



ENVIRONMENTAL BULLETIN

Fall (2014)

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

ENVIRONMENTAL COMPLIANCE

➤ New Environmental Special Provision

Beginning with the October 2014 lettings, a new Environmental Special Provision – B-3-1014 has been implemented. It will replace the Environmental Special Provision – B-3-0509. Some of the changes are highlighted below.

Minor changes were made throughout the provision to:

1. Reflect current permit terminology
2. Reflect current permit requirements
3. Reorganize to address related issues more logically
4. Clarify intent and Contractor requirements

Major changes were made due to a change in NDOR Philosophy. NDOR will no longer pay an Incentive to induce the Contractor to the project to restore storm event damage. However, we will pay an incentive to complete the storm event restoration within the time allowed by the permit or an extension approved by the Project Manager. Generally, corrective actions need to be completed within seven days to qualify for an incentive without an approved extension. Two new items have been added to a new section titled Storm Event Restoration – Incentive and Disincentive (Page 9).

Standard Item L860.24 – Storm Event Restoration – Incentive Each

New Item – Effective October 2014 Letting
Contractor Bid – This item will be included in the contract when appropriate.

Standard Item L860.14 – Storm Event Restoration – Disincentive Cal Day

New Item – Effective October 2014 Letting
Authorized by Special Provision
\$500/Unresolved Deficiency/Cal Day
Requires a Change Order

A new item has been added to another new section titled **Environmental Commitments – Contractor Compliance** (Page 10). This section was created to pay for numerous “subsidiary” items, such as developing plans, completing surveys and having personnel available for inspections.

Standard Item L860.50 – Environmental Commitments – Contractor Compliance Lump Sum

New Item – Effective October 2014 Letting
Contractor Bid – This item will be included in the contract when appropriate.
See Special Provision (Page 10) for Payment Schedule

This is a reminder of the Standard Items to use to assess the remaining disincentives. These items have been in effect since May 2009.

SWPPP Inspection Deficiencies

Standard Item L860.10 – Disincentive Assessment – U Enviro Com Def Cal Day

\$500/Unresolved Deficiency/Cal Day (**new monetary value – Page 8, Para. 6**)

Immediate Action Deficiencies

Standard Item L860.12 – Disincentive Assessment – U Immed Act Def Cal Day

\$1,000/Unresolved Deficiency/Cal Day (**new monetary value – Page 11, Para. 4**)

Spreadsheets have been created and are currently being tested to document the incentive payments and disincentive assessments. These spreadsheets will be provided at a later date.

A NDOR/AGC Environmental Task Force performed this review and update in an effort to serve the best interests of the environment and the industry. The new Environmental Special Provision was introduced to the AGC at their Construction Industry Day event on 8/14/14.

Administration and enforcement of the Environmental Special Provision is not an option. We fully intend for this Environmental Special Provision to be administered consistently and fairly as it is written by all NDOR Personnel.

Contact Information: Ron Poe, (402) 479-4499

VEGETATION MANAGEMENT

➤ Please E-Mail Your Project’s “Project Seeding Record” Forms

When Project Managers receive memos from Carol Wienhold stating that seed was mixed for your project, the memo includes a link to the Project Seeding Record form. Here is how that section of the memo reads:

Following seed application, the Construction Project Manager is requested to return the completed “Project Seeding Record” (DR Form 61, available on dorimage1/dorforms/dr61) to Carol Wienhold (carol.wienhold@nebraska.gov) at NDOR’s Environmental Section, Lincoln.

When the approved seed has been planted, the PM should open DR Form 61, fill it out, and e-mail it to Carol. She will read through it and save the form on Falcon (NDOR’s electronic document storage system).

The seeding dates given in the seeding form are used when evaluating projects for stormwater close-out inspections (Notice of Termination of the project’s stormwater permit).

The form has a section to provide your comments about the seeding/erosion control sub-contractor and about the project. RSU values receiving this information. Please type a comment when you are preparing the form.

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

ECO-DATABASE INSPECTIONS

➤ Closing out Corrective Actions in ECOD

NDOR projects will soon be approaching winter conditions which may make it difficult to complete some of the erosion control work before things freeze up. Please review your corrective action list and ensure that everything gets addressed ASAP. Please do not allow corrective actions to linger in the system.

If there are items on your list that won't be completed until next spring (permanent seeding for example) go ahead and note that on your next inspection report and sign off on the corrective action with a note such as "Area will be seeded in the spring, temporary controls are being installed" etc. We would still need to have the area temporarily stabilized (mulch, cover crop, slope tracking etc.) and have perimeter controls in place at any discharge points. This will avoid having a corrective action on your list that won't be completed for several months and will appear to be out of compliance (well past the 7 days).

There are a couple quick ways to view/print Corrective Action Lists:

1. At the top of your Projects List page, click on the "Corrective Actions" button at the top of the page. This list is comprehensive and will include pending items from ALL the projects on your list. You can then click the "Punch List" button to print off all those actions.
2. On the right side of the Projects List page, click on the "Corrective Actions" button adjacent to each project. This will only list the pending items for that specific project. Again, you can click on the "Punch List" button located at the top of the corrective action list page to print those off.

