

**Texas Department of Transportation
Book 2 - Technical Provisions**

IH 35E Managed Lanes Project

Attachment 4-5

**Environmental Permits, Issues, and
Commitments
(EPIC)**

1. Do not alter Sheet Design or Font style, size or weight - match text attributes.
 2. If additional space is needed for a numbered section, fence and adjust sections up or down as needed for proportioning and readability but do not relocate from its relative position.
 3. All areas should be addressed thoroughly and verify the necessary pay items are set up to support actions needed.
 Revised: September 2012
 Prepared by HNTB on 9/18/12

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I. STORMWATER POLLUTION PREVENTION PLAN-CLEAN WATER ACT SECTION 402

TPDES TXR 150000: Stormwater Discharge Permit or Construction General Permit required for projects with 1 or more acres disturbed soil. Projects with any disturbed soil must protect for erosion and sedimentation in accordance with Item 1122.

No Action Required Required Action

Action No.	Commitment
1. File NOI with TCEQ for CGP	Developer must stabilize the project site as stated in the SW3P.
2. File NOI with TCEQ	Developer must stabilize the project site as stated in the SW3P.

II. WORK IN OR NEAR STREAMS, WATERBODIES AND WETLANDS CLEAN WATER ACT SECTIONS 401 AND 404

USACE Permit required for filling, dredging, excavating or other work in any water bodies, rivers, creeks, streams, wetlands or wet areas. No equipment is allowed in any stream channel below the ordinary High Water Mark except on approved temporary stream crossings or drill pads.

The Developer must adhere to all of the terms and conditions associated with the following permit(s):

- No Permit Required
- Nationwide Permit 14 - PCN not Required (less than 1/10th acre waters or wetlands affected)
- Nationwide Permit 14 - PCN Required (1/10 to <1/2 acre, 1/3 in tidal waters)
- Individual 404 Permit Required
- Other Nationwide Permit Required:

Required Actions: List Waters of the US Permit applies to, location in project and check Best Management Practices planned to control erosion, sedimentation and post-project TSS.

REFER TO EPIC SHEET 2 OF 2 - LEFT COLUMN FOR SECTION II - CONTINUATION FOR WATERS OF THE U.S DESCRIPTIONS AND APPROXIMATE LOCATION AND ACTIONS

The elevation of the ordinary high water marks of any areas requiring work to be performed in the waters of the US requiring the use of a nationwide permit can be found on the Bridge Layouts.

Best Management Practices for applicable 401 General Conditions:

Erosion	Sedimentation	Post-Construction TSS
<input checked="" type="checkbox"/> Temporary Vegetation	<input checked="" type="checkbox"/> Silt Fence	<input type="checkbox"/> Vegetative Filter Strips
<input type="checkbox"/> Blankets/Matting	<input checked="" type="checkbox"/> Rock Berm	<input type="checkbox"/> Retention/Irrigation Systems
<input checked="" type="checkbox"/> Mulch	<input type="checkbox"/> Triangular Filter Dike	<input type="checkbox"/> Extended Detention Basin
<input checked="" type="checkbox"/> Sodding	<input type="checkbox"/> Sand Bag Berm	<input type="checkbox"/> Constructed Wetlands
<input type="checkbox"/> Interceptor Swale	<input type="checkbox"/> Straw Bale Dike	<input type="checkbox"/> Wet Basin
<input type="checkbox"/> Diversion Dike	<input type="checkbox"/> Brush Berms	<input type="checkbox"/> Erosion Control Compost
<input type="checkbox"/> Erosion Control Compost	<input type="checkbox"/> Erosion Control Compost	<input type="checkbox"/> Mulch Filter Berm and Socks
<input type="checkbox"/> Mulch Filter Berm and Socks	<input type="checkbox"/> Mulch Filter Berm and Socks	<input type="checkbox"/> Compost Filter Berm and Socks
<input type="checkbox"/> Compost Filter Berm and Socks	<input type="checkbox"/> Compost Filter Berm and Socks	<input checked="" type="checkbox"/> Vegetation Lined Ditches
	<input type="checkbox"/> Stone Outlet Sediment Traps	<input type="checkbox"/> Sand Filter Systems
	<input type="checkbox"/> Sediment Basins	

III. CULTURAL RESOURCES

Refer to TxDOT Standard Specifications in the event historical issues or archeological artifacts are found during construction. Upon discovery of archeological artifacts (bones, burnt rock, flint, pottery, etc.) cease work in the immediate area and contact TxDOT immediately. Developer is responsible for the required actions below.

No Action Required Required Action

IV. VEGETATION RESOURCES

Preserve native vegetation to the extent practical.

No Action Required Required Action

Action No.	Location	Commitment
1.	Entire project	Permanent soil erosion features would be constructed as soon as possible during the early stage of construction through proper seeding and/or sodding techniques.
2.	Entire project	Disturbed areas would be restored and stabilized as soon as developers schedule permits. Temporary seeding would be considered where large areas of disturbed ground would be left bare for a considerable length of time. Use only native plants for landscaping and in seeding mixtures where practicable.
3.	Entire project	Trees within the ROW, but not in the construction zone, would not be removed if possible.

V. FEDERAL LISTED, PROPOSED THREATENED, ENDANGERED SPECIES, CRITICAL HABITAT, STATE LISTED SPECIES, CANDIDATE SPECIES AND MIGRATORY BIRDS TREATY ACT.

Developer is responsible for the required actions below.

No Action Required Required Action

Action No.

- Prior to any construction activities a qualified biologist shall survey the proposed project corridor for any listed species, due to the time period that would elapse between this evaluation and the start of construction activities.

