

*A routine news bulletin to provide project managers and district environmental staff with current permit requirements, training opportunities and other environmental related guidance.*

## VEGETATION MANAGEMENT

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### Vegetation Inspections

Beginning in May, project vegetation inspections can begin for stormwater permit closure. Usually, the District Environmental Coordinator and Carol Wienhold decide on projects that likely meet the vegetation cover threshold for permit closure, and schedule inspections accordingly. If you believe your project may be stabilized and have the grass growth required to meet the threshold, please let your DEC know. Vegetation inspections usually can happen until early November.

Projects for which the vegetation threshold was met in 2014 but the silt fence was not removed: Continue inspections until the silt fence has been removed. Then notify your DEC, who will notify Carol. The Notice of Termination can be filed at that time.

**Contact Information: Carol Wienhold, (402) 479-3917**

## THREATENED AND ENDANGERED SPECIES

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### Northern Long-Eared Bat – Q & A

#### What is the Northern Long-Eared Bat, where is it found, and why is it in danger?

Northern long-eared bats (NLEB) are medium sized bats distinguished by long, rounded ears. Their body length is 3 - 3.7 inches with a 9 -10 inch wingspan (imagine a mouse...with wings). The fur of a northern long-eared bat can vary in color from mid to dark brown on top, and a yellowish-grey or light brown on the belly. The bats ears and face commonly have a black tint. The NLEB looks very similar to many other species of bats, so if you see a bat on a project – use caution and contact NDOR Environmental – it could be a NLEB!

NLEB are very useful because they feed on spiders, beetles, and flying insects (such as mosquitoes). NLEB have been found in 39 states, including Nebraska. They have been documented to roost during the summer in colonies or individually within tree snags, hollows, crevices, or underneath bark. Man-made structures such as houses, barns, and bridges have also been recorded as summer roosts. During October and November, NLEB migrate from their summer roosts 50+ miles to swarm near their winter hibernation quarters, which are typically abandoned mines and caves. They typically hibernate from October until April.



**Continued on next page....**

## Northern Long-Eared Bat continued...

White Nose-Syndrome is a fungal disease easily transferred between bats and bat colonies. This disease has killed millions of bats since its first North American outbreak in 2006. NLEB is included among species that have been hit the hardest. White Nose-Syndrome is currently spreading from the east to central North America and has recently arrived near the NLEB range in Nebraska. To prevent a further decline in NLEB populations, the U.S. Fish and Wildlife Service proposed listing NLEB under the Endangered Species Act in October 2013. April 2015 is when the final listing determination is anticipated to be announced.

### **If NLEB is not listed yet, why am I seeing special conditions for bats in my contract?**

NDOR and FHWA have agreed to implement species specific conservation conditions in advance of the listing so that when NLEB gets listed, NDOR will avoid having to stop all projects and go through consultation on the species. By treating the species as if it were already listed under the Endangered Species Act, NDOR and FHWA have already gone through a consultation process on each project and would not have to stop forward momentum when a listing decision is made.

### **What are the special conditions and what do they mean?**

**NLEB-1** Tree clearing, bridge deck joint replacements over the bridge deck, bridge/>5-ft box-culvert removal activities will be scheduled to occur between October 1<sup>st</sup> – March 31<sup>st</sup> to avoid impacts to the northern long-eared bat roosting period. (NDOR Environmental, Construction, Contractor)

In general terms – This means that any tree clearing, bridge deck joint replacements over the bridge deck, or removal of box culverts (greater than 5-ft in height) or bridges would be scheduled outside of the time when the bats would be roosting in the area. If work can be scheduled to avoid the roosting season, this is the easier option and has little to no risk of encountering or impacting a bat.

