State of California
DEPARTMENT OF TRANSPORTATION

Business, Transportation and Housing Agency

Memorandum

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To: DEPUTY DISTRICT DIRECTORS
Construction, Design, Environmental and
Project Management

Date: June 10, 2005

File: EMO

From: **RICHARD D. LAND**
Chief Engineer

Subject: Environmental Commitments Record

In support of the California Department of Transportation's (Department) goal of stewardship, it is important to effectively track and document the completion of environmental commitments throughout the Project Delivery process. To accomplish this, each district shall establish and maintain an Environmental Commitments Record (ECR) for each project. The purpose of the ECR is to ensure that the Department meets its environmental commitments by: 1) recording each environmental mitigation, compensation, and enhancement commitment made for an individual project; 2) specifying how each commitment will be met; and 3) documenting the completion of each commitment.

The ECR brings all relevant environmental compliance information together in a single place, making it easier to track progress and easier for project team members – Environmental staff, Project Manager, Project Engineer, Resident Engineer (RE) – to identify actions they need to take. The ECR also aids in preparing and updating the RE Pending File, executing Environmental Certification at Ready to List, and preparing the Certificate of Environmental Compliance.

Environmental commitments may be identified during any Project Delivery phase, including construction. Completion of the commitments may extend beyond project construction. While the ECR can be initiated or updated at any time, the Work Breakdown Structure (WBS) calls for its preparation at WBS 180.15.20 and updating at WBS 205.10.60, 235.40, and 270.70. Each District is to identify the party responsible for preparing and updating the ECR. The ECR is to be filed in the Uniform File System and a copy retained in the project history file.

The District 11 Mitigation Monitoring and Reporting Record (MMRR) and the District 4 Permits, Agreements, and Mitigation (PAM) form are two examples of approaches to the ECR. Districts may use one of these approaches, or develop one that better meets their needs. Regardless of the format used, the minimum requirements for the ECR are identified in the attachment to this memo.

If you have any questions about the ECR or its use, please contact Cindy Adams, Chief, Environmental Management Office, at 916-653-5157 or Rich Weaver, Senior Environmental Planner, at 916-653-1836.

Attachment

ENVIRONMENTAL COMMITMENTS RECORD STANDARDS AND INSTRUCTIONS

The purpose of the Environmental Commitments Record (ECR) is to ensure that the California Department of Transportation meets its environmental commitments by: 1) identifying each environmental commitment made for an individual project; 2) specifying how each commitment will be met; and 3) documenting the completion of each commitment. While the ECR can be initiated or updated at any time, the Work Breakdown Structure (WBS) calls for its preparation at WBS 180.15.20 and updating at WBS 205.10.60, 235.40, and 270.70. The ECR is also used to generate the environmental portion of the RE Pending File (WBS 255.40), Environmental Certification at RTL (WBS 260.15.15), and in preparation of the Certificate of Environmental Compliance (WBS 270.50). The ECR will be used by the Project Team as a detailed reference throughout all project phases, both to identify and track commitments and to locate the most current, detailed source of information. This is a living document that should be updated as commitments are made and completed. It should be reviewed on a quarterly basis to assure it provides continuity of information through the life of the project. Project Development Teams should add ECR review as a standing item at each team meeting. The information in the ECR needs to be specific enough to follow the project through its life, regardless of staff turnover.

The District 11 Mitigation Monitoring and Reporting Record (MMRR) and the District 4 Permits, Agreements, and Mitigation (PAM) form are two examples of approaches to the ECR. Examples of each are posted on DEA's intranet site. Districts may use one of these approaches, or develop one that better meets their needs.

The following content elements are required.

Project Information

- District-County-Route- PM. (or KP, if applicable)
- Project Title/Description.
- Stage (if applicable - if the project will be constructed in multiple stages, consider how best to structure the record(s))

Basic Information

- Originating Date – The date the ECR was initiated.
- Current Date – Date of the most recent version of the ECR (this will change as the list is updated).
- Funding – Include the project EA. If any environmental commitment is being carried out under a separate EA, include that EA number and date of construction/mitigation implementation.