REFER TO EPIC SHEET 2 OF 2 - MIDDLE COLUMN FOR SECTION V - CONTINUATION FOR LIST OF SPECIES POTENTIALLY WITHIN PROJECT AREA WITH HABITAT DESCRIPTION AND ADDITIONAL ACTIONS

LIST OF ABBREVIATIONS

BMP: Best Management Practice	SPCC: Spill Prevention Control and Countermeasure
CGP: Construction General Permit	SW3P: Storm Water Pollution Prevention Plan
DSHS: Texas Department of State Health Services	PCN: Pre-Construction Notification
ENV: Environmental Affairs Division	PPCC: Spill Prevention Control and Countermeasure
FEMA: Federal Emergency Management Agency	PSL: Project Specific Location
FHWA: Federal Highway Administration	SPILLS: Spill Listings
MOA: Memorandum of Agreement	TCEQ: Texas Commission on Environmental Quality
MOU: Memorandum of Understanding	TPDES: Texas Pollutant Discharge Elimination System
MS4: Municipal Separate Stormwater Sewer System	TPWD: Texas Parks and Wildlife Department
NBTA: Migratory Bird Treaty Act	TxDOT: Texas Department of Transportation
NOT: Notice of Termination	T&E: Threatened and Endangered Species
NMP: Nationwide Permit	USACE: U.S. Army Corp of Engineers
NOI: Notice of Intent	USFWS: U.S. Fish and Wildlife Service

VI. HAZARDOUS MATERIALS OR CONTAMINATION ISSUES

General (applies to all projects):
 Comply with the Hazard Communication Act (the Act) for personnel who will be working with hazardous materials by conducting safety meetings prior to beginning construction and making workers aware of potential hazards in the workplace. Ensure that all workers are provided with personal protective equipment appropriate for any hazardous materials used. Obtain and keep on-site Material Safety Data Sheets (MSDS) for all hazardous products used on the project, which may include, but are not limited to the following categories: Paints, acids, solvents, asphalt products, chemical additives, fuels and concrete curing compounds or additives. Provide protected storage, off bare ground and covered, for products which may be hazardous. Maintain product labelling as required by the Act. Maintain an adequate supply of on-site spill response materials, as indicated in the MSDS. In the event of a spill, take actions to mitigate the spill as indicated in the MSDS, in accordance with safe work practices, and contact the District Spill Coordinator immediately. The Developer shall be responsible for the proper containment and cleanup of all product spills.

Contact TxDOT 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

Does the project involve any bridge class structure rehabilitation(s) or replacement(s) (bridge class structures not including box culverts)?

Yes No

If "No", then no further action is required.
 If "Yes", then TxDOT is responsible for completing asbestos assessment/inspection.

Are the results of the asbestos inspection positive (is asbestos present)?

Yes No

If "Yes", then TxDOT must retain a DSHS licensed asbestos consultant to assist with the notification, develop abatement/mitigation procedures, and perform management activities as necessary. The notification form to DSHS must be postmarked at least 15 working days prior to scheduled demolition.

If "No", then TxDOT is still required to notify DSHS 15 working days prior to any scheduled demolition.

In either case, the Developer is responsible for providing the date(s) for abatement activities and/or demolition with careful coordination between TxDOT and asbestos consultant in order to minimize construction delays and subsequent claims.

Any other evidence indicating possible hazardous materials or contamination discovered on site. Hazardous Materials or Contamination Issues Specific to this Project:

No Action Required Required Action

REFER TO EPIC SHEET 2 OF 2 - RIGHT COLUMN SECTION VI - CONTINUATION FOR OTHER HAZARDOUS MATERIALS OR CONTAMINATION ISSUES

VII. OTHER ENVIRONMENTAL ISSUES

(includes regional issues such as Edwards Aquifer District, etc.)


No Action Required Required Action

Action No.	Location	Commitment
1. Floodplains	Elm Fork Trinity River Floodplain	The project is within the Trinity River Corridor Development Regulatory Zone; therefore, a Corridor Development Certificate would be required.

GENERAL NOTE:

Any change orders and/or deviations from the final design must be reported to TxDOT prior to commencement of construction activities, as additional environmental clearance may be required.

---DRAFT---
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Texas Department of Transportation
Dallas District Standard

ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS (EPIC)

FED. RD. DIV. NO.	FEDERAL AID PROJECT NO.			HIGHWAY NO.
6				IH 35E
STATE	DISTRICT	COUNTY		SOUTH
TEXAS	DALLAS	DALLAS		SHEET NO.
CONTROL	SECTION	JOB		
0196	03	138, 180, 240		

SHEET 1 OF 2

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 support actions needed.
 Revised September 2012
 Prepared by HNTB on 9/18/12

II. WORK IN OR NEAR STREAMS, WATERBODIES AND WETLANDS CLEAN WATER ACT SECTIONS 401 AND 404 -- (CONTINUATION FROM EPIC SHEET 1 OF 2)

Required Actions: List Waters of the US Permit applies to, location in project and check Best Management Practices planned to control erosion, sedimentation and post-project TSS.

- Section 404 permits from USACE/Section 401 Water Quality Certification from Texas Commission on Environmental Quality (TCEQ) based on the specific roadway work and linear transportation crossings identified in the permits and associated with the Draft Interim Schematic and Draft Interim Schematic ROW.
- Table of preliminary jurisdictional features would be provided in Addendum 4 or the RID.

