

**APPENDIX E:  
Public Involvement**

**Heartland Expressway Corridor Development and  
Management Plan Resource Agency Meeting Summary  
March 20, 2012**

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**Overview of the Heartland Expressway Corridor Management Plan Resource Agency Meeting. March 20, 2012. NDOR District Office, North Platte Nebraska.**

Comment #	Agency	Comment/Concern	Draft Response
1	USACE	Status of USACE coordination on the U.S. 385 project and level of impacts.	Although this project is similar to the overall concept of the Heartland Expressway Corridor, it is a different project. The U.S. 385 project is not being addressed in this document and questions about the 385 project will be addressed by the U.S. 385 project team. However, NDOR explained that the project is still anticipated to be a Nationwide Permit (NWP), but NDOR will verify if the Corps was provided information as part of the agency coordination meetings. A Jurisdictional Determination will be requested.
2	USFWS	The opportunity to incorporate mitigation for sections of the corridor that have already been built.	NDOR coordinated with agencies about specific mitigation during those projects. Studies may be done for other projects that may address these previous projects.
3	USFWS	Concern for wildlife that has already been impacted due to habitat fragmentation. Had the study been conducted first, maybe the other sections would have not been built.	NDOR explained that the previous projects were built using only state funds (i.e. Highway 71 from Kimball to Scottsbluff). Past projects involved coordination with appropriate agencies, and obtained appropriate permits as required.
4	NLT	Are the new state-level funds (LB84 [now known as the Build Nebraska Act]) applicable for the construction of these projects? Has the new state-level funding source created the ability to construct these projects?	Build Nebraska Act (previously LB84) funds are designated for the segment along U.S. 385 from L62A to Alliance. At this time no other specific Heartland Expressway projects have been identified or funded.
5	NGPC	What is the construction timeline for U.S. 385 in South Dakota?	Although this project is similar to the overall concept of the Heartland Expressway Corridor, it is a different project. The U.S. 385 project is not being addressed in this document and questions about the 385 project will be addressed by the U.S. 385 project team. However, the NDOR has been coordinating with the South Dakota DOT and the current schedule is to have U.S. 385 completed with four lanes to the Nebraska border by 2014. Corollary response could be to include timing in the CDMP.
6	NLT	Concerns about the aesthetics of the road through the NLT conservation easement areas, especially the road north out of the Nebraska National Forest/Chadron State Park to Chadron.	1. Visual resources have been addressed in Section 3.2.14 Visual Resources and Aesthetics. 2. Need to consider some evaluation of higher priority aesthetics in the future (i.e. during the preliminary engineering and NEPA phases).

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7	NLT	Concerned about maintaining habitat for wildlife, especially bighorn sheep and other at-risk species, in conservation easement areas.	1. Habitat for wildlife, including at-risk species, bighorn sheep, and other sensitive species has been addressed in Sections 3.2.4 Wildlife and 3.2.5 Habitat. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
8	NSHS	Raised a concern about coordination with Tribes because, according to NSHS, there are areas of potential for Native American Traditional Cultural Properties.	Tribes were invited to the agency meeting, sent copies of the meeting proceedings/minutes, invited to the Public Meeting, and will be offered an opportunity to review the CDMP. Tribal coordination is addressed in Section 3.2.6 Section 106 and Tribal Consultation. Tribal coordination efforts are also included in the Public Involvement Appendix. Additionally, a memorandum was provided to the NSHS, NDOR, and FHWA which contained a list of tribes proposed for future consultation.
9	NSHS	Concerned about Section 106 and lack of review on projects, especially those without a federal nexus.	The NDOR has an archaeological program that will review all projects regardless of federal nexus.
10	NSHS	Proposed that grants from SHPO could be used to survey the entire corridor over a period of years.	FHWA pointed out that Transportation Enhancement (TE) funds could be used for surveys without a transportation nexus.
11	USDA Forest Service - Nebraska National Forests and Grasslands	Concerns about the roadway going through the National Forest, specifically what the road will look like (features of the road) and when it will be built.	1. Visual resources have been addressed in Section 3.2.14 Visual Resources and Aesthetics. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
12	USDA Forest Service - Nebraska National Forests and Grasslands	Concerns about impacts to existing improvements and features along the roadway that are operated or maintained by the Forest Service or by "special use permittees" on Forest Service land.	1. These features have been addressed in Section 3.2.12 Public Lands and Community Facilities Including Potential 4(f)/6(f) Properties. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
13	USDA Forest Service - Nebraska National Forests and Grasslands	Cultural resource surveys on Forest Service land require special processes.	FHWA/NDOR will follow all applicable regulations for surveys on Forest Service land.

