

**ENVIRONMENTAL
PERFORMANCE SPECIFICATION**

1.0 INTRODUCTION

This Environmental Performance Specification specifies general roles and responsibilities. Other than identified in Section 4.2, the LA DOTD obtained the environmental permits required for this Project. Any modifications, amendments or extensions are the responsibility of the Design-Builder. The Design-Builder shall prepare its design and conduct its construction activities in accordance with this Environmental Performance Specification such that no action or inaction on the part of the Design-Builder shall result in non-compliance with state or federal environmental laws, regulations, and Executive Orders, including, but not limited to, the Clean Water Act, Sections 401, 402, and 404, as amended; the Clean Air Act, as amended; the Endangered Species Act, as amended; Section 106 of the National Historic Preservation Act, as amended; the State and Local Coastal Resources Management Act, as amended; and Title VI of the Civil Rights Act, as amended. It is the Design-Builder's responsibility to obtain clarification of any unresolved ambiguity prior to proceeding with design and/or construction.

The Design-Builder shall not proceed with any Work within 200 feet on either side of the Ward's Creek Diversion Canal bridge prior to the LA DOTD's obtaining of any and all environmental permits necessary for this Project.

1.1 AMBIGUITY

It is the Design-Builder's responsibility to obtain clarification of any unresolved ambiguity prior to proceeding with design and/or construction.

2.0 PERFORMANCE GOALS

The Design-Builder shall meet the following performance goals, in the sole discretion of the LA DOTD:

- A) Environmentally friendly highway design and construction;
- B) Adherence/compliance with all environmental permits and their conditions throughout the life of the Project; and
- C) Minimization of impacts to the natural and social environment.

3.0 STANDARDS

The Design-Builder shall plan, design, construct, and implement the Work in accordance with this Environmental Performance Specification and the requirements of the following standards. Standards specifically cited in the body of this Environmental Performance Specification establish requirements that have precedence over all others. In this Performance Specification, if the requirements in any standard conflict with those in another, the standard highest on the list will govern. It is the Design Builder's responsibility to obtain clarification of any ambiguity within this Environmental Performance Specification prior to proceeding with design or construction.

- A) The terms and conditions listed in the United States Army Corps of Engineers' (USACOE) Permit No. MVN-2008-2747-CN; and
- B) The Louisiana Department of Transportation and Development's Standard Specifications for Roads and Bridges 2006 Edition, with specific reference to Sections 107.09, 107.14, 107.27 and 204.

4.0 REFERENCES

Not Applicable

5.0 SCOPE

5.1 GENERAL PHILOSOPHY

The philosophy followed by the LA DOTD during the development of the Project is to avoid and minimize impacts to the natural and human environments to the extent feasible and practical. The Design-Builder shall continue this approach and philosophy during the preparation of design plans and through Project implementation and construction.

5.2 GENERAL ROLES AND RESPONSIBILITIES

The LA DOTD obtained the environmental permits (referenced below) for the widening of Interstate-12 (I-12) between LA 3245 and LA 447 interchanges, which includes the Project. The scope of work for which the permit applications were submitted and approved called for the construction of additional lanes within the median and within the existing Right-of-Way (ROW); and the widening of the existing Grey's Creek Bridges to the inside. For this concept, the LA DOTD will provide a determination from the Louisiana Department of Natural resources (LDNR) that a Coastal Use Permit (CUP) is not required, the U. S. Army Corps of Engineers, Section 10 and 404 Permit; the Department of Environmental Quality Clean Water Act Section 401, Water Quality Certification; and the Department of Environmental Quality Clean Water Act Section 402, Storm Water permit (Louisiana Pollutant Discharge Elimination System (LPDES) Storm Water General Permit for Construction Activities). All other permits and clearances are the responsibility of the Design-Builder.

