WATER, SEWER & PAVING FOR ELM MEADOWS SUB DIVISION

ADDENDUM NO. 1

February 27, 2025

Contract No. HU 2025-37

This addendum forms part of the Contract Documents and modifies the original Bidding Documents as noted below. This addendum consists of the following:

Addenda:

- *Per the attached Nebraska Game & Parks Environmental Review Report, suitable habitat exists within the project area. All trees & shrubs, live or dead, that measure 3" or greater in diameter cannot be removed between May 15th and July 31st. All clearing and grubbing on this project is to be completed before May 15, 2025, or after July 31, 2025. No additional compensation or time is being allowed for this change.*

CITY OF HASTINGS

By ***Steve Riehle***

Title Lead Engineer of Public Works

The undersigned bidder hereby certifies that the revision set forth in this addendum have been incorporated in their bid and are a part of the contract documents.

Signed _____

Title _____

Firm _____

Date _____

ALL ISSUED ADDENDUM(S) MUST BE ACKNOWLEDGED & RETURNED WITH YOUR BID DOCUMENTS

Environmental Review Report

Project Information

Report Generation Date:	2/7/2025 04:10:10 PM
Project Title:	Elm Meadows First Subdivision
User Project Number(s):	NER310002, 024-04930
System Project ID:	NE-CERT-014016
Project Type:	Development (ex: construction, housing, and land development), New construction within existing municipality - previously undisturbed habitat
Project Activities:	None Selected
Project Size:	8.60 acres
County(s):	Adams
Watershed(s):	Big Blue
Watershed(s) HUC 8:	West Fork Big Blue
Watershed(s) HUC 12:	Headwaters West Fork Big Blue River
Biologically Unique Landscape(s):	Rainwater Basin
Township/Range and/or Section(s):	T07R09WS06
Latitude/Longitude:	40.608642 / -98.375363

Contact Information

Organization:	City of Hastings
Contact Name:	Bryce Helms
Contact Phone:	4026133893
Contact Email:	bhelms@cityofhastings.org
Contact Address:	1228 N. Denver Avenue Hastings NE 68902
Prepared By:	
Submitted On Behalf Of:	

Project Description

Construction Storm Water permit for grading, sanitary sewer, public water and paving for Elm Meadows First Subdivision.

The Nebraska Nongame and Endangered Species Conservation Act (NESCA)

The Nebraska Game and Parks Commission (Commission or NGPC) has responsibility for protecting state-listed endangered and threatened species under authority of the Nongame and Endangered Species Conservation Act (NESCA) (Neb. Rev. Stat. § 37-801 to 37-814). Pursuant to §37-807 (3)(c) of NESCA, **all state agencies shall, in consultation with the Commission, ensure projects they authorize (i.e., issue a permit for), fund or carry out** do not jeopardize the continued existence of state-listed endangered or threatened species or result in the destruction or modification of habitat of such species which is determined by the Commission to be critical. If a proposed project may affect state-listed species or designated critical habitat, further consultation with the Commission is required.

Informal consultation pursuant to NESCA can be completed by using the Conservation and Environmental Review Tool (CERT). The CERT analyzes the project type and location, and based on the analysis, provides information about potential impacts to listed species, habitat questions and/or conservation conditions.

- If project proponent agrees to implement conservation conditions, as outlined in the report and applicable to the project type, then this document serves as documentation of consultation with the Commission and the following actions can be taken to move forward with the project:
    - Sign the report in the designated areas, and
    - Upload the signed and dated report into the project within CERT, and
    - Change the edit status to Final from Draft status.
- When these actions are completed, no additional coordination (i.e., contacting the Commission) is required.
- If the report indicates further consultation is required in the Overall Results section on the following page and/or conservation conditions cannot be met, then the following actions must be taken:
    - Project proponent is required to contact and consult with the Commission. Contact information can be found under the Additional Considerations section.

Review the Overall Results section on the following page for further instructions.

Disclaimer

The U.S. Fish and Wildlife Service has responsibility for conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act; 2) Fish and Wildlife Coordination Act; 3) Bald and Golden Eagle Protection Act; and 4) Migratory Bird Treaty Act.

It is recommended that a project start with requesting an Official Species List via the Information for Planning and Consultation (IPaC) Tool, to begin informal consultation with the U.S. Fish & Wildlife Service.

