

# NDOR/FHWA Programmatic Agreement Categorical Exclusion Training



**Location: Holiday Inn SW, Lincoln, NE**

**Date: 1st Session – NDOR - September 2nd and 3rd, 2015  
2nd Session - Consultants / Local Public Agencies - September 9th and 10th, 2015**

**Presented By NDOR and FHWA  
Hosted By LTAP**



U.S. Department of Transportation  
**Federal Highway Administration**



# AGENDA

## NDOR/FHWA Programmatic Agreement / Categorical Exclusion Training September, 2015

Holiday Inn Southwest, Lincoln, NE (8:30 AM -4:30 PM)

Presented By: NDOR and FHWA, Hosted By: LTAP

### DAY ONE:

<b>Presentation Topic</b>	<b>Presenter</b>
<b>Welcome Statements</b>	<b>Khalil Jaber (NDOR) and Joe Werning (FHWA)</b>
<b>Introductory Remarks</b>	<b>Mike Owen, (NDOR)</b>
<b>Overview of the Development of the New Programmatic Agreement, Implementation of the New PA, Structure of the Course</b>  <b>Attendee's Expectations of the Training.</b>	<b>Jason Jurgens (NDOR) and Melissa Maiefski (FHWA)</b>
<b>NDOR Streamlined Project Development Process &amp; Procedures (Department Overview)</b>	<b>Amy Starr (NDOR)</b>
<b>Project Planning Enhancements</b>	<b>Brandie Neemann (NDOR)</b>
<b>Floodplain Reviews and Project Coordination Meetings</b>	<b>Julie Wells (NDOR)</b>
<b>Environmental Reviews</b>	<b>Dillon Dittmer (NDOR)</b>
<b>Linking the Plan in Hand and NEPA</b>	<b>Lorraine Legg (NDOR)</b>
<b>Streamlining Project Delivery LPA STYLE</b>	<b>Larry Legg (NDOR)</b>
<b>BREAK</b>	
<b>Section 106 PA, Forms, Guidance, Concurrence Process</b>	<b>Stacy Stupka-Burda (NDOR)</b>
<b>LUNCH</b>	
<b>Section 4(f) Forms, Guidance, Concurrence Process</b>	<b>Melissa Maiefski (FHWA)</b>

<b>Hazardous Materials Review Forms and Guidance</b>	<b>Will Packard (NDOR)</b>
<b>BREAK</b>	
<b>Civil Rights Process &amp; Requirements</b>	<b>Chris Hassler (NDOR)</b>
<b>Public Involvement Process for CE Documents</b>	<b>Sarah Kugler, (NDOR)</b>
<b>Quality Control / Quality Assurance</b>	<b>Jason Jurgens (NDOR)</b>
<b>Questions / Discussion</b>	<b>FHWA / NDOR Staff</b>

**DAY TWO:**

<b>Introduction of the CE “Smart Form”</b>	<b>Dillon Dittmer (NDOR)</b>
<b>CE Guidance Review by Topic</b>	<b>NEPA Staff (NDOR)</b>
<b>Break</b>	
<b>CE Guidance/Form Review by Topic</b>	<b>NEPA Staff (NDOR)</b>
<b>Lunch</b>	
<b>CE Guidance/Form Review by Topic</b>	<b>NEPA Staff (NDOR)</b>
<b>Class Group Exercise – Example Project - Fill in a Form</b>	<b>NEPA Staff (NDOR)</b>
<b>CE Reevaluations</b>	<b>Scott Stapp (FHWA)</b>
<b>Break</b>	
<b>Contracting for CE Environmental Services Under the New PA</b>	<b>Dawn Knott (NDOR)</b>
<b>Questions / Discussion</b>	<b>FHWA / NDOR Staff</b>

# **CE Process Questions or Comments???**

**Send an email to the following address:**

**[DOR.Environmental@nebraska.gov](mailto:DOR.Environmental@nebraska.gov)**

***(Not For Project Questions – Process Only)***

**Answers will be posted on the NDOR Environmental Web page to share with all at:**

**<http://www.transportation.nebraska.gov/environment/ce.htm>**

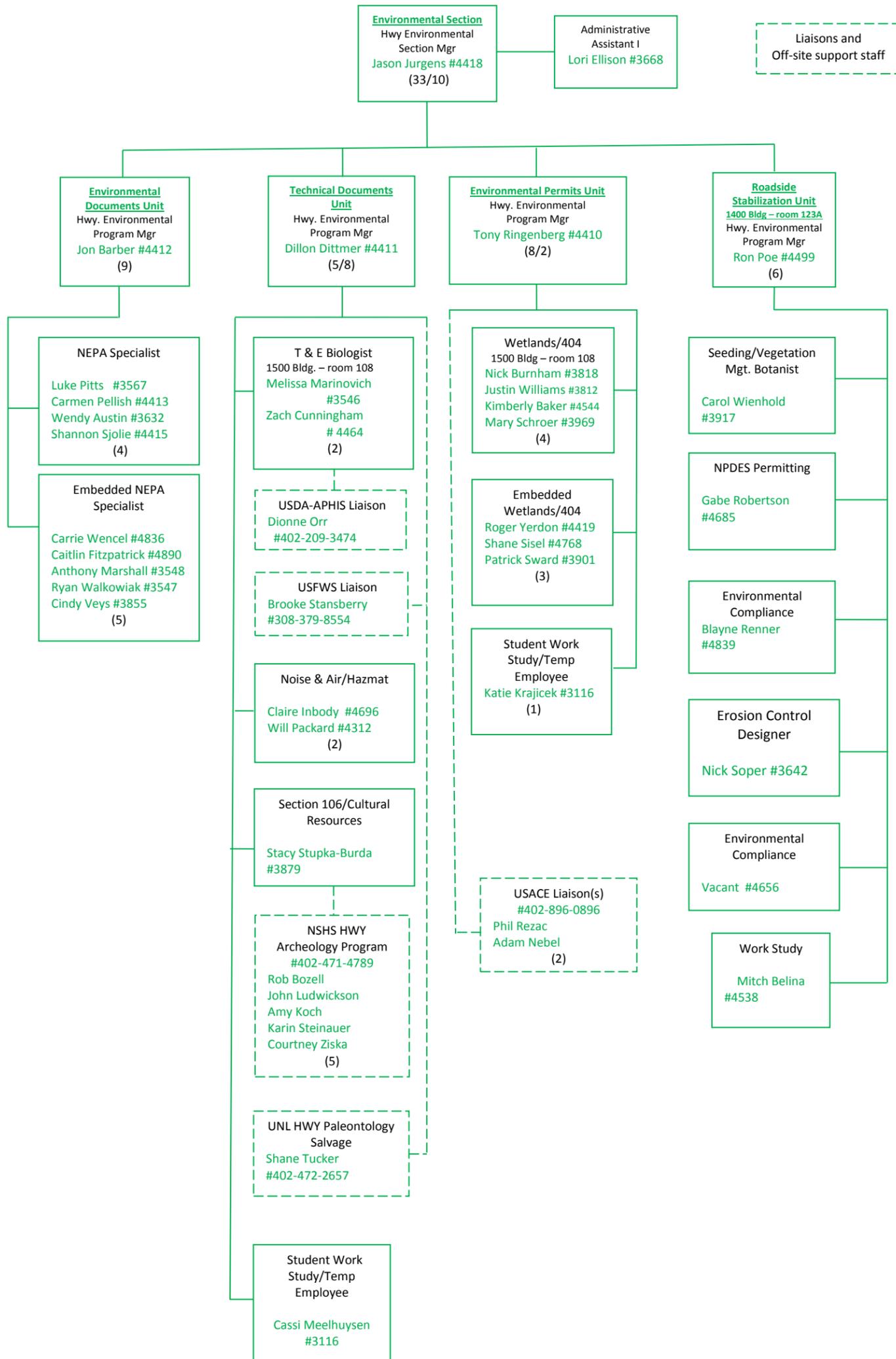
***Video of the training and a pdf of the workbook can also be accessed on this site (posted after training is complete).***



# NDOR Environmental Section Organization Chart

## August 28, 2015

NDOR internal 4 digit phone numbers are listed #XXXX  
 If calling from outside NDOR complete phone numbers  
 begin #402-479-XXXX (use the 4 digit # listed)





PA Overview  
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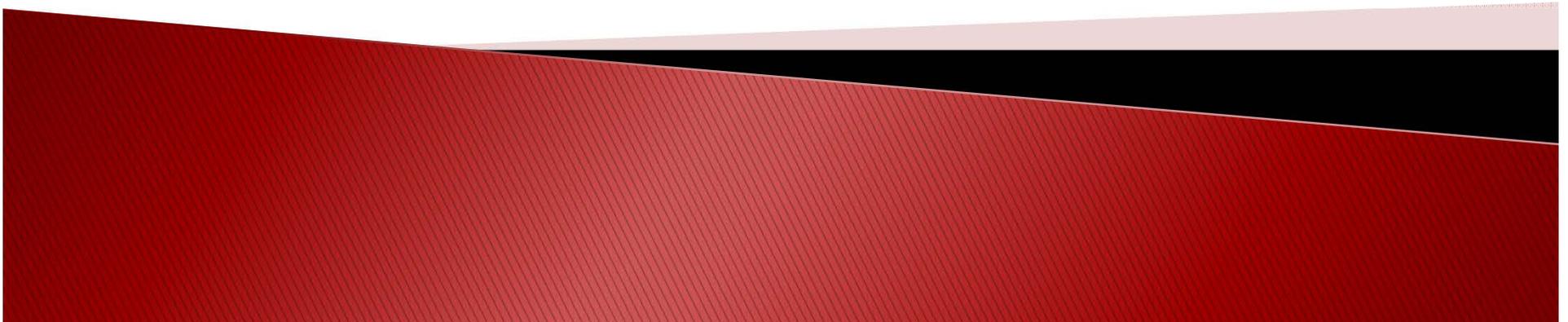






# NDOR's

“New” Categorical Exclusion Programmatic  
Agreement



# Goals of the PA

- ▶ Increase efficiency in project delivery
- ▶ Thorough environmental review under NEPA
  - Meet new MAP-21 requirements
  - Redefine FHWA and NDOR Processing and Approval responsibilities
- ▶ Develop supporting and integrated Programmatic Agreements

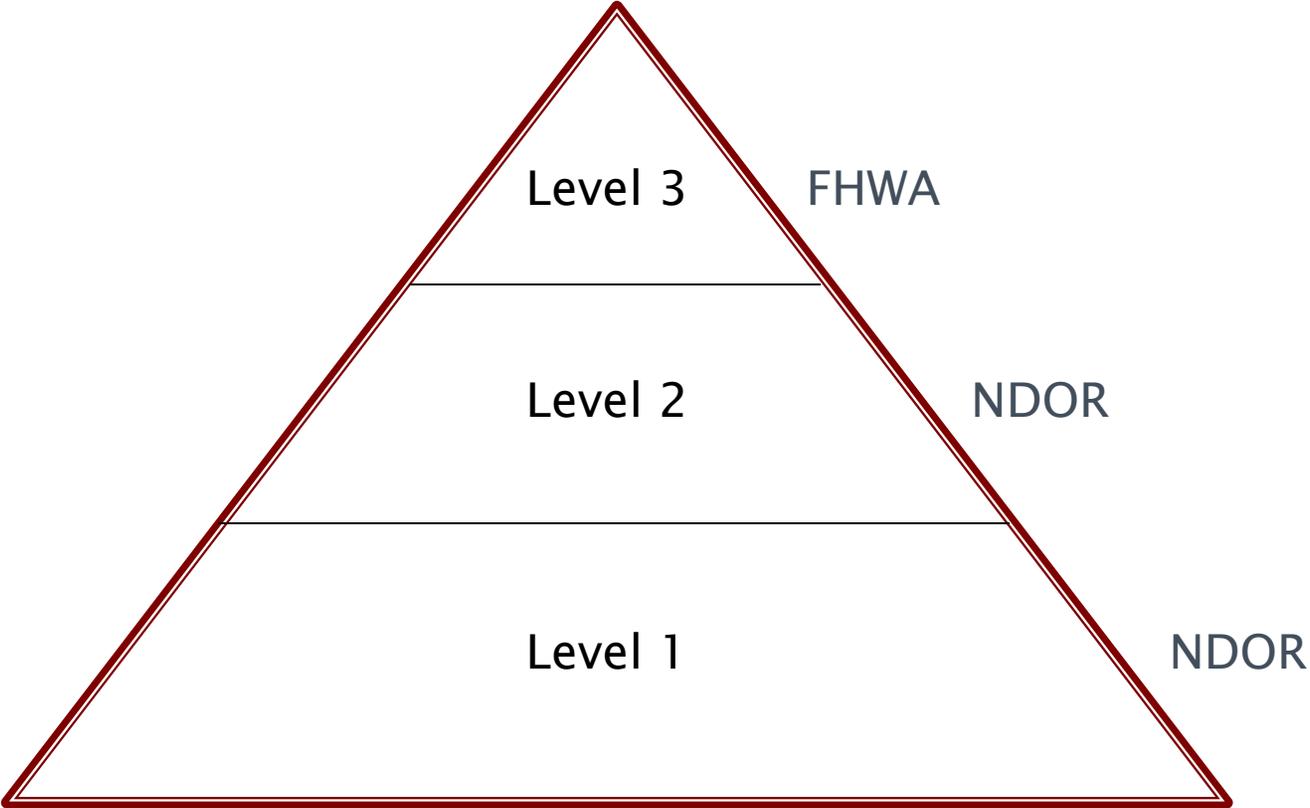


# What We Achieved

- ▶ NEW Categorical Exclusion Programmatic Agreement (CE PA)
- ▶ NEW CE Forms and Instructions
- ▶ NEW Section 106 PA and Guidance Document (*Day 1*)
- ▶ NEW Section 4(f) Assessment Forms and Guidance Document (*Day 1*)
- ▶ NEW “Interim” Public Involvement Procedures (*Day 1*)



# CE Processing/Approval Authority



# Level 1 CE Examples

ACTIVITY TYPES	THRESHOLDS
Maintenance Projects	No ROW or Easements needed
Some Safety Projects	Allows Wetland Impacts up to 0.5 acre.....No PCN required
Emergency Relief Projects	No Section 4(f) use
Bike and Pedestrian Facilities on Existing Alignments	No Potential to Affect or No Historic Properties Affected
Projects within the Existing Operational ROW	No T&E Species impacts resulting in a “May Affect” determination per the T&E Species <i>Matrix</i> PA
Projects less than \$5M	Allows detours (minor traffic disruption) up to 30 days

# Other Level 1 CE Thresholds

- ▶ No Wild and Scenic River Impacts
- ▶ No Floodplain impacts > 1 ft. rise.....
- ▶ No Coast Guard Permit
- ▶ No Hazardous Materials conflict
- ▶ No 6(f) conversions
- ▶ Limits access closures
- ▶ Not a Type I project per NDOR's Noise Policy (23 CFR 772)
- ▶ No adverse impacts to EJ populations



# Level 2 CE Examples

## ACTIVITY TYPES

3R Projects (c)(26) and (28)

Safety Projects (c)(27)

- Roundabouts require some coordination w/FHWA

RR Grade Separation (c)(28)

- Not on new alignment
- Includes pedestrian crossings

Trails on New Alignment

Minor Realignment Activities

- < 1 mile in length

Projects within the existing Operational ROW (c)(22)

Projects that are less than \$5M (c)(23)



# CE Level 2 Thresholds

- ▶ No Section 9 Coast Guard permit
- ▶ No Individual Section 404 permit or Section 10 permit from the Corps of Engineers
- ▶ No impacts in, across or adjacent to Wild and Scenic Rivers
  - Includes Nationwide Rivers Inventory listed rivers

Norden Chute  
Niobrara National  
Scenic River  
Keya Paha, Co.



# CE Level 2 Thresholds

- ▶ No finding of 'Adverse Effect' to historic properties
  - New 106 PA saves  $\approx$  6 weeks in process per project
  - Over 95% of all projects will stay with NDOR for approval
  - Created Tiered 106 PA and draft Guidance (*Day 1*)
    - Tier 1 (No Potential to Affect)
    - Tier 2 and 3 NDOR PQS Memo's
    - NEW Identification and Evaluation Documentation for HAP/Consultants



Filley Stone Barn, Gage Co.

# CE Level 2 Thresholds

- ▶ No Section 4(f) use greater than *de minimis* impacts, an excepted use or use of a programmatic evaluation
  - Created a Section 4(f) assessment form (*Day 1*)
    - How to identify and analyze properties
    - Initial use determination
  - Created Section 4(f) Exceptions Checklist (*Day 1*)
  - Created new *de minimis* form (*Day 1*)



Valentine National Wildlife Refuge  
Cherry, Co.

# CE Level 2 Thresholds

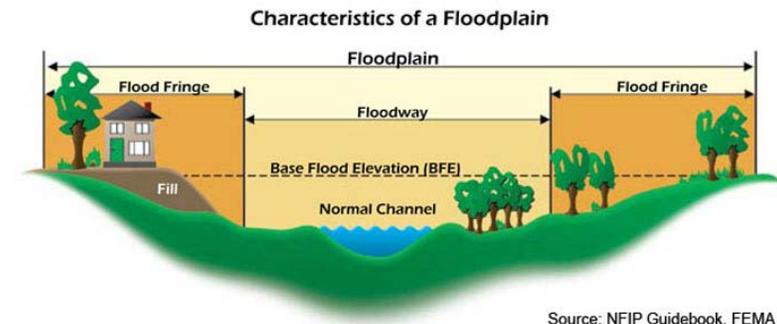
- ▶ No finding of “may affect, likely to adversely affect” T&E species
  - 95% of all projects will not trigger this threshold per the T&E *Matrix* PA
  - No use of unique conservation measures requiring consultation with resource agencies



Salt Creek Tiger Beetle

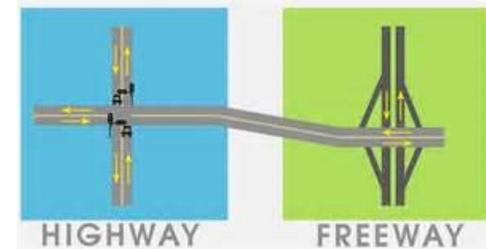
# CE Level 2 Thresholds

- ▶ No floodplain encroachments other than functionally dependent uses.....
  - Encroachment = an action with the limits of the base floodplain [23 CFR 650.105(e)]
  - Dependent use = actions directly associated with a bridge or culvert
  - (c)(22), (c)(23) and elevated Level 1 CE projects are not subject to this threshold
  - **NEW guidance under development** (*Day 1*)



# Level 2 CE Thresholds

- ▶ No addition of through-lane capacity
  - Allows auxiliary lanes < 1 mile in length
- ▶ Allows for Minor ROW acquisition
  - No Displacements
  - < 2 acres per linear mile
  - No removal of major property improvements
- ▶ No changes in access control *that result in a change to the functional utility of adjacent properties*



# CE Level 2 Thresholds

- ▶ Temporary access...closures...that would Result in Major Traffic Disruption
  - No conversion resulting in a higher classification of roadway
  - Allows temporary access/detours up to 135 working days (one construction season)
  - Detours are limited to
    - 5 miles adverse travel in urban areas
    - 25 miles adverse travel in rural areas
  - No adverse affect to through traffic-dependent businesses



# Other Level 2 CE Thresholds

- ▶ No High Potential for Hazardous Materials conflicts
  - **New HazMat Guidance.....*Recently Approved*** ( Day 1 )
- ▶ Not a Type I project per NDOR Noise Policy 23 CFR 772
- ▶ Not a MSAT Level 3 or Regionally Significant Project
- ▶ **No potential for disproportionately high and adverse impacts to EJ populations** ( Day 1 )



# Other CE PA Provisions

- ▶ Performance measures
  - Reporting
  - Training
  - **QA/QC Procedures ( Day 1 )**
- ▶ Monitoring
  - Joint NDOR/FWHA process review
- ▶ Variance request
- ▶ **Re-evaluation procedures ( Day 2 )**
- ▶ **“Smart Form” development (NE-CE Application)**

Welcome to the Nebraska Department of Roads' (NDOR) Categorical Exclusion (CE) Smartform, developed by NDOR in collaboration with the Federal Highway Administration (FHWA). The CE Smartform is based on NDOR's and FHWA's 2015 Programmatic CE Agreement that determines the level of CE analysis and review based on the type and intensity of project impacts. There are three CE levels: Level 1 is for CEs that have minor impacts and Levels 2 and 3 are for CEs that have progressively more intense impacts, but do not require an Environmental Assessment or Environmental Impact Statement. The CE Smartform uses computer logic to determine which CE resources need to be evaluated based on user inputs and then makes a recommendation for the appropriate CE level (1, 2, or 3). The user can override the recommended CE level on the Form Admin tab.

To start or resume a CE, choose your project's control number from the drop down box below. To learn more about the Programmatic CE Agreement between NDOR and FHWA, the NDOR guidance for completing CEs, the guidance on the CE Smartform, or the information to contact Smartform support staff, simply choose from the links on the black bar at the top of your screen.

Select an existing project:

Project Name: Mead North  
Control Number: 11806  
Recommended CE Level: 3  
Override CE Level: 2

Form Admin | Project Info | ROW & Property | Water & Ecological | Human & Social | Other Impacts | Indirect & Cumulative | Mitigation

### Human & Social Resources

Historic: Properties | HAZMAT | Noise | Air Quality | Roadway | Traffic/Diversion | Access Diversion | Env Justice | Public Involvement

10.1 Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)?  
 Yes  No

10.2 Will the action result in Section 106 effects other than a "No Potential to Cause Effects" or a "No Historic Properties Affected" determination?  
 Yes  No

10.3 Will the project result in an "adverse effect" to any historic property?  
 Yes  No (No Adverse Effect)

10.4 Historic Property Determination

No Adverse Effect	NDOR PQS Determination Date: 09/20/2015
Has coordination occurred with SHPO?	SHPO Concurrence Date: 09/20/2015
Has coordination occurred with THPO?	
Has coordination occurred with CLG?	CLG Concurrence Date: 09/20/2015

# Moving Forward

- ▶ Smart Form and Guidance Evolution...
  - ...expect change
    - September and December “spot” review
    - Expect adjustments in Early 2016
- ▶ Integration of Planning and Design Phase Environmental Reviews (GIS)
  - Will replace current IER and Probable Class of Action
- ▶ New project description guidance
  - Emphasis on readability and flow.....tell the story



# Moving Forward

- ▶ Incorporation of Technical Forms
  - T&E Matrix Forms
  - Section 106 Forms
  - 4(f) Forms
  - Hazardous Material Reports (HMR)
- ▶ **Contract Adjustments** (*Day 2*)
  - Revised Contract Estimating Tool (CET)
  - Revised Scope of Services
  - Transition adjustments



# QUESTIONS ???

- ▶ What do You Want/Expect from this Training???

Agreements, Guidance, Forms, Training Video and a print-ready copy of the Workbook can be found at:

<http://www.transportation.nebraska.gov/environment/index.htm>





Proj. Dev. Process  
(Insert tab here)







# Streamlining Project Delivery



# Reflecting New Efficiencies

After conclusion of the FHWA/NDOR Project Delivery Efficiency Team, NDOR focused on revising the process to ensure consistency with new PA, procedures and guidance.

## When:

- June 2015–August 2015

## Who:

- 25 NDOR Leaders from Delivery and Districts
- 6 Teams with Goals and Assignments

## Team Focus Areas:

- Programming and Planning
- Delivery
- Harmonizing State and Local Processes



# What will we talk about today?

## Streamlined Programming and Planning

- Programming and Planning Considerations
- Project Description Guidance
- Planning Level Floodplain and Floodway Assessment
- Planning Level Environmental Review Guidance

## Refined Delivery

- Internal Project Coordination Meeting Guidance
- Design Level Environmental Review Guidance
- Plan In Hand (PIH), Report Format and Guidance to Inform NEPA

## Harmonized State and Local Processes

- Simplify internal and external coordination by standardizing:
  - Terminology
  - Forms
  - Coordination
  - Internal Clarity Use



# How fast will this happen?

## All Projects

September 2015–October 2015

- Create new project templates
- Finalize guidance

## State Projects

October 2015 through January 2016

- Update State Design Process Outline
- Analyze over 650 Active projects to determine transition plan
- Implement refined schedules and processes

## Local Projects

December 2015 through March 2016

- Analyze over 120 Active LPA projects to determine transition plan
- Implement refined schedules and processes
- Updates will be reflected in LPA RC training Spring 2016



Proj. Planning  
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# Project Planning Enhancements



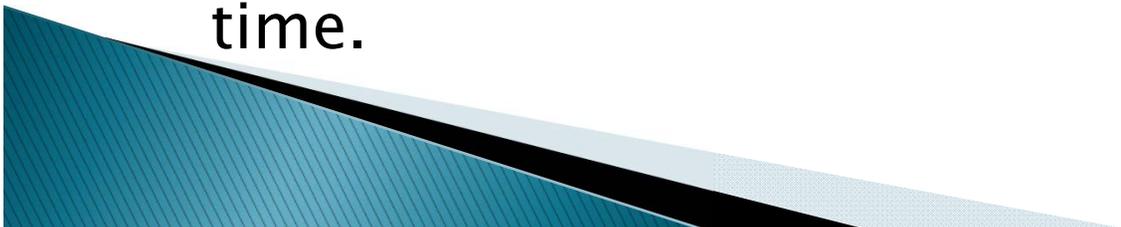
# Project Programming and Planning

- ▶ We are only as good as our plan
- ▶ This is a critical phase in project delivery that needs to be strengthened
- ▶ It takes teamwork!
- ▶ Project Delivery Efficiency Teams 1 and 2
  - Team 1: Project Planning Considerations Tool (PPC)
  - Team 2: Streamlined Project Programming & Planning Process



# Emphasis on Planning

- ▶ Good plans shape good decisions! Calculate the steps forward, don't stumble backwards.
- ▶ So what do we do?
  - Develop an accurate scope
    - Focus on elements that affect:
      - Cost
      - Schedule
      - Footprint
      - Potential impacts
    - Decrease or eliminate:
      - Scope change
      - Re-work
      - Need for additional ground or environmental survey
- ▶ **GOAL: Deliver the RIGHT project at the RIGHT time.**



# How can we accomplish this?

- ▶ Enhance District Engineer or Local Project Sponsor involvement earlier
- ▶ Conduct early coordination meetings with cross section of project delivery staff
- ▶ Establish project footprint earlier
- ▶ Identify resources based on footprint, not mile markers
- ▶ Conduct targeted surveys
- ▶ Complete more design, sooner
- ▶ Engage in strategic public involvement



# Enhanced District Engineer or Local Project Sponsor Involvement

- ▶ We must think ahead!
- ▶ Consult the experts! Who knows more about the project during programming than the District Engineer or Local Project Sponsor?
- ▶ The District Engineers and Local Project Sponsors will be asked to provide input early and often
  - This will enhance timely coordination and facilitate communication between NDOR and the LPA



# Project Planning Considerations Tool

## ▶ Purpose:

- Provoke thought about what the District Engineer or Local Project Sponsor may want to accomplish with the project
- Communication!
  - Project issues, concerns, or community desires are not always apparent
  - We have metrics, photos, databases
  - We don't know what we don't know!
    - Overtopping areas
    - Maintenance issues
    - Erosion issues



# Project Planning Considerations Tool

## Project Planning Considerations (Comments for DR73 & DR530)

### Common issues with projects:

#### Pavement

- Should surfaced shoulders be considered? (2', 6', 8', 10'?) Should a 28' top be considered?
- Are you aware of location specific pavement problems? If so, please provide as much information as possible. (i.e. location and specific problem or issue)
- Are there subgrade issues? (location)
- Are the existing right turn lanes in high speed, unsignalized, rural locations offset?
- Are there existing fly-by lanes to be evaluated for conversion to a left turn lane?
- Are there turn lanes where the existing surfaced shoulder width was used to accommodate the necessary width?
- Are there superelevation or cross slope issues?
- Are there turn-outs or access to Historical markers, rest areas, scenic overlooks, etc. be considered in project scope?
- Will mailbox turnouts be constructed or reconstructed?
- Are there intersections with substandard geometry for consideration of modifications (island modification/repair, etc.)?

#### Drainage/Erosion Control

- Do culverts need to be repaired, replaced or replaced with bridges?
- Are there areas that need hydraulic analysis? (Road overtopping, upstream flooding etc.)
- Are there challenges associated with the erosion of the shoulder that could be remedied by the project?
- Are there locations where snow control issues could be mitigated through grading of the back slopes?
- Are parallel dikes/drop structures needed at the top of backslopes?
- Are there irrigation structures that will be impacted (include name of irrigation company, if known)?

#### Grading/ Guardrail

- Are there unprotected steep side slopes to be considered for mitigation?
- Are there guardrail locations that a cost effective analysis should be completed to evaluate eliminating the guardrail and flattening the foreslopes or otherwise eliminating the object being shielded?

#### Environmental

- Are there governmental, historical, public or recreational facilities along the project corridor?
- Is the project in an MS4 community? (Generally communities with populations in excess of 10,000 people)

#### Urban

- ADA work: List known issues with improving curb ramps to meet ADA (ROW, Historic, replace with park land, etc. etc.)
- Are there areas for consideration of curb repair?
- Are there storm sewer/manhole or utility components that need to be repaired or adjusted to grade? (broken lids, etc.)
- Do the returns to the side streets need to be surfaced/resurfaced?
- City concerns/issues to consider.
- Do the lighting or traffic signals need to be considered for rehabilitation?
- Does the City want utility rehabilitation to be included in the project contract?

## Project Planning Considerations (Comments for DR73 & DR530)

#### Structures

- Are there erosion issues requiring inlets and drop pipes to be added on the bridge approaches?
- Will a contractor crossing be necessary? (Location?)
- Are there cattle passes on the project, if so, provide as much detail as possible (i.e. location, current use, needed for drainage)

#### Railroad

- Name of railroad and whether it is parallel or crossing.
- Does crossing need repair or widening? (condition)
- Will the crossing need to be raised? (pavement determination)

#### Constructability

- Is a detour recommended?
  - What is the preferred detour route?
  - Will improvements be necessary on the proposed detour?
- Are there local celebrations to avoid?

#### Other

- Business considerations (i.e. trucking, etc.) within or in close proximity to project

### Are there locations where snow control issues could be mitigated through grading of the back slopes?

- Anticipated issues that may arise during ROW negotiations
- Are there potential impacts to utilities?
- Are there intersections that need to be checked to see if they meet the warrant for street lighting?
- Are permanent pavement markings or signs to be included with project?

# Project Planning Considerations Tool

## ▶ Goals:

- Clarify project expectations
- Discovery during planning, not Plan in Hand
- Reduce scope change
- Reduce scope creep
- Reduce re-work



# The DR-73 & Planning Document

- ▶ What's a DR-73 & Planning Document?
- ▶ Planning Documents are created for nearly all NDOR projects to document the intent of the project and to establish important baseline conditions (i.e., cost, schedule, standards, scope....)
- ▶ They are an attachment to the DR-73, our Project Initiation Request form.
- ▶ Every DR-73 and Planning Document is packaged together for approval by NDOR Administration



# Streamlined DR-73 & Planning Document Development

- ▶ Right-sizing
- ▶ Focus on essential elements of scope
- ▶ Address PPC items
  - Include in project scope?
  - Exclude from project scope?
- ▶ Reduce review and approval time
- ▶ Take advantage of efficiencies gained by the new CE process
- ▶ Elements of the DR-73 and Planning Document development process will be mirrored for Local Projects



# Project Descriptions

- ▶ NDOR requires this for all projects, regardless of type or CE level
- ▶ Current Project Description template:
  - 5 pages
  - Over 40 bullet points options
  - Introductory narratives
  - It's LONG, and sometimes CONFUSING!
- ▶ "Living" document that is updated as the project moves through Design
- ▶ Originally created to align with the T&E Checklist when NEPA work began at scoping



# Project Descriptions

- ▶ NDOR established a team to partner with FHWA to create a new Project Description
- ▶ Eliminate bullet points and replace with a narrative of major work items
- ▶ GOAL: Reduce the level of detail to minimize the need to update or modify the content as the project continues through Design.
  - Reduce re-work
  - Reduce re-consultation
- ▶ Provide supplemental scope of work details to assist document writers



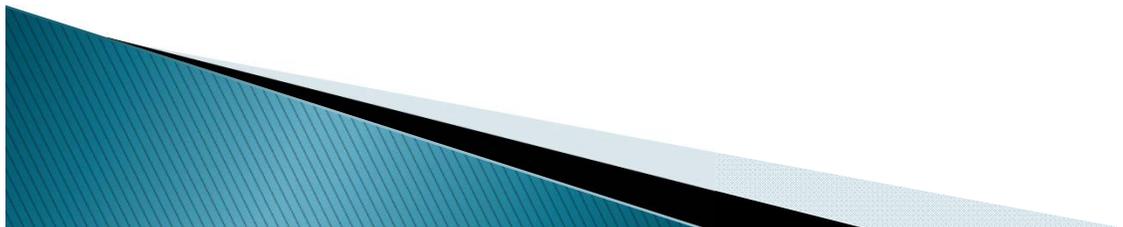
# Project Descriptions

- ▶ NDOR has had preliminary discussions with FHWA, but additional work is necessary
- ▶ Currently developing BEFORE and AFTER Project Description samples for illustration
- ▶ Once a new template is created, Project Description changes will be implemented on new projects.
- ▶ Implementation for active projects has not been discussed



# Early Floodplain/Floodway Identification

- ▶ Early identification of the floodplain and floodway are critical to successful project delivery
- ▶ This information was previously included in the Initial Environmental Review (IER) that was produced by the Environmental Section
  - This review has now been moved downstream in the delivery process and will be called the Preliminary Environmental Review (PER)



# Early Floodplain/Floodway Identification

- ▶ The Project Scoping Unit will now complete a PRESENCE/ABSENCE determination during the Planning Phase
- ▶ This will be documented in the Planning Document
- ▶ Potential Outcome:
  - Plan for the time it takes by adding tasks to schedule!
  - Advance critical tasks for completing analysis
  - Consider scope modifications to avoid impacts
- ▶ Roadway Design and/or Bridge Division will provide additional analysis as more details are available.





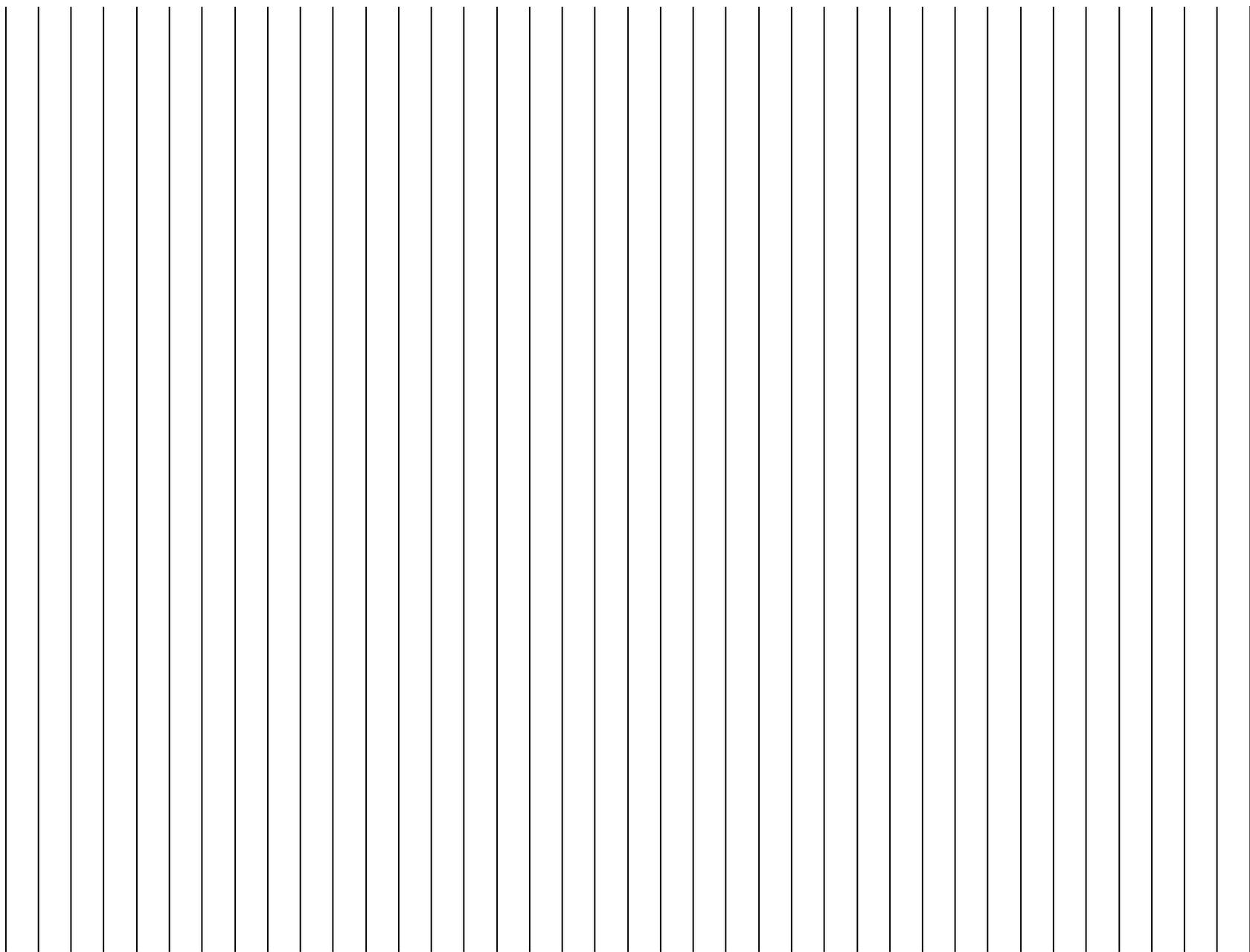
Environ. Reviews  
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PIH and  
NEPA, LPA  
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# Plan-in-Hand Report

Aligning With Required NEPA Permitting  
Information



# Revised Plan-In-Hand Report

- Modifying to align with the new CE Smart Form:
  - Want to make sure we capture information needed to complete the CE Smart Form
  - The PIH report sections that contain information needed in the CE Smart Form are identified by the corresponding section numbers in the CE Smart Form itself
  - The PIH report will be the Scoping Document

# ▶ SmartForm



CE Smartform

Guidance ▾

About

Contact

Hello, DORDOMNT1\DOR12097!

**Project Name:** Pavement Marking Platte County (LET)

**Control Number:** 00793C

**Recommended CE Level:** 1



Form Admin

Project Info

ROW & Property

Water & Ecological

Human & Social

Other Impacts

Indirect & Cumulative

Mitigation

## ROW & Property Impacts

ROW & Easements

Section 4(f)

Section 6(f)

Non-Threshold Impacts

1.1 Will the action require the acquisition of new temporary or permanent right-of-way (including easements)?

Yes  No  N/A

1.2 Will the action result in acquisition of greater than 2 acres per linear mile (estimated) or the removal of major property improvements?

Yes  No

1.3 Describe type of property required for ROW and/or potential impacts to major property improvements:

1.4 Estimated Acres of Permanent ROW/Easements:

1.5 Estimated Acres of Temporary ROW/Easements:

1.6 Will the action result in any residential or nonresidential displacements?

Yes  No

1.7 If Yes, describe the displacements.

User notes about content on this tab (Note: this information will not print on the CE Form):

Save

# Revised Plan-in-hand Report

- Example

- ★ **Right-of-Way (1.1 – 1.5, 16.1):**

- (1.1) ROW (including temporary or permanent easements) will/will not be acquired on this project.

- (1.2) *(If ROW will be required:)* The estimated amount of ROW acquired will/will not be greater than 2 AC/mile. *(To determine average acres per mile, include the total estimated acreage all ROW required for construction (including temporary and permanent easements). For projects under a mile in length, the estimated total acreage of easements/ROW must be less than 2 acres.)*

- (1.3) The type of property proposed to be acquired is *(provide description, i.e., farmland, pasture, business, home, apartment/rental, occupied/vacant, functional/dilapidated)*.

- (1.4 – 1.5) The preliminary estimate of ROW acquisition is : \_\_ acres of permanent ROW/Easements, and \_\_ acres of temporary ROW/easements.

- (1.2) Major property improvements are/are not be proposed to be removed as a part of this project. The improvements to be removed are *(Provide description. Examples of major property improvements include residential and business structures, functional garages or outbuildings, or other features which would change the functional utility of the property. Examples of minor improvements include fencing, landscaping, sprinkler systems, and mailboxes.)*

- (16.1) Note if any accesses to businesses or residences will be permanently closed. Lot corner establishment: contract item? Access Control Committee recommendation

- ★ **Relocation Assistance (1.6 – 1.7):** Note if relocation assistance or building removal will be required.

- (1.6) There are up to # relocations anticipated; up to # residential, and up to # non-residential.

- (1.7) *(Describe the type of non-residential relocation; i.e., type of activity conducted by the business or farm)*

# Revised Plan-In-Hand Report

- ▶ Revised PIH Report Outline goal of Sept 2015
- ▶ Designers will begin following the report outline – October 2015









# Streamlining Project Delivery **LPA STYLE**

August 24, 2015

New  Revised  
State of Nebraska  
Department of Roads  
**Project Initiation Request**

**TO BE COMPLETED BY PROGRAM MANAGEMENT SECTION**

Control No.: 40833  
FUNDING:  Federal  State  Other  
Project No.: STPO-97-3-1021  
 Asset Preservation  Capital Improvement  
Project Name: Tryon - Mullen

**APPROVALS**

Requester: [ ] Consider Safety Funds  
Requester: [ ] City/Local Participation

District Engineer: Thayer, Gary Date: 7/13/2015  
Approved by Program Management Engineer: [ ] Date: 7/8/2015  
Approved by Deputy Director/Engineering: Knott, Jim Date: 8/20/2015  
Estimate: 11,400,899.00

Name of Estimator: Egerton, Tony Date: 1/20/2015

**PROJECT LIMITS**

Highway No.	From Ref. Post	To Ref. Post	Length	Lane Direction	County	Who?	National Functional Classification
097	44.210	56.820	12.610			Who?	RDUAL/MAJOR COLLECTOR

**EXISTING CROSS SECTION**

Segment	Traveled Way Width	Total Shoulder Width	Surface Shoulder Width	Surface Description
097 31.060 - 44.210 B	34.000	6.000	0.000	ASPHALT
097 44.210 - 52.450 B	22.000	4.000	0.000	ASPHALT
097 52.450 - 56.820 B	22.000	4.000	0.000	ASPHALT

**PAVEMENT DATA**

Segment	NSI	PSI	Rut Depth	Fracturing	Age	Optimum Year	Critical Year
097 31.060 - 44.210 B	63.74	3.40	2.55	0.0	18	2015	2017
097 44.210 - 52.450 B	66.76	3.70	2.64	0.0	18	2015	2017
097 52.450 - 56.820 B	63.13	3.30	2.06	0.0	47	2012	2012

**PROJECT TRAFFIC DATA**

Highway No.	From Ref. Post	To Ref. Post	ADT	3R Year	20 Year ADT	% Trucks
097	44.210	56.820	305	389	453	5

Safety Analysis Required:  Yes  No  
Crash History and Safety Analysis Completion Date: 6/5/2013

**BRIDGE DATA**

Structure No.	Type	Length	Clear Span Width	No. of Spans	Rise	Sufficiency Rating

Bridge Division reviewed these structures on: \_\_\_\_\_

**PURPOSE & NEED**

**PROJECT DESCRIPTION**

SEE SCOPING PLANNING DOCUMENT FOR DETAILS

**PROPOSED DESIGN STANDARDS**

3R Standards  Yes  No New 3 Reconstruction  Yes  No

Tryon - Mullen  
Letting: 10052017

**DR-73 Planning Document**  
June 25, 2015  
STPO-97-3-1021  
FY 15

CN 80823  
RD 44-21 - RD 56-82  
Mooker County  
12.51 miles

**Purpose & Need**

The purpose of this project is to preserve the transportation asset, improve the reliability of the transportation system and perpetuate the mobility of the traveling public.

The need for this project is based on information from the NCDOR's Pavement Management System. Mainline 5 Hesaron Pavement Design section and District 6. These entities have determined that the pavement distresses present on this section of N-97 are significant enough to warrant rehabilitation. The existing asphalt is between 55 and 59 years old, and will be 58 and 62 years old at the time of construction, and therefore at or beyond the end of its anticipated service life. The asphalt on this segment is currently rutted between 3.54 mm and 3.68 mm. In the most recent five years, an average of \$2,263 per lane per mile has been spent annually on maintenance activities, including patching, armor coating, and shoulder maintenance. This expenditure is indicative of a roadway in "poor" condition. The existing roadway has large areas of patching and wide and depressed thermal cracks. This project will address pavement on N-97 with a Nebraska Serviceability Index (NSI) of 58.33, a "Fair" condition rating, a Cracking Index of 30, a "Poor" condition rating, and a Thermal Cracking Index of 100, a "Poor" condition rating.

The need for curb and flumes is to limit erosion of the shoulders and (ditch) ditches and reduce future maintenance costs.

The need for an alignment shift and use of sheet piles is to avoid environmentally sensitive areas in the vicinity of the Uramal River.

The FHWA and NCDOR have identified upgrading roadside safety hardware to a crashworthy appearance as a part of SR (Resurfacing, Restoration and Rehabilitation) projects as one of the emphasis areas to mitigate the severity of roadway departure crashes. Pursuant to this emphasis, guardrail will be upgraded as necessary.

\* NSI is a pavement condition index used to gauge the overall health of a pavement section. It is a calculated numerical value based on pavement distresses such as transverse, longitudinal, and longitudinal cracking. Its value ranges on a scale of 0 to 100, with 0 being "very poor" condition and 100 being "very good" condition.  
\* The Cracking Index is a rating value used to quantify the amount of cracking based on the severity and extent noted during a visual inspection, with 0 being "1000" and anything over 50 being "poor".  
\* The Transverse Thermal Cracking Index is expressed as an index on a scale of 0 to 100 with 0 being the best condition and 100 the worst. The index reflects the severity and extent of transverse cracking on a bituminous pavement.

This report was prepared by Planning & Project Development Division  
Comdor Studies Unit

Page 1 of 11  
Olsson Associates - ATE

# Streamlining Project Delivery Planning LPA Style

- Project Planning Considerations:
  - Much of this information is not currently available or submitted for LPA projects:
    - Crash Data
    - Pavement Determination
    - Bridge Determination
- If the LPA performs planning tasks, it currently is not part of the programming submittals.

# Streamlining Project Delivery Preliminary Design LPA Style

- Project Planning Considerations
  - Recommend that the LPA submit this or a similar document
- Construction Meeting Agenda
  - Recommend holding this meeting, however timing may be different than a NDOR project or may combine with a PCM meeting
- Plan-In-Hand Report Outline
  - LPS will adopt a PIH outline that has been modified to fit the LPA projects for review and distribution.

# Streamlining Project Delivery Environmental Review LPA Style

- Early Environmental Review will need to be customized for the LPA projects
  - Planning Environmental Review  
AND
  - Design Environmental Review
- Will need to be modified to fit LPA projects as information will be available at different points in the design process than NDOR projects.

# Streamlining Project Delivery

## Project Coordination Meetings

### LPA Style

- Project Coordination Meetings will be held for Local Projects
  - LPS will administer the meetings
- LPS will work with the Environmental Section to determine:
  - Format and timing of the meetings
  - Attendance
  - Deliverables

# Project Coordination Meetings LPA Style

## NDOR PROJECT

- PCM 20
  - Occurs Following Program Phase
  - At the End of the Planning Phase
  - Ground Survey has been Completed and Initial Footprint has been Determined

## LPA PROJECT

- PCM 20
  - Occurs TBD
  - Ground Survey has been Completed and Initial Footprint has been Determined



# Project Coordination Meetings LPA Style

## NDOR PROJECT

- PCM 30
  - Following the Planning Phase and Construction Meeting
  - After Design has been Refined Based on Environmental Resources and Determined Impacts
  - Prior to Distribution of PIH Plans to the District and Before Completing the PIH Visit

## LPA PROJECT

- PCM 30
  - Following the Planning Phase and Construction Meeting
  - After Design has been Refined Based on Environmental Resources and Determined Impacts
  - Prior to Distribution of PIH Plans and Before Completing the PIH Visit

# Project Coordination Meetings LPA Style

## NDOR PROJECT

- PCM 35
  - At the End of the Design Phase
  - After the PIH Report has been Distributed
  - Prior to the Public Involvement Phase
- PCM 70
  - After ROW Acquisition
  - Prior to PS&E Turn-In

## LPA PROJECT

- PCM 35
  - At the End of the Design Phase
  - After the PIH Report has been Distributed
  - Prior to the Public Involvement Phase
- PCM 70
  - After ROW Acquisition
  - Prior to PS&E Turn-In

# Reviewing Environmental Resources to Determine CE Level

## ▶ REVIEW THRESHOLD LEVELS

- HIGHWAY CAPACITY, TRAFFIC DISRUPTIONS, PROPERTY ACCESS
- ROW
- RIVERS, WETLANDS, FLOODPLAINS
- THREATENED & ENDANGERED SPECIES
- SECTION 106, SECTION 4(f)
- HAZARDOUS MATERIALS
- TRAFFIC NOISE & AIR
- MINORITY/LOW INCOME POPULATIONS
- PUBLIC INVOLVEMENT

# Streamlining Project Delivery Clarity Schedule LPA Style

- LPS will mirror the NDOR Clarity template with modifications
  - Program Agreement
  - Consultant Procurement
  - Previous mentioned departures from NDOR process
    - PCM, Construction Meeting, etc.



