

Nebraska Department of Roads  
**Project Description**

<b>Project Name:</b>	NEPAville North and South		
<b>Project No.:</b>	STP-1-23(456)		
<b>Control No.:</b>	78910		
<b>Initial Draft:</b>	Date: 8/14/2008	Written By: Your Friendly NDOR EDU and TDU Staff	

**Updates/Reviews**

Date	Update/Review By (name)	Items Updated	Plan Level (PIH, etc.)
6/29/12	Jon Barber	PD updates and changes from review	30%
1/29/13	Jason Jurgens	Added 1.02 mile right turn lane from MM 3.05-4.07	PIH
1/29/13	Jason Jurgens	Added bridge work on S001 00162	PIH

**Project Description:** This new and reconstruction project would resurface 9.24 miles of N-1 located in Roads County, starting 0.45 miles south of the corporate limits of the Village of NEPAville at the junction of N-1 and N-2 at mile marker (MM) 0.00, and extending north to MM 9.24. The project would construct a new, 10-foot wide concrete trail for bicycle and pedestrian use between Johnny B. Goode Park and Tatonka Reservoir State Park. The proposed trail would be approximately 1.70 miles long and parallel the Tatonka River. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-1 consists of two 12-foot-wide asphalt lanes and 6-foot-wide earth shoulders.

S001 00162 over the Greater Tatonka River would be renovated as part of this project. The existing structure is a 144 foot-long by 17 foot-wide, seven panel steel pony truss bridge built in 1912. The bridge is eligible for listing in the National Register of Historic Places.

The improvements on this project consist of milling and resurfacing the existing roadway with asphalt and trench widening the roadway 2-feet left and right, resulting in a 28 foot wide surfaced top. There would be a grade raise at the new edge of pavement. Existing diagonal parking area on N-1 would be resurfaced and the existing sidewalk would be removed and replaced with new sidewalk and curb ramps.

Existing culverts within the Fixed Obstacle Clear Zone (FOC) would be extended and existing headwalls within the FOC would be removed and replaced with flared end sections. The box culvert at MM 4.68 would be extended beyond the FOC and the existing guardrail would be removed. Additionally, a 12-foot- wide north-bound right turn lane would be added from MM 3.05 to 4.07. S001 00162 would undergo renovation by replacing the concrete deck with timber planks, oriented transversely and strengthening two eyebar members, by installing a tension rod between the existing eyebars. The existing angle iron guardrail would be repaired. The proposed trail would be constructed within new and existing right-of-way and would cross multiple drainage ditches which would require culvert construction.

Planning and Project Development Division  
 Roadway Design Division



## Purpose and Need

<b>Project Name:</b>	NEPAville North and South		
<b>Project No.:</b>	STP-1-23(456)		
<b>Control No.:</b>	78910		
<b>Initial Draft:</b>	Date: 8/14/2008	Written By: Your Friendly EDU and TDU Staff	

### Updates/Reviews

Date	Update/Review By (name)	Items Updated	Plan Level (PIH, etc.)
6/12/2014	Steven Colbert	Purpose and Need items	

**Purpose and 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 project is needed based on information from the NDOR's Pavement Management System, Materials & Research Pavement Design section and District 7. These entities have determined that the pavement distresses present on this section of Nebraska Highway 1 (N-1) are significant enough to warrant rehabilitation. This segment of N-1 is on the Priority Commercial Road System and is in need of widening to a 28-foot-wide top to accommodate commercial truck traffic.

Bridge S001 00162 over the Greater Tatonka River is a pony truss bridge from 1912, that is listed on the National Register of Historic Places. The bridge structure is deficient and in need of repair or replacement, based upon a biannual inspection last conducted in 2013. The bridge deck has suffered substantial damage and is crumbling and delaminating (a mode of failure for composite materials). These deficiencies have resulted in a bridge sufficiency rating of 17.3 (on a scale of 0 – a totally insufficient bridge, to 100 – entirely sufficient).

Heavy traffic during the May to September recreation season causes traffic backups to occur between MM 3.05 and MM 4.07, as river canoeists and other users want to turn onto the access road to Johnny B. Goode park. With the rise in recreationists for this stretch of designated wild and scenic river, a trail for hiking and biking is planned between Johnny be Goode Park and Tatonka Reservoir State Park to parallel the River. Because the work would be an alteration of the pavement in an area designated for pedestrian use, NDOR would fulfill its obligations under the Americans with Disabilities Act to eliminate any barriers to access. Since the trail would be constructed in new and existing ROW and crosses multiple drainage ditches, culvert extension and new culvert construction would be needed.