Environmental Commitments and Mitigation Measures

List each environmental commitment identified in the environmental document. Add to the list as additional commitments are made during subsequent project phases. Update the list as information changes or commitments are completed.

The following shall be denoted for each item on the list:

- WHO: Responsible Branch or Staff Person – Identify which functional unit and individual is responsible for ensuring that the commitment is met.

- WHAT/HOW: Action To Be Taken to Comply with Task – Briefly describe the action(s) that must be taken by the responsible partly in order to comply with each commitment (e.g., establish an ESA, include delineation on the Plans, include appropriate SSP or NSSP).

- WHEN: Timing/Phase
  - Timing – Indicate when each action needed for each commitment is to be carried out. Identify impacts on the project delivery schedule including long-lead approvals, construction work windows, and restrictions on construction operations, equipment, or schedules.
  - Completion – Record when the commitment was completed or, in the event that it was not carried out, document the problem and what needs to be done/has been done to correct it.

- WHERE: Commitment Location – Describe the resource and its location within the limits of the project.

- REFERENCE: Commitment Definition – Identify the page number(s) in the environmental document, permit, or other document where the commitment is most thoroughly described. Update as the commitment definition is refined.

- NOTE: Remarks/Comments – Note any problems with meeting the commitment, shortcomings, or deviations from original plan, as well as how and when issues were resolved. If changes necessitate an environmental reevaluation or additional environmental commitments, these should be referenced (date of Reevaluation, memo, study, etc.). Recommendations including implementation improvements (lessons learned) should be presented.

Examples of Environmental Commitments/Source of Commitments to Include in the ECR

The list below is intended to be a prompting tool for both the kinds of commitments and the sources of those commitments that should be incorporated in the ECR. The list includes a wide range of commitments that will not all apply to every project; ONLY include those commitments that apply to your project. The list is not exhaustive; be sure to ADD any other known commitments that are not listed below. Some of the items

below (such as permits) appear under multiple headings, simply to prompt a thorough recording of all of the project's commitments; DO NOT create more than one entry in the ECR for the same specific commitment.

1. Environmental Mitigation Affecting Timing of Advertising

2. Biology:
   - Environmentally Sensitive Areas (ESAs) for Biology (includes delineation on Plans)
   - Pre-Construction Surveys
   - Exclusionary Measures (e.g., netting to prevent entry of swallows and bats)
   - Monitoring Required
   - Wetland/Riparian/Uplands Mitigation
     - Specify mechanism: banking agreement, credits, creation/restoration, fund transfer, etc.
     - Identify if mitigation will be completed as part of a separate project
   - Other Biological Commitments (e.g., tree replacement)
   - Agency Permits
   - Special Provisions/Non-Standard Special Provisions Required

3. Cultural Resources:
   - ESAs for Cultural Resources (prehistoric archaeological, historic archaeological, built environment, and Traditional Cultural Properties; includes delineation on Plans)
   - Archaeological Data Recovery Coordination
   - Native American Monitor
   - Unexpected Discovery (Human Remains/Cultural Materials Provisions)
   - Other Requirements set forth in the MOA and or other Section 106 consultation
   - Agency Permits
   - Special Provisions/Non-Standard Special Provisions Required

4. Air Quality:
   - Equipment specifications
   - Structures Demolition Permit
   - Dust Control and other Best Management Practices
   - Special Provisions/Non-Standard Special Provisions Required

5. Hazardous Materials Investigation/Treatment:
   - Hazardous Waste Remediation Affecting Advertising (Does the Hazardous Waste need to be moved, removed, or processed under the construction contract?)
   - Aerially Deposited Lead (ADL) Issues and Provisions (Is ADL present or suspected on the project? Does sampling need to be done? Are Provisions needed?)
   - Appropriate Health and Safety Plan
   - Bridge – Lead Paint Provisions
   - Road Striping Paint Lead Provisions