# QUESTIONS & COMMENTS





# **Project Coordination Meetings and Floodplain**

**(Insert tab here)**







# Floodplains

»» Floodplain Encroachment

Floodplain Certification

The CE and Floodplains

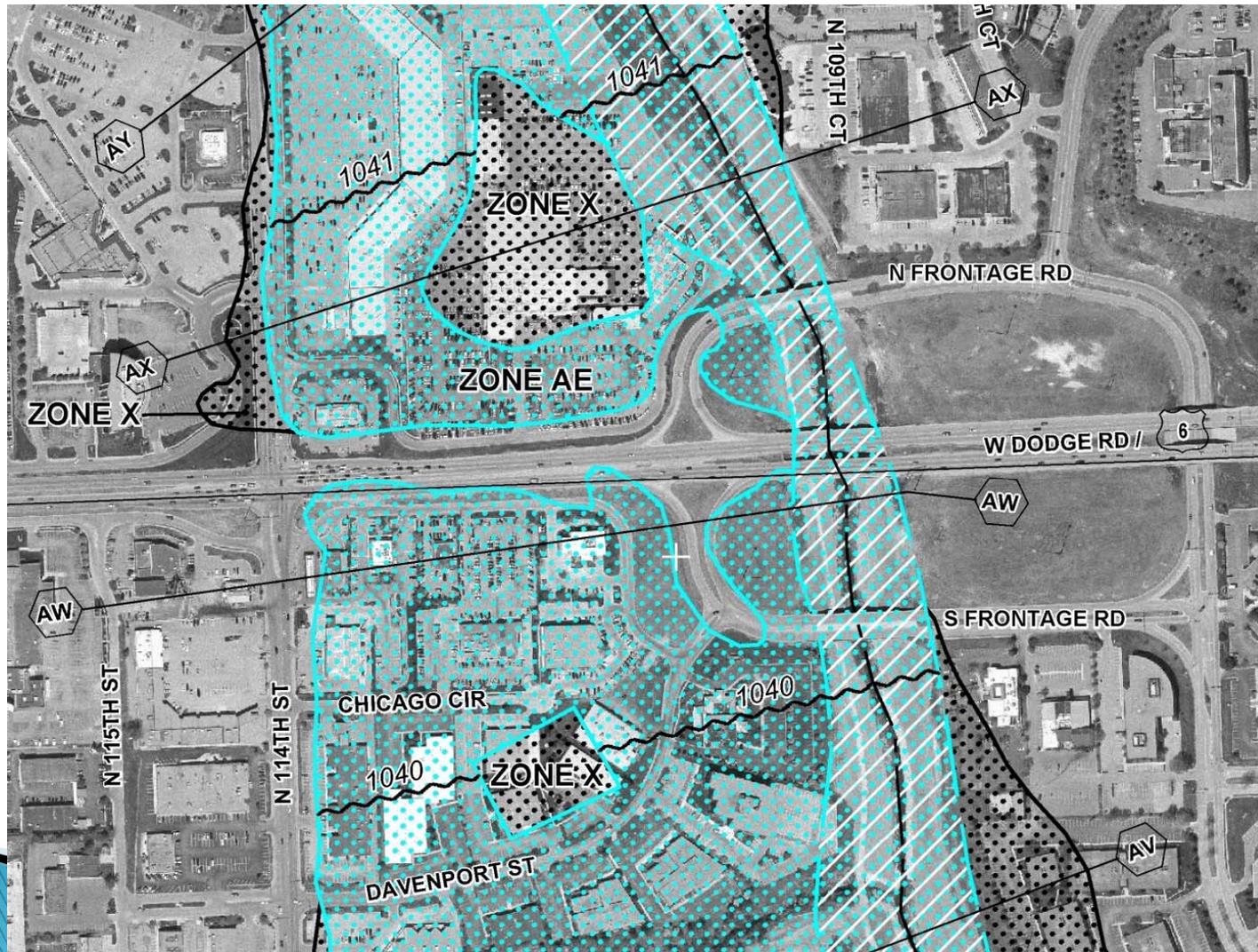
# Floodplain Encroachment

## Encroachment: What *exactly* is it?

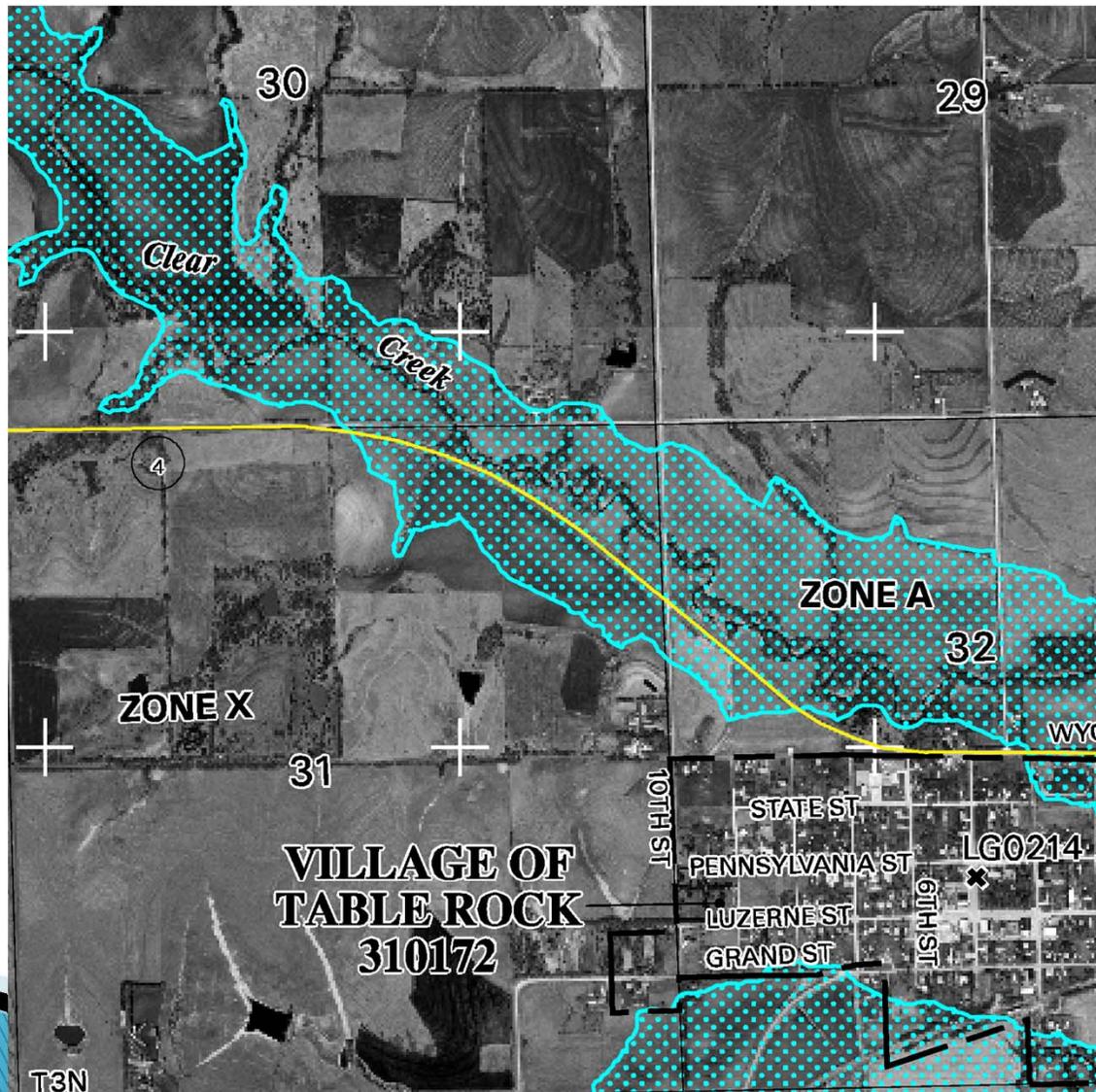
- An *encroachment* is an action within the limits of the base floodplain
  - Does the project cross a mapped floodplain (Or drainage area exceeding 640 acres in an unmapped community/no FIRMs available)?
  - Does any part of the project within the limits of construction fall within floodplain boundaries?
- Each location where an *encroachment* occurs will need to be addressed.



# Floodplain Encroachments – Type 1 (Highway crosses a floodplain)



# Floodplain Encroachments - Type 2 (Highway Parallels a Creek)



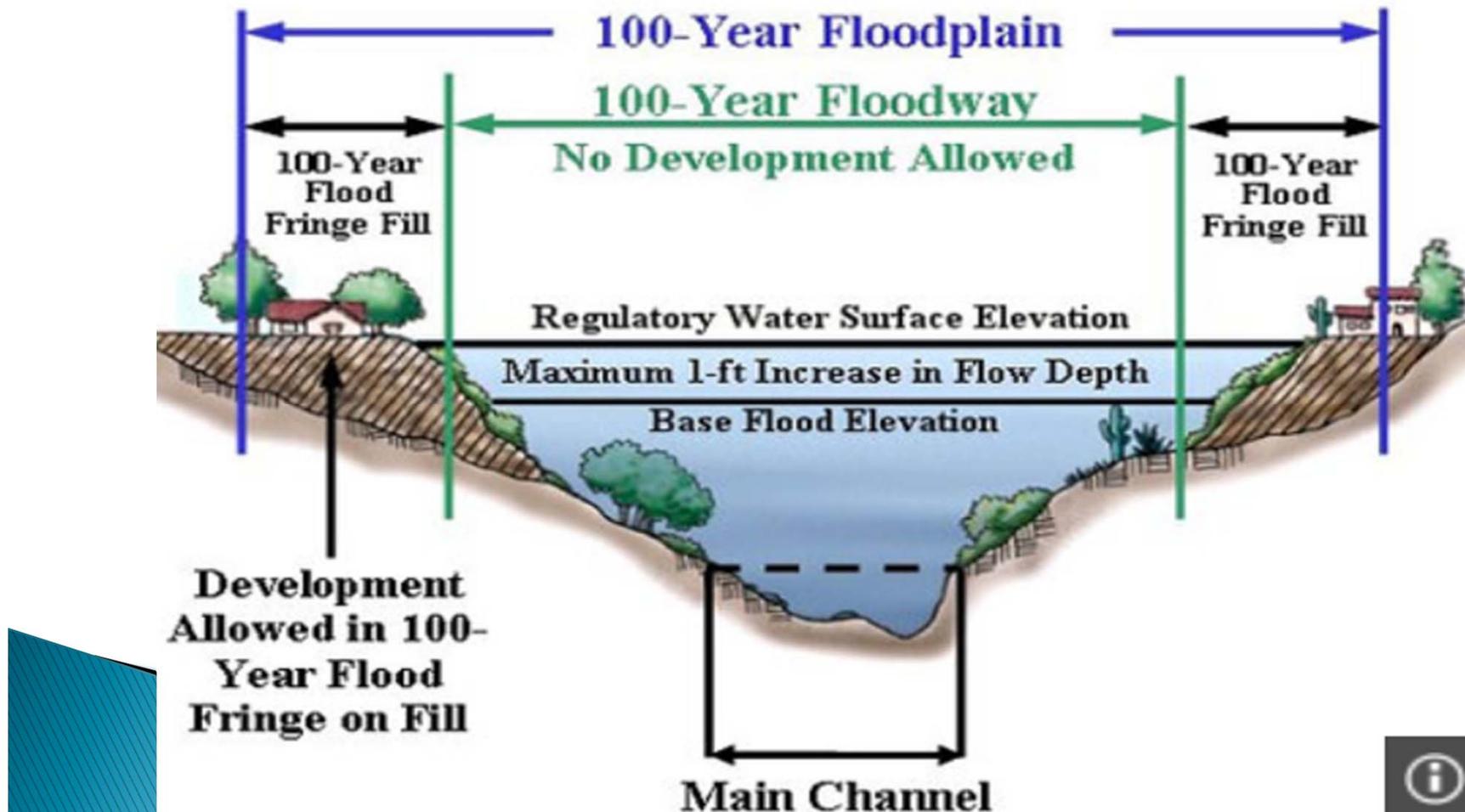
# Floodplain Identification Resource

- ▶ Where do I find a map??
  - Nebraska Department of Natural Resources (NDNR)
    - [http://prodmaps.ne.gov/html5dnr/?viewer=dnr\\_floodplain](http://prodmaps.ne.gov/html5dnr/?viewer=dnr_floodplain)
  - Federal Emergency Management Agency (FEMA)
    - <https://msc.fema.gov/portal>



# Redundancies Created During Project Delivery

- ▶ Proposed redundancies within project delivery process in identifying Floodways and Floodplains on projects



# Redundancies Created During Project Delivery

- ▶ Early Identification Floodplain/Floodway on DR73
- ▶ Identify Floodplain/Floodway by Planning, Environmental Section, Roadway Design, and Bridge
- ▶ Final Scope (Plan-in-Hand) Report Includes Floodplain/Floodway Statement & Begin Analysis
- ▶ Floodplain Certification Completed by Bridge/Roadway Design Hydraulics (or Consultants)
- ▶ Roadway & Bridge Hydraulics Sections respond to questions from Community Floodplain Administrators or Environmental Section



# Floodplain Certification Process

- ▶ The Process is in itself an avoidance, minimization and mitigation strategy.
- ▶ Early identification of Floodway/Floodplain locations can affect pavement/bridge determinations at each location to minimize impacts.
- ▶ Completing a hydraulic analysis to determine impacts to the floodplain also identifies locations of potential liabilities.
- ▶ Maintain open communication with NDNR regarding NDOR's Floodplain compliance process.

# Floodplain Certification Process

- ▶ Completed by Bridge and/or Roadway Design Hydraulics (Or Consultant)
- ▶ Certification includes:
  - **Certification of Compliance** that base floodplain will not increase more than one foot at any location, and/or there is no rise along the base floodway
    - Stamped and Sealed by Registered P.E.
  - **Memo** with Summary of Project
  - **Analysis** at each Encroachment
  - **FIRMette Maps**
- ▶ Sent to the Environmental Permits Unit for the Floodplain Permit Application Submittal and Acquisition.



# Floodplains and NEPA – CE Form

## ▶ The CE Form

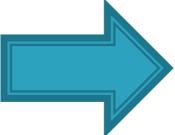
**6.1 Floodplain/Floodway** – Will the action occur within the boundaries of a mapped Zone A floodplain or a mapped floodway?

Yes (1)     No (1)     N/A

If Yes, attach permits to the CE document. If a floodplain permit has not been obtained, add commitment that one will be obtained prior to the start of construction.

**6.2** Will the action cause a greater than 1-foot rise in the Base Flood Elevation (*BF E*), any rise in a floodplain that potentially impacts an adjacent structure, or any rise in a floodway?

Yes (3)     No (1)     N/A



**6.3** Will the actions reviewed under Appendix B, Paragraphs (26), (27), and (28) result in a floodplain encroachment other than functionally dependent uses or actions that facilitate open space use?

Yes (3)     No     N/A

**6.4** Describe resources, impacts, and the coordination conducted with officials/agencies:

Summarize information for 23 CFR 650.111 (c-d)

**6.5** Floodplain/Floodway Mitigation

# When 23 CFR 650.111 Analysis Occurs

- ▶ When the Project falls under paragraphs (26), (27) or (28) from the “C List”  
(See 23 CFR 771.117 (c))

AND

- ▶ Not a Functionally Dependent Use or an Action that Facilitates Open Space Use



# 23 CFR 650.111 Analysis

## **§650.111 Location hydraulic studies.**

(a) National Flood Insurance Program (NFIP) maps or information developed by the highway agency, if NFIP maps are not available, shall be used to determine whether a highway location alternative will include an encroachment.

(b) Location studies shall include evaluation and discussion of the practicability of alternatives to any longitudinal encroachments.

(c) Location studies shall include discussion of the following items, commensurate with the significance of the risk or environmental impact, for all alternatives containing encroachments and for those actions which would support base flood plain development:

- (1) The risks associated with implementation of the action,
- (2) The impacts on natural and beneficial flood-plain values,
- (3) The support of probable incompatible flood-plain development,
- (4) The measures to minimize flood-plain impacts associated with the action, and
- (5) The measures to restore and preserve the natural and beneficial flood-plain values impacted by the action.

(d) Location studies shall include evaluation and discussion of the practicability of alternatives to any significant encroachments or any support of incompatible flood-plain development.

(e) The studies required by §650.111 (c) and (d) shall be summarized in environmental review documents prepared pursuant to 23 CFR part 771.

(f) Local, State, and Federal water resources and flood-plain management agencies should be consulted to determine if the proposed highway action is consistent with existing watershed and flood-plain management programs and to obtain current information on development and proposed actions in the affected watersheds.

# 23 CFR 650 Applicable Definitions

- ▶ Significant Encroachment
  - *Significant encroachment* shall mean a highway encroachment and any direct support of likely base floodplain development that would involve one or more of the following construction–or flood–related impacts:
    - (1) A *significant potential for interruption or termination of a transportation facility* which is needed for emergency vehicles or provides a community's only evacuation route.
    - (2) A *significant risk*, or
    - (3) A *significant adverse impact* on natural and beneficial floodplain values.
  
- ▶ Significant Risk
  - Potential for *property loss*
  - Potential *hazard to life* during the service life of the highway



# 23 CFR 650.111 Analysis

- ▶ (c)1 **Risks** associated with implementation of the action
  - Potential for **interruption or termination of a transportation facility** needed for emergency vehicles or a community's only evacuation route.
  - Potential for **Property Loss**
  - Potential for **Hazard to life** during the service life of the highway.
- ▶ (c)2 **The impacts on natural and beneficial floodplain values** (Fish, Wildlife, Plants, Open Space, Water Quality, Forestry, Groundwater Recharge, etc.)
- ▶ (c)3 The **support of** probable incompatible **floodplain development**
  - Does the project encourage development in the floodplain?
- ▶ (c)4 The **measures to minimize floodplain impacts** associated with the action, and
- ▶ (c)5 The **measures to restore and preserve** the natural and beneficial floodplain values impacted by the action.
- ▶ (d) Location studies shall include evaluation and discussion of the practicability of **alternatives to any significant encroachments** and/or **development in the floodplain**.

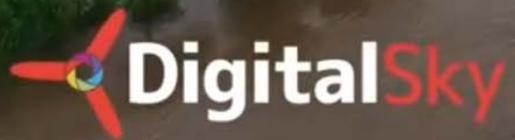


# 23 CFR 650.111 Process

- ▶ We are currently working with the Environmental, Roadway Design and Bridge Sections to develop our internal process and deliver this information for NEPA.
- ▶ Working with FHWA to determine appropriate level of effort.



# QUESTIONS?



***BEATRICE FLOOD 2015***

# Project Coordination Meetings

- »» • Purpose
- Footprint and Resources
- NEPA Level Thresholds
- Brief Meeting Descriptions

# Project Coordination Meetings

- ▶ New Name – Environmental Coordination Meetings → Project Coordination meetings
- ▶ Internal Meetings within NDOR involving Roadway Design, Environmental, Project Scheduling, Bridge Divisions and the District
- ▶ Aim to Improve District involvement and communication during the project development process
- ▶ CE Thresholds
  - Knowing the CE thresholds will help focus the Scope of work on the Project “need” and avoid environmental resources that might delay the project
  - If we are close to a threshold, we can consider ways to reduce the impacts if needed.



# Project Footprint vs. Resources

## ▶ Project Coordination Meetings

- Environmental brings resource information
- Design & Bridge bring the project footprint
- District personnel would bring knowledge of project scope and construction experience
- The meeting essentially overlays the footprint/scope on to resources to determine impacts and to consider thresholds
- If we are close to a CE NEPA Level threshold we will likely consider ways to reduce the impacts



# Reviewing Environmental Resources

- ▶ Review Threshold Levels to determine CE Level
  - Highway Capacity, Traffic Disruptions, Property Access
  - ROW
  - Rivers, Wetland, Floodplains, Section 404, Section 9
  - Threatened & Endangered Species
  - Section 106, Section 4F
  - Hazardous Materials
  - Traffic Noise & Air
  - Minority / Low Income Populations
  - Public Involvement



# Communication and NEPA Levels

- ▶ CE NEPA threshold levels will make a difference in the delivery time (*estimated times*)
  - Level 1 → 3 months for NEPA
    - Reviewed and Approved by EDU NEPA Analyst at NDOR
  - Level 2 → 6 months for NEPA
    - Reviewed and Approved by EDU Manager or Environmental Section Manager at NDOR
  - Level 3 → 12 months for NEPA
    - Reviewed and Approved by FHWA
- ▶ Scope needs to be determine and finalized to avoid changes in scope and project footprint

# Project Coordination Meetings

- ▶ PCM's are scheduled by Roadway Design
  - The four meetings are required for each project (Used to be 6 meetings – 10, 20, 30, 40, 50, 60)
    - PCM 20 – Beginning of Project
    - PCM 30 – Prior to Plan-In-Hand
    - PCM 35 – Following Plan-In-Hand
    - PCM 70 – CE Validation
  - Meetings are held on 1<sup>st</sup> and 3<sup>rd</sup> Mondays of each month, 1:00 – 4:00 PM



# Project Coordination Meetings – 20, 30, 35

- ▶ Occurs during key phases of the delivery process
- ▶ Each has specific purposes, key inputs, and desired outcomes defined (Meeting Protocol)
  - Finalize the project scope earlier during the delivery process
  - Better prepare us for a productive PIH field visit
  - Identify impacts to environmental resources which affect the CE NEPA level
  - Confirm assignment of NEPA level to a project to ensure that it is correct.

# Project Coordination Meeting – 70

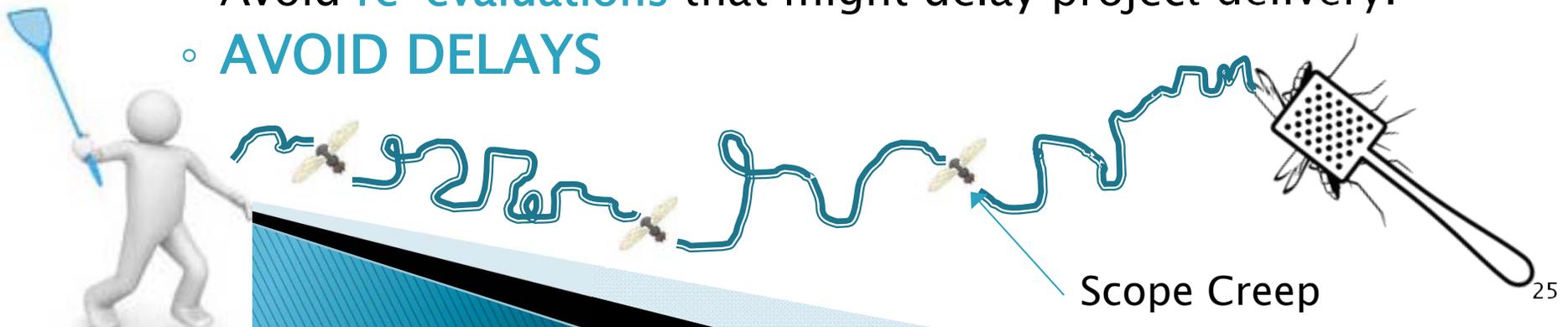
- ▶ Occurs after the ROW process and Prior to PS&E Turn-in
- ▶ Confirm the plans reflect and are consistent the project details identified by the Final Scope Report (PIH Report)
- ▶ Verify that Plans and Special Provisions reflect environmental commitments in the Green Sheet



# Project Coordination Meetings and CE Thresholds

## ▶ Summary

- **Understanding** the **NEPA thresholds** can help focus the Scope of Work on the “need”.
- New process allows for **increased communication** between District, Design, Bridge and Environmental **throughout** project delivery process.
- The best opportunity to influence the Scope of project is during the beginning of the project.
- Avoid **impacts** to environmental resources that might delay project delivery.
- Avoid **re-evaluations** that might delay project delivery.
- **AVOID DELAYS**









Section 106  
(Insert tab  
here)









# Nebraska Department of Roads

Section 106  
Stacy Stupka-Burda

# National Historic Preservation Act

- ▶ First enacted in 1966



1-80 construction in Nebraska



Trenton Dam, Swanson Reservoir

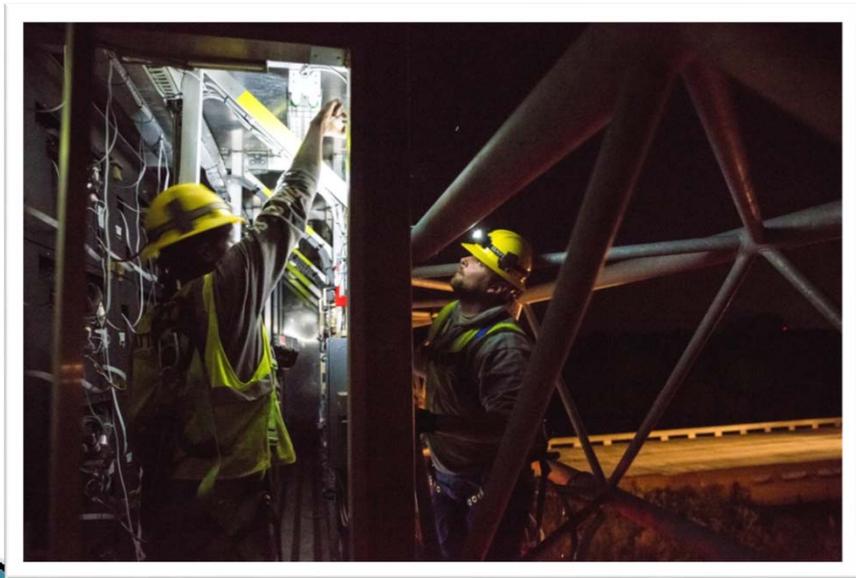
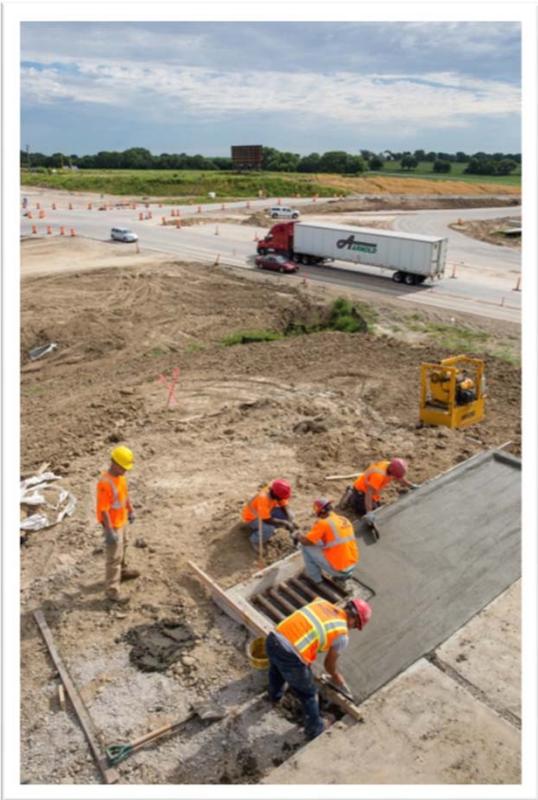
- ▶ Requires Federal agencies to take into account the effects of their undertakings on historic properties

### Undertaking:

Means a project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license or approval.



Cutting Back Slopes, Hall County  
Federal Aid Project #3, circa 1920



NDOR photos by Dan Luedert

# Section 106

- ▶ Establish Undertaking
- ▶ Determine whether or not projects activities have the potential to affect historic properties
- ▶ Identify historic properties
- ▶ Evaluate historic properties
- ▶ Determine the undertaking's effect on historic properties



Texas Trail Stone Corral, Chase County

# “Historic Property”

- ▶ Buildings
- ▶ Structures
- ▶ Objects
- ▶ Sites
- ▶ Districts



Fillmore County Courthouse

Historic Property = a property included in, or eligible for inclusion in, the National Register of Historic Places (NRHP)

# National Register of Historic Places

- ▶ The official federal list of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering and culture



Wiseman Archeological Site  
Cedar County



Harry T. Jones House, Seward



Loup River Bridge  
Columbus

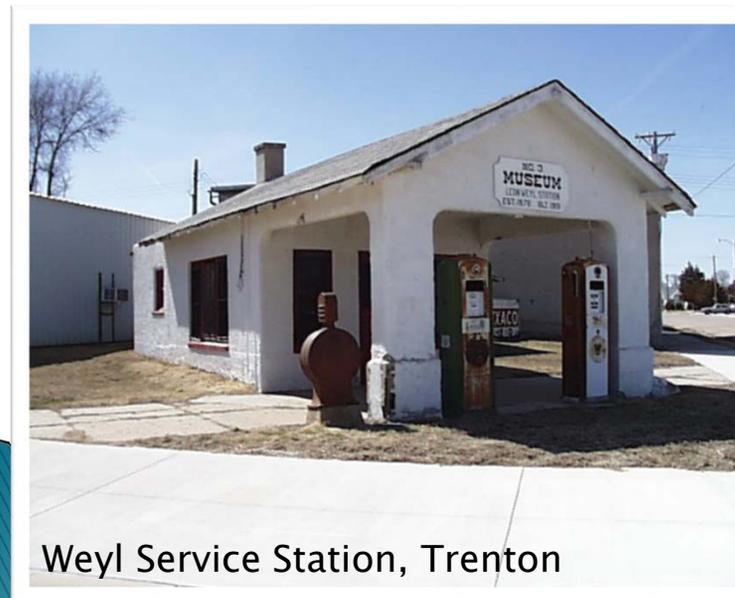
# Buildings



Cook Bone Barn  
Agate Fossil Beds National Monument



Ackerhurst-Eipperhurst Dairy Barn, Douglas County



Weyl Service Station, Trenton



Carnegie Library, North Bend

# Structures



Meridian Highway, Pierce County



Old Lincoln Highway, Douglas County

# Objects



Omaha-Lincoln-Denver Highway  
Marker

Alliance Central Park Fountain



Nebraska-Kansas Public Land  
Survey Marker

Richardson County, Nebraska  
Brown and Doniphan Counties,  
Kansas

# Sites



Meismer Bison Kill Site  
Keith County



Fort Mitchell  
Scotts Bluff County



Diamond Springs  
Stage Station  
Keith County

# Districts



Broad Street Residential District, Fremont



Alliance Commercial District

# Section 106 Programmatic Agreement

Developed in consultation with:

- Federal Highway Administration
- Nebraska State Historic Preservation Office
- Advisory Council on Historic Preservation



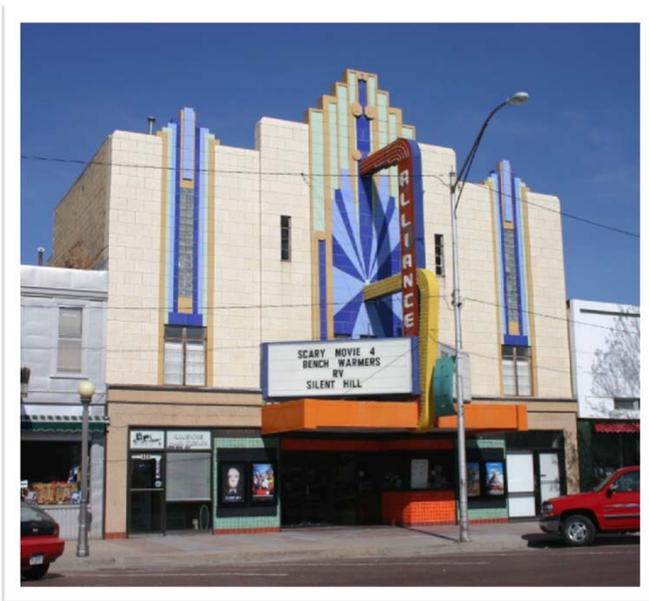
# What It Is, What It Isn't

- ▶ The Section 106 regulations have not changed
- ▶ Our level of effort has not changed

- 
- 
- ▶ The method of documentation has changed
  - ▶ The level of outside agency review has changed



- ▶ Executed July 31, 2015
- ▶ Streamlines and standardizes survey products & assessments
- ▶ Will save review time



Alliance Theater, Alliance

- ▶ Establishes a tiered review system based upon determination of project effects
- ▶ Does not change the level of effort required to complete identification and evaluation of historic properties

## Tier I

- ▶ No Potential to Affect Historic Properties
  - Installation of traffic signals, pedestrian signals\*
  - Crack sealing, pothole repair, pavement marking\*

\*Provided there is no new ground disturbance and brick streets are not involved

Tier I & Tier II reviews are completed by the NDOR Section 106 Professionally Qualified Staff (PQS)

## Tier II

- ▶ No Historic Properties Affected
  - Includes over 95% of NDOR projects

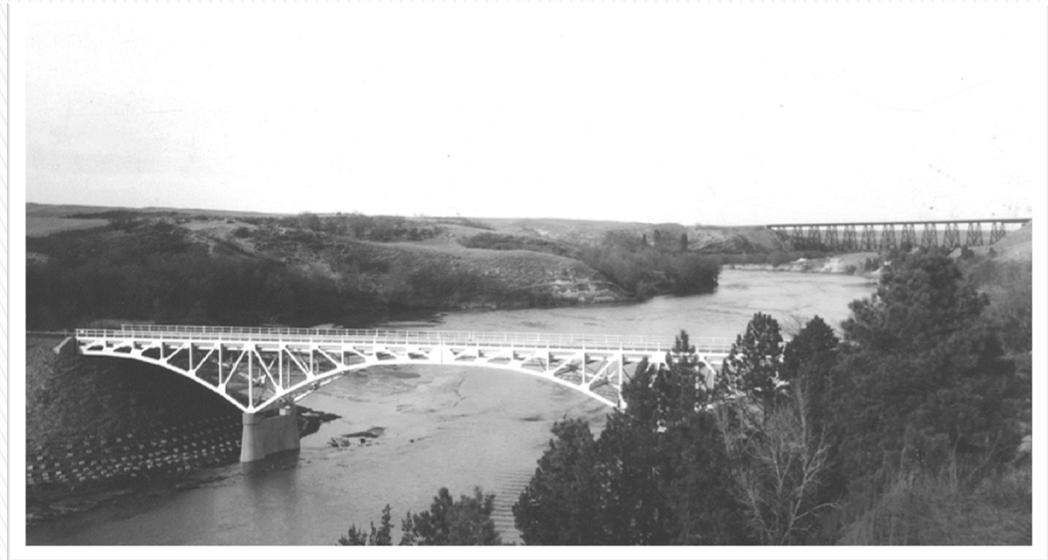


Snoke-Tate Farmstead, Cass County

## Tier III

- ▶ No Adverse Effect
- ▶ Adverse Effect

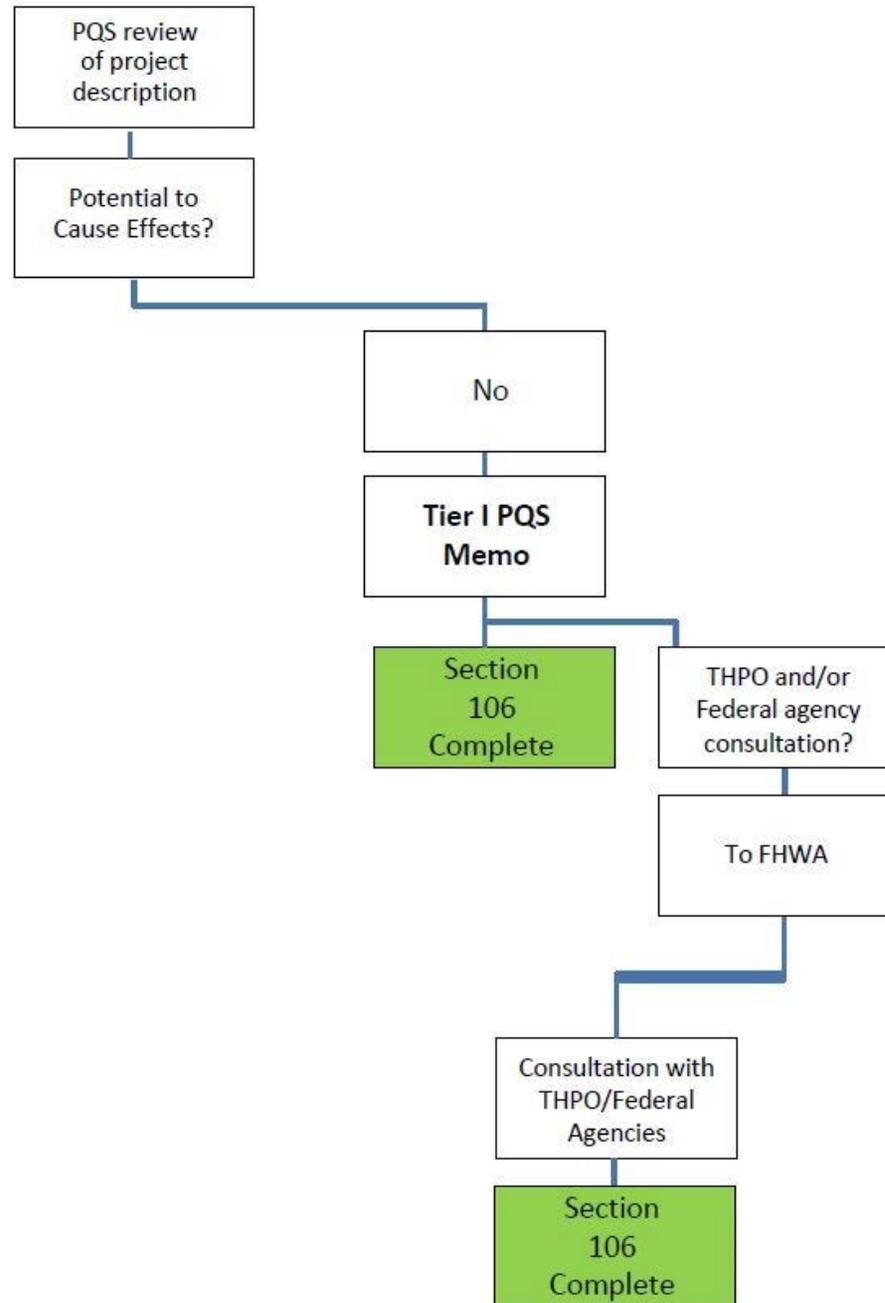
Bryan Bridge, Cherry County



- ▶ Review completed by NDOR PQS
- ▶ Submitted to FHWA for review and approval
- ▶ Concurred upon by SHPO/THPO

# NDOR's Section 106 Process

## Tier I



# Tier I PQS Review Memo



## NDOR Section 106 - Tier I Review Memo No Potential to Cause Effects to Historic Properties

Control Number _____	Project Number _____	Review Date _____
Project Name _____		Project Location _____
Date of Project Description Reviewed _____	<input type="checkbox"/> Project Description Attached	<input type="checkbox"/> Tier I Project
THPO/Tribal Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes	CLG Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes	
THPO/Tribes(s): _____	CLG: _____	
Date Correspondence Sent: _____	Date Correspondence Sent: _____	
THPO/Tribal response date: _____	CLG response date: _____	
THPO/Tribal comment: _____	CLG comment: _____	

Please Note: For the criteria below to be valid, any all ground disturbance would be limited to the depth of the existing fill material. Ground disturbance would not exceed the depth of the existing fill material.

Check all that apply:

- 1. Guardrail and bridge rail repair and replacement. Conditions: In kind repair/replacement.
- 2. Traffic Signals, intersection lighting, pedestrian signals, underpass lighting, or railroad lighting within existing right-of-way. Conditions: In

- 9. Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels, as long as those parcels do not contain properties over 50 years old.
- 10. Improvements to existing maintenance facilities, rest areas (excludine I-80 rest areas), and truck weigh stations less than 50 years old. Condition: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the existing fill material.
- 11. Repair/Replacement of at-grade railroad crossing gates, lights, signs, and the rail crossing driving surface. Condition: work is limited to in kind replacement/repair with any and all ground disturbance limited to existing fill material locations only, not to exceed the depth of the existing fill material.
- 12. Grants for training, education and research programs which do not involve construction.
- 13. Purchase of equipment or materials which do not involve construction.
- 14. Visual Bridge Inspections.



NDOR PQS Review

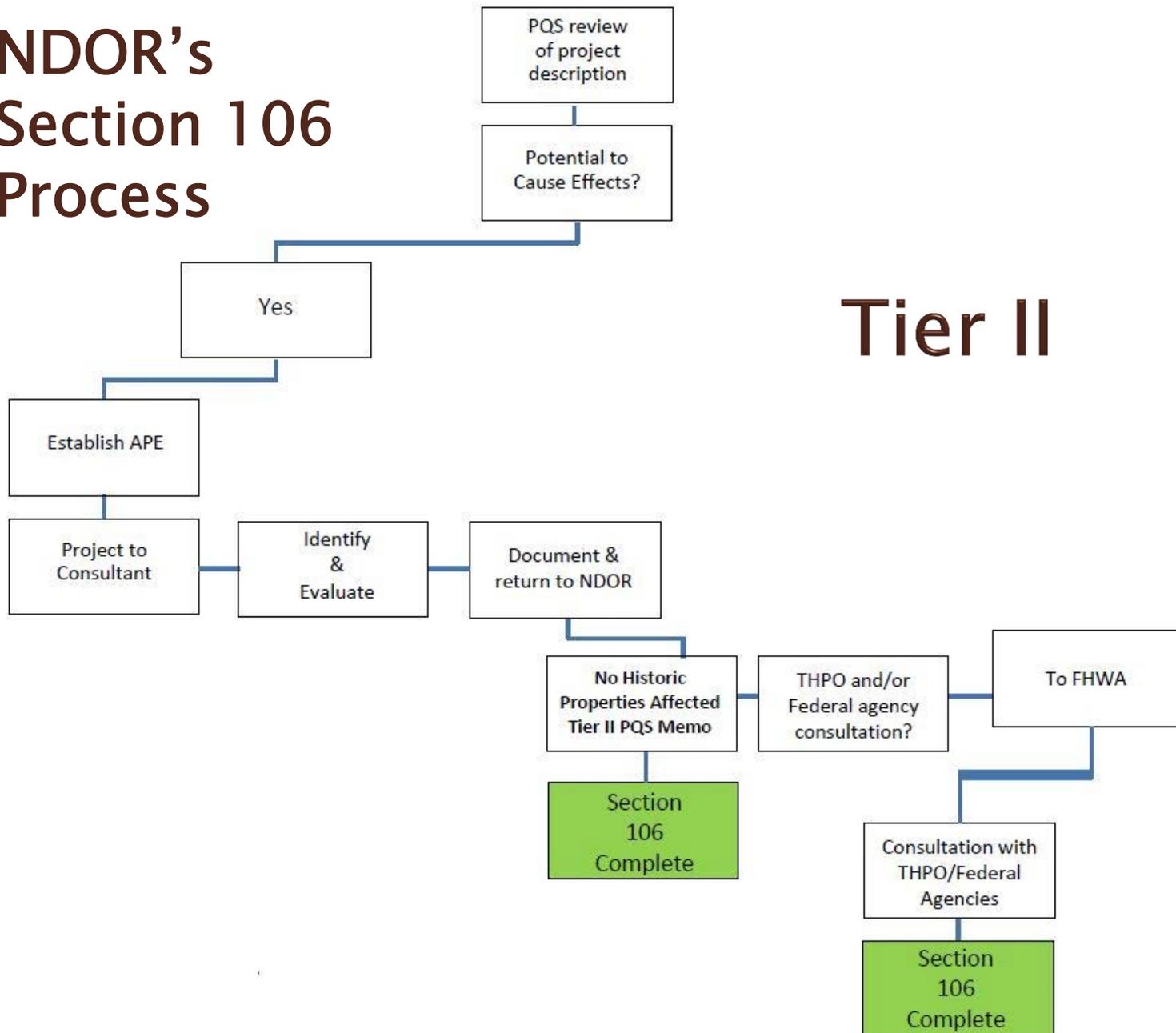
NDOR PQS Review

# Tier I Project

## No Potential to Cause Effects



# NDOR's Section 106 Process



## Tier II



# Tier II PQS Review Memo



## NDOR PQS Project Review Memo Section 106 - Tier II Project

Control Number \_\_\_\_\_ Project Number \_\_\_\_\_ Review Date \_\_\_\_\_  
Project Name \_\_\_\_\_ Project Location \_\_\_\_\_  
Date of Project Description Reviewed \_\_\_\_\_  
Project Results in no historic properties affected  No  Yes  Tier II Project

THPO/Tribal Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes	CLG Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes
THPO/Tribes(s): _____	CLG: _____
Date Correspondence Sent: _____	Date Correspondence Sent: _____
THPO/Tribal response date: _____	CLG response date: _____
THPO/Tribal comment: _____	CLG comment: _____

Other Consulting Parties Identified:

# Tier II Project

## No Historic Properties Affected

Project would result in "no historic properties affected:  No  Yes

**Tier II Project Evaluation Complete**

NDOR PQS Review

Date



# Tier II Projects

- ▶ May have a THPO concurrence date
- ▶ May require Certified Local Government (CLG) consultation
- ▶ May have construction commitments

Project results in no historic properties affected  No  Yes  Tier II Project

---

THPO/Tribal Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes	CLG Consultation? <input type="checkbox"/> No <input type="checkbox"/> Yes
THPO/Tribes(s): <input type="text"/>	CLG: <input type="text"/>
Date Correspondence Sent: <input type="text"/>	Date Correspondence Sent: <input type="text"/>
THPO/Tribal response date: <input type="text"/>	CLG response date: <input type="text"/>
THPO/Tribal comment: <input type="text"/>	CLG comment: <input type="text"/>

---

Other Consulting Parties Identified:

Construction Commitments:  No  Yes

If Yes, detail here:

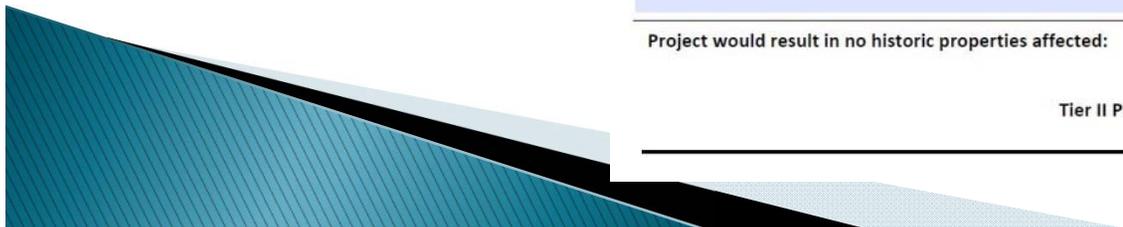
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APE considered is consistent with 36 CFR 800.16()

---

Project would result in no historic properties affected:  No  Yes

Tier II Project Evaluation Complete



## Tier II No Historic Properties Affected

- ▶ No Historic Properties within the APE
- ▶ Historic Properties within the APE but project does not affect them

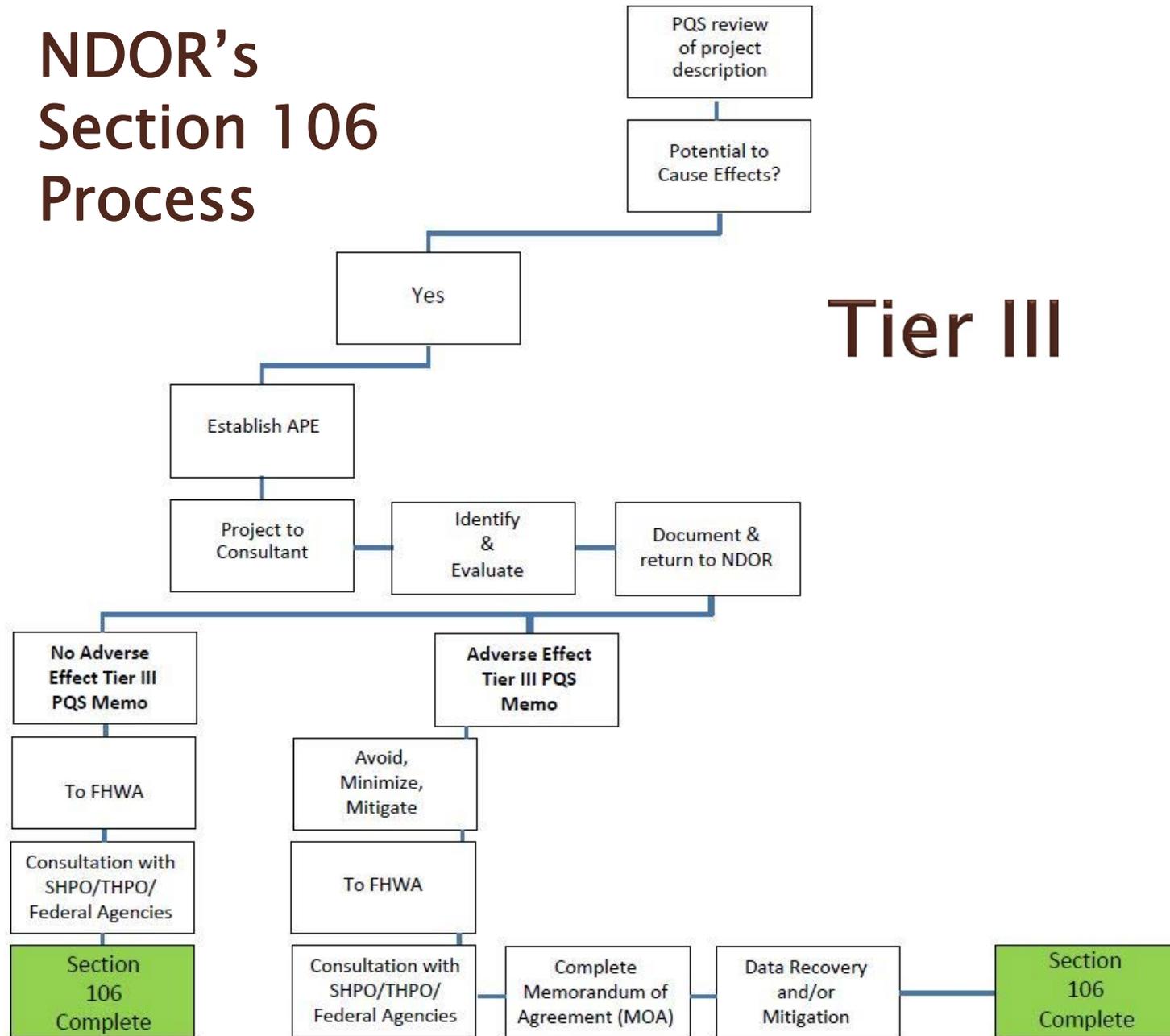
## Tier III No Adverse Effect Adverse Effect

- ▶ Always Historic Properties
- ▶ No Adverse Effect: Undertaking may affect historic properties, but does not alter those characteristics that make the historic property a good candidate for NRHP listing
- ▶ Adverse Effect: Undertaking alters those characteristics that make a property a good candidate for NRHP listing

## Tier II vs Tier III

# NDOR's Section 106 Process

## Tier III



Construction Commitments:  No  Yes

If Yes, detail here:

Project would result in: \_\_\_\_\_

Provide narrative supporting "no adverse effect" finding or detail efforts to avoid an "adverse effect" finding:

If an "adverse effect" detail mitigation:

**Section 4(f)**

Does a Significant archeological site located within the APE of this project warrant preservation in place?  No  Yes

If yes, archeological site number: \_\_\_\_\_

NDOR PQS Review

Date

# Tier III Project

No Adverse Effect

Or

Adverse Effect



Project would result in: \_\_\_\_\_

Provide narrative supporting "no adverse effect" finding or detail efforts to avoid an "adverse effect" finding:

If an "adverse effect" detail mitigation:

---

**Section 4(f)**

Does a Significant archeological site located within the APE of this project warrant preservation in place?  No  Yes

If yes, archeological site number: \_\_\_\_\_

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NDOR PQS Review

Date

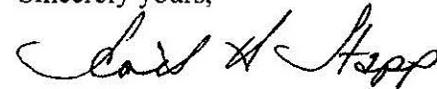


# Tier III Projects

- ▶ May have construction commitments
- ▶ May have mitigation requirements
- ▶ May need public involvement to meet Section 106 regulations
- ▶ Will have SHPO/THPO concurrence date
- ▶ May require Certified Local Government (CLG) consultation

If you have any questions regarding this information do not hesitate to contact me.

