Environmental Commitment

This information is being provided to inform district environmental staff and maintenance staff of the environmental commitments that need to be fulfilled or re-examined during maintenance operations.

Bid No.: RFP XXXXXX **Contract No.:** _____

Maintenance Activity: ROW Mowing

District: 4 **Operations:** _____

District Contact: _____

Below are the Conservation Conditions that will be required for this project. All conditions and regulations of any permit obtained for this project will be followed by the Contractor. The NDOT District Environmental Coordinator and District Maintenance Superintendent(s) will serve as an NDOT point of contact.

Wetlands

The Contractor shall not stage, store, waste or stockpile materials and equipment in known/potential wetlands and/or known/potential streams that exhibit a clear "bed and bank" channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation (at lower elevations) from the surrounding upland areas.

Threatened & Endangered Species

District 4 is within the range of multiple State and Federally Listed Threatened & Endangered Species. Range maps and County Lists for these species can be found on the Nebraska Game and Parks Commission website (found below).

Mowing as outlined below is allowed with the following General Conservation Conditions.

- **Listed Plants.** Mowing is allowed as needed of the highway right-of-way, on and off ramps, interchange areas, and divided highway medians and around delineators and guardrails unless otherwise marked along the road with "Mowing and/or Spraying Prohibited" signs. These signs may read either Mowing Prohibited or Mowing and Spraying Prohibited – both marked areas shall be avoided by the Contractor.

General Conservation Conditions

Threatened and Endangered Species

The Contractor shall reference the Nebraska Game and Parks Commission website for a reference of federal and state listed species that may occur in the project vicinity prior to starting project maintenance operations. These guidance documents can be found at:

http://outdoornebraska.ne.gov/wildlife/programs/nongame/Endangered_Threatened.asp

If federal or state listed species are observed during maintenance operations, stop work and contact the NDOT District Environmental Coordinator and District Maintenance Superintendent to determine action required prior to resuming work.

Refueling

The Contractor shall conduct refueling only within non-wetland and non-steam locations. Areas adjacent to wetlands and/or streams will be avoided. Spills shall be reported to the NDOT District Environmental Coordinator and District Maintenance Superintendent. The contractor shall be responsible for cleanup of spilled fuel or any other Hazardous Materials, such as engine oil, hydraulic fluid, antifreeze, etc. used in the contract specified maintenance activity. The Contractor is required by NDOT's Standard Specification section 107 (legal relations and responsibilities to the public) to handle and dispose of contaminated material in accordance with applicable laws.

The District Environmental Coordinator shall be responsible for recording and tracking of the spill event through NDOT's DIRK Database.

https://dotstore.nebraska.gov/storefront/Store/tabid/78/CatID/8/Publications.aspx

Restricted Activities

The following project activities shall, to the extent possible, be restricted to between the beginning and ending points of the maintenance operations.

- Staging areas
- Material storage sites

Unmarked Human Burial Sites

The Contractor shall comply with the Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act, Sections 12-1201 – 12-1212. If human skeletal remains or burial goods associated with an unmarked human burial in the ground or on the ground are discovered, then all work in the immediate area of the discovery shall stop and the Contractor shall contact the NDOT District Environmental Coordinator. The NDOT District Environmental Coordinator will then comply with Section 12-1205, notification of local law enforcement in the county in which the remains or burial goods are found. The NDOT District Environmental Coordinator will promptly consult with the appropriate federal, state, and tribal agencies to determine if further field investigations are required before maintenance operations may resume. Pertinent legal authorities covering such discoveries include: the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, the Archeological Resources Protection Act, the Nebraska Unmarked Burial Sites and Skeletal Remains Protection Act, and the Nebraska Archeological Resources Protection Act.

Any discovered archeological or paleontological objects or deposits are not the property of the Contractor. The NDOT Environmental Coordinator will consult with appropriate federal, state, or tribal agencies to determine the proper disposition of such remains.