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.

BORROW/WASTE SITES AND STAGING AREAS

a. Lesser Prairie Chicken. The United States Fish and Wildlife Service (USFWS) declared the Lesser Prairie Chicken as a Threatened Species. This is a federal species not covered by the State of Kansas at this time so all borrow/waste sites and staging areas within the 39 counties shown in Appendix A will need to adhere to the following conditions in order to be in compliance with the federal Endangered Species Act.

- Location must be 1.75 miles or more from a known LEK site (mating/nesting). The following website can be used to determine LEK site locations. <u>http://kars.ku.edu/maps/sgpchat/</u>; and
- Primary road borrow/waste site and staging areas located within 1640 feet of our centerline; or
- Secondary road borrow/waste site and staging areas located within 220 feet of centerline; or
- Borrow/waste sites and staging areas located entirely on cultivated crop fields.

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.

b. American Burying Beetle. The United States Fish and Wildlife Service (USFWS) list 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.

c. Northern Long-Eared Bat. The United State Fish and Wildlife Service (USFWS) list the Northern Long-Eared Bat (NLEB) as a Threatened Species.

Borrow/waste sites and staging areas within the counties shown in Appendix B will need to adhere to the following conditions involving tree removal larger than 3 inches diameter at breast height (dbh) in order to be in compliance with the federal Endangered Species Act.

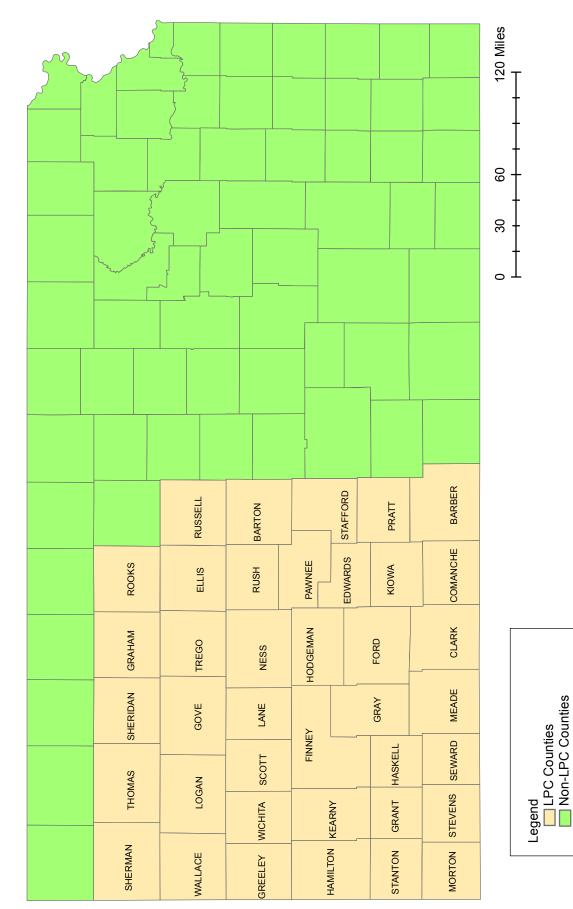
- No tree removal within 0.25 miles of a known NLEB Roost Tree.
- No tree removal within 0.25 miles of a known NLEB Hibernaculum.
 - Contact USFWS for locations.

Borrow/waste sites and staging areas within the White-Nose Syndrome (WNS) listed counties shown in Appendix B 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.

- Tree removal must be 1 acre or less within project area.
- Tree removal that is within 100 feet of current right of way (no acreage limit).

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.

07-01-15 ESS (CE) July-15 Letting





Appendix B 15-01011 eavenworth Wyandotte 160 Miles **Cherokee Johnson Crawford** Bourbon Miami Linn Doniphan Douglas Anderson Franklin Labette Neosho Atchison Allen Jefferson, 120 Brown Woodson **Shawnee** <mark>Osage</mark> Coffey Wilson Jackson Nemaha Wabaunsee Greenwood **Chautauqua** 80 Lyon **Pottawatomie** Η̈́ Marshall Chase <u>Morris</u> Geary 40 Riley Cowley Butler Washington 20 Marion Dickinson Clay 0 Harvey **Sedgwick** Sumner **McPherson Republic** Ottawa Saline Cloud Harper Reno Kingman Ellsworth Mitchell Lincoln Jewell Rice Barber Stafford Osborne Barton Russell Pratt Smith Pawnee Comanche Edwards Kiowa Rooks Phillips Rush Ellis Graham Hodgeman Clark Norton Trego Ford Ness NLEB Range By County Meade Sheridan Gray Decatur Lane Gove Finney Non-NLEB County Haskell Seward Scott NLEB County Thomas Rawlins Logan Stevens Kearny Grant Wichita Cheyenne Sherman Wallace Hamilton Stanton Morton Greeley

Northern Long-Eared Bat Range in Kansas

dlb 4/15/2015

White-Nose Syndrome Buffer Zone