

**KANSAS DEPARTMENT OF TRANSPORTATION
SPECIAL PROVISION TO THE
STANDARD SPECIFICATIONS, EDITION 2015**

Add the following new SECTIONS to DIVISION 100:

ENVIRONMENTAL CONCERNS – MIGRATORY BIRD TREATY ACT

Attention is directed to the Migratory Bird Treaty Act (15 USC 703-711) 50 CFR Part 21 and 50 CFR Part 10 that protect migratory birds, their occupied nests, and their eggs from disturbance or destruction.

Activities that are most likely to result in disturbance or destruction of migratory birds include, but not limited to structure cleaning, painting, demolition or reconstruction where bird nests are present.

To protect migratory birds, do not conduct construction activities where active nests are present between the dates April 1 and July 15 inclusive or until the birds have fledged and left the structure. Remove all non-active; existing migratory birds nests and monitor weekly to prevent the establishment of active nests. If evidence of migratory bird nesting is discovered after, beginning work or in the event that migratory bird nests become established, immediately stop work and notify the Engineer.

ENVIRONMENTAL CONCERNS – NORTHERN LONG EARED BAT –Bridge Work

If Northern Long Eared Bats (NLEB) are discovered on the structure, immediately stop work and notify the Engineer.

BORROW/WASTE SITES AND STAGING AREAS

a. American Burying Beetle. The United States Fish and Wildlife Service (USFWS) listed the American Burying Beetle as an Endangered Species.

Borrow/waste sites and staging areas greater than 1.2 acres shall consist of only cultivated lands in the following counties: Elk, Chautauqua, Wilson, Montgomery and Labette.

If it is necessary for borrow/waste sites and staging areas greater than 1.2 acres in those counties to consist of anything other than cultivated lands, contact the USFWS. The USFWS could require a study be performed, and if the study identifies the American Burying Beetle is present, additional restrictions and conditions could be required.

Contact US Fish and Wildlife Service, 2609 Anderson Ave., Manhattan, KS 66502.

b. Northern Long-Eared Bat. The United States Fish and Wildlife Service (USFWS) listed the Northern Long-Eared Bat (NLEB) as a Threatened Species.

Borrow/waste sites and staging areas within the White-Nose Syndrome (WNS) listed counties shown in **Appendix A** will need to adhere to the following conditions involving tree removal larger than 3 inches dbh in order to be in compliance with the federal Endangered Species Act.

- No tree removal within 150 feet of a known NLEB occupied maternity Roost Tree from June 1 to July 31.
- No tree removal within 0.25 miles of a known NLEB Hibernaculum.
 - Contact USFWS for locations.

If the borrow/waste sites and staging areas do not meet these conditions, they will need to be reviewed by the USFWS. Contact US Fish and Wildlife Service, 2609 Anderson Ave., Manhattan, KS 66502.

ENVIRONMENTAL CONCERNS – ZEBRA MUSSELS

Prevention of the spread of Zebra Mussels (*Dreissena polymorpha*) and other aquatic invasive species is important. Inspect and clean all equipment of mud, plant material, or other debris. Clean with pressurized hot water, or allow to dry for 5 days prior to contacting any other waters of the U.S. to prevent transporting invasive species.

09-07-17 ESS (CE)
Nov-17 Letting