V. FEDERAL LISTED, PROPOSED THREATENED, ENDANGERED SPECIES, CRITICAL HABITAT, STATE LISTED SPECIES, CANDIDATE SPECIES AND MIGRATORY BIRDS TREATY ACT. - (CONTINUATION FROM EPIC SHEET 1 OF 2)

Species Potentially within Project Area w/ Description	Habitat Description
1. Alligator snapping turtle: characterized by a large, heavy head, and a long, thick shell with three dorsal ridges of large scales; are a solid gray, brown, black, or olive-green in color, and often covered with algae; radiating yellow patterns around the eyes.	Perennial water bodies, deep water of rivers, canals, lakes and oxbows; also swamps, bayous, ponds near deep running water; usually in water with mud bottom and abundant aquatic vegetation.
2. Timber/canebrake rattlesnake: black and brown crossbands down the back, broad dark shape present behind the eye, black tail above the rattle up to 25% of the body length.	Swamps, floodplains, upland woodlands, riparian zones, abandoned farmland; prefers dense ground cover, i.e. grapevines or palmetto.
3. Texas garter snake: A small to medium sized terrestrial snake that can grow to about a 39-48 inches long. Their backs are green to black, with a distinctive stripe of red or orange, and either side features yellowish stripes.	Wet or moist microhabitats are conducive to the species occurrence, but the snake is not necessarily restricted to them; hibernates underground or in or under surface cover; breeds March-August.
4. Mussels (Little spectaclecase, Louisiana pigtoe, Texas heelsplitter, and Wabash pigtoe): Adult can range from approximately 1-inch to 12-inches in length. Some species have thin shells and shells vary both on the inside and outside of mussels, depending upon the mussel species. Color, texture, and shape variations in shells are used to help identify different types of mussels.	Small and large rivers especially on sand, mud, rocky mud, and sand and gravel, also silt and cobble bottoms in still to swiftly flowing waters.

If any of the listed species are observed, cease work in the immediate area, do not disturb species or habitat and contact the TxDOT immediately. The work may not remove active nests from bridges and other structures during nesting season of the birds associated with the nests. If caves or sinkholes are discovered, cease work in the immediated area, and contact the TxDOT immediately.

Special Note: The Migratory Bird Act of 1918 states that it is unlawful to kill, capture, collect, possess, buy, sell, trade or transport any migratory bird, nest, young, feather or egg in part or in whole, without a federal permit issued in accordance within the Act's policies and regulations. The contractor would remove all old migratory bird nests from any structure where work would be done from October 1 to February 15. In addition, the contractor would be prepared to prevent migratory birds from building nest(s) between February 15 to October 1. In the event that migratory birds are encountered on-site during project construction, efforts to avoid adverse impacts on protected birds, active nests, eggs and/or young would be observed.


VI. HAZARDOUS MATERIALS OR CONTAMINATION ISSUES (CONTINUATION FROM EPIC SHEET 1 OF 2)

Action No.

- A review of hazardous materials regulatory databases was conducted to determine if any known sites might affect the construction activities based on the interim schematic. See the Limited Phase 1 Environmental Site Assessment Report. Based on this review 8 sites are categorized as high risk, 6 sites are characterized as moderate risk, 38 sites are categorized as low risk. For the high and moderate risk sites Phase II ESAs are recommended prior to the development of the plans and specifications to confirm or deny the potential presence of contamination. The Phase II ESAs should follow the ASTM Designation E1903-11, Standard Practice for Environmental Site Assessments: Phase II ESAs.
- Developer shall prepare Hazardous Materials Management Plan (HMMP) which will be followed during construction.

GENERAL NOTE:
 Any change orders and/or deviations from the final design must be reported to TxDOT prior to commencement of construction activities, as additional environmental clearance may be required.

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Texas Department of Transportation
 Dallas District Standard

ENVIRONMENTAL PERMITS,
 ISSUES AND COMMITMENTS
 (EPIC)

SHEET 2 OF 2

FED. RD. DIV. NO.	FEDERAL AID PROJECT NO.			HIGHWAY NO.
6				IH 35E
STATE	DISTRICT	COUNTY		SOUTH
TEXAS	DALLAS	DALLAS		SHEET NO.
CONTROL	SECTION	JOB		
0196	03	138, 180, 240		

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I. STORMWATER POLLUTION PREVENTION PLAN-CLEAN WATER ACT SECTION 402

TPDES TXR 150000: Stormwater Discharge Permit or Construction General Permit required for projects with 1 or more acres disturbed soil. Projects with any disturbed soil must protect for erosion and sedimentation in accordance with Item 1122.

No Action Required Required Action

Action No.	Commitment
1. File NOI with TCEQ for CGP	Developer must stabilize the project site as stated in the SW3P.
2. File NOI with TCEQ	Developer must stabilize the project site as stated in the SW3P.

II. WORK IN OR NEAR STREAMS, WATERBODIES AND WETLANDS CLEAN WATER ACT SECTIONS 401 AND 404

USACE Permit required for filling, dredging, excavating or other work in any water bodies, rivers, creeks, streams, wetlands or wet areas. No equipment is allowed in any stream channel below the ordinary High Water Mark except on approved temporary stream crossings or drill pads.

The Developer must adhere to all of the terms and conditions associated with the following permit(s):

- No Permit Required
- Nationwide Permit 14 - PCN not Required (less than 1/10th acre waters or wetlands affected)
- Nationwide Permit 14 - PCN Required (1/10 to <1/2 acre, 1/3 in tidal waters)
- Individual 404 Permit Required
- Other Nationwide Permit Required: NWP# _____

Required Actions: List Waters of the US Permit applies to, location in project and check Best Management Practices planned to control erosion, sedimentation and post-project TSS.

REFER TO EPIC SHEET 2 OF 2 - LEFT COLUMN FOR SECTION II - CONTINUATION FOR WATERS OF THE U.S DESCRIPTIONS AND APPROXIMATE LOCATION AND ACTIONS

The elevation of the ordinary high water marks of any areas requiring work to be performed in the waters of the US requiring the use of a nationwide permit can be found on the Bridge Layouts.