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14	USDA Forest Service - Nebraska National Forests and Grasslands	Concern about visual aesthetics, especially from the Forest Service land to the roadway, but also along the roadway as to not block vistas or scenic views.	1. Refer to Comment # 11. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
15	USDA Forest Service - Nebraska National Forests and Grasslands	Concern about species that cross U.S. 385, including turkey, deer, and other "demand species" as well as big horn sheep. Reintroduction of big horn sheep has resulted in lambs and young rams crossing the highway. Concern about the possibility of sheep continuing to migrate east and utilizing this area.	1. Refer to Comment # 7. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
16	USACE	Concerned about impacts to wetlands and waters of the United States.	1. NDOR will follow Section 404 Clean Water Act regulations. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
17	USACE	Give consideration to which permit will be required (IP, NWP) to ensure that the correct process has been followed and that decisions are valid for USACE NEPA documentation.	Permit requirements will be considered in the planning stages for project development and the Corps will be invited as a cooperating agency through the NEPA/404 merge process to facilitate reviews. NDOR will follow Section 404 Clean Water Act regulations. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
18	USACE	Include stream channel mitigation and be aware of new regional conditions.	1. NDOR will follow Section 404 Clean Water Act regulations. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
19	USACE	Trout reproducing in Nine-Mile Creek.	This has been addressed in Section 3.2.4 Wildlife. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.

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20	USFWS	Concern about threatened and endangered species along major creeks, including the Colorado Butterfly Plant along Lodgepole Creek and Ute Ladies Tresses along the Niobrara River. Also, some considerations being implemented include the black tailed prairie dog colony and a possible black footed ferret re-introduction site near L62A and U.S. 385.	1. T&E species and their occurrences and ranges (based on 2013 USFWS and NGPC lists, as well as NGPC range maps) are addressed in Section 3.2.4 Wildlife. 2. The Colorado Butterfly Plant is addressed in Section 3.2.4 Wildlife. 3. Ute Ladies Tresses is not addressed. According to the NGPC T&E species range maps (213) Ute Ladies Tresses is found on the Niobrara River, however it is found about 30 miles east of the Study area. Therefore, this plant species will not be included in the CDMP. 4. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis. 5. Refer comment about prairie dog/black footed ferret to the U.S. 385 project team.
21	USFWS	Concern about the study being conducted after the construction of several projects. A study of habitat and wildlife along the whole corridor would be helpful, specifically a habitat inventory or study to identify resources, the importance of this area, and wildlife needs.	USFWS is conducting a swift fox survey along the Heartland Expressway corridor. The study is being performed as a result of comments received during this meeting. The study is being funded with Federal Research Funds administered by NDOR (80% Federal, 20% State). Additional wildlife and habitat studies could occur during future projects along the corridor. . NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
22	USFWS	General concern of habitat fragmentation.	Refer to Comment # 21.
23	NSHS	Five known wagon trails along the corridor, specifically between Chadron and Alliance. Further information will be unknown until they are looked at in more detail. The scope of the proposed improvements will define the scope of the potential for archeological surveys and recovery efforts.	1. Trail crossings are addressed in Section 3.2.6 Section 106 and Tribal Consultation. Also, refer to Comment # 9. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.

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24	University of Nebraska State Museum	Suggestion that there is a moderate to high paleontological potential in road cuts adjacent to the known paleontological sites throughout the corridor. Therefore, pedestrian surveys and minor excavations in areas adjacent to known sites should be conducted prior to construction.	1. This has been addressed in Section 3.2.7 Paleontological Resources. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
25	University of Nebraska State Museum	The type section of the Kimball Formation should be avoided.	1. The Kimball Formation has been addressed in Section 3.2.7 Paleontological Resources. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
26	NSHS	50 [historical] sites previously identified of which 2 are on the NRHP and 12 more which are eligible.	1. These sites have been addressed in Section 3.2.6 Section 106 and Tribal Consultation. Also, refer to Comment # 9. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
27	NGPC	Would like to have inventories to assess wildlife needs in the area and also get an assessment method for determining whole corridor impacts on species.	Refer to Comment # 21.
28	NGPC	The need to consider wildlife fencing and corridors.	Refer to Comment # 21.
29	NGPC	Care should be given to bisecting isolated wetlands to minimize disturbance to reptiles and amphibians.	1. This has been addressed in Section 3.2.2 Wetlands. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
30	NGPC	Depending on how the road is built, consideration will need to be given to possible traffic backup at the park booth at Chadron State Park.	1. This is addressed Section 3.2.12 Public Lands and Community Facilities Including Potential 4(f)/6(f) Properties. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
31	NGPC	Possibility of an underpass for wildlife along the expressway.	Refer to Comment # 21.

