

Texas Department of Transportation
TECHNICAL PROVISIONS

STATE HIGHWAY 71 TOLL LANES

Attachment 4-1
Draft EA Commitments

The project environmental documentation required under the National Environmental Policy Act (NEPA) may not be completed prior to the award of the Project. NEPA documentation associated with this Project will include two Environmental Assessments (EA) and Finding of No Significant Impacts (FONSI). Currently, TxDOT has received a FONSI for the FM 973 portion of the Project (FONSI obtained September 16, 2011). TxDOT will be responsible for completing and obtaining FHWA's approval for the SH 71 portion of the Project. TxDOT anticipates a FONSI for the SH 71 EA in May 2014.

The following Environmental Permits, Issues, and Commitments (EPICs) matrix summarizes all authorized and draft commitments set forth for the Project by TxDOT. The DB Contractor shall review the commitments included in the EPICs matrix to ensure compliance with the authorized FM 973 and the draft SH 71 NEPA documentation. If the DB Contractor's proposed design significantly alters the design concepts and/or alters the affected environment authorized within the approved EA and defined in the draft EA, the DB Contractor shall be responsible for obtaining the required supplemental documentation and implementing any additional environmental conditions or mitigation measures as required per the NEPA document(s), environmental permits, and approvals for the Project. TxDOT will update the EPICs matrix as the Project progresses to reflect any future commitments resulting from permits or approvals obtained by TxDOT. The DB Contractor shall incorporate all future commitments into the Final Design Submittal for this Project.

The DB shall review the commitments included in the EPICs matrix to ensure compliance with the authorized NEPA documentation.

	DRAFT 2/14 SH 71 (EA)	FM 973 (EA)
Threatened and Endangered Species	Texas fatmucket mussel species were observed within Project limits. TxDOT will relocate Texas fatmucket mussels prior to construction. If the Texas fatmucket mussel is reconsidered for federal listing or is listed on the federal threatened and endangered species list prior to construction, consultation with USFWS would be required.	No habitat for threatened and endangered federal and state listed species within Project limits. No adverse effects or impacts anticipated.
Migratory Birds	DB Contractor must comply with MBTA. Measures to be taken to discourage swallows from nesting under the overpasses at Sprit of Texas Dr. and Presidential Blvd. due to presence of ABIA.	DB Contractor must comply with the Migratory Bird Treaty Act (MBTA).
Vegetation	No compensatory mitigation proposed. Employ efforts to avoid and minimize disturbance of vegetation and soils during construction. All disturbed areas would be re-vegetated according to TxDOT specifications, Executive Order 133112, Executive Memorandum on Beneficial Landscaping, and the 1999 FHWA Guidance on Invasive Species.	No compensatory mitigation proposed. Employ efforts to avoid and minimize disturbance of vegetation and soils during construction. All disturbed areas would be re-vegetated according to TxDOT specifications, Executive Order 133112, Executive Memorandum on Beneficial Landscaping, and the 1999 FHWA Guidance on Invasive Species.
Wetlands/waters of the U.S. Section 404	Section 404 impacts to Onion Creek would total approximately 0.045 acre. NWP #14 Non-PCN required. DB Contractor shall comply with all general and regional conditions applicable to NWP #14.	Section 404 impacts to unnamed Tributary of the Colorado River within the Project limits. Impacts at this location would be less than 0.1 acre. NWP #14 Non-PCN required. DB Contractor shall comply with all general and regional conditions applicable to NWP #14.
Water Quality	DB Contractor shall comply with the TPDES Construction General Permit. A SW3P must be developed and an NOI must be filed prior to construction. DB Contractor shall comply with applicable MS4 requirements.	DB Contractor shall comply with the TPDES Construction General Permit. A SW3P must be developed and an NOI must be filed prior to construction. DB Contractor shall comply with applicable MS4 requirements.
Historical Resources	No historic properties with the Project's APE.	No historic properties with the Project's APE.
Archeological Resources	Project limits cleared for archeological resources. In the event archeological remains are discovered during construction, work should cease in the immediate vicinity of the discovery and emergency discovery procedures should be initiated.	Northern Project limits (SH 71 to Colorado River) cleared for archeological resources. The southern Project limits (south of SH 71) are not clear for archeological resources at this time. Concurrence of TxDOT archeological findings from the SHPO and applicable Native American Tribes is still pending at this time. In the event archeological remains are discovered during construction, work should cease in the immediate vicinity of the discovery and emergency discovery procedures should be initiated.
Noise	No noise abatement measures proposed	No noise abatement measures proposed
Hazardous Materials	Numerous sites identified. Project risk from the sites is considered "low". Any structures containing asbestos or lead-based paint and	Numerous sites identified. Due to the proposed scope of work, no impacts are anticipated. Any structures containing

	DRAFT 2/14 SH 71 (EA)	FM 973 (EA)
	proposed for demolition shall be identified and properly mitigated prior to demolition. The contractor shall take appropriate measures to prevent, minimize, and control spillage of hazardous materials.	asbestos or lead-based paint and proposed for demolition shall be identified and properly mitigated prior to demolition. The contractor shall take appropriate measures to prevent, minimize, and control spillage of hazardous materials.
Air Quality	DB Contractor shall employ fugitive dust control measures during construction.	DB Contractor shall employ fugitive dust control measures during construction.
Section 4(f)/6(f)	No anticipated impacts to Section 4(f)/6(f) properties	No anticipated impacts to Section 4(f)/6(f) properties
Aesthetics	Approved context sensitive solutions shall be incorporated into final design	Approved context sensitive solutions shall be incorporated into final design
Public Facilities	CapMetro service to be maintained during construction	CapMetro service to be maintained during construction
FAA Coordination	Coordination with the FAA is required prior to construction	N/A