Best Management Practices for applicable 401 General Conditions:

Erosion	Sedimentation	Post-Construction TSS
<input checked="" type="checkbox"/> Temporary Vegetation	<input checked="" type="checkbox"/> Silt Fence	<input type="checkbox"/> Vegetative Filter Strips
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<input checked="" type="checkbox"/> Mulch	<input type="checkbox"/> Triangular Filter Dike	<input type="checkbox"/> Extended Detention Basin
<input checked="" type="checkbox"/> Sodding	<input type="checkbox"/> Sand Bag Berm	<input type="checkbox"/> Constructed Wetlands
<input type="checkbox"/> Interceptor Swale	<input type="checkbox"/> Straw Bale Dike	<input type="checkbox"/> Wet Basin
<input type="checkbox"/> Diversion Dike	<input type="checkbox"/> Brush Berms	<input type="checkbox"/> Erosion Control Compost
<input type="checkbox"/> Erosion Control Compost	<input type="checkbox"/> Erosion Control Compost	<input type="checkbox"/> Mulch Filter Berm and Socks
<input type="checkbox"/> Mulch Filter Berm and Socks	<input type="checkbox"/> Mulch Filter Berm and Socks	<input type="checkbox"/> Compost Filter Berm and Socks
<input type="checkbox"/> Compost Filter Berm and Socks	<input type="checkbox"/> Compost Filter Berm and Socks	<input checked="" type="checkbox"/> Vegetation Lined Ditches
	<input type="checkbox"/> Stone Outlet Sediment Traps	<input type="checkbox"/> Sand Filter Systems
	<input type="checkbox"/> Sediment Basins	

III. CULTURAL RESOURCES

Refer to TxDOT Standard Specifications in the event historical issues or archeological artifacts are found during construction. Upon discovery of archeological artifacts (bones, burnt rock, flint, pottery, etc.) cease work in the immediate area and contact TxDOT immediately.

No Action Required Required Action

IV. VEGETATION RESOURCES

Preserve native vegetation to the extent practical. Developer is responsible for the required actions below.

No Action Required Required Action

Action No.	Location	Commitment
1.	Entire project	Permanent soil erosion features would be constructed as soon as possible during the early stage of construction through proper seeding and/or sodding techniques.
2.	Entire project	Disturbed areas would be restored and stabilized as soon as contractors schedule permits. Temporary seeding would be considered where large areas of disturbed ground would be left bare for a considerable length of time. Use only native plants for landscaping and in seeding mixtures where practicable.
3.	USACE property	<p>Compensation for the loss of approx. 3.2 acres of riparian woodlands and individual trees with a diameter at breast height greater than 20 inches.</p> <p>Trees within the ROW, but not in the construction zone, would not be removed if possible.</p> <p>Mitigation for permanent impacts to natural resources on USACE property consists of a direct payment to LLELA or on site mitigation on USACE property. Coordination with USACE is required for final approval.</p>

V. FEDERAL LISTED, PROPOSED THREATENED, ENDANGERED SPECIES, CRITICAL HABITAT, STATE LISTED SPECIES, CANDIDATE SPECIES AND MIGRATORY BIRDS TREATY ACT.

Developer is responsible for the required actions below.

No Action Required Required Action

- Action No.
- Prior to any construction activities a qualified biologist shall survey the proposed project corridor for any listed species, due to the time period that would elapse between this evaluation and the start of construction activities.

*TPWD records indicate that the Texas garter snake has been found within the corporate limits of the Town of Hickory Creek on the west side of IH 35E. Care should be taken and brief pre-construction presence/absence survey for the Texas garter snake shall be conducted prior to construction clearing.

REFER TO EPIC SHEET 2 OF 2 - MIDDLE COLUMN FOR SECTION V - CONTINUATION FOR LIST OF SPECIES POTENTIALLY WITHIN PROJECT AREA WITH HABITAT DESCRIPTION AND ADDITIONAL ACTIONS

LIST OF ABBREVIATIONS

BMP: Best Management Practice	SPCC: Spill Prevention Control and Countermeasure
CGP: Construction General Permit	SW3P: Storm Water Pollution Prevention Plan
DSHS: Texas Department of State Health Services	PCN: Pre-Construction Notification
ENV: Environmental Affairs Division	PPCC: Spill Prevention Control and Countermeasure
FEMA: Federal Emergency Management Agency	PSL: Project Specific Location
FHWA: Federal Highway Administration	SPILLS: Spill Listings
LLELA: Lewisville Lake Environmental Learning Area	TCEQ: Texas Commission on Environmental Quality
MOA: Memorandum of Agreement	TPDES: Texas Pollutant Discharge Elimination System
MOU: Memorandum of Understanding	TPWD: Texas Parks and Wildlife Department
MS4: Municipal Separate Stormwater Sewer System	TxDOT: Texas Department of Transportation
MBTA: Migratory Bird Treaty Act	T&E: Threatened and Endangered Species
NOT: Notice of Termination	USACE: U.S. Army Corp of Engineers
NWP: Nationwide Permit	USFWS: U.S. Fish and Wildlife Service
NOI: Notice of Intent	

VI. HAZARDOUS MATERIALS OR CONTAMINATION ISSUES

General (applies to all projects):

Comply with the Hazard Communication Act (the Act) for personnel who will be working with hazardous materials by conducting safety meetings prior to beginning construction and making workers aware of potential hazards in the workplace. Ensure that all workers are provided with personal protective equipment appropriate for any hazardous materials used. Obtain and keep on-site Material Safety Data Sheets (MSDS) for all hazardous products used on the project, which may include, but are not limited to the following categories: Paints, acids, solvents, asphalt products, chemical additives, fuels and concrete curing compounds or additives. Provide protected storage, off bare ground and covered, for products which may be hazardous. Maintain product labelling as required by the Act. Maintain an adequate supply of on-site spill response materials, as indicated in the MSDS. In the event of a spill, take actions to mitigate the spill as indicated in the MSDS, in accordance with safe work practices, and contact the District Spill Coordinator immediately. The Developer shall be responsible for the proper containment and cleanup of all product spills.

