Keep the bridge waterway opening free of debris and sediment at all times. [108.04]	Y	N	Addressed by specifications.
Plant five trees, at least 2 inches in diameter-at-breast height, for each tree which is removed that is ten inches or greater in diameter-at-breast height.	Y	Y	
Riprap placed for bank stabilization must conform to streambank. Riprap or other bank stabilization materials must be used only at the toe of the sideslopes up to the ordinary high water mark (ohwm). Riprap must not be placed in a manner that precludes fish or aquatic organism passage. [IDM Fig 17-5J]	N	N	
Dewatering must be limited to one side or streambank of the creek/bridge construction site at a time so at least half of the creek is always flowing naturally; on larger streams, both sides can be dammed at once as long as the center of the channel is allowed to flow naturally	N	Y	
Do not dewater directly into the stream; dewater into a sediment bag into a roll off box and onto a riprap apron or similar system. Filters must incorporate filters or bypasses to avoid injuring or killing fish and other aquatic organisms.	N	Y	
Anchor the bridge deck to prevent dislodging and/or flotation during high water events	N	Y	

Table 3: Indiana Department of Environmental Management Commitments			
Item	**Insert into**		**Notes**
	Environmental Document?	**Commitment Database?**	
A Section 404 permit is required before discharging dredged or fill materials into any wetlands or other waters, such as rivers, lakes, streams, and ditches. [IDM 9-2.02]	N	N	
In the event a Section 404 wetlands permit is required, you also must obtain a Section 401 Water Quality Certification. [IDM 9-2.03]	N	N	
A state isolated wetland permit from IDEM's Office of Water Quality is required for any activity that results in the discharge of dredged or fill materials into isolated wetlands. [IDM 9-2.04]	N	N	
If your project will impact more than 0.5 acres of wetland, stream relocation, or other large-scale alterations to bodies of water such as the creation of a dam or a water diversion, you should seek additional input from the Office of Water Quality, Wetlands staff. [IDM 9-2.04]	N	N	
The physical disturbance of the stream and riparian vegetation, especially large trees overhanging any affected water bodies should be limited to only that which is absolutely necessary to complete the project. [201.01, 201.02]	Y	N	Addressed by specifications.
For projects involving construction activity (which includes clearing, grading, excavation and other land disturbing activities) that result in the disturbance of one (1), or more, acres of total land area, a Rule 5 permit will be required. [205]	N	N	
If your project is located in an IDEM-approved MS4 area, please contact the local MS4 program about meeting their storm water requirements. [IDM 9-2.05]	N	N	
IDEM recommends that appropriate structures and techniques be utilized both during the construction phase, and after completion of the project, to minimize the impacts associated with storm water runoff. [205]	Y	N	Addressed by specifications.
For projects involving impacts to fish and botanical resources, contact the Department of Natural Resources for additional project input. [RSP 107-B-040]	N	N	Addressed by Early Coordination.
For projects involving water main construction, water main extensions, and new public water supplies, contact IDEM regarding the need for permits.	N	N	
For projects involving effluent discharges to waters of the State of Indiana, contact IDEM regarding the need for a National Pollutant Discharge Elimination System (NPDES) permit. [IDM 9-3.09]	N	N	
For projects involving the construction of wastewater facilities and sewer lines, contact IDEM regarding the need for permits. [IDM 9-2.03]	N	N	

Open burning regulations must be observed. [201.03]	N	N	Addressed by specifications.
Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. Dirt tracked onto paved roads from unpaved areas should be minimized. [107.08(b)]	Y	N	Addressed by specifications.
If construction or demolition is conducted in an area where birds or bats have roosted, measures should be taken to avoid an outbreak of histoplasmosis.	N	N	Not relevant to highway projects.
The U.S. EPA and the U.S. Surgeon General recommend that people not have long-term exposure to radon at levels above 4 pCi/L.	N	N	Not relevant to highway projects.
All facilities slated for renovation or demolition must be inspected by an Indiana-licensed asbestos inspector prior to renovation or demolition activities. If regulated asbestos-containing material (RACM) that may become airborne is found, demolition, renovation, or asbestos removal activities must be performed in accordance with notification and emission control requirements. [202.07]	Y	N	Addressed by specifications.
In all cases where a demolition activity will occur (even if no asbestos is found), the owner or operator must still notify IDEM 10 working days prior to the demolition. [202.07]	Y	N	Addressed by specifications.
IDEM encourages all efforts to minimize human exposure to lead-based paint chips and dust. [619.07]	Y	N	Addressed by specifications.
The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months of April through October. [902.01]	Y	N	Addressed by specifications.
If your project involves a new source of air emissions or modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by IDEM.	N	N	Not relevant to highway projects.
If the site is found to contain any areas used to dispose of solid or hazardous waste, contact IDEM. [104.06]	N	N	Addressed by specifications.
All solid wastes generated by the project, or removed from the project site, need to be taken to a properly permitted solid waste processing or disposal facility. [104.06]	N	N	Addressed by specifications.
If the project involves the installation or removal of an underground storage tank, or involves contamination from an underground storage tank, you must contact the IDEM Underground Storage Tank program. [202.08]	N	N	Addressed by specifications.
The permittee shall deposit any dredged material in a contained upland disposal area to prevent sediment runoff to any water body. [206.07]	N	N	Addressed by specifications.
The permittee shall allow the commissioner or an authorized representative of the commissioner (including an authorized contractor), to inspect the site and verify	N	N	Covered by other contract

