

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

ECO-DATABASE UPDATES

➤ ECOD Project Inspection Summary Sheets

For all projects letting in 2014 and beyond, project managers should receive a summary document of required inspections to log in ECOD. This document will be sent out before construction starts to the Project Manager and District Environmental Coordinator. The summary will outline the types of inspections required for the project along with estimated frequency and responsible party. The ECOD Inspection Summary will also be available in *Falcon* (Document Management System) located in the following folder:



If your project is starting and you have not received a copy of this, check the correspondence folder in Falcon. If it is not there, contact gabe.robertson@nebraska.gov.

Contact Information: Gabe Robertson – (402) 479-4685

VEGETATION MANAGEMENT

➤ Closing Out A Stormwater Permit

When you believe a project's vegetation is ready for the stormwater permit close-out inspection, please contact your district's District Environmental Coordinator or contact Carol Wienhold directly (Carol.Wienhold@nebraska.gov). An inspection will be scheduled, in which

- vegetation cover will be evaluated,
- the effectiveness of erosion control methods will be evaluated, and
- presence of non-biodegradable BMPs such as silt fence will be noted (must be removed to close permit)

Submitting photographs of the project's vegetation is also an option, especially if the project's location is remote and Carol has already visited your district in 2014.

Carol usually performs close-out inspections from mid-May through early November, depending on snow cover. When the project has met the criteria for permit closure, the Notice of Termination will be signed and distributed.

When the Notice of Termination is e-mailed to the PM and DEC, the memo usually states that no further inspections are needed and that the SWPPP book can be sent to Ron Poe.

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

WETLANDS AND SECTION 404 PERMITS

➤ Temporary Access Crossings and Temporary Bridges

If there is a channel marked on the 2-W plan sheets, driving across the channel is not allowed unless a temporary crossing has been approved by the US Army Corps of Engineers (USACE). The only exception is if the channel is completely dry. However, if there is ANY surface water, the channel is muddy, or if you have to divert water through a pipe, equipment is not allowed to cross the channel unless a temporary crossing or bridge has been approved. To get a temporary crossing or bridge approved by the USACE:

- The contractor needs to submit their proposed crossing/bridge in an email or letter to the NDOR Environmental Permits Project Manager listed on the Green Sheet.
- In the request for the proposed crossing/bridge, the details need to be specific – size of the pipes, amount of riprap being used, the length of time the crossing/bridge will be in the channel, type of material being used, the spacing of the piling, etc.
- Allow at least two weeks for the proposed crossing/bridge to be reviewed and approved by the USACE.

This is an important item that the PMs can bring up at the pre-cons to avoid delays and keep NDOR in compliance with our 404 permits.

➤ Green Sheet Attachment 1 – What does it really mean in the field?

Attachment 1 was created as an “Avoidance and Minimization” tool. FHWA requires a standard of review for minimization measures when a USACE 404 permit is not required. These areas have been reviewed using GIS maps and aerial imagery and determined to be potential wetlands. Since these areas were not field reviewed, it is possible that some of the areas may not be wetlands. If you are working on a project and it would be beneficial to access one of these areas, contact the NDOR Environmental Permits Project Manager listed on the Green Sheet. The Environmental PM will either make a site visit and/or have you send in some pictures of the area in question. A determination will then be made if the area is a wetland or not. If it is determined that the area is not a wetland, the contractor will be able to access the site.

➤ Borrow Site Approval Process

What does NDOR need from the Contractor?

- Color photos of the site
- Map that includes a boundary of the area to be used
- Preferably a color aerial (Google Earth)
- Correct legal description (section-township-range) of the location
- Completed DR Form 56 – Plant Site/Stockpile Site Request Identification and Evaluation

How does the site get approved?

- NDOR locates the site
- Determines if the site would impact wetlands based off of aerial photos, site photos, topography, hydric soil and National Hydrography Dataset mapping
- If the project has a USACE 404 permit – the site must be approved by the USACE. Approval letters from the Nebraska Games and Parks and the Nebraska Historical Society are required for submittal to the USACE.

How long will it take to find out if the site is approved?

