

107-B-040 ENVIRONMENTAL RESTRICTIONS

(Revised 05-23-13)

The Standard Specifications are revised as follows:

SECTION 107, AFTER LINE 541, INSERT AS FOLLOWS:

107.14.1 Environmental Restriction

The work shall be performed in accordance with the environmental restrictions shown below.

(a) Tree Habitat

All trees outside the construction limits shall not be disturbed.

(b) Indiana Bat

All felling of trees equal to or greater than 3 in. in diameter shall be performed between October 1 and the following March 31, inclusive, so as to minimize project-related impacts on the Indiana bat, Myotis Sodalis.

(c) Fish Spawning

If the contract contains an in-channel excavation restriction due to impacts upon fish spawning, the Contractor may request a waiver of a portion of the restriction period by means of written contact to the Indiana Department of Natural Resources Division of Fish and Wildlife, Environmental Supervisor. Such request shall be made not more than two weeks prior to anticipated in-channel work during the restriction period shown above. The expected response time from the Indiana Department of Natural Resources will be approximately five work days. The Indiana Department of Natural Resources will consider each waiver on a case-by-case basis.

The information and criteria shown below shall be provided with the waiver request.

- 1. Location of the project, including stream name, route number or road name, Indiana Department of Natural Resources Certificate of Approval of Construction in a Floodway docket number, and description of the proposed work.*
- 2. Amount of time required to do the work, and the dates requested to be waived. The amount of time required shall be reasonable to accomplish the proposed work.*
- 3. The amount of in-channel area proposed to be disturbed by the work. Disturbance across the full width of the stream may result in more negative impacts than disturbance of smaller portions of the stream.*
- 4. Water level at the time of the request.*
- 5. Approximate water temperature at the time of the request.*

6. *The substrate of the stream bottom at the project site, 100 yd upstream of the site, and 100 yd downstream of the site. A bedrock substrate is not necessarily beneficial for spawning areas. However, silt, sand, or small gravel is more readily usable. Spawning locations which are downstream of the project may more likely be impacted by disturbances than such locations which are upstream. Sediments may cover eggs.*

A waiver of a portion of the in-channel excavation restriction will be cause for the Department to adjust contract times accordingly. Final approval of the waiver will be made by the Department. Such approval will not occur until the contract time adjustment is agreed upon.