Contact TxDOT 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

Does the project involve any bridge class structure rehabilitation(s) or replacement(s) (bridge class structures not including box culverts)?

Yes No

If "No", then no further action is required.

If "Yes", then TxDOT is responsible for completing asbestos assessment/inspection.

Are the results of the asbestos inspection positive (is asbestos present)?

Yes No

If "Yes", then TxDOT must retain a DSHS licensed asbestos consultant to assist with the notification, develop abatement/mitigation procedures, and perform management activities as necessary. The notification form to DSHS must be postmarked at least 15 working days prior to scheduled demolition.

If "No", then TxDOT is still required to notify DSHS 15 working days prior to any scheduled demolition.

In either case, the Developer is responsible for providing the date(s) for abatement activities and/or demolition with careful coordination between TxDOT and the asbestos consultant in order to minimize construction delays and subsequent claims.

Any other evidence indicating possible hazardous materials or contamination discovered on site. Hazardous Materials or Contamination Issues Specific to this Project:

No Action Required Required Action

Action No.

- A review of hazardous materials regulatory databases was conducted to determine if any known sites might affect the construction activities based on the interim schematic. See the Limited Phase 1 Environmental Site Assessment Report.
- Based on this review 8 sites are categorized as high risk, 7 sites are characterized as moderate risk, 22 sites are categorized as low risk. For the high and moderate risk sites Phase II ESAs are recommended prior to the development of the plans and specifications to confirm or deny the potential presence of contamination. The Phase II ESAs should follow the ASTM Designation E1903-11, Standard Practice for Environmental Site Assessments: Phase II ESAs.
- Developer shall prepare Hazardous Materials Management Plan (HMMP) which will be followed during construction.

VII. OTHER ENVIRONMENTAL ISSUES

(includes regional issues such as Edwards Aquifer District, etc.)

REFER TO EPIC SHEET 2 OF 2 - RIGHT COLUMN SECTION VII - CONTINUATION FOR OTHER ENVIRONMENTAL ISSUES

GENERAL NOTE:

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ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS (EPIC)

FED. RD. DIV. NO.	FEDERAL AID PROJECT NO.		HIGHWAY NO.
6			IH 35E
STATE	DISTRICT	COUNTY	MIDDLE
TEXAS	DALLAS	DALLAS	
CONTROL	SECTION	JOB	SHEET NO.
0196	03	068, 073, 096, 114, 245	

SHEET 1 OF 2

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II. WORK IN OR NEAR STREAMS, WATERBODIES AND WETLANDS CLEAN WATER ACT SECTIONS 401 AND 404 -- (CONTINUATION FROM EPIC SHEET 1 OF 2)

Required Actions: List Waters of the US Permit applies to, location in project and check Best Management Practices planned to control erosion, sedimentation and post-project TSS.

- Section 404 permits from USACE/Section 401 Water Quality Certification from Texas Commission on Environmental Quality (TCEQ) based on the specific roadway work and linear transportation crossings identified in the permits and associated with the Draft Interim Schematic and Draft Interim Schematic ROW.
- Table of preliminary jurisdictional features would be provided in Addendum 4 or the RID.

V. FEDERAL LISTED, PROPOSED THREATENED, ENDANGERED SPECIES, CRITICAL HABITAT, STATE LISTED SPECIES, CANDIDATE SPECIES AND MIGRATORY BIRDS TREATY ACT. - (CONTINUATION FROM EPIC SHEET 1 OF 2)

Species Potentially within Project Area w/ Description	Habitat Description
1. Timber/canebrake rattlesnake: black and brown crossbands down the back, broad dark shape present behind the eye, black tail above the rattle up to 25% of the body length.	Swamps, floodplains, upland woodlands, riparian zones, abandoned farmland; prefers dense ground cover, i.e. grapevines or palmetto.
2. Alligator snapping turtle: characterized by a large, heavy head, and a long, thick shell with three dorsal ridges of large scales; are a solid gray, brown, black, or olive-green in color, and often covered with algae; radiating yellow patterns around the eyes.	Perennial water bodies, deep water of rivers, canals, lakes and oxbows; also swamps, bayous, ponds near deep running water; usually in water with mud bottom and abundant aquatic vegetation.
3. White-faced ibis: A dark, chestnut colored-bird with green or purple on its head and upper parts, and a long, down-curved bill. It has reddish legs and feet and red bare skin on the face around the eyes.	Prefers freshwater marshes, sloughs, and irrigated rice fields, but will attend brackish and saltwater habitats; nests in marshes, in low trees, on the ground in bulrushes or reeds, or on floating mats.
4. Mussels (Fawnsfoot, Little spectaclecase, Louisiana pigtoe, Pistolgrip, Rock pocketbook, Sandbank pocketbook, Texas heelsplitter, and Wabash pigtoe): Adult can range from approximately 1-inch to 12-inches in length. Some species have thin shells and shells vary both on the inside and outside of mussels, depending upon the mussel species. Color, texture, and shape variations in shells are used to help identify different types of mussels.	Small and large rivers especially on sand, mud, rocky mud, and sand and gravel, also silt and cobble bottoms in still to swiftly flowing waters.
5. Texas garter snake: A small to medium sized terrestrial snake that can grow to about a 39-48 inches long. Their backs are green to black, with a distinctive stripe of red or orange, and either side features yellowish stripes.	Wet or moist microhabitats are conducive to the species occurrence, but the snake is not necessarily restricted to them; hibernates underground or in or under surface cover; breeds March-August.
6. Plains spotted skunk: Small slender body with fine black body fur, a white triangular patch on the forehead, four to six broken white stripes extending from the neck along the back and sides, and solid black tail.	Catholic; open fields, prairies, croplands, fence rows, farmyards, forest edges, and woodlands; prefers wooded, brushy areas and tallgrass prairie.