**OR**

**NLEB-2** If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge or >5-ft box-culvert structures occurs during the northern long-eared bat roosting period (April 1<sup>st</sup> – September 30<sup>th</sup>), NDOR personnel will perform surveys prior to the start of these activities at the following locations: \_\_\_\_\_ (*location of suitable habitat*). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

In general terms – This means that any of the aforementioned activities that could not be scheduled outside of the summer roosting season will require a survey for bat presence prior to beginning associated work. At this time, NDOR Environmental Biologists and NDOR District Environmental Coordinators are trained to perform these surveys. NDOR T&E biologists must be contacted to schedule the survey, preferably 30-days, in advance of when the work is scheduled to begin. If the survey results do not find any bats or evidence of bat roosting, the Project will be clear to proceed with the work. If bats or bat evidence are discovered, the work may not proceed until NDOR Environmental Biologists have completed consultation with the U.S. Fish and Wildlife Service and Nebraska Game and Parks Commission (and if applicable, FHWA).

**Contact Information:**                    **Melissa Marinovich, (402) 479-3546**

**Zach Cunningham, (402) 479 - 4464**

# ECODATABASE (ECOD) INSPECTIONS

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## Inspection Field Tool

- ◆ New Inspection Report Layout – The environmental inspection reports that are developed and distributed have been re-formatted:
  1. Corrective actions are all at the front of the report, sorted by due date.
  2. Immediate action deficiencies will always be at the top of the corrective action list.
  3. Corrective actions have an ID # assigned to help with tracking between lists.
  4. Added a page footer to each page with project info.
- ◆ Added “Immediate Action Required” option to the “Checklist Questions.” This will allow inspectors to assign a 24 hour due date to corrective actions created in the “Checklist Questions” section. Before this could only be done with in the “Field BMPs” section.
- ◆ Re-Titled a couple of the Inspection Tool Buttons within the inspection. The “Field BMPs” button is now “BMP Toolbox” and the “Edit Report” button is now “Finalize.”
- ◆ Moved the “Additional Field Observations” section from “Edit Report” section to the “Summary” section. This may make it easier to add additional comments and photos as needed.

## Notifications

- ◆ ECOD Inspection Reminders/Notifications Emails will only be sent out from 6am to 6pm.
- ◆ The Inspection Report Email Notification, now includes a link to the “Punch List” to print out as a PDF. This will now allow you to print both the entire inspection report or just the corrective action “Punch List.”
- ◆ Species Survey Notification Emails are functioning in ECOD and will eliminate the need for T&E discrepancies in SiteManager.

## Miscellaneous Issues/Items

- ◆ If you are using your laptop in the field to fill out your ECOD inspections, do not attempt to sync your machine without an internet connection as it will cause an error.
- ◆ If you plan to use your machine in the field please follow this process:
  1. Sync your machine before you leave the office for the day. This will ensure you have the latest updates etc.
  2. When you log in to ECOD out in the field, the system may prompt you to sync. Click “no.”
  3. You can then fill out your report and sign and seal it. After signing the report the system will again prompt you to sync, click “no.”
  4. The inspection report will now be signed and official and if you have a printer in the job trailer; it can be printed out and handed to the contractor.
  5. Be sure to sync your machine when you get back to the office to distribute the report electronically.

## In the Pipeline.....

- ◆ ECOD “How to Guides” are being developed for basic ECOD tasks and are available on the NDOR website. (How to submit inspections....address corrective actions....print reports, etc.) You can access them here: <http://www.transportation.nebraska.gov/environment/ecodatabase.html>
- ◆ Inspectors will soon have the ability to edit corrective action due dates. This is meant to provide some flexibility when select situations prevent a contractor from addressing items within 7 days.
- ◆ We will be updating the ECOD “Project List” or homepage in the tool by adding additional items to that screen. Essentially making the “Project List” page a little more versatile.
- ◆ We are planning to implement these new changes in the next couple of weeks.

**Contact Information: Gabe Robertson, (402) 479-4685**

# WETLANDS AND 404 PERMITS

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## Nationwide Permit 3

**What is a NWP 3(a)(c)?** A Nationwide Permit 3(a) allows for “the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fill...provided that the structure or fill is not to be put to uses different from those uses specified or contemplated for it in the original permit.”