Existing culvert ends offset less than 20 feet from the edge of the existing driving lane would not meet minimum standards and would need to be extended.

## Project Description (*Continued*)

### Scope details include:

- Grading beyond the hinge point would be required for the following work:
  - Culverts
  - Guardrail
  - Mailbox turnouts
  - Earth shoulder construction
  - Drives and intersections
  - Roadway widening
  - Shoulder surfacing
  - Flattening foreslopes
  - Roadway grading for culvert extensions
  - Roadway grading to adjust vertical alignment
  - Correction of superelevation
  - Trail profile
- The scope of work at culvert sites on this project would include:
  - Culvert cleanout
  - Extend culverts with grading beyond the hinge point
  - Remove existing headwalls from culverts and replace with flared end sections
  - Construction of new culverts at locations along the proposed trail to accommodate perennial stream drainage and embankment widening
- Guardrail
  - Existing guardrail at MM 4.68 would be removed
  - No new guardrail
  - Guardrail on S001 00162 would be repaired
- Existing surfaced driveways and intersections would be resurfaced
- Diagonal parking areas on N-1 would be resurfaced
- The construction of the sidewalks and curb ramps would comply with the requirements in Public Right-of-Way Accessibility Guidelines (PROWAG). PROWAG is a formal set of guidelines for public right-of-way design that coincides with the Americans with Disabilities Act (ADA).
- Rock or gravel would be placed behind driveways and intersections to match the new asphalt.
- Mailbox turnouts would be constructed.
- Earth shoulders would be constructed on each side of the trail.
- The existing earth shoulders would be brought up to match the new asphalt.
- The trench widening operation would remove material adjacent to the existing surfacing. This trench would be filled with asphalt material.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Permanent pavement markings would be applied to all new surfacing.
- Street lighting modifications would be required near MM 6.55 as a result of shoulder modification.
- Additional property rights would be required to build this project.
- Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
- S001 00162 would not be rehabilitated under traffic. A detour route would be provided. The rest of the project would be constructed under traffic with lane closures controlled with approved temporary traffic control.
- Mitigate wetland impacts to a designated site located near the Village of NEPAville's retention ponds.



# Section 4(f) Initial Assessment Form

May 29, 2015

Project Name

NEPAville North and South

Project Number

STP-1-23(456)

Control Number

78910

Date Completed

8/24/2015

Project Location (Town, County)

Village of NEPAville, Roads County, Nebraska

Name of Preparer

Carmen Pellish

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 EA/EIS.**

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.

S001 00162 over the Greater Tatonka River would be renovated as part of the project. The existing structure is a 144 foot-long by 17 foot-wide, seven panel steel pony truss bridge built in 1912. The bridge is eligible for listing in the National Register of Historic Places. NESHPO concurred with FHWA's finding of "No Adverse Affect" on 5/8/2015.

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.

Google Earth

Nebraska Game and Parks Interactive Map

[http://mapserver.ngpc.state.ne.us/website/gpc\\_land/viewer.htm](http://mapserver.ngpc.state.ne.us/website/gpc_land/viewer.htm)

Canoe Trail Listing:

<http://outdoornebraska.ne.gov/trails/WaterTrails/CanoeTrails>

Village of NEPAville Website:

"website"

Roads County Zoning Website:

"website"

National Park Service:

<http://www.nps.gov/state/ne/index.htm>

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.

Rivendall Canoe Trail - The canoe trail is located on the Tatonka River, which flows North to South under N-1 at S001 00477. The river is directly adjacent to and accessible from Johnny B. Good Park and Tatonka Reservoir State Park.

Johnny B. Good Park- East of structure S001 00477.

Tatonka Reservoir State Park- West of the project alignment beginning at MM 6.50 and crossing over the alignment until the project ends at MM 9.24.

Tatonka National Grassland and Wildlife Refuge- West of N-1 at MM 3.00

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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.

N/A

- 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.)

N/A

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

N/A

- 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.

Greater Tatonka River Bridge  
Rivendall Canoe Trail  
Johnny B. Good Park  
Tatonka Reservoir State Park  
Tatonka National Grassland and Wildlife Refuge

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### 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.

Tatonka National Grassland and Wildlife Refuge would not be impacted by the project and access to the park not be disrupted.

The Johnny B. Goode Park would not be impacted by this project. Work near this location would consist of resurfacing and remain with current right-of-way boundaries. The Goldenrod Trail construction would remain on the north side of the river and would not impact the park.

The Greater Tatonka River Bridge will be exempt from Section 4(f) analysis under 23 CFR 774.13(a) and was approved by FHWA on 5/28/2015. Please see the Section 4(f) Exception Form for more information.