The information generated in a CERT Environmental Review Report DOES NOT satisfy consultation obligations between the lead federal agency and the U.S. Fish and Wildlife Service pursuant to the Endangered Species Act (ESA).

For the purposes of ESA, the information in this report should be considered as technical assistance, and does not serve as the U.S. Fish and Wildlife Service's concurrence letter, even if the user signs and agrees to implement conservation conditions in order to satisfy consultation requirements of NESCA.

Review the Additional Considerations section for further information.

Overall Results

The following result is based on a detailed analysis of your project.

- The project may have potential impacts on state-listed species. More information is needed, please answer the questions under the Question and Conservation Conditions section. If conservation conditions are required, review the Conservation Conditions Agreement section. Additional consultation with the Nebraska Game and Parks Commission may or may not be required; please review all the information provided in this document.

Questions and Conservation Conditions

Northern Long-eared Bat

This project is within the range of the state and federally listed endangered Northern long-eared bat (NLEB) (*Myotis septentrionalis*).

Suitable summer roosting habitat for NLEB consist of forests or woodlots which contain suitable roost trees. In Nebraska, suitable roost trees consist of deciduous and/or pine live or dead trees or snags that are greater than or equal to 3 dbh (diameter at breast height) that exhibit peeling bark or have cracks, crevices or cavities. Linear features such as fencerows, riparian forests, and other wooded corridors are suitable for NLEB if they contain potential roost trees. Individual trees may be considered suitable habitat when they exhibit characteristics of suitable roost trees and are within 1,000 feet of other forested/wooded habitat.
NLEB have also been observed roosting in human-made structures, such as buildings, barns, bridges, and bat houses; therefore, these structures should also be considered potential summer habitat when they are within 1000 feet of suitable forested habitat (see above).

Examples of **UN-SUITABLE** habitat for the NLEB include:
- Individual trees that are greater than 1,000 feet from forested/wooded areas;
- Trees found in highly developed urban areas (e.g., street trees, downtown areas) – but note that NLEBs sometimes use relatively extensive forested natural areas within urban areas for summer roosting habitat;
- A pure stand of less than 3-inch dbh trees that are not mixed with larger trees.

Habitat Questions for Northern Long-eared Bat:

Is suitable summer habitat, as defined above, located within 1000 feet of the project activities?

___ Unknown.
___ No. Conservation measures are not needed for this species unless otherwise indicated. **Additional habitat questions for this species are not applicable if suitable habitat is not present.**
_**X**_ Yes. The following conservation measures must be implemented in order to avoid adverse impacts on Northern long-eared bat.

NLEB CM-2: No removal of suitable trees or roosting structures between May 15 and July 31 (maternity roosting season).

Does the action include temporary or permanent lighting of roadways, facilities, and/or parking lots?

__ No. Lighting conservation measures are NOT APPLICABLE.
_ x_ Yes. The following lighting conservation measure must be implemented:

NLEB CM-7 Use downward-facing, full cut-off lens lights* (with same intensity or less for replacement lighting) when installing new or replacing existing permanent lights.
**Full cut-off lens lights are fixtures or luminaires constructed and installed in such a manner that all light emitted from the luminaire, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the fixture, is protected below the horizontal plane through the fixture's lowest light-emitting part.*

Whooping Crane and Whooping Crane Critical Habitat
This project is within the range of the state and federally listed endangered whooping crane (*Grus americana*) and MAY also be within federally designated critical habitat for whooping crane (Central Platte River corridor between Lexington and Shelton, Nebraska).
Habitat Questions for Whooping Crane and Whooping Crane Critical Habitat:

Is the Action Area or area of potential effect outside of densely populated residential, commercial, or industrial areas?
AND
Does the Action Area or area of potential effect (within 1/2 mile of) include suitable habitat, which includes but is not limited to, sub-irrigated grasslands, meadows, shallow wetland habitat, farm ponds, or major rivers?

