

**DEPARTMENT OF TRANSPORTATION**

Project Name: <b>Murray – Plattsmouth</b>	Project No.: <b>NH-75-2(128)</b>	Control No.: <b>21209</b>
Project Location: <b>The project begins 0.12 miles south of the US-75/US-34 and Nebraska Highway 1 (N-1) intersection, at US-34 mile marker (MM) 373.33, and extends north to US-34 MM 380.16, roughly 400 feet south of the junction of US-75/US-34 and Oak Hill Road/Ave B, Plattsmouth, Nebraska</b>		
NEPA Documentation Level: <b>Environmental Impact Statement (EIS)</b>	Original NEPA Approval Date: <b>Final Environmental Impact Statement (FEIS)/Record of Decision (ROD) 06/06/1979; Supplemental EIS (SEIS)/ROD 5/25/2001</b>	
Date of This Re-evaluation: <b>2/26/2020</b>	Date of Prior Re-evaluation(s): <b>4/17/2017; 4/3/2018</b>	

**Reason for the Re-evaluation** (check all that apply):

- Project scope changes
- New, or changes to, project impacts
- New or updated circumstances
- Project is proceeding to the next major federal approval:
  - Final design
  - Right-of-way acquisition
  - PS&E approval
- Project exceeds the 3-year timeframe for an EIS

Describe the changes requiring the re-evaluation:

Several design and right-of-way (ROW) changes have occurred since the April 3, 2018 re-evaluation:

- Design Changes:
  - Nebraska Highway 1 (N-1) and Murray Road Intersection, Sheet 1 and 2 of Plan Set in Attachments: Median and left turn lane shifted farther south to accommodate a wider intersection with additional turn lanes. Resulted in impacts to temporary surfacing needed to phase construction on the far south end of the project. On the N-1 approach, turn lanes and lengths of storage were altered. This required changes to temporary surfacing and the adjacent project (CN: 22467A, Murray – US-34/75, change re-evaluated and approved 10/15/2019), which ties into Murray – Plattsmouth. Murray Road was adjusted for the same reasons. Replaced offset right turn lane on United States Highway 34 (US-34)/US-75 approach to intersection from MM 373.46 (STA 127+00) to MM 373.65 (STA 137+00) with parallel right turn lane. These changes resulted in minor impacts to ditching and erosion control, jointing and rippled through a number of plan sheets showing geometrics, alignments, construction notes, cross sections, and earthwork.
  - Proposed Drives at MM 374.07 (STA 160+00), Sheet 3 of Plan Set in Attachments – MM 374.14 (STA 163+40): Driveway alignment and surfacing type changed based off of ROW negotiation.
- ROW Changes:
  - Tract 6: Ownership change
  - Tract 7: Calculation correction for ROW: 0.08ac to 0.07ac.

- Tract 9: Calculation correction for ROW: 0.07ac to 0.05ac. Temp Easement (TE): 0.55ac to 0.57ac. – the 0.02 ac of new TE was part of the original area reviewed as ROW.
- Tract 17: LOCs reduced as a result of reduction in ROW taking: 1.01ac to 0.86ac.
- Tract 31: Rural water pumping station drive and entry configuration removed after ROW negotiations with Tract 22 owner. ROW and TE removed.
- Tract 22: Changes to Tract 31 during ROW negotiation resulted in the removal of ROW taking and the addition of a TE. ROW taking change from 4.36ac to 4.19ac. TE change from 0.32 to 0.34ac – the 0.02 ac of new TE was part of the original area reviewed as ROW.
- Tract 37: Part of the ROW taking was changed to TE and an error was identified in the existing ROW line, causing a correction. TE: 2.55ac to 2.58ac. This occurred after the ROW purchase was finalized resulting in the creation of Supplemental Tract 37S:
  - Tract 37S:
    - ROW 1: 0.03ac, ROW 2: too small to measure so assigned 0.01ac. The width of the new ROW needed, at the widest, is 1.06 feet.
    - TE 1: 0.03ac.
- Tract 1000: An existing easement was found which made it possible to lessen the proposed amount of Permanent Easement (PE) and use TE instead. PE: 1.68ac to 1.08ac, and addition of TE: 0.45ac. (the additional 0.45 acres originally part of the PE but switched to TE)

**Need for Resource Review** (complete this section ONLY if changes require the re-evaluation):

- A NEPA Author has reviewed this project and has determined, due to the minor scope of the changes, that additional environmental resource review is not required.
- A NEPA Author has reviewed this project and has determined that additional review of the following resources is warranted:

Section 4(f), Wetlands, Threatened and Endangered Species, Section 106, Hazardous Materials, Noise, Air, Public Involvement, Environmental Justice

**Evaluation of Resource Impacts** (complete this section ONLY if changes require the re-evaluation)

Present the evaluation of, and results for, each resource impact requiring discussion below.

**Section 4(f)**

No temporary, permanent, or constructive use of a Section 4(f) property would occur due to the above described design and ROW changes because no Section 4(f) properties are adjacent to or within the affected areas.

**Wetlands**

On February 20, 2020, the Wetlands Professionally Qualified Staff (PQS) determined that the above described design changes would not alter their previous effects determination.

**Threatened and Endangered Species**

On January 17, 2020, the Threatened and Endangered Species PQS determined that the above described design changes would not alter their previous effects determination.

**Section 106**

On February 20, 2020, the Section 106 PQS determined that the above described design changes would not alter their previous effects determination.