compliance.			documents.
All stream pump-around activities must be discharged in a manner that does not cause erosion at the outlet. [206.09]	N	N	Addressed by specifications.
Install erosion control methods prior to any soil disturbance to prevent soil from leaving the construction site. Monitor and maintain erosion control structures and devices regularly, especially after rain events, until all soils disturbed by construction activities have been permanently stabilized. [108.04, 205]	N	N	Addressed by specifications.
Install silt fence or other erosion control measures around the perimeter of any wetlands and/or other waterbodies to remain undisturbed at the project site. [IDM 37-3.01(01)]	Y	N	Addressed by specifications.
Complete all approved discharges no later than the expiration date of the Section 401 Water Quality Certification.	N	N	Covered by other contract documents.
Post do not disturb signs at the construction zone boundaries and do not clear trees or understory vegetation outside the boundaries. [101.10, 201.01, 201.02]	N	N	Addressed by specifications.
Stabilize all disturbed areas upon completion of land disturbing activities. [104.08, 203.09, 621.11]	Y	N	Addressed by specifications.
Remove any temporary causeway or other approved temporary structures used to facilitate construction or access upon completion of construction activities. [104.08]	N	N	Addressed by specifications.
When cyanide or cyanogen compounds are used in any of the processes at a facility regulated under this article, the person responsible for that facility shall provide approved facilities for the containment of any losses of these compounds in accordance with the requirements under 327 IAC 2-2-1.	N	N	Not relevant to highway projects.
Persons regulated by this article shall have all wastewater treatment facilities, if any, under the direct supervision of a certified operator.	N	N	Not relevant to highway projects.
Sediment-laden water which otherwise would flow from the project site shall be treated by erosion and sediment control measures appropriate to minimize sedimentation. [108.04]	Y	N	Addressed by specifications.
Wastes and unused building materials shall be managed and disposed of in accordance with all applicable statutes and regulations. [107.01, 108.04(b), 108.04(c)]	Y	N	Addressed by specifications.
A stable construction site access shall be provided at all points of construction traffic ingress and egress to the project site. [205.03]	Y	N	Addressed by specifications.
Public or private roadways shall be kept cleared of accumulated sediment that is a result of run-off or tracking. [107.08, 205.03]	Y	N	Addressed by specifications.
Storm water run-off leaving a project site must be discharged in a manner that is consistent with applicable state or federal law. [108.04]	N	N	Addressed by specifications.
The project site owner shall post a permit notice near the main entrance of the project site.	N	Y	

For linear project sites, such as a pipeline or highway, the notice must be placed in a publicly accessible location near the project field office. The notice must be maintained in a legible condition.			
The project site owner shall inform all general contractors, construction management firms, grading or excavating contractors, utility contractors, and the contractors that have primary oversight on individual building lots of the terms and conditions of permits. [107.01]	N	N	Addressed by specifications.
Phasing of construction activities shall be used, where possible, to minimize disturbance of large areas. [108.04]	N	N	Addressed by specifications.
Appropriate measures shall be planned and installed as part of an erosion and sediment control system. [108.04, 205]	N	N	Addressed by specifications.
All storm water quality measures must be designed and installed under the guidance of a trained individual. [108.04]	N	N	Addressed by specifications.
Collected run-off leaving a project site must be either discharged directly into a well-defined, stable receiving channel or diffused and released to adjacent property without causing an erosion or pollutant problem to the adjacent property owner. [108.04]	N	N	Addressed by specifications.
Drainage channels and swales must be designed and adequately protected so that their final gradients and resultant velocities will not cause erosion in the receiving channel or at the outlet. [IDM 45-3.02(03)]	N	N	Addressed by specifications.
Natural features, including wetlands and sinkholes, shall be protected from pollutants associated with storm water run-off. [108.04]	N	N	Addressed by specifications.
Unvegetated areas that are scheduled or likely to be left inactive for fifteen (15) days or more must be temporarily or permanently stabilized with measures appropriate for the season to minimize erosion potential. [203.09]	N	N	Addressed by specifications.
During the period of construction activities, all storm water quality measures necessary to meet the requirements of this rule shall be maintained in working order. [108.04]	N	N	Addressed by specifications.
A self-monitoring compliance program must be implemented. [108.04, 205.04]	N	N	Addressed by specifications.
Proper storage and handling of materials, such as fuels or hazardous wastes, and spill prevention and clean-up measures shall be implemented to minimize the potential for pollutants to contaminate surface or ground water or degrade soil quality. [108.04]	N	N	Addressed by specifications.

Table 4: Corps of Engineers Nationwide Permit General Conditions			
Item	**Insert into**		**Notes**
	Environmental Document?	**Commitment Database?**	
No activity may cause more than a minimal adverse effect on navigation. [107.11]	N	N	Addressed by specifications.
Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States. [107.11]	N	N	Addressed by specifications.
No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. Culverts placed in streams must be installed to maintain low flow conditions. [Design Memo 09-27]	N	N	Addressed by Design Memo.
Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. [RSP 107-B-040]	N	Y	
Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.	N	Y	
No activity may occur in areas of concentrated shellfish populations.	N	Y	
No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts. [203.08]	N	N	Addressed by specifications.
No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.	N	Y	
If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable. [206.09]	N	N	Addressed by specifications.
To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-	N	N	Addressed by Design Manual.

construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities). [Design Memo 09-27, IDM 31-3]			
The activity must comply with applicable FEMA approved state or local floodplain management requirements. [107.02]	N	N	Addressed by specifications.
Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.	N	Y	
Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. [205]	N	N	Addressed by specifications.
Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate. [104.08, 108.04]	N	N	Addressed by specifications.
No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status.	N	Y	
Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, and 50 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.	N	Y	
For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 27, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters.	N	Y	
The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site). [108.04]	N	N	Addressed by specifications.