Material changes to the original concept or highway alignment that result in environmental, cultural, or community impacts beyond those identified in the original permits will not be allowed without the prior written consent of the LA DOTD. All changes must be supported by the necessary investigations, documentation, and approvals of applicable resource management and permitting agencies. The Design-Builder is responsible for all work effort and document preparation required to obtain all necessary approvals, permits, or permit modifications prior to implementing any scope changes. This includes the effort required to obtain the appropriate NEPA approval from the Federal Highway Administration.

Any work performed by the Design-Builder that is determined by the LA DOTD or any relevant governmental agency to be outside the scope of the permits must be performed at the Design-Builder's own risk, including any additional environmental work, studies, reports, assessments, or permits that must be completed.

The Design-Builder shall be responsible for obtaining the necessary environmental and cultural resources permits and/or clearances for all construction related activities such as, but not limited to, material pits, staging yards, and haul roads that are located outside the scope of the original permits. The Design-Builder is responsible for ensuring that all required permits are obtained from the appropriate entities prior to implementing any work requiring such a permit.

5.0 PERFORMANCE MEASURES

LA DOTD shall be satisfied that the design and construction meet all of the environmental performance goals, as well as all requirements as outlined and specified in the permits.

6.0 REQUIREMENTS

5.3 6.1 MITIGATION MEASURES AND COMMITMENTS

The mitigation measures and Project commitments included in the original permits must be incorporated

in the Design-Builder's plans and Project Specifications and implemented as part of Project construction. The specific mitigation measures and commitments to be implemented by the Design-Builder are listed in Sections 5.1.1 through 5.1.4.

6.1.1 Threatened and Endangered Species Protection Plan

The proposed Project is not likely to adversely affect any threatened or endangered species. The Design-Builder shall adhere to the erosion control measures outlined in the Louisiana Standard Specifications for Roads and Bridges 2006 Edition to ensure water quality impacts are confined to the immediate Project area.

6.1.2 Wetland and Coastal Use Mitigation

The LA DOTD will obtain a Water Quality Certification from the Louisiana Department of Environmental Quality and a Section 23 Nationwide Permit from the USACOE for impacts to jurisdictional wetlands and other waters of the US for the Project. The Design-Builder shall adhere to the terms and conditions of these permits. The LA DOTD will contract with private sector mitigation banks to execute compensatory mitigation in the amount required by the New Orleans District, USACOE.

If the Design-Builder changes the scope of Work in a manner that requires a new permit or an amendment or modification to an existing permit, the Design-Builder shall obtain the new permit, amendment, or modification. Any fees or compensatory mitigation required by the permitting agencies will be the responsibility of the Design-Builder.

If the Design-Builder discovers an additional need for ROW as it selects borrow, staging, or other Project-related sites, the Design-Builder shall comply with all environmental laws and regulations and obtain the necessary approvals and permits. If the use of additional ROW requires a modification to the existing permits obtained by the LA DOTD, the Design-Builder shall obtain the required modifications. Any fees or compensatory mitigation required by the permitting agencies will be the responsibility of the Design-Builder.

6.1.3 Water Quality and Storm Water

The LA DOTD will be responsible for obtaining the Section 401 (Water Quality Certification) and 402 (LPDES Storm Water General) permits from the Louisiana Department of Environmental Quality. **As part of the Section 402 permit requirements, the Design-Builder shall prepare a Storm Water Pollution Prevention Plan (SWPPP).** This SWPPP must incorporate Best Management Practices (BMPs) for spill prevention, erosion control, and sediment control. During construction, the Design-Builder shall make every effort practicable to avoid and minimize the introduction of suspended solids and sediment into the Wards Creek Diversion Canal and its tributaries. The Design-Builder shall follow all applicable rules and regulations including, but not limited to, maintaining a copy of the LPDES permit and SWPPP on the construction site.

6.1.4 Cultural Resources

If archaeological sites or historic artifacts are encountered during construction, the Design-Builder will notify the LA DOTD immediately and comply with the provisions of Contract Documents, Part 2 – Design-Build (DB) Section 100, DB Section 107-26.