A Nationwide Permit 3(c) “authorizes temporary structures, fills, and work necessary to conduct the maintenance activity.” Note – Per the Regional Conditions, access crossings need to be reviewed and approved by the Corps. If one is determined to be needed, it will need to be approved prior to construction.

If a project fits the parameters of a Nationwide Permit 3(a) and/or 3(c), notification to the USACE is not required. (Unless a Regional Condition applies to the project that would require preconstruction notification.)

If the work being done fits within a NWP 3(a) but new or additional riprap is placed, it would qualify under a Nationwide Permit 3(b) and we would be required to notify the USACE of the activity and receive their authorization.

**Why isn't there a verification letter from the USACE?** If the project fits the parameters of a Nationwide Permit 3(a) and/or 3(c) we are not required to notify the USACE. Therefore, there will not be a verification letter in the Environmental Commitments. However, the work being done is authorized under a Nationwide Permit and all applicable conditions need to be followed.

**Do I need to submit a Certification of Compliance to the USACE?** No. The General Condition for Compliance Certification states that “each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity...” In the case of a NWP 3(a)(c) where we were not required to notify the Corps of the activity, there is no verification letter, therefore we will not provide a Compliance Certification.

**Do I still need to follow General Conditions and Regional Conditions?** Yes. All applicable General and Regional Conditions need to be followed. Refer to the Nationwide Permit Fact Sheet, NDOR Contractor Requirements Sheet and project specific conditions found in the Environmental Commitments.

If the project is permitted under a NWP 3(a) and/or 3(c), it is still a Nationwide Permit.

**Contact Information: Tony Ringenberg, (402) 479-4410**

# HAZARDOUS MATERIALS

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## Identifying Hazardous Waste During Construction

This year NDOR will continue to use a consultant to complete asbestos inspection surveys on our bridges. In the future the districts may be asked to help identify and test suspect asbestos containing material. In addition, projects with a NEPA document approved in 2015 and beyond will no longer require the contractor to fill out a National Emission Standards for Hazardous Air Pollutants (NESHAP) form when a bridge is negative for asbestos. This will be completed by the NDOR environmental staff. Keep in mind there are projects that have not been constructed yet that will still require the contractor to fill out the NESHAP form. If you have any questions, please contact Will Packard at (402) 479-4312.

NDOR would like to thank the Districts for attending the Unexpected Waste Awareness Training. The Unexpected Waste Plan is now posted on our website as well as the corresponding training videos for the field staff and contractors: <http://www.transportation.nebraska.gov/environment/hazmat.htm> .

**Contact Information: Will Packard – (402) 479-4312.**

# UPCOMING TRAINING

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## Erosion Control Training

The following summarizes upcoming erosion control training courses. To view and register for upcoming classes, please visit the LTAP website at: <http://ne-ltap.unl.edu/erosion-control>

Please note that the Online Re-Certification is now also available on the UNL-LTAP website.

Training Class	Location	Date/Time	Status
NDOR Erosion and Sediment Control Basics for Inspectors (Certification Class)	UNL West Central Research Ctr. North Platte, NE	Thursday, March 26, 2015 8:30am – 3:30pm	Class is open.
NDOR Erosion and Sediment Control Basics for Inspectors (Certification Class)	Dakota County Extension Office, Dakota City	Tuesday, April 21, 2015 8:30 - 3:30pm	Class is open.

We are in the process of scheduling additional classes. If you need to take the initial certification class please contact us to get on a waiting list. In the meantime you can access the LTAP website (above) and take the “Interim Certification Course” that will temporarily certify you for 6 months.

Contact Information:

Nathan Hoeckelman; UNL-LTAP – (402) 472-0976

Ron Poe – (402) 479-4499

Course information is also available on the LTAP website at:

<http://ne-ltap.unl.edu/erosion-control>