Sincerely yours,



Scott H. Stapp  
Environmental Protection Specialist

Enclosures

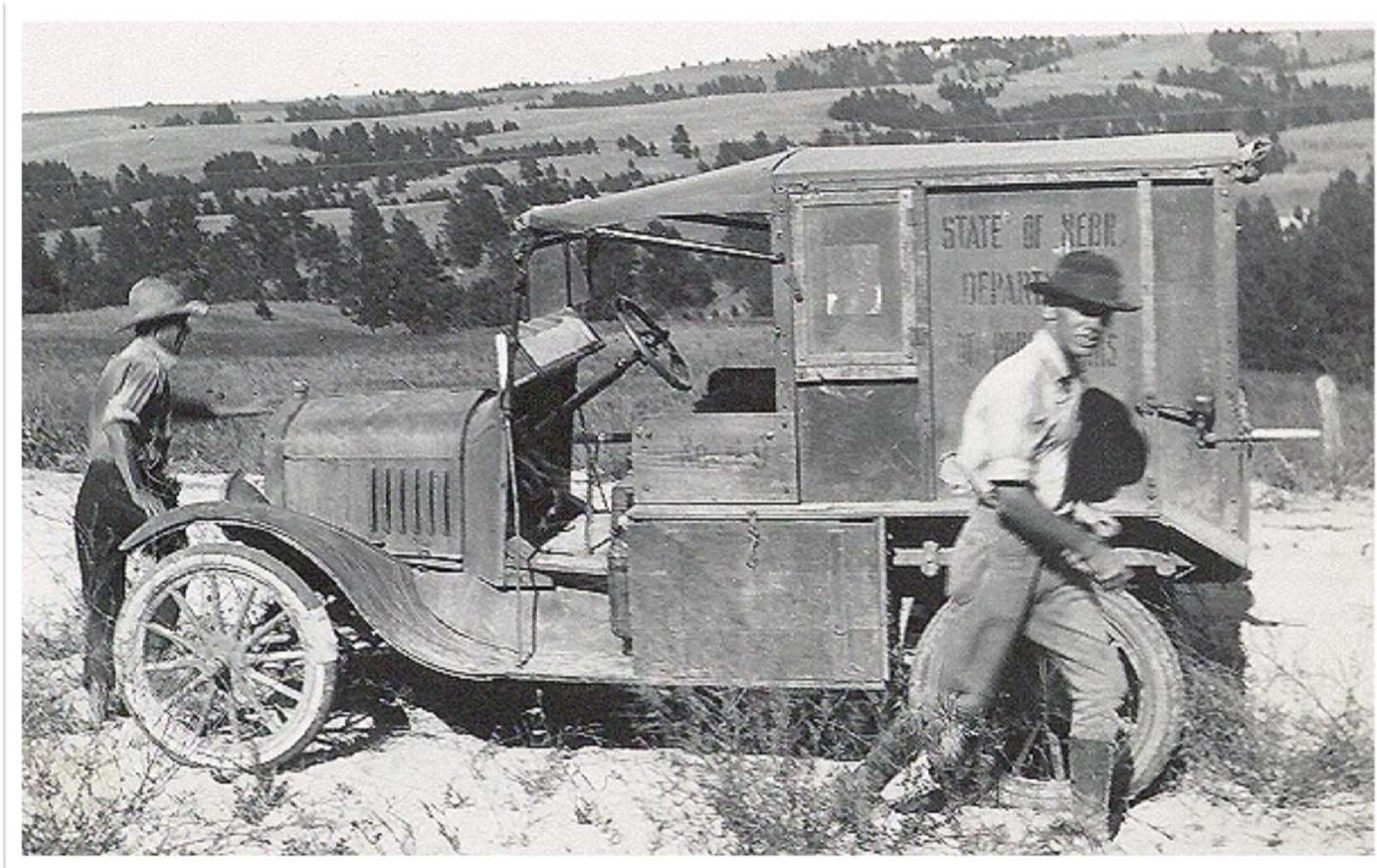
CONCUR:



L. Robert Puschendorf, Deputy State Historic Preservation Officer

7-16-15  
Date

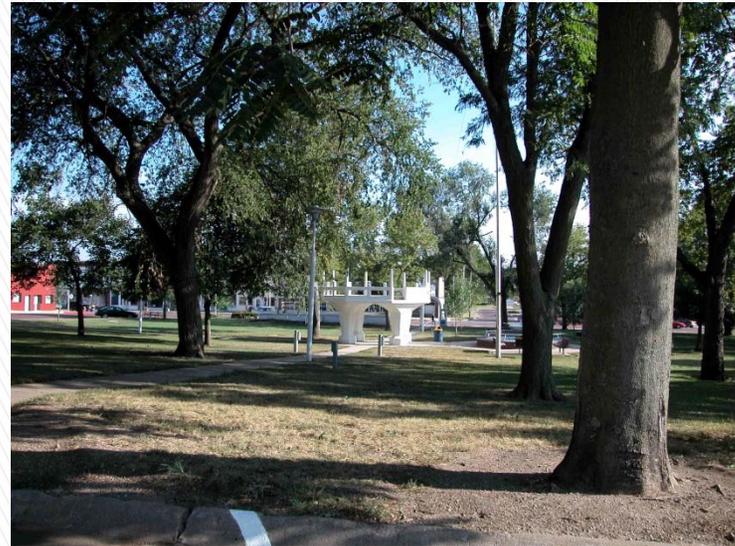
# Questions?



# Section 4 (f)



Wild Horse Draw / Leeman's Springs  
Archeological District



Humboldt City Park



Grant City Park



Leary-Kelley Archeological Site, National  
Historic Landmark







Section 4(f)  
(Insert tab  
here)







# Section 4(f) Nebraska Program

»» Melissa Maiefski, FHWA

Fall 2015 Environmental Program Training

# Nebraska Section 4(f) Process

FHWA and NDOR have worked to create a process that is:



Auburn, NE

- ❖ Compliant
- ❖ Standardized
- ❖ Streamlined



# What's Changed

Guidance for Completing the  
Section 4(f) Review  
Process in Nebraska  
For Federal-Aid Projects

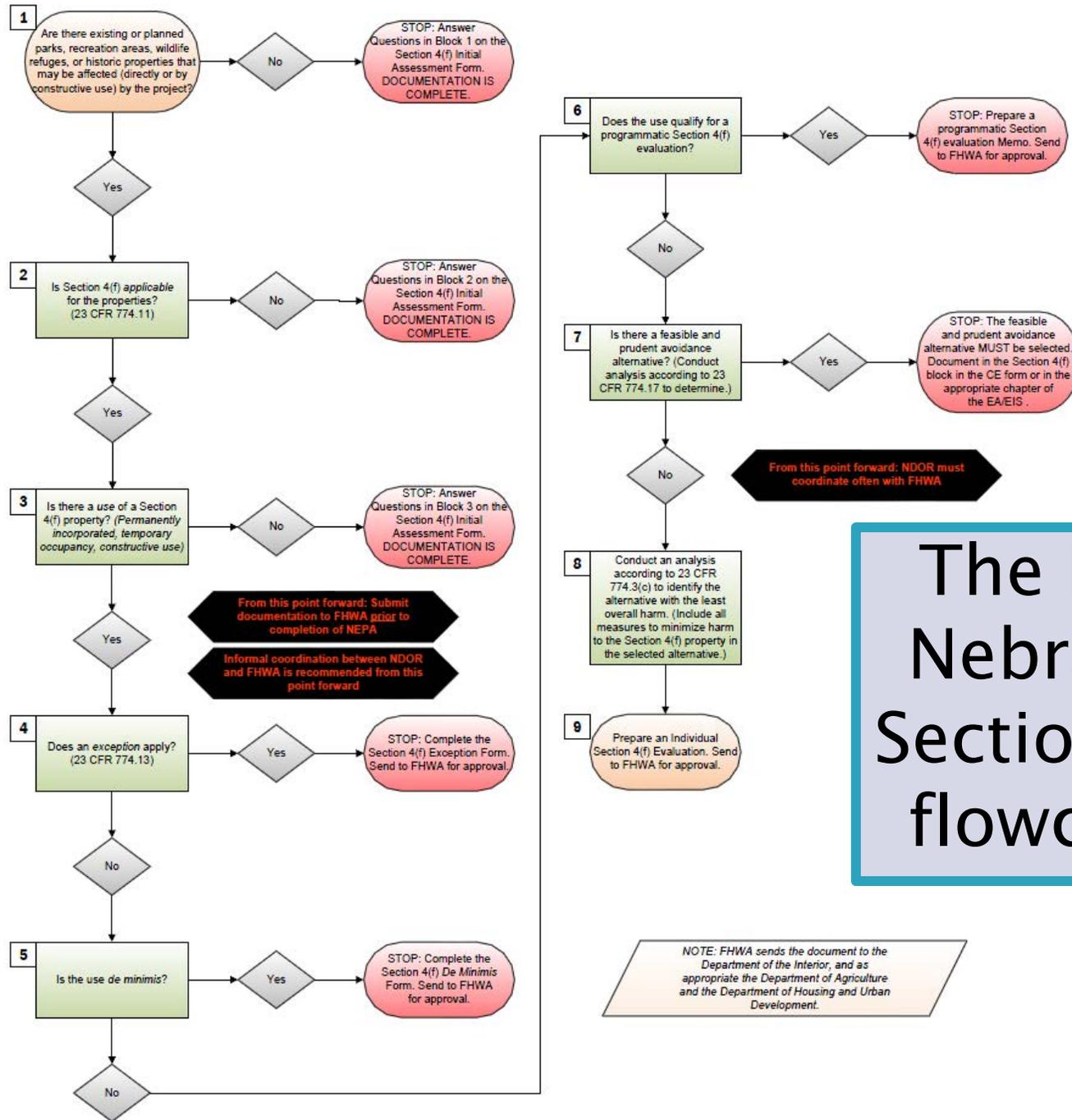


5/2015

- Guidance that establishes a standardized process for Section 4(f) evaluation
- Section 4(f) Initial Assessment Form (for each project)
- Section 4(f) Exceptions Form
- Section 4(f) *de minimis* Form



Prescott Elementary, Lincoln, NE



# The New Nebraska Section 4(f) flowchart

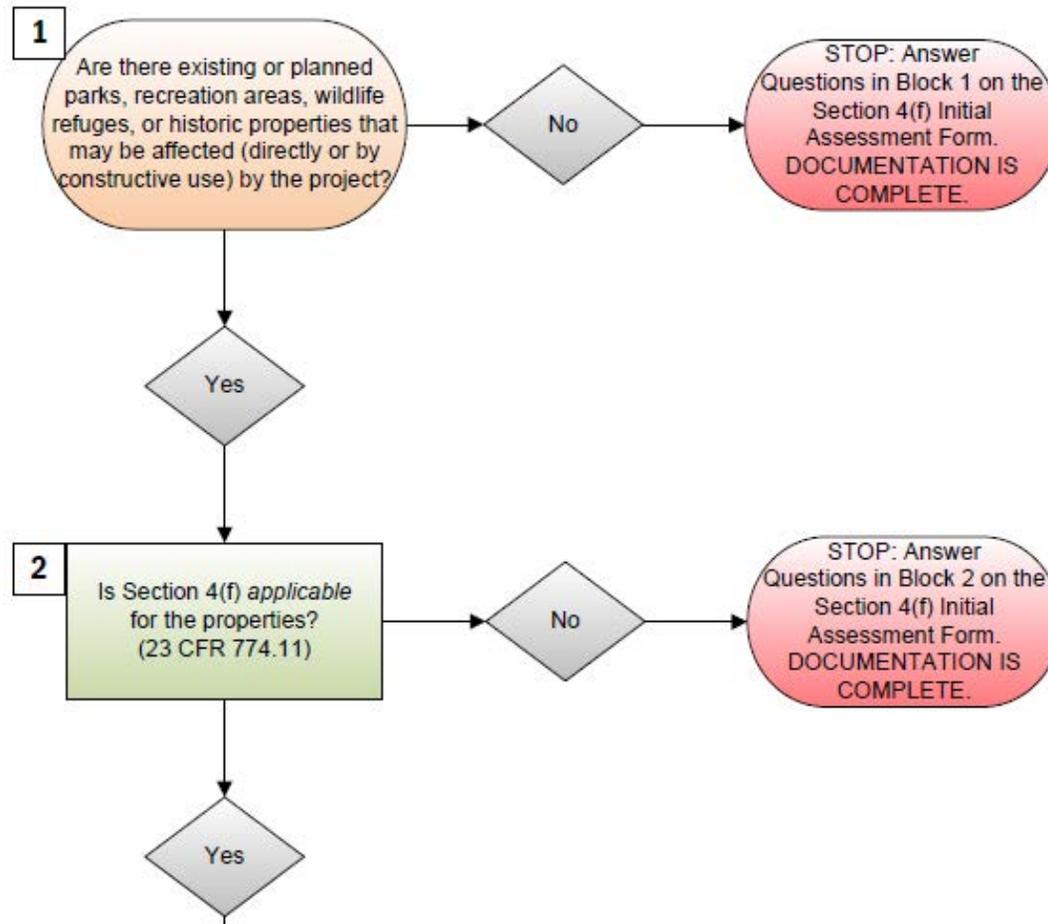
NOTE: FHWA sends the document to the Department of the Interior, and as appropriate the Department of Agriculture and the Department of Housing and Urban Development.

Step 1:



Are Properties  
Present?

# Are there Section 4(f) properties present?



# Starting at the Beginning: Is there a Section 4(f) property present?

- ❖ Historic sites that are either listed or eligible for listing on the National Register of Historic Places
- ❖ Publicly-owned parks, recreation areas, and wildlife/waterfowl refuges of national, state, or local significance



Valentine National  
Wildlife Refuge

# A Few Special Circumstances



Trails

## NEBRASKA WATER TRAILS



Canoe  
Trails



School  
Playgrounds



# The New Section 4(f) Initial Assessment Form



## Section 4(f) Initial Assessment Form

May 29, 2015

Project Name <input type="text"/>	Project Number <input type="text"/>
Control Number <input type="text"/>	Date Completed <input type="text"/>
Project Location (Town, County) <input type="text"/>	Name of Preparer <input type="text"/>

The following form was developed as an initial assessment of potential Section 4(f) properties within a project area. The number of each question block corresponds directly to the NDOR Section 4(f) Guidance section with the same number. **One Initial Assessment Form per PROJECT must be included as an attachment to the CE Form or incorporated into the appropriate chapter in the EAEIS.**

NOTE: At the time the Section 4(f) Initial Assessment Form is filled out, the Section 106 process must be sufficiently complete that historic properties have been identified. A Section 106 Finding of Effect (No Adverse Effect, Adverse Effect) must be completed prior to determining whether the project results in a 'use' of an historic property. All Section 106 determinations and findings must be made and documented by NDOR Professionally Qualified Staff (PQS).

### 1. Identification of Section 4(f) Properties

A. For historic properties, based on the NDOR Section 106 Tier Review Form, are there properties that are listed or eligible for listing on the National Register of Historic Places?

Yes  No  N/A (Section 106 Tier I)

If Yes, provide the name, Finding of Effect, and any other pertinent information from the Section 106 review for each identified property.

B. Are there existing or planned parks, recreation areas, or wildlife/waterfowl refuges present within a ¼ mile of the project area?

Yes  No

C. In consultation with the online resources identified in the Section 4(f) Guidance, list the resources used to determine if parks, recreation areas, or wildlife/waterfowl refuges are present.

D. Identify all potential Section 4(f) parks, recreation areas, and wildlife/waterfowl refuges (include property name(s), location(s) along project, etc.).

If No parks, recreation areas, or wildlife/waterfowl refuges are present, AND no historic properties need consideration from 1.A., indicate in the box below that no potential Section 4(f) properties are present. DOCUMENTATION IS COMPLETE.

### 2. Applicability Criteria for Section 4(f) Parks, Recreation Areas, and Wildlife/Waterfowl Refuges (not Historic Properties)

A. List all properties from 1.D. that are (1) NOT publicly owned, or (2) NOT privately owned and leased to a public entity, for a Section 4(f) protected purpose, and how this was determined.

B. List all properties from 1.D. that are NOT open to the public, and how this was determined. (This does NOT apply to wildlife/waterfowl refuges.)

C. List all properties from 1.D. that are considered multiple-use properties, and what those uses are.

D. List all properties from 1.D. that were NOT called-out in 2.A. or 2.B.; these properties will be carried forward in the Section 4(f) process. Also be sure to carry forward any multiple-use properties from 2.C. or historic properties from 1.A. that have temporary or permanent right-of-way acquisition or vibratory effects. If no properties are carried forward, note below and DOCUMENTATION IS COMPLETE.

### 3. Determination of Section 4(f) Use

# Initial Assessment Form, cont.

---

## 1. Identification of Section 4(f) Properties

- A. For historic properties, based on the NDOR Section 106 Tier Review Form, are there properties that are listed or eligible for listing on the National Register of Historic Places?

Yes     No     N/A (Section 106 Tier I)

If Yes, provide the name, Finding of Effect, and any other pertinent information from the Section 106 review for each identified property.

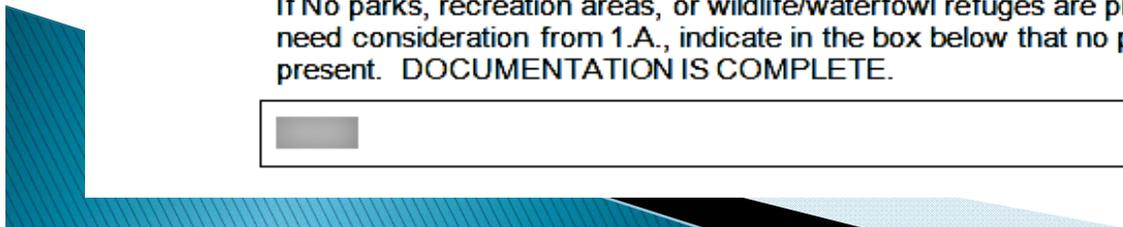
- B. Are there existing or planned parks, recreation areas, or wildlife/waterfowl refuges present within a ¼ mile of the project area?

Yes     No

- C. In consultation with the online resources identified in the Section 4(f) Guidance, list the **resources** used to determine if parks, recreation areas, or wildlife/waterfowl refuges are present.

- D. Identify all potential Section 4(f) parks, recreation areas, and wildlife/waterfowl refuges (*include property name(s), location(s) along project, etc.*).

If No parks, recreation areas, or wildlife/waterfowl refuges are present, AND no historic properties need consideration from 1.A., indicate in the box below that no potential Section 4(f) properties are present. DOCUMENTATION IS COMPLETE.



# Initial Assessment Form, cont.

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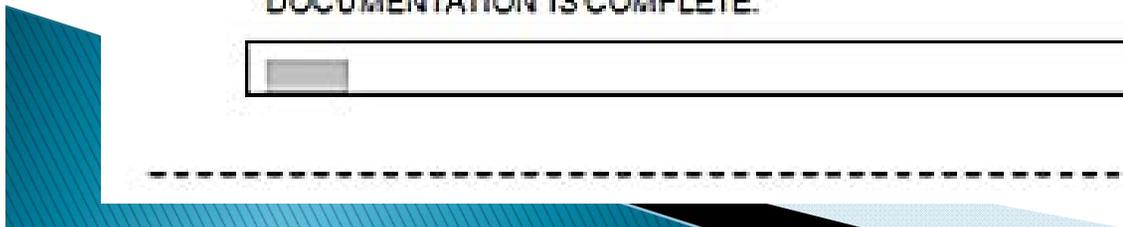
**2. Applicability Criteria for Section 4(f) Parks, Recreation Areas, and Wildlife/Waterfowl Refuges (not Historic Properties)**

A. List all properties from 1.D. that are (1) NOT publicly owned, or (2) NOT privately owned and leased to a public entity, for a Section 4(f) protected purpose, and how this was determined.

B. List all properties from 1.D. that are NOT open to the public, and how this was determined. (This does NOT apply to wildlife/waterfowl refuges.)

C. List all properties from 1.D. that are considered multiple-use properties, and what those uses are.

D. List all properties from 1.D. that were NOT called-out in 2.A. or 2.B.; these properties will be carried forward in the Section 4(f) process. Also be sure to carry forward any multiple-use properties from 2.C. or historic properties from 1.A. that have temporary or permanent right-of-way acquisition or vibratory effects. If no properties are carried forward, note below and DOCUMENTATION IS COMPLETE.





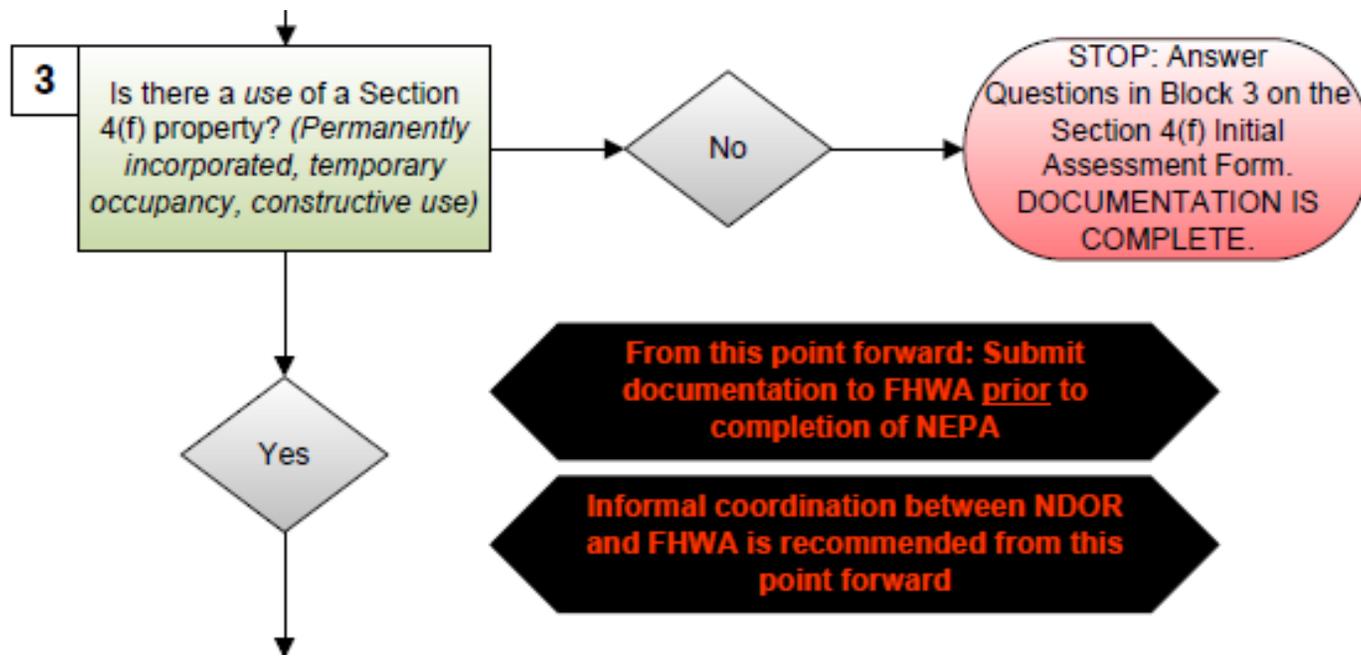
Step 2:



IS THERE A USE?



# Is there a “Use” of Section 4(f) properties?



# Documentation of Section 4(f) use: The Initial Assessment Form

## 3. Determination of Section 4(f) Use

A. Is there a potential use of the Section 4(f) applicable properties from 2.D. above? Will the properties be impacted by the project, including access restrictions? (See Guidance Section 3 for definition of use.)

Yes     No    Is there a potential *permanent* use?

Yes     No    Is there a potential *temporary* use (including exceptions)?

Yes     No    Is there a potential *constructive* use?

Any Yes: complete the appropriate Section 4(f) analysis for each impacted property

No: state impact avoidance measures below, then DOCUMENTATION IS COMPLETE

B. List impact avoidance measures (for "No" answer only). If justification is needed to support a "No" answer in 3.A., describe below.



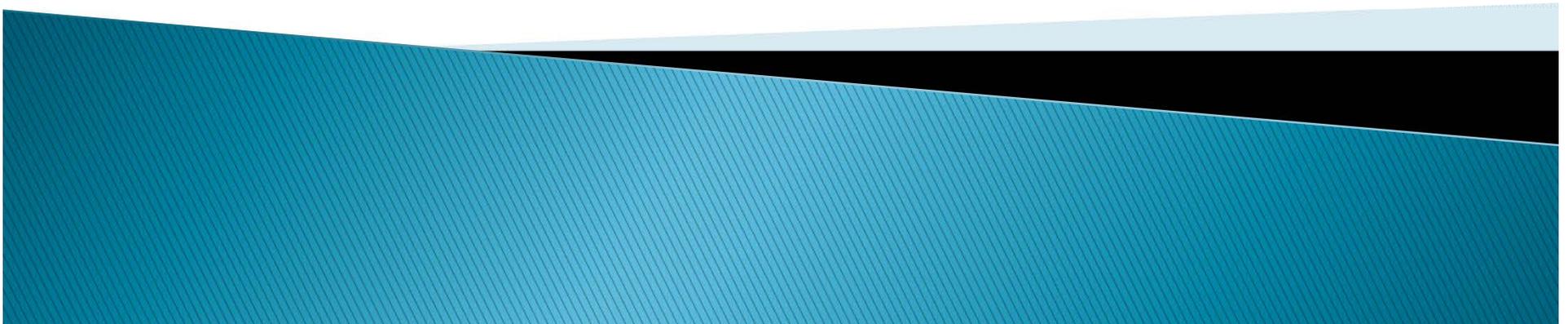
Step 3:

ASSESS USE

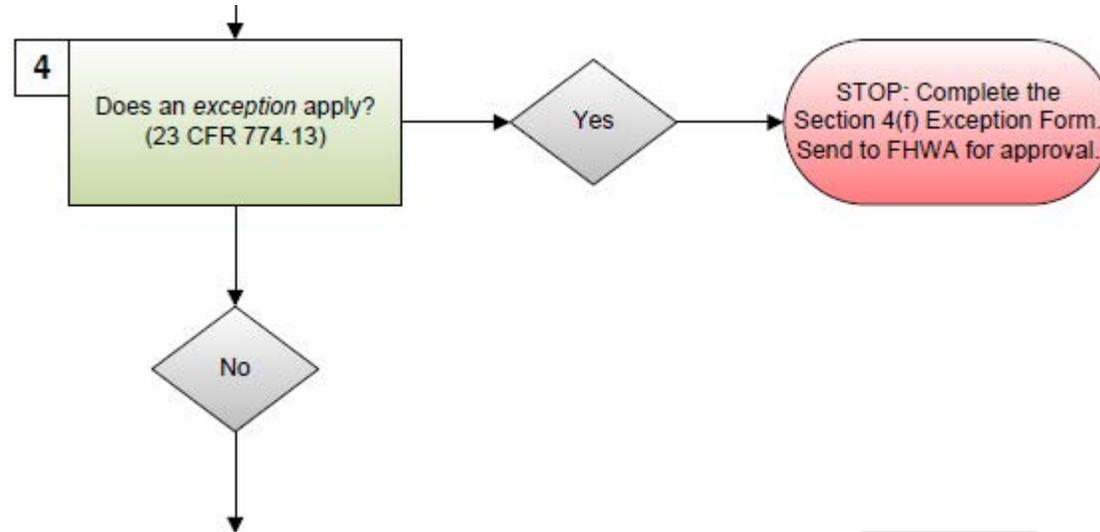


# WHERE TO START WHEN ASSESSING USE?

First – Does an Exception Apply?



# Does a Section 4(f) “Exception” apply?



# Exceptions Form



## Section 4(f) Exceptions Form

May 20, 2015

### Section 4(f) Exceptions (23 CFR 774.13): Public Parks, Recreation Lands, Wildlife & Waterfowl Refuges, and Historic Properties

Project Name	Project Number
<input type="text"/>	<input type="text"/>

Control Number	Project Location (Road, Town, County)
<input type="text"/>	<input type="text"/>

Project Description
<input type="text"/>

Section 4(f) Property Name
<input type="text"/>

Official(s) with Jurisdiction
<input type="text"/>

Property Description
<input type="text"/>

Type of Exception (Note: Choose the primary exception that applies from the drop-down choices below.)

23 CFR 774.13(a)

The following form was developed as a tool to assist in streamlining the Section 4(f) Exception process and to ensure that all necessary information is documented. **A separate Exceptions Form is required for each Section 4(f) property for which an exception applies.**

### Establishing Section 4(f) Exception Relevancy

The following questions are taken directly from 23 CFR 774.13 to determine if the project is exempt from the requirement of Section 4(f) approval.

Check only the exceptions that apply for this property. (NOTE: More than one exception may apply.)

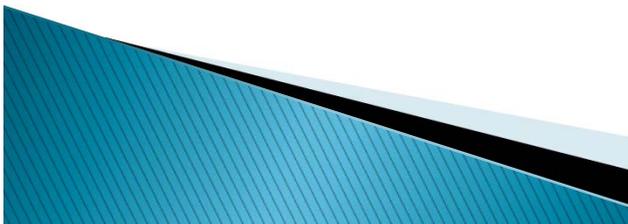
- a. 23 CFR 774.13(a): Restoration, rehabilitation, or maintenance of transportation facilities that are on or eligible for the National Register when: 1. [FHWA] concludes...that such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, and 2. the Officials with Jurisdiction (OWJ) over the Section 4(f) resource have not objected to the [FHWA] conclusion.
  
- b. 23 CFR 774.13(b): *All archeological sites qualify for the exception to Section 4(f) detailed at 23 CFR 774.13(b) unless the NDOR Professionally Qualified Staff (NDOR PQS) determines that the archeological site has important value for preservation in place and the SHPO/THPO has not objected. This information can be found on page 2 of the NDOR Section 106 Tier Review Form or through coordination with the NDOR PQS. [Agreed upon by FHWA and NDOR]*  
**[If this exception is applicable to a property, check this box and obtain appropriate NDOR signatures (FHWA approval is not required), and DOCUMENTATION IS COMPLETE.]**
  
- c. 23 CFR 774.13(c): Designations of park and recreation lands, wildlife and waterfowl refuges, and historic sites that are made, or determinations of significance that are changed, late in the development of a proposed action. [See 23 CFR 774.13(c) for more parameters.]
  
- d. 23 CFR 774.13(d): Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f).  
The following conditions must be satisfied: 1. duration must be temporary and there should be no change in ownership of the land; 2. scope of the work must be minor; 3. there are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis; 4. the land being used must be fully restored to pre-existing conditions or better; and 5. there must be documented agreement of the OWJ(s) over the Section 4(f) resource regarding the above conditions.
  
- e. 23 CFR 774.13(e): Federal lands transportation facilities as defined in section 1103(a)(3) MAP-21 (23 U.S.C. 101(a)(8)).
  
- f. 23 CFR 774.13(f): Certain trails, paths, bikeways, and sidewalks, in the following circumstances: 1. trail-related projects funded under the Recreational Trails Program, 23 U.S.C. 206(h)(2); 2. National

# Exceptions, cont.

- a. 23 CFR 774.13(a): Restoration, rehabilitation, or maintenance of transportation facilities that are on or eligible for the National Register when: 1. [FHWA] concludes...that such work will not adversely affect the historic qualities of the facility that caused it to be on or eligible for the National Register, and 2. the Officials with Jurisdiction (OWJ) over the Section 4(f) resource have not objected to the [FHWA] conclusion.

- b. 23 CFR 774.13(b): *All archeological sites qualify for the exception to Section 4(f) detailed at 23 CFR 774.13(b) unless the NDOR Professionally Qualified Staff (NDOR PQS) determines that the archeological site has important value for preservation in place and the SHPO/THPO has not objected. This information can be found on page 2 of the NDOR Section 106 Tier Review Form or through coordination with the NDOR PQS. [Agreed upon by FHWA and NDOR]*

***[If this exception is applicable to a property, check this box and obtain appropriate NDOR signatures (FHWA approval is not required), and DOCUMENTATION IS COMPLETE.]***



# Exceptions, cont.

- c. 23 CFR 774.13(c): Designations of park and recreation lands, wildlife and waterfowl refuges, and historic sites that are made, or determinations of significance that are changed, late in the development of a proposed action. [See 23 CFR 774.13(c) for more parameters.]



# Exceptions, cont.



- d. 23 CFR 774.13(d): Temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f).

The following conditions must be satisfied: 1. duration must be temporary and there should be no change in ownership of the land; 2. scope of the work must be minor; 3. there are no anticipated permanent adverse physical impacts, nor will there be interference with the protected activities, features, or attributes of the property, on either a temporary or permanent basis; 4. the land being used must be fully restored to pre-existing conditions or better; and 5. there must be documented agreement of the OWJ(s) over the Section 4(f) resource regarding the above conditions.



# Exceptions, cont.

- e. 23 CFR 774.13(e): Federal lands transportation facilities as defined in section 1103(a)(3) MAP-21 (23 U.S.C. 101(a)(8)).



- f. 23 CFR 774.13(f): Certain trails, paths, bikeways, and sidewalks, in the following circumstances: 1. trail-related projects funded under the Recreational Trails Program, 23 U.S.C. 206(h)(2); 2. National Historic Trails and the Continental Divide National Scenic Trail, designated under the National Trails System Act, 16 U.S.C. 1241-1251, with the exception of those trail segments that are historic sites as defined in 23 CFR 774.17; 3. trails, paths, bikeways, and sidewalks that occupy a transportation facility right-of-way without limitation to any specific location within that right-of-way, so long as the continuity of the trail, path, bikeway, or sidewalk is maintained; and 4. trails, paths, bikeways, and sidewalks that are part of the local transportation system and which function primarily for transportation.



# Exceptions, cont.

- g. 23 CFR 774.13(g): Transportation enhancement projects and mitigation activities, where: 1. the use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and 2. the OWJ(s) over the Section 4(f) resource agrees in writing to paragraph (g)(1) of this section.



# Exceptions, cont.

If using **Exception d.** for a temporary occupancy, describe below how the five required conditions will be satisfied (also include property size and size of temporary impacts).

If using **Exception f. or g.**, explain the application of the exception below.

Was mitigation necessary to minimize use? If so, explain the impacts and mitigation.



# Exceptions, cont.



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## Exception Documentation

Are detailed maps included, showing current and proposed right-of-way, temporary/construction easements, property boundaries, access points for pedestrians and vehicles (if applicable), and existing and planned property features?

Yes     No

Is concurrence from the Official(s) with Jurisdiction attached? **(if required)**

Yes     No, not required

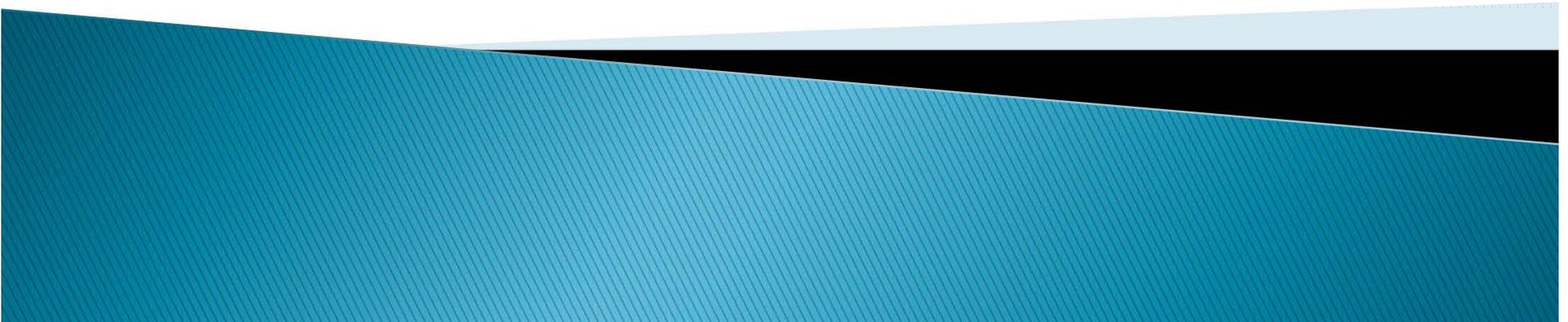


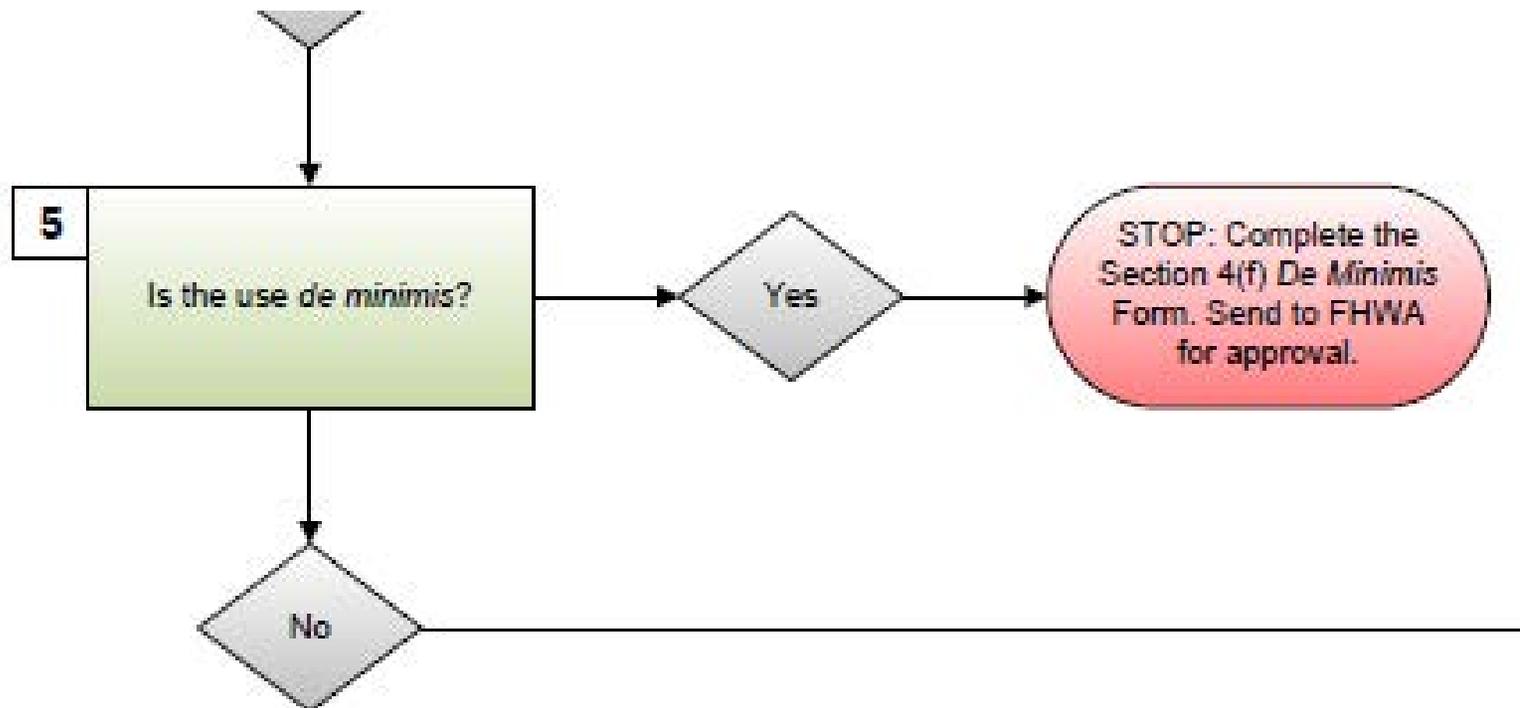
THERE IS A USE AND AN EXCEPTION  
DOES NOT APPLY.



NOW WHAT?

Does *de minimis* Apply?

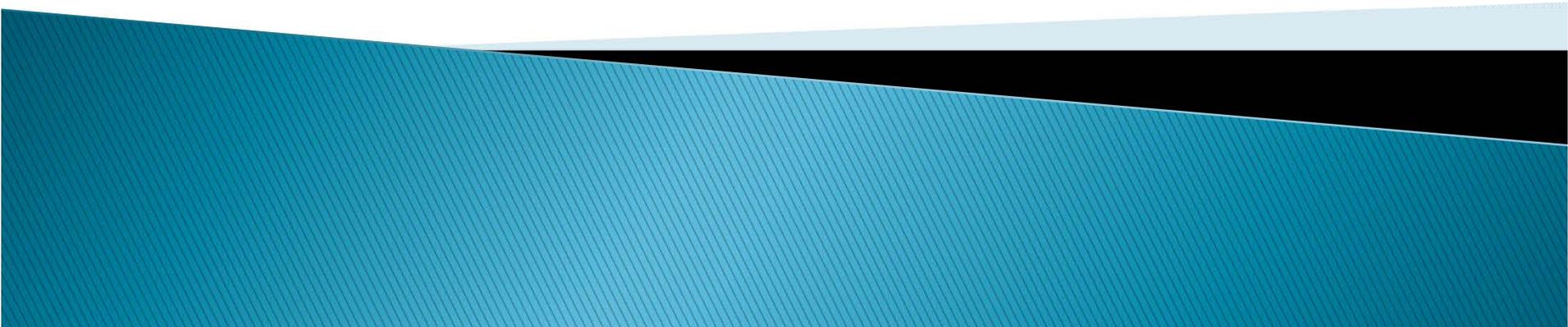




# Section 4(f) *De Minimis*

Section 6009(a) of the SAFETEA-LU Act

Impacts that will not adversely affect the features, attributes or activities that qualify the parks, recreation areas, or refuges for protection, or that no historic property is affected or there will be “no adverse effect” on the historic property



# Nebraska *De Minimis* Form



## Section 4(f) *De Minimis* Form

May 20, 2015

Project Name  Project Number

Control No.  Project Location (Town, County, Street)

Project Description

Name of Section 4(f) Property (A separate form must be completed for each property with a *de minimis* impact)

Official(s) with Jurisdiction

Total Property Size (in acres)  Permanent Impact (in acres)  Temporary Impact (in acres)

Property Description

Answer only the questions in the applicable block (A or B). All questions in Block C must be answered.

### A. Section 4(f) *De Minimis* Park, Recreation Area, and Refuge Eligibility

If the *de minimis* impact does NOT involve a park, recreation area or refuge, check the N/A below and proceed to Block B.

N/A

Will the project adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?

Yes  No

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance,

Minimization, and Mitigation Measures box below.

Yes  No

Have *de minimis* public involvement requirements (notice, review, comments, etc.) been completed? If Yes, describe in the Comments box below.

Yes  No

Date(s):

Did the Official(s) with Jurisdiction concur with the determination of no adverse effect?

Yes  No

Date(s):

### B. Section 4(f) *De Minimis* Historic and Archeological Resource Eligibility

If the *de minimis* impact does NOT involve an historic or archeological resource, check the N/A below and proceed to Block C.

N/A

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box below.

Yes  No

Was the effect determination either "no historic properties affected" or "no adverse effect"? \*

Yes  No

PQS Date  SHPO Date  THPO Date

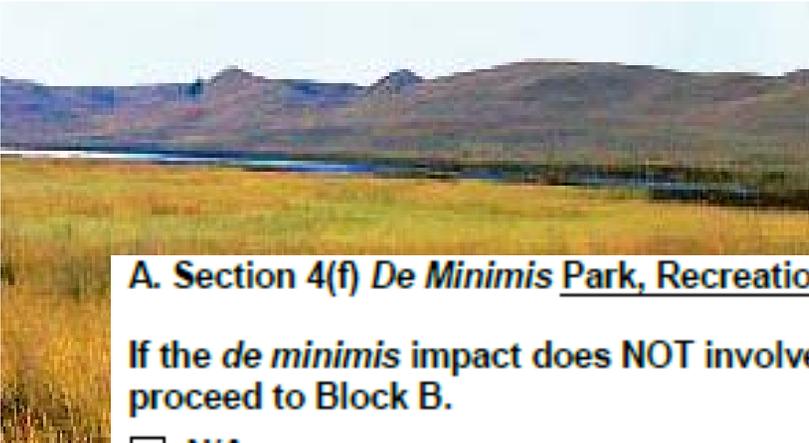
\* The PQS field will always be filled out. If there is a date in the SHPO or THPO field, this would indicate the entity is the Official with Jurisdiction and they were informed of FHWA's intent to apply *de minimis* via project-specific correspondence. The date in the field would be the date the entity concurred on the Section 106 effect determination. A notation of "N/A" in the field indicates the entity was not the Official with Jurisdiction. "Programmatic" in the SHPO field indicates that a determination of "no historic properties affected" or "no adverse effect" was made for the project per the Section 106 Programmatic Agreement and the *de minimis* notification was provided via letter agreement with the SHPO.

### C. Additional Information

Description of Use (Temporary and/or Permanent)

Avoidance, Minimization, and Mitigation Measures

Comments



# *De Minimis*, Block A

## A. Section 4(f) *De Minimis* Park, Recreation Area, and Refuge Eligibility

If the *de minimis* impact does NOT involve a park, recreation area or refuge, check the N/A below and proceed to Block B.

N/A

Will the project adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?

Yes  No

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box below.

Yes  No

Have *de minimis* public involvement requirements (notice, review, comments, etc.) been completed? If Yes, describe in the Comments box below.

Yes  No

Did the Official(s) with Jurisdiction concur with the determination of no adverse effect?

Yes  No

Date(s):

Date(s):



# *De Minimis*, Block B

## B. Section 4(f) *De Minimis* Historic and Archeological Resource Eligibility

If the *de minimis* impact does NOT involve an historic or archeological resource, check the N/A below and proceed to Block C.

N/A

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box below.

Yes  No

Was the effect determination either "no historic properties affected" or "no adverse effect"? \*

Yes  No

PQS Date

SHPO Date

THPO Date

\* The PQS field will always be filled out. If there is a date in the SHPO or THPO field, this would indicate the entity is the Official with Jurisdiction and they were informed of FHWA's intent to apply *de minimis* via project-specific correspondence. The date in the field would be the date the entity concurred on the Section 106 effect determination. A notation of "N/A" in the field indicates the entity was not the Official with Jurisdiction. "Programmatic" in the SHPO field indicates that a determination of "no historic properties affected" or "no adverse effect" was made for the project per the Section 106 Programmatic Agreement and the *de minimis* notification was provided via letter agreement with the SHPO.

# *De Minimis*, Block C

## C. Additional Information

Description of Use (Temporary and/or Permanent)

Avoidance, Minimization, and Mitigation Measures

Comments

### *De Minimis* Documentation

Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?

Yes  No

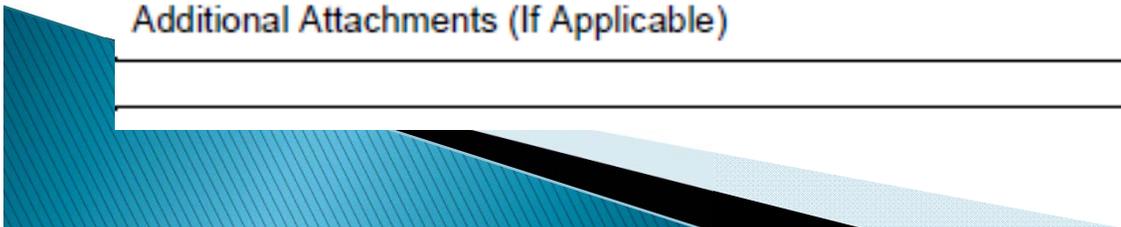
Is documentation of public involvement attached?