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32	NGPC	Swift fox are a concern across the entire corridor area because they like to live next to or in the roadway. A wider road would impact their ability to cross.	1. Swift fox have been addressed in Section 3.2.4 Wildlife. Additionally, USFWS is conducting a swift fox survey along the Heartland Expressway Corridor. This study be beneficial for assessing and minimizing/avoiding potential impacts to the swift fox during future projects along the corridor. See Comment #21.
33	NGPC	Fragmentation is a concern. Long-term planning efforts could be useful to address future changes to threatened and endangered species listing, modification, de-listing, or other issues that may arise over the next 20 years.	Refer to Comment # 21. Future changes to T&E species listing status would be investigated again during future NEPA documentation in accordance with NDOR procedures (i.e. the BE Matrix).
34	USDA Forest Service - Nebraska National Forests and Grasslands	What actions will come, with respect to the resources, as a result of the CDMP study? Will there be additional opportunities to comment?	NDOR indicated that this is the beginning of a long process and that there would be multiple opportunities to comment, specifically during individual NEPA projects, but that additional information would always be welcome. The Draft CDMP will be available for review on NDOR's website, as well as at locations TBD (e.g. local libraries, city halls, etc.).
35	NGPC	How will the information be updated?	NDOR indicated that as new species are listed, or as regulations change, new projects would have to meet the most up to date requirements and laws, and that this study is not the final approval. It is an informative document to help future projects identify resources and agencies. Future changes to T&E species listing status would be investigated again during future NEPA documentation in accordance with NDOR procedures (i.e. the BE Matrix).
36	USDA Forest Service - Nebraska National Forests and Grasslands	How will this be applied at the project level? What will drive the decision to build a 2-lane or 4-lane roadway?	NDOR responded that Travel Demand Models, the Steering Committee, environmental resources, funding, benefit/cost ratios, economic development, and legislative intent will drive these decisions.
37	NSHS	It is preferable that Section 106 coordination always be considered even if a project does not get federal aid	Refer to Comment # 9.

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38	FHWA	Transportation Enhancement (TE) funding and Research funding might be an opportunity for funds for special projects (e.g. fencing, underpasses, habitat improvement) as well as Highway Archeology Surveys.	Comment noted.
39	USDA Forest Service - Nebraska National Forests and Grasslands	What is the ultimate plan for the area through the Park? The current ROW is very tight.	NDOR indicated that this is not known at this time, but that NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
40	NGPC	What have the benefits of the completed Highway 71 project been to date? Can we quantify them and will they drive future roadway projects? Have our previous projections been accurate?	The Highway 71 project between Kimball and Scotts Bluff was built to achieve the goals of the 1988 Needs Study and Nebraska Legislative Intent which were to connect towns with a population of 15,000 or more to Interstate 80 with a 4-lane highway.
41	USFWS	There is an issue of water availability in the long term, which may limit the opportunity for expanded urban growth.	Comment noted.
42	NGPC	The project will cause impacts beyond the corridor, in additional people and development.	Comment noted.
43	NLT	A corollary to the cumulative effects issue is one of the potential drivers of this project. This will contribute to additional development, with or without the new roadways. The area south of Rapid City is a prime example of this happening.	Comment noted.
44	Multiple	FHWA asked if this document could include a cumulative effects assessment and describe commitments coming out of the study.	Including a cumulative effects assessment is beyond the scope of the CDMP study. Cumulative effects would be assessed during future phases (e.g. during NEPA documentation). NDOR has committed to supporting a swift fox survey along the Heartland Expressway Corridor. Future studies of wildlife and habitat along the corridor could occur during future projects. Refer to Comment # 21.

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45	Multiple (NGPC, USFWS, Raegan)	Commitments and mitigation actions could be to go back and see if a retrofit might be good to fix species issues. There might be areas of significant collisions where new fencing might help.	Refer to Comment # 21.
46	NLT	Aesthetics are a concern from individuals who drive the corridor now, and those who use the parks.	1. Aesthetics have been addressed in Section 3.2.14 Visual Resources and Aesthetics 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
47	NLT	Is there funding from ISTE A to preserve Scenic Byways?	MAP-21 eliminated the National Scenic Byways Program; however some byway projects may be eligible under other Transportation Alternative Programs. Scenic Byways are addressed in Section 3.2.14 Visual Resources and Aesthetics.
48	Unknown	It would be helpful to identify conservation land on a large-scale for future preservation efforts.	The NLT indicated that this is one of their functions and NLT would be willing to help show how values are assigned for land conservation.
49	THPO (Pawnee Nation)	5 sites west of Chadron.	NDOR will continue to coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
50	NSHS	A list and map of the majority of the historic properties along the heartland expressway route have been received. These are incomplete and when the project is submitted a full review of properties will take place.	1. Historic properties are addressed in Section 3.2.6 Section 106 and Tribal Consultation. Also, refer to Comment # 9. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
51	BOR	Heartland Expressway Corridor will pass through lands with Bureau of Reclamation water conveyance facilities. The operation and maintenance of these facilities has been transferred to irrigation districts. These facilities may be located on lands where BOR is not the underlying landowner. On lands where BOR is not the underlying landowner BOR does not issue a Special Use Permit and permission from the underlying land owner and a letter of consent from the appropriate irrigation district is obtained.	1. This has been addressed in Section 3.2.1 Surface Water and Groundwater Resources. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.

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52	BOR	Recommend coordination of the planning process with the Gering Ft. Laramie, Northport, and Pathfinder Irrigation Districts.	1. Applicable Irrigation Districts have been addressed in Section 3.2.1 Surface Water and Groundwater Resources. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
53	Iowa Tribe of Kansas and Nebraska	Concerns involve the potential tribal history of the Iowa Tribe of Kansas and Nebraska in the area. The Iowa Tribe of Kansas and Nebraska would like coordination on issues pertaining to their tribe that may arise in the future.	The Iowa Tribe of Kansas and Nebraska will be included on the list of contacts going forward and if needed, the NDOR and FHWA will coordinate directly. Tribal coordination is addressed in Section 3.2.6 Section 106 and Tribal Consultation. Tribal coordination efforts are also included in the Public Involvement Appendix. Additionally, a memorandum was provided to the NSHS, NDOR, and FHWA which contained a list of tribes proposed for future consultation.2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
54	NSHS	List of known archeological sites and possible wagon trail crossings within the study corridor was provided. Searches for sites were based on existing 2-lane roads within the study corridor. Segments where the expressway is complete or where an environmental review is pending were not considered.	1. Known archeological sites and possible wagon trail crossings have been addressed in Section 3.2.6 Section 106 and Tribal Consultation. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.
55	Northern Arapahoe THPO	Is the project following a road that is in place already?	The proposed roadway alignment mostly follows existing roads, however there may be future improvements that are outside the existing alignment, such as by-passes, or curve re-alignments.
56	Northern Arapahoe THPO	Is the project expanding outside the present highway corridor?	The proposed roadways could expand outside the existing right-of-way, such as in areas where the road would be expanded from 2 lanes to 4 lanes.
57	Northern Arapahoe THPO	Has the Cultural Resource Inventory taken place already?	1. A detailed Cultural Resources Inventory has not taken place at this time, however some coordination with the state archeologist and State Historic Preservation Officer have been initiated. 2. NDOR will coordinate with Agencies, Tribes, and other relevant parties regarding these resources on a project level basis.

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58	USDA Forest Service - Nebraska National Forests and Grasslands	Consideration and review of a wildlife passage in the area of concentrated deer, elk, and possibly bighorn sheep crossings. Fences and wildlife underpass may help to reduce vehicle/wildlife impact.	Refer to Comment # 21.
59	USDA Forest Service - Nebraska National Forests and Grasslands	Consideration of a combination wildlife/pedestrian underpass structure located between the Chadron State Park entrance and FSR 719 to the north. This would allow for safe passage between Chadron State Park and Forest Service properties.	Comment noted.
60	USDA Forest Service - Nebraska National Forests and Grasslands	Concern that the expressway would have impacts on the Red Cloud Campground. Impact to camp sites and to trees/vegetation that help provide a visual and sound barrier from the highway.	Comment noted. The Red Cloud Campground is discussed in Section 3.2.12 PUBLIC LANDS AND COMMUNITY FACILITIES INCLUDING POTENTIAL SECTION 4(F)/6(F) PROPERTIES.
61	SDDOT	SDDOT will be building a 4-lane roadway from US-18 to the SD/NE border. Planned for 2014/15 construction.	Comment noted.
62	BIA/Winnebago	Elected not to attend meeting. Discussion within the Natural Resources Department believed that the tribes they serve (Omaha, Winnebago, and Santee Sioux) will not be significantly impacted by the Heartland Expressway Project.	Comment noted.
63	BIA DOT	No comment. Lands within SD will not be affected by roadways built in NE.	Comment noted.