____ Unknown for EITHER question.
__X__ No for EITHER question. Conservation measures are not needed for this species unless otherwise indicated.
____ Yes for BOTH questions. The following conservation measures must be implemented in order to avoid adverse impacts on whooping crane and/or critical habitat for whooping crane:

Unless otherwise indicated, conservation measure WC CM-2 **or** WC CM-3 is required (not both), in addition to any other conservation measures listed for this species:
WC CM-2: If project or management actions/activities must occur during the spring (March 6 - April 29) or fall (October 9 - November 15) migration periods, then a survey must be conducted according to the standard protocol. Take note of the worktime restrictions as stated in the protocol.
OR
WC CM-3: Project or management actions/activities will not be implemented during the spring (March 6 - April 29) or fall (October 9 - November 15) whooping crane migration periods.

Conservation Measures Agreement

Based on the information contained in the report, follow the instructions for A, B or C below.

A) If one or more of the habitat questions were answered with "Yes", insert an "X" for one of the two Options below:

__X___ **Option 1.** For all species for which there is habitat present (as indicated by checking "Yes" to a habitat question) I understand and agree to implement and/or incorporate the conservation measures for those species as indicated. By agreeing to implement and/or incorporate the conservation measures for those species as indicated, no further consultation with the Nebraska Game and Parks Commission is required.

Sign and date on the line below, and also sign and date the Certification section. Submit a copy of the signed and dated (i.e. certified) report with any type of permit/application required for the project.

Bryce J. Helms _____ 2025/02/17 _____

Applicant/project proponent signature Date: 2025/02/17

_____ **Option 2.** I have concerns regarding one or more of the conservation measures. Sign the Certification section below. When submitting the project as "Final" in CERT, please attach a separate document explaining your concerns with the conservation measures and why they cannot be implemented. Then, contact the Nebraska Game and Parks Commission for further information.

B) If one or more habitat questions were answered with "Unknown" then leave your project as "Draft" and contact the Nebraska Game and Parks Commission for more information. Once your concerns are addressed with the Commission, adjust your answer to "Yes" or "No", sign and date under the Certification section, upload the report using the File Attachments feature and change the Edit Status to "Final".

C) If ALL the habitat questions were answered "No" then sign the Certification section below and submit the project as "Final" in CERT. Once these steps are completed, no additional correspondence with the Nebraska Game and Parks Commission is required. Submit a copy of the signed report with any type of permit/application needed for the project.

Additional coordination with the U.S. Fish and Wildlife Service may be necessary depending on the determination made by the lead federal agency pursuant to their obligations under the Endangered Species Act (ESA).

Certification

I certify that ALL the project information in this report (including project location, project size/configuration, project type, project activities, answers to questions) is true, accurate and complete. If the project type, activities, location, size, or configuration of the project change; if a species listing status is reclassified; if a new species is listed; or if any of the answers to any questions asked in this report change, then this document is no longer valid, and re-consultation with the Nebraska Game and Parks Commission is required.

Bryce J. Helms _____ 2025/02/17 _____

Applicant/project proponent signature Date: 2025/02/17

Additional Considerations

Nebraska Game and Parks Commission
Environmental Review Team
2200 North 33 Street
Lincoln, NE 68503
Phone: (402) 471-5423
Email: ngpc.envreview@nebraska.gov

U.S. Fish and Wildlife Service
Nebraska Ecological Services
9325 South Alda Road
Wood River, NE 68883
Phone: (308) 382-6468
Email: nebraskaes@fws.gov

U.S. Army Corps of Engineers
Omaha Regulatory Office
8901 South 154 Street
Omaha, NE 68138
Phone: (402) 896-0896
Email: NE404Reg@usace.army.mil

The following federal laws contribute to the conservation and management of fish and wildlife resources in the United States: Endangered Species Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, Clean Water Act, and the Fish and Wildlife Coordination Act.

Bald and Golden Eagle Protection Act

The federal Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668c) provides for the protection of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*). Under the Eagle Act, “take” of eagles, their parts, nests or eggs is prohibited. Disturbance resulting in injury to an eagle or a decrease in productivity or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior is a form of “take.”

Nebraska Specific Information

Bald eagles use mature, forested riparian areas near rivers, streams, lakes, and wetlands and occur along all the major river systems in Nebraska. The bald eagle southward migration begins as early as October and the wintering period extends from December-March. The golden eagle is found in arid open country with grassland for foraging in western Nebraska and usually near buttes or canyons which serve as nesting sites. Golden eagles are often a permanent resident in the Pine Ridge area of Nebraska. Additionally, many bald and golden eagles nest in Nebraska from mid-February through mid-July. Disturbances within 0.5-miles of an active nest or within line-of-sight of the nest could cause adult eagles to discontinue nest building or to abandon eggs. Both bald and golden eagles frequent river systems in Nebraska during the winter where open water and forested corridors provide feeding, perching, and roosting habitats, respectively. The frequency and duration of eagle use of these habitats in the winter depends upon ice and weather conditions. Human disturbances and loss of wintering habitat can cause undue stress leading to cessation of feeding and failure to meet winter thermoregulatory requirements. These affects can reduce the carrying capacity of preferred wintering habitat and reproductive success for the species.