Inspection	Name	Status	Control Number	Date of last inspection	Corrective Actions
	I-80/480 - 60TH ST (WB)	Construction	22143	10/23/2014	
	IN COLUMBUS	Construction	31939	10/23/2014	

➤ Project Inspections During Winter

Please continue inspecting projects through the winter months. Although work may be suspended, we are still required to continue the routine environmental inspections until the project is completed. The frequency can be reduced to monthly if the project is temporarily stabilized and/or the ground is frozen. Be sure to check the "Winter Conditions" checkbox when starting your ECOD reports. That will adjust your email reminders to a monthly frequency.

Contact information: Gabe Robertson – (402) 479-4685.

WETLANDS AND SECTION 404 PERMITS

Growing season is coming to a close for the year. As always, if you have any wetland or 404 permit questions please feel free to contact any of the Highway Environmental Biologists:

Nick Burnham (402) 479-3818
Kimberly Baker (402) 479-4544
Justin Williams (402) 479-3812
Patrick Sward (402) 479-3901
Shane Sisel (402) 479-4768



Contact Information: Tony Ringenberg – (402) 479-4410.

HAZARDOUS MATERIALS

➤ Identifying Hazardous Waste During Construction

During NDOR construction projects, it is important to identify potential petroleum products or hazardous waste that could impact construction activities. HDR and NDOR have been coordinating to provide our district employees with training necessary to identify signs of contamination or waste and to take appropriate actions when identified. This training will supplement the release of NDOR's Unexpected Waste Action Plan which has been developed as a guide for NDOR staff in the event of an unexpected discovery of waste or contamination during excavation for road construction projects. This training may also be useful in assisting environmental staff with collecting necessary information to support our hazardous material evaluations required for NEPA. NDOR will provide further information on training dates and times as they become available in the near future.

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

THREATENED AND ENDANGERED SPECIES

➤ Migratory Bird – FAQs

Why do we net bridges? Bridges and culverts make the perfect nesting and roosting area for birds! They are typically protected from people, predators, and general weather. However, because the Migratory Bird Treaty Act (MBTA) states that take of a bird, eggs, or young is prohibited – when NDOR wants to repair or replace a structure, we must first make sure the structure is not attractive to nesting birds. To keep a structure free of nesting birds, it is important to create a physical barrier that keeps the birds from landing on the structure and attaching nesting materials. This can be done with bird spikes, netting, or even shock systems. NDOR recommends netting, as it is currently considered the most affordable way to protect a structure, although, if the Contractor has a better idea – they are allowed to use other methods to avoid “take” of a bird to comply with MBTA.



The nets, when applied correctly, create a barrier that does not allow the birds to perch on ledges or attach nesting materials to a wall, girder, or pier. Netting and maintaining the netting in good condition should keep birds off the structure until a Contractor is ready to work there. Netting should be applied before active nests are created. The netting may be removed when work begins; however, it is vital that the structure continues to be surveyed and any nesting attempts be removed immediately to ensure a nesting attempt does not become an active nest.

When is netting required? NDOR does not “require” netting of structures. NDOR requires that all projects comply with the Migratory Bird Treaty Act and do not “take” a bird, eggs, or young. Netting is only one option for the contractor to avoid “take” under MBTA. Other options include:

- ❖ **Schedule** -- NDOR Scheduling tries to schedule projects that may have conflicts with migratory birds in such a way that gives the contractor time to come up with a plan to avoid impacts to birds. Scheduling the work outside of the primary bird nesting season (generally April 1 – Sept. 30, although there are exceptions) is one way to avoid conflicts with birds.
- ❖ **Netting a structure** -- Keeps birds from attempting nesting on a structure – must be monitored regularly to ensure effectiveness and make sure it is not deteriorating or coming loose.
- ❖ **Monitoring and Nest Attempt Removal** -- Structures may be monitored and any inactive nesting attempts removed as another way to avoid impacts to birds. Structures should be monitored every 2-3 days and all traces of an inactive nest attempt removed. Once the nest has eggs, it is no longer inactive.
- ❖ **Other bird deterrent products** -- Mylar strips, Bird spikes (protect ledges and other surfaces), Sonic and Ultrasonic bird control, Visual deterrents, www.bird-x.com (depends on the specifics of the project).

For questions on this species or the associated conservation conditions, please contact Melissa Marinovich – State Projects (Melissa.marinovich@nebraska.gov) or Zach Cunningham – Local Projects (zach.cunningham@nebraska.gov).

UPCOMING TRAINING

➤ 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
NDOR Erosion and Sediment Control Basics for Inspectors (Certification Class)	Agricultural Research & Development Center, Mead, NE	Tuesday, December 2 nd 8:30 – 3:30

Contact Information:

Ron Poe – (402) 479-4499

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

Course information is also available on the LTAP website at:

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