If any of the listed species are observed, cease work in the immediate area, do not disturb species or habitat and contact TxDOT immediately. The work may not remove active nests from bridges and other structures during nesting season of the birds associated with the nests. If caves or sinkholes are discovered, cease work in the immediate area, and contact the TxDOT immediately.

Special Note: The Migratory Bird Act of 1918 states that it is unlawful to kill, capture, collect, possess, buy, sell, trade or transport any migratory bird, nest, young, feather or egg in part or in whole, without a federal permit issued in accordance within the Act's policies and regulations. The contractor would remove all old migratory bird nests from any structure where work would be done from October 1 to February 15. In addition, the contractor would be prepared to prevent migratory birds from building nest(s) between February 15 to October 1. In the event that migratory birds are encountered on-site during project construction, efforts to avoid adverse impacts on protected birds, active nests, eggs and/or young would be observed.

VII. OTHER ENVIRONMENTAL ISSUES - (CONTINUATION FROM EPIC SHEET 1 OF 2)

		<input type="checkbox"/> No Action Required	<input checked="" type="checkbox"/> Required Action
Action No.	Location	Commitment	
1. Section 4(f)	USACE property including Copperas Branch Park, Copperas Branch Park East, Arrowhead Park, and Highland Lakes Park	Impacted amenities at Copperas Branch Park would be replaced as described in Book 2, Attachment 4-4.	
2. Traffic Noise Mitigation			
Noise Barrier 2A	Sta. 1158+19 To Sta. 1159+27 (Right of C/L)	Construct traffic noise barriers 2A and 2B with a 150 ft offset to the right of the centerline. Barrier heights would be 10 ft.	
Noise Barrier 2B	Sta. 1160+08 To Sta. 1169+59 (Right of C/L)		
Noise Barrier 5A	Sta. 1348+50 To Sta. 1354+80 (Left of C/L)	Construct traffic noise barriers 5A with a 107 ft offset to the left of the centerline. Barrier heights would be 14 ft.	
Noise Barrier 5B	Sta. 1353+76 To Sta. 1357+69 (Left of C/L)	Construct traffic noise barriers 5B with a 189 ft offset to the left of the centerline. Barrier heights would be 10 ft.	
Noise Barrier 5C	Sta. 1357+10 To Sta. 1372+95 (Left of C/L)	Construct traffic noise barriers 5C with a 82 ft to 145 ft offset to the left of the centerline. Barrier heights would be 10 ft.	
Noise Barrier 5D	Sta. 1380+66 To Sta. 1400+60 (Left of C/L)	Construct traffic noise barriers 5D with a 79 ft offset to the left of the centerline. Barrier heights would be 12 ft.	
Noise Barrier 5E	Sta. 1400+32 To Sta. 1409+33 (Left of C/L)		
Noise Barrier 6A	Sta. 1446+13 To Sta. 1454+19 (Left of C/L)	Construct traffic noise barriers 5E with a 148 ft to 152 ft offset to the left of the centerline. Barrier heights would be 12 ft.	
Noise Barrier 6B	Sta. 1454+19 To Sta. 1473+80 (Left of C/L)	Construct traffic noise barriers 6A with a 148 ft to 152 ft offset to the left of the centerline. Barrier heights would be 12 ft. Construct traffic noise barriers 6B with a 79 ft offset to the left of the centerline. Barrier heights would be 12 ft.	

Special Note
Measures to control fugitive dust would be considered and incorporated into the final design and construction specifications.
See Book 2 (4.3.2) for additional requirements.

GENERAL NOTE:
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Dallas District Standard

ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS (EPIC) SHEET 2 OF 2

FED. RD. DIV. NO.	FEDERAL AID PROJECT NO.		HIGHWAY NO.
6			IH 35E MIDDLE
STATE	DISTRICT	COUNTY	
TEXAS	DALLAS	DALLAS	
CONTROL	SECTION	JOB	SHEET NO.
0196	03	068, 073, 096, 114, 245	

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 3. All areas should be addressed thoroughly and verify the necessary pay items are set up to support actions needed.
 Revised: September 2012
 Prepared by HNTB on 9/18/12

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I. STORMWATER POLLUTION PREVENTION PLAN-CLEAN WATER ACT SECTION 402

TPDES TXR 150000: Stormwater Discharge Permit or Construction General Permit required for projects with 1 or more acres disturbed soil. Projects with any disturbed soil must protect for erosion and sedimentation in accordance with Item 1122.

- No Action Required Required Action

Action No.	Commitment
1. File NOI with TCEQ for CGP	Developer must stabilize the project site as stated in the SW3P.
2. File NOT with TCEQ	Developer must stabilize the project site as stated in the SW3P.

II. WORK IN OR NEAR STREAMS, WATERBODIES AND WETLANDS CLEAN WATER ACT SECTIONS 401 AND 404

USACE Permit required for filling, dredging, excavating or other work in any water bodies, rivers, creeks, streams, wetlands or wet areas. No equipment is allowed in any stream channel below the ordinary High Water Mark except on approved temporary stream crossings or drill pads.

The Developer must adhere to all of the terms and conditions associated with the following permit(s):

- No Permit Required
- Nationwide Permit 14 - PCN not Required (less than 1/10th acre waters or wetlands affected)
- Nationwide Permit 14 - PCN Required (1/10 to <1/2 acre, 1/3 in tidal waters)
- Individual 404 Permit Required
- Other Nationwide Permit Required:

Required Actions: List Waters of the US Permit applies to, location in project and check Best Management Practices planned to control erosion, sedimentation and post-project TSS.

REFER TO EPIC SHEET 2 OF 2 - LEFT COLUMN FOR SECTION II - CONTINUATION FOR WATERS OF THE U.S DESCRIPTIONS AND APPROXIMATE LOCATION AND ACTIONS

The elevation of the ordinary high water marks of any areas requiring work to be performed in the waters of the US requiring the use of a nationwide permit can be found on the Bridge Layouts.

Best Management Practices for applicable 401 General Conditions:

Erosion	Sedimentation	Post-Construction TSS
<input checked="" type="checkbox"/> Temporary Vegetation	<input checked="" type="checkbox"/> Silt Fence	<input type="checkbox"/> Vegetative Filter Strips
<input type="checkbox"/> Blankets/Matting	<input checked="" type="checkbox"/> Rock Berm	<input type="checkbox"/> Retention/Irrigation Systems
<input checked="" type="checkbox"/> Mulch	<input type="checkbox"/> Triangular Filter Dike	<input type="checkbox"/> Extended Detention Basin
<input type="checkbox"/> Sodding	<input type="checkbox"/> Sand Bag Berm	<input type="checkbox"/> Constructed Wetlands
<input type="checkbox"/> Interceptor Swale	<input type="checkbox"/> Straw Bale Dike	<input type="checkbox"/> Wet Basin
<input type="checkbox"/> Diversion Dike	<input type="checkbox"/> Brush Berms	<input type="checkbox"/> Erosion Control Compost
<input type="checkbox"/> Erosion Control Compost	<input type="checkbox"/> Erosion Control Compost	<input type="checkbox"/> Mulch Filter Berm and Socks
<input type="checkbox"/> Mulch Filter Berm and Socks	<input type="checkbox"/> Mulch Filter Berm and Socks	<input type="checkbox"/> Compost Filter Berm and Socks
<input type="checkbox"/> Compost Filter Berm and Socks	<input type="checkbox"/> Compost Filter Berm and Socks	<input checked="" type="checkbox"/> Vegetation Lined Ditches
	<input type="checkbox"/> Stone Outlet Sediment Traps	<input type="checkbox"/> Sand Filter Systems
	<input type="checkbox"/> Sediment Basins	

III. CULTURAL RESOURCES

Refer to TxDOT Standard Specifications in the event historical issues or archeological artifacts are found during construction. Upon discovery of archeological artifacts (bones, burnt rock, flint, pottery, etc.) cease work in the immediate area and contact TxDOT immediately.

- No Action Required Required Action

IV. VEGETATION RESOURCES

Preserve native vegetation to the extent practical. Developer is responsible for the required actions below.

- No Action Required Required Action

Action No.	Commitment
1. Permanent erosion features would be constructed as soon as feasible during the early stage of construction through proper sodding and/or seeding techniques.	
2. Disturbed areas would be restored and stabilized as soon as the construction schedule permits. Temporary sodding would be considered where large areas of disturbed ground would be left bare for a considerable length of time. Use only native plants for landscaping and in seeding mixtures where practicable.	
3. Compensate for the loss of approximately 2.27 acres of upland woodlands and 0.49 acre of riparian woodland. Mitigation may occur as in-lieu fee payment to the Lewisville Lake Environmental Learning Center.	

V. FEDERAL LISTED, PROPOSED THREATENED, ENDANGERED SPECIES, CRITICAL HABITAT, STATE LISTED SPECIES, CANDIDATE SPECIES AND MIGRATORY BIRDS TREATY ACT.

Developer is responsible for the required actions below.

- No Action Required Required Action

Action No.	Commitment
1. Prior to any construction activities a qualified biologist shall survey the proposed project corridor for any listed species, due to the time period that would elapse between this evaluation and the start of construction activities.	

REFER TO EPIC SHEET 2 OF 2 - MIDDLE COLUMN FOR SECTION V - CONTINUATION FOR LIST OF SPECIES POTENTIALLY WITHIN PROJECT AREA WITH HABITAT DESCRIPTION AND ADDITIONAL ACTIONS

LIST OF ABBREVIATIONS

BMP: Best Management Practice	SPCC: Spill Prevention Control and Countermeasure
CGP: Construction General Permit	SW3P: Storm Water Pollution Prevention Plan
DSHS: Texas Department of State Health Services	PCN: Pre-Construction Notification
ENV: Environmental Affairs Division	PPCC: Spill Prevention Control and Countermeasure
FEWA: Federal Emergency Management Agency	PSL: Project Specific Location
FHWA: Federal Highway Administration	SPILLS: Spill Listings
MOA: Memorandum of Agreement	TCEQ: Texas Commission on Environmental Quality
MOU: Memorandum of Understanding	TPDES: Texas Pollutant Discharge Elimination System
MS4: Municipal Separate Stormwater Sewer System	TPWD: Texas Parks and Wildlife Department
NBTA: Migratory Bird Treaty Act	TxDOT: Texas Department of Transportation
NOT: Notice of Termination	T&E: Threatened and Endangered Species
NMP: Nationwide Permit	USACE: U.S. Army Corp of Engineers
NOI: Notice of Intent	USFWS: U.S. Fish and Wildlife Service

VI. HAZARDOUS MATERIALS OR CONTAMINATION ISSUES

General (applies to all projects):

Comply with the Hazard Communication Act (the Act) for personnel who will be working with hazardous materials by conducting safety meetings prior to beginning construction and making workers aware of potential hazards in the workplace. Ensure that all workers are provided with personal protective equipment appropriate for any hazardous materials used. Obtain and keep on-site Material Safety Data Sheets (MSDS) for all hazardous products used on the project, which may include, but are not limited to the following categories: Paints, acids, solvents, asphalt products, chemical additives, fuels and concrete curing compounds or additives. Provide protected storage, off bare ground and covered, for products which may be hazardous. Maintain product labelling as required by the Act. Maintain an adequate supply of on-site spill response materials, as indicated in the MSDS. In the event of a spill, take actions to mitigate the spill as indicated in the MSDS, in accordance with safe work practices, and contact the District Spill Coordinator immediately. The Developer shall be responsible for the proper containment and cleanup of all product spills.