- Naturally Occurring Asbestos Provisions
- Asbestos building materials and pipes
- Underground Tanks
- Hazardous Waste Special Provisions/ Non-Standard Special Provisions Required

6. Visual/Landscape:
   - Landscape and Planting Design
   - Plant Palette
   - Invasive Species considerations (coordination w/ staff Biologist)
   - Erosion Control
   - Special Architectural Treatments
   - Contour Grading
   - Revegetation – Plant Establishment Types and Period
   - Special Provisions/Non-Standard Special Provisions Required

7. Construction:
   - Special Training for Construction Workers
   - Clearing and Grubbing
   - Construction Windows and Work Hours - For sensitive resources, community impacts and other
   - Required Notification With/Reporting to Resource Agencies, including contact names
   - Required Notification to Native American groups, including contact names
   - Air Quality Construction Monitoring
   - Noise/Air Quality Specs Related to Construction Activities (such as dust control spec.)
   - Detours
   - Technical Support Contacts – Names and contact information for Environmental issues.

8. Noise Attenuation:
   - Sound Barriers – Order of Work (also include type, locations, whether temporary or permanent, etc.)
   - Construction Windows to comply with local noise ordinance
   - Other Noise related issues.

9. Water Quality Requirements:
   - Stormwater Pollution Prevention Plan (SWPPP)/Water Pollution Control Program (WPCP)
   - Erosion Control
   - Permanent Storm Water Control Measures Including Operations and Maintenance Information
   - Monitoring Required
   - Construction Best Management Practices (BMPs)
   - Impacted water bodies
   - High risk water resources

- Permanent treatment controls

10. Community/Social/Land Use Impacts
    - Farmland
    - Parks and Recreation (such as multi-use trails, park improvements needed, etc.)
    - Temporary Detours
    - Americans with Disability Act (ADA) Requirements
    - Relocation (both temporary and long-term)
    - Joint Development Agreement
    - Bicyclists and/or Pedestrians
    - Transit Services
    - Other environmental commitments to local jurisdictions
    - Community outreach activities during construction
    - Sensitive community resources and special access requirements
    - Equipment, contractor yard, and restrictions on construction activities.
    - Noise and vibration limitations

11. Paleontology
    - ESAs for Paleontology (including delineation on Plans)
    - Monitoring Required
    - Data Recovery Coordination
    - Unexpected Discovery Provisions
    - Agency Permits
    - Special Provisions/Non-Standard Special Provisions Required

12. Wild and Scenic Rivers

13. Other
    - Conservation Easements
    - Other Mitigation Requirements
    - _____
    - _____

14. Order of Work
    - Construction Windows and Work Hours (For sensitive resources, community impacts, etc.)
    - Required Notification With/Reporting to Resource Agencies including contact names
    - Other

15. Permits and Approvals - List all permits and agreements required for the project and describe each permit requirement including, but not limited to:
    - US Army Corps of Engineers
    - US Fish and Wildlife Service
    - National Oceanic and Atmospheric Administration (NOAA)- Fisheries

- Section 106 (State Historic Preservation Officer/Advisory Council on Historic Preservation) MOA
- US Coast Guard
- USDA Forest Service
- USDI Bureau of Land Management
- California Department of Fish and Game
- Coastal Permit/Coastal Zone Requirement
- Regional Water Quality Control Board
- Structure(s) Demolition Permit (Obtain from local Air Board)
- Other:
  - San Francisco Bay Conservation and Development Commission (BCDC)
  - Tahoe Regional Planning Agency (TRPA)
  - _____
  - _____
  - _____

Commitment Completion Certification

The Environmental Branch Chief or designee, in coordination with appropriate representatives from other functional areas, denotes completion of individual commitments on an on-going basis. When all commitments are completed, the Environmental Branch Chief or designee, in conjunction with the Resident Engineer, prepares the Certificate of Compliance with Environmental Mitigation Requirements (WBS 270.50). If post-construction mitigation, monitoring, or stewardship is required, the ECR is conveyed to the appropriate Division(s) for implementation.