To comply with the Eagle Act, it is recommended that the project proponent determine if the proposed project would impact bald or golden eagles or their habitats. This can be done by conducting a habitat assessment, surveying nesting habitat for active and inactive nests, and surveying potential winter roosting habitat to determine if it is being used by eagles. The area to be surveyed is dependent on the type of project; however for most projects we recommend surveying the project area and a ½ mile buffer around the project area. If it is determined that either species could be affected by the proposed project, the Commission recommends that the project proponent notify the Nebraska Game and Parks Commission as well as the Nebraska Field Office, U.S. Fish and Wildlife Service for recommendations to avoid “take” of bald and golden eagles.

Migratory Bird Treaty Act and Nebraska Revised Statute §37-540

We recommend the project proponent comply with the Migratory Bird Treaty Act (16 U.S.C. 703-712: Ch. 128 *as amended*) (MBTA). The project proponent should also comply with Nebraska Revised Statute §37-540, which prohibits take and destruction of nests or eggs of protected birds (as defined in Nebraska Revised Statute §37-237.01). Construction activities in grassland, wetland, stream, woodland, and river bank habitats that would result in impacts on birds, their nests or eggs protected under these laws should be avoided. Although the provisions of these laws are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period of April 1 to July 15. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15, whereas sedge wrens, which occur in some wetland habitats, normally nest from July 15 to September 10. If development in this area

is planned to occur during the primary nesting season or at any other time which may result in impacts to birds, their nests or eggs protected under these laws, we request that the project proponent arrange to have a qualified biologist conduct a field survey of the affected habitats to determine the absence or presence of nesting migratory birds. If a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities, the Nebraska Game and Parks Commission and the Nebraska Field Office, U.S. Fish and Wildlife Service should be contacted immediately. For more information on avoiding impacts to migratory birds, their nests and eggs, or to report active bird nests that cannot be avoided by planned construction activities, please contact the U.S. Fish and Wildlife Service and/or the Nebraska Game and Parks Commission (contact information within report). Adherence to these guidelines will help avoid unnecessary impacts on migratory birds.

