

**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. <http://kars.ku.edu/maps/sgpchat/> ; 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.

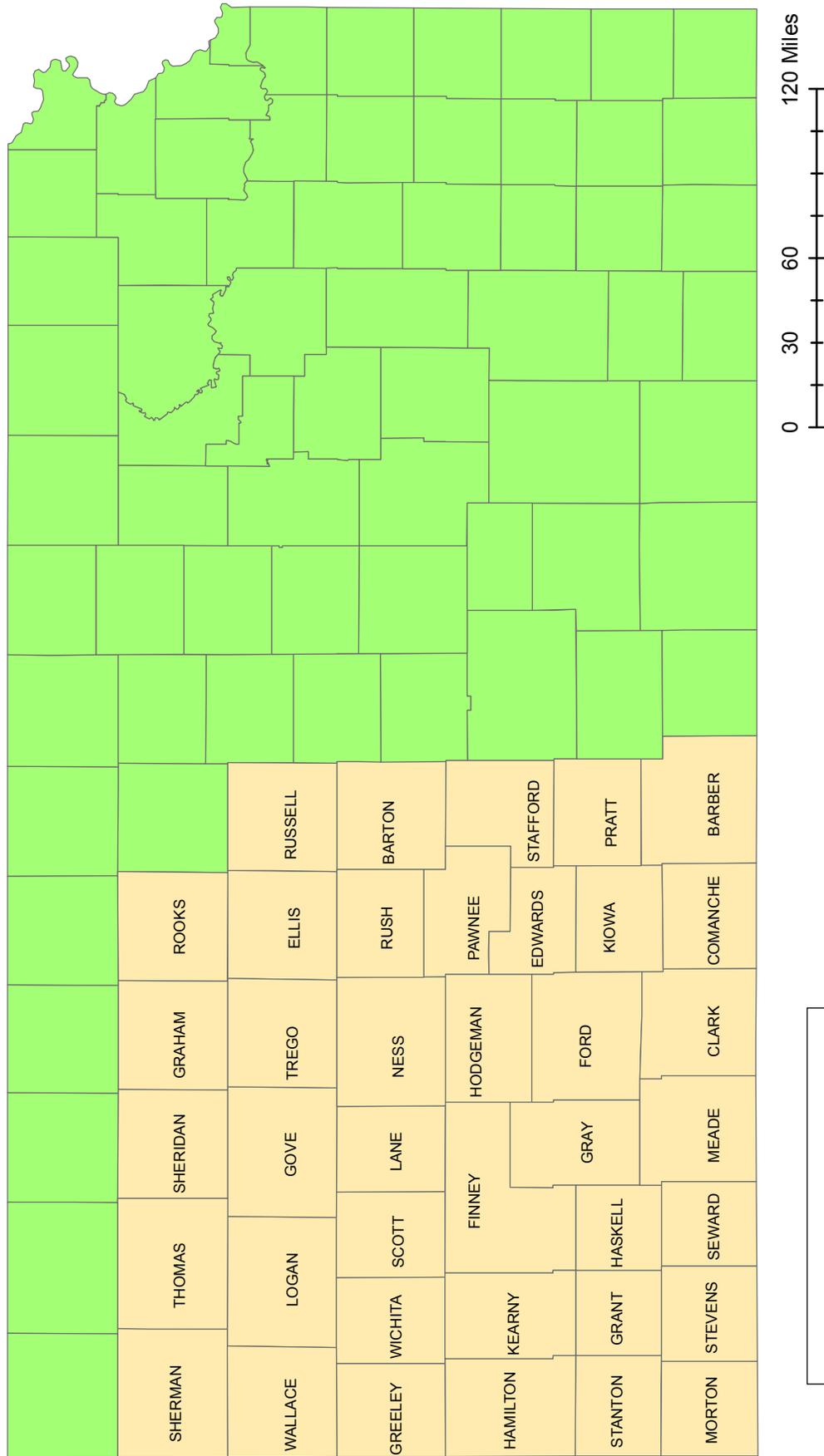
Borrow/waste sites and staging areas within the White-Nose Syndrome (WNS) listed counties shown in Appendix B will need to adhere to the following conditions involving tree removal larger than 3 inches dbh in order to be in compliance with the federal Endangered Species Act.

