

**Texas Department of Transportation**

**TECHNICAL PROVISIONS**

**STATE HIGHWAY 360**

**Attachment 4-1**

**EA Commitments**

ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS

ENDANGERED AND/OR THREATENED SPECIES/WILDLIFE/MIGRATORY BIRDS  
SPECIES IN PROJECT AREA

DB CONTRACTOR SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS AND REGULATIONS AS RELATED TO LISTED THREATENED AND ENDANGERED SPECIES. NEPA APPROVAL IDENTIFIED POTENTIAL HABITAT WITHIN THE PROJECT LIMITS FOR THE PLAINS SPOTTED SKUNK, WESTERN BURROWING OWL, FAWNSFOOT, LITTLE SPECTACLECASE, LOUISIANA PIGTOE, TEXAS FAWNSFOOT, TEXAS HEELSPLITTER, TEXAS PIGTOE, WABASH PIGTOE, ALLIGATOR SNAPPING TURTLE, TEXAS GARTER SNAKE, TIMBER/CANEBRAKE RATTLESNAKE, AND GLEN ROSE YUCCA. PRIOR TO CONSTRUCTION, DB CONTRACTOR SHALL REVIEW THE APPLICABLE AND MOST CURRENT FEDERAL AND STATE THREATENED AND ENDANGERED SPECIES LISTS TO DETERMINE IF CHANGES TO THE LISTS HAVE OCCURRED SINCE AUTHORIZATION OF THE NEPA APPROVAL. DB CONTRACTOR SHALL IDENTIFY ALL FEDERAL AND STATE LISTED SPECIES WITH POTENTIAL TO EXIST WITHIN THE PROJECT LIMITS AND DETERMINE THE EXTENT OF PROJECT IMPACTS TO THE LISTED SPECIES DURING FINAL DESIGN. DB CONTRACTOR SHALL PERFORM FIELD SURVEYS TO DETERMINE THE PRESENCE OF ALL FEDERAL AND STATE LISTED SPECIES CONSIDERED TO INCUR IMPACTS BY THE PROJECT. IF IT IS DETERMINED THAT FEDERAL AND STATE LISTED SPECIES ARE PRESENT WITHIN THE PROJECT LIMITS, AND ADVERSE IMPACTS WILL OCCUR, DB CONTRACTOR SHALL WORK WITH TXDOT TO DEVELOP MITIGATION APPROACHES. DB CONTRACTOR SHALL PREPARE ANY MATERIALS NEEDED FOR COORDINATION/CONSULTATION WITH APPLICABLE REGULATORY AGENCIES, AT TXDOT'S DIRECTION. TXDOT WILL CONDUCT COORDINATION/CONSULTATION WITH APPLICABLE AGENCIES. DB CONTRACTOR SHALL BE RESPONSIBLE FOR ANY MITIGATION REQUIREMENTS IDENTIFIED DURING AGENCY COORDINATION/CONSULTATION. BASED ON THE CURRENT SCOPE OF WORK FOR THE PROJECT, IT IS LIKELY THAT MUSSEL SURVEYS WILL BE REQUIRED. DB CONTRACTOR SHALL FOLLOW THE STEPS ABOVE TO DETERMINE MUSSEL PRESENCE WITHIN THE PROJECT LIMITS, AND THE EXTENT OF PROJECT IMPACTS TO THE SPECIES. DB CONTRACTOR SHALL REPORT ALL FINDINGS TO TXDOT, AND IF NECESSARY, SHALL DEVELOP MUSSEL RELOCATION PLANS AND/OR OTHER BEST MANAGEMENT PRACTICES TO ENSURE THE PRESERVATION OF PRESENT MUSSEL SPECIES, AT TXDOT'S DIRECTION. DB CONTRACTOR SHALL ENSURE THAT APPROVED BEST MANGEMENT PRACTICES ARE MAINTAINED THROUGHOUT CONSTRUCTION. DB CONTRACTOR SHALL COMPLY WITH THE MBTA. BETWEEN OCTOBER 1 AND FEBRUARY 15, DB CONTRACTOR SHALL REMOVE ALL OLD NESTS FROM STRUCTURES THAT WOULD BE IMPACTED BY THE PROJECT, AND COMPLETE ANY BRIDGE WORK AND/OR VEGETATION CLEARING. IN ADDITION, DB CONTRACTOR SHALL PREVENT MIGRATORY BIRDS FROM BUILDING NESTS BETWEEN FEBRUARY 15 AND OCTOBER 1. IF MIGRATORY BIRDS ARE ENCOUNTERED DURING CONSTRUCTION, ADVERSE IMPACTS ON PROTECTED BIRDS, ACTIVE NESTS, EGGS, AND/OR YOUNG SHALL BE AVOIDED. PROPOSED PREVENTION METHODS SHALL BE APPROVED BY A TXDOT FT WORTH BIOLOGIST PRIOR TO USE.

**HISTORICAL/ARCHEOLOGICAL:**  
CONTRACTOR SHALL ADHERE TO THE PROVISIONS OF ARTICLE 7.19 OF TXDOT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, STREETS AND BRIDGES, AND SPECIAL PROVISIONS.  
KNOWN ITEMS OF HISTORICAL INTEREST IN PROJECT AREA :  
BUILDINGS \_\_\_\_\_  
BRIDGES \_\_\_\_\_  
CEMETERIES \_\_\_\_\_  
HISTORIC MARKERS/PLAQUES \_\_\_\_\_  
OTHER \_\_\_\_\_  
IF HISTORICAL OR ARCHEOLOGICAL SITES ARE DISCOVERED DURING CONSTRUCTION, CONTRACTOR SHALL IMMEDIATELY NOTIFY AREA ENGINEER AND THE TXDOT ENVIRONMENTAL MANAGER.  
DO NOT ENDANGER HISTORICAL BUILDINGS OR STRUCTURES (MORE THAN 50 YEARS OF AGE) OR ARCHEOLOGICAL SITES.  
**COMMENTS**  
IF UNANTICIPATED ARCHEOLOGICAL DEPOSITS ARE ENCOUNTERED DURING CONSTRUCTION, WORK IN THE IMMEDIATE AREA WILL STOP, AND TXDOT ARCHEOLOGICAL STAFF WILL BE CONTACTED TO INITIATE POST-REVIEW DISCOVERY PROCEDURES.

**NOISE:**  
THE CONTRACTOR SHALL ADHERE TO THE PROVISIONS OF ARTICLE 7.18 OF TXDOT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, STREETS AND BRIDGES, AND SPECIAL PROVISIONS.  
NOISE LEVELS IN RESIDENTIAL AREAS AND OTHER SENSITIVE AREAS SHOULD BE KEPT TO A MINIMUM BETWEEN THE HOURS OF 7PM AND 7AM OR AS DIRECTED BY THE ENGINEER. AVOID ROUTING OF CONSTRUCTION EQUIPMENT THROUGH RESIDENTIAL OR SENSITIVE AREAS IF LISTED BELOW.  
**COMMENTS**  
DB CONTRACTOR SHALL PROVIDE ALL NOISE MITIGATION REQUIREMENTS AS IDENTIFIED IN THE NEPA APPROVAL. DB CONTRACTOR SHALL PROVIDE ALL PUBLIC INVOLVEMENT REQUIREMENTS ASSOCIATED WITH THE NOISE MITIGATION.  
**NOISE WALLS:**  
DO NOT LEAVE GAPS BETWEEN PANELS OR POSTS IN NOISE WALLS. IF NEOPRENE PADS ARE REQUIRED, ENSURE THAT THEY ARE PLACED BETWEEN PANELS. DO NOT DAMAGE OR CAUSE EROSION TO ADJACENT PROPERTIES. ENSURE COLOR CONTINUITY FOR CONCRETE MIX THROUGHOUT CONSTRUCTION.

**COMMENTS**  
NA

**WATER QUALITY:**  
DEVELOP STORMWATER POLLUTION PREVENTION PLANS  
AVOID SEDIMENT RUNOFF  
AVOID POLLUTION  
CONTAIN & PROPERLY DISPOSE OF POTENTIALLY HAZARDOUS SUBSTANCES.  
ALL WORK SHOULD BE PERFORMED ACCORDING TO ALL APPLICABLE STATUTES.

**COMMENTS**  
THE PROPOSED PROJECT WOULD DISTURB MORE THAN 5 ACRES OF SURFACE AREA; THEREFORE, A NOI MUST BE SIGNED AND SUBMITTED TO THE TCEQ, AND A COPY MUST BE POSTED AT THE CONSTRUCTION SITE. THE PROPOSED PROJECT MUST COMPLY WITH THE TPDES CONSTRUCTION GENERAL PERMIT. DB CONTRACTOR MUST IMPLEMENT AND MAINTAIN A SW3P ON SITE. DB CONTRACTOR MUST COMPLY WITH APPLICABLE MS4 REQUIREMENTS.

**WATERS OF U.S. AND/OR WETLANDS:**  
THE CONTRACTOR SHALL ADHERE TO THE PROVISIONS OF ARTICLES 7.19 OF TXDOT'S STANDARD SPECIFICATIONS FOR CONSTRUCTION OF HIGHWAYS, STREETS AND BRIDGES, AND SPECIAL PROVISIONS.  
NO FILLING, DREDGING OR EXCAVATING IN ANY WATER BODIES, RIVERS, CREEKS, STREAMS OR WETLAND AREAS UNLESS SPECIFICALLY AUTHORIZED BY UNITED STATES ARMY CORPS OF ENGINEERS PERMIT AND APPROVED BY THE ENGINEER. CONTRACTOR MUST OBTAIN ANY REQUIRED PERMIT FOR IMPACTS TO WATERS OF THE U.S. DUE TO CONSTRUCTION METHODS. CONTRACTOR MUST COORDINATE SUCH PERMITS WITH THE TXDOT ENVIRONMENTAL MANAGER. DO NOT PLACE EXCAVATED MATERIAL, CONSTRUCTION DEBRIS, ETC., OFF-SITE WITHOUT PRIOR WRITTEN APPROVAL FROM THE ENGINEER.

U.S. ARMY CORPS OF ENGINEERS PERMIT (See Below)  
 STREAM/WATERWAY CROSSING  
 WETLAND CROSSING  
 U.S. COAST GUARD PERMIT  
THE CONTRACTOR SHALL CONTACT THE TXDOT ENVIRONMENTAL MANAGER IF WORK WILL RESULT IN IMPACTS TO JURISDICTIONAL WATERS OF U.S. BEYOND THOSE IDENTIFIED IN THE PLANS.

THE FOLLOWING CORPS OF ENGINEERS PERMITS HAVE BEEN IDENTIFIED AS APPLICABLE TO THIS PROJECT:  
 NWP 3-MAINTENANCE (3)  
 NWP 13-BANK STABILIZATION (3)  
 **NWP 14-LINEAR TRANSPORTATION (3,9) INDIVIDUAL PERMIT MAY BE REQUIRED ONCE FACILITY DESIGN IS FINALIZED.**  
 NWP 18-MINOR DISCHARGES (3,9)  
 NWP 19-MINOR DREDGING (3)  
 NWP 23-CATEGORICAL EXCLUSION (3)  
 NWP 25-STRUCTURAL DISCHARGES (3)  
 NWP 27-STREAM/WETLAND RESTORATION (3)  
 NWP 33-TEMP. CONST., ACCESS, DEWATERING (3)  
(\*,\*\*) APPLICABLE SECTION 401 GENERAL CONDITIONS:  
Gen. Cond. 3 - CATEGORY I AND CATEGORY II BMP'S REQUIRED  
Gen. Cond. 9 - CATEGORY III BMP'S REQUIRED.

**COMMENTS** (Specific location where each permit identified above is applicable)  
DB CONTRACTOR SHALL DETERMINE PROJECT SECTION 404 IMPACTS DURING FINAL DESIGN. DB CONTRACTOR SHALL PROCURE ALL NECESSARY SECTION 404 PERMITS AND SECTION 401 TIER II CERTIFICATIONS. DB CONTRACTOR SHALL IDENTIFY MITIGATION REQUIREMENTS, PREPARE ALL COORDINATION MATERIALS ASSOCIATED WITH MITIGATION, AND DELIVER ALL REQUIRED MITIGATION.

**BEST MANAGEMENT PRACTICES:**  
CATEGORY I BMP'S: (EROSION CONTROL)  
TEMPORARY VEGETATION \_\_\_\_\_ BLANKETS, MATTING  
MULCH \_\_\_\_\_ SOD  
INTERCEPTOR SWALE \_\_\_\_\_ DIVERSION DIKE  
EROSION CONTROL COMPOST \_\_\_\_\_ MULCH FILTER BERMS AND SOCKS  
COMPOST FILTER BERMS AND SOCKS \_\_\_\_\_ OTHER (SPECIFY) \_\_\_\_\_  
CATEGORY II BMP'S: (SEDIMENTATION CONTROL)  
SILT FENCE \_\_\_\_\_ STRAW BALE DIKE  
TRIANGULAR FILTER DIKE \_\_\_\_\_ BRUSH BERMS  
STONE OUTLET SEDIMENT TRAPS \_\_\_\_\_ SEDIMENT BASINS  
EROSION CONTROL COMPOST \_\_\_\_\_ MULCH FILTER BERMS AND SOCKS  
COMPOST FILTER BERMS AND SOCKS \_\_\_\_\_ SAND BAG AND/OR ROCK BERM  
CATEGORY III BMP'S: (POST-CONSTRUCTION TSS CONTROL)  
RETENTION/IRRIGATION \_\_\_\_\_ CONSTRUCTED WETLANDS  
EXTENDED DETENTION BASIN \_\_\_\_\_ WET BASINS  
VEGETATED FILTER STRIPS \_\_\_\_\_ VEGETATION-LINED DITCHES  
GRASSY SWALES \_\_\_\_\_ SAND FILTER SYSTEMS  
EROSION CONTROL COMPOST \_\_\_\_\_ MULCH FILTER BERMS AND SOCKS  
COMPOST FILTER BERMS AND SOCKS \_\_\_\_\_ OTHER (SPECIFY) \_\_\_\_\_

**COMMENTS**  
TBD WITH DESIGN FINALIZATION; COORDINATION REQUIRED FOR SECTION 404 AND SECTION 401 (SW3P) ACTIVITIES.

**VEGETATION:**  
A MIX OF GRASSES AND FORBS AS SPECIFIED IN ITEM 164 SHALL BE USED TO REVEGETATE THE R.O.W.  
AVOID REMOVAL OF NATIVE VEGETATION WHEN POSSIBLE. NOTIFY TXDOT DISTRICT ENVIRONMENTAL QUALITY COORDINATOR 72 HOURS BEFORE REMOVAL OF TREES GREATER THAN 6" DIAMETER, NOT DESIGNATED FOR REMOVAL ON PLANS. DO NOT REMOVE TREES NEXT TO RIVERS, CREEKS, OR STREAMS UNLESS APPROVED BY THE TXDOT ENVIRONMENTAL MANAGER.

FLAGGING SHALL BE USED BY CONTRACTOR TO DESIGNATE TREES TO BE REMOVED. APPROVAL FOR REMOVAL OF TREES SHALL BE OBTAINED FROM THE TXDOT ENVIRONMENTAL MANAGER.

DISTURBED AREAS SHALL BE RESTORED AND RESEEDED IN ACCORDANCE WITH APPLICABLE SPECIFICATION ITEMS, AND IN ACCORDANCE WITH EXECUTIVE ORDER 13112 ON INVASIVE SPECIES AND THE EXECUTIVE MEMORANDUM ON BENEFICIAL LANDSCAPING. LANDSCAPING SHALL BE LIMITED TO SEEDING AND REPLANTING THE ROW WITH NATIVE SPECIES OF PLANTS UNLESS OTHERWISE SPECIFIED.