Yes  No  N/A (for historic resources)

Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?

Yes  No

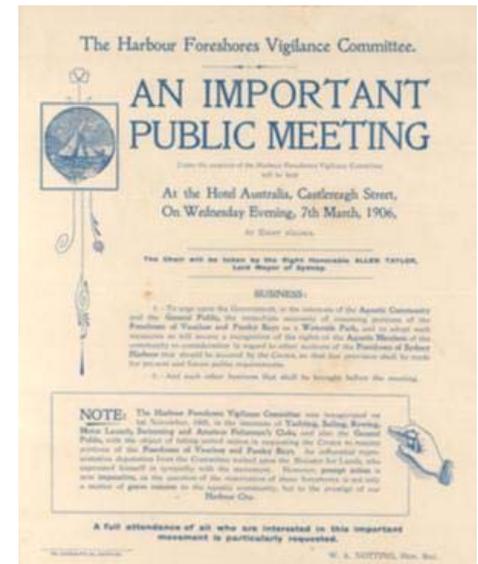
Additional Attachments (If Applicable)



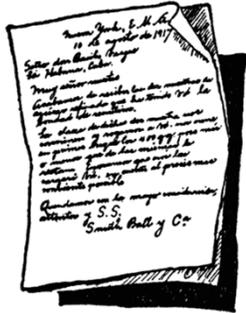
# *De Minimis* and Public Outreach

## Historic Properties

- The Section 106 outreach component satisfies *de minimis* coordination requirements for Historic Properties
- Can have no adverse affect under Section 106 for *de minimis* to apply



# *De Minimis* and Public Outreach



## Parks, Recreation Areas and 'Refuges'

- Coordination with NDOR Public Affairs officer required prior to outreach
- Audience for outreach and method of outreach tailored to reach the users of the Section 4(f) property
- Must specifically disclose impact to Section 4(f) property and make it known the intent to use *de minimis* in the outreach material



# Official with Jurisdiction

- ▶ The OWJ is the entity responsible for the management of the resource
- ▶ OWJ must be provided public feedback prior to requesting their concurrence
- ▶ Request OWJ concurrence that.....  
the impact will not adversely affect the property  
-not-  
whether they concur the impact is *de minimis*



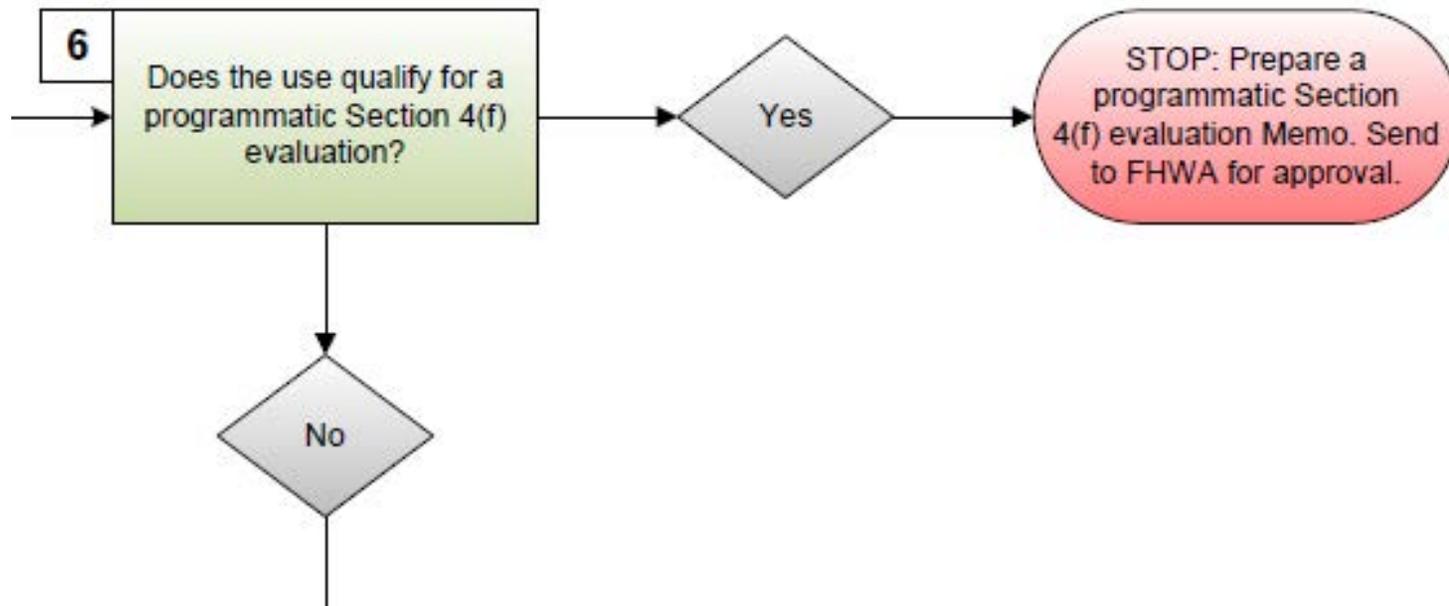
**THERE IS A USE AND EITHER *de minimis*  
DOES NOT APPLY, OR I'D LIKE TO  
CONSIDER ANOTHER OPTION.**

**What then?**

**Check the Programmatic Evaluations**



# Does the Project Qualify for a Section 4(f) Programmatic Evaluation?



### Nationwide Section 4(f) Programmatic Evaluations Comparison Chart

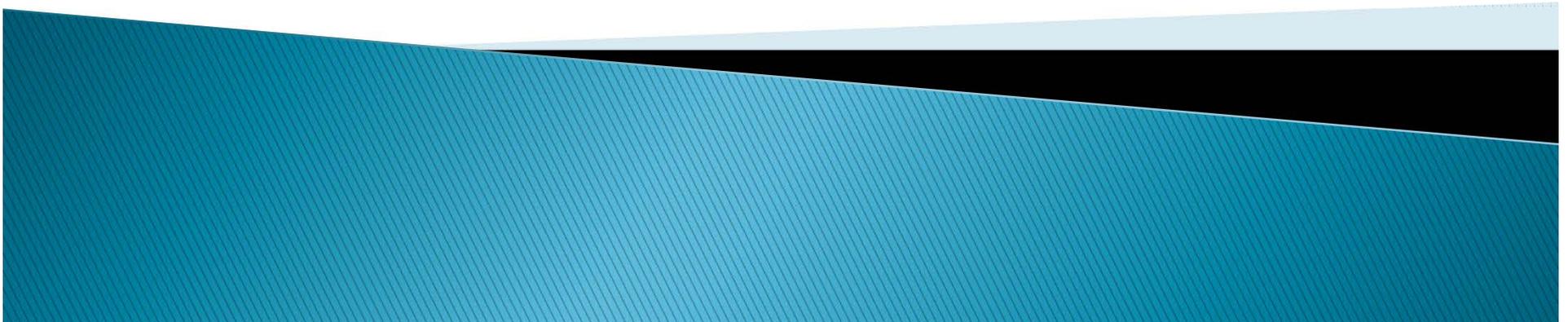
	Independent Bikeway or Walkway Projects	Use of Historic Bridges	Minor Involvement with Parks, Recreation Lands, and Wildlife and Waterfowl Refuges	Minor Involvement with Historic Sites	Transportation Projects that have a Net Benefit to a Section 4(f) Property
<b>Date Enacted</b>	5/23/77	7/5/83	12/23/86	12/23/86	4/20/05
<b>Project Type</b>	Independent bikeway or walkway project, not incidental activities of a highway project.	Rehabilitation or replacement of historic bridges.	Improvement of operational characteristics, safety, and or physical condition of an existing highway on essentially the same alignment.	Improvement of operational characteristics, safety, and or physical condition of an existing highway on essentially the same alignment.	Any type of project on existing or new alignment regardless of NEPA document type.
<b>Resource Applicability</b>	Parks or recreation areas.	Historic bridges that are not a National Historic Landmark.	Parks, recreation lands, and wildlife and waterfowl refuges that are adjacent to the existing facility.	Historic sites that are adjacent to the existing facility.	All Section 4(f) resources.
<b>Impact threshold</b>	No significant impacts (No displacements, minimal water quality impacts, etc.)	If bridge can be rehabilitated without affecting the historic integrity, Section 4(f) does not apply.  If the bridge is to be demolished and/or replaced, Section 4(f) applies.	The amount of property that may be acquired / used is limited as specified in the PA.  May not be used for projects processed with an EIS.	<ul style="list-style-type: none"> <li>• Project may not remove or alter historic buildings, structures or objects, or archaeological resources important for preservation in place.</li> <li>• Project must result in a no effect or no adverse effect determination via the Section 106 process.</li> <li>• May not be used for projects processed with an EIS.</li> </ul>	<ul style="list-style-type: none"> <li>• No impact limits, but project results in an overall enhancement to the resource.</li> <li>• For historic resources the project doesn't necessarily require a no effect or no adverse effect determination, but property remains eligible for NRHP.</li> </ul>
<b>Alternatives Analysis</b>	1. There is no feasible and prudent alternative to the use of Section 4(f) lands.	<ol style="list-style-type: none"> <li>1. Do nothing.</li> <li>2. Build a new structure at a different location without affecting the historic integrity of the historic bridge.</li> <li>3. Rehabilitate the historic bridge without affecting the historic integrity of the historic bridge.</li> </ol>	<ol style="list-style-type: none"> <li>1. Do nothing.</li> <li>2. Improve the highway without using the adjacent Section 4(f) resource.</li> <li>3. Build an improved facility on new location without using the adjacent Section 4(f) resource.</li> </ol>	<ol style="list-style-type: none"> <li>1. Do nothing.</li> <li>2. Improve the highway without using the adjacent historic site.</li> <li>3. Build an improved facility on new location without using the historic site.</li> </ol>	<ol style="list-style-type: none"> <li>1. Do nothing.</li> <li>2. Improve the transportation facility in a manner that addresses the project's P&amp;N without using the Section 4(f) property.</li> <li>3. Build the transportation facility at a location that does not require use of the Section 4(f) property.</li> </ol>
<b>Coordination and Concurrence Requirements</b>	Official with jurisdiction concurs in writing that project is acceptable and consistent with designated use of property.	If replacement is proposed, the bridge must be made available for an alternative use.  SHPO concurs in writing with assessment of impacts and proposed mitigation.	Official with jurisdiction concurs in writing with assessment of impacts and proposed mitigation.	SHPO concurs in writing with assessment of impacts and proposed mitigation.	Official with jurisdiction or SHPO concurs in writing with assessment of impacts and proposed mitigation  For projects with one or more public meetings or hearings, information on the proposed use of the Section 4(f) resources shall be communicated to the public.

**THERE IS A USE.**

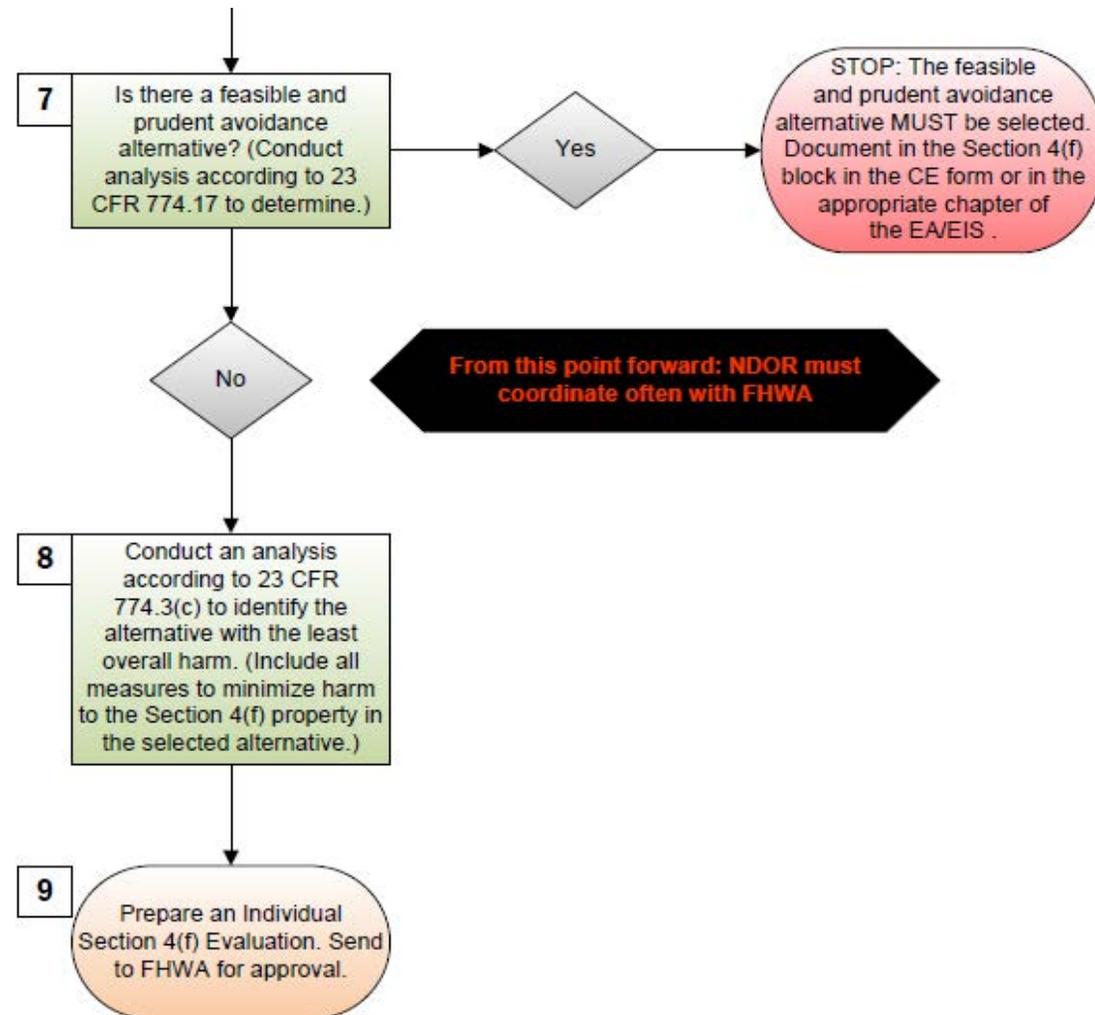
***De Minimis* and none of the Programmatic  
Evaluations Apply.**

**What do I do?**

**Individual Section 4(f) Evaluation**



# Is there an avoidance alternative? Is an Individual Section 4(f) assessment required?



# Resources

- **23 CFR 774**
  - ***Guidance for Completing the Section 4(f) Review Process in Nebraska for Federal-aid Projects***
  - **FHWA Section 4(f) online tutorial**
  - **FHWA Section 4(f) Policy Paper, including Q&A's**
  - **NHI Section 4(f) training**
- 

Questions?







HazMat  
(Insert  
tab here)







**NDOR**  
**Hazardous Material Review**  
**Guidance Manual**

Will Packard  
 Hazmat, Noise and Air PQS  
 Technical Documents Unit

**Site Specific Hazardous Material Review (SSHR)**  
 - Site specific analysis of environmental conditions  
 - Typical CE 1000  
 - Scope for CE 1000 projects

**Site Specific Hazardous Material Review (SSHR)**  
 - Review of existing records and data  
 - Review of existing records and data  
 - Review of existing records and data  
 - Review of existing records and data

**Additional Resources to Review**  
 - Review of existing records and data  
 - Review of existing records and data  
 - Review of existing records and data

**Questions**

**HM Review Alternatives Analysis**  
 - Review of existing records and data  
 - Review of existing records and data  
 - Review of existing records and data

**HM Review Alternatives Analysis**  
 - Review of existing records and data  
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 - Review of existing records and data  
 - Review of existing records and data

**Hazardous Material Review (HMR)**  
 1. Site Specific 2. Alternatives Analysis

**Hazardous Material Review (HMR)**  
 Identify hazardous materials concerns prior to construction  
 - Review of existing records and data  
 - Review of existing records and data  
 - Review of existing records and data

**Project Types**  
 Pavement Preservation  
 - Typically excluded from a hazardous material review  
 Rehabilitation, Restoration, Rehabilitation (RR)  
 - CE level analysis  
 - Review needed if excavation occurs, outside pre-existing roadway (if existing)  
 New and Reconstruction  
 - HMR review necessary  
 Bridge work

**Project**  
 - Review of existing records and data  
 - Review of existing records and data  
 - Review of existing records and data

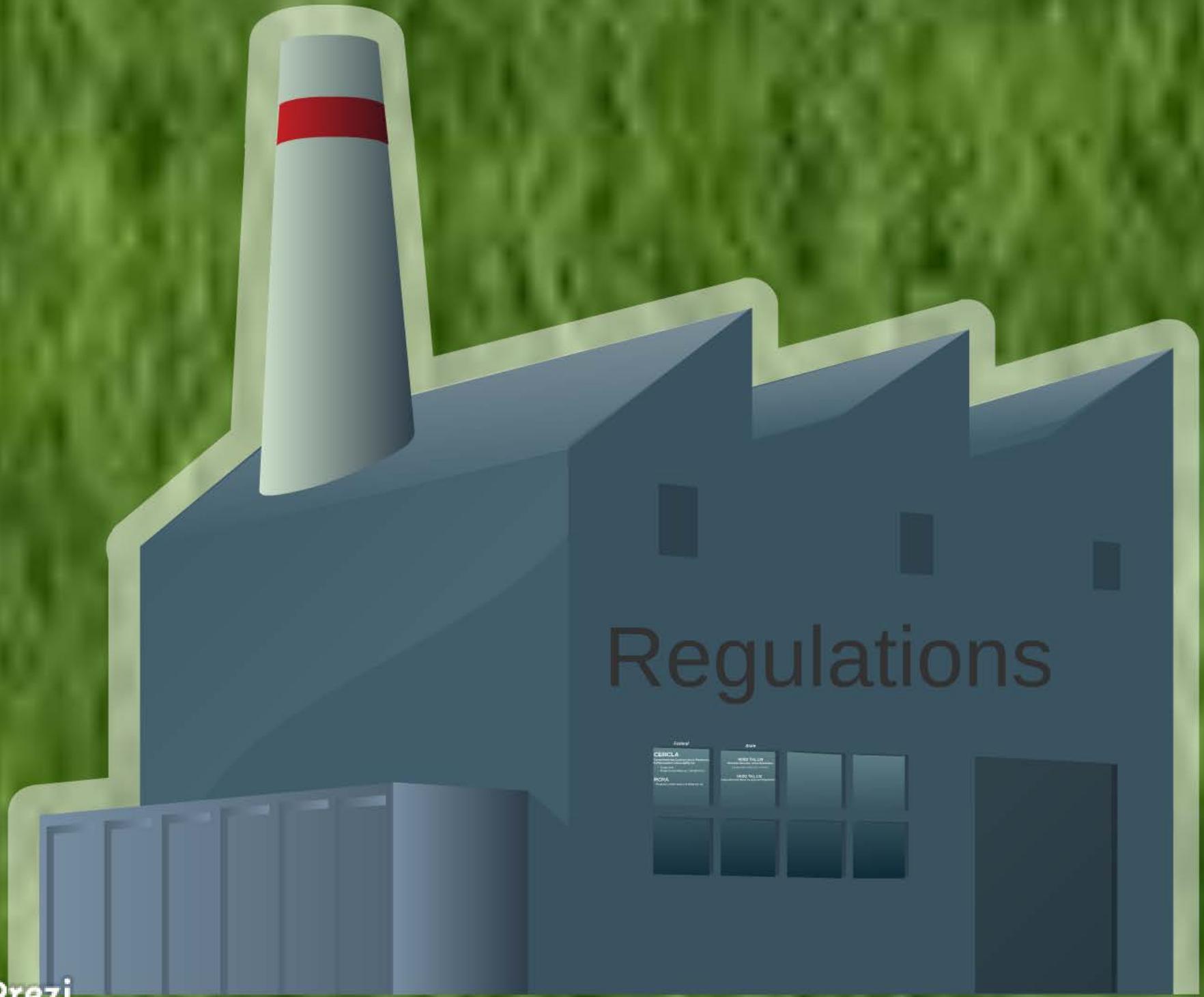


# Purpose

Assists in performing hazardous material reviews (HMR)

HMR:

- Identifies project related hazardous material concerns
- Materials management plans
- Identifies health and safety concerns
- Facilitate alternatives analysis



# Regulations

Nome	Attiv
CERCLA	1980 Title I
RCRA	1976 Title I
	1980 Title II

## *Federal*

### **CERCLA**

*Comprehensive Environmental Response,  
Compensation and Liability Act*

- Superfund
- Response to releases (remediation)

### **RCRA**

*Resource Conservation and Recovery Act*

## *State*

### **NDEQ Title 128**

*Nebraska Hazardous Waste Regulations*

management of hazardous wastes

### **NDEQ Title 132**

*Integrated Solid Waste Management Regulations*

# Project Types

## Pavement Preservation

- Typically excluded from a hazardous material review

## Resurfacing, Restoration, Rehabilitation (3R)

- CE level analysis
- Review needed if excavation occurs outside pre-existing roadways fill material

## New and Reconstruction

- HMR review necessary

## Bridge work

### Projects with Higher Potential to Encounter Hazardous Materials

- Extensive grading activities adjacent to hazardous waste facilities and service stations
- Urban projects with soil disturbance
- Utility work including storm sewer, sanitary sewer signals and lighting (where trenching will occur)
- Excavations encountering groundwater
- Full property acquisition

## **Projects with Higher Potential to Encounter Hazardous Materials**

- Extensive grading activities adjacent to hazardous waste facilities and service stations
- Urban projects with soil disturbance
- Utility work including storm sewer, sanitary sewer signals and lighting (where trenching will occur)
- Excavations encountering groundwater
- Full property acquisition



## Hazardous Materials Definition (NDOR)

Broad category of materials that pose a significant hazard to human health and safety or to the environment if released into the environment.





- Petroleum products
- Solvents
- RCRA metals
- Industrial haz waste

**3**

## ***Project Footprint***

Area on a project site *where excavations or work* occurs to construct the project improvements



# Typical Search Distances

Superfund NPL: 1.0 mile

Solid waste disposal facilities: 1.0 mile

CERCLIS (non-NPL)

LST

RCRA related

Brownfield

0.1 miles

# Hazardous Material Review (HMR)

*Identify hazardous materials concerns prior to construction*

- *Identifies facilities and releases*
- *Potential for contamination in project footprint*
- *Summarizes subsurface investigations*
- *Summarizes regulatory agency correspondence*
- *Includes mitigation measures (commitments)*



# Basic Steps of the HMR:

## 1. Agency environmental database review

- NDEQ IMS
- EnviroMapper
- EDR
- State Fire Marshal list of USTs
- NDEQ spills
- NRC

## 2. \*Visual reconnaissance

- visual recon. form
- site photographs

## 3. \*Additional analysis

- regulatory file review
- historical records
- agency coordination

## 4. \*Subsurface investigation

## 5. Compile information into HMR

\*if necessary

# Hazardous Material Review (HMR)

1. Site Specific
2. Alternatives Analysis

## Site Specific Hazardous Material Review (HMR)

- No alt. analysis or minimal difference in alt.
- Typically CE level
- Majority of NDOR projects

# Site Specific Hazardous Material Review (HMR)

Findings:

**Low Potential Site:** Unlikely contamination would be encountered during construction

**Medium Potential Site:** Unclear if contamination is in project footprint or subsurface investigation determines contamination is not present.

**High Potential Site:** Likely that contamination is in the project footprint

# HMR for Alternatives Analysis

Findings are risk based

- budget
- schedule
- extent of contamination
- remediation
- Human Health and Safety

## HMR for Alternatives Analysis

Findings:

**Low Risk:** Unlikely contamination is within HMR study area.

**Medium Risk:** Potential for contamination in project HMR study area. Minimal impact for materials management, health and human safety and schedule.

**High Risk:** Contamination likely to impact construction. Extensive materials management and health and human safety plans. Could create substantial delays and increase in project cost. Avoidance of high risk sites where possible

## **NDOR Review and Clearance**

Submit HMRs to NDOR Hazardous Materials PQS for approval

Approved HMR to project file

PQS HMR summary and mitigation memo attached to NEPA form

## **New Process vs. Old Process**

Format: Technical Document instead of memo

Visual Reconnaissance - not windshield survey

New Site Reconnaissance form

Coordinate more with NDOR PQS

Change in finding language: Potential of encountering contamination during construction.

HMR not attached to CE form - PQS attached

# Additional Information in Guidance

## Examples:

- HazMat site discussions
- HazMat site risks
- Commitments

## Regulations

## References:

- Definitions
- Example HMR
- QA/QC form
- Visual reconnaissance form

# Questions







EJ and Pub. Involv.  
(Insert tab here)







# Nebraska Public Involvement Procedure

Sarah Kugler  
Christopher Hassler



# Federal Aid Requirements

- ▶ In accordance with 23 CFR 450.210, The Federal Highway Administration (FHWA) requires the statewide planning process be developed ([www.fhwa.dot.gov/planning/public\\_involvement/orders/](http://www.fhwa.dot.gov/planning/public_involvement/orders/)) using a documented Statewide Transportation Improvement Plan (STIP) public involvement process for public review and comment at key decision points.
- ▶ FHWA and other federal agencies implemented the National Environmental Policy Act (NEPA) of 1969 and FHWA environmental procedures in 23 CFR 771 and the Council on Environmental Quality implemented regulations outlining requirements for public input during the project development process. These regulations include publishing notices and providing the opportunity for public hearings to solicit input about transportation projects.



# Federal Aid Requirements

- ▶ Executive Order 12898
- ▶ The Order calls for “identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of” various State and LPA transportation projects to Minority and Low-income populations.
  
- ▶ Executive Order 13166
- ▶ Requires Federal agencies and their recipients to improve access to Federally-sponsored programs for persons with Limited ability to read, write, speak, and understand English.



# Checklist

(Information required for completion of proper Civil Rights Analysis)

- ▶ DR Form 530 (Local) or DR 73/53 (State)
- ▶ Proposed location map
- ▶ Proposed detour map (If applicable)
- ▶ Purpose and Need
- ▶ Project Description



# Civil Rights Analysis

- ▶ What questions will the CE Form ask?
  - How to use the Civil Rights Analysis to answer these questions
- ▶ How do the findings of the Civil Rights Analysis relate to Public Involvement?



# Civil Rights Analysis

- ▶ What questions will the CE Form ask?
  - ▶ 1. Are protected populations in the study area?
  - ▶ 2. Will there be adverse effects to these populations?
  - ▶ 3. Will the adverse effects be potentially disproportionately high and adverse?
  - ▶ 4. Limited English Proficiency



# Civil Rights Analysis

- ▶ EJ Population Analysis
- ▶ 1. Use census and other data as appropriate for the scenario.
- ▶ 2. Examine the area for minority and low-income residences that the census data might not show, e.g., trailer parks or predominantly minority apartment complexes.
- ▶ 3. Examine the area for businesses and organizations likely to be predominantly used by protected populations, e.g., community services or community centers.
- ▶ 4. If no population, the analysis is complete. Do not address anything further if you've found no populations.



# Civil Rights Analysis

- ▶ Are there Adverse Effects to protected populations?
  - ▶ isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
  - ▶ displacement of persons, businesses, farms, or nonprofit organizations
  - ▶ destruction or disruption of the availability of public and private facilities and services
  - ▶ the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities
- ▶ Common examples: Detours; ROW; Access Changes/closures



# Civil Rights Analysis

- ▶ Potential Disproportionately High and Adverse Effects:
  - ▶ Disproportionately high and Adverse Effects are those that:
    1. are predominately borne by a minority population and/or a low-income population; OR
    2. will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.



# Civil Rights Analysis

## ▶ Mitigation

- ▶ Properly applied, mitigation techniques can reduce “disproportionately high and adverse effects” to only “adverse effects”.
- ▶ Mitigation can vary widely from project to project. Many times, mitigation will simply be the use of additional public involvement methods.



# Civil Rights Analysis

- ▶ Limited English Proficiency Analysis
- ▶ Performed at the census tract or locality level; doesn't track the environmental study area.
- ▶ NDOR thresholds for translation and interpretation are 5% or 1,000 persons.
- ▶ LEP person is one who speaks a language other than English and also speaks English "Less Than Very Well," as designated in the American Community Survey.
- ▶ Report findings in public involvement section of CE form.



# Updated Checklist

(Information required for review of draft public involvement plan)

- ▶ Civil Rights Analysis
- ▶ DR Form 530 (Local) or DR 73/53 (State)
- ▶ Proposed location map
- ▶ Proposed detour map (If applicable)
- ▶ Purpose and Need
- ▶ Project Description

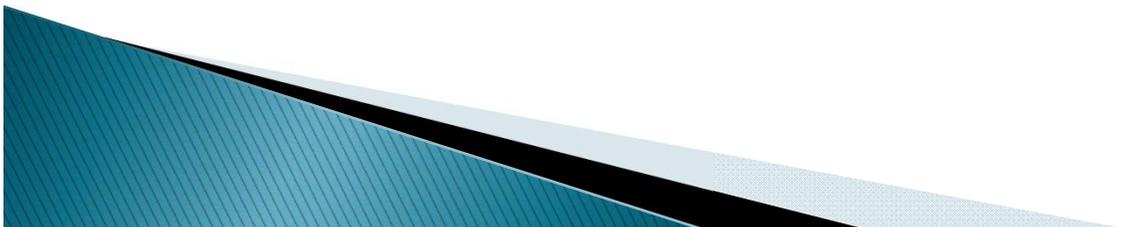


# Public Involvement Plan

Include information on the following:

- ▶ Location of the proposed project.
- ▶ Scope of the proposed project.
- ▶ ROW impacts including the type and anticipated amount.
- ▶ Access restriction or closure.
- ▶ Wetland impacts.
- ▶ 4(f)/6(f)/Section 106 impacts.
- ▶ Average Daily Traffic (ADT)
- ▶ Traffic accommodations in detail (detour, lane restrictions, etc.)
- ▶ Explain proposed public outreach (per Public Involvement Procedure) based off the information above.

\*Emphasize on public involvement considerations.



# Public Involvement Plan Format

## Location →

Following a second review of the project, this 3R (Resurfacing, Restoration and Rehabilitation) project is proposed to resurface approximately 8.08 miles of Nebraska Highway 15 (N-15) located in Colfax and Stanton Counties. The project would start at Mile Marker (MM) 126+56, the junction of Nebraska Highway 91 (N-91) and N-15, and extend north to MM 134+64, just north of the Nebraska Highway 32 (N-32) and N-15 junction. Construction would begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement. The purpose of the proposed project is to preserve the N-15 transportation asset, improve the reliability of the transportation system and perpetuate the mobility of the traveling public. The need for this project is based on the condition of the existing roadway and bridge. Bridge inspections suggested that a bridge replacement would be required.

## Scope →

The proposed improvements for this project consist of resurfacing the existing roadway, surfaced shoulders, existing surfaced drives, and intersections with asphalt. Permanent pavement markings would be applied to the resurfaced roadway. In addition to the resurfacing, the project would remove and replace the existing bridge, S015 13411, located over Maple Creek. Existing guardrail would be removed and replaced. Additional Right-Of-Way (ROW) would be required for the bridge replacement and for hazard mitigation. There would be an approximate 1.5 foot grade raise associated with the bridge replacement that would necessitate grading. Hazard mitigation would include but would not be limited to: culvert extensions, foreslope grading, tree and other obstacle removal, mailbox turnouts, and one driveway relocation.

## Impacts →

Based on the above described improvements, this project would require the acquisition of additional property rights including new ROW, and permanent and/or temporary easements (approximately 2.5 acres for the entire project). The need for additional property rights would include relocating a field entrance to avoid the new bridge and guardrail, culvert extensions, foreslope grading, hazard mitigation, bridge replacement, and general construction needs. Wetlands impacts are anticipated, approximately 0.4 acres, and would be mitigated on-site or at a local wetlands bank. Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements. No other impacts were identified.

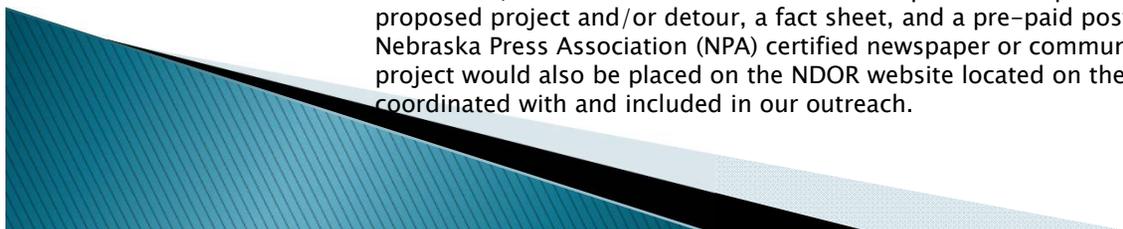
## Traffic → Accommodations

The removal and replacement of the existing bridge S015 13411 would require short-term detouring of N-15 Traffic (approximately five to six months); a designated detour would be provided, utilizing N-32, Nebraska Highway 57 (N-57), and N-91. The current traffic count (ADT) for N-15, from MM 126+56 to MM 134+64, is approximately 1470 vehicles per day with thirty percent (30%) heavy vehicles. The resurfacing portion of the project would be constructed under traffic with lane closures controlled with approved temporary traffic control. The designated detour itself may be lengthy, but it can be presumed that residents within the area will find more efficient paths to avoid the detour at the bridge location. The detour would not be in place for the entire construction length of the project, which is proposed to begin as early as fall of 2016 and be complete by fall of the following year. With a portion of this traffic being heavy truck traffic, the Nebraska Trucking Association (NTA) would be coordinated with and included in our public outreach.

## ADT →

## Outreach Proposal →

Based on an analysis of the project scope, the civil rights analysis, and discussion with the Nebraska Department of Roads (NDOR) District 3 Engineer, Kevin Domogalla, NDOR is requesting to utilize public involvement outreach with a Project Information Packet, with a 30-day comment period, to inform the public of the proposed project and solicit input regarding the project. This would involve a mailing packet to a database of citizens directly adjacent to N-15 between MM 126+56 and MM 134+64, as well as to businesses, stakeholders and other interested parties. The packet would include a cover letter detailing the project, a map of the proposed project and/or detour, a fact sheet, and a pre-paid postage comment form. A legal notice would be published in a Nebraska Press Association (NPA) certified newspaper or community newspaper within the project area. Information regarding the project would also be placed on the NDOR website located on the "Highway Projects" page. As mentioned above, the NTA would be coordinated with and included in our outreach.



# Level 1 CE

The Public Involvement Coordinator will determine the public involvement tools to use during NEPA for projects with:

- Detour
- Access restriction or closure
- Projects within or directly adjacent to federal land, a state park, or tribal land
- Nighttime work in a residential area

At a minimum the public will be engaged through a targeted mailer when:

- The detour must create less than 5 miles of adverse (out-of-direction) travel within an urban environment and less than 25 miles in a rural setting with access provisions for local traffic
- Direct access to a residential property or driveway is closed for no more than 5 working days, and complete access closure to businesses or emergency services cannot occur



# Commonly Used Tools

## Targeted Mailing

### Public Notification

A Public Notification typically includes a project description, purpose and need, brief scope of work, right-of-way or easements, traffic or access disruption description, construction schedule, map (detour and location), accommodation of traffic, any other potential impacts, accommodation of information and/or materials for protected population, and agency contacts (including the Public Involvement Coordinator). This notification is distributed to contiguous property owners, business owners, and local officials. No comment period is required but, comments are accepted.

- ROW
- Detour
- Access Restriction
- Nighttime Work in Residential Area



# Commonly Used Tools

## Targeted Mailing (Continued)

### Project Information Packet

A Project Information Packet is sent when a public information meeting is not planned. The Project Information Packet typically includes a cover letter, project handout/fact sheets (see Appendix B for example), a comment form, and/or any other displays/exhibits/handouts to summarize the project and agency contacts (including the Public Involvement Coordinator). A minimum 30-day comment period is required. The dates and methods to provide feedback must be included in the packet.

- ROW
- Detour
- Access Restriction
- Base Flood Elevation (Impacts to adjacent structures)
- 4(f) Impacts
- Historical Properties



# Level 2 CE

**The Public Involvement Coordinator will determine the public involvement tools to use during NEPA for projects with (in addition to Level 1 CE):**

- Section 4(f) use in accordance with Section 4(f) Guidance Document
- Section 106 property, in accordance with Section 106 Guidance Document
- Adjacent property owner trail maintenance
- If LPA will require property owner assessment to assist in paying for a federal aid project

**At a minimum the public will be engaged through a targeted mailer when:**

- Direct access to a residential property or driveway is closed for no more than 10 working days, and complete access closure to businesses or emergency services cannot occur.
- If the project results in a Section 4(f) Impact
- When a new trail would be constructed adjacent to private property or if property owners are expected to maintain new trails based on local ordinance (shovel snow, mow area adjacent to trail)
- If property assessments would be used for the project financing



# Level 3 CE

**The Public Involvement Coordinator will determine the public involvement tools to use during NEPA for projects with (in addition to Level 1 & 2 CEs):**

- ROW  
Rise greater than 1-foot in the Base Flood Elevation (BFE)
- Type 1 Project criteria (in accordance with 23 CFR 772 and NDOR's Noise and Abatement Policy).
- When a new trail would be constructed adjacent to private property or if property owners are expected to maintain new trails based on local ordinance (shovel snow, mow area adjacent to trail).
- If LPA will require property owner assessment to assist in paying for a federal aid project.

**At a minimum the public will be engaged through a targeted mailer when:**

- ROW would be acquired:
  - If the project would require more than 2 acres per linear mile of ROW/easements
  - Removal of minor improvements
- If access restriction or closure of more than 10 days is anticipated

Any rise in a floodplain that impacts an adjacent structure, or in a floodway

If there is a determination of "adverse effect" on a historic property



# Other Commonly Used Tools

- ▶ Official Legal Notice
- ▶ Public Information Meeting
- ▶ Website
- ▶ Media News Release
- ▶ Canvassing
- ▶ Temporary Highway Signs/DMS Signs

\* Additional tools and examples may be found in the back of the Nebraska Public Involvement Procedure



# Commonly Used Tools

## Official Legal Notice

- ▶ Public Information Meeting and Public Hearing
  - 15 days prior to event (not counting the day of the event)
- ▶ Targeted Mailing of Project Information Packet
  - 30 days and 15 days
- ▶ Final Environmental Impact Statement/Record of Decision Public Availability
  - Refer to Federal Register

\*Must be published in Nebraska Press Association Newspaper



# Commonly Used Tools Official Legal Notice (Continued)

## NEBRASKA DEPARTMENT OF ROADS NOTICE OF HIGHWAY PUBLIC MEETING

Thursday, February 5, 2015; 4:00 – 6:00 PM

*Information Open House Public Meeting*

Ak-Sar-Ben Aquarium, Schramm Park State Recreation Area  
21502 Hwy 31, Gretna, Nebraska

**RD-31-2(1014) Schramm Park South; C.N. 22302A**

The Nebraska Department of Roads (NDOR) will hold a public information open house regarding proposed improvements of Nebraska Highway 31 (N-31) in Sarpy County. The meeting will be held at the Schramm Park State Recreation Area, Ak-Sar-Ben Aquarium, 21502 Highway 31, in Gretna, on Thursday, February 5, 4:00–6:00 P.M.

Identified as *Schramm Park South*, the proposed project would resurface approximately 1.17 miles of N-31 located in Sarpy County, beginning 4.18 miles west of the junction of Nebraska Highway 50 (N-50) and N-31, and extending northwest to approximately 0.18 miles southeast of the entrance to Schramm Park State Recreation Area.

The purpose of this proposed project is to preserve the N-31 transportation asset, improve the reliability of the transportation system and perpetuate the mobility of the traveling public. The need for this proposed project is based on the condition of the roadway.

The planned construction would include removing the existing pavement and subgrade, and then constructing a new stabilized subgrade, foundation course, and concrete pavement. Additional work would include the pavement of parking turnouts, shoulder work, and grading of existing drives and intersections.

Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements. No additional property rights are anticipated for this project.

Wetland impacts are anticipated and would be mitigated at a local wetlands bank.

Construction could begin as early as fall of 2016 and be complete fall of the same year. The proposed project would require detouring N-31 traffic; a designated detour would be provided, utilizing Interstate 80 (I-80), Nebraska Highway 370 (N-370)

and N-50. Details will be available at the public meeting.

This public open house meeting is being held to provide information regarding the project, currently in the design phase, and to receive the public's input. All interested persons are invited to attend and present relevant comments and questions. Design information will be displayed and personnel from NDOR will be present to answer questions and receive comments. The information "open house" format allows the public to come at any time during the advertised hours, gather pertinent information about the project, speak one-on-one with project personnel, and leave as they wish.

NDOR will make every reasonable accommodation to provide an accessible meeting facility for all persons. Appropriate provisions for the hearing and visually challenged or persons with Limited English Proficiency (LEP) will be made if the Department is notified by January 23, 2015. Notification should be submitted to: Sarah Kugler, Public Involvement Coordinator, Nebraska Department of Roads, P.O. Box 94759, Lincoln, NE 68509-4759; [sarah.kugler@nebraska.gov](mailto:sarah.kugler@nebraska.gov); voice telephone 402-479-4871, Fax 402-479-3989.

Information regarding the proposed project will be made available on the NDOR website, the day after the meeting, at [www.transportation.nebraska.gov/projects/](http://www.transportation.nebraska.gov/projects/) by clicking on the "Schramm Park South" link. For those without internet access, information may be obtained through the contact above or at NDOR Headquarters, 1500 Hwy 2, Lincoln, NE. For further information, contact Tim Weander, NDOR District Two Engineer, 402-595-2534, [tim.weander@nebraska.gov](mailto:tim.weander@nebraska.gov).

# Items for Public Involvement Review

(After review and approval of draft Public Involvement Plan)

When Applicable, please submit all draft versions of the following to be reviewed:

- ▶ Public Involvement Plan
- ▶ Legal Notice
- ▶ Distribution List
- ▶ Project Handout
- ▶ Public Notification
- ▶ Cover Letter
- ▶ Comment Sheet
- ▶ Sign-in Sheet
- ▶ Displays
- ▶ Any other material to be potentially distributed to the public



# Checkpoints

1. Complete Civil Rights Analysis.
2. Submit P.I Plan for review/approval.
3. Submit public involvement materials per the approved P.I Plan for review/approval.
4. Carry out Public Involvement activities.
5. Project closeout (review/approval).



# Project Closeout

- ▶ Draft Final Report
  - Documentation (Reports may vary depending on the type of public involvement event and may or may not include all of the components listed).

## COVER PAGE

CERTIFICATE (signature date is same as close of comment period)

## APPENDIX

### PUBLIC INVOLVEMENT PLAN

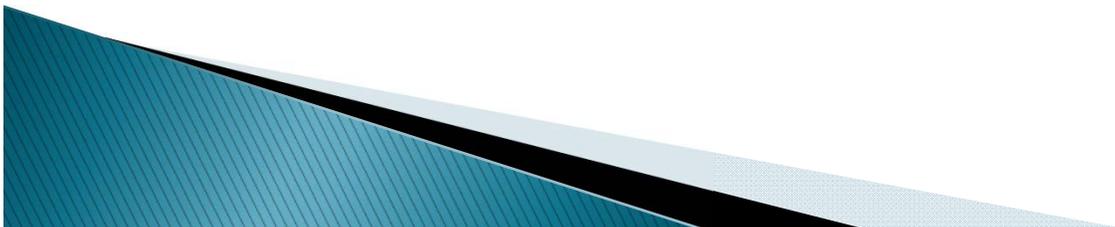
Civil Rights Analysis  
Public Involvement Memo  
Additional Considerations

### NOTIFICATION

Legal notice of public meeting  
Request for publication of legal notice  
Affidavit of publication of legal notice

Mailing  
Public Notification  
Sample letter  
Distribution lists

Official news release/flyer  
Order for temporary highway signs  
Photos of temporary highway signs  
Website page confirming project info posted online



# Project Closeout (Continued)

## **VENUE** (include name and address on divider)

Venue relative to project map

Aerial location map

Floor plan

ADA accessibility checklist

Photos of venue (exterior and interior)

## **SUPPORT MATERIALS**

Handouts distributed to the public (include all languages)

Display/exhibit boards

Proposed project location map

Proposed detour route map

KMZ file (Google Earth) representation

Proposed typical sections

Proposed design mosaic map

## **ATTENDANCE**

Sign-in sheets

Photos of public meeting

## **PUBLIC COMMENTS**

Sample citizen comment sheet

Comment matrix

Written citizen comments

Participant notes

Written responses



# What Questions will the CE Form Ask?

**Public Involvement** – Provide a summary of any completed and planned Public Involvement Activities:

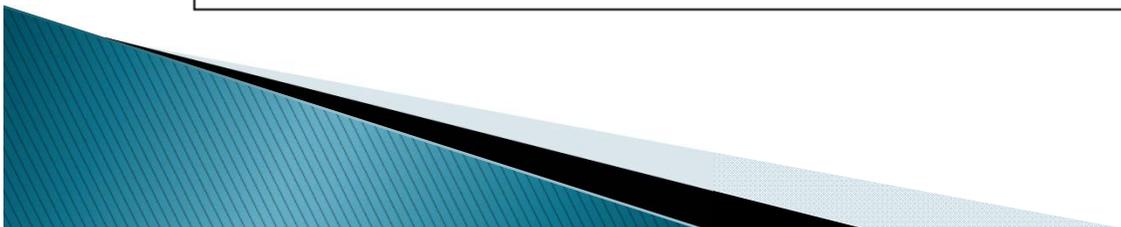
Public Involvement Mitigation:

**Unresolved Controversy** – Based on public involvement carried out per NDOR’s procedures, is there any known public or agency controversy on human, natural, or economic grounds associated with the action?

Yes     No     N/A

If Yes, coordinate with FHWA to determine the proper level of environmental review.

Unresolved Controversy Comments:



# Project Closeout (Continued)

- ▶ Summary of Public Involvement for Environmental
  - Refer to original PI Plan and outreach completed
  - Comments/Responses (In matrix format)
  - Attach written comments/responses and mailing packet

To: NDOR Environmental  
From: Sarah Kugler, Public Involvement Manager, NDOR  
Date: 20 August 2015  
RE: Public Involvement Summary Report, STP-15-3(115), N-91 North, CN 32132

## **Public Involvement Outreach Requirements for Public Information Packet: C.N. 32132, STP-15-3(115), N-91 North**

Based on an analysis of the project scope, the civil rights analysis, and discussion with the Nebraska Department of Roads (NDOR) District 3 Engineer, Kevin Domogalla, NDOR utilized a Project Information Packet, with a 30-day comment period, to inform the public of the proposed project and solicit input regarding the project. A total of 121 mailing packets were sent to a database of citizens directly adjacent to Nebraska Highway 15 from Mile Marker (MM) 134+64 to MM 126+56. Mailing packets were also sent out to a list of 46 businesses, stakeholders, and other interested parties. Since a portion of this traffic included heavy truck traffic, the Nebraska Trucking Association (NTA) was included in our database. The packet included a cover letter detailing the project, a map of the proposed project and/or detour, a fact sheet, and a pre-paid postage comment form. A legal notice was published in the Colfax County Press and the Stanton Register, both Nebraska Press Association certified newspapers, on June 10, 2015 and June 24, 2015. Information regarding the project was also placed on the NDOR website located on the "Highway Projects" page. Additional information may be made available upon request.

NDOR Public Involvement received 7 comments during the specified comment period (June 10, 2015 – July 10, 2015), outlined below.

COMMENT	RESPONSE
Summarize each comment	Summarize each response

# Contact Information

**Sarah Kugler**

NDOR Public Involvement Manager

(402) 479-4871

[sarah.kugler@nebraska.gov](mailto:sarah.kugler@nebraska.gov)

**Christopher Hassler**

NDOR Highway Civil Rights Specialist

(402) 479-3553

[christopher.hassler@nebraska.gov](mailto:christopher.hassler@nebraska.gov)









QA/QC  
(Insert  
tab  
here)







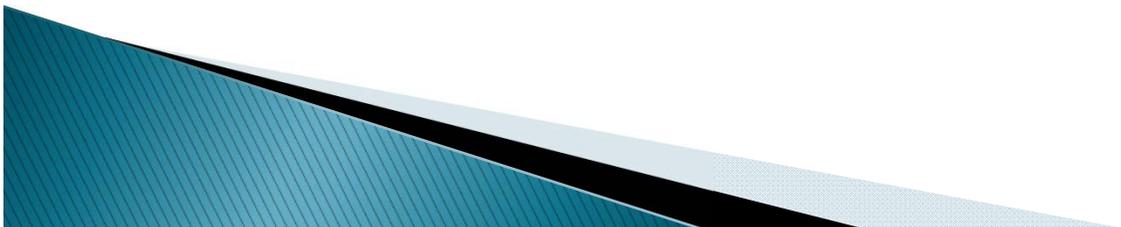
# QA/QC Reviews

- »» Categorical Exclusion Documents

# QA/QC What's the Difference?

## ▶ Quality Control (QC)

- Problem DETECTION – Finding problems or issues yourself *prior* to delivery of a product as accurate and complete.
- Don't let others find your mistakes!



# QA/QC What's the Difference?

- ▶ **Quality Assurance (QA)**

- Problem PREVENTION – Procedures are put in place to prevent problems or issues from recurring. QA processes take problems identified in QC and put into place procedures to avoid them in the future.