- 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

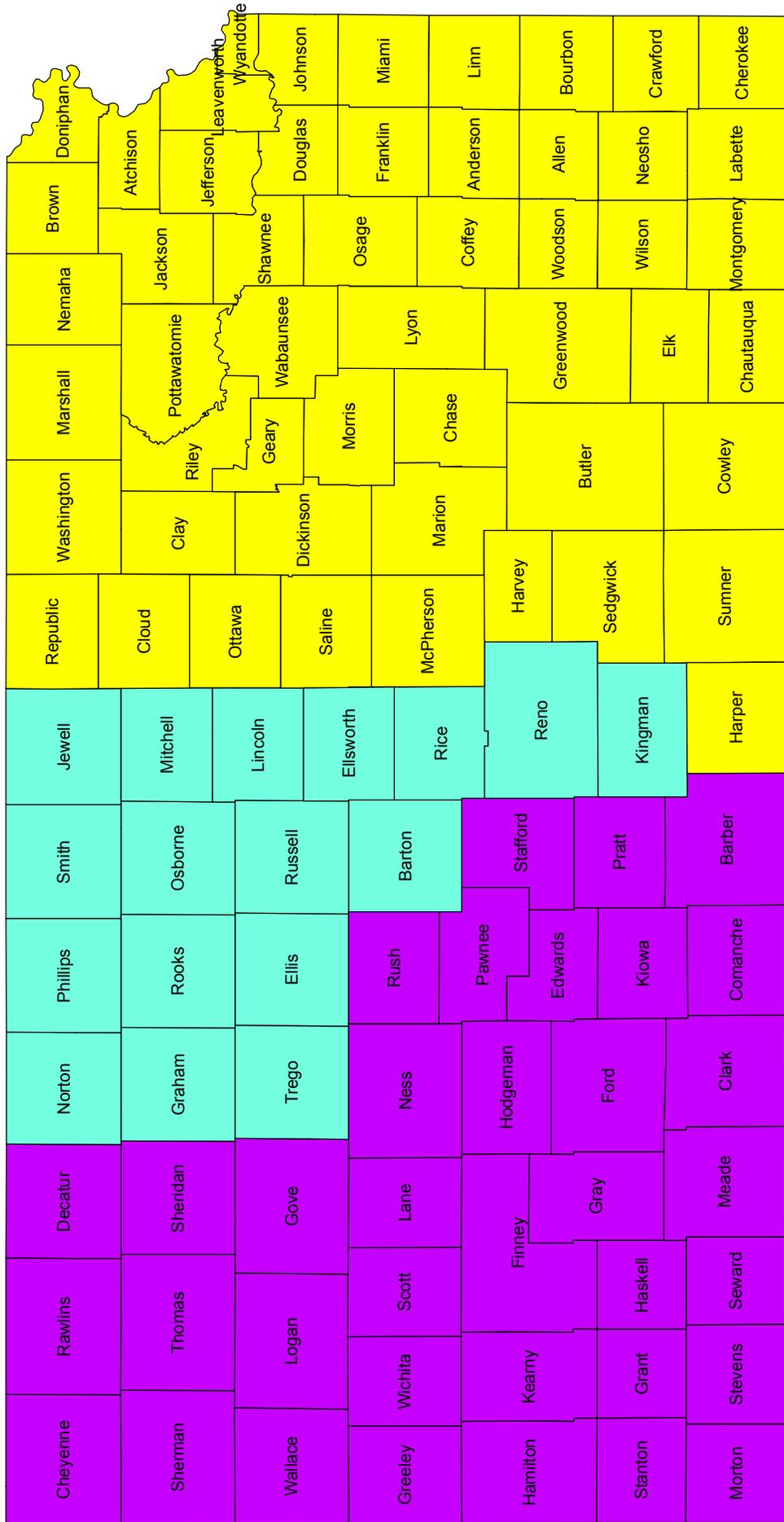
LESSER PRAIRIE CHICKEN (LPC) COUNTIES IN KANSAS



Legend

- LPC Counties
- Non-LPC Counties

Northern Long-Eared Bat Range in Kansas



NLEB Range By County

- NLEB County
- Non-NLEB County
- White-Nose Syndrome Buffer Zone