### **Noise, Hazardous Materials, and Air**

On January 31, 2020, the Noise, Hazardous Materials, and Air PQS determined that the above described design and ROW changes would not alter their previous effects determination.

### **Public Involvement**

On February 18, 2020, the Public Involvement PQS determined that the above described design and ROW changes would not alter their previous effects determination.

### **Environmental Justice**

On February 19, 2020, the Civil Rights PQS determined that the above described design and ROW changes would not alter their previous effects determination.

### **Evaluation of Mitigation** (complete this section ONLY if changes require the re-evaluation)

- All of the original mitigation measures apply with no modification.
- The following mitigation measures have been revised, added, or removed:

#### **Removed:**

#### *Cumulative Impacts:*

*To verify that no cumulative impacts result from the work of CN 22467A (STP-1-7(107) Murray – US-34 and 75), 22467B (STP-1-7(108) Murray West) and CN 21209 ( S-75-2(1072) Murray to Plattsmouth), the Murray to Plattsmouth project shall be reviewed for changes in traffic control plans prior to the Green Sheet and construction of the other two projects. If a detour is added to any of the projects, a re-evaluation of cumulative impacts shall occur. (NDOT Environmental, NDOT District)*

CN 22467A and CN22467B will both be constructed before Murray - Plattsmouth. CN 22467A will be completed November 30, 2020 and CN 22467B was completed June 16, 2018. Murray - Plattsmouth construction will begin April 1, 2021. Based on these factors, the cumulative impacts commitment was removed.

#### *Airport Proximity*

*NDOT Plans, Specification & Estimates (PS&E) / Contracts Section shall include the airports special provision in the appropriate project contracts. (NDOT Construction)*

Airport special provisions have been included in the appropriate project contracts, therefore, this commitment was removed.

A complete list of current mitigation measures, including modifications with this re-evaluation, is provided below:

## **Wetlands:**

The Contractor shall not stage, store, waste or stockpile materials and equipment in undisturbed locations, or 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. (Contractor)

All wetlands/waters within the project area that are not permitted for impacts will be marked on the 2W aerial sheets for the contractor as avoidance areas. (NDOT Environmental)

The project will require a Section 404 Permit for impacts to waters of the U.S. The permit shall be obtained prior to project letting. The contractor shall adhere to all permit conditions, including regional and general conditions, during construction. (NDOT Environmental, Contractor)

## **Threatened and Endangered Species:**

### **General Conservation Conditions**

**A-1 Changes in Project Scope.** If there is a change in the project scope, the project limits, or environmental commitments, the NDOT Environmental Section must be contacted to evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

**A-2 Conservation Conditions.** Conservation conditions are to be fully implemented within the project boundaries as shown on the plans. (District Construction, Contractor)

**A-3 Early Construction Starts.** Request for early construction starts must be coordinated by the Project Construction Engineer with NDOT Environmental for approval of early start to ensure avoidance of listed species sensitive lifecycle timeframes. Work in these timeframes will require approval from the Federal Highway Administration and could require consultation with the USFWS and NGPC. (District Construction, Contractor)

**A-4 E&T Species.** If federal or state listed species are observed during construction, contact NDOT Environmental. Contact NDOT Environmental for a reference of federal and state listed species. (NDOT Environmental, District Construction, Contractor)

**A-5 Refueling.** Refueling will be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field. (Contractor)

**A-6 Restricted Activities.** The following project activities shall, to the extent possible, be restricted to between the beginning and ending points (stationing, reference posts, mile markers, and/or section-township-range references) of the project, within the right-of-way designated on the project plans: borrow sites, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage sites.

For activities outside the project limits, the contractor should refer to the Nebraska Game and Parks Commission website to determine which species ranges occur within the off-site area. The contractor should plan accordingly for any species surveys that may be required to approve the use of a borrow site or other off-site activities. The contractor should review Chapter 11 of the Matrix (on NDOT’s website), where species survey protocol can be found to estimate the level of effort and timing requirements for surveys.

Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOT Environmental which will coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOT, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (NDOT Environmental, District Construction, Contractor)

**A-7 Waste/Debris.** Construction waste/debris will be disposed of in areas or a manner which will not adversely affect state and/or federally listed species and/or designated critical habitat. (Contractor)

**A-8 Post Construction Erosion Control.** Erosion control activities that may take place by NDOT Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere to any standard conservation conditions for species designated for the project area during construction. (NDOT Maintenance, District Construction, Contractor)

### **Migratory Bird Treaty Act**

NDOT has developed an Avian Protection Plan (APP) to reduce conflicts between construction of NDOT projects and the laws governing migratory birds. This procedure is designed to protect and conserve avian populations and reduce avian conflicts through changes in project scheduling (i.e. tree clearing outside of primary nesting period), increased migratory bird surveys, and changes in project construction timelines. NDOT will utilize its APP to reduce conflicts with migratory birds on this Project.