- NDOR processes these requests as quickly as possible
- If the site does not have to be approved by the USACE – it may take about a month
- If the site needs to be approved by the USACE – it may take 1 to 2 months
- If the Contractor does not submit all of the necessary information – it will take longer!
- NDOR will notify the Contractor if the site has been approved or not

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

THREATENED AND ENDANGERED SPECIES

➤ Nebraska Migratory Bird Nesting Seasons

It seems like everyone has become familiar with the April 1 – September 1 primary migratory bird nesting season in Nebraska when it comes to clearing trees. Starting in early March, I begin seeing massive clearing of trees and shrubs from projects across the state to make sure no conflicts arise from nesting birds in trees when it is time to start the summer build. However, this date range only captures the majority of bird species that nest in Nebraska. There are actually a few date ranges that I will highlight here for Contractors to consider, along with some helpful tips to avoid “take” of birds protected under the Migratory Bird Treaty Act.

April 1 – September 1: Considered the “Primary Nesting Season,” this date range covers the majority of nesting migratory birds in Nebraska. Most songbirds, shorebirds, and waterfowl begin their migration in late February and have begun nesting and laying eggs in Nebraska after April 1. By September 1, eggs have hatched, chicks fledged, and most birds have started heading back south. These are typically the tree, shrub, and grassland nesting birds. Occasionally, birds will lay eggs and hatch babies early in the season and may have a second clutch hatched and fledged later. By avoiding tree and shrub clearing in this season, the chances of accidentally destroying eggs or chicks is lessened.

April 1 – September 30: Some species of birds stick around a little longer and will continue to raise young through September. One species is the cliff Swallow. Cliff swallows often nest in colonies near water under the overhang of a bridge, within a culvert, or in an adjacent natural cliff face or overhanging bank. Colonies can number up to 3,700 nests in one spot! Depending on the weather, this species can start migrating in earlier than April 1 and have been known to stick around until after October 1, although they typically will nest and raise young within the April 1 to September 30 timeframe. On Bridge and Culvert projects, keep an eye out for these birds – once they start building nests, eggs are not far behind. One of the best ways to avoid impacts to swallows is to clean off old nests before April 1 and either keep it clean daily or apply netting or other protection to a structure to keep birds off. Netting does require maintenance and monitoring to ensure birds do not get through or get caught in the net.

February 1 – March 30: Raptors, which include hawks, falcons, owls, and eagles, have been documented to start nesting earlier than most migratory birds in Nebraska. Raptor nests can be large and distinct with adults usually sitting in tree branches nearby. Several species of owls nest in tree cavities, making their nests difficult to spot. While the April 1 – September 1 covers a majority of nesting birds, be aware that an active raptor nest could be present in an area to be cleared earlier than April 1. Be on the lookout for large stick-nests and birds sitting on them. A good way to avoid impacts to raptors is to have a biologist survey an area of trees to be cleared to ensure no nesting raptors prior to removing trees.

While NDOR tries to schedule projects that may need tree clearing and bridge/culvert work outside the April 1 – September 30 primary nesting season, the birds are not always aware of these date ranges and may arrive earlier and stay later than anticipated. Under the Migratory Bird Treaty Act it is illegal to “take” (pursue, hunt, take, capture, kill, possess...adults, eggs, young) a bird, no matter what season or time of year (with the exception of certain species during regulated hunting seasons – as determined by Nebraska Game and Parks Commission). **When in doubt – have the area surveyed by a District Environmental Coordinator, NDOR Biologist, or other Qualified Consultant Biologist.** Areas that are surveyed outside of the primary nesting season (April 1 – Sept 1) and do not contain active nests are considered cleared for removal through the end of the current construction season, not including the primary nesting season. For example, if an area is surveyed and considered clear in February, it will be considered clear until April 1. Everyone is responsible for avoiding impacts to migratory birds!

For more information on Guidance for avoiding impacts to migratory birds, see the NDOR Avian Protection Plan on NDOR Environmental Website: <http://www.transportation.nebraska.gov/environment/guides/avian-protection-plan.pdf>

Contact Information: State Projects - Melissa Marinovich (402) 479-3546
Local Projects - Zach Cunningham (402) 479-4464

HAZARDOUS MATERIALS

➤ Asbestos and Bridge Demolition Activities

The bridges listed below were inspected and tested for asbestos containing material (ACM). None of the samples tested positive for asbestos (containing more than 1% asbestos material). Demolition/renovation work on the bridge structures will require the contractor to submit a written NESHAP (National Emission Standards for Hazardous Air Pollutants) notification to the Nebraska Department of Environmental Quality (NDEQ) at least 10 working days prior to commencement of any bridge demolition or renovation activities.