The Tatonka Reservoir State Park will be exempt from Section 4(f) analysis under 23 CFR 774.13(g) and was approved by FHWA on 5/28/2015. Please see the Section 4(f) Exception Form for more information.

Construction activities would result in a de minimis use determination for the Rivendall Canoe Trail because there would be no adverse effects to the features, attributes, or activities that qualify the trail for Section 4(f) protection. The use of the 4(f) property (Rivendall Canoe Trail) would consist of limiting the use of the canoe trail during the construction of the new recreational trail. There would be no permanent acquisition or temporary/permanent easements required within the entire length of the canoe trail. The de minimis use was approved by FHWA on 6/3/2015.

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NDOR Reviewer Approval Signature:

Date:

NDOR EDU

FHWA Environmental Signature:

Date:

FHWA signature is only required in the following circumstances:

- If the property is leased
- If the property is considered multiple-use
- If the Official(s) with Jurisdiction claims that the property is NOT significant



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

**May 20, 2015**

Project Name

NEPAville North and South

Project Number

STP-1-23(456)

Control No.

78910

Project Location (Town, County, Street)

Northwest of the Village of NEPAville on the Tatonka Recreational River between Tatonka Reservoir State Park and Johnny B. Goode Park, Roads County, Nebraska

### Project Description

This new and reconstruction project would resurface 9.24 miles of N-1 located in Roads County, starting 0.45 miles south of the corporate limits of the Village of NEPAville at the junction of N-1 and N-2 at mile marker (MM) 0.00, and extending north to MM 9.24. The project would construct a new, 10-foot wide concrete trail for bicycle and pedestrian use between Johnny B. Goode Park and Tatonka Reservoir State Park. The proposed trail would be approximately 1.70 miles long and parallel the Tatonka River. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-1 consists of two 12-foot-wide asphalt lanes and 6-foot-wide earth shoulders.

S001 00162 over the Greater Tatonka River would be renovated as part of this project. The existing structure is a 144 foot-long by 17 foot-wide, seven panel steel pony truss bridge built in 1912. The bridge is eligible for listing in the National Register of Historic Places.

The improvements on this project consist of milling and resurfacing the existing roadway with asphalt and trench widening the roadway 2-feet left and right, resulting in a 28 foot wide surfaced top. There would be a grade raise at the new edge of pavement. Existing diagonal parking area on N-1 would be resurfaced and the existing sidewalk would be removed and replaced with new sidewalk and curb ramps.

Existing culverts within the Fixed Obstacle Clear Zone (FOC) would be extended and existing headwalls within the FOC would be removed and replaced with flared end sections. The box culvert at MM 4.68 would be extended beyond the FOC and the existing guardrail would be removed. Additionally, a 12-foot- wide south-bound right turn lane would be added from MM 3.05 to 4.07. S001 00162 would undergo renovation by replacing the concrete deck with timber planks, oriented transversely and strengthening two eyebar members, by installing a tension rod between the existing eyebars. The existing angle iron guardrail would be repaired. The proposed trail would be constructed within new and existing right-of-way and would cross multiple drainage ditches which would require culvert construction.

Scope details include:

- Grading beyond the hinge point would be required for the following work:
  - Culverts
  - Guardrail

- Mailbox turnouts
  - Earth shoulder construction
  - Drives and intersections
  - Roadway widening
  - Shoulder surfacing
  - Flattening foreslopes
  - Roadway grading for culvert extensions
  - Roadway grading to adjust vertical alignment
  - Correction of superelevation
  - Trail profile
  - The scope of work at culvert sites on this project would include:
    - Culvert cleanout
    - Extend culverts with grading beyond the hinge point
    - Remove existing headwalls from culverts and replace with flared end sections
    - Construction of new culverts at locations along the proposed trail to accommodate perennial stream drainage and embankment widening
  - Guardrail
    - Existing guardrail at MM 4.68 would be removed
    - No new guardrail
    - Guardrail on S001 00162 would be repaired
  - Existing surfaced driveways and intersections would be resurfaced
  - Diagonal parking areas on N-1 would be resurfaced
  - The construction of the sidewalks and curb ramps would comply with the requirements in Public Right-of-Way Accessibility Guidelines (PROWAG). PROWAG is a formal set of guidelines for public right-of-way design that coincides with the Americans with Disabilities Act (ADA).
  - Rock or gravel would be placed behind driveways and intersections to match the new asphalt.
  - Mailbox turnouts would be constructed.
  - Earth shoulders would be constructed on each side of the trail.
  - The existing earth shoulders would be brought up to match the new asphalt.
  - The trench widening operation would remove material adjacent to the existing surfacing. This trench would be filled with asphalt material.
  - Project surveying and staking would be required.
  - Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
  - Permanent pavement markings would be applied to all new surfacing.
  - Street lighting modifications would be required near MM 6.55 as a result of shoulder modification.
  - Additional property rights would be required to build this project.
  - Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
  - S001 00162 would not be rehabilitated under traffic. A detour route would be provided. The rest of the project would be constructed under traffic with lane closures controlled with approved temporary traffic control.
- Mitigate wetland impacts to a designated site located near the Village of NEPAville's retention ponds.