**COMMENTS**  
DB CONTRACTOR SHALL USE MINIMIZATION AND AVOIDANCE MITIGATION PRACTICES TO PRESERVE VEGETATION COMMUNITIES TO THE GREATEST EXTENT POSSIBLE. DB CONTRACTOR SHALL PERFORM A TIER I SITE ASSESSMENT AS DESCRIBED IN SECTION 2.205 OF THE SEPTEMBER 1, 2013 TXDOT/TPWD MOU TO REASSESS UNAVOIDABLE VEGETATION IMPACTS ASSOCIATED WITH THE PROJECT. DB CONTRACTOR SHALL DOCUMENT AND COORDINATE RESULTS WITH TXDOT. TXDOT SHALL DETERMINE NEED FOR FURTHER COORDINATION. DB CONTRACTOR SHALL PREPARE ALL MATERIALS TO PERFORM COORDINATION. TXDOT AND TPWD WILL DETERMINE NEED FOR FURTHER VEGETATION IMPACT ASSESSMENTS. DB CONTRACTOR SHALL PREPARE ANY ADDITIONAL ASSESSMENTS. DB CONTRACTOR SHALL DELIVER ALL BEST MANAGEMENT PRACTICES AND MITIGATION IDENTIFIED DURING COORDINATION.

**VEGETATION MANAGEMENT PRACTICES:**  
**COMMENTS**  
DB CONTRACTOR SHALL USE MINIMIZATION AND AVOIDANCE MITIGATION PRACTICES.

**HAZARDOUS MATERIAL:**  
CONDUCT AND DOCUMENT ALL OF THE FOLLOWING:  
CONDUCT SAFETY MEETING PRIOR TO CONSTRUCTION (MAKING WORKERS AWARE OF THE POTENTIAL HAZARDS THEY MAY ENCOUNTER);  
READ AND FOLLOW THE HEALTH AND SAFETY PLAN PRIOR TO CONSTRUCTION; AND  
CONTACT/COORDINATE WITH THE APPROPRIATE AGENCY 7 TO 10 DAYS PRIOR TO CONSTRUCTION.  
CONTACT AREA ENGINEER IF ANY OF THE FOLLOWING ARE DETECTED:  
DEAD OR DISTRESSED VEGETATION (NOT IDENTIFIED AS NORMAL)  
TRASH PILES, DRUMS, CANISTERS, BARRELS, ETC.  
UNDESIRABLE SMELLS OR ODORS  
EVIDENCE OF LEACHING OR SEEPAGE OF SUBSTANCES

**COMMENTS**  
DB CONTRACTOR SHALL TAKE MEASURES TO PREVENT, MINIMIZE, AND CONTROL THE SPILL OF HAZARDOUS MATERIALS. IF HAZARDOUS MATERIALS ARE ENCOUNTERED, DB CONTRACTOR SHALL NOTIFY THE TXDOT ENVIRONMENTAL MANAGER AND TAKE STEPS TO PROTECT PERSONNEL AND THE ENVIRONMENT. DB CONTRACTOR SHALL HANDLE ALL HAZARDOUS MATERIALS IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL REGULATIONS. THE USE OF CONSTRUCTION EQUIPMENT WITHIN SENSITIVE AREAS SHALL BE MINIMIZED OR ELIMINATED ENTIRELY. CONSTRUCTION MATERIALS SHALL BE REMOVED AS SOON AS WORK SCHEDULES PERMIT. DB CONTRACTOR SHALL PERFORM ASBESTOS AND LEAD BASED PAINT ASSESSMENTS OF BRIDGES AND STRUCTURES PRIOR TO REHAB OR DEMOLITION.

**AIR QUALITY:**  
DB CONTRACTOR SHALL EMPLOY DUST CONTROL MEASURES.



ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS  
EPIC (FW)  
SHEET 1 OF 1 SHEETS

NOV. 2013	DIST.	FED. NO.	PROJECT NO.	HIGHWAY
REVISIONS:	FTW	-	02282-SH-360 PS-PD	SH 360
	COUNTY	CONT.	SECT.	JOB SHEET
	ELLIS, JOHNSON, TABARRAI	2266	02	136 1

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