Fish and Wildlife Coordination Act

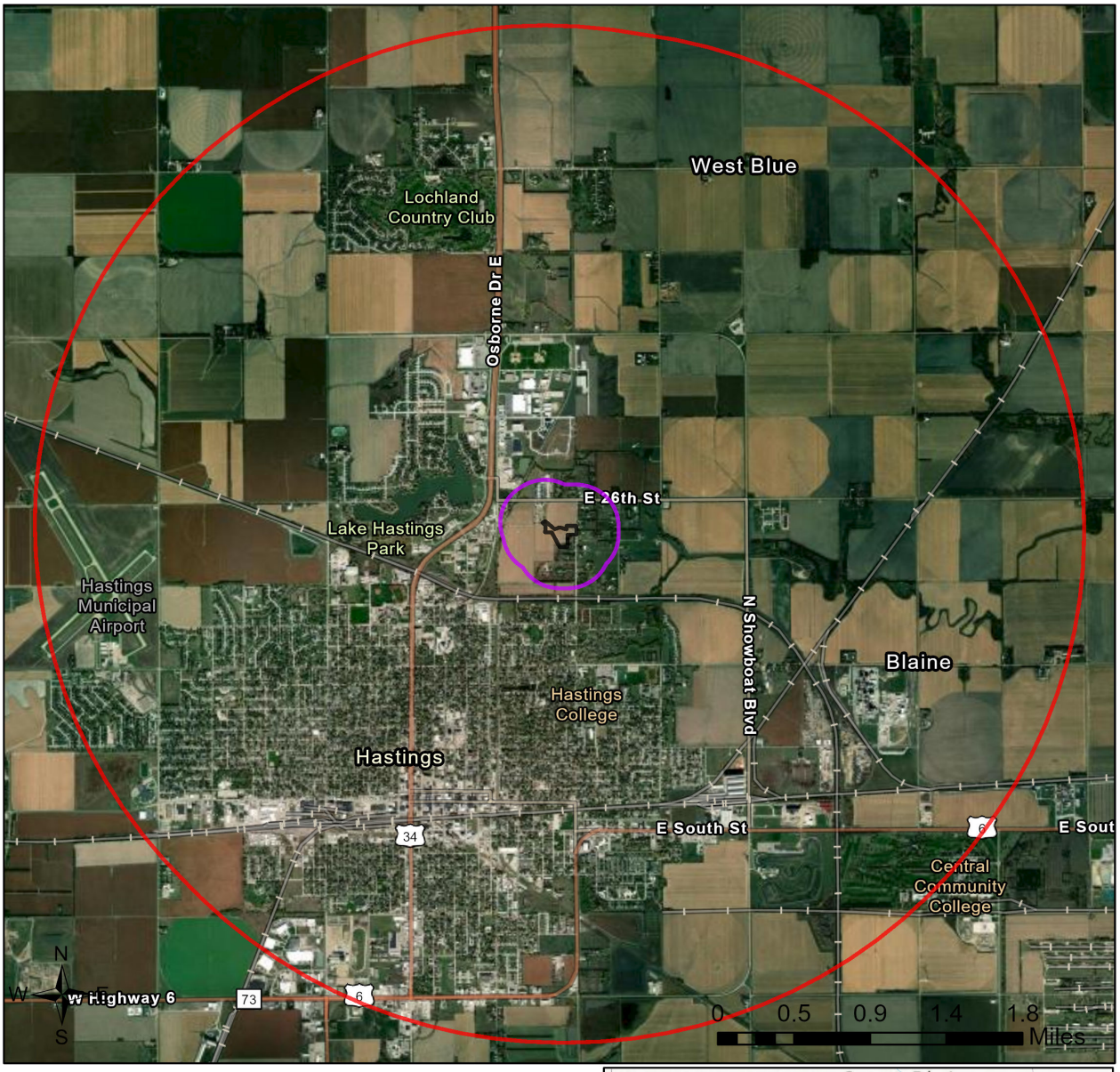
The Fish and Wildlife Coordination Act (FWCA) requires consultation with the U.S. Fish and Wildlife Service (Service) and the State fish and wildlife agency (i.e., Nebraska Game and Parks Commission) for the purpose of preventing loss of and damage to fish and wildlife resources in the planning, implementation, and operation of federal and federally funded, permitted, or licensed water resource development projects. This statute requires that federal agencies take into consideration the effect that the water related project would have on fish and wildlife resources, to take action to prevent loss or damage to these resources, and to provide for the development and improvement of these resources. The comments in this letter are provided as technical assistance only and are not the document required of the Secretary of the Interior pursuant to Section 2(b) of FWCA on any required federal environmental review or permit. This technical assistance is valid only for the described conditions and will have to be revised if significant environmental changes or changes in the proposed project take place. In order to determine whether the effects to fish and wildlife resources from the proposed project are being considered under FWCA, the lead federal agency must notify the Service in writing of how the comments and recommendations in this technical assistance letter are being considered into the proposed project.

Section 404 of the Clean Water Act

In general, the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service have concerns for impacts to wetlands, streams and riparian habitats. We recommend that impacts to wetlands, streams, and associated riparian corridors be avoided and minimized, and that any unavoidable impacts to these habitats be mitigated. If any fill materials will be placed into waterways or wetlands, the U.S. Army Corps of Engineers Regulatory Office in Omaha should be contacted to determine if a 404 permit is needed.