Contact TxDOT 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

Does the project involve any bridge class structure rehabilitation(s) or replacement(s) (bridge class structures not including box culverts)?

- Yes No

If "No", then no further action is required. If "Yes", then TxDOT is responsible for completing asbestos assessment/inspection.

Are the results of the asbestos inspection positive (is asbestos present)?

- Yes No

If "Yes", then TxDOT must retain a DSHS licensed asbestos consultant to assist with the notification, develop abatement/mitigation procedures, and perform management activities as necessary. The notification form to DSHS must be postmarked at least 15 working days prior to scheduled demolition.

If "No", then TxDOT is still required to notify DSHS 15 working days prior to any scheduled demolition.

In either case, the Developer is responsible for providing the date(s) for abatement activities and/or demolition with careful coordination between TxDOT and asbestos consultant in order to minimize construction delays and subsequent claims.

Any other evidence indicating possible hazardous materials or contamination discovered on site. Hazardous Materials or Contamination Issues Specific to this Project:

- No Action Required Required Action

REFER TO EPIC SHEET 2 OF 2 - RIGHT COLUMN SECTION VI - CONTINUATION FOR OTHER HAZARDOUS MATERIALS OR CONTAMINATION ISSUES

VII. OTHER ENVIRONMENTAL ISSUES

(includes regional issues such as Edwards Aquifer District, etc.)


- No Action Required Required Action

Action No.	Location	Commitment
1. Noise Barrier NW5	Sta. 1995+66 To Sta. 2004+74 (Right of C/L)	Construct traffic noise barriers NWS with a 146 ft to 147 ft offset to the right of the centerline. Barrier heights would be 12 ft.

Special Note
 Measures to control fugitive dust would be considered and incorporated into the final design and construction specifications.
 See Book 2 (4.3.2) for additional requirements.

GENERAL NOTE:
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Texas Department of Transportation
 Dallas District Standard

ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS (EPIC)

FED. RD. DIV. NO.	FEDERAL AID PROJECT NO.		HIGHWAY NO.
6			IH 35E
STATE	DISTRICT	COUNTY	NORTH
TEXAS	DALLAS	DALLAS	SHEET NO.
CONTROL	SECTION	JOB	
195, 196	03 01	050, 071, 056, 074	

SHEET 1 OF 2

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II. WORK IN OR NEAR STREAMS, WATERBODIES AND WETLANDS CLEAN WATER ACT SECTIONS 401 AND 404 -- (CONTINUATION FROM EPIC SHEET 1 OF 2)

Required Actions: List Waters of the US Permit applies to, location in project and check Best Management Practices planned to control erosion, sedimentation and post-project TSS.

- Section 404 permits from USACE/Section 401 Water Quality Certification from Texas Commission on Environmental Quality (TCEQ) based on the specific roadway work and linear transportation crossings identified in the permits and associated with the Draft Interim Schematic and Draft Interim Schematic ROW.
- Table of preliminary jurisdictional features would be provided in Addendum 4 or the RID.

V. FEDERAL LISTED, PROPOSED THREATENED, ENDANGERED SPECIES, CRITICAL HABITAT, STATE LISTED SPECIES, CANDIDATE SPECIES AND MIGRATORY BIRDS TREATY ACT. - (CONTINUATION FROM EPIC SHEET 1 OF 2)

Species Potentially within Project Area w/ Description	Habitat Description
1. Timber/canebrake rattlesnake: black and brown crossbands down the back, broad dark shape present behind the eye, black tail above the rattle up to 25% of the body length.	Swamps, floodplains, upland woodlands, riparian zones, abandoned farmland; prefers dense ground cover, i.e. grapevines or palmetto.

If any of the listed species are observed, cease work in the immediate area, do not disturb species or habitat and contact TxDOT immediately. The work may not remove active nests from bridges and other structures during nesting season of the birds associated with the nests. If caves or sinkholes are discovered, cease work in the immediated area, and contact TxDOT immediately.

Special Note: The Migratory Bird Act of 1918 states that it is unlawful to kill, capture, collect, possess, buy, sell, trade or transport any migratory bird, nest, young, feather or egg in part or in whole, without a federal permit issued in accordance within the Act's policies and regulations. The contractor would remove all old migratory bird nests from any structure where work would be done from October 1 to February 15. In addition, the contractor would be prepared to prevent migratory birds from building nest(s) between February 15 to October 1. In the event that migratory birds are encountered on-site during project construction, efforts to avoid adverse impacts on protected birds, active nests, eggs and/or young would be observed.

VI. HAZARDOUS MATERIALS OR CONTAMINATION ISSUES (CONTINUATION FROM EPIC SHEET 1 OF 2)

Action No.

- A review of hazardous materials regulatory databases was conducted to determine if any known sites might affect the construction activities based on the interim schematic. See the Limited Phase 1 Environmental Site Assessment Report.
- Based on this review 3 sites are categorized as high risk, 0 sites are characterized as moderate risk, 41 sites are categorized as low risk. For the high and moderate risk sites Phase II ESAs are recommended prior to the development of the plans and specifications to confirm or deny the potential presence of contamination. The Phase II ESAs should follow the ASTM Designation E1903-11, Standard Practice for Environmental Site Assessments: Phase II ESAs.
- Developer shall prepare Hazardous Materials Management Plan (HMMP) which will be followed during construction.

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ENVIRONMENTAL PERMITS, ISSUES AND COMMITMENTS (EPIC) SHEET 2 OF 2

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TEXAS	DALLAS	DALLAS	
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195, 196	03 01	050, 071, 056, 074	