# QC Review – Who is Responsible?

## ▶ *New Deliverable Requirement!*

- Every CE document preparer (NDOR Specialists, Consultants, or LPA staff) *must verify* that the CE document has been reviewed for quality and consistency with the CE PA and Guidance, *prior to submittal* to NDOR and FHWA
- QC Review must be by an experienced NEPA PM or Principal Author
- Date Reviewed, Name and Title of the reviewer is *required* on transmittal letter, memo or email.



# QC Review – Who is Responsible?

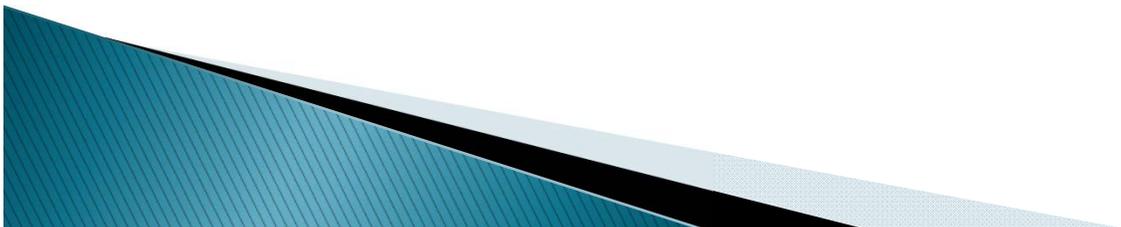
## ▶ NDOR QC Review Process

- NDOR NEPA PM – Initial Review for completeness and accuracy
  - PM works with Consultant/LPA as needed
- NDOR NEPA QC Review using:
  - CE Guidance
  - QC Checklist used for “KEY” elements
  - QC “Reviewers Actions List”
- NDOR NEPA PM returns the CE document to the Consultant/LPA for comment resolution



# QC Review – Who is Responsible?

- Consultant or LPA resolves comments, conducts QC review and returns the document to NDOR for review (along with verification of QC).
- NDOR PM and QC Reviewer determine if all comments are addressed.
  - If YES, document is returned to the PM for signature and processing.
  - If NO, comments are uploaded into the NDOR Clarity database and the document is returned to the consultant for resolution.



# QC Review – Who is Responsible?

- ▶ NEPA PM (State Employees only) signs Category 1 CEs
- ▶ Environmental Documents Unit (EDU) Manager approves Category 2 CEs
  - EDU Manager conducts final QC review, and either approves it or returns it to the NEPA PM, with comments for resolution, and upload to the Clarity QC database
  - The document is returned to the Consultant or LPA for resolution.
    - *Note: If initial comments made by the QC reviewer are minor, the document will be forwarded for the EDU Manger's review, prior to returning it to the consultant or LPA for comment resolution.*



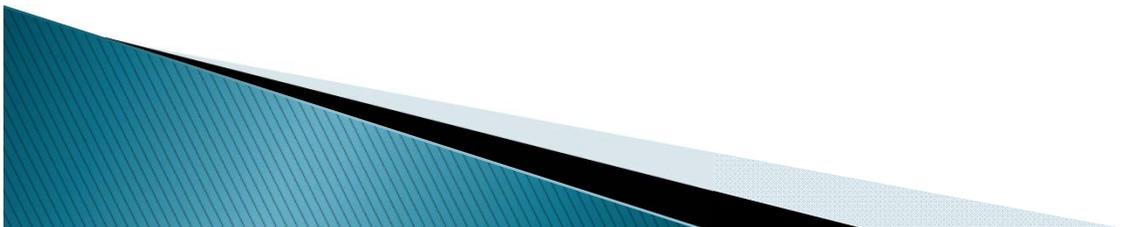
# QC Review – Who is Responsible?

- ▶ After the EDU Manager's comments are resolved, the Category 2 CE is approved
- ▶ Category 3 CEs are sent to FHWA after EDU Manager approval
  - FHWA provides review comments or document approval
    - FHWA Comments will be input to Clarity, and the document returned to the Consultant or LPA for comment resolution.
    - The revised CE is QC-reviewed by Consultant or LPA and NDOR prior to re-submittal to FHWA for approval.



# Quality Control Toolbox

- ▶ CE PA and Guidance 
- ▶ Environmental Document QC Reviewer Actions (See QC Appendix)
- ▶ CE Review Checklist (See QC Appendix)



# Quality Assurance Procedures / Audits



# Quality Assurance

-----A Proactive Process

- ▶ Comments are recorded in each project's QC page in the Clarity database, by Block Number from the CE Form



Project: Pawnee City Southeast | NDOR Environmental Data: Pawnee City Southeast - NDOR Environmental Data Properties

NEPA QA/QC

QC Completed  

Block 0 (Project Info)

Block 0 NDOR Comments

Block 0 FHWA Comments

Block 2 & 3 (Section 4(f) & 6(f))

Block 2 & 3 NDOR Comments

Block 2 & 3 FHWA Comments

Block 5 & 6 (WSR/NRR and Floodplain)

Block 5 & 6 FHWA Comments

Block 5 & 6 NDOR Comments

Block 1 (ROW)

Block 1 NDOR Comments

Block 1 FHWA Comments

Block 4 (Non-Threshold Impacts)

Block 4 NDOR Comments

Block 4 FHWA Comments

Block 7 (Wetland/WoUS)

Block 7 FHWA Comments

Block 7 NDOR Comments

Block 9 (T&E)

# Quality Assurance

## A Proactive Process

---

- ▶ A QC Comment Summary Report is then run to compile all comments in each block, for comparison
- ▶ Comments will be analyzed for frequency of occurrence and consistency. The NDOR Audit Team will prepare an analysis of the comments and develop appropriate procedures to address.



# Quality Assurance Audits

- ▶ FHWA and NDOR will randomly select projects to audit quarterly, for compliance with CE Guidance and the Programmatic Agreement, as well as implementation of the QA/QC Process.
- ▶ GOAL: To reduce the audit's frequency to annually, based on positive results.



# QA Audit Results / Response

- ▶ The QA Audit Team will provide feedback on results to NEPA Specialists, Consultants and LPA Staff regarding:
  - Strengths and Weaknesses
  - Problem Areas needing attention and,
  - Corrective Actions for problem prevention.



# QUESTIONS?



CE Smart Form  
(Insert tab  
here)







# NE-CE Application

Smartform



# **Mission**

*Provide the NDOR Environmental Section with an effective web-based tool to aid in project delivery.*

*3 Month Timeline*



# STOP

COMMUNICATION BREAKDOWNS

ERRORS

# Goal

*Create efficiencies for the NDOR environmental process while reducing errors in effort of providing documentation to support the All Level Form*



# *Documentation*

Documentation for All Level Form

- Support in auditing process

Planning Environmental Review (PER) to Support

Design Environmental Review (DER) to Support



# *Automation*

Automation of All Level Form to a "Smartform"

- Access Existing Data
  - NDOR Clarity Program
- Data storage for later reporting and querying

Smart Questions, Smart Answers

# *Accessibility*

## Web-Based

- Computer, Tablet, or Phone
- Input Data to the application on any device away from the office
  - Comments from meetings, phone calls, etc.

# *A Nebraska Based Program*

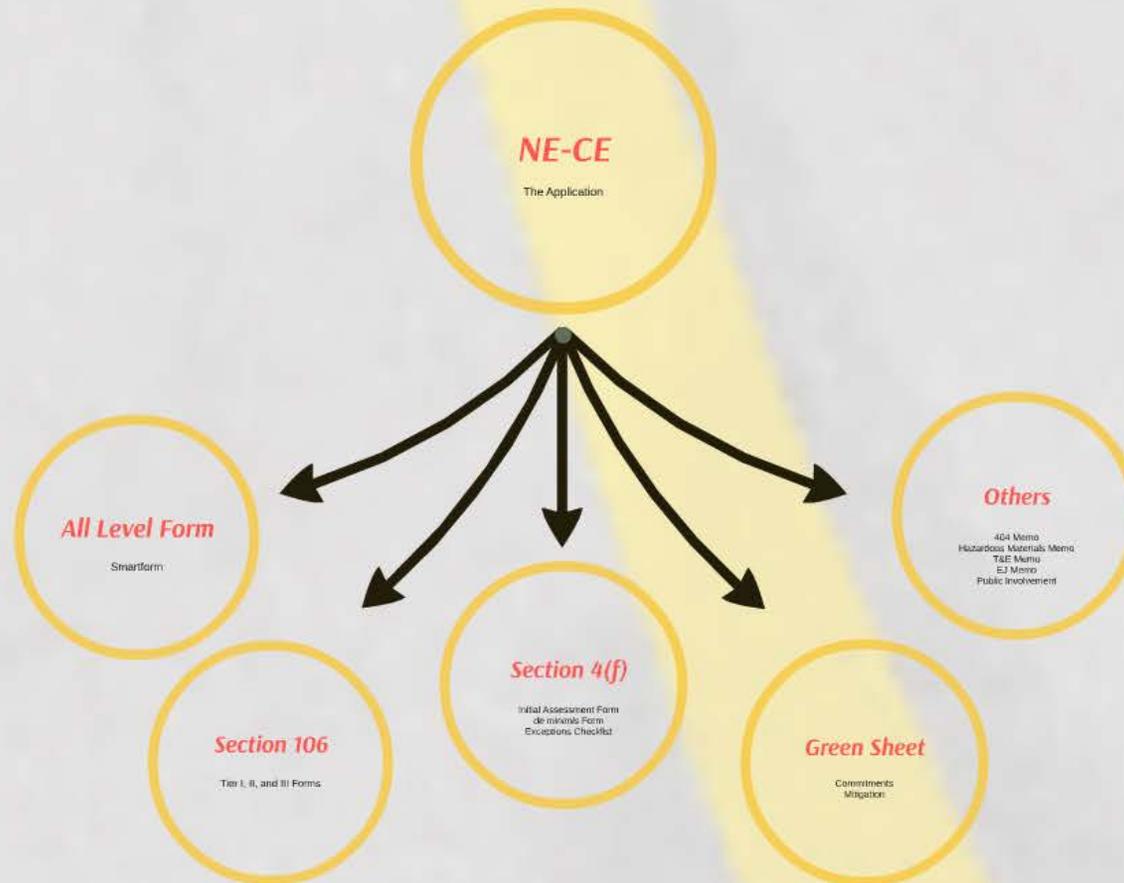
Tailored to the NDOR Process

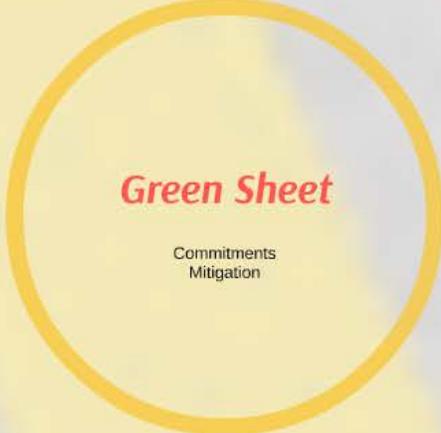
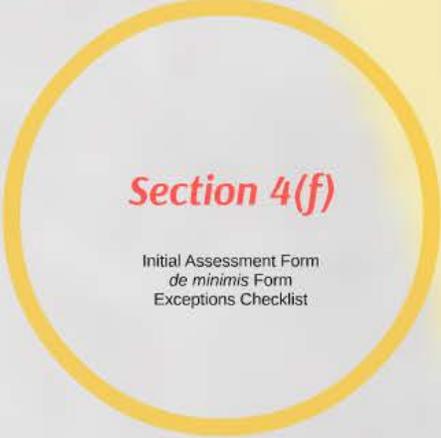
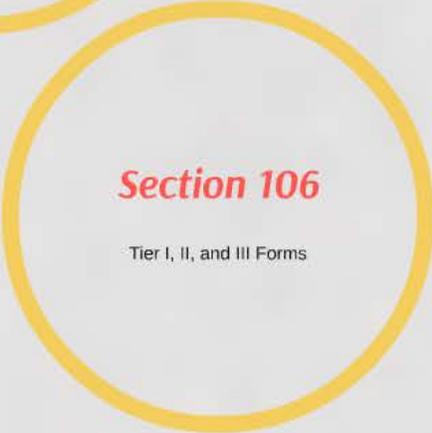
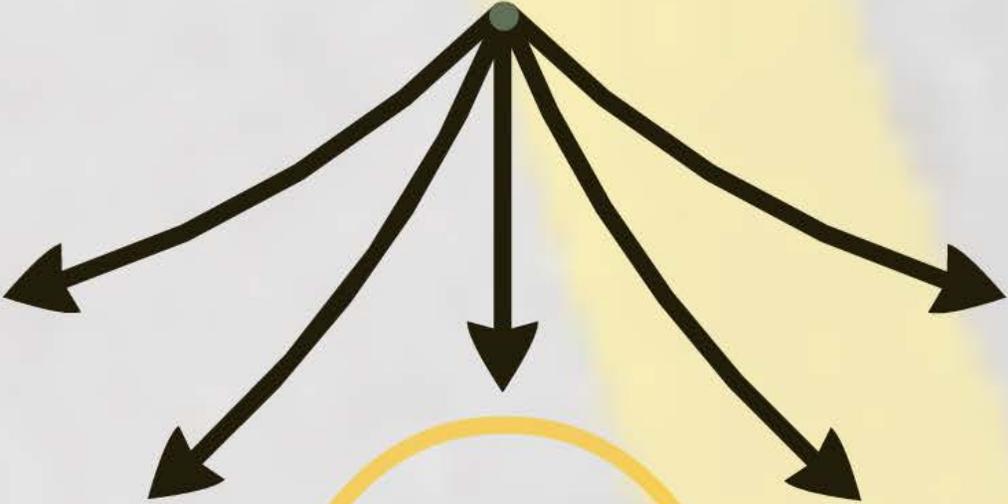
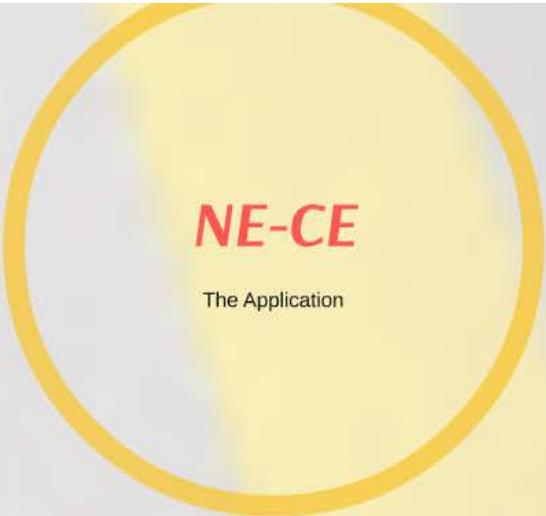
- CE Programmatic Agreement
- Auto-populated from Clarity (NDOR Scheduling Tool)
  - Creates the Project
  - Populates the Smartform
- NDOR PQS review and input

FUTURE<sup>AVE</sup>

VISION<sup>ST</sup>

# Applications





# *NE-CE*

The Application

# *All Level Form*

Smartform

# *Section 106*

Tier I, II, and III Forms

# *Section 4(f)*

Initial Assessment Form  
*de minimis* Form  
Exceptions Checklist

# *Green Sheet*

Commitments  
Mitigation

# *Others*

404 Memo  
Hazardous Materials Memo  
T&E Memo  
EJ Memo  
Public Involvement

# *Future Phases*

## GIS

- Access Existing Data
- Populate Smartform

## Increased Transparency

- Agency Review and Approvals

## NDOR District Review and Input

- Pre-letting Green Sheet Review
  - Early environmental commitment review
- SWPPP Review

## Scoping level input

Project Delivery

Categorical Exclusion Document

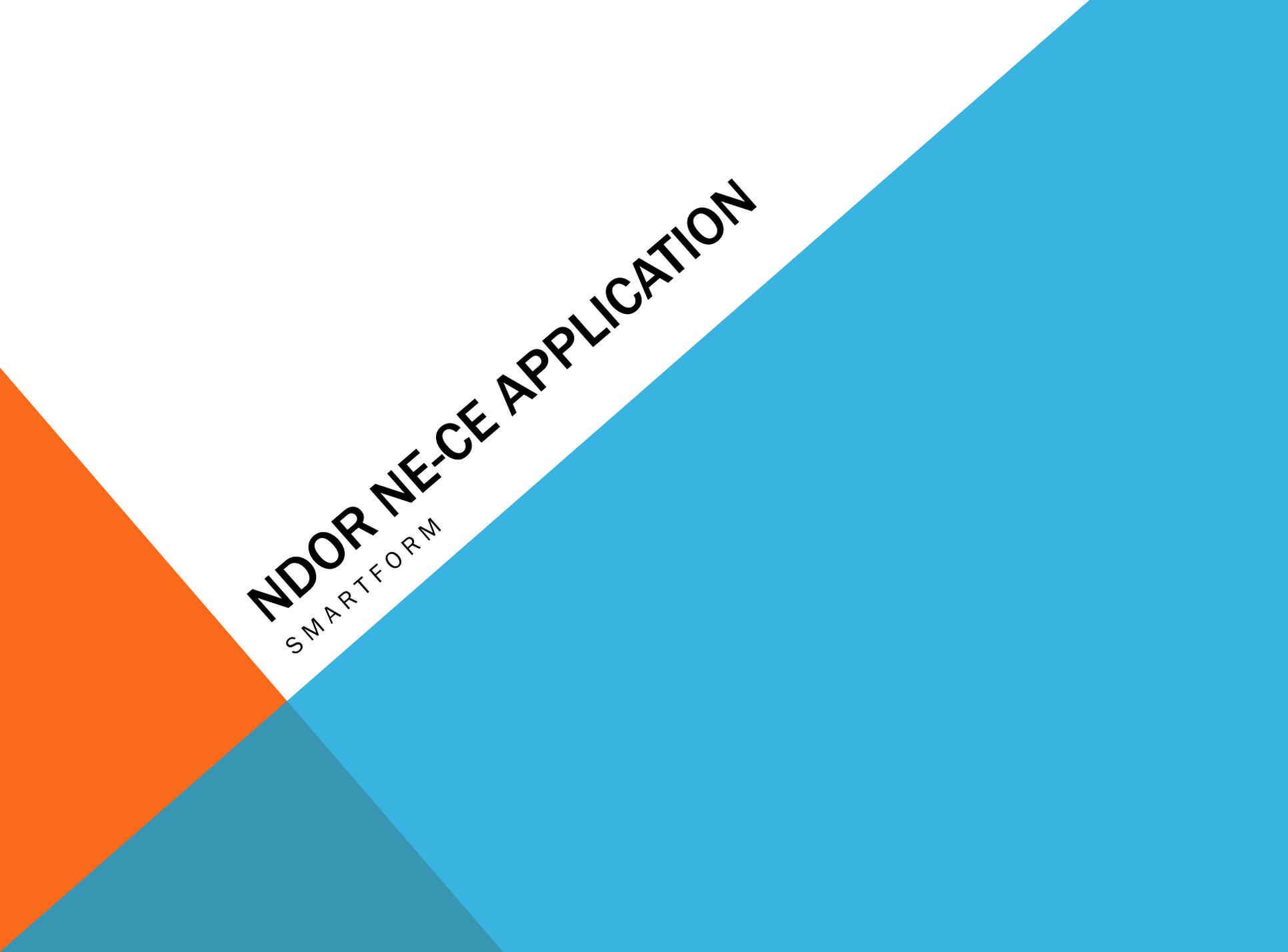
Transparency

# GOAL!

Efficiency

Communication

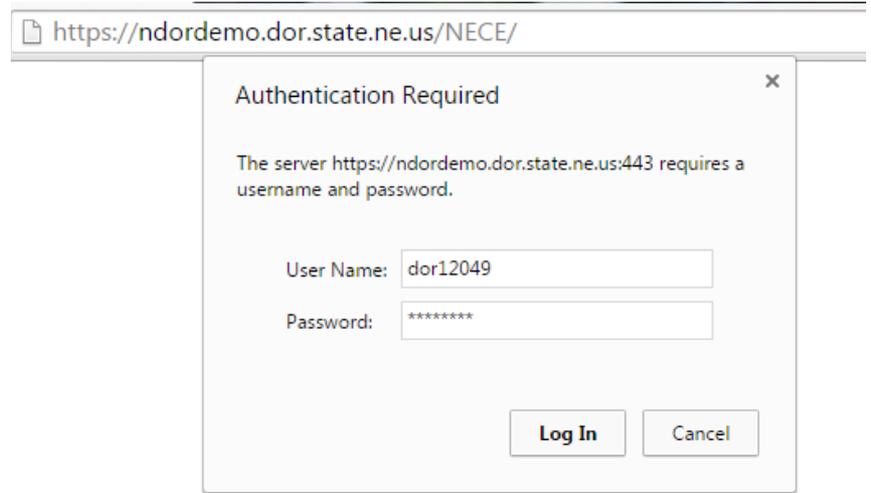
Information Availability



# **NDOR NE-CE APPLICATION**

SMARTFORM

# APPLICATION REQUIREMENTS





Welcome to the Nebraska Department of Roads' (NDOR) Categorical Exclusion (CE) Smartform, developed by NDOR in collaboration with the Federal Highway Administration (FHWA). The CE Smartform is based on NDOR's and FHWA's 2015 Programmatic CE Agreement that determines the level of CE analysis and review based on the type and intensity of project impacts. There are three CE levels: Level 1 is for CEs that have minor impacts and Levels 2 and 3 are for CEs that have progressively more intense impacts, but do not require an Environmental Assessment or Environmental Impact Statement. The CE Smartform uses computer logic to determine which CE resources need to be evaluated based on user inputs and then makes a recommendation for the appropriate CE level (1, 2, or 3). The user can override the recommended CE level on the Form Admin tab.

To start or resume a CE, choose your project's control number from the drop down box below. To learn more about the Programmatic CE Agreement between NDOR and FHWA, the NDOR guidance for completing CEs, the guidance on the CE Smartform, or the information to contact Smartform support staff, simply choose from the links on the black bar at the top of your screen.



Select an existing project:

Open





# Environmental Section

- Roadside Stabilization
- Wetlands
- Archaeology & Paleontology
- Historic Preservation
- Hazardous Materials
- Noise & Air
- Fish & Wildlife
- NDOR Facilities

## New Environmental Process for Categorical Exclusions

[← Return to Environmental Home page](#)

- Categorical Exclusion Home
- New Environmental Process for Categorical Exclusions
- Certified Erosion Control Inspector Database
- Downloadable Forms, Documents & Guides
- ECODatabase ( ECOD )
- Environmental Documents for NDOR Projects
- Environmental Forms & Guidance for LPA and State Projects
- Environmental Training
- Contact Environmental Unit Staff

The NDOR and the FHWA Nebraska Division are pleased to announce a new environmental process that is an outcome of the mission and goals of the NDOR/FHWA Joint Project Delivery Efficiency Team, established in 2014.

The NDOR-FHWA Team began a process of partnering and problem solving, aimed at identifying and implementing project delivery efficiency opportunities, particularly as they relate to the National Environmental Policy Act (NEPA) process.

Throughout the last year, the Team has worked to improve the NEPA processes and project delivery efficiency in Nebraska. The team has produced a new Programmatic Categorical Exclusion Agreement (PCE Agreement) and a series of related guidance documents.

The objectives set for the Team were to strengthen the partnership and relationships between the FHWA Nebraska Division and NDOR, as well as to develop a sustainable approach to project delivery that:

- Ensures Federal-aid projects in Nebraska are delivered in compliance with all applicable Federal laws and regulations;
- Reduces the duration of the NEPA decision-making activities within the project delivery work flow, and
- Reduces the project delivery time for projects requiring Categorical Exclusions (CEs).

NDOR/FHWA Joint Project Delivery Efficiency Team Summary:

- [FHWA/NDOR Phase V Case Study Presentation, June 2, 2015](#)
- [FHWA/NDOR Case Study Document, June 5, 2015](#)



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Select an existing project:

Open





Programmatic Agreement

CE Form Guidance

Smartform Guidance

Welcome to the Nebraska Department of Transportation (NDOT) Categorical Exclusion (CE) Smartform, developed by NDOR in collaboration with the Federal Highway Administration (FHWA). The CE Smartform is based on NDOR's and FHWA's 2015 Programmatic CE Agreement that determines the CE level for a project based on the type and intensity of project impacts. There are three CE levels: Level 1 is for CEs that have minor impacts and Levels 2 and 3 are for CEs that have progressively more intense impacts, but do not require an Environmental Assessment or Environmental Impact Statement. The CE Smartform uses computer logic to determine which CE resources need to be evaluated based on user inputs and then makes a recommendation for the appropriate CE level (1, 2, or 3). The user can override the recommended CE level on the Form Admin tab.

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Select an existing project:

Open





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Select an existing project:

13213
13183
13188
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13210
13211
13212
13213





Welcome to the Nebraska Department of Roads' (NDOR) Categorical Exclusion (CE) Smartform, developed by NDOR in collaboration with the Federal Highway Administration (FHWA). The CE Smartform is based on NDOR's and FHWA's 2015 Programmatic CE Agreement that determines the level of CE analysis and review based on the type and intensity of project impacts. There are three CE levels: Level 1 is for CEs that have minor impacts and Levels 2 and 3 are for CEs that have progressively more intense impacts, but do not require an Environmental Assessment or Environmental Impact Statement. The CE Smartform uses computer logic to determine which CE resources need to be evaluated based on user inputs and then makes a recommendation for the appropriate CE level (1, 2, or 3). The user can override the recommended CE level on the Form Admin tab.

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Select an existing project:

Open





**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 1



Form Admin

Project Info

ROW & Property

Water & Ecological

Human & Social

Other Impacts

Indirect & Cumulative

Mitigation

## Form Administration

The proposed project qualifies as a Categorical Exclusion under the following activity found in [23 CFR 771.117](#):

Paragraph:

Activity:

The proposed project qualifies as the Categorical Exclusion Level indicated above in accordance with the 2015 Programmatic Agreement.

If any Level 2 threshold is exceeded, the project shall be processed as a Level 3 review requiring approval by FHWA. All technical assessment approvals shall be made by NDOR Professional Qualified Staff (PQS) responsible for the resource category and are indicated by "NDOR PQS Determination Date."

Smartform Initiator:

DORDOMNT1\dor12049

Date Initiated:

8/19/2015 3:57:21 PM

Prepared by:

Organization:

Phone:

Email:

Date:



**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 2



Form Admin	Project Info	ROW & Property	Water & Ecological	Human & Social	Other Impacts	Indirect & Cumulative	Mitigation
------------	--------------	----------------	--------------------	----------------	---------------	-----------------------	------------



## Form Administration

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Paragraph:  Activity:

The proposed project qualifies as the Categorical Exclusion Level indicated above in accordance with the 2015 Programmatic Agreement. If any Level 2 threshold is exceeded, the project shall be processed as a Level 3 review requiring approval by FHWA. All technical assessment approvals shall be made by NDOR Professional Qualified Staff (PQS) responsible for the resource category and are indicated by "NDOR PQS Determination Date."

Smartform Initiator:

Date Initiated:

Prepared by:

Organization:

Phone:

Email:

Date:



**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social
- Other Impacts
- Indirect & Cumulative
- Mitigation

## Human & Social Resources

- Historic Properties
- HAZMAT
- Noise
- Air Quality
- Roadway
- Traffic Disruption
- Access Disruption
- Env Justice
- Public Involvement



**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social
- Other Impacts
- Indirect & Cumulative
- Mitigation

# Human & Social Resources

- Historic Properties
- HAZMAT
- Noise
- Air Quality
- Roadway
- Traffic Disruption
- Access Disruption
- Env Justice
- Public Involvement

**10.1** Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)?

- Yes
- No



**10.4** Historic Property Determination

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

- Yes
- No

Has coordination occurred with THPO?

- Yes
- No

Has coordination occurred with CLG?

- Yes
- No

User notes about content on this tab (Note: this information will not print on the CE Form):

Save

---

**DRAFT: NDOR CE Determination Form Guidelines**

---

June 2, 2015

NOTE: In Block 23.1, include all the commitments listed in 9.8 and also the *Matrix General Conservation Conditions for All Projects*,

For more information on the Matrix PA, please see:

<http://www.transportation.nebraska.gov/environment/guides/bio-eval-matrix-fed-aid-NE.pdf>

### **Human and Social Resources**

**10.) Historic Properties:** On [REDACTED], FHWA, NDOR, the State Historic Preservation Office (SHPO), and the Advisory Council for Historic Preservation entered into a Programmatic Agreement for Section 106 compliance. This PA is referred to as the Section 106 PA. The Section 106 PA procedures and associated tools will be used for Section 106 compliance for all projects.

The practitioner must review the NDOR cultural resource Professional Qualified Staff (PQS) project review memo. The memo will disclose the Section 106 determination.

For Level 1 Actions, the project cannot result in Section 106 effects other than a "No Potential to Cause Effects" or a "No Historic Properties Affected" determination. If the project results in an effect other than what is identified above, the project shall be processed as a Level 2 CE or higher. Address the following CE form questions:

- Question 10.1: If a NO is answered, check NO for 10.2 and the action is eligible for a CE Level 1. Attach NDOR's PQS Project Review Memo and place the memo date in question 10.3. If YES is answered, the practitioner must answer question 10.2 to determine if the action will result in a Section 106 effect other than a "No Potential to Cause Effects" or a "No Historic Properties Affected" determination.
- Question 10.2: If NO is answered, the action is eligible for a CE Level 1. Attach NDOR's PQS Project Review Memo and place the memo date in question 10.4. If YES is checked, complete Level 2 Threshold questions 10.3 and place the PQS memo date in question 10.4.

In the event the Section 106 review for the project was completed prior to the execution of the Section 106 PA, there will be no PQS memo. In this instance, enter the date the PQS sent the Section 106 package to FHWA for processing in the 10.4 date field. Also, for some projects there may be multiple consultation or PQS review dates. When this occurs, enter the most recent date in the date field.

**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social
- Other Impacts
- Indirect & Cumulative
- Mitigation

## Human & Social Resources

- Historic Properties
- HAZMAT
- Noise
- Air Quality
- Roadway
- Traffic Disruption
- Access Disruption
- Env Justice
- Public Involvement

**10.1** Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)?

Yes    No

**10.2** Will this action result in Section 106 effects other than a "No Potential to Cause Effects" or a "No Historic Properties Affected" determination?

Yes    No

**10.4** Historic Property Determination

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

Yes    No

Has coordination occurred with THPO?

Yes    No

Has coordination occurred with CLG?

Yes    No

**10.5** List NRHP Eligible Resources or NRHP Listed Resources, Impacts, and Coordination:

**10.6** Historic Property Mitigation:

**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social
- Other Impacts
- Indirect & Cumulative
- Mitigation

## Human & Social Resources

- Historic Properties
- HAZMAT
- Noise
- Air Quality
- Roadway
- Traffic Disruption
- Access Disruption
- Env Justice
- Public Involvement

10.1 Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)?

Yes  No

10.2 Will the action result in Section 106 effects other than a "No Potential to Cause Effects" or a "No Historic Properties Affected" determination?

Yes  No

10.3 Will the project result in an "adverse effect" to any historic property?

Yes  No (*No Adverse Effect*)

10.4 Historic Property Determination

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

Yes  No

Has coordination occurred with THPO?

Yes  No

Has coordination occurred with CLG?

Yes  No

10.5 List NRHP Eligible Resources or NRHP Listed Resources, Impacts, and Coordination:

**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social
- Other Impacts
- Indirect & Cumulative
- Mitigation

# Human & Social Resources

- Historic Properties
- HAZMAT
- Noise
- Air Quality
- Roadway
- Traffic Disruption
- Access Disruption
- Env Justice
- Public Involvement

**10.1** Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)?

Yes    No

**10.2** Will the action result in Section 106 effects other than a "No Potential to Cause Effects" or a "No Historic Properties Affected" determination?

Yes    No

**10.3** Will the project result in an "adverse effect" to any historic property?

Yes    No (No Adverse Effect)

**10.4** Historic Properties Determination

No Adverse Effect

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

- Yes
- No

Has coordination occurred with THPO?

- Yes
- No

Has coordination occurred with CLG?

- Yes
- No

**10.5** List NRHP Eligible Resources or NRHP Listed Resources, Impacts, and Coordination:

Project Name: Nebraska City Northwest

Control Number: 12347

Recommended CE Level: 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social
- Other Impacts
- Indirect & Cumulative
- Mitigation

# Human & Social Resources

- Historic Properties
- HAZMAT
- Noise
- Air Quality
- Road
- Disruption
- Env Justice
- Public Involvement

10.1 Are there any properties eligible for or listed in the National Historic Register (NHR) in the area of potential effects (APE)?

- Yes
- No

10.2 Will the action result in Section 106 effects other than a "No Historic Properties Affected" determination?

- Yes
- No

10.3 Will the project result in an "adverse effect" to any historic property?

- Yes
- No (No Adverse Effect)

10.4 Historic Property Determination

No Adverse Effect

Has coordination occurred with SHPO?

- Yes
- No

Has coordination occurred with THPO?

- Yes
- No

Has coordination occurred with CLG?

- Yes
- No

« August 2015 »

Su	Mo	Tu	We	Th	Fr	Sa
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

?



# Human & Social Resources

Historic Properties

HAZMAT

Noise

Air Quality

Roadway

Traffic Disruption

Access Disruption

Env Justice

Public Involvement

10.1 Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)?

Yes  No

10.2 Will the action result in Section 106 effects other than a "No Potential to Cause Effects" or a "No Historic Properties Affected" determination?

Yes  No

10.3 Will the project result in an "adverse effect" to any historic property?

Yes  No (*No Adverse Effect*)

10.4 Historic Property Determination

NDOR PQS Determination Date:

No Adverse Effect ▾

08/20/2015

Has coordination occurred with SHPO?

SHPO Concurrence Date:

Yes  No

Has coordination occurred with THPO?

Yes  No

Has coordination occurred with CLG?

Yes  No

10.5 List NRHP Eligible Resources or NRHP Listed Resources, Impacts, and Coordination:



Yes  No

Has coordination occurred with CLG? [?](#)

CLG Concurrence Date: [?](#)

Yes  No

**10.5** List NRHP Eligible Resources or NRHP Listed Resources, Impacts, and Coordination: [?](#)

**10.6** Historic Property Mitigation: [?](#)

Test 10.6

Test

Test

Test

Test

Test

Test

Test

User notes about content on this tab (Note: this information will not print on the CE Form):

Save



CE Smartform

Guidance ▾

About

Contact

Hello, DORDOMNT1\dor12049!

**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 2



[Form Admin](#) [Project Info](#) [ROW & Property](#) [Water & Ecological](#) [Human & Social](#) [Other Impacts](#) [Indirect & Cumulative](#) [Mitigation](#)

## Human & Social Resources

[Historic Properties](#) [HAZMAT](#) [Noise](#) [Air Quality](#) [Roadway](#) [Traffic Disruption](#) [Access Disruption](#) [Env Justice](#) [Public Involvement](#)



**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social
- Other Impacts
- Indirect & Cumulative
- Mitigation

# Mitigation

## 20.1 Project Mitigation Preview:

Wetlands/Waters of the U.S. Mitigation:  
Test 7.8

Historic Properties Mitigation:  
Test 10.6

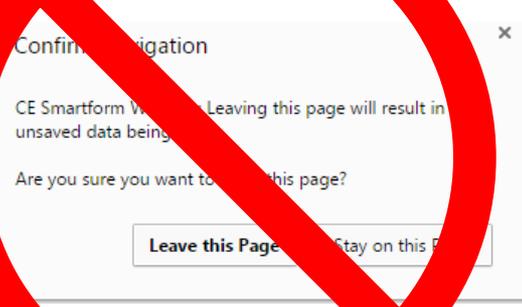
Test

Test

Test

Test

Test



# Human & Social Resources

**10.1** Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)? ?

Yes    No

**10.4** Historic Property Determination ?

NDOR PQS Determination Date: ?

Has coordination occurred with SHPO? ?

Yes    No

Has coordination occurred with THPO? ?

Yes    No

Has coordination occurred with CLG? ?

Yes    No

CLG Concurrence Date: ?

User notes about content on this tab (Note: this information will not print on the CE Form):

Save

# Human & Social Resources

10.1 Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)?

Yes  No

10.4 Historic Property Determination

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

Yes  No

Has coordination occurred with THPO?

Yes  No

Has coordination occurred with CLG?

Yes  No

CLG Concurrence Date:

User notes about content on this tab (Note: this information will not print on the CE Form):

Save





Project Name: Nebraska City Northwest

Control Number: 12347

Recommended CE Level: 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social
- Other Impacts
- Indirect & Cumulative
- Mitigation

# Human & Social Resources

- Historic Properties
- HAZMAT
- Noise
- Air Quality
- Roadway
- Traffic Disruption
- Access Disruption
- Env Justice
- Public Involvement

10.1 Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)?

- Yes
- No

10.4 Historic Property Determination

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

- Yes
- No

Has coordination occurred with THPO?

- Yes
- No

Has coordination occurred with CLG?

- Yes
- No

CLG Concurrence Date:

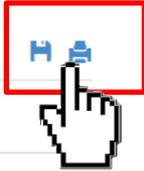




Project Name: Nebraska City Northwest

Control Number: 12347

Recommended CE Level: 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
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# Human & Social Resources

- Historic Properties
- HAZMAT
- Noise
- Air Quality
- Roadway
- Traffic Disruption
- Access Disruption
- Env Justice
- Public Involvement

10.1 Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)? ?

- Yes
- No

10.4 Historic Property Determination ?

NDOR PQS Determination Date: ?

Has coordination occurred with SHPO? ?

- Yes
- No

Has coordination occurred with THPO? ?

- Yes
- No

Has coordination occurred with CLG? ?

- Yes
- No

CLG Concurrence Date: ?

**Project Name:** Nebraska City Northwest

**Control Number:** 12347

**Recommended CE Level:** 2

- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social**
- Other Impacts
- Indirect & Cumulative
- Mitigation

## Human & Social Resources

- Historic Properties**
- HAZMAT
- Noise
- Air Quality
- Roadway
- Traffic Disruption
- Access Disruption
- Env Justice
- Public Involvement

**10.1** Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)?

- Yes
- No

**10.4** Historic Property Determination

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

- Yes
- No

Has coordination occurred with THPO?

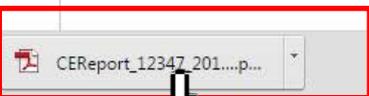
- Yes
- No

Has coordination occurred with CLG?

- Yes
- No

CLG Concurrence Date:

User notes about content on this tab (Note: this information will not print on the CE Form):



[Show all downloads](#)



### CE Determination Form for Federal-Aid Projects (June 2, 2015)

CE Review Level: *(Check boxes that apply)*

1  2  3  Re-evaluation

The proposed project qualifies as the Categorical Exclusion Level indicated above in accordance with the 2015 Programmatic Agreement.

Appendix:

Paragraph:

Project Name:

Nebraska City Northwest

Project Number:

BRO-7066(29)

Control Number:

12347

Location and Study Area:

Begin Point(s):

End Point(s):

Highway Number, Street, etc.:

Project Description:

Purpose and Need *(include for Level 3, NWP 23, and Section 4(f) Programmatic Evaluation):*



The proposed project qualifies as a Categorical Exclusion under the following activity found in 23 CFR 771.117:

Paragraph:

Activity:

Prepared by:

Organization:

Phone:

Email:

Signature:



Date:

NDOR has determined the information in this form is accurate and the project is in compliance with the *OPERATIONAL DRAFT* 2015 Categorical Exclusion Programmatic Agreement between FHWA and NDOR, and satisfies the criteria of 23 CFR 771.117(a) no significant impact and (b) no unusual circumstances. The mitigation identified above shall be implemented for the project.



Project Name: Nebraska Northwest

Control Number: 1234

Recommended CE Level: 2



- Form Admin
- Project Info
- ROW & Property
- Water & Ecological
- Human & Social
- Other Impacts
- Indirect & Cumulative
- Mitigation

## Human & Social Resources

- Historic Properties
- HAZMAT
- Noise
- Air Quality
- Roadway
- Traffic Disruption
- Access Disruption
- Env Justice
- Public Involvement

10.1 Are there any properties eligible for or listed in the National Register of Historic Places (NRHP) in the area of potential effects (APE)? ?

- Yes
- No

10.2 Will the action result in Section 106 effects other than a "No Potential to Cause Effects" or a "No Historic Properties Affected" determination? ?

- Yes
- No

10.3 Will the project result in an "adverse effect" to any historic property? ?

- Yes
- No (*No Adverse Effect*)

10.4 Historic Property Determination ?

No Adverse Effect ▼

NDOR PQS Determination Date: ?

08/20/2015

Has coordination occurred with SHPO? ?

- Yes
- No

SHPO Concurrence Date: ?

08/20/2015

Has coordination occurred with THPO? ?

- Yes
- No



Welcome to the Nebraska Department of Roads' (NDOR) Categorical Exclusion (CE) Smartform, developed by NDOR in collaboration with the Federal Highway Administration (FHWA). The CE Smartform is based on NDOR's and FHWA's 2015 Programmatic CE Agreement that determines the level of CE analysis and review based on the type and intensity of project impacts. There are three CE levels: Level 1 is for CEs that have minor impacts and Levels 2 and 3 are for CEs that have progressively more intense impacts, but do not require an Environmental Assessment or Environmental Impact Statement. The CE Smartform uses computer logic to determine which CE resources need to be evaluated based on user inputs and then makes a recommendation for the appropriate CE level (1, 2, or 3). The user can override the recommended CE level on the Form Admin tab.

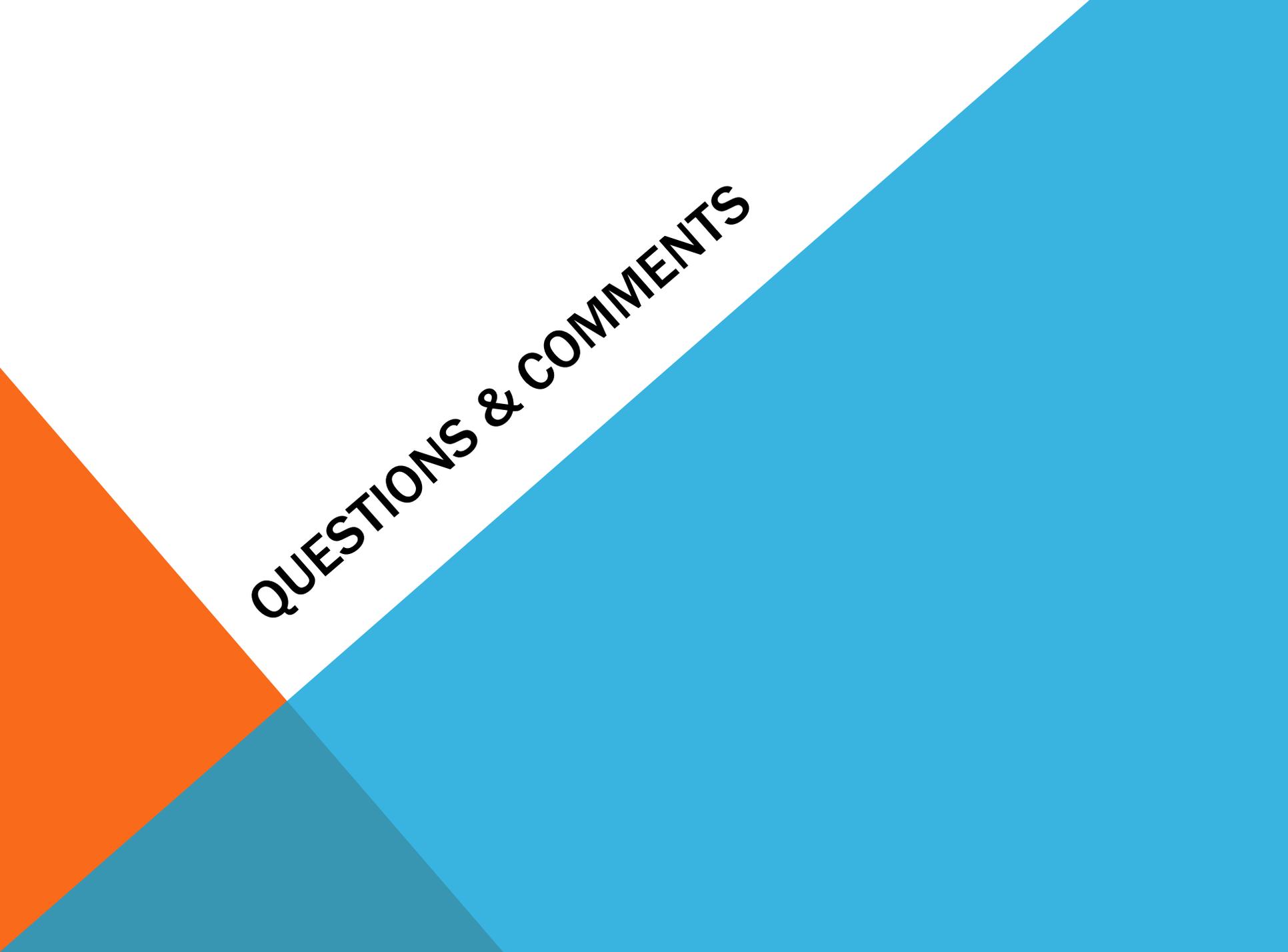
To start or resume a CE, choose your project's control number from the drop down box below. To learn more about the Programmatic CE Agreement between NDOR and FHWA, the NDOR guidance for completing CEs, the guidance on the CE Smartform, or the information to contact Smartform support staff, simply choose from the links on the black bar at the top of your screen.



Select an existing project:

Open





**QUESTIONS & COMMENTS**

CE Form Review  
(Insert tab  
here)







# CE Smart Form

Form Administration & Project Information

Jon Barber

NDOR Hwy Environmental Program Manager



# Smartform Headings

- ▶ Form Administration & Project Information
  - Jon Barber
- ▶ ROW and Property
  - Caitlin Fitzpatrick
- ▶ Water & Ecological
  - Ryan Walkowiak
- ▶ Human & Social
  - Shannon Sjolie
- ▶ Other Impacts, Indirect & Cumulative, Mitigation, Attachments
  - Carmen Pellish



# Form Administration

»» Project Selection  
Opening Page

# Form Administration

- ▶ Selecting “Paragraph” and “Activity” demonstrates the project’s suitability as a CE in accordance with 23 CFR 771.117.

requirements under sections 401 and 402 of the Federal Water Pollution Control Act (33 U.S.C. 1341, 1342)) carried out to address water pollution or environmental degradation.

(26) Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes (including parking, weaving, turning, and climbing lanes), if the action meets the constraints in paragraph (e) of this section.

(27) Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints in paragraph (e) of this section.

(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings, if the actions meet the constraints in paragraph (e) of this section.

(29) Purchase, construction, replacement, or rehabilitation of ferry vessels (including improvements to ferry vessel safety, navigation, and security systems) that would not require a change in the function of the ferry terminals and can be accommodated by existing facilities or by new facilities which themselves are within a CE.

(30) Rehabilitation or reconstruction of existing ferry facilities that occupy substantially the same geographic footprint, do not result in a change in their functional use, and do not result in a substantial increase in the existing facility’s capacity. Example actions include work on pedestrian and vehicle transfer structures and associated utilities, buildings, and terminals.

(d) Additional actions which meet the criteria for a CE in the CEQ regulations (40 CFR 1508.4) and paragraph (a) of this section may be designated as CEs only after Administration approval unless otherwise authorized under an executed

# Project Information

- » General  
Project Description  
Purpose and Need

# Project Information

- ▶ Selecting “Appendix” and “Paragraph” demonstrates the project’s CE level in accordance with the 2015 Programmatic Agreement.

- If the project includes a roundabout, coordinate with FHWA to determine appropriate class of action.

(28) Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade railroad crossings if the project meets the constraints listed in 23 CFR 771.117(e).

Based on previous experience with similar actions, examples may include:

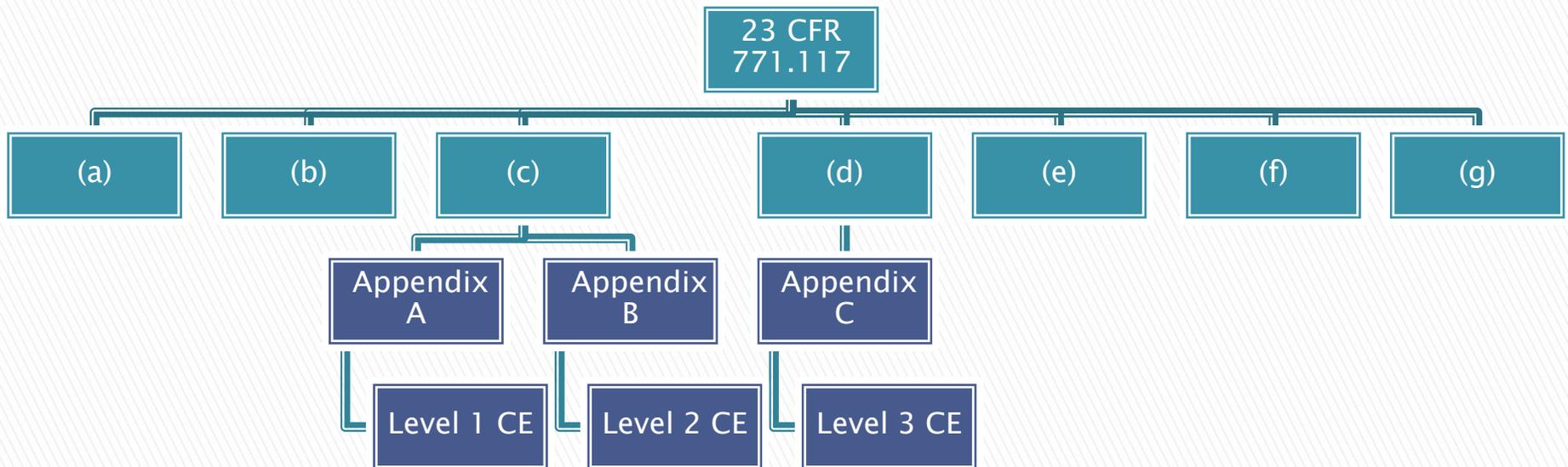
- Construction of associated pedestrian crossings, grade-separated pedestrian crossings, and connecting pathways.
- Other project types based on past experience with similar actions with concurrence from FHWA.