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

Rivendall Canoe Trail

Official(s) with Jurisdiction

Elrond, Nebraska Game and Parks Commission, elrond@nebraska.gov

Total Property Size (in acres)

1.23 miles

Permanent Impact (in acres)

0

Temporary Impact (in acres)

0

Property Description

The portion of the Tatonka River designated as the canoe trail is largely undeveloped, and is available to the public throughout the entire year. The canoe trail stretches approximately 1.23 miles from the Tatonka Reservoir State Park to the Tatonka and Greater Tatonka River confluence, and provides opportunities for water related activities, including canoeing, tubing, and fishing. The middle of the trail also provides opportunities for swimming at Johnny B. Goode Park. There are camping facilities and public parks on adjacent properties along the trail; however these areas must be accessed by exiting the river.

**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):

4/23/2013

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

Yes  No

Date(s):

1/22/2015

**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)

Construction activities would result in a *de minimis* use determination for the Rivendall Canoe Trail because there would be no adverse effects to the features, attributes, or activities that qualify the trail for Section 4(f) protection. The use of the 4(f) property (Rivendall Canoe Trail) would consist of limiting the use of the canoe trail during the construction of the trail segment under the S001 00477. There would be no permanent acquisition or temporary/permanent easements required within the entire length of the canoe trail.

#### Avoidance, Minimization, and Mitigation Measures

-Recreationalists entering the canoe trail at the start point in Tatonka Reservoir State Park would be directed to remain on the south side of the river as they approach the trail construction under S001 00477. This would prevent the recreationalist from encountering construction activities at this location. The river will remain open to recreationalists throughout the duration of the project construction.

- During construction, the Contractor would alert recreational users of the riverine corridor of potential hazards and provide for safety measures which may include warning signage, reflective tape and/or flashing lights.

#### Comments

A public information meeting (open house format) was held between 4:00pm and 6:00pm (CST) on April 23, 2013 at the Red Keep, 246 South 15th Street, in NEPAville, Nebraska. A total of 29 people were in attendance. The project features and impacts to the Section 4(f) property were presented, and the public was afforded the opportunity to ask questions and discuss the project. A 15-day public comment period occurred from April 23, 2013 to May 8, 2013. Comments received on the project included:

- 1) Worried about trespassers on their property due to the proposed canoe access. 2) Asked if wetland mitigation could be split up between several land owners.

-1) The fence around the subject property would be relocated. 2) This project is still early in design and additional evaluation will be conducted. Larger wetland areas tend to establish quicker, perform better, and are easier to maintain.

-Request for a bike trail on the bridge (Greater Tatonka River Bridge)  
-Response indicated that a bike trail is not proposed on the bridge as a part of this project.

-Comment regarding inconvenience of new bridge construction for recreationalists, but feels this does not compare to resulting problems if the bridge collapses.

-The response thanked the individual for their comment.

**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)

N/A

**Approval Signatures**

The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use.

**Preparer**

NDOR EDU or Consultant

**Date:**

5/13/2015

**NDOR Environmental Manager**

NDOR EDU Manager

**Date:**

5/15/2015

**FHWA Environmental**

FHWA

**Date:**

6/3/2015





## 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

NEPAville North and South

Project Number

STP-1-23(456)

Control Number

78910

Project Location (*Road, Town, County*)

Village of NEPAville, Roads County, Nebraska

#### Project Description

This new and reconstruction project would resurface 9.24 miles of N-1 located in Roads County, starting 0.45 miles south of the corporate limits of the Village of NEPAville at the junction of N-1 and N-2 at mile marker (MM) 0.00, and extending north to MM 9.24. The project would construct a new, 10-foot wide concrete trail for bicycle and pedestrian use between Johnny B. Goode Park and Tatonka Reservoir State Park. The proposed trail would be approximately 1.70 miles long and parallel the Tatonka River. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-1 consists of two 12-foot-wide asphalt lanes and 6-foot-wide earth shoulders.

S001 00162 over the Greater Tatonka River would be renovated as part of this project. The existing structure is a 144 foot-long by 17 foot-wide, seven panel steel pony truss bridge built in 1912. The bridge is eligible for listing in the National Register of Historic Places.