### **Northern Long-Eared Bat**

**NLEB-1** Tree clearing, bridge deck joint replacements over the bridge deck, bridge removal activities will not occur between June 1<sup>st</sup> – July 31<sup>st</sup> to avoid impacts to the northern long-eared bat maternity roosting period. (NDOT Environmental, Construction, Contractor)

**OR**

**NLEB-2** If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge structures occurs during the northern long-eared bat maternity roosting period (June 1<sup>st</sup> – July 31<sup>st</sup>), NDOT personnel will perform surveys prior to the start of these activities at the following locations: **Any locations that require tree clearing or bridge removal** (*location of suitable habitat*). If the species is absent, work may proceed. If the species is found, NDOT Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOT Environmental, Construction, Contractor)

### **Historic Resources**

The pair of brick gate posts at the driveway near MM 375.74 (west side) shall be marked "do not disturb"; the pair of brick gate posts at the driveway near MM 375.87 (west side) shall be marked "do not disturb"; the evergreen windbreak near MM 375.79 through MM 375.87 (west side) shall be marked "do not disturb" (NDOT District, Contractor).

### **Unexpected Waste**

If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material shall stop until NDOT/FHWA is notified and a plan to dispose of the Hazardous Materials has been developed. Then NDEQ shall be consulted and a remediation plan shall be developed for this project. The potential exists to have contaminants present resulting from minor spillage during fueling and service associated with construction equipment. Should contamination be found on the project during construction, the NDEQ shall be contacted for consultation and appropriate actions to be taken. 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. (Contractor)

### **Lead**

There is potential for lead based paint to be found on the painted components of bridge structure S075 07234. If the method of removal of the components generates paint debris, the waste shall be handled in accordance with NDOT's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128, Nebraska Hazardous Waste Regulations. Extreme caution shall be taken to minimize the amount of potential lead based painted material or debris from causing or threatening to cause pollution of the air, land and waters of the State. The Contractor shall recycle any lead-bearing plates and/or lead shims at a legitimate recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations. The Contractor's implementation plan efforts shall be documented in ECOD. (Contractor)

### **Traffic Management**

This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days. (Contractor)

### **Access**

Nebraska Department of Transportation will coordinate with Plattsmouth emergency response and law enforcement during construction to keep them abreast of route changes. (NDOT District)

Access to adjacent properties shall be maintained at all times during construction but may be disrupted temporarily at times due to construction activities but will not be closed. (Contractor)

### **Public Involvement**

Because this highway improvement project would have special traffic control, a minimum of one news release shall go to all local and area media and be posted on the NDOT website prior to the start of construction work. (NDOT District, NDOT Communications)

### **Airport Proximity**

Due to construction proximity, prior to and during the construction, the Plattsmouth Municipal Airport manager **MUST** be notified **daily** of the progress while you are in the immediate area of the airport for safety requirements. This means the NDOT Project Manager and the Construction Contractor's Project Manager have the responsibility to notify the airport manager whenever their staff would be working in the immediate area of the airport. (NDOT District, Contractor)

Any contractor involved in the project would file a 7460-1 Form with the FAA for all structures over 200' tall **or that break a 100:1 slope from a public-use airport.** *This includes any trucks or equipment used during*

*the project, especially pile drivers or cranes that may be used for guardrail and/or bridge work.”* Contact Kandice Bremer, Nebraska Department of Aeronautics Engineering Division, at 402-471-7925 or [kandice.bremer@nebraska.gov](mailto:kandice.bremer@nebraska.gov). (Contractor)

### **Stormwater**

NDOT inspects all erosion and sediment control BMP's including devices every 14 days minimum, and after every precipitation event of 0.5 inch or greater as per the requirements in the Construction Stormwater General Permit. Any BMP adjustments and repairs are to occur within 7 days of the inspections to ensure that water quality is being protected to the maximum extent practicable. The SWPPP shall be maintained and discharge points shall be monitored by the NDOT District Staff until the site is 70% re-vegetated. (NDOT District)

### **Re-evaluation Conclusion**

- With the information provided in this re-evaluation form, the original project NEPA documentation remains valid.
  
- The original project NEPA documentation is no longer valid.
  - Supplemental environmental documentation is needed.
  - New environmental documentation is needed. Specify class of action: \_\_\_\_\_

**Re-evaluation Approval**

**NEPA Author:**

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*Prepared by – PLEASE PRINT*

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*Signature*

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*Date*

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*Organization and Title*

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*Phone*

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*Email*

**NDOT Approver:**

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*Approved by – PLEASE PRINT*

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*Signature*

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*Date*

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*Title*

**FHWA Approver:**

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*Approved by – PLEASE PRINT*

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*Signature*

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*Date*

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*Title*



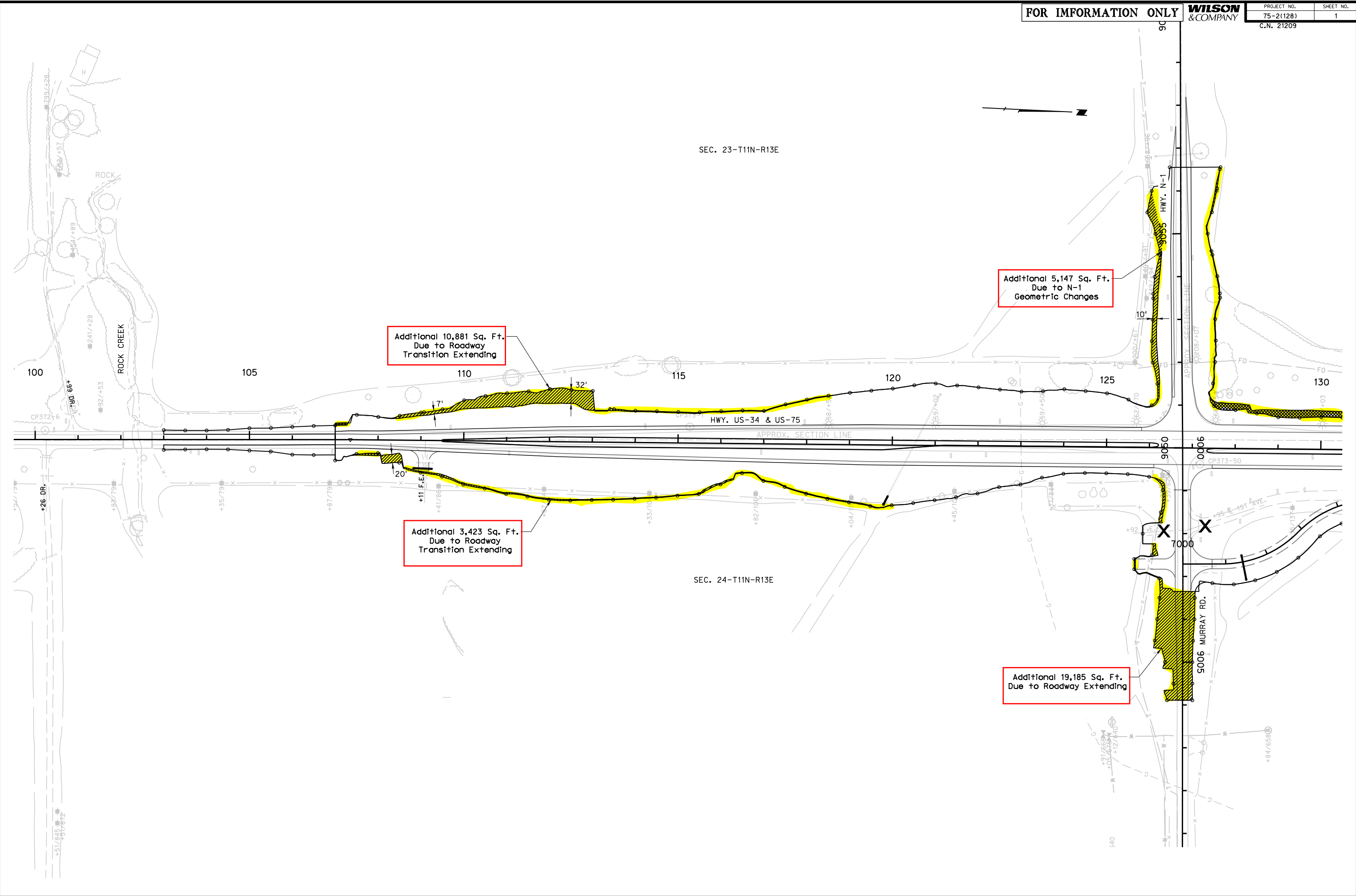
ROADWAY DESIGN DIVISION

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User: AComeli

Date: 16-JAN-2020 13:37

File: 21209oc01.LDC\_Compare



Additional 10,881 Sq. Ft.  
Due to Roadway  
Transition Extending

Additional 3,423 Sq. Ft.  
Due to Roadway  
Transition Extending

Additional 5,147 Sq. Ft.  
Due to N-1  
Geometric Changes

Additional 19,185 Sq. Ft.  
Due to Roadway Extending

SEC. 23-T11N-R13E

SEC. 24-T11N-R13E

HWY. US-34 & US-75

HWY. N-1

5006 MURRAY RD.

100

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110

115

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125

130

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7000

340

90

CP372-6

+26 DR.

ROCK CREEK

ROCK

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APPROX. SECTION LINE

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APPROX. SECTION LINE

APPROX. SECTION LINE

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+92/+53

+799/+28

+534/+89

+241/+28

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+41/+88

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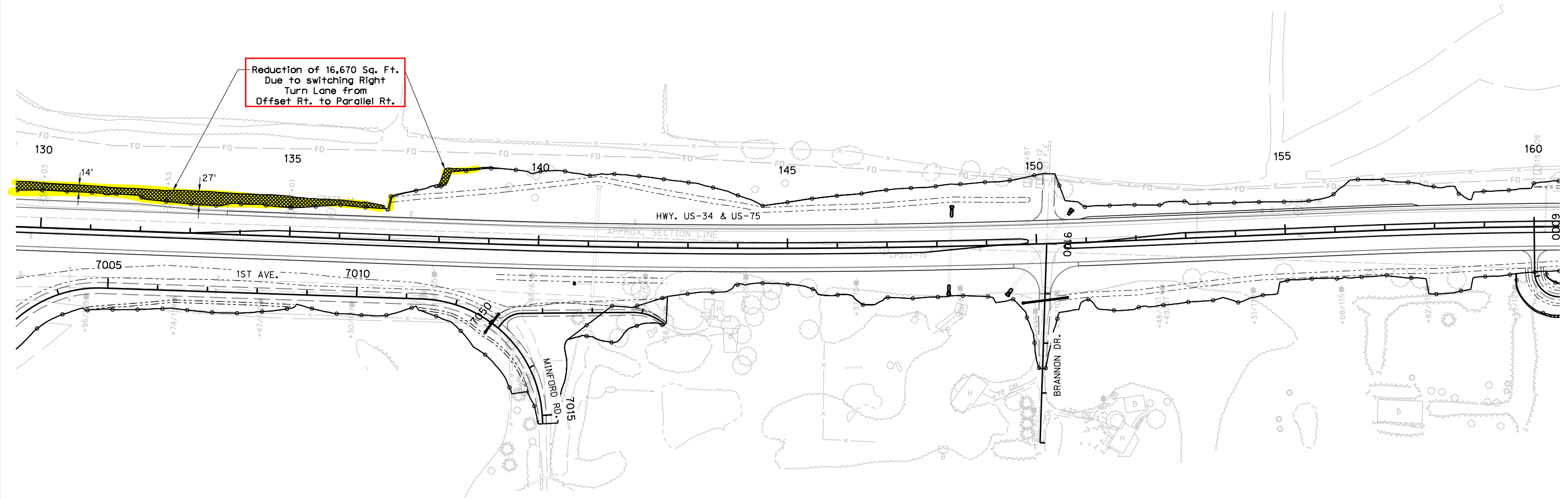
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ROADWAY DESIGN DIVISION

SEC. 14-T11N-R13E

SEC. 13-T11N-R13E

Reduction of 16,670 Sq. Ft.  
Due to switching Right  
Turn Lane from  
Offset Rt. to Parallel Rt.



Computer: A13434

User: AComeli

Date: 16-JAN-2020 13:37

File: 21209oc02\_LDC\_Compare



## Smith, Jacob

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**From:** Manzanares, Mercy  
**Sent:** Tuesday, February 18, 2020 11:38 AM  
**To:** Smith, Jacob  
**Subject:** RE: PS&E Re-evaluation, 21209, Murray - Plattsmouth

Jacob,

I have completed the re-evaluation for 21209 Murray – Plattsmouth. There are no additional impacts to wetlands other water resources due to the changes in the project scope. The 404 and Floodplain permits are still valid. Please let me know if you need any further information or documentation.

Best wishes,

Mercy

### **Mercy Manzanares**

Highway Environmental Biologist  
Project Development | Technical Resources Unit  
Nebraska Department of Transportation  
Office: 402-479-4419

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**From:** Smith, Jacob <jacob.smith@nebraska.gov>  
**Sent:** Thursday, January 30, 2020 3:18 PM  
**To:** Stupka, Stacy <stacy.stupka@nebraska.gov>; Manzanares, Mercy <mercy.manzanares@nebraska.gov>; Packard, Will <Will.Packard@nebraska.gov>; Soula, Sarah <sarah.soula@nebraska.gov>; Hassler, Christopher <christopher.hassler@nebraska.gov>  
**Cc:** Pitts, Luke <luke.pitts@nebraska.gov>; Soper, Jon <jon.soper@nebraska.gov>  
**Subject:** FW: PS&E Re-evaluation, 21209, Murray - Plattsmouth

All,

Please see below for information regarding project changes that have occurred since the last NEPA re-evaluation completed for this project on [April 3, 2018](#) (re-eval linked for reference). Please have reviews completed by **Friday, February 14**. If you run into any issues during your review that will make this date unachievable or need additional information, please let me know.

Thanks,

### **Jacob Smith**

Project Development - Environmental Documents Unit  
402.479.3632 - [jacob.smith@nebraska.gov](mailto:jacob.smith@nebraska.gov)

**NEBRASKA**

Good Life. Great Journey.

**DEPARTMENT OF TRANSPORTATION**

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**From:** Smith, Jacob

**Sent:** Friday, January 17, 2020 11:05 AM

**To:** Stupka, Stacy <[stacy.stupka@nebraska.gov](mailto:stacy.stupka@nebraska.gov)>; Manzanares, Mercy <[mercy.manzanares@nebraska.gov](mailto:mercy.manzanares@nebraska.gov)>; Soper, Jon <[jon.soper@nebraska.gov](mailto:jon.soper@nebraska.gov)>; Packard, Will <[Will.Packard@nebraska.gov](mailto:Will.Packard@nebraska.gov)>; Soula, Sarah <[sarah.soula@nebraska.gov](mailto:sarah.soula@nebraska.gov)>; Hassler, Christopher <[christopher.hassler@nebraska.gov](mailto:christopher.hassler@nebraska.gov)>

**Cc:** Pitts, Luke <[luke.pitts@nebraska.gov](mailto:luke.pitts@nebraska.gov)>

**Subject:** PS&E Re-evaluation, 21209, Murray - Plattsmouth

April 3 of last year, Caroline emailed you all with details of design and ROW changes to the subject line project which would be captured in a PS&E re-evaluation. At a later time it was decided to hold off on this re-evaluation until after the ROW and PS&E review concluded. These reviews have now concluded and the PS&E re-evaluation needs to be completed.

It appears that no additional substantive changes have been made as a result of ROW and PS&E review. The changes that Caroline detailed in her previous email remain the same, though I have some documentation that I think will detail the changes better. The info discussed below regarding the changes is found here:

["X:\PROJECTS\District2\21209\\_Murray-Plattsmouth\NEPA\NEPA\\_Documents\Re-evaluation 2019\Change Documents"](X:\PROJECTS\District2\21209_Murray-Plattsmouth\NEPA\NEPA_Documents\Re-evaluation 2019\Change Documents)

To recap:

- Most of the design changes are occurring in the vicinity of the N-1/Murray intersection. There have also been some changes at Sta. 160 on the east side of N-1. These changes are narrated in the file "Design Changes\_Email\_4.2.2019.pdf" and depicted in the file "LOC Compare\_1-16-2020.pdf". Please note that the narration refers to sheets within the full plan set . I have added notes to the narration referring you to the proper sheet in the LOC compare that Matthew Bryant put together.
  - You might recall a plan set from last year depicting all of the changes made in the plan set, whether related to design changes or formatting changes. I moved this to the "Old Compare Plan Set" folder if you would like to reference it, though keep in mind that sheet J53 and J55 are the only sheets where actual design changes have occurred.
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Please let me know if any of these changes will alter your effect determinations or require substantial amounts of additional review.

Thanks,

**Jacob Smith**

Project Development - Environmental Documents Unit

402.479.3632 - [jacob.smith@nebraska.gov](mailto:jacob.smith@nebraska.gov)

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**DEPARTMENT OF TRANSPORTATION**

## Smith, Jacob

---

**From:** Soper, Jon  
**Sent:** Friday, January 17, 2020 2:30 PM  
**To:** Smith, Jacob  
**Cc:** Pitts, Luke  
**Subject:** RE: PS&E Re-evaluation, 21209, Murray - Plattsmouth

Jake,  
The minor changes to design and ROW on the above project will not impact the previous effect determination of “may affect, but is not likely to adversely affect” Interior Least Tern, Lake Sturgeon, Northern Long-eared Bat, Pallid Sturgeon, Piping Plover, River Otter, and Sturgeon Chub. The previous conservation conditions will be carried forward.

Jon Soper  
Highway Environmental Biologist  
Nebraska Department of Transportation  
1500 Highway 2, Lincoln, NE 68502  
Office: 402-479-3546

---

**From:** Smith, Jacob <jacob.smith@nebraska.gov>  
**Sent:** Friday, January 17, 2020 11:05 AM  
**To:** Stupka, Stacy <stacy.stupka@nebraska.gov>; Manzanares, Mercy <mercy.manzanares@nebraska.gov>; Soper, Jon <jon.soper@nebraska.gov>; Packard, Will <Will.Packard@nebraska.gov>; Soula, Sarah <sarah.soula@nebraska.gov>; Hassler, Christopher <christopher.hassler@nebraska.gov>  
**Cc:** Pitts, Luke <luke.pitts@nebraska.gov>  
**Subject:** PS&E Re-evaluation, 21209, Murray - Plattsmouth

April 3 of last year, Caroline emailed you all with details of design and ROW changes to the subject line project which would be captured in a PS&E re-evaluation. At a later time it was decided to hold off on this re-evaluation until after the ROW and PS&E review concluded. These reviews have now concluded and the PS&E re-evaluation needs to be completed.

It appears that no additional substantive changes have been made as a result of ROW and PS&E review. The changes that Caroline detailed in her previous email remain the same, though I have some documentation that I think will detail the changes better. The info discussed below regarding the changes is found here:

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To recap:

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Please let me know if any of these changes will alter your effect determinations or require substantial amounts of additional review.

Thanks,

**Jacob Smith**

Project Development - Environmental Documents Unit

402.479.3632 - [jacob.smith@nebraska.gov](mailto:jacob.smith@nebraska.gov)

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**Supplemental Section 106 PQS Memo**

---

**To:** Jacob Smith, NEPA Specialist

**From:** Stacy Stupka, Section 106 Specialist <sup>SLS</sup>

**cc:**

**Date:** February 20, 2020

**Re:** CN 21209\_NH-75-2(128)\*\_Murray – Plattsmouth  
(\*project funding has changed to federal aid; former project number was S-75-2(1072))

The project referenced above was processed as a Tier III project on 10/26/16, with a project effects determination of *no historic properties affected*. SHPO concurred with this project effects determination on 09/12/2016. Consultation with the City of Plattsmouth Certified Local Government (CLG) was completed due to the proximity of portions of the project to Plattsmouth. The CLG concurred with the project effects determination on 09/13/16. Consultation packages were sent to the Iowa Tribe of Kansas and Nebraska and the Ponca Tribe of Nebraska on 09/12/2016. The 30 day comment period expired without receiving a response from either tribe. Supplemental Section 106 evaluations were completed on 1/25/2018, 3/26/2018, and 12/20/2018 and in each instance, the project effects determination of *no historic properties affected* remained appropriate.

Since these evaluations, a Supplemental Section 106 is required due to design and Right of Way (ROW) changes. The changes include 1) adding left turn lanes to the N-1 and US-75/US-34 intersection; 2) modifying a driveway alignment; 3) and acquiring additional ROW from Tract 37. The updated plans were reviewed as a part of this supplemental evaluation.

NDOT PQS Stupka reviewed the area of potential effects (APE) considered and determined that changes 2 and 3 described above are within the APE originally considered (Figure 1) and the level of effort is appropriate.

Regarding change 1 described above, portions of this change were included within the Section 106 Supplemental Evaluation completed on 01/25/2018. In this supplemental evaluation, regarding a proposed shift west onto N-1, NDOT Professionally Qualified Staff (PQS Stacy Stupka) noted that portions of the shift west were encompassed in the APE considered for the Murray – US 34 & 75 project (STP-1(107)\_CN 22467A) and the level of effort was appropriate. The project effects determination for Murray – US 34 & 75 was *no historic properties affected* (NDOT PQS date 12/04/17).

The current design changes on N-1 increase the project limits approximately 2,300 feet west along N-1 and expand the LOCs north and south along N-1. These changes are not within the APE originally considered for Murray – Plattsmouth (CN 21209), therefore, the APE has been expanded accordingly (Enclosure 1).



The proposed changes are within the APE considered for NDOT Project 22467A (Murray – US 34 & 75 STP-1(107)) and the level of effort is appropriate to encompass the proposed changes contained within this supplemental evaluation. Enclosure 1 illustrates the 22467A APE as well as that portion used to expand the 21209 APE. No historic properties were identified within those portions of the 22467A APE that now overlap the expanded 21209 APE. No additional field investigations are required within the expanded 21209 APE.

The project effects determination remains *no historic properties affected*.

#### Consultation

Consultation with SHPO was originally completed because the state funded 21209 project was tied to an earlier Environmental Impact Statement (EIS) and Stupka believed that the Section 106 Programmatic Agreement (PA) required consultation with SHPO for an Environmental Assessment (EAs) or EIS. Since that consultation completed in 2016, Scott Stapp pointed out that the PA did not stipulate this, and with a project effects determination of *no historic properties affected*, no consultation with SHPO is required.

Tribal consultation was completed for each project with the same two tribes, the Iowa Tribe of Kansas and Nebraska and the Ponca Tribe of Nebraska. No response was received regarding either project. Given that the expanded APE was the subject of prior consultation and that no archeological sites were recorded within the expanded APE, Stupka recommends that no additional tribal consultation is required regarding the expanded 21209 APE.

Finally the subject of this supplemental APE is falls outside the purview of the Plattsmouth CLG, therefore, no additional consultation is required.

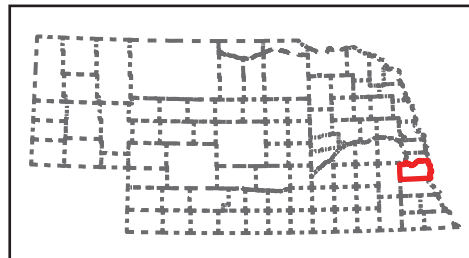
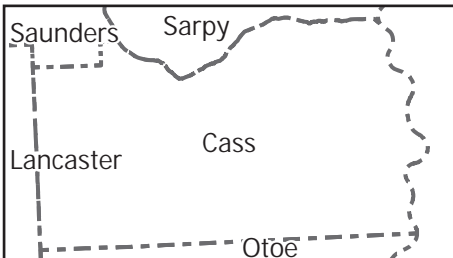
**Enclosure 1.**



Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Supplemental Section 106 Evaluation 02/20/2020  
 Project Name: Murray - Plattsmouth  
 Control No.: 21209  
 Project No.: NH-75-2(128)

- 21209 Project Alignment
- End of Expanded APE, 21209
- 22467A Architectural APE
- 22467A Archeological APE





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**DEPARTMENT OF TRANSPORTATION**

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DATE            January 31, 2019

TO              Jacob Smith, Highway Environmental/NEPA Specialist, Project Development Division

FROM           Will Packard, Highway Environmental Specialist, Project Development Division

SUBJECT       Hazardous Materials, Noise and Air Quality Re-evaluation Memo for the Murray to Plattsmouth Environmental Assessment (CN 21209).

## **Overview**

A hazardous materials review (HMR), noise study and Level II Mobile Source Air Toxics qualitative evaluation were prepared by NDOT as part of the Environmental Assessment (EA) documentation for the NDOT's Murray to Plattsmouth project. A re-evaluation of the project is warranted due to design and ROW changes. The changes include adding left turn lanes to the N-1 and US-75/N-34 intersection, modifying a driveway alignment and acquiring additional ROW from tract 37. The updated plans were reviewed to determine if there are any new impacts to noise, air or hazmat resources.

## **Hazardous Materials**

The approved HMR concluded that there is a low potential to encounter contamination during construction. The addition of the turn lanes and change in alignment to the driveway does not impact hazardous materials as no facilities of concern were identified in these areas. Furthermore, the additional ROW would not impact hazardous materials as the ROW proposed to be acquired is not part of a commercial property and no contamination has been identified in this area. Based on this information, the HMR determination of a low potential remains the unchanged.

## **Noise**

After review of the changes, the noise study does not need to be updated. The addition of the turn lanes proposed at the N-1 and US-75/N-34 intersection does not alter the roadway or the traffic to the extent where noise levels would be predicted to change. In addition, no receptors were identified in the immediate vicinity of the intersection. Finally, the driveway proposed to be realigned does not carry significant traffic and therefore was not included in the noise model.

**Air**

A Mobile Source Air Toxics Level II qualitative assessment was completed as part of the EA because the project was considered to have a low potential for MSAT effects (FHWA 2016 Guidance on MSAT Analysis for NEPA Documents). None of the proposed project design or ROW changes would create a higher potential for MSAT effects; thus, would not warrant a Level III MSAT quantitative analysis. The approved MSAT memo is still valid.



\_\_\_\_\_  
Name

\_\_\_\_\_  
1/31/20

Date

Will Packard, Highway Environmental Specialist  
Project Development Division  
NDOT

## Smith, Jacob

---

**From:** Soula, Sarah  
**Sent:** Tuesday, February 18, 2020 1:28 PM  
**To:** Smith, Jacob  
**Cc:** Bui, Tony  
**Subject:** RE: PS&E Re-evaluation, 21209, Murray - Plattsmouth

Jacob,

I apologize for the delay. I've reviewed the changes and I don't recommend additional public involvement. Let me know if you need anything else. Thanks

### Sarah Soula

*External Affairs Manager*

Nebraska Department of Transportation  
OFFICE 402-479-4871  
[sarah.soula@nebraska.gov](mailto:sarah.soula@nebraska.gov)

---

**From:** Smith, Jacob <jacob.smith@nebraska.gov>  
**Sent:** Thursday, January 30, 2020 3:18 PM  
**To:** Stupka, Stacy <stacy.stupka@nebraska.gov>; Manzanares, Mercy <mercy.manzanares@nebraska.gov>; Packard, Will <Will.Packard@nebraska.gov>; Soula, Sarah <sarah.soula@nebraska.gov>; Hassler, Christopher <christopher.hassler@nebraska.gov>  
**Cc:** Pitts, Luke <luke.pitts@nebraska.gov>; Soper, Jon <jon.soper@nebraska.gov>  
**Subject:** FW: PS&E Re-evaluation, 21209, Murray - Plattsmouth

All,

Please see below for information regarding project changes that have occurred since the last NEPA re-evaluation completed for this project on [April 3, 2018](#) (re-eval linked for reference). Please have reviews completed by **Friday, February 14**. If you run into any issues during your review that will make this date unachievable or need additional information, please let me know.

Thanks,

### Jacob Smith

Project Development - Environmental Documents Unit  
402.479.3632 - [jacob.smith@nebraska.gov](mailto:jacob.smith@nebraska.gov)



---

**From:** Smith, Jacob  
**Sent:** Friday, January 17, 2020 11:05 AM



**To:** Stupka, Stacy <[stacy.stupka@nebraska.gov](mailto:stacy.stupka@nebraska.gov)>; Manzanares, Mercy <[mercy.manzanares@nebraska.gov](mailto:mercy.manzanares@nebraska.gov)>; Soper, Jon <[jon.soper@nebraska.gov](mailto:jon.soper@nebraska.gov)>; Packard, Will <[Will.Packard@nebraska.gov](mailto:Will.Packard@nebraska.gov)>; Soula, Sarah <[sarah.soula@nebraska.gov](mailto:sarah.soula@nebraska.gov)>; Hassler, Christopher <[christopher.hassler@nebraska.gov](mailto:christopher.hassler@nebraska.gov)>  
**Cc:** Pitts, Luke <[luke.pitts@nebraska.gov](mailto:luke.pitts@nebraska.gov)>  
**Subject:** PS&E Re-evaluation, 21209, Murray - Plattsmouth

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Please let me know if any of these changes will alter your effect determinations or require substantial amounts of additional review.

Thanks,

**Jacob Smith**

Project Development - Environmental Documents Unit  
402.479.3632 - [jacob.smith@nebraska.gov](mailto:jacob.smith@nebraska.gov)



## Smith, Jacob

---

**From:** Hassler, Christopher  
**Sent:** Wednesday, February 19, 2020 9:13 AM  
**To:** Smith, Jacob  
**Subject:** RE: PS&E Re-evaluation, 21209, Murray - Plattsmouth

Hey Jacob,

After collecting the most recent data and examining the project location, I don't find any EJ/LEP populations present for this project. No further EJ/LEP analysis is needed.

I do want to note why this current analysis differs from my 2016 EJ/LEP memo. In 2016, I wrote a memo that found no EJ/LEP populations present according to the data, but did identify an EJ population in a mobile home park about ¾ mile distant from project site. The project information I had in 2016 was less definite, so despite the distance from the actual project site, I included the mobile home park in my analysis in case any access changes might have impacts to that population.

At present, I can see that there will be no restrictive access changes to E. Wiles Road between US-75 and Chicago Ave. (the most direct route from the mobile home park to US-75), and construction activities won't extend to anywhere nearby the mobile home park. So, given these facts, and given the distance from the actual project site/construction activities, I am not including this mobile home park as an EJ population in this current review.

Please let me know if you need anything else,  
Thanks,  
Chris

---

Christopher Hassler  
Highway Civil Rights Coordinator  
Nebraska Department of Transportation  
1500 Highway 2  
P.O. Box 94759  
Lincoln, NE 68509-4759  
Phone: 402-479-3553  
Fax: 402-479-3728

---

**From:** Smith, Jacob <jacob.smith@nebraska.gov>  
**Sent:** Tuesday, February 18, 2020 12:36 PM  
**To:** Hassler, Christopher <christopher.hassler@nebraska.gov>  
**Subject:** RE: PS&E Re-evaluation, 21209, Murray - Plattsmouth

Hey Chris,

Wanted to touch base with you. How is the subject line review going? Do you need more information?

Thanks,

**Jacob Smith**

Project Development - Environmental Documents Unit  
402.479.3632 - [jacob.smith@nebraska.gov](mailto:jacob.smith@nebraska.gov)

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**To:** Stupka, Stacy <[stacy.stupka@nebraska.gov](mailto:stacy.stupka@nebraska.gov)>; Manzanares, Mercy <[mercy.manzanares@nebraska.gov](mailto:mercy.manzanares@nebraska.gov)>; Packard, Will <[Will.Packard@nebraska.gov](mailto:Will.Packard@nebraska.gov)>; Soula, Sarah <[sarah.soula@nebraska.gov](mailto:sarah.soula@nebraska.gov)>; Hassler, Christopher <[christopher.hassler@nebraska.gov](mailto:christopher.hassler@nebraska.gov)>

**Cc:** Pitts, Luke <[luke.pitts@nebraska.gov](mailto:luke.pitts@nebraska.gov)>; Soper, Jon <[jon.soper@nebraska.gov](mailto:jon.soper@nebraska.gov)>

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