## Level 2 CE Action Impact Thresholds

The environmental resources listed below require documentation to illustrate that no significant impacts will occur. The Level 2 classification cannot be applied to projects when any of the thresholds below are exceeded:

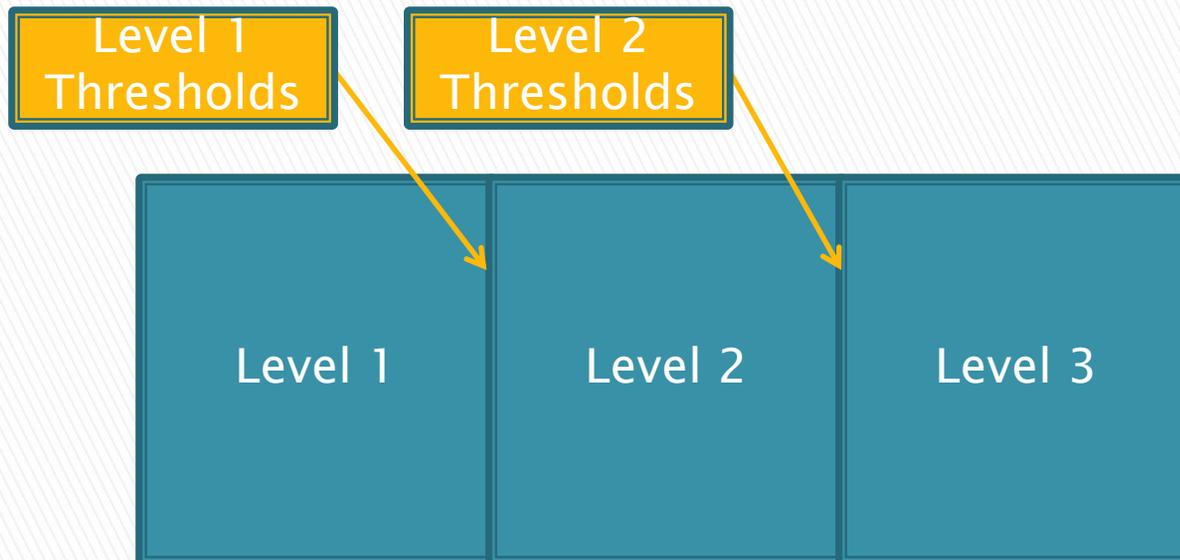
# Project Information

- ▶ Appendix A and B (Level 1 and 2 CE) in the 2015 PA correspond to the CFR's (c) listed activities.
- ▶ Appendix C (Level 3 CE) in the 2015 PA corresponds to the CFR's (d) listed activities.



# Project Information

- ▶ Per the 2015 PA, the CE Level is additionally defined by the exceedance of thresholds.
- ▶ The “Recommended CE Level” is auto-populated by the thresholds that are exceeded throughout the Smart Form.
- ▶ Thresholds are defined in the 2015 PA.



# Project Information

- ▶ The “Override CE Level” allows the form user to change the CE Level from the recommended.
- ▶ Downgrading will require NDOR Manager approval.
  - Explain in form why proposing a downgrade of CE Level.



**NO DOWNGRADING FOR YOU!**

# Project Information

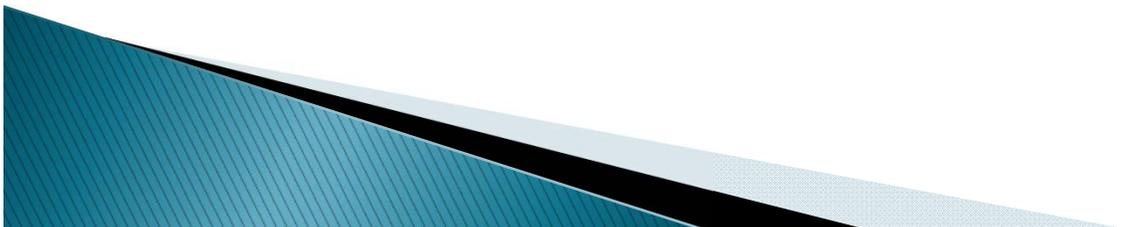
- ▶ Location and Study Area
  - Give a brief description of location
  - Include a brief description of the environmental study area; established based on the area potentially impacted by the project.
- ▶ STIP – Estimated Costs
  - Obtained from NDOR STIP website
  - Provide the date of the most recently approved STIP
- ▶ Subsequent Phase
  - Subsequent funded project phase as provided by Program Management shown in the fiscally constrained TIP/STIP.

If the action qualifies as a (c)(23), identify Federal Portion



# Project Information

- ▶ Project Description
  - Obtained from Design or Design Consultant
  
- ▶ Purpose and Need
  - Clearly identify and describe the underlying problem or deficiency
  - Required for:
    - Level 3 projects
    - Projects that require a Nationwide Permit 23
    - Projects that require Section 4(f) Programmatic Evaluations



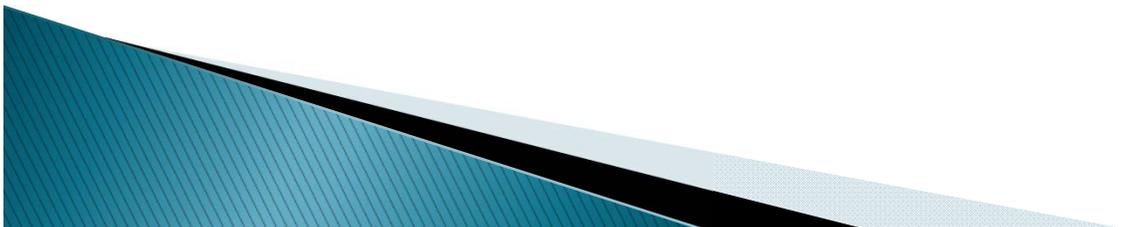


# Right-Of-Way & Property Impacts

➤➤ ROW & Easements

# What Is Needed to Begin?

- ▶ Find ROW amounts:
  - Temporary amounts
  - Permanent amounts
- ▶ Are there any temporary or permanent easements?
  - How many acres?
- ▶ Are there any relocations anticipated?



# Right of Way (ROW) & Easements:

- ▶ Can be temporary or permanent easements, or ROW
- ▶ Examples include:
  - Any new or temporary acquired land for construction purposes
  - Construction easements
  - Utility relocations
  - Trails



Section 1-Right of Way and Easements

1.1 Will the action require the acquisition of new temporary or permanent right-of-way (including easements)?

Yes

No

1.2 Will the action result in acquisition of greater than 2 acres per linear mile (estimated) or the removal of major property improvements?

Level 1

Yes

No

Describe the acquisitions in 1.3 and put the appropriate amounts in 1.4 and 1.5

Describe the acquisitions in 1.3 and put the appropriate amounts in 1.4 and 1.5

1.6 Will action result in any residential or nonresidential displacements?

1.6 Will action result in displacements?

Yes

No

Yes

No

Level 3

Level 2

Level 3

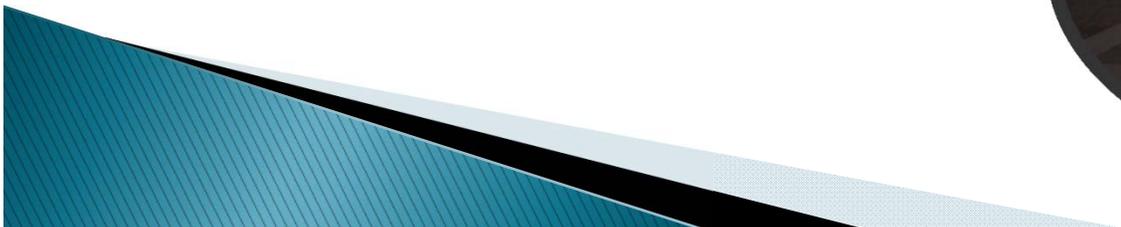
Level 2

# ROW & Property Impacts

»» Section 4(f)

# Section 4(f) Refresher...

- ▶ Section 4(f) properties are: planned or existing publicly owned parks; public recreation areas; wildlife and waterfowl refuges; or any significant historic sites (including historic bridges eligible for listing on the National Register of Historic Places) officially designated as such by a Federal, State or Local agency



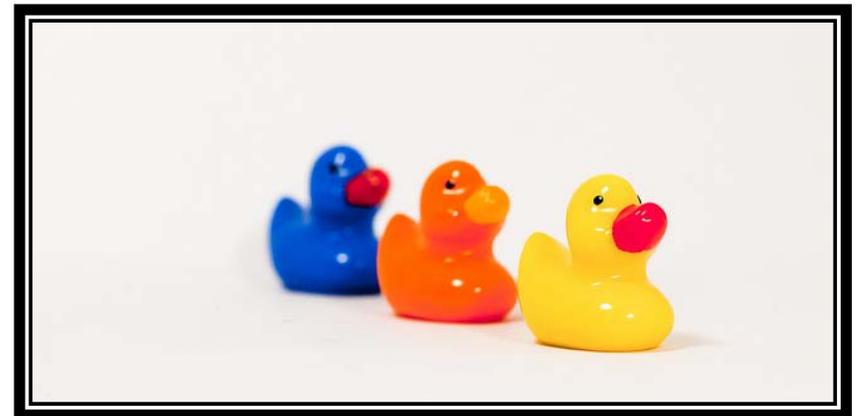
# Section 4(f) Use...

- ▶ A use of Section 4(f) Resources occurs:
  - When land is permanently incorporated into a transportation facility
  - When there is a temporary occupancy of land that is adverse in terms of the statutes preservation purpose
  - When there is constructive use of a Section 4(f) property

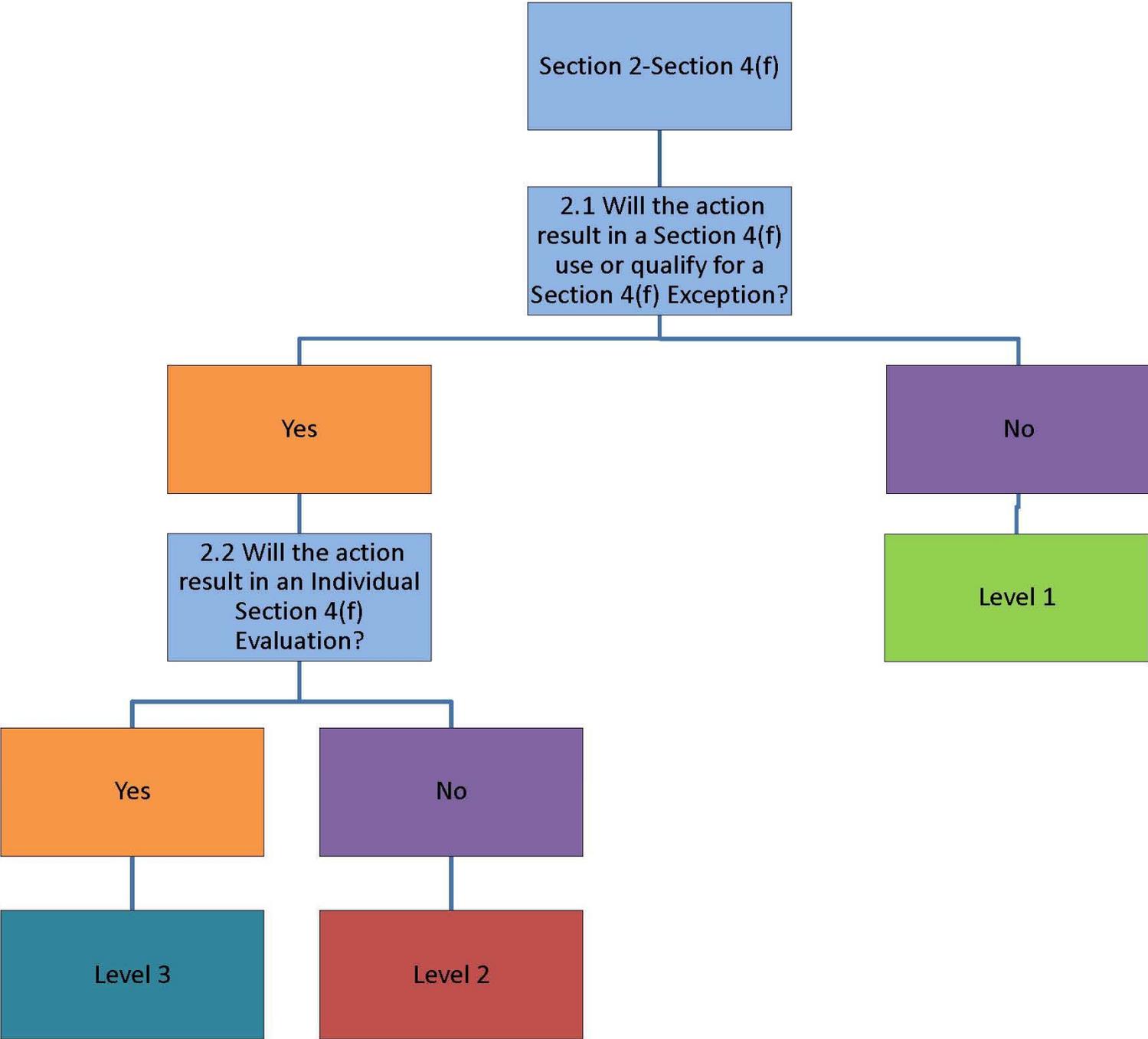


# What is Needed to Begin?

- ▶ Is the 4(f) Initial Assessment Completed?
- ▶ If a 4(f) Property is present, is the proper coordination complete?
  - Has the letter from the Official with Jurisdiction been obtained?
  - Has the *de minimis* or Exception form been approved by NDOR & FHWA?



- ▶ If Section 4(f) coordination is needed, it now exceeds a Level 1 Threshold and would require, at the least, Level 2 or even Level 3 Documentation





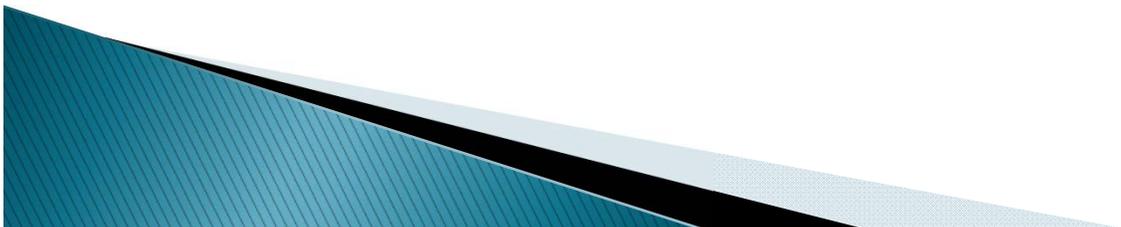


# ROW & Property Impacts

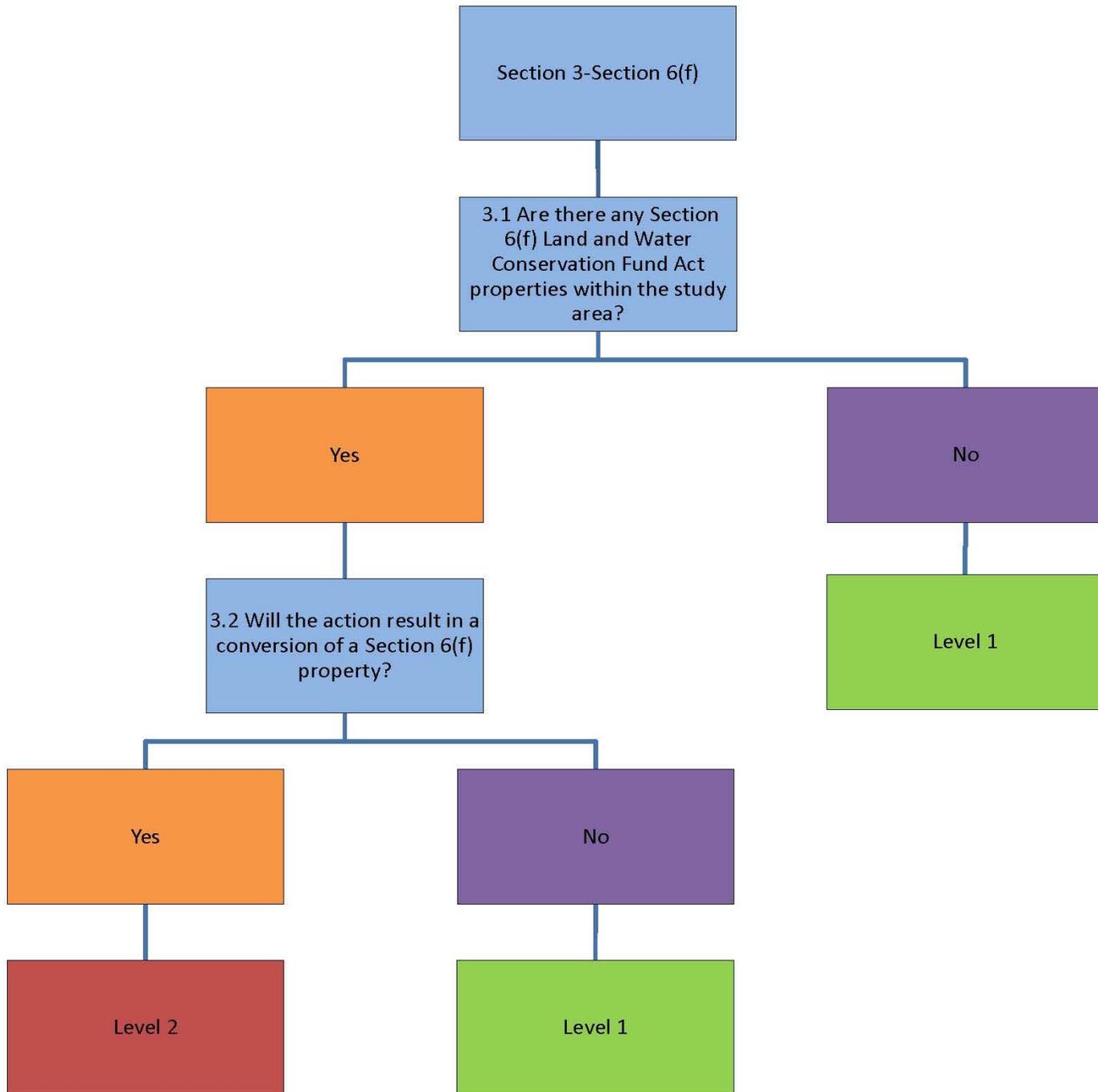
»» Section 6(f)

# Section 6(f)

- ▶ The Land and Water Conservation Fund (LWCF) is a Federal program to conserve irreplaceable lands and to improve outdoor recreation opportunities throughout the nation.
- ▶ Section 6(f) of the LWCF contains strong provisions to protect Federal investments and the quality of its financially-assisted resources.



- ▶ If there are no Section 4(f) Resources within the study area, then a search for Section 6(f) resources is not necessary.
- ▶ The Nebraska Game & Parks Commission can assist in determining if LWCF's were used on a given property.



# ROW & Property Impacts

»» Non-Threshold Impacts

# Non-Threshold Impacts

- ▶ Review sections that are not identified within the Programmatic Agreement, but were important to analyze per project.



# Federal & Tribal Lands

- ▶ The NEPA practitioner must check land ownership, to determine whether or not the project occurs on, or directly adjacent to federal or tribal lands.



# Federal & Tribal Lands:

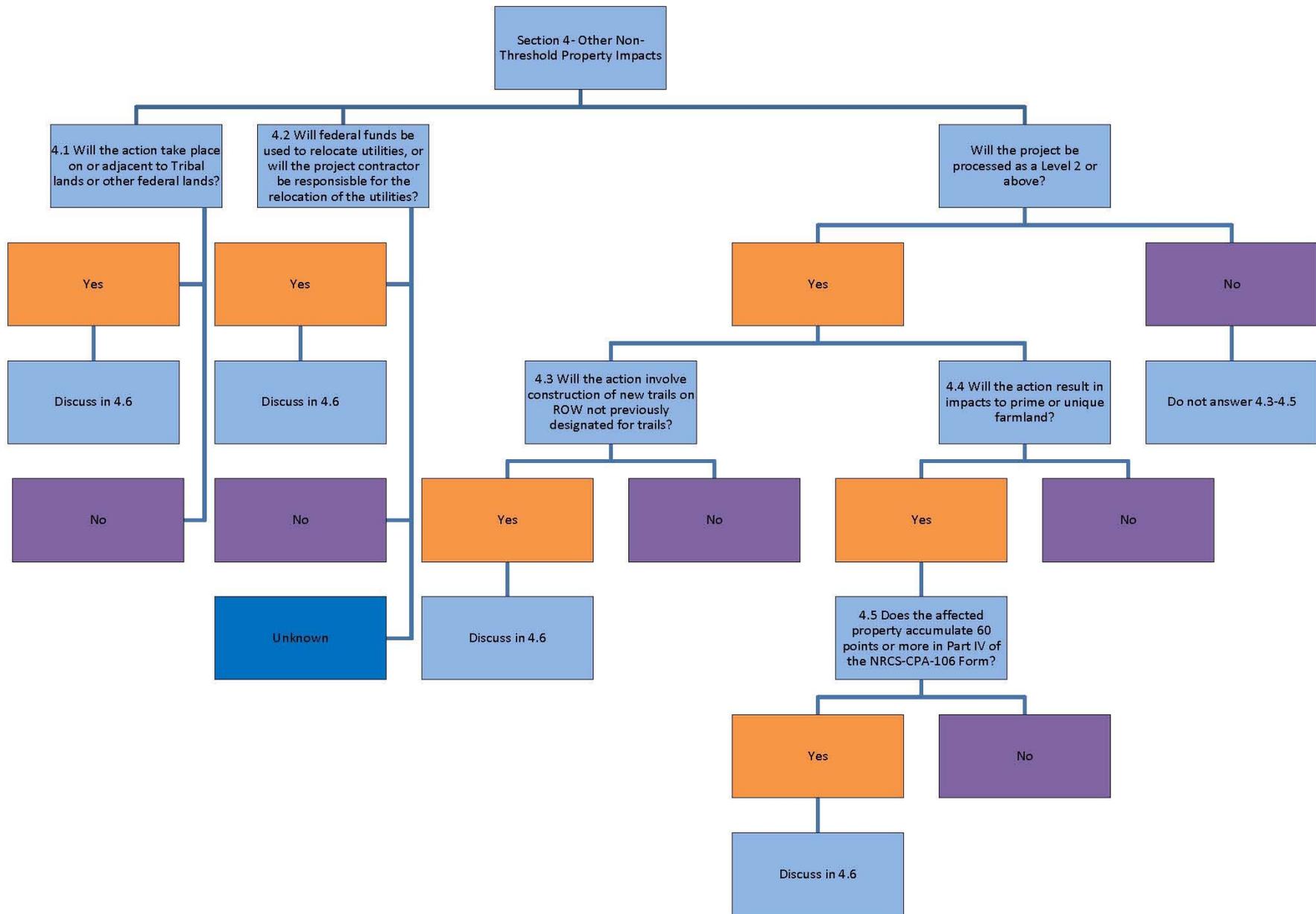
## ▶ Examples of Federal Lands in Nebraska:

- Halsey National Forest
- Offutt AFB
- Valentine National Wildlife Refuge

## ▶ Examples of Federally Recognized Tribal Land in Nebraska:

- Winnebago Tribe of Nebraska
- Omaha Tribe of Nebraska
- Santee Sioux Nation

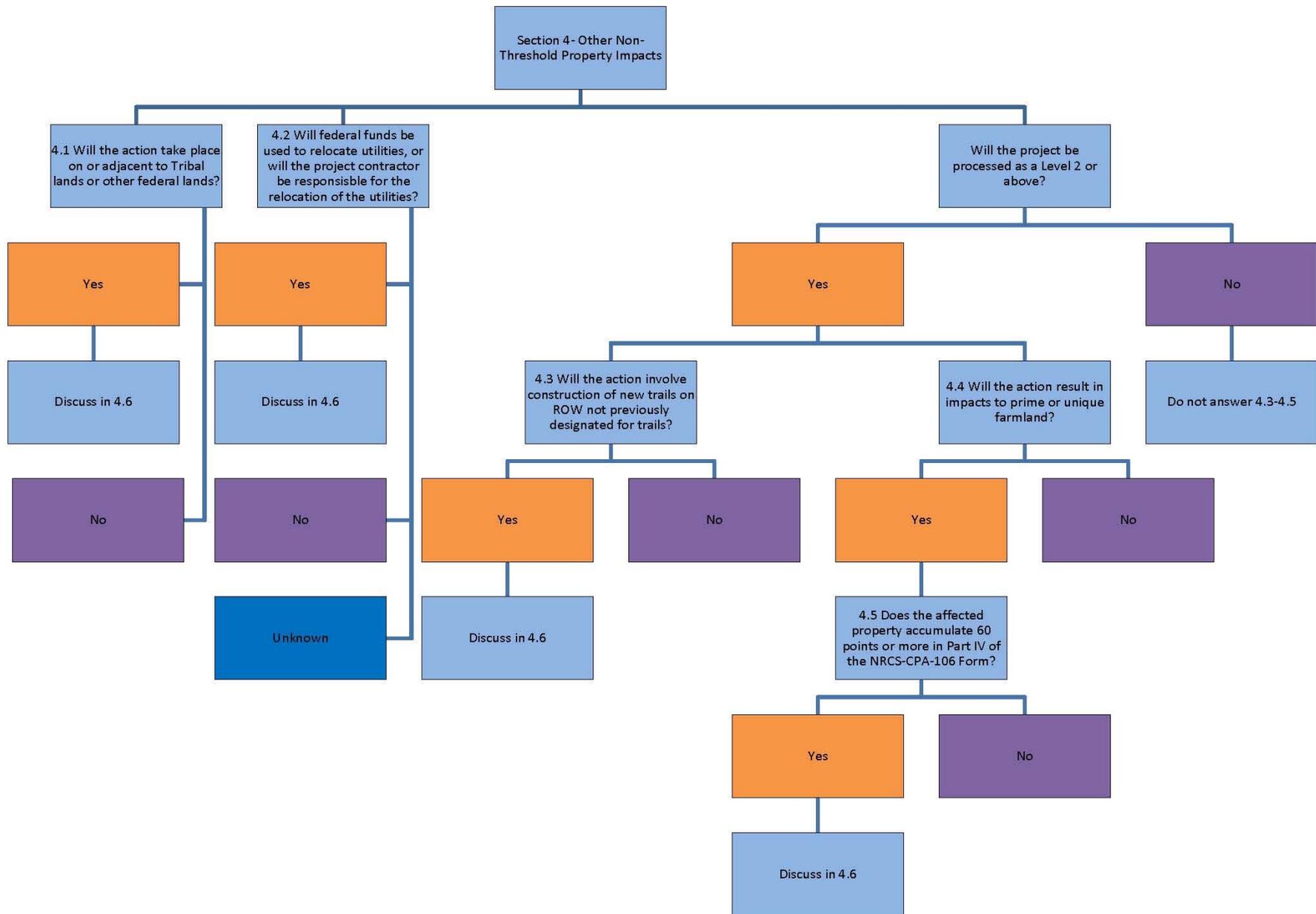




# Utilities:

- ▶ If any federal funds are used to relocate utilities, or if the project contractor will be responsible for utility relocation, the relocation is considered a Federal Action and is subject to NEPA.





# Utilities Continued...

- ▶ After NEPA, if a determination is made that the project contractor will relocate utilities, or that federal funds will be used for utility relocation, the practitioner shall coordinate with appropriate NDOR resource specialists and initiate a re-evaluation of the CE Determination.



# IMPORTANT!

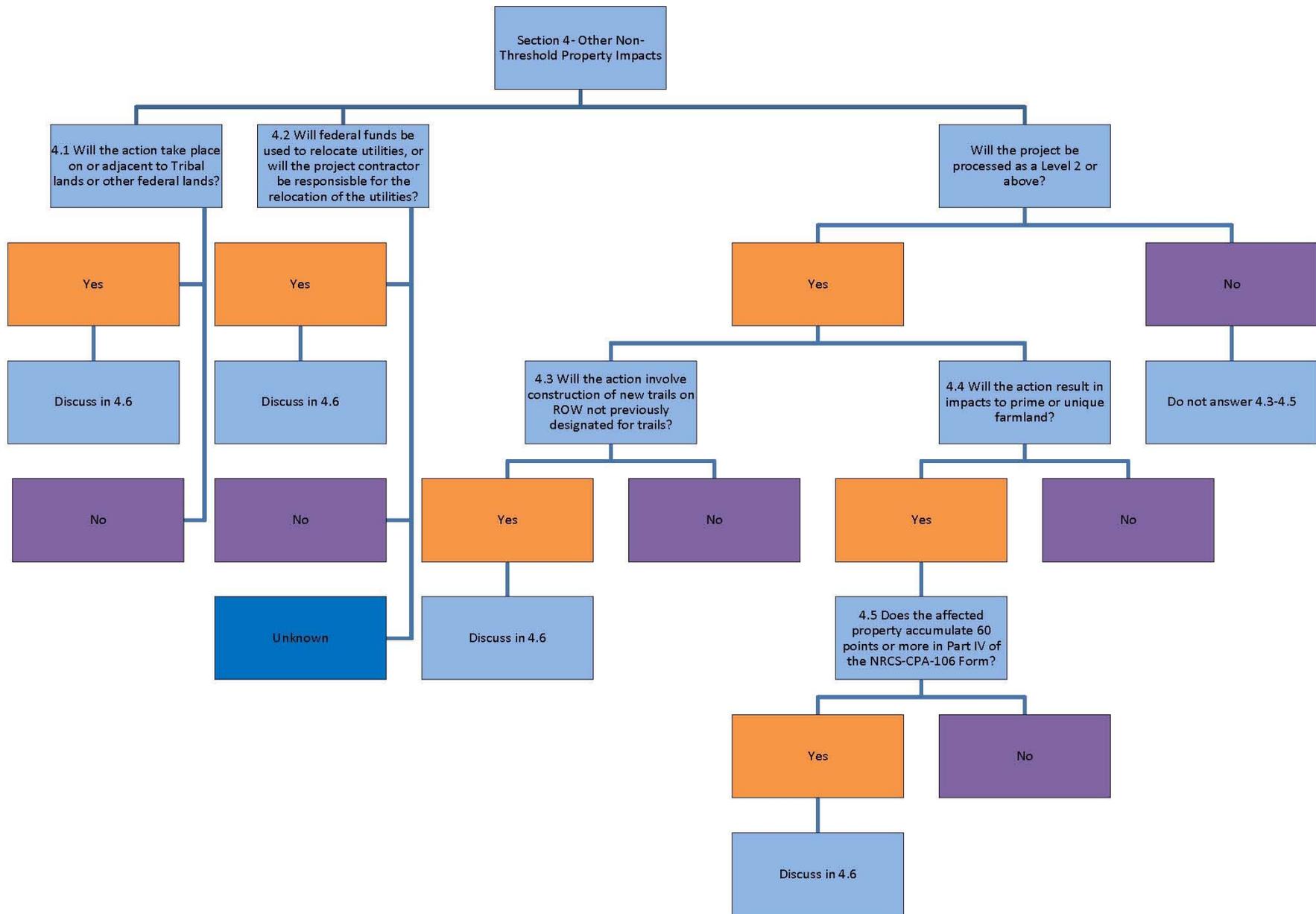
- ▶ Question 4.3 and 4.4 **MUST** be answered for all Level 2 and Level 3 CE Documentation



# Trails:

- ▶ If the project will construct a new trail on ROW that was not previously designated for trail use, coordination with adjacent landowners is required.
- ▶ Sarah Kugler, NDOR's Public Involvement Specialist, should be contacted to determine proper outreach methodology.

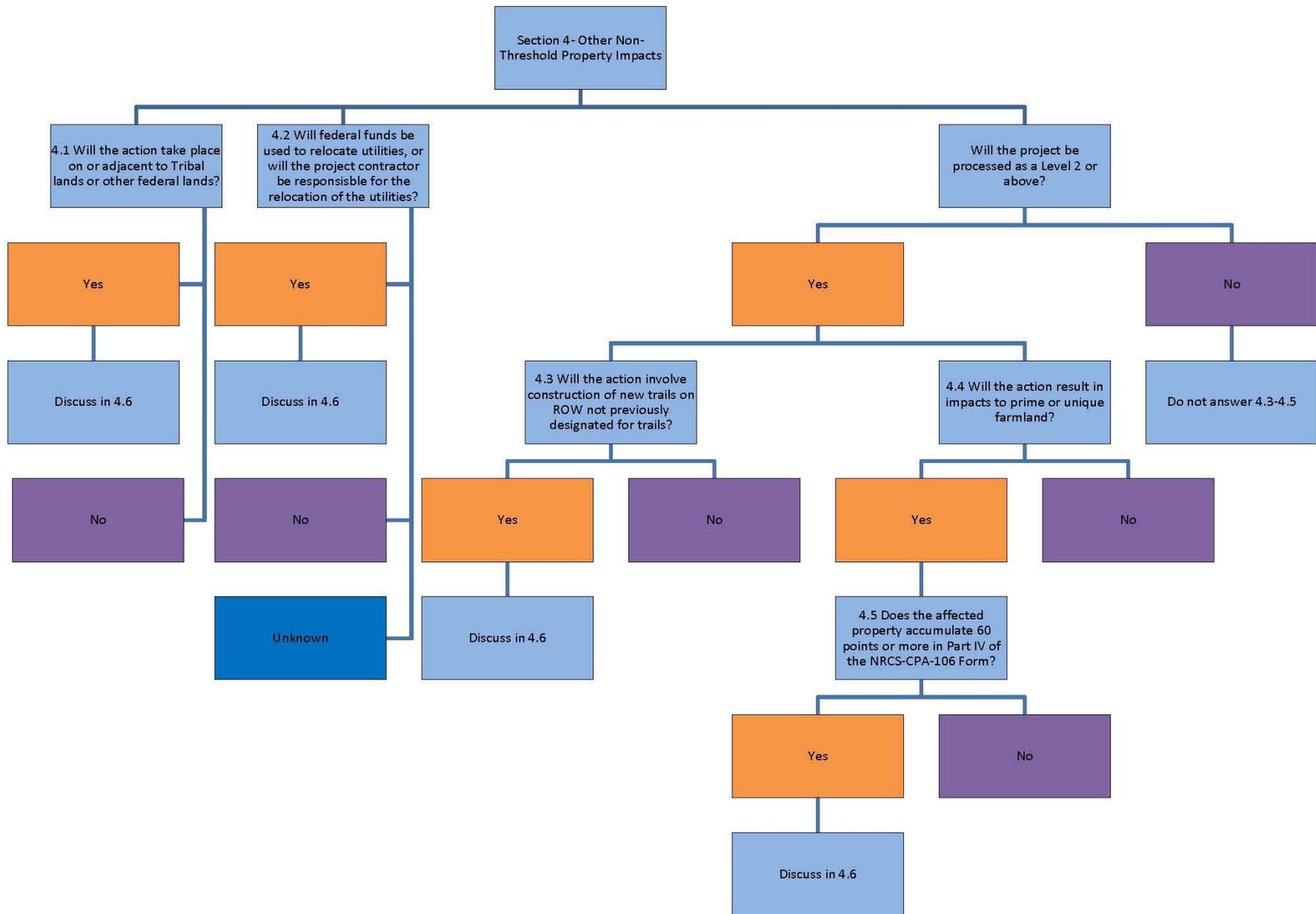




# Farmlands:

- ▶ If ROW is being taken and there is the potential to convert prime or unique farmland to non-farmland use, a NRCS-CPA-106 form and checklist must be completed.













- **Historic Properties**
  - **HazMat**
  - **Traffic Noise**
  - **Air Quality**
  - **Roadway**
  - **Traffic Disruption**
  - **Access Disruption**
- **Environmental Justice**
- **Public Involvement**

# Human & Social Resources

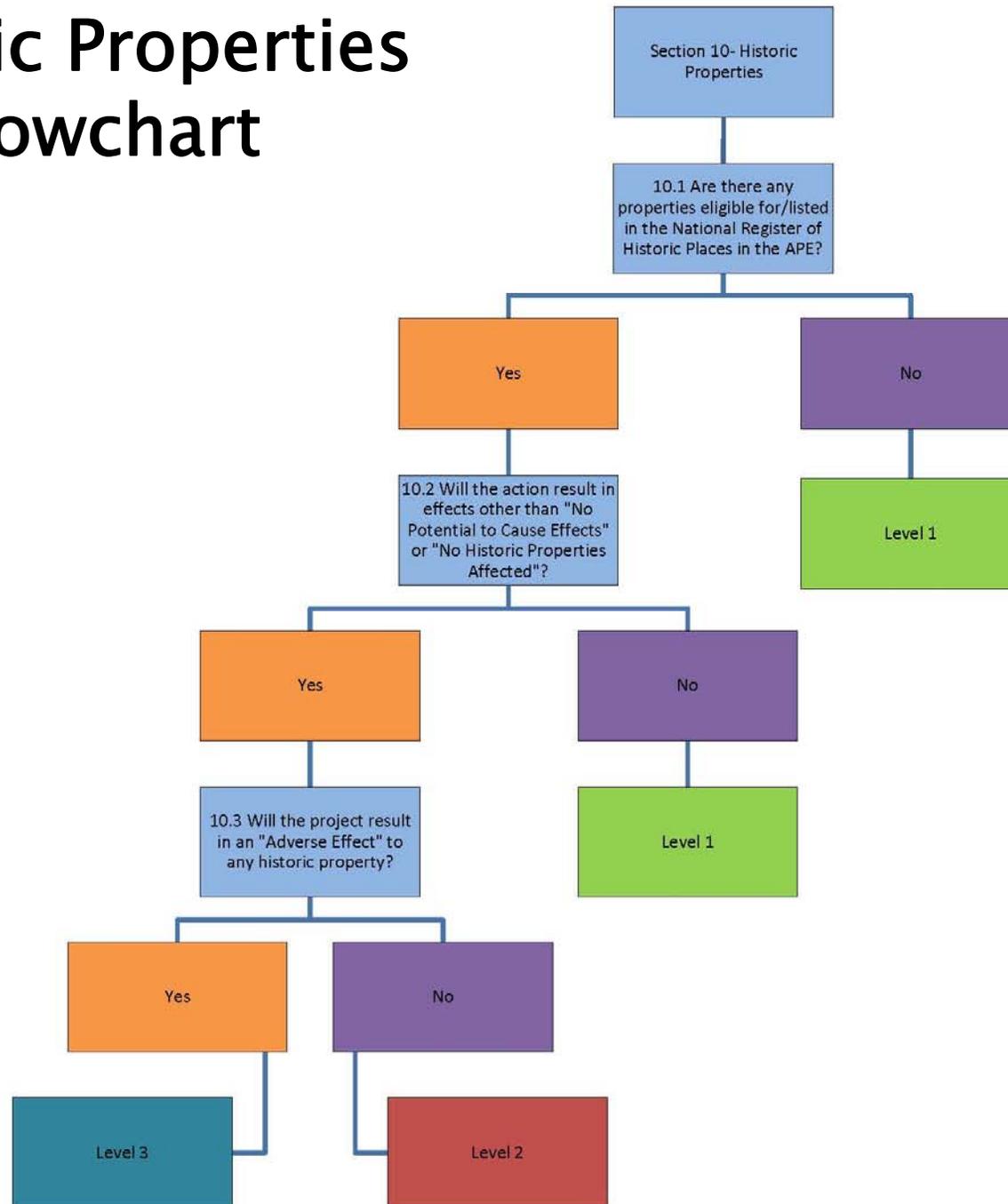
# Historic Properties

The Section 106 Programmatic Agreement (PA) procedures and associated tools will be used for Section 106 compliance for all projects.

- Level 1 must be either a “No Potential to Cause Effects” or “No Historic Properties Affected” determination
- Level 2 cannot result in an “Adverse Effect” to any historic property (No Adverse Effect)
- An “Adverse Effect” elevates the project to a Level 3 or higher



# Historic Properties Flowchart



# Tier I Section 106 PQS Memo



## NDOR PQS Project Review Memo Section 106 - Tier I Project No Potential to Cause Effects to Historic Properties

Control Number \_\_\_\_\_ Project Number \_\_\_\_\_ Review Date \_\_\_\_\_  
Project Name \_\_\_\_\_ Project Location \_\_\_\_\_

Date of Project Description Reviewed \_\_\_\_\_  Project Description Attached  Tier I Project

THPO/Tribal Consultation?  No  Yes

THPO/Tribes(s): \_\_\_\_\_

Date Correspondence Sent: \_\_\_\_\_

THPO/Tribal response date: \_\_\_\_\_

THPO/Tribal comment: \_\_\_\_\_

CLG Consultation?  No  Yes

CLG: \_\_\_\_\_

Date Correspondence Sent: \_\_\_\_\_

CLG response date: \_\_\_\_\_

CLG comment: \_\_\_\_\_

**Please Note: For the criteria below to be valid, any all ground disturbance would be limited to the depth of the existing fill material. Ground disturbance would not exceed the depth of the existing fill material.**

Check all that apply:

- 1. Guardrail and bridge rail repair and replacement. Conditions: In kind repair/replacement.
- 2. Traffic Signals, intersection lighting, pedestrian signals, underpass lighting, or railroad lighting within existing right-of-way. Conditions: In kind repair/replacement.
- 3. Maintenance and replacement of highway signs on existing poles, new sign installation within existing fill material.
- 4. Crack sealing, pothole repair, overlaying, milling, resurfacing, installation of rumble strips, and pavement marking. Conditions: This activity does not include actions on brick streets or brick highways. The maintenance or rehabilitation is limited to the existing surfaced areas with only minimal surface expansion, is the same as the existing vertical and horizontal alignments of the roadway, no ditching or drainage work is included. All staging areas can be limited to existing paved or previously disturbed surfaces only (eg. surfaces with little to no vegetation due to previous disturbance). Any and all ground disturbance is limited to existing fill material and will not exceed the depth of the existing fill material.
- 5. Repair/Maintenance of right-of-way fencing, limited to repair/replacing fence wire and fence posts only on existing fence post locations. Condition: If any grading is required for access or installation of fencing, this authority does not apply.
- 6. Improving existing bicycle and pedestrian lanes and paths on their existing alignments. Conditions: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the fill material.
- 7. Acquisition of scenic easements.
- 8. Approvals for disposal of excess right-of-way or for joint or limited use of the right-of-way for right-of-way previously purchased with federal funds, provided no properties over 50 years old are located on within the property.
- 9. Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels, as long as those parcels do not contain properties over 50 years old.
- 10. Improvements to existing maintenance facilities, rest areas (excluding I-80 rest areas), and truck weigh stations less than 50 years old. Condition: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the existing fill material.
- 11. Repair/Replacement of at-grade railroad crossing gates, lights, signs, and the rail crossing driving surface. Condition: work is limited to in kind replacement/repair with any and all ground disturbance limited to existing fill material locations only, not to exceed the depth of the existing fill material.
- 12. Grants for training, education and research programs which do not involve construction.
- 13. Purchase of equipment or materials which do not involve construction.
- 14. Visual Bridge Inspections.

EXAMPLE

NDOR PQS Review

# Tier II Section 106 PQS Memo



## NDOR PQS Project Review Memo Section 106 - Tier II Project

Control Number \_\_\_\_\_ Project Number \_\_\_\_\_ Review Date \_\_\_\_\_

Project Name \_\_\_\_\_ Project Location \_\_\_\_\_

Date of Project Description Reviewed \_\_\_\_\_

Project Results in no historic properties affected  No  Yes  Tier II Project

THPO/Tribal Consultation?  No  Yes

THPO/Tribes(s): \_\_\_\_\_

Date Correspondence Sent: \_\_\_\_\_

THPO/Tribal response date: \_\_\_\_\_

THPO/Tribal comment: \_\_\_\_\_

CLG Consultation?  No  Yes

CLG: \_\_\_\_\_

Date Correspondence Sent: \_\_\_\_\_

CLG response date: \_\_\_\_\_

CLG comment: \_\_\_\_\_

Other Consulting Parties Identified:

--

APE considered is consistent with 36 CFR 800.16(d):  Yes

### Archeological Resources

Are NRHP listed or eligible properties present within the APE?

No  Yes

Please list:

### Above Ground Resources

Are NRHP listed or eligible properties present within the APE?

No  Yes

Please list:

Is Temporary Easement Required from ANY Historic Property Listed Above?  No  Yes

Is Permanent Easement Required from ANY Historic Property Listed Above?  No  Yes

Is Right of Way Required from ANY Historic Property Listed Above?  No  Yes

If Yes, describe:

EXAMPLE

# Tier II Section 106 PQS Memo

---

Construction Commitments:  No  Yes

---

If Yes, detail here:

---

Project would result in no historic properties affected:  No  Yes

Tier II Project Evaluation Complete

---

---

NDOR PQS Review

Date

EXAMPLE

# Tier III Section 106 PQS Memo



## NDOR PQS Project Review Memo Section 106 - Tier III Project

Control Number \_\_\_\_\_ Project Number \_\_\_\_\_ Review Date \_\_\_\_\_  
Project Name \_\_\_\_\_ Project Location \_\_\_\_\_  
Date of Project Description Reviewed \_\_\_\_\_

Project Effect Recommendation \_\_\_\_\_  Tier III Project

THPO/Tribal Consultation?  No  Yes

THPO/Tribes(s): \_\_\_\_\_

Date Correspondence Sent: \_\_\_\_\_

THPO/Tribal response date: \_\_\_\_\_

THPO/Tribal comment: \_\_\_\_\_

CLG Consultation?  No  Yes

CLG: \_\_\_\_\_

Date Correspondence Sent: \_\_\_\_\_

CLG response date: \_\_\_\_\_

CLG comment: \_\_\_\_\_

Other Consulting Parties Identified:

APE considered is consistent with 36 CFR 800.16(d):  Yes

### Archeological Resources

Are NRHP listed or eligible properties present within the APE?

No  Yes

Please list:

### Above Ground Resources

Are NRHP listed or eligible properties present within the APE?

No  Yes

Please list:

Is Temporary Easement Required from ANY Historic Property Listed Above?  No  Yes

Is Permanent Easement Required from ANY Historic Property Listed Above?  No  Yes

Is Right of Way Required from ANY Historic Property Listed Above?  No  Yes

If Yes, describe:

**EXAMPLE**

# Tier III Section 106 PQS Memo

Construction Commitments:  No  Yes

If Yes, detail here:

Project would result in: \_\_\_\_\_

Provide narrative supporting "no adverse effect" finding or detail efforts to avoid an "adverse effect" finding:

If an "adverse effect" detail mitigation:

## Section 4(f)

Does a Significant archeological site located within the APE of this project warrant preservation in place?  No  Yes

If yes, archeological site number: \_\_\_\_\_

NDOR PQS Review

Date

EXAMPLE

# Previous SHPO concurrence



U.S. Department  
of Transportation  
**Federal Highway  
Administration**

**NEBRASKA DIVISION**

December 26, 2012

100 Centennial Mall North  
Room 220  
Lincoln, NE 68508  
(402)742-8460

In Reply Refer To:  
HDA-NE

L. Robert Puschendorf  
Deputy State Historic Preservation Officer  
Nebraska State Historical Society  
P.O. Box 82554  
Lincoln, NE 68508

1212-157-01  
CD  
X  
SFN  
X  
20130103

Dear Mr. Puschendorf:

**Project STP-84-6(106), CN 31891  
Hartington West  
Cedar County  
Cultural Resources Evaluation**

Please review this document on historic resources for the subject project as required under Section 106 of the National Historic Preservation Act of 1966 as amended and implementing regulations at 36 CFR Part 800.

An evaluation of the potential for cultural resources, both archeology and standing structures, is included below and in enclosures.

**Project Description:**

This 3R (Resurfacing, Restoration and Rehabilitation) project would resurface 7.89 miles of N-84 located in Cedar County, starting just west of the Norwegian Bow Creek Bridge at mile marker (MM) 34.14, and extending east to MM 42.03, the junction of N-84 and N-57 (Enclosure 1). Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

***MM 34.14 to MM 41.90***

The existing roadway on this segment of N-84 consists of two 12 foot wide asphalt lanes and 5 foot wide earth shoulders.

***MM 41.90 to MM 42.03***

The existing roadway on this segment of N-84 consists of two 12 foot wide asphalt lanes and 10 foot wide shoulders, of which 8 feet is paved with asphalt.

EXAMPLE

# Hazardous Materials (HazMat)

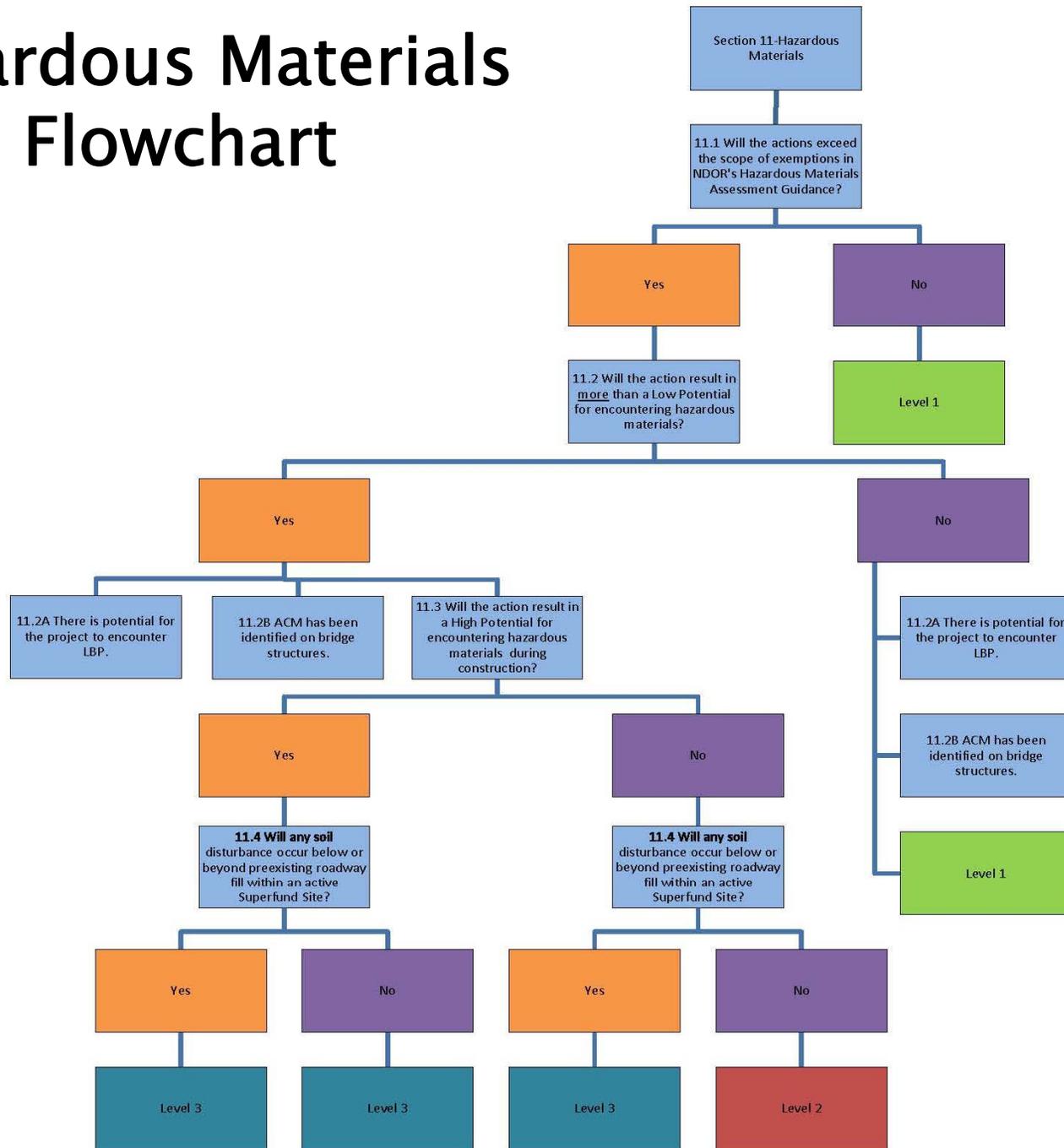
Level 1 Actions – low potential

Level 2 Actions – more than a low potential

Level 3 Actions – high potential



# Hazardous Materials Flowchart



# Hazardous Materials PQS Memo



## Hazardous Materials Memorandum

---

**Date:** August 10, 2015

**To:** Ryan Walkowiak, Highway Environmental/NEPA Specialist, Planning and Project Development

**From:** Will Packard, Highway Environmental Specialist, Planning and Project Development

**Subject:** Hazardous Materials Review Memo for the NDOR Project Stamford East & West (C.N. 70838).

### Overview

A hazardous materials review (HMR) was completed by HDR for the Stamford East & West project and approved by NDOR on August 10, 2015. The purpose of the HMR is to identify environmental concerns associated with hazardous materials and petroleum products which could potentially be encountered during the construction project. This memo summarizes the conclusions and applicable mitigation measures found in the HMR and assists the Environmental Documents manager in completing the Hazardous Materials section of the CE Determination Form for Federal-Aid Projects.

### Hazardous Material Sites and Impacts

The HMR identified one facility within the hazardous materials study area where a release had occurred. The petroleum release was related to an underground storage tank. Based on shallow excavations for NDOR construction and distance from the facility to the project, there is a low potential of encountering contamination during construction. In addition, no Superfund sites were identified near the project.

### Asbestos

Structure Numbers S089-05267, S089-05367, S089-05581 and S089-05737 have been tested for the presence of asbestos. The results were found to be negative; therefore, it is unlikely that these structures contain asbestos. This negative result relieves the contractor from National Emission Standards for Hazardous Air Pollutants (NESHAP) reporting requirements, and NDOR will complete the NESHAP reporting for this contract. No asbestos commitments are required.

EXAMPLE

# Traffic Noise

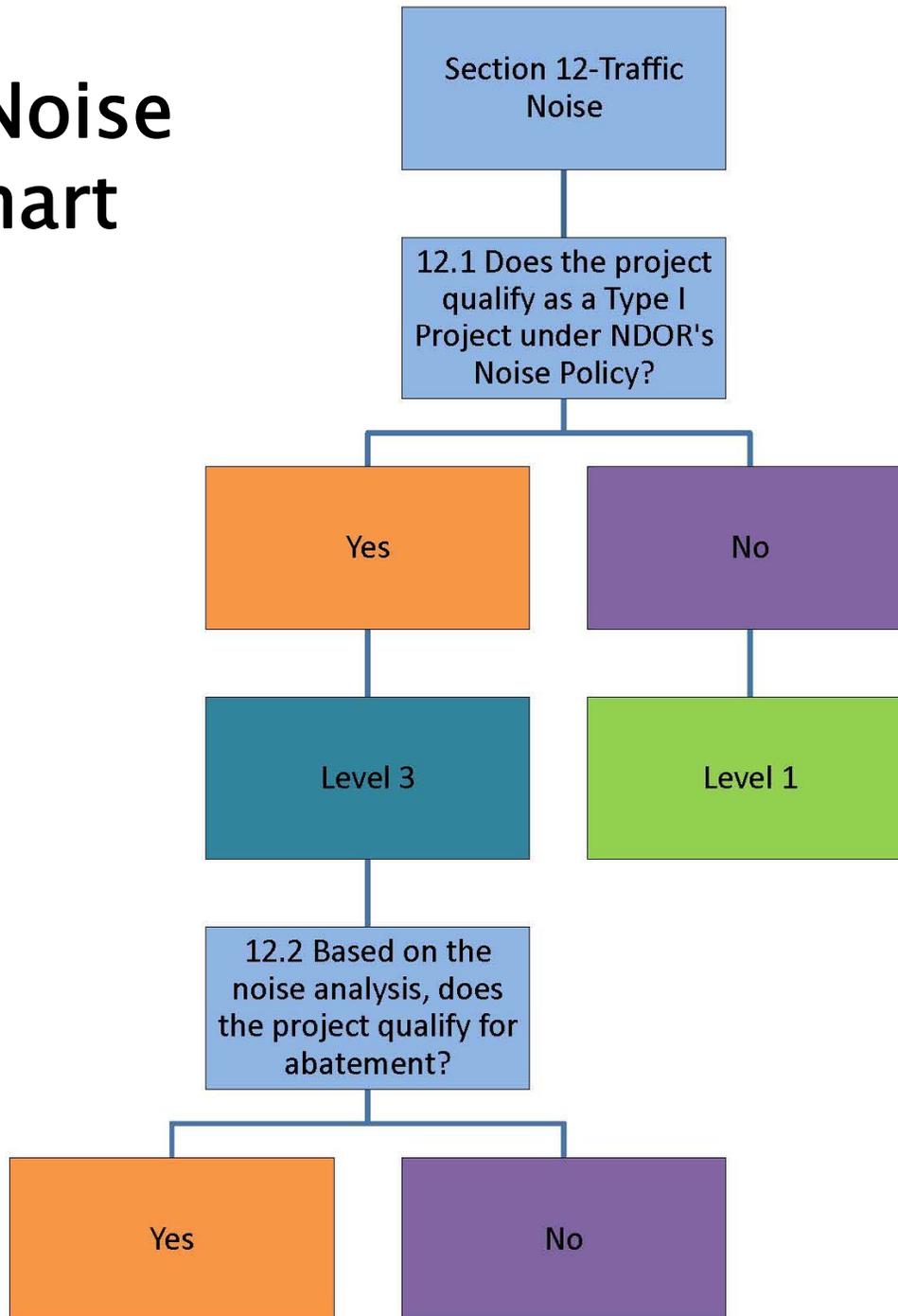
Not a Type 1 – Can be either Level 1 or 2

Type 1 – Level 3

**\*\*The NDOR Noise Specialist will indicate in the DR-53 if a noise analysis is required\*\***



# Traffic Noise Flowchart



# Noise Study Determination



## Noise Study Determination Memo

---

**Date:** July 7, 2015

**To:** Ryan Walkowiak, Highway Environmental/NEPA Specialist, Planning and Project Development

**From:** Will Packard, Highway Environmental Specialist, Planning and Project Development

**Subject:** Noise study determination memo for the NDOR project Ansley to Mason City (C.N. 61560) in Custer County, NE

The NDOR Noise Section staff has reviewed project description for the Ansley to Mason City project to determine if a noise study is warranted. Based on the materials reviewed, this project does not fit the definition of a Type I project and is therefore exempt from a noise study.

Sincerely,

A handwritten signature in black ink that reads "Will Packard".

7/7/15

\_\_\_\_\_  
Name

\_\_\_\_\_  
Date

Will Packard, Highway Environmental Specialist  
Planning and Project Development  
NDOR

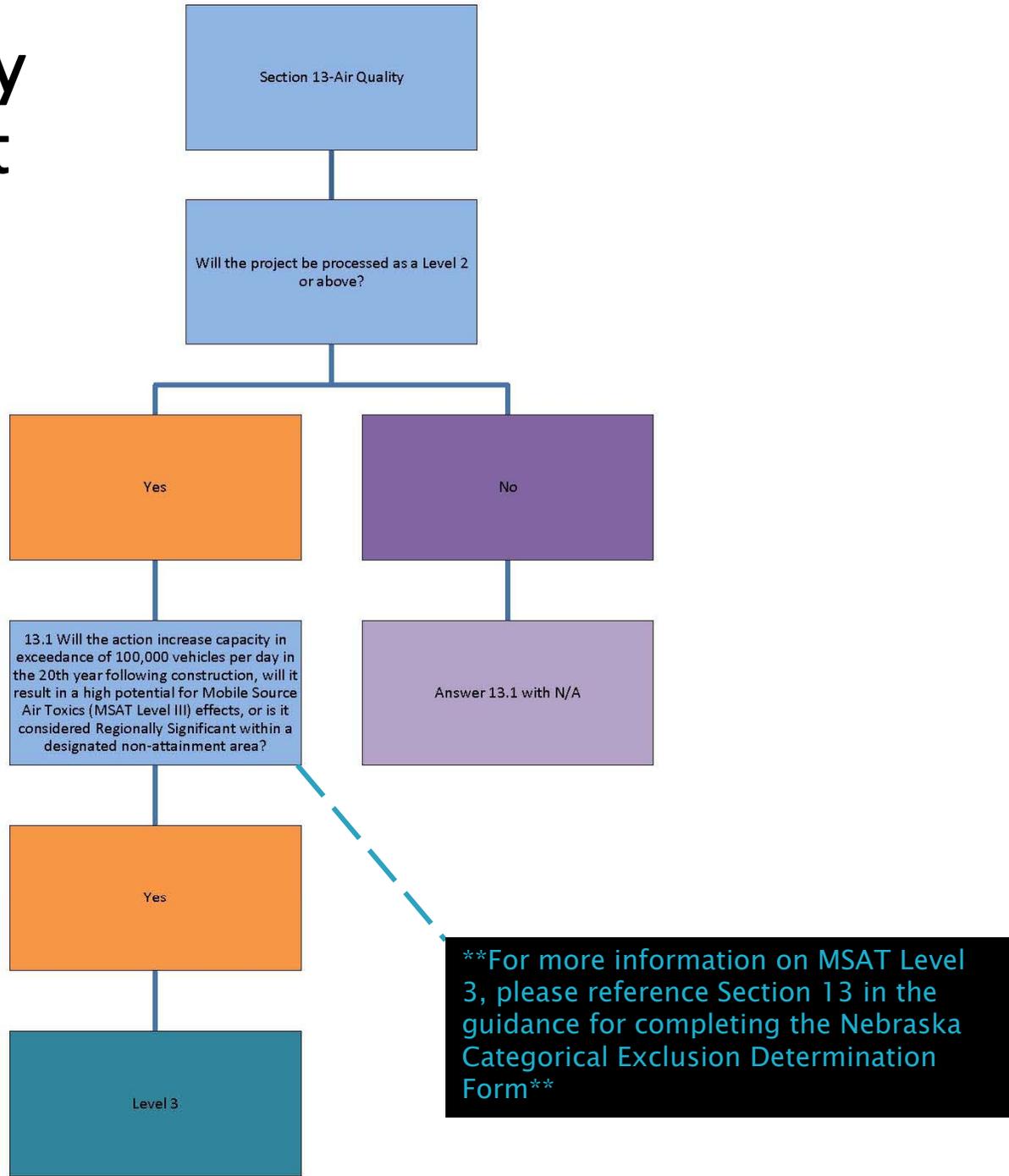
EXAMPLE

# Air Quality

- For Level 1 and Level 2 Actions, the project cannot:
  - Increase capacity in exceedance of 100,000 vehicles per day (vpd) in the 20<sup>th</sup> year following the project construction
  - Result in high potential for Mobile Source Air Toxics (MSAT) effects (MSAT Level 3), or
  - Be considered Regionally Significant within a designated non-attainment area
- If the project will exceed the above-mentioned thresholds, the project must be processed as a Level 3 CE or higher



# Air Quality Flowchart



# Roadway

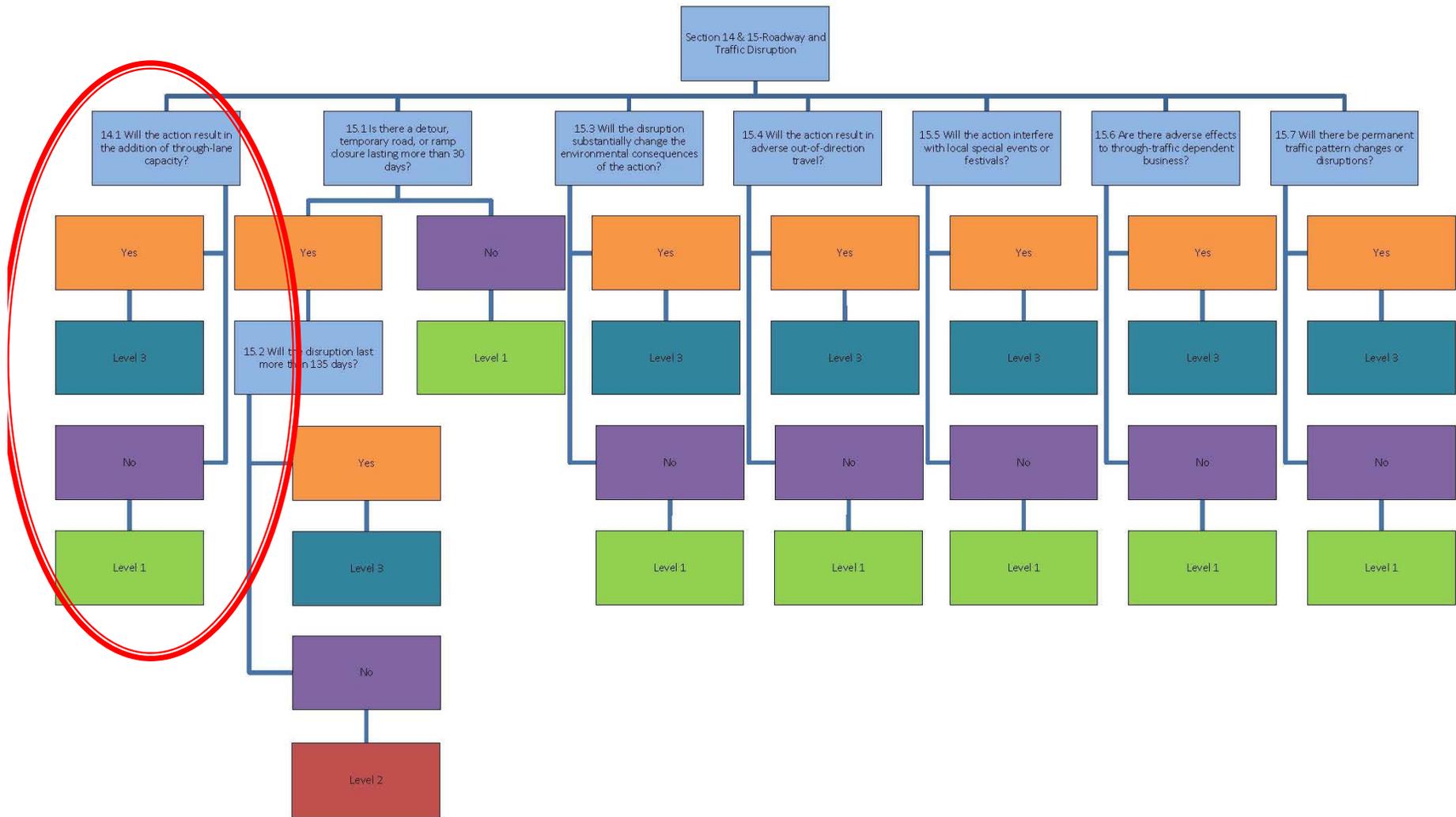
Level 1 & 2 actions cannot add through-lane capacity which is defined by:

*“Right turn lanes and auxiliary lanes less than a mile in length, or center turn lanes (regardless of length) are not considered capacity-adding activities.”*

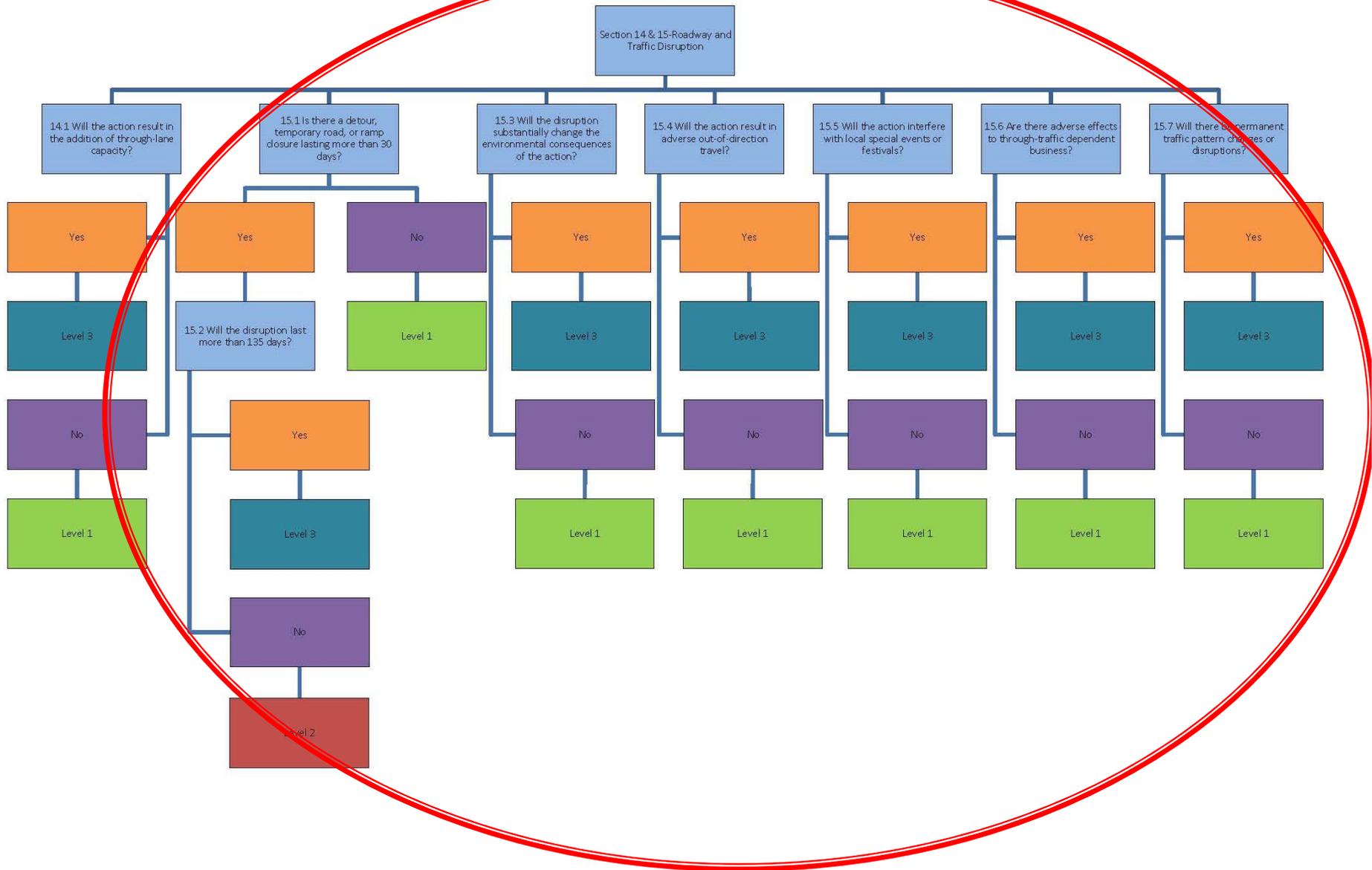
– Exceeding this would elevate CE to Level 3 or higher



# Roadway & Traffic Disruption Flowchart

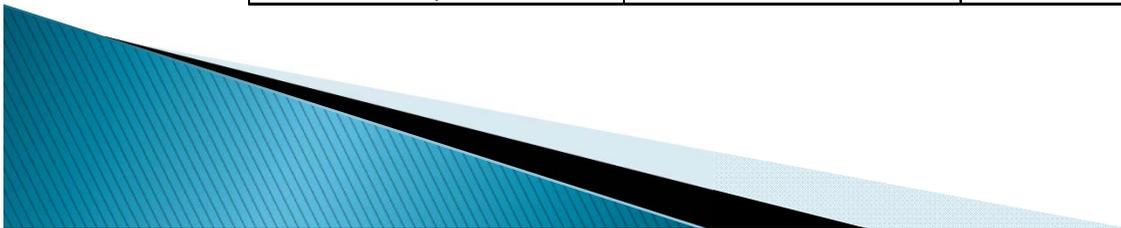


# Roadway & Traffic Disruption Flowchart

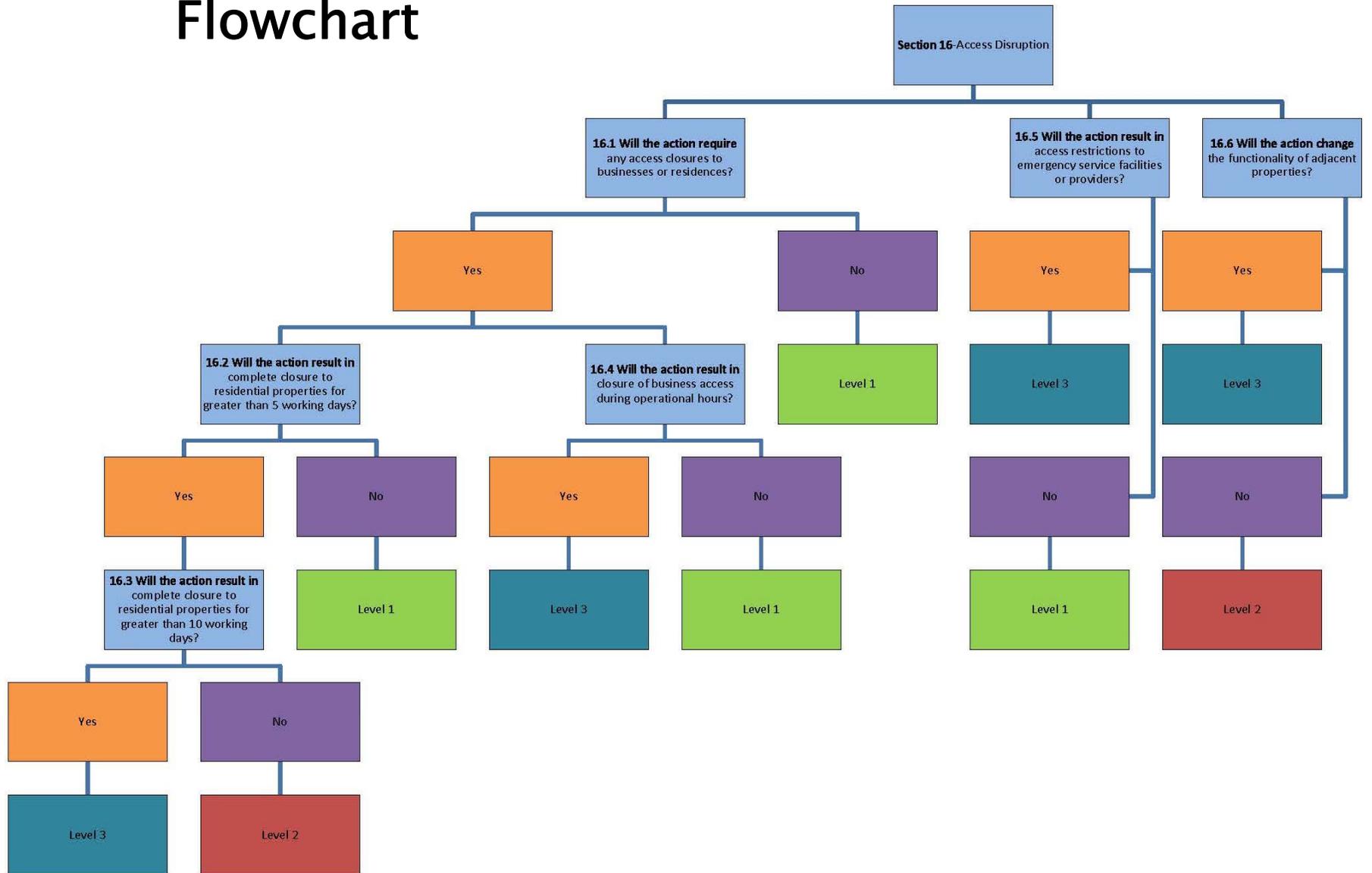


# Traffic Disruption

Category	Level 1 Criteria	Level 1 Threshold Limit	Level 2 Criteria	Level 2 Threshold Limit	Level 3 or Above (EA/EIS) Criteria
Traffic Disruption	Minor traffic disruptions including temporary road, detour or ramp closures less than 30 working days	Minor traffic disruptions greater than 30 working days	Minor traffic disruptions greater than 30 working days AND less than 135 working days	Major traffic disruptions including temporary road, detour or ramp closures greater than 135 working days	Major traffic disruptions greater than 135 working days
	Out-of-direction travel is less than 5 miles in urban areas or 25 miles in rural areas, no effect on businesses, no interference with local event or festival, no environmental consequence of disruption	—	—	Out-of-direction travel is greater than 5 miles in urban areas or 25 miles in rural areas, impacts to businesses, interference with local events or festivals, additional environmental consequences of disruption	Out-of-direction travel is greater than 5 miles in urban areas or 25 miles in rural areas, impacts to businesses, interference with local events or festivals, additional environmental consequences of disruption



# Access Disruption Flowchart



# Access Disruption

Category	Level 1 Criteria	Level 1 Threshold Limit	Level 2 Criteria	Level 2 Threshold Limit	Level 3 or Above (EA/EIS) Criteria
<b>Access Disruptions</b>	Closure to residential properties less than 5 days	Closure exceeds 5 days	Closure to residential properties greater than 5 days AND less than 10 days	Closure exceeds 10 days	Closure to residential properties greater than 10 days
	No closure of business access during operational hours or no access restrictions to emergency service facilities or providers			Closure of business access during operational hours or access restrictions to emergency service facilities or providers, changes to functional utility	Closure of business access during operational hours or access restrictions to emergency service facilities or providers, changes in access control that result in change to the functional utility of adjacent properties.



# Environmental Justice

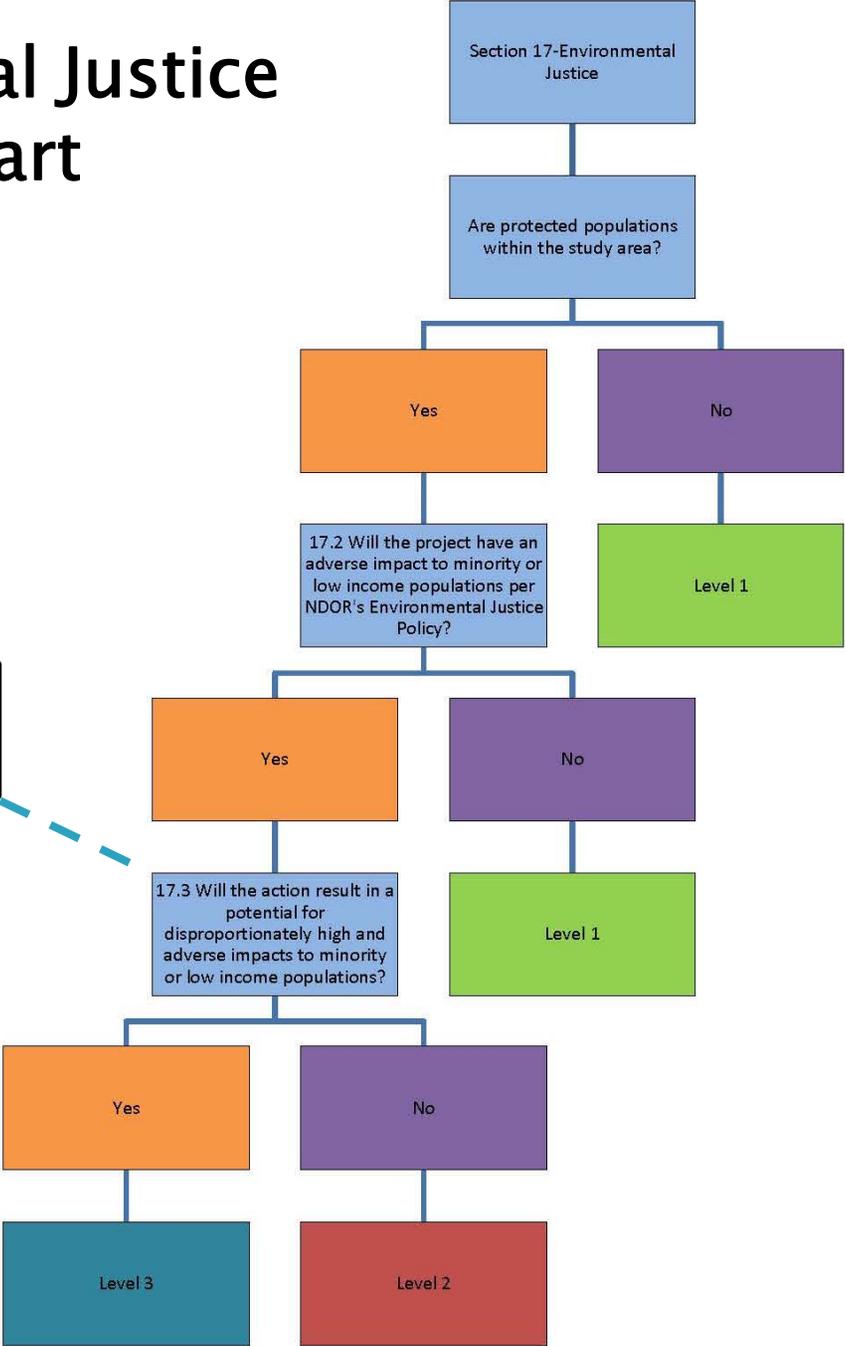
Level 1 – no adverse effect

Level 2 – no potential for disproportionately high and adverse effect

Level 3 or higher – project results in the potential for disproportionately high and adverse effect



# Environmental Justice Flowchart



Mitigating for impacts cannot lower document level from a 3.

# Environmental Justice – Civil Rights Memo

To: NEPA Specialist, NDOR  
From: Highway Civil Rights Specialist, NDOR  
Date: 3 September 2015  
RE: Civil Rights Analysis, CN 78910, STP-1-23(456), NEPAville North and South

## Civil Rights Analysis for CN 78910

### Environmental Justice Regulatory Background and Methodology:

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was signed on February 11, 1994, and requires that, to the extent practicable and permitted by law, low-income or minority populations may not receive disproportionately high and adverse human health or environmental effects as a result of a proposed project. Federal agencies must take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of low-income and minority populations. Also, representatives of any low-income or minority populations in the community that may be affected by a project must be given the opportunity to be included in the impact assessment and public involvement process.

On June 14, 2012, FHWA issued Order 6640.23A, *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, which established policies and procedures for the FHWA and state transportation agencies to use in complying with Executive Order 12898. The Order provided definitions for multiple terms and concepts applicable to this analysis.

*Adverse Effects* are defined as “the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of human-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community’s economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities.”

A *Disproportionately High and Adverse Effect to Low-Income and Minority Populations* is defined as an adverse effect that:

1. is predominately borne by a minority population and/or a low-income population;  
OR
2. will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

# Public Involvement

NDOR has developed Public Involvement Procedures, which have been approved by FHWA.

Level 1 and 2 CE – no unresolved controversy

Level 3 CE – involves unresolved controversy



# Public Involvement Review Memo

To: NDOR Environmental  
From: Sarah Kugler, Public Involvement Manager, NDOR  
Date: 20 August 2015  
RE: Public Involvement Summary Report, STP-15-3(115), N-91 North, CN 32132

## Public Involvement Outreach Requirements for Public Information Packet: C.N. 32132, STP-15-3(115), N-91 North

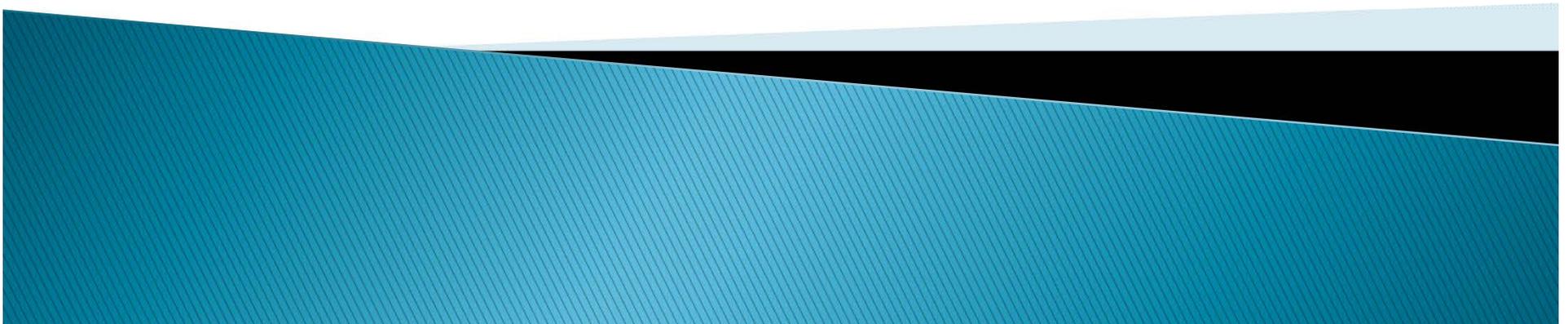
Based on an analysis of the project scope, the civil rights analysis, and discussion with the Nebraska Department of Roads (NDOR) District 3 Engineer, Kevin Domogalla, NDOR utilized a Project Information Packet, with a 30-day comment period, to inform the public of the proposed project and solicit input regarding the project. A total of 121 mailing packets were sent to a database of citizens directly adjacent to Nebraska Highway 15 from Mile Marker (MM) 134+64 to MM 126+56. Mailing packets were also sent out to a list of 46 businesses, stakeholders, and other interested parties. Since a portion of this traffic included heavy truck traffic, the Nebraska Trucking Association (NTA) was included in our database. The packet included a cover letter detailing the project, a map of the proposed project and/or detour, a fact sheet, and a pre-paid postage comment form. A legal notice was published in the *Colfax County Press* and the *Stanton Register*, both Nebraska Press Association certified newspapers, on June 10, 2015 and June 24, 2015. Information regarding the project was also placed on the NDOR website located on the "Highway Projects" page. Additional information may be made available upon request.

NDOR Public Involvement received 7 comments during the specified comment period (June 10, 2015 – July 10, 2015), outlined below.

COMMENT	RESPONSE
Summarize each comment	Summarize each response

# Water and Ecological Resources

Wild and Scenic/Nationwide Rivers Inventory  
Floodplain/Floodway  
Wetlands/Waters of the U.S.  
Impaired Waters/MS4/NPDES  
Threatened and Endangered Species

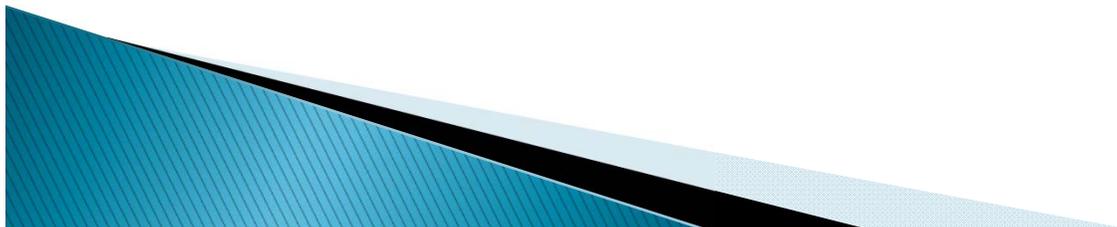


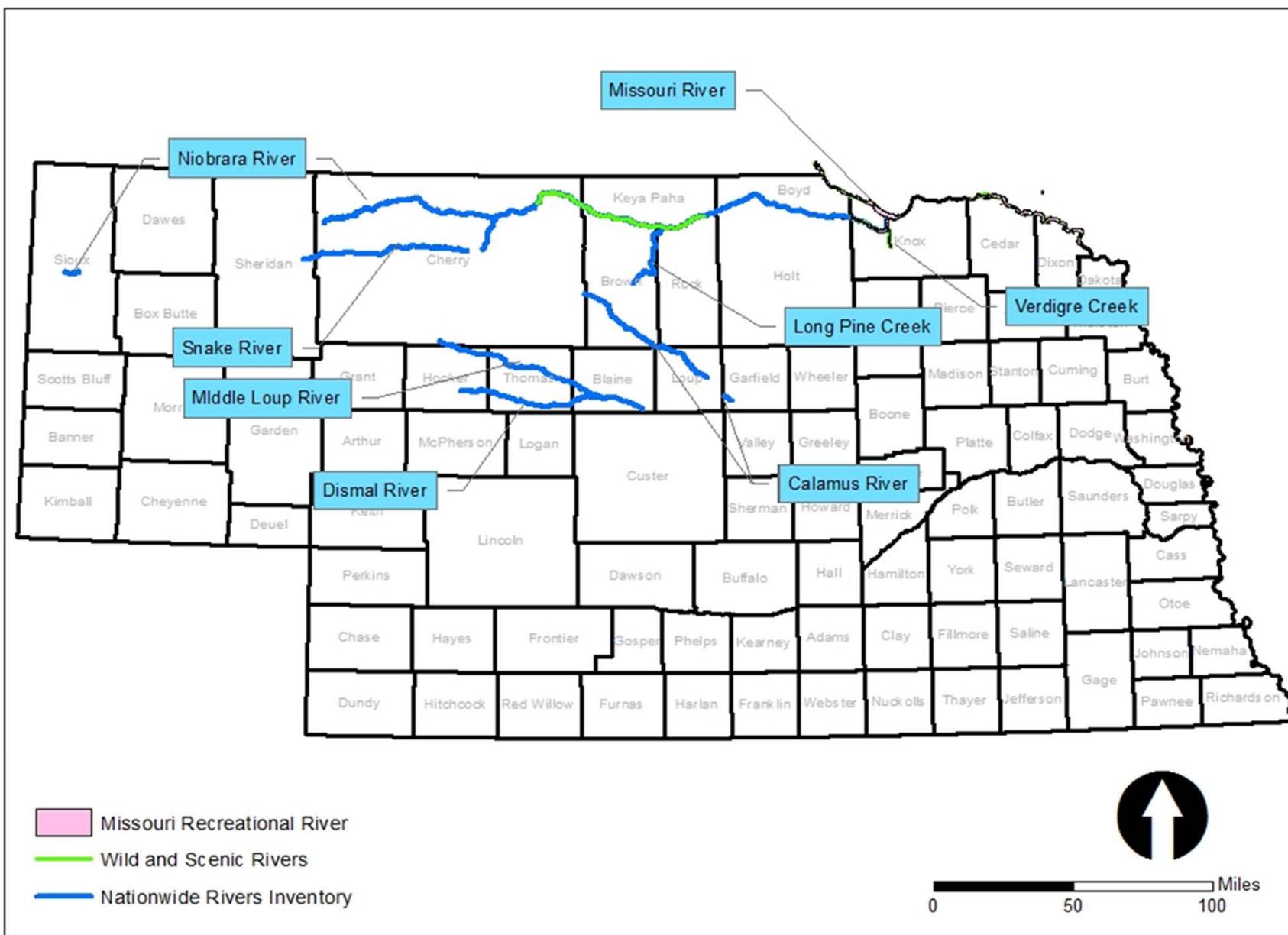
# Water and Ecological Resources

»» Wild and Scenic Rivers

# The Resources

- ▶ Wild and Scenic Rivers
  - Segments of Niobrara and Missouri Rivers
  - Found at [Rivers.gov](http://Rivers.gov)
- ▶ National Recreational Rivers
  - A Subset of Wild and Scenic Rivers
- ▶ Nationwide Rivers Inventory
  - 10 segments throughout Nebraska
  - Found at [National Park Service](http://National Park Service)





- ▶ Projects within 0.25 miles of federally-listed rivers, or within a corridor of 1.5 miles up or downstream of their tributaries
  - *This has not changed from the old CE form*
- ▶ Coordination with the Agency with Jurisdiction must be completed for projects crossing, or impacting federally-listed rivers

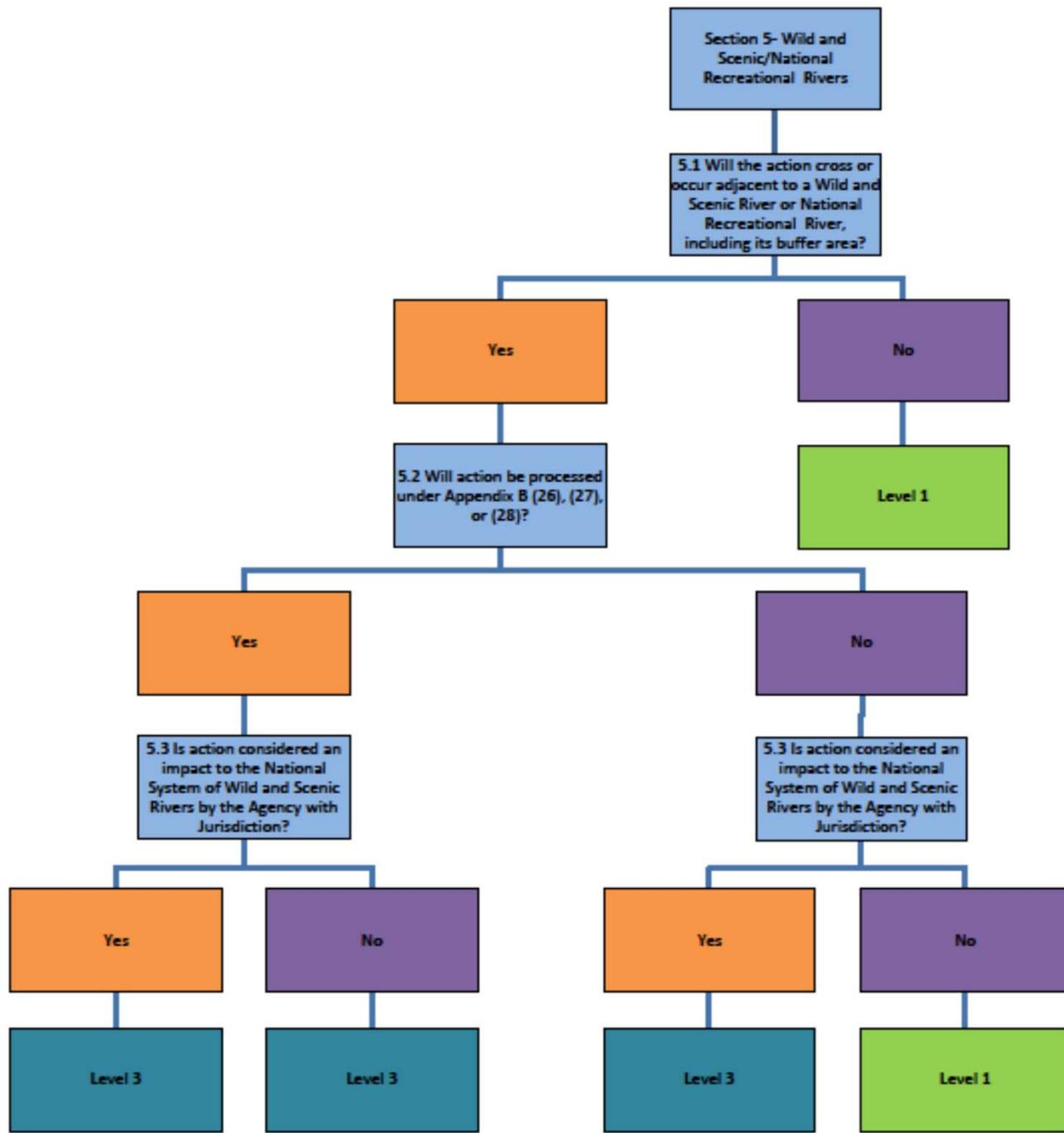


**NOTE:** If Yes, the proposed action can be processed as a Level 1 [all Appendix A categories] or a Level 2 Action [Appendix B categories other than (26), (27), and (28)], if the Agency with Jurisdiction has determined the action will not result in an impact.



- ▶ **B(26):** Modernization of a highway by resurfacing, restoration, rehabilitation, reconstruction, adding shoulders, or adding auxiliary lanes, if the project meets the constraints listed in 23 CFR 771.117(e).
- ▶ **B(27):** Highway safety or traffic operations improvement projects, including the installation of ramp metering control devices and lighting, if the project meets the constraints listed in 23 CFR 771.117(e).
- ▶ **B(28):** Bridge rehabilitation, reconstruction, or replacement or the construction of grade separation to replace existing at-grade crossings if the project meets the constraints listed in 23 CFR 771.117(e).





## 5.4 Describe resources, impacts, and the coordination conducted with officials/agencies:

- ▶ Fully describe what is going on:
  - Water resource and its location along the project
  - What work will be causing the impact?
  - What is the extent of the impact?
  - Who was the Agency with Jurisdiction?
  - When was the coordination completed?
  - What was the outcome of the coordination?



## 5.5 Wild and Scenic River Mitigation:

- ▶ Include Wild & Scenic River commitments in this section
- ▶ Commitments will auto-populate in 23.1







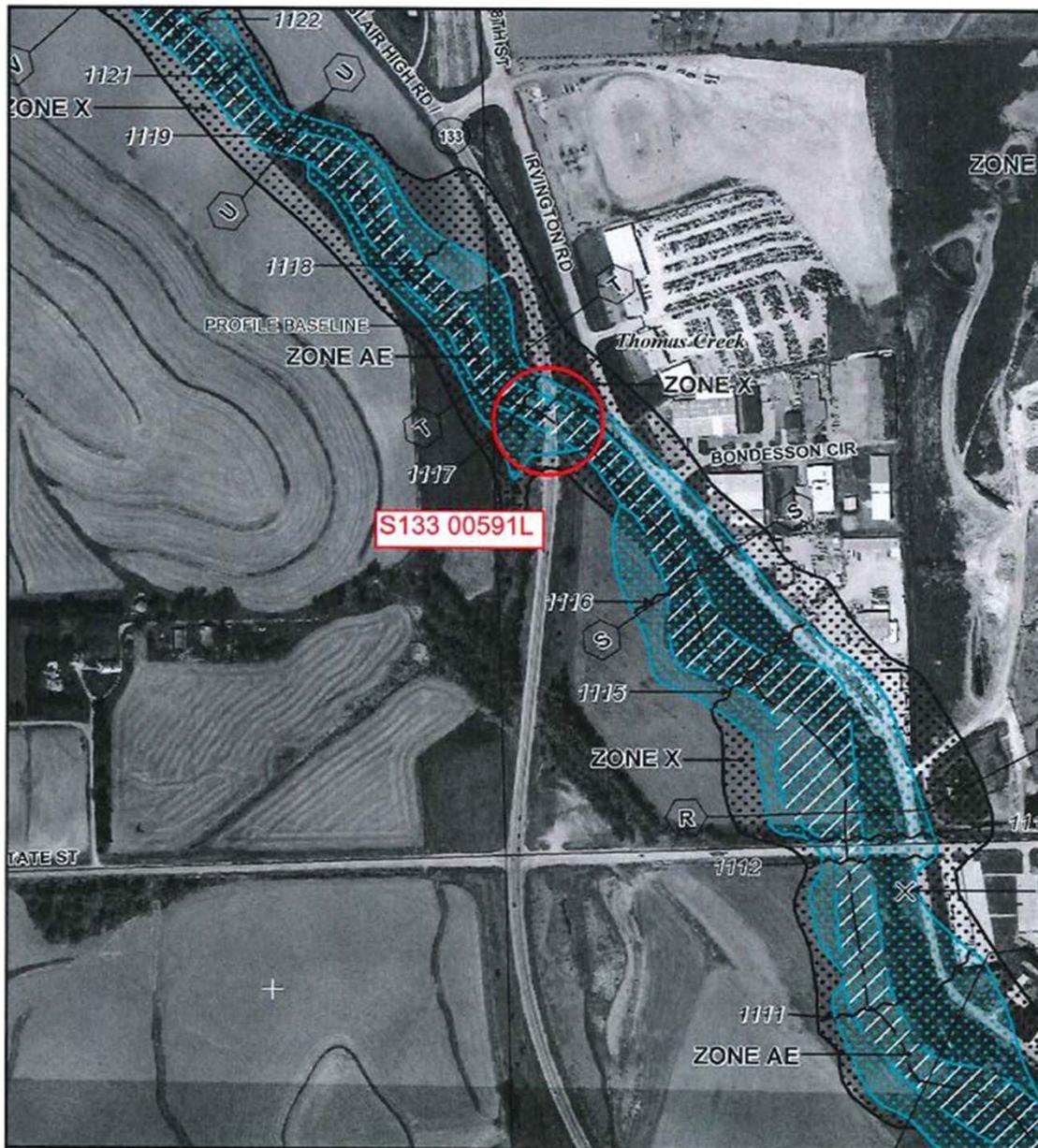
# Water and Ecological Resources

»» Floodplain / Floodway

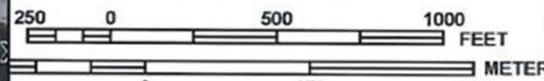
# The Resources

- ▶ Floodplain
  - Low-lying ground that is subject to flooding
- ▶ Floodway
  - The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood, without cumulatively increasing the water surface elevation more than a designated height.





MAP SCALE 1" = 500'



NFP

PANEL 0204H

**FIRM**

FLOOD INSURANCE RATE MAP

DOUGLAS COUNTY,  
NEBRASKA  
AND INCORPORATED AREAS

PANEL 204 OF 360

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
OMAHA, CITY OF	315274	0204	H

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.



MAP NUMBER  
31055C0204H

EFFECTIVE DATE  
DECEMBER 2, 2005

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at [www.msc.fema.gov](http://www.msc.fema.gov)

# The Resources

- ▶ Information will be provided by:
  - Coordination with NDOR Roadway Hydraulics and Permits acquired by the Environmental Permits Unit (State projects)
  - The Local Public Agency's Design Consultant will provide design and acquire permits for floodplains (Local Projects)
  - A Floodplain Encroachment Memo is necessary when in a floodplain/floodway



# Floodplain / Floodway

## Encroachment

- ▶ Activity or construction within the floodplain/floodway

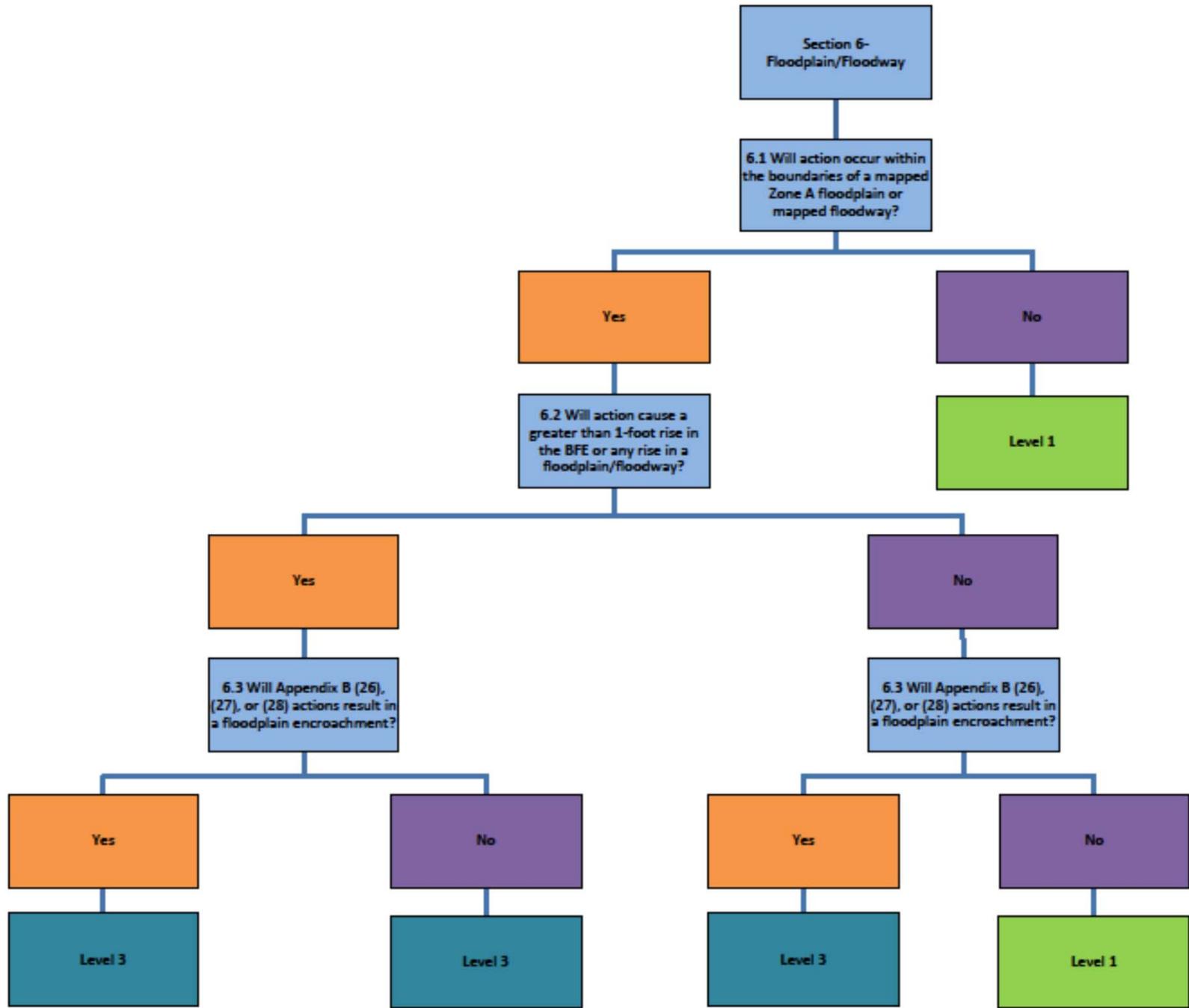
## Functionally Dependent

- ▶ Bridge or culvert that is in place because of the floodplain/floodway
  - Typically not parallel encroachments

## Open Space

- ▶ Land that does not directly touch a natural body of water
  - E.g. Flood control detention ponds





## 6.4 Describe resources, impacts ,and the coordination conducted with officials /agencies

- ▶ Fully describe what is going on:
  - What is the resource?
  - Where is the resource?
  - Who has jurisdiction?
  - What, if any, are the impacts?
  - What coordination has taken place?
  - Status of floodplain permit/application



## 6.5 Floodplain/Floodway Mitigation

- ▶ If a permit is required but not yet available
- ▶ Any other commitment(s) that result from coordination
- ▶ Commitments will auto-populate in 23.1

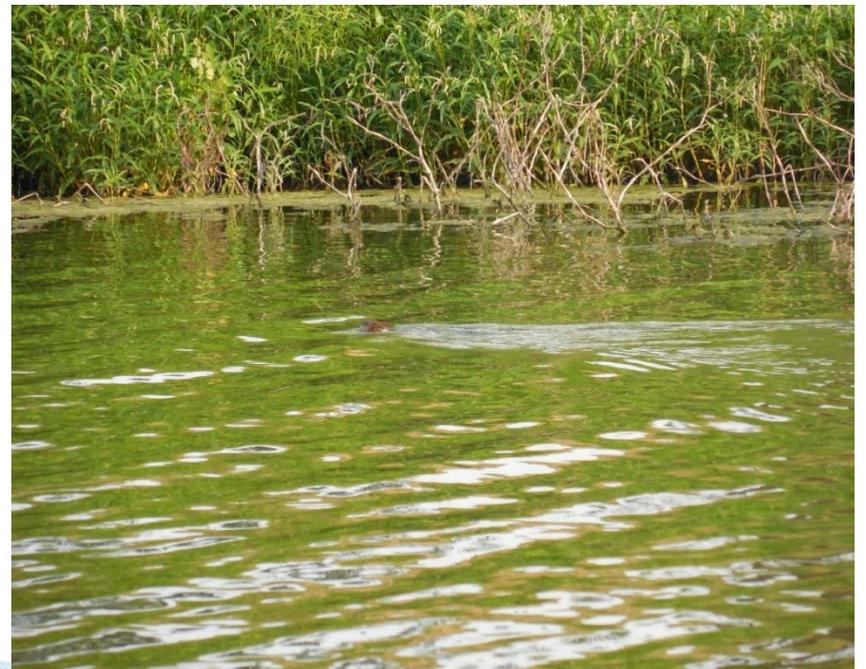


# Water and Ecological Resources

- » Wetlands and Waters of the U.S.

# The Resource

- ▶ Section 404 of the Clean Water Act and Nebraska State Title 117:
  - Wetlands, streams, lakes, etc.
- ▶ Information will be obtained from the Wetlands PQS Memo for State projects
  - Impacts, permits, mitigation, etc.





# Memorandum

- Standardized memos will be provided for all future state projects.
- Memos will include all information needed to fill out Section 7 and question 20.2.

DATE [Click here to enter a date.](#)  
TO [Click here to enter text.](#), NDOR EDU  
FROM [Click here to enter text.](#), NDOR EPU  
SUBJECT Wetland Memo  
Project No: [Click here to enter text.](#)  
Control No: [Click here to enter text.](#)  
Project Name: [Click here to enter text.](#)

A wetland delineation was completed on [Click here to enter a date.](#)  
Or  
 A desktop review was completed on [Click here to enter a date.](#)

Are there wetlands, stream channels, or other waters within the study area?  
 Yes  No

Will the action result in wetland impacts in accordance with Section 404 of the Clean Water Act and/or Nebraska State Title 117?  
 Yes  No  Not Applicable

If the project is processed with a Nationwide Permit, is a Pre-construction Notification required?  
 Yes  No  Not Applicable

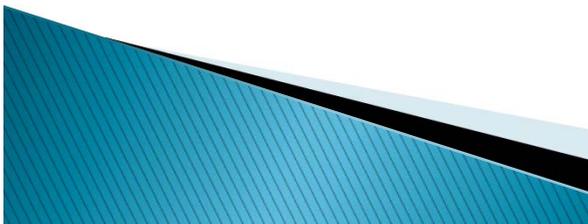
Describe resources, potential impacts and anticipated permit type: [Click here to enter text.](#)

Describe any coordination conducted to date with officials/agencies: [Click here to enter text.](#)

Wetlands/Waters of the U.S. Mitigation  
 On-Site/Permittee Responsible  USACE Approved Mitigation Bank Site  Not Applicable

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.

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.



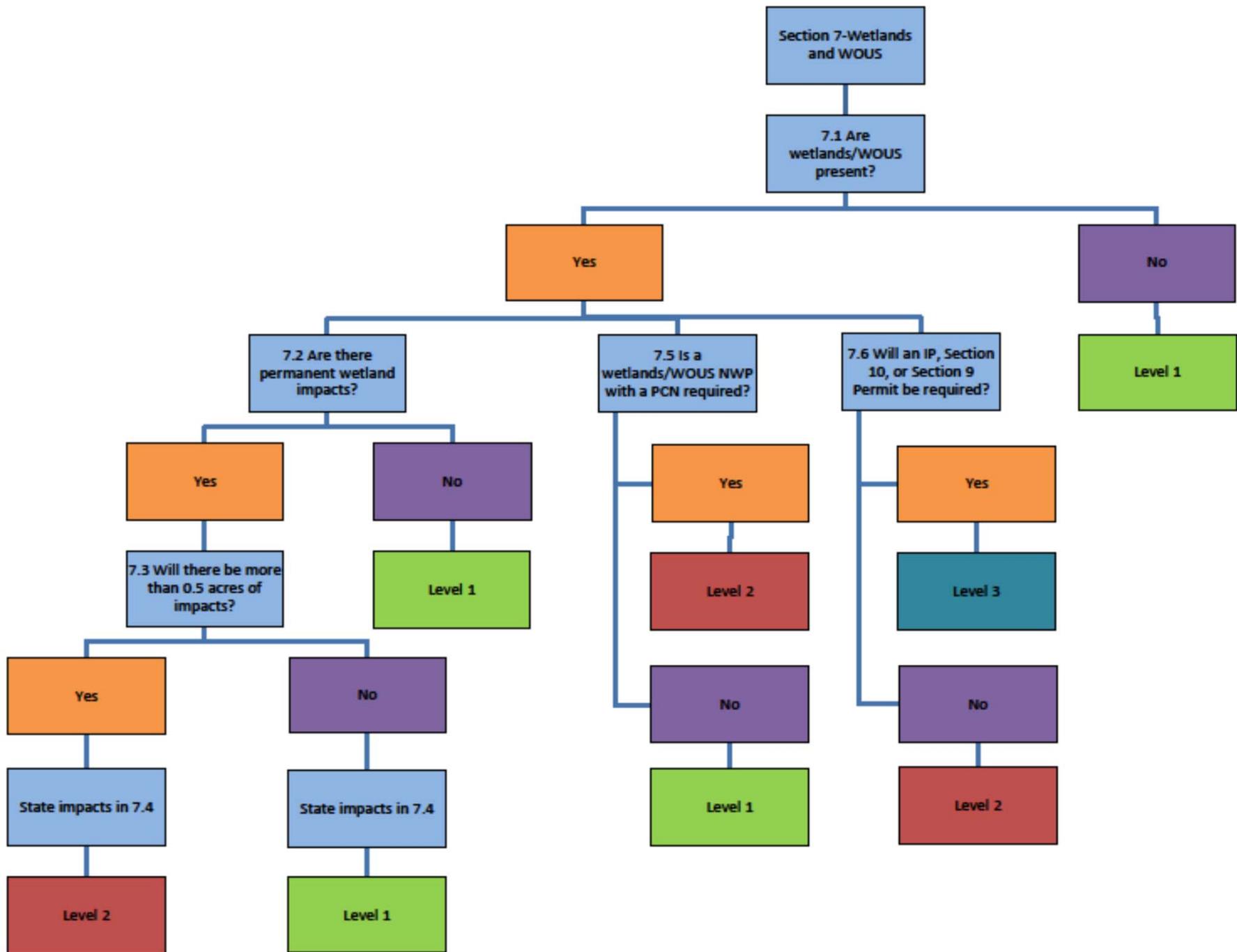
## ▶ Wetland and Channel Impacts

- Temporary Wetland/Channel
- Permanent Wetland/Channel
- Acres and/or linear feet of stream impacts

## ▶ Nationwide Permit (NWP) status and status of Preconstruction Notification (PCN) will be provided by the Wetlands PQS

- If the project doesn't have wetland impacts it may still have channel impacts that would require a NWP





## 7.7 Describe resources, potential impacts, and any coordination conducted to date with officials/agencies

- ▶ Describe the channel and wetland type
- ▶ Impacts: wetland acres, channel acres and linear feet
- ▶ Coordination that took place with Army Corps of Engineers and/or U. S. Coast Guard



## 7.8 Wetlands/Waters of the U.S. Mitigation

- ▶ Include language from the PQS Memo commitments that result from coordination
- ▶ Commitments will auto-populate in 23.1





# Water and Ecological Resources

- » Impaired Waters, Section 402, and MS4

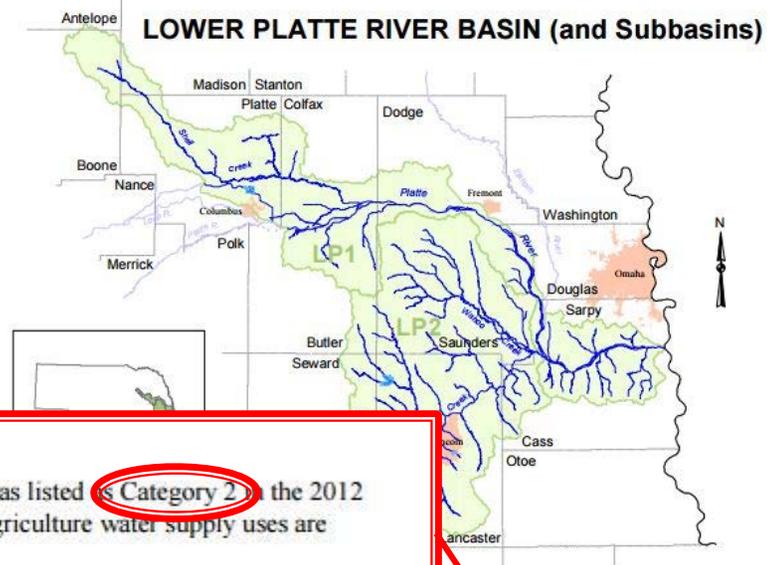
# The Resources

- ▶ Impaired Waters – Nebraska Department of Environmental Quality (NDEQ) 303(d) program
- ▶ Municipal Separate Storm Sewer System (MS4) Permit
- ▶ National Pollutant Discharge Elimination System (NPDES) Storm Water Permit
- ▶ Section 8 consists of non-threshold questions only



▶ Category 5 waters only

- NDEQ Water Quality Integrated Report



*LP1-L0200: Fremont Lake No. 15 (Victory) (SRA)* – This waterbody was listed as **Category 2** in the 2012 IR. Data collected in 2012 determined this waterbody’s recreation and agriculture water supply uses are being met. This waterbody will remain in Category 2.

201, 10200202 and 10200203

The Lower Platte River Basin includes 126 designated stream segments and 75 designated lakes/reservoirs.

Waterbody Type	Primary Contact Recreation	Aquatic Life CA <sup>1</sup>	Aquatic Life CB <sup>1</sup>	Aquatic Life WA <sup>1</sup>	Aquatic Life WB <sup>1</sup>	Water Supply – Public Drinking	Water Supply – Ag	Water Supply – Ind.	Aesthetics
Lakes	75	0	1	74	0	0	75	2	75
Streams	16	0	1	13	112	2	120	1	126

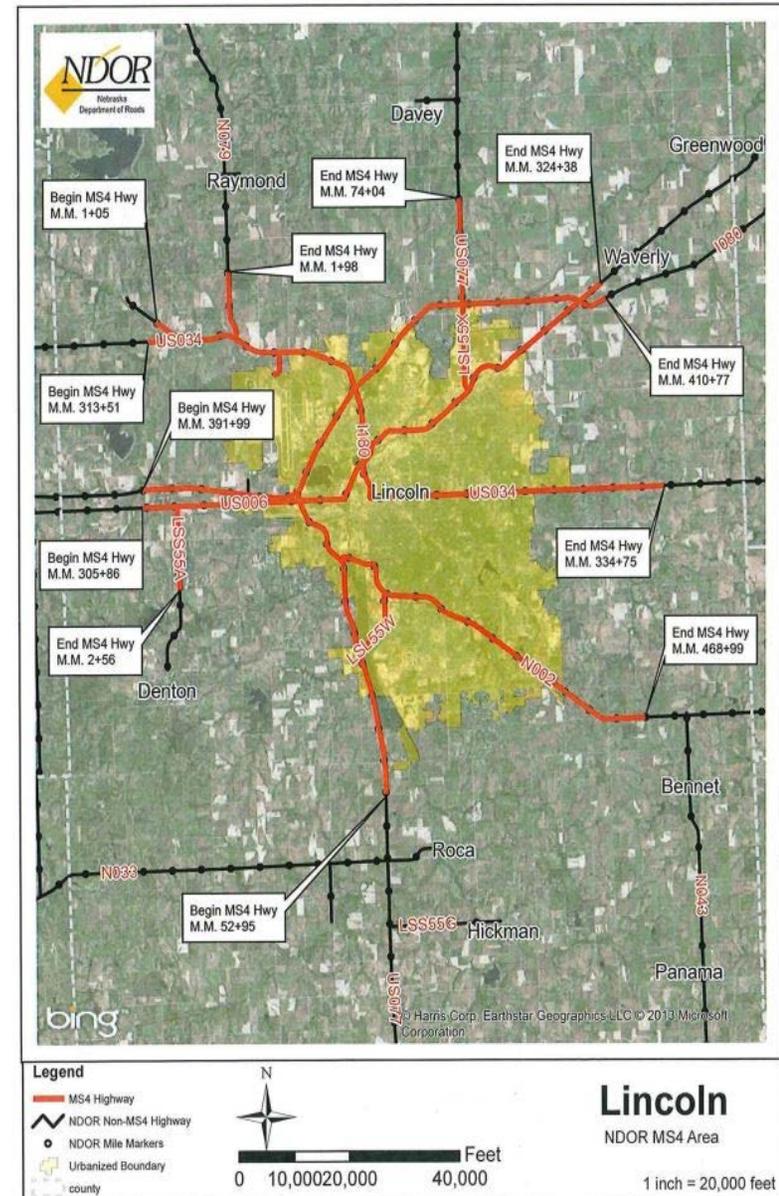
<sup>1</sup> CA = Coldwater Class A, CB = Coldwater Class B, WA = Warmwater Class A and WB = Warmwater Class B

**Delisting/ Changes from 2012 IR**

The following are waters and or parameters that were delisted – removed from category 5 or other significant changes from the 2012 Integrated Report (IR).

*LP1-L0200: Fremont Lake No. 15 (Victory) (SRA)* – This waterbody was listed as Category 2 in the 2012 IR. Data collected in 2012 determined this waterbody’s recreation and agriculture water supply uses are being met. This waterbody will remain in Category 2.

- ▶ Include MS4 highways outside of the city limits
- ▶ Communities can be found in the Drainage and Erosion Control Manual Appendix O
  - [Transportation.nebraska.gov](http://Transportation.nebraska.gov)



# NPDES Permits

- ▶ Information can be obtained from NDOR's Roadside Stabilization Unit, for State projects
  - Storm Water Pollution Prevention Plans (SWPPP) are required for 1 acre or greater, of ground disturbance
- ▶ Permits are typically not acquired until after approval of the CE document



Section 8- Impaired Waters,  
NPDES/SWPPP, and MS4

8.1 Are there any impaired waters (Category 5) within or adjacent to (0.5 mile) the project study area?

Yes

Describe the resource and where it is encountered in 8.4; commitment in 8.5

No

8.2 Does the project occur within an MS4 community?

Yes

Describe in 8.4; commitment in 8.5

No

8.3 Does the project require a NPDES storm water permit (ground disturbance of greater than 1 acre)?

Yes

Describe in 8.4; commitment in 8.5

No

## 8.4 Describe resources, potential impacts, and any coordination conducted with officials/agencies

### ▶ Impaired Waters

- What is the resource; what are the activities taking place at the water; what are the potential impacts; is coordination needed?

### ▶ MS4 Coordination

- Only required with MS4 Communities

### ▶ NPDES Permits

- Acres of disturbance (if available), Storm Water Permit status, coordination



## 8.5 Impaired Waters, Section 402, and MS4 Mitigation

- ▶ Add applicable standard commitments for 8.1–8.3
  - E.g. “There are Category 5 impaired waters in the project study area; Best Management Practices shall be reviewed and developed as necessary during the erosion control review process. If mitigation is required for impaired waters, it shall be captured in the project’s erosion control plan sheets and special provisions. (NDOR Roadside Stabilization Unit)”
- ▶ Commitments that result from coordination
- ▶ Commitments will auto-populate in 23.1



# Water and Ecological Resources

- » Threatened and Endangered Species

# The Resource

- ▶ Endangered Species Act (Section 7)
  - State and Federally listed species and their critical habitat
  - Information provided in a memo by NDOR Threatened and Endangered Species Professionally Qualified Staff (PQS)





## Biological Assessment Memorandum

- ▶ Standardized memos will be provided for all future state projects
- ▶ Memo will include all information needed to fill out Section 9

DATE [Click here to enter a date.](#)

TO [REDACTED], NEPA Project Manager

Cc [REDACTED], EPU Project Manager

FROM [REDACTED], T&E Species Biologist

SUBJECT [Click here to enter text.](#); [Click here to enter text.](#); CN Threatened & Endangered Species Concurrence

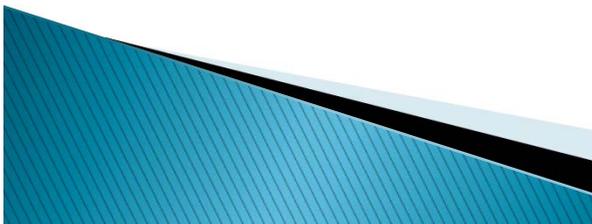
The biological assessment final approval on: [Click here to enter a date.](#)

### Threatened and Endangered Species Effect Determination:

- The Project(s) will have "No Effect" to all state or federally listed species or their designated critical habitat (Level 1).
- A "May Affect, Not Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: [REDACTED].
  - This BA required FHWA Review and Approval.  
FHWA Concurrence Date: [Click here to enter a date.](#)
  - This BA required further consultation with the resource agencies (Level 2).  
USFWS Concurrence Date: [Click here to enter a date.](#)  
NGPC Concurrence Date: [Click here to enter a date.](#)
  - Unique conservation conditions were developed and are included below (Level 3).
- A "May Affect, Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: [REDACTED] (Level 3).

Additional Coordination with Other Tribal or Federal Agencies: [Click here to enter text.](#)

Description of Coordination: [REDACTED]

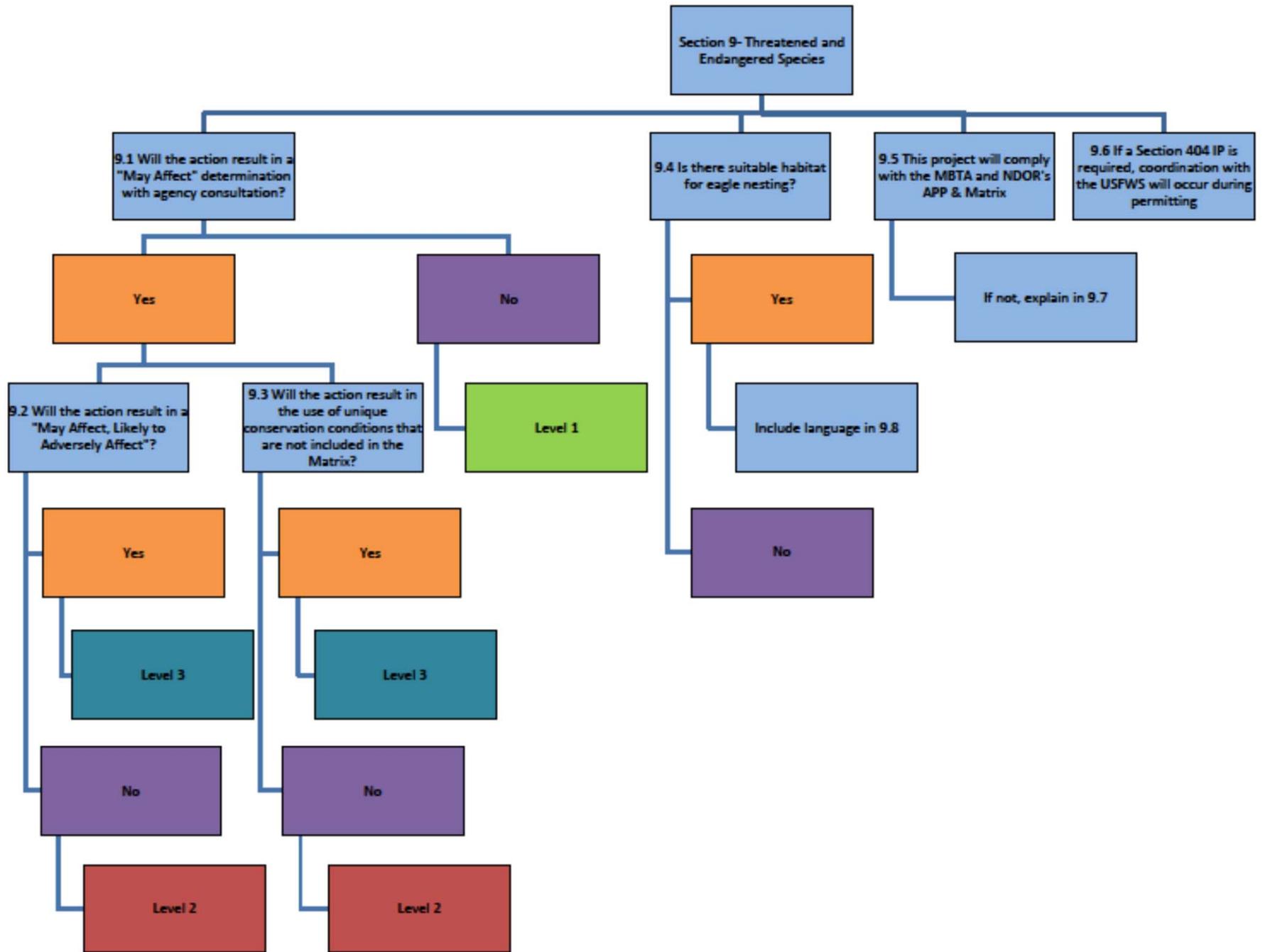


- ▶ A determination of “No Effect” and “May Affect” can be Level 1, Only if no further coordination with wildlife agencies is required
- ▶ Find the determination on the T&E Memo provided by NDOR PQS
- ▶ Unique Conservation Conditions would be project specific
  - E.g. Salt Creek Tiger Beetle, Salt Creek Tiger Beetle Critical Habitat and Saltwort:
    - Double layers of erosion control silt fencing will be installed at MM 398.39 surrounding any area of soil disturbance to ensure no sediment enters adjacent saline wetlands during construction. (Environmental, Design)
- ▶ Conservation Conditions are provided by NDOR PQS and wildlife agencies



- ▶ All NDOR projects that have gone through an environmental review will comply with Migratory Bird Treaty Act via the NDOR Avian Protection Plan
  
- ▶ Will need information from Wetlands PQS to complete coordination with the US Fish and Wildlife Service (FWS)
  - A Section 404 Individual Permit requires coordination with the FWS, under the Fish and Wildlife Coordination Act





## 9.7 Describe resources, potential impacts, and any coordination conducted to date with officials/agencies

- ▶ Determination of Effect to T&E Species
- ▶ Species/critical habitats effected
- ▶ Describe coordination that took place
- ▶ Date of FHWA approval if applicable



## 9.8 Species Mitigation

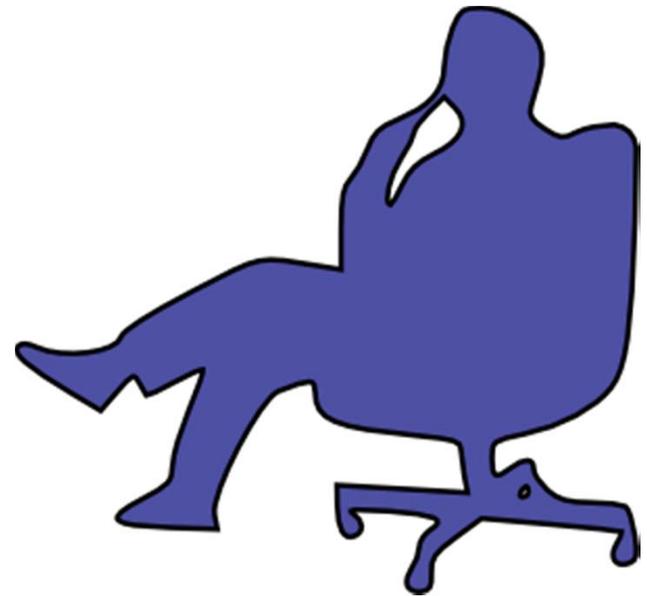
- ▶ Include all Conservation Conditions provided by the NDOR PQS
- ▶ *Be sure not to miss the unique conservation commitments*
- ▶ Commitments will auto-populate in 23.1



Questions?

Comments?

*Deep Thoughts?*









# Other Impacts

»» Section 20–Contract Provisions

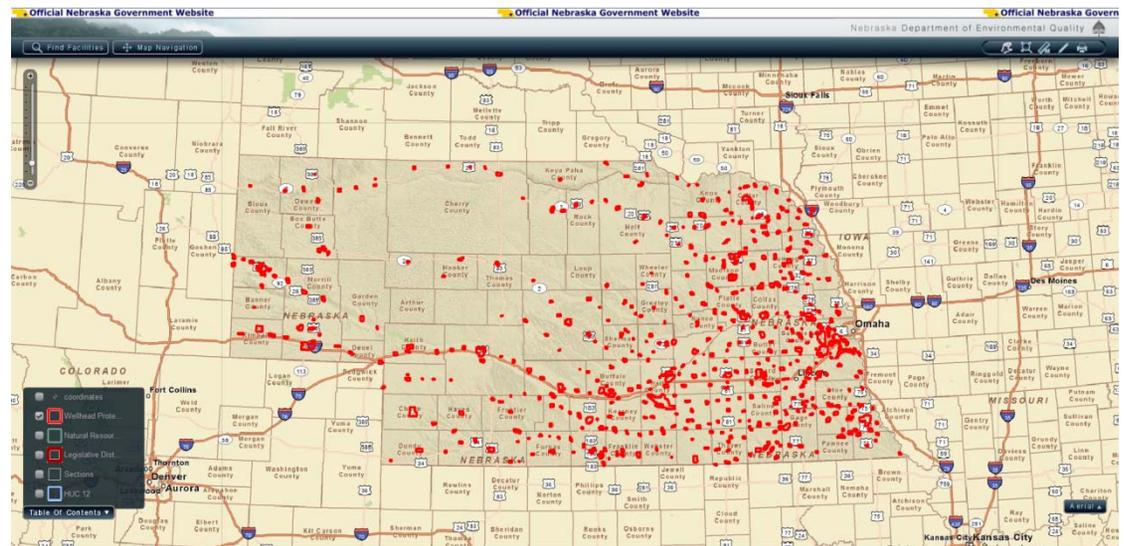
Section 22–Additional Comments

# Section 20– Contract Provisions

## ▶ 20.1 Wellhead Protection Areas

- NDEQ Interactive Map:

<http://deqims2.deq.state.ne.us/deqflex/DEQ.html>



# Section 20– Contract Provisions

## ▶ 20.2 General Conditions for Nationwide Permits

### **Nationwide Permit General Conditions**

**Note:** To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

**1. Navigation.** (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

**2. Aquatic Life Movements.** No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

# Section 20– Contract Provisions

- ▶ 20.3 Federal Aviation Administration (FAA)  
Form 7460–1
  - Is there an airport within 2 miles?

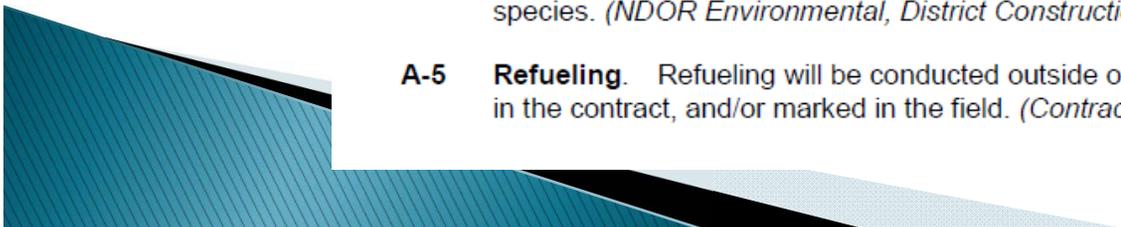


# Section 20– Contract Provisions

## ▶ 20.4 General Conservation Conditions from the Matrix PA

### ◦ Example:

- A-1 Changes in Project Scope.** If there is a change in the project scope, the project limits, or environmental commitments, the NDOR 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 NDOR 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 NDOR Environmental. Contact NDOR Environmental for a reference of federal and state listed species. *(NDOR 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)*









# Indirect and Cumulative Impacts

»» Section 21

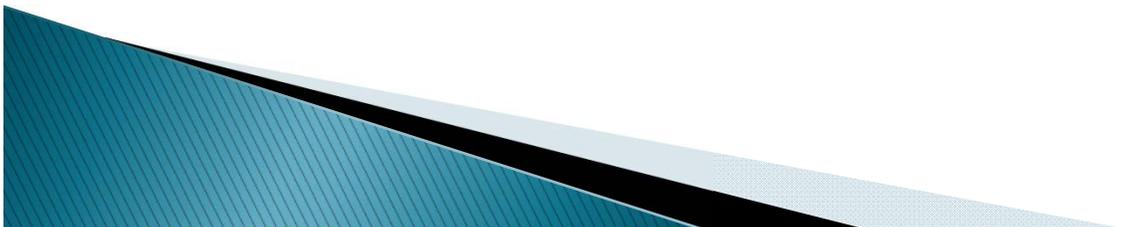
# Indirect Impacts

- ▶ Are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems. (40 CFR § 1508.8)



# Cumulative Impacts

- ▶ The impact on the environment, which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. (40 CFR § 1508.7)



# Indirect and Cumulative Impacts

- ▶ Sources of information that may be used to determine past, present or reasonably foreseeable actions in Nebraska may include, but are not limited to:
  - Long Range Transportation Plans, STIP, TIPs (in MPO areas)
  - Platted developments
  - Local or regional comprehensive land use plans
  - Federal Land Management Plans (if within or adjacent to federal lands)
  - Species Recovery Plans
  - Nebraska Historical Society publications  
(<http://nlc1.nlc.state.ne.us/docs/pilot/pubs/historical.html>)



# Mitigation

»» Section 23

# Section 23–Mitigation

## ▶ Answers:

- Who
- What
- Where
- When

- ▶ Section 4(f)
- ▶ Section 6(f)
- ▶ Utilities
- ▶ Wild and Scenic/National Recreational Rivers
- ▶ Floodplain/Floodway
- ▶ Wetlands/ WOUS
- ▶ Impaired Waters
- ▶ MS4
- ▶ NPDES/SWPPP
- ▶ Threatened and Endangered Species
- ▶ Historic Properties
- ▶ Hazardous Materials
- ▶ Traffic Noise
- ▶ Air Quality
- ▶ Traffic Management (Traffic and Access Disruption)
- ▶ Environmental Justice
- ▶ Public Involvement/LEP
- ▶ Wellhead Protection
- ▶ Federal Aviation Administration
- ▶ Borrow Commitment

# Project Specific Mitigation

- › Section 4(f) and 6(f)
- › Wild and Scenic Rivers /NRI
- › Wetlands
- › Threatened and Endangered Species
- › Historic Properties
- › Hazardous Materials
- › Noise
- › Air Quality
- › Civil Rights

## Northern Long-Eared Bat:

- NLEB-1** Tree clearing, bridge deck joint replacements over the bridge deck, bridge/>5-ft box-culvert removal activities will be scheduled to occur between October 1<sup>st</sup> – March 31<sup>st</sup> to avoid impacts to the northern long-eared bat roosting period. (NDOR Environmental, Construction, Contractor)
- OR
- NLEB-2** If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge or >5-ft box-culvert structures occurs during the northern long-eared bat roosting period (April 1<sup>st</sup> – September 30<sup>th</sup>), NDOR personnel will perform surveys prior to the start of these activities at the following locations: MM 23.77 (STA. 761.83) (location of suitable habitat). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

## Small White Lady's Slipper:

- SWLS-A** Areas of suitable habitat within NDOR ROW adjacent to the Project Limits shall be marked on the Plans and in the field as "SENSITIVE AREA – DO NOT DISTURB." All Contractor activities including, but not limited to, borrow, haul roads, stockpiling, staging, parking, and material storage will be located outside suitable habitat. Additionally, vehicles and machinery shall not be driven within areas of suitable habitat. (Design, Contractor, NDOR Environmental)
- SWLS-B** Areas with known existing populations, as identified in a survey during the blooming season prior to construction, shall be marked on the Plans, in the field, and protected with approved barriers (such as orange construction fence) as "SENSITIVE AREA – DO NOT DISTURB." NDOR Environmental personnel will verify areas of fencing installation with the Contractor prior to installation to avoid any impacts to the species and oversee fencing construction. (Design, Contractor, NDOR Environmental)

## Unexpected Waste Commitment

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 NDOR/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 NDOR's Standard Specification section 107 (legal relations and responsibilities to the public) to handle and dispose of contaminated material in accordance with applicable laws (NDOR District, Contractor).

Sincerely,

  
Name \_\_\_\_\_

7/21/15

Date \_\_\_\_\_

Will Packard, Highway Environmental Specialist  
Planning and Project Development  
NDOR

# Example Commitment Guidance

- › Utilities
- › Floodplain/Floodways
- › Impaired Waters
- › MS4
- › NDPES/SWPPP
- › Traffic Disruption
- › Access Disruption
- › Wellhead Protection
- › Airports
- › Public Involvement



# Attachments



# Required Attachments

- ▶ Project Maps (project location)
- ▶ Section 4(f) Initial Assessment
- ▶ NDOR Wetland Memo and wetland location maps
- ▶ NDOR Threatened and Endangered Species PQS Memo
- ▶ Section 106 PQS Memo
- ▶ Hazardous Materials PQS Memo
- ▶ Traffic Noise and Air Quality Memo or approved DR-53
- ▶ Civil Rights Analysis Memo or approved DR-53
- ▶ Public Involvement Memo or approved DR-53



# Project Specific Attachments

- ▶ Project Maps (detour routes, Section 4(f), wellhead, etc.)
- ▶ Section 4(f) Exceptions, *de minimis*, etc.
- ▶ Section 6(f) Documentation
- ▶ Wild and Scenic/National Recreational Rivers Documentation
- ▶ Floodplain Permits (or Certifications) and FIRM Maps
- ▶ Wetland location maps
- ▶ T&E Agency Coordination Memos
- ▶ SHPO, THPO, and CLG Coordination
- ▶ Other items that do not fit in a specified section





## **TAB 14 – CE EXERCISE**

**This presentation needs to be printed separately as one sheet per page.**

**There is a separate file on the website to be printed for this content.**

**Insert in hard copy after this tab.**







CE Reevaluation  
(Insert tab  
here)







# NEPA Document Re-evaluations

»» Smartform Implementation

# Why Re-evaluate?

- To establish that the NEPA document, determination, or final project decision remains valid
- To determine if a new CE, EA, or supplemental EIS is necessary
- Required by 23 CFR 771.129



# When to Re-Evaluate:

- Project is progressing to the next major federal approval
- Project changes
- Aging document



# When to Re-Evaluate:

- Project is progressing to the next major federal approval
  - ROW acquisition
  - Final design
  - Project letting for construction

▶ 23 CFR 771.129(c)



# When to Re-Evaluate:

## ➤ Project changes

- Project Design
- Environmental setting
- Laws/regulations
- Nature or severity of impacts
- Environmental commitments



# When to Re-Evaluate:

## ▶ When to re-evaluate

### ◦ Aging Document

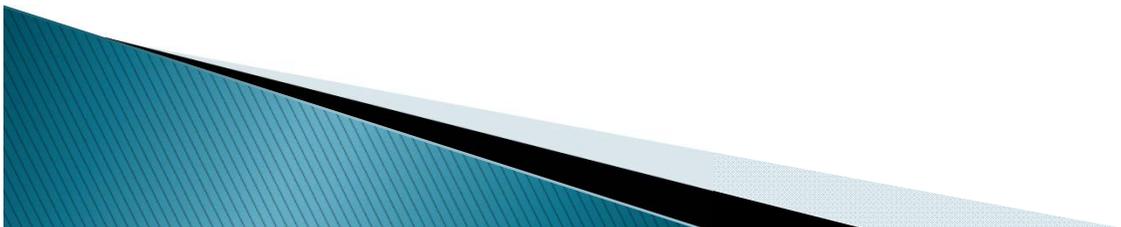
- Former Programmatic Agreement = 3 years
  - Continue to follow if project was approved under former PA
- New PA
  - 3 years for EIS only



▶ 23 CFR 771.129(a)

# NEPA Document Re-Evaluations

- ▶ What does a re-evaluation look like?
  - Purpose of re-evaluation
  - Description of changes
  - Changes in impacts
  - Is the NEPA document/decision still valid?



# NEPA Document Re-Evaluations

- ▶ What does a re-evaluation look like?
  - Memorandum (e-mail)
  - Specific re-evaluation form
  - Smartform



# Who Approves Re-Evaluations?

- FHWA if,
  - Non-programmatic under old PA
  - If a project change results in exceeding threshold
  - Level 3 CEs under current PA
  - EA/EIS
- NDOR if,
  - Level 1 or 2 CE under current PA









CatEx Contracts  
(Insert tab  
here)









# CONTRACTING

## Categorical Exclusion Services

Dawn Knott, Agreements Engineer  
September 10, 2015

# NEW CE SMART FORM

- ▶ Existing Agreements:
  - Moving data from current form to “Smart Form”
    - State Projects
    - LPA Projects
- ▶ New Agreements:
  - Using new “Smart Form” – adjusting to new form
    - State Projects
    - LPA Projects



# EXISTING AGREEMENTS

**\*\* Up to 16 Hours Per Project \*\***

- ▶ State Projects
  - Tap Reserve or issue Supplement
- ▶ LPA Projects
  - Old QC'd forms will be accepted thru December 31, 2015
  - If necessary – Issue Supplement or process Consultant Work Order (CWO)

**\* Requests must be supported with completed QC'd forms.**

# NEW AGREEMENTS – State Projects

- ▶ State Projects
  - Cost Estimate Tool (CET)
    - Pre-negotiated hours per task
    - Multiple projects under one agreement



# STATE COST ESTIMATING TOOL (CET)

<b>NEPA TASKS</b>		0	30	84	4	18	0	136
x	Categorical Exclusion	0	20	56	4	16	0	96
x	Section 4(f) De minimis or exemption	0	10	28	0	2	0	40
	Section 6(f) Analysis	0	0	0	0	0	0	0
	Prepare Public Meeting Materials	0	0	0	0	0	0	0
<b>TECHNICAL DOCUMENTS</b>		0	58	28	0	10	0	96
x	T&E Review	0	8	28	0	4	0	40
x	Hazardous Materials Review	0	50	0	0	6	0	56
<b>WETLAND/404</b>		0	32	168	0	40	0	240
	Wetland Delineation - Small	0	0	0	0	0	0	0
x	Wetland Delineation - Medium	0	24	136	0	32	0	192
	Wetland Delineation - Large	0	0	0	0	0	0	0
x	404 Nationwide Permit	0	8	32	0	8	0	48
	404 Individual Permit	0	0	0	0	0	0	0
	Mitigation Plan	0	0	0	0	0	0	0
<b>TRAVEL TIME</b>		10	5	5	0	0	0	20
<b>SUBTOTAL HOURS:</b>		10	125	285	4	68	0	492
	Project Management *	44	0	0	0	0	5	49
<b>TOTAL w/PROJECT MANAGEMENT</b>		54	125	285	4	68	5	541
* 10% default split between PM & ADM; to be reviewed at total contract level						LABOR COST: \$	19,075.82	
						OH COST: \$	30,742.59	
						PROFIT: \$	6,650.76	
						<b>PROJECT TOTAL: \$</b>	<b>56,469.17</b>	

# STATE COST ESTIMATING TOOL (CET)

PROJECTS		Control #							
1	East Kimball - Potter	51520	3	64	266	0	58	0	391
2	Belden - Laurel	31342	10	125	285	4	68	0	492
3	N-121 to US-81	31807	10	126	286	4	68	0	494
4	Hartington East	32064	0	60	262	0	58	0	380
5	N of Dixon So of Martinsburg	32137	12	147	373	4	86	0	622
6	Laurel Northeast	32226	0	51	161	4	42	0	258
7	Amelia North	80884	7	119	259	4	64	0	453
8	Jct. US-75 & US-77 / N-35	31995	12	109	189	4	52	0	366
9	Hubbard SW & NE	32150	0	147	373	4	86	0	610
10	I-80 North	51277	2	80	84	4	24	0	194
<b>SUBTOTAL HOURS:</b>			<b>56</b>	<b>1028</b>	<b>2538</b>	<b>32</b>	<b>606</b>	<b>0</b>	<b>4260</b>
	Project Management (Sum of All Projects)		382	0	0	0	0	44	426
<b>TOTAL w/PROJECT MANAGEMENT</b>			<b>438</b>	<b>1028</b>	<b>2538</b>	<b>32</b>	<b>606</b>	<b>44</b>	<b>4686</b>
LABOR COST: \$									163,818.56
OH COST: \$									264,009.99
PROFIT: \$									57,115.11
DIRECTS: \$									22,849.13
<b>PROJECTS TOTAL: \$</b>									<b>507,792.79</b>
<b>RESERVE (15% of Total Project Hrs)</b>			<b>66</b>	<b>154</b>	<b>381</b>	<b>5</b>	<b>91</b>	<b>7</b>	<b>704</b>
RESERVE LABOR COST: \$									24,608.47
RESERVE OH COST: \$									39,659.01
RESERVE PROFIT: \$									8,579.71
RESERVE TOTAL: \$									72,847.18
<b>TOTAL PROJECT + RESERVE (Hours):</b>			<b>504</b>	<b>1182</b>	<b>2919</b>	<b>37</b>	<b>697</b>	<b>51</b>	<b>5390</b>
<b>TOTAL PROJECT + RESERVE (Dollars):</b>									<b>\$ 580,639.98</b>

# NEW AGREEMENTS – State Projects

- ▶ State Projects
  - Updated Scope of Services
  - No change in Cost Estimate Tool (CET)
    - Pre-negotiated hours per task
    - Multiple projects under one agreement
  - January 2016 CET hours per task will be renegotiated



# NEW AGREEMENTS – LPA Projects

## ▶ LPA Projects

- Developed a Standard SOS similar to State's
- Developed standard Workbooks
- Mid – 2016 NDOR will assess contracting method to determine whether to use a CET
  - One project under one agreement





# CONTRACTING

## Categorical Exclusion Services

SEPTEMBER 3, 2015





