

Appendix L

ENVIRONMENTAL COMMITMENTS

All Commitments Report as of 08/28/2013

Des Number: 1173374
 District: Seymour
 Route: US 50
 Project Desc: Continuation of North Vernon Bypass from SR 3 to US 50 East of the town.

Contract No: 34408
 Project Mgr: Trevor, Mills

----- C o m m i t m e n t -----

Attn.?	Required?	Implement?	No.
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Yes	Required	Yes	10
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To minimize impacts to the eastern box turtle and kirtland's snake, where any excavation/digging will occur, we recommend that construction only take place from April through October. This will help minimize the threats to hibernating kirtland's snakes and eastern box turtles that would be unable to get away. (Firm)

Yes	Required	Yes	56
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If any contaminated soils are discovered during this project, they may be subject to disposal as hazardous waste. (Firm)

No	Required	Yes	1
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The project should be located and designed to minimize stream/riparian impacts, avoid areas of high quality aquatic habitats such as rock riffles and mussel beds, and avoid the need to realign or relocate stream channels. The FWS would oppose realignments of perennial streams and good-quality intermittent streams. (Firm)

No	Required	Yes	2
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A preliminary wetland survey should be conducted for all routes, using all available mapping and orthophotography resources. A comprehensive wetland delineation should be conducted for alternatives carried forward as soon as access becomes available. (Firm)

Wetland deliniation was conducted in accordance with the 1987 Corps Manual and utilizing in-WRAP for assessment.

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Attn.?	Required?	Implement?	No.
No	Required	Yes	3
<p>Wetland impacts should be avoided to the extent possible, and unavoidable impacts should be mitigated in accordance with the MOU between INDOT, the FWS and the Indiana DNR. (Firm)</p> <p><i>Impacts to wetland and habitat will be mitigated at the appropriate ratio according to the MOU. This mitigation will be achieved under a separate contract at an offsite mitigation area.</i></p>			
No	Required	Yes	4
<p>The environmental document should include a discussion of best management practices to be used to avoid erosion and runoff of soil and other pollutants during construction, and to mitigate the effects of polluted road runoff from traffic on new routes. (Firm)</p> <p><i>The environmental document states that a mitigation plan will be included as part of the IDEM 401 and USACE 404 permit applications. The likely mitigation strategy will be to plant wooded, riparian corridors along stretches of streams that currently lack riparian corridors. These riparian corridors would be planted in a one-to-one ratio based on the total linear feet of each stream classification impacted by the preferred alternative.</i></p>			
No	Required	Yes	5
<p>Most of the study area is underlain by karst geologic formations. A karst survey should be conducted in accordance with our karst MOU with INDOT. All route alternatives should be designed to avoid adverse physical and water quality/quantity impacts on significant karst resources (e.g. caves, springs, sinkholes). (Firm)</p> <p><i>A karst survey and evaluation has been conducted in accordance with the MOU. Potential Measures to Offset Impacts to Karst are included in the Karst Evaluation Report that was submitted to INDOT in May 2013.</i></p>			

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Attn.?	Required?	Implement?	No.
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No	Required	Yes	7
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Because Indiana bats are now known to be present in the study area, the project may adversely affect a federally endangered species. INDOT will eventually need to provide a biological assessment (BA) in order to determine whether formal consultation is necessary. The BA should address alignments carried forward to allow the FWS to determine the alignment(s) that will avoid or minimize adverse effects on the Indiana bat. (Firm)

An Indiana Bat Biological Assessment was reviewed and approved by INDOT in May 2013. The Biological Assessment was then submitted to USFWS for review and approval.

No	Required	Yes	8
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We recommend compensatory wetland mitigation be provided to adequately offset the naturally-occurring wetland functions that are lost due to project implementation activities. Wetland compensation should take place in the same watershed where the impacts occur. (Firm)

Impacts to wetland and habitat will be mitigated at the appropriate ratio according to the MOU. This mitigation will be achieved under a separate contract at an offsite mitigation area.

No	Required	Yes	17
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Impacts to non-wetland forest under one (1) acre should be mitigated at a 1:1 ratio, while impacts to non-wetland forest over one (1) acre should be mitigated at a minimum 2:1 ratio. Impacts to wetlands should be mitigated at the appropriate ratio as well, in accordance with the DNR's new Floodway Habitat Mitigation guidelines. (Firm)

Impacts to wetland and habitat will be mitigated at the appropriate ratio according to the MOU. This mitigation will be achieved under a separate contract at an offsite mitigation area.

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----- C o m m i t m e n t -----

Attn.?	Required?	Implement?	No.
No	Required	Yes	18
<p>Any new, replacement, or rehabbed structure should not create conditions that are less favorable for wildlife passage under the structure compared to current conditions. (Firm)</p>			
No	Required	Yes	19
<p>Design plans for new bridges should include a level area of natural ground under the structure with a minimum 8' tall by 24' wide opening (that does not include the size of the opening over the channel). This opening under the bridge with unsubmerged, dry land is essential for wildlife passage. (Firm)</p>			
No	Required	Yes	20
<p>If riprap is planned under the bridge, only dry land unarmored with riprap should be considered in the opening dimensions. Considerations can be made if alternative armoring materials are used. (Firm)</p>			
No	Required	Yes	21
<p>Because part of the area above the ohwm on the banks is typically used by wildlife, we recommend that a smooth-surfaced material such as articulated concrete mats be placed on the side-slopes instead of part or all of the proposed riprap (or riprap at the toe and turf reinforcement mats above the riprap toe protection). (Firm)</p>			

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Attn.?	Required?	Implement?	No.
No	Required	Yes	23
<p>From the ohwm to the top of the bank, we recommend using erosion control blankets or turf reinforcement mats instead of riprap as these are compatible with vegetation growth and provide equal or better erosion control protection than riprap. (Firm)</p>			
No	Required	Yes	24
<p>The use of erosion control blankets, turf reinforcement mats, and other similar materials seeded with a native plant seed mix will allow a natural, vegetated stream bank to develop. We recommend bioengineered bank stabilization materials and methods. (Firm)</p>			
No	Required	Yes	25
<p>Revegetate all bare and disturbed areas in the floodway with a mixture of native grasses, sedges, wildflowers, and also native hardwood trees and shrubs as soon as possible upon completion. Do not use any varieties of Tall Fescue or other non-native plants (e.g. crown-vetch). (Firm)</p>			
No	Required	Yes	26
<p>Minimize and contain within the project limits inchannel disturbance and the clearing of trees and brush. (Firm)</p>			
No	Required	Yes	27
<p>Do not work in the waterway from April 1 through June 30 without the prior written approval of the Division of Fish and Wildlife. (Firm)</p>			

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Attn.?	Required?	Implement?	No.
No	Required	Yes	28
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. (Firm)			
No	Required	Yes	29
Do not excavate in the low flow area except for the placement of piers, foundations, and riprap, or removal of the old structure. (Firm)			
No	Required	Yes	30
Do not construct any temporary runarounds or causeways. (Firm)			
No	Required	Yes	31
Use minimum average 6 inch graded riprap stone extended below the normal water level to provide habitat for aquatic organisms in the voids. (Firm)			
No	Required	Yes	32
Plant native hardwood trees along the top of the bank and right-of-way to replace the vegetation destroyed during construction. (Firm)			

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Attn.?	Required?	Implement?	No.
No	Required	Yes	33
Post "Do Not Mow or Spray" signs along the right-of-way. (Firm)			
No	Required	Yes	34
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. (Firm)			
No	Required	Yes	35
Seed and protect all disturbed stream banks and slopes that are 3:1 or steeper with erosion control blankets (follow manufacturer's recommendation for installation); seed and apply mulch on all other disturbed areas. (Firm)			
No	Required	Yes	36
Plant five native 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. (Firm)			
No	Required	Yes	37
Section 404 of the Clean Water Act requires that you obtain a permit from the US Army Corps of Engineers before discharging dredged or fill materials into any wetlands or other waters, such as rivers, lakes, streams and ditches. USACE recommends you have a consultant check to determine whether your project will abut, or lie within, a wetland area. (Firm)			

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----- C o m m i t m e n t -----

Attn.?	Required?	Implement?	No.
No	Required	Yes	38
<p>In the event a Section 404 wetlands permit is required from the USACE, you also must obtain a Section 401 Water Quality Certification from the IDEM Office of Water Quality Wetlands Program. (Firm)</p>			
No	Required	Yes	39
<p>If the USACE determines that a wetland or other water body is isolated and not subject to Clean Water Act regulation, it is still regulated by the state of Indiana . A State Isolated Wetland permit from IDEM's Office of Water Quality (OWQ) is required for any activity that results in the discharge of dredged or fill materials into isolated wetlands. (Firm)</p>			
No	Required	Yes	40
<p>If your project will involve over a 0.5 acre of wetland impact, stream relocation, or other large-scale alterations to water bodies such as the creation of a dam or a water diversion, you should seek additional input from the OWQ Wetlands Program staff. (Firm)</p>			
No	Required	Yes	41
<p>Work within the one-hundred year floodway of a given water body is regulated by the Department of Natural Resources, Division of Water. The Division issues permits for activities regulated under the following statutes: (Firm)</p>			

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Attn.?	Required?	Implement?	No.
No	Required	Yes	42
<p>IC 14-26-2 Lakes Preservation Act 312 IAC 11, IC 14-26-5 Lowering of Ten Acre Lakes Act, IC 14-28-1 Flood Control Act 310 IAC 6-1, IC 14-29-1 Navigable Waterways Act 312 IAC 6, IC 14-29-3 Sand and Gravel Permits Act 312 IAC 6, IC 14-29-4 Construction of Channels Act. (Firm)</p>			
No	Required	Yes	43
<p>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. The shade provided by the large overhanging trees helps maintain proper stream temperatures and dissolved oxygen for aquatic life. (Firm)</p>			
No	Required	Yes	44
<p>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, contact the Office of Water Quality – Watershed Planning Branch regarding the need for of a Rule 5 Storm Water Runoff Permit. (Firm)</p>			
No	Required	Yes	45
<p>If your project is located in an IDEM-approved MS4 area, please contact the local MS4 program about meeting their storm water requirements. Once the MS4 approves the plan, the NOI can be submitted to IDEM. (Firm)</p>			

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Attn.?	Required?	Implement?	No.
No	Required	Yes	47
<p>Reasonable precautions must be taken to minimize fugitive dust emissions from construction and demolition activities. For example, wetting the area with water, constructing wind barriers, or treating dusty areas with chemical stabilizers. Dirt tracked onto paved roads from unpaved areas should be minimized. (Firm)</p>			
No	Required	Yes	50
<p>All facilities slated for renovation or demolition (except residential buildings that have (4) four or fewer dwelling units and which will not be used for commercial purposes) must be inspected by an Indiana-licensed asbestos inspector prior to the commencement of any renovation or demolition activities. (Firm)</p>			
No	Required	Yes	51
<p>If regulated asbestos-containing material (RACM) that may become airborne is found, any subsequent demolition, renovation, or asbestos removal activities must be performed in accordance with the proper notification and emission control requirements. (Firm)</p>			
No	Required	Yes	52
<p>Ensure that asphalt paving plants are permitted and operate properly. The use of cutback asphalt, or asphalt emulsion containing more than seven percent (7%) oil distillate, is prohibited during the months April through October. (Firm)</p>			

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Attn.?	Required?	Implement?	No.
No	Required	Yes	53
<p>If your project involves the construction of a new source of air emissions or the modification of an existing source of air emissions or air pollution control equipment, it will need to be reviewed by the IDEM Office of Air Quality (OAQ). A registration or permit may be required under 326 IAC 2. (Firm)</p>			
No	Required	Yes	54
<p>If the site is found to contain any areas used to dispose of solid or hazardous waste, you need to contact the Office of Land Quality (OLQ). (Firm)</p>			
No	Required	Yes	55
<p>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. (Firm)</p>			
No	Required	Yes	57
<p>If PCBs are found at this site, please contact the Industrial Waste Section of OLQ for information regarding management of any PCB wastes from this site. (Firm)</p>			
No	Required	Yes	58
<p>If there are any asbestos disposal issues related to this site, please contact the Industrial Waste Section of OLQ for information regarding the management of asbestos wastes. (Firm)</p>			

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Attn.?	Required?	Implement?	No.
No	Required	Yes	59
<p>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. (Firm)</p>			
No	For Consideration	Yes	6
<p>Secondary impacts should be minimized by not locating new routes near good quality habitats and sensitive areas, and by implementing access control near such areas. (For Consideration)</p>			
No	For Consideration	Yes	11
<p>We also recommend that all logs, trash, or any other type of debris (including riprap) be removed from the construction zone at least one week prior to the start of work to keep these species from hiding underneath the debris. If any vegetation will be removed during work, this should also be done one week prior to construction. (For Consideration)</p>			
No	For Consideration	Yes	12
<p>After the trash and vegetation are removed, a trenched-in silt fence should be placed around the construction area. Once the silt fence is installed, a walk-through should be conducted to look for any eastern box turtles. (For Consideration)</p>			
No	For Consideration	Yes	13
<p>Any equipment, materials, or debris left overnight in the area should be checked for the presence of kirtland's snakes prior to the start of work the next day. (For Consideration)</p>			

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Attn.?	Required?	Implement?	No.
No	For Consideration	Yes	14
<p>Reptiles or amphibians encountered in the project area should be removed, unharmed, and placed outside the construction area. (For Consideration)</p>			
No	For Consideration	Yes	15
<p>Turtles encountered should be moved to the nearest forested area. An accredited herpetologist should be hired to translocate state or federally listed herps from current locations within the construction area to an area of suitable habitat.(For Consideration)</p>			
No	For Consideration	Yes	16
<p>We recommend coordinating with the Division of Fish and Wildlife herpetologist regarding development of herpetile removal plans. Removal of any state endangered species will require a permit issued by the Division of Fish and Wildlife. (For Consideration)</p>			
No	For Consideration	Yes	22
<p>Such materials will not impair wildlife movement along the banks under the bridge. Minimize the use of riprap and use alternative erosion protection materials whenever possible. Where riprap must be used, place only enough to provide stream bank toe protection, such as from the toe of the bank up to the ordinary high water mark (ohwm). (For Consideration)</p>			

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Attn.?	Required?	Implement?	No.
No	For Consideration	Yes	46
<p>IDEM generally recommends that you take vegetative wastes to a registered yard waste composting facility or that the waste be chipped or shredded with composting on site (you must register with IDEM if more than 2,000 pounds is to be composted. (For Consideration)</p>			
No	For Consideration	Yes	48
<p>If construction or demolition is conducted in a wooded area where blackbirds have roosted or abandoned buildings or building sections in which pigeons or bats have roosted for 3-5 years precautionary measures should be taken to avoid an outbreak of histoplasmosis. (For Consideration)</p>			
No	For Consideration	Yes	49
<p>EPA recommends all homes (and apartments within three stories of ground level) be tested for radon. If in-home radon levels are determined to be 4 pCi/L, or higher, EPA recommends a follow-up test. If the second test confirms that radon levels are 4 pCi/L, or higher, EPA recommends the installation of radon reduction measures. (For Consideration)</p>			
No	For Consideration	No	9
<p>EPA recommends voluntary mitigation for any tree loss and core forest loss associated with the proposal. Mitigation might include, assisting local, county or state agencies with any on-going or planned forest reclamation projects in the watershed or planting native tree saplings in areas outside the safety areas, if feasible. (For Consideration)</p>			

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Attn.?	Required?	Implement?	No.
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Designer / Firm:

I certify that I have checked the contract documents and, to the best of my knowledge, they include the plans, items, quantities and specifications necessary to complete those commitments anticipated to be implemented during the construction phase of the project.

Area Engineer, Project Engineer/Supervisor:

I certify, to the best of my knowledge, that the project was constructed according to the design plans and specifications and that all commitments to be implemented during the construction phase have been implemented unless otherwise explained below.