Elm Meadows First Subdivision

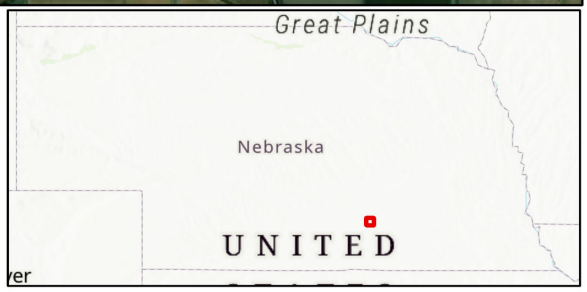
Aerial Image Basemap With Locator Map



3-mile Information Buffer Boundary

Project Review Boundary

Project Boundary



Project Size (acres): 8.60

Lat/Long (DD): 40.6086 / -98.3754

County(s): Adams

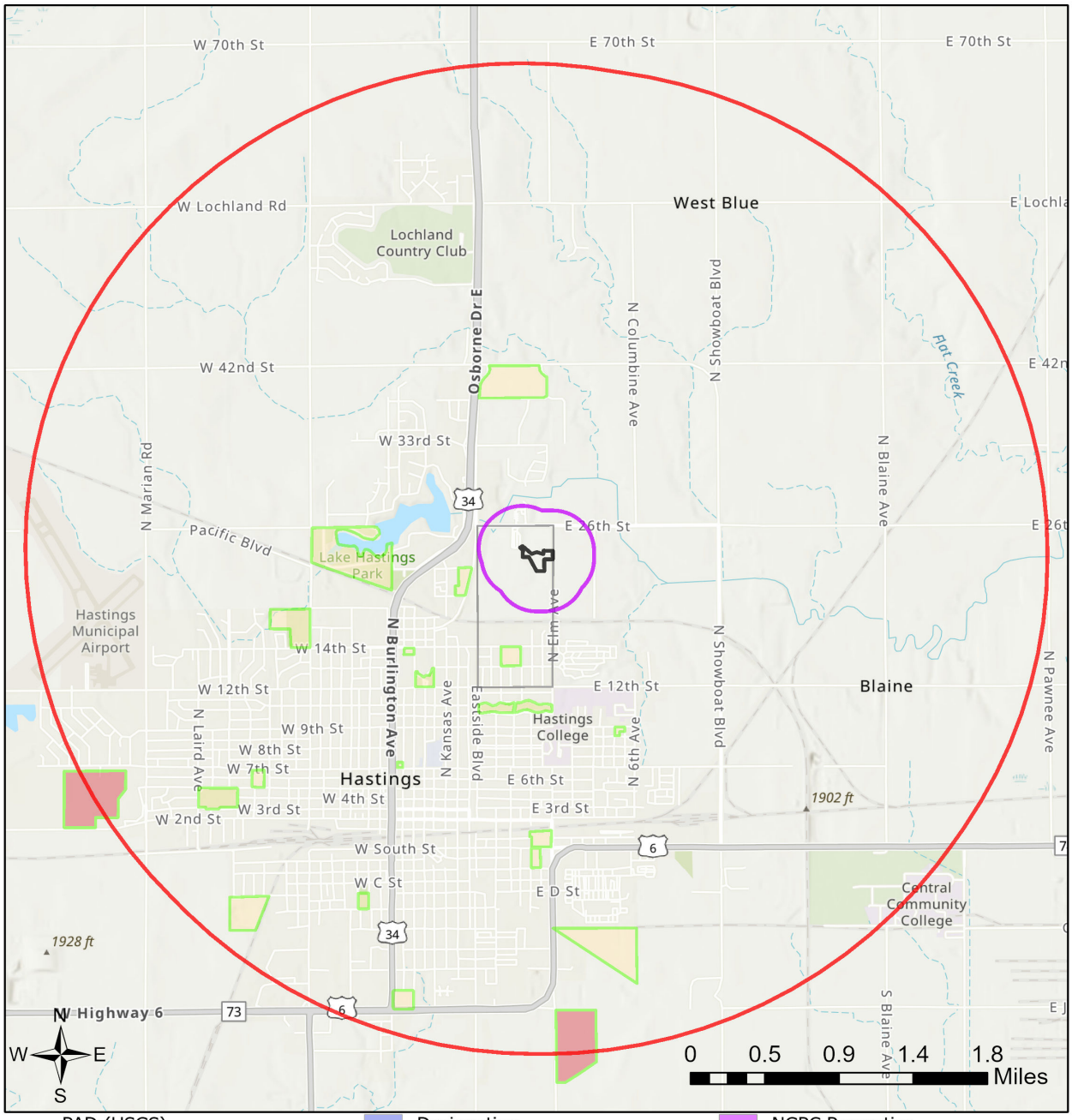
BUL(s): Rainwater Basin

Township/Range/Section(s): T07R09WS06

Nebraska Game & Parks Commission, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS
Esri, TomTom, Garmin, FAO, NOAA, USGS, EPA, USFWS
Earthstar Geographics

Elm Meadows First Subdivision

Topographic Basemap With Sections and Protected Areas

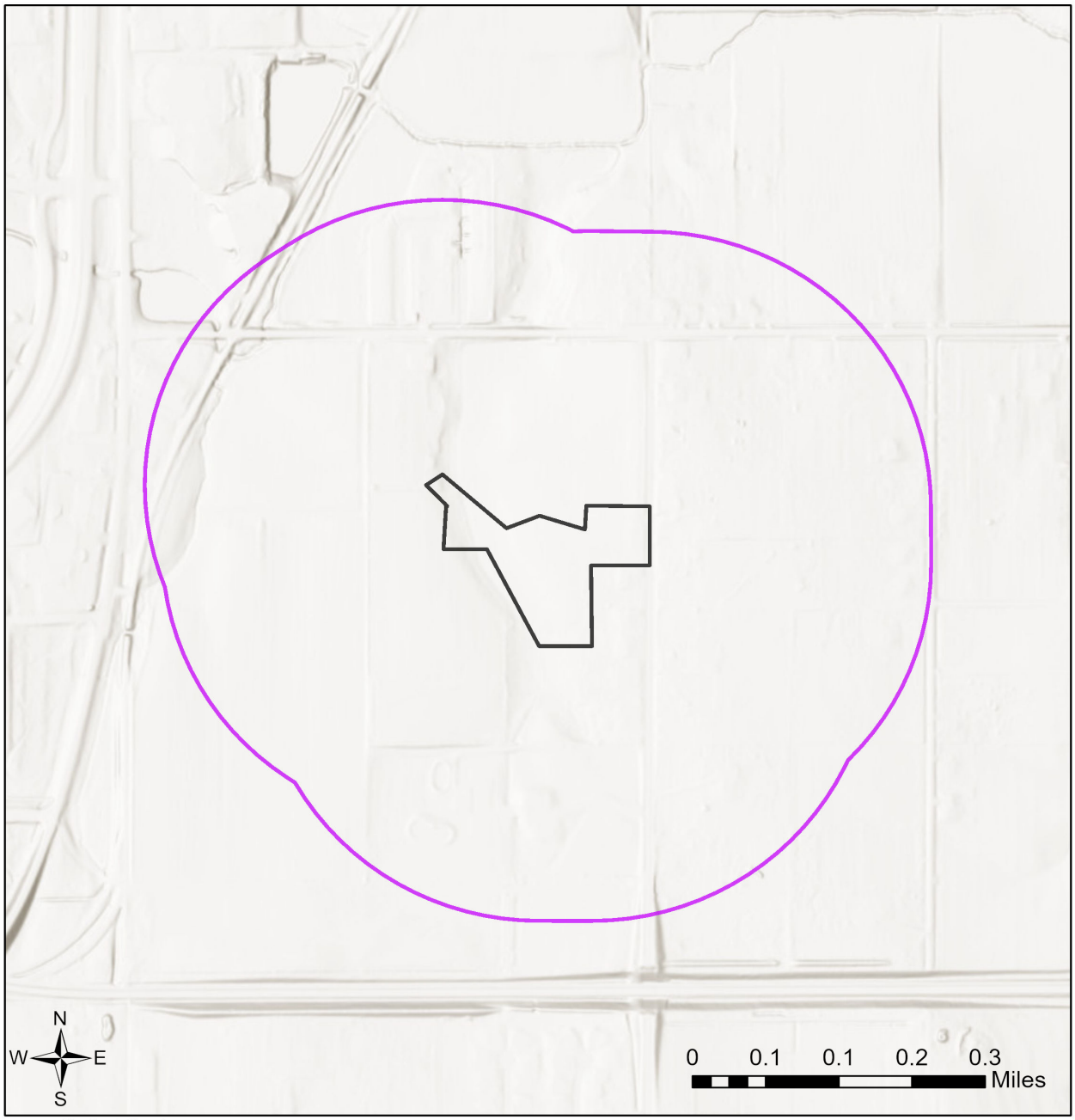


- PAD (USGS) - boundaries
- U.S. Fish and Wildlife Service
- U.S. Forest Service
- National Park Service
- Bureau of Reclamation
- Designation
- Regional Agency
- State (NGPC)
- Other State
- NGO or Private
- Other (City, Unknown)
- NGPC Properties
- Sections
- 3-mile Information Buffer Boundary
- Project Review Boundary
- Project Boundary

Nebraska Game & Parks Commission, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS
Esri, NASA, NGA, USGS

Elm Meadows First Subdivision

Web Map As Submitted By User



Project Review Boundary

Project Boundary

Esri, NASA, NGA, USGS, FEMA

Table 1
Protected Areas in Immediate Vicinity of Project (project review area)

This table has no results.

Table 2
Documented Occurrences in Immediate Vicinity of Project (project review area):
Natural communities and selected special areas

Name	Other Information	SRank	GRank
Rainwater Basin Biologically Unique Landscape	Link to BUL document		

Table 3
Regional Documented Occurrences of Species within 1 Mile of Project Review Area:
Tier 1 and 2 at-risk species and additional S1-S3 plants

Scientific Name	Common Name	USFWS	State	SGCN	SRank	GRank	Taxonomic Group
Acris blanchardi	Northern Cricket Frog		NC	Tier 2	S3	G5	Vertebrate Animal - Amphibians
Grus americana	Whooping Crane	E	E	Tier 1	S1	G1	Vertebrate Animal - Birds
Himantopus mexicanus	Black-necked Stilt			Tier 2	S3	G5	Vertebrate Animal - Birds
Noturus gyrinus	Tadpole Madtom			Tier 2	S3	G5	Vertebrate Animal - Fishes
Spinus pinus	Pine Siskin			Tier 2	S3	G5	Vertebrate Animal - Birds

Table 4
Potential Occurrences in Immediate Vicinity of Project (project review area):
Special status species (Tier 1 at-risk species and Bald and Golden Eagle), based on models or range maps

Scientific Name	Common Name	Data Type	USFWS	State	SGCN	SRank	GRank	Taxonomic Group
Ammodramus henslowii	Henslow's Sparrow	Range			Tier 1	S1	G4	
Argynnis idalia	Regal Fritillary	Range			Tier 1	S3	G3?	
Asio flammeus	Short-eared Owl	Range			Tier 1	S2	G5	
Athene cunicularia	Burrowing Owl	Range			Tier 1	S2	G4	
Atrytone arogos iowa	Iowa Skipper	Range			Tier 1	S1	G2G3T2T3	
Boloria myrina nebraskensis	Nebraska Fritillary	Range			Tier 1	SNR	G5?T3T4	
Boloria myrina sabulocollis	Kohler's Fritillary	Range			Tier 1	S1S2	G5?T3	
Calidris subruficollis	Buff-breasted Sandpiper	Range			Tier 1	S2N	G4	
Catocala nuptialis	Married Underwing	Range			Tier 1	SNR	G3	

Table 4
Potential Occurrences in Immediate Vicinity of Project (project review area):
Special status species (Tier 1 at-risk species and Bald and Golden Eagle), based on models or range maps

Scientific Name	Common Name	Data Type	USFWS	State	SGCN	SRank	GRank	Taxonomic Group
Catocala whitneyi	Whitney Underwing	Range			Tier 1	S1	G2G3	
Danaus plexippus	Monarch	Range			Tier 1	S2	G4	
Fundulus sciadicus	Plains Topminnow	Range			Tier 1	S3	G4	
Grus americana	Whooping Crane	Range	E	E	Tier 1	S1	G1	
Haliaeetus leucocephalus	Bald Eagle	Range			Tier 2	S3	G5	
Hesperia ottoe	Ottoe Skipper	Range			Tier 1	S2	G3	
Lanius ludovicianus	Loggerhead Shrike	Range			Tier 1	S3	G4	
Lasiurus borealis	Eastern Red Bat	Range			Tier 1	S3	G3G4	
Lasiurus cinereus	Hoary Bat	Range			Tier 1	S3	G3G4	
Myotis septentrionalis	Northern Long-eared Myotis	Range	E	E	Tier 1	S1S2	G2G3	
Perimyotis subflavus	Tricolored Bat	Range			Tier 1	S3	G3G4	
Schoenoplectus saximontanus	Rocky Mountain Bulrush	Range			Tier 1	S1	G5	