Control Number	Project Number	Project Name	Bridge Structure(s)
22139	S-80-9(1186)	I-80 Bridge over 42nd st	S080 45180L
22140	S-80-9(1187)	I-80 Bridge over 50th st	S080 45103L
22142	S-80-9(1188)	I-80 WB Bridge EB to I-480 NB	S080 45283L
61501	STP-21-2(110)	Cozad South Bridge	S021 00579
60943	STPD-183-3(113)	Sargent South	(S183 11217), (S183 11356), (S183 11375), (S183 11396)
42607	STP-34-5(118)	Bridge over Platte River East of GI	S032 23671
42719	STP-44-2(109)	Kearney S. Platte River Bridge	S044 14856
61452	STR-80-4(1031)	Gothenburg interchange	S080 21180
12489	IM-NH-80-9(862)	NW 56th St - Hwy 77	S080 39680
51459, 51459A, 51459B	NH-80-2(97), IM-80-2(99), NH-80-2(106)	I-80 South of Lodgepole	S080 07661L, R S080 07690L, R S080 08295L, R

The bridges listed below were tested and found positive for asbestos containing material (ACM). The ACM on the bridge structures must be removed in a way that allows the ACM to remain in a non-friable condition. Removal and disposal of the ACM shall be in accordance with Nebraska Department of Health and Human Services (DHHS) Nebraska Asbestos Control Program Regulations, Title 178. The contractor shall develop a removal and disposal plan in coordination with a licensed Asbestos Removal Contractor and NDOR. A written NESHAP notification shall be sent to NDEQ at least 10 working days prior to commencement of any bridge demolition or renovation activities. In addition, the Department of Health and Human Services shall also be notified by the contractor, using DHHS Form 5, at least 10 working days prior to commencement of bridge demolition or renovation activities where ACM was found.

Control Number	Project Number	Project Name	Bridge Structure(s)	ACM Location
61500	BH-83-2(137)	South Platte River Bridges	S083 08198R	White caulking sealant at abutments
41914	STPD-70-4(106)	Ord North	S070 12357	Tar seal on pipe insulation joints and hangers
12490	IM-NH-80-9(863)	NW 48th St Overpass	S080 39562L, R	Tar seal in the saw cuts
12491	IM-NH-80-9(864)	NW 56th St I-80 Overpass	S080 39516	Tar seal in the saw cuts

Contact Information: Will Packard (402) 479-4312 or Sean Schulz (402) 479-4696

TRAINING

➤ Erosion Control Training

The NDOR Erosion and Sediment Control for Inspectors training courses are summarized below. Please note that the Online Certification is now also available on the UNL-LTAP website.

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

1) NDOR Erosion and Sediment Control Basics for Inspectors (INSPECTOR Certification)

- One Day, Classroom Setting.
- Certification Course (must pass exam).
- Required for anyone needing to inspect/install/maintain erosion and sediment control BMPs on NDOR projects.
- Must pass this course and obtain your inspector ID # before taking any of the re-certification courses summarized below.
- Certification valid for 5 years.

2) NDOR EROSION AND SEDIMENT CONTROL BASICS FOR INSPECTORS (INSPECTOR INTERIM CERTIFICATION (ON-LINE TRAINING))

- 6 Month Temporary Certification.
- May only be used one time.
- Anyone wishing to maintain a certification after the 6 month period elapses must enroll in the one day certification course above.

3) NDOR Erosion and Sediment Control Basics for Inspectors (Inspector re-certification) (ON-LINE TRAINING)

Three options are available to maintain your certification:

1. Option 1: Enroll in a half day live re-certification course. NDOR will offer a handful of live classroom re-certification courses across the state each year based upon the need.
2. Option 2: Enroll in the online re-certification course. This online course includes a series of presentations and quizzes that an applicant must successfully complete in order to print off their re-certification certificate.
3. Option 3: Enroll in one of the one day “certification” courses. You are not required to take the exam.

Contact Information:

Ron Poe – (402) 479-4499

Dennis Smith; UNL-LTAP – (402) 472-0976

Course information is also available on the LTAP website at:

http://www.ne-ltap.unl.edu/erosion_control.html