The improvements on this project consist of milling and resurfacing the existing roadway with asphalt and trench widening the roadway 2-feet left and right, resulting in a 28 foot wide surfaced top. There would be a grade raise at the new edge of pavement. Existing diagonal parking area on N-1 would be resurfaced and the existing sidewalk would be removed and replaced with new sidewalk and curb ramps.

Existing culverts within the Fixed Obstacle Clear Zone (FOC) would be extended and existing headwalls within the FOC would be removed and replaced with flared end sections. The box culvert at MM 4.68 would be extended beyond the FOC and the existing guardrail would be removed. Additionally, a 12-foot- wide south-bound right turn lane would be added from MM 3.05 to 4.07. S001 00162 would undergo renovation by replacing the concrete deck with timber planks, oriented transversely and strengthening two eyebar members, by installing a tension rod between the existing eyebars. The existing angle iron guardrail would be repaired. The proposed trail would be constructed within new and existing right-of-way and would cross multiple drainage ditches which would require culvert construction.

Scope details include:

• Grading beyond the hinge point would be required for the following work:

- Culverts
- Guardrail
- Mailbox turnouts
- Earth shoulder construction
- Drives and intersections
- Roadway widening
- Shoulder surfacing
- Flattening foreslopes
- Roadway grading for culvert extensions
- Roadway grading to adjust vertical alignment
- Correction of superelevation
- Trail profile

• The scope of work at culvert sites on this project would include:

- Culvert cleanout
- Extend culverts with grading beyond the hinge point
- Remove existing headwalls from culverts and replace with flared end sections
- Construction of new culverts at locations along the proposed trail to accommodate perennial stream

drainage and embankment widening

• Guardrail

- Existing guardrail at MM 4.68 would be removed
- No new guardrail
- Guardrail on S001 00162 would be repaired

• Existing surfaced driveways and intersections would be resurfaced

• Diagonal parking areas on N-1 would be resurfaced

• The construction of the sidewalks and curb ramps would comply with the requirements in Public Right-of-Way Accessibility Guidelines (PROWAG). PROWAG is a formal set of guidelines for public right-of-way design that coincides with the Americans with Disabilities Act (ADA).

• Rock or gravel would be placed behind driveways and intersections to match the new asphalt.

• Mailbox turnouts would be constructed.

• Earth shoulders would be constructed on each side of the trail.

• The existing earth shoulders would be brought up to match the new asphalt.

• The trench widening operation would remove material adjacent to the existing surfacing. This trench would be filled with asphalt material.

• Project surveying and staking would be required.

• Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).

• Permanent pavement markings would be applied to all new surfacing.

• Street lighting modifications would be required near MM 6.55 as a result of shoulder modification.

• Additional property rights would be required to build this project.

• Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.

• S001 00162 would not be rehabilitated under traffic. A detour route would be provided. The rest of the project would be constructed under traffic with lane closures controlled with approved temporary traffic control.

Mitigate wetland impacts to a designated site located near the Village of NEPAville's retention ponds.

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Section 4(f) Property Name

Greater Tatonka River Bridge

Official(s) with Jurisdiction

Property Description

S001 00162 over the Greater Tatonka River is a 144 foot-long by 17 foot-wide, seven panel steel pony truss bridge built in 1912. The bridge is eligible for listing in the National Register of Historic Places. The Greater Tatonka River Bridge is listed as eligible under Criterion A for its association with the passing of the Nebraska State Aid Bridge Law and its association with commerce and transportation in Roads County. It is also eligible for listing under Criterion C, as the only through truss bridge in Roads County.

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

23 CFR 774.13(a)

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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.**

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## 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

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.

- 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.

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.

N/A

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

N/A

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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

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### Approval Signatures

I reviewed this checklist and all attached documentation and confirm that the above property and proposed project meet the requirements of 23 CFR 774.13 for a Section 4(f) Exception finding.

Preparer

Date

NDOR EDU or Consultant

5/1/2015

NDOR Environmental Manager

Date

EDU Manager

5/4/2015

**FHWA Environmental – Section 4(f) Exception Final Approval**

Based upon the above considerations, this Section 4(f) Exception satisfies the requirements of 23 CFR 774.13.

FHWA Environmental

Date:

FHWA

5/28/2015



## 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

NEPAville North and South

Project Number

STP-1-23(456)

Control Number

78910

Project Location (*Road, Town, County*)

Village of NEPAville, Roads County, Nebraska

Project Description

This new and reconstruction project would resurface 9.24 miles of N-1 located in Roads County, starting 0.45 miles south of the corporate limits of the Village of NEPAville at the junction of N-1 and N-2 at mile marker (MM) 0.00, and extending north to MM 9.24. The project would construct a new, 10-foot wide concrete trail for bicycle and pedestrian use between Johnny B. Goode Park and Tatonka Reservoir State Park. The proposed trail would be approximately 1.70 miles long and parallel the Tatonka River. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-1 consists of two 12-foot-wide asphalt lanes and 6-foot-wide earth shoulders.

S001 00162 over the Greater Tatonka River would be renovated as part of this project. The existing structure is a 144 foot-long by 17 foot-wide, seven panel steel pony truss bridge built in 1912. The bridge is eligible for listing in the National Register of Historic Places.

The improvements on this project consist of milling and resurfacing the existing roadway with asphalt and trench widening the roadway 2-feet left and right, resulting in a 28 foot wide surfaced top. There would be a grade raise at the new edge of pavement. Existing diagonal parking area on N-1 would be resurfaced and the existing sidewalk would be removed and replaced with new sidewalk and curb ramps.

Existing culverts within the Fixed Obstacle Clear Zone (FOC) would be extended and existing headwalls within the FOC would be removed and replaced with flared end sections. The box culvert at MM 4.68 would be extended beyond the FOC and the existing guardrail would be removed. Additionally, a 12-foot- wide south-bound right turn lane would be added from MM 3.05 to 4.07. S001 00162 would undergo renovation by replacing the concrete deck with timber planks, oriented transversely and strengthening two eyebar members, by installing a tension rod between the existing eyebars. The existing angle iron guardrail would be repaired. The proposed trail would be constructed within new and existing right-of-way and would cross multiple drainage ditches which would require culvert construction.

Scope details include:

• Grading beyond the hinge point would be required for the following work:

- Culverts
- Guardrail
- Mailbox turnouts
- Earth shoulder construction
- Drives and intersections
- Roadway widening
- Shoulder surfacing
- Flattening foreslopes
- Roadway grading for culvert extensions
- Roadway grading to adjust vertical alignment
- Correction of superelevation
- Trail profile

• The scope of work at culvert sites on this project would include:

- Culvert cleanout
- Extend culverts with grading beyond the hinge point
- Remove existing headwalls from culverts and replace with flared end sections
- Construction of new culverts at locations along the proposed trail to accommodate perennial stream

drainage and embankment widening

• Guardrail

- Existing guardrail at MM 4.68 would be removed
- No new guardrail
- Guardrail on S001 00162 would be repaired

• Existing surfaced driveways and intersections would be resurfaced

• Diagonal parking areas on N-1 would be resurfaced

• The construction of the sidewalks and curb ramps would comply with the requirements in Public Right-of-Way Accessibility Guidelines (PROWAG). PROWAG is a formal set of guidelines for public right-of-way design that coincides with the Americans with Disabilities Act (ADA).

• Rock or gravel would be placed behind driveways and intersections to match the new asphalt.

• Mailbox turnouts would be constructed.

• Earth shoulders would be constructed on each side of the trail.

• The existing earth shoulders would be brought up to match the new asphalt.

• The trench widening operation would remove material adjacent to the existing surfacing. This trench would be filled with asphalt material.

• Project surveying and staking would be required.

• Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).

• Permanent pavement markings would be applied to all new surfacing.

• Street lighting modifications would be required near MM 6.55 as a result of shoulder modification.

• Additional property rights would be required to build this project.

• Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.

• S001 00162 would not be rehabilitated under traffic. A detour route would be provided. The rest of the project would be constructed under traffic with lane closures controlled with approved temporary traffic control.

Mitigate wetland impacts to a designated site located near the Village of NEPAville's retention ponds.

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Section 4(f) Property Name

Tatonka Reservoir State Park

Official(s) with Jurisdiction

Ent Treebeard, Tatonka Reservoir State Park Head Ranger, ent.treebeard@nebraksa.gov

Property Description

Tatonka Reservoir State Park is approximately 11,400 acres in size. The park offers camping, fishing, hiking, horse riding, nature viewing, and picnicking. The park also houses the Mines of Moria which are historic quartz mines. A fee is required to take part in the park activities.

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

*23 CFR 774.13(g)*

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## 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 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.

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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.

The project would construct a new, 10-foot wide concrete trail for bicycle and pedestrian use between Johnny B. Goode Park and Tatonka Reservoir State Park. The proposed trail, Goldenrod Trail, would be approximately 1.70 miles long and parallel the Tatonka River. The trail would enhance the property by increasing connectivity between parks and existing trails within the state park and adding more recreational opportunities for visitors. The new trail would end at the campground and not directly connect to the existing Minas Tirith Trail that also ends at the campground.

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

N/A

### 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

### Approval Signatures

I reviewed this checklist and all attached documentation and confirm that the above property and proposed project meet the requirements of 23 CFR 774.13 for a Section 4(f) Exception finding.

Preparer

Date

NDOR EDU or Consultant

5/1/2015

NDOR Environmental Manager

Date

NDOR EDU Manager

5/4/2015

**FHWA Environmental – Section 4(f) Exception Final Approval**

Based upon the above considerations, this Section 4(f) Exception satisfies the requirements of 23 CFR 774.13.

FHWA Environmental

Date:

FHWA

5/28/2015

DATE August 19, 2015  
TO NDOR EDU  
FROM Design  
THRU Bridge Hydraulics  
SUBJECT CN 78910 NEPAville – §650.111 Location and Hydraulic Design of Encroachments Requirements

23 CFR §650.111 Subpart A requires documentation showing that the regulation has been met and the studies required by §650.111 (c) and (d) shall be summarized in environmental review documents prepared pursuant to 23 CFR part 771. The regulation and the documentation concerning each part are as follows for use within the environmental document:

(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 are as follows:

*The risks associated with the implementation of the proposed action and minor change in water surface would not result in any significant change in flood risks or damage, and does not have potential for interruption or termination of emergency service or emergency routes.*

*The following language is a direct excerpt from the floodplain certification:*

**Greater Tatonka River, Roads County, Section 6 T09N R11W and Section 31 T10N R11W (S001 00162)**

*The project crosses the Zone A Floodplain for the Greater Tatonka River and its associated sloughs and tributaries in Section 6, T09N R11W and Section 31, T10N R11W. The floodplain drainages are conveyed through a bridge structure (S001 00162) at the North Channel. Through this floodplain the project will mill, widen and overlay the highway for a one (1) inch increase in highway grade elevation; the bridge structure will undergo renovation by replacing the concrete deck with timber planks, oriented transversely and strengthening two eyebar members, by installing a tension rod between the existing eyebars. The base flood overtops the highway throughout this section and the one (1) inch increase in highway roadway elevation will cause an equivalent increase in the base flood elevation. This falls within the Zone A Floodplain regulation's allowance of up to an one-foot (1 ft) cumulative increase in the 100-year Base Flood Elevations for changes in a floodplain.*

**Tatonka River, Roads County, Section 12 T10N R12W**

*The project crosses the Zone A Floodplain for the Tatonka River in Section 12, T10N R12W. The floodplain drainages are conveyed through a bridge structure (S001 00477) Through this floodplain the project will mill, widen and overlay the highway for a one (1) inch increase in highway grade elevation and mail box turnouts will be paved. The existing bridge will be used in place.*

**Tatonka Reservoir, Roads County, Section 5/6 T09N R11W**

*The project crosses the Zone A Floodplain for the Tatonka Reservoir in Section 5/6, T09N R11W at MM 6.55. Through this floodplain the project will mill, widen and overlay the highway for a one (1) inch increase in highway grade elevation. The base flood overtops the highway throughout this section and the one (1) inch increase in highway roadway elevation will cause an equivalent increase in the base flood elevation. This falls within the Zone A Floodplain regulations allowance of up to an one-foot (1 ft) cumulative increase in the 100-year Base Flood Elevations for changes in a floodplain.*

- (2) The impacts on natural and beneficial flood-plain values,

*Natural and beneficial floodplain values include, but are not limited to, fish, wildlife, plants, open space, natural beauty, scientific study, outdoor recreation, agriculture, forestry, natural moderation of floods, water quality maintenance, and groundwater. There are no significant impacts to the natural and beneficial floodplain values.*

- (3) The support of probable incompatible flood-plain development,

*As defined by the FHWA, the support of incompatible base floodplain development will encourage, allow, serve, or otherwise facilitate incompatible base floodplain development, such as commercial development or urban growth. This highway improvement Project would not support any incompatible floodplain development. The purpose of the Project is to resurface and widen the roadway. The proposed improvements would maintain local and regional access to existing rural and agricultural areas and would not create new access to undeveloped lands.*

- (4) The measures to minimize flood-plain impacts associated with the action, and

*There are no significant floodplain impacts associated with this Project. There are no routine construction procedures required to minimize impacts on the floodplain. The roadway will be widened. In order to minimize floodplain impacts associated with this action, grading will be day lighted to the foreslopes as soon as possible from the edge of widening.*

- (5) The measures to restore and preserve the natural and beneficial flood-plain values impacted by the action.

*Since there will be no significant impacts to the floodplain and floodplain values, no restoration or preservation of floodplain values is required.*

- (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.

*The existing highway serves its function by crossing the floodplain. The further insignificant encroachment caused by widening could be avoided by installing guardrail along portions of the highway that already encroach the floodplain. There are encroachment areas of the floodplain that are in excess of two miles long. Installing guardrail for this distance is not feasible and would not be considered. The road is an existing road and there are no practical alternatives that would maintain its function. The roadway is being widened based on recommendations from the Safety Committee to a 28 foot wide surfaced top as a mitigation strategy to roadway departure crashes. Since this is not a significant encroachment, alternatives were not considered for this Project.*

Draft





# Memorandum

DATE 6/14/2015

TO [Click here to enter text.](#), NDOR EDU

FROM [Click here to enter text.](#), NDOR EPU

SUBJECT Wetland Memo  
Project No: STP-1-23(456)  
Control No: 78910  
Project Name: NEPAville North and South

A wetland delineation was completed on 4/17/2014

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: A wetland/water resource delineation was completed for the Nebraska Dept. of Roads (NDOR) on April 17, 2014. Both wetland and water resources were identified within the study area. Impacts to WoUS, including wetlands, will result from grading, earth shoulder construction, road widening, culvert construction/extensions, and bridge work. Impacts would result in up to 1.65 acres of permanent wetland impacts and up to 0.60 acres of temporary impacts. Permanent impacts will include 1.5 acres of PEMA/PEMC wetlands, and 0.15 acres of PSSA impacts. There are no permanent impacts to channels. NDOR will submit Preconstruction Notification (PCN) for a Nationwide Permit 23 Application for wetland impacts to the U.S. Army Corps of Engineers. Unavoidable wetland impacts will be mitigated offsite at an approved wetland mitigation bank.

Describe any coordination conducted to date with officials/agencies: A pre-application meeting took place with the U.S. Corps of Engineers (USACE) in January of 2015. A preliminary Jurisdictional Determination was completed in March of 2015, and it was determined that all resources found in the study area were in fact Waters of the U.S. NDOR will submit a PCN once the CE has been approved.

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. (NDOR District, Contractor)

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

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

### **Project Description**

This new and reconstruction project would resurface 9.24 miles of N-1 located in Roads County, starting 0.45 miles south of the corporate limits of the Village of NEPAville at the junction of N-1 and N-2 at mile marker (MM) 0.00, and extending north to MM 9.24. The project would construct a new, 10-foot wide concrete trail for bicycle and pedestrian use between Johnny B. Goode Park and Tatonka Reservoir State Park. The proposed trail would be approximately 1.70 miles long and parallel the Tatonka River. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-1 consists of two 12-foot-wide asphalt lanes and 6-foot-wide earth shoulders.

S001 00162 over the Greater Tatonka River would be renovated as part of this project. The existing structure is a 144 foot-long by 17 foot-wide, seven panel steel pony truss bridge built in 1912. The bridge is eligible for listing in the National Register of Historic Places.

The improvements on this project consist of milling and resurfacing the existing roadway with asphalt and trench widening the roadway 2-feet left and right, resulting in a 28 foot wide surfaced top. There would be a grade raise at the new edge of pavement. Existing diagonal parking area on N-1 would be resurfaced and the existing sidewalk would be removed and replaced with new sidewalk and curb ramps.

Existing culverts within the Fixed Obstacle Clear Zone (FOC) would be extended and existing headwalls within the FOC would be removed and replaced with flared end sections. The box culvert at MM 4.68 would be extended beyond the FOC and the existing guardrail would be removed. Additionally, a 12-foot- wide north-bound right turn lane would be added from MM 3.05 to 4.07. S001 00162 would undergo renovation by replacing the concrete deck with timber planks, oriented transversely and strengthening two eyebar members, by installing a tension rod between the existing eyebars. The existing angle iron guardrail would be repaired. The proposed trail would be constructed within new and existing right-of-way and would cross multiple drainage ditches which would require culvert construction.

Scope details include:

- Grading beyond the hinge point would be required for the following work:
  - Culverts
  - Guardrail
  - Mailbox turnouts
  - Earth shoulder construction
  - Drives and intersections
  - Roadway widening
  - Shoulder surfacing
  - Flattening foreslopes
  - Roadway grading for culvert extensions
  - Roadway grading to adjust vertical alignment
  - Correction of superelevation
  - Trail profile

- The scope of work at culvert sites on this project would include:
  - Culvert cleanout
  - Extend culverts with grading beyond the hinge point
  - Remove existing headwalls from culverts and replace with flared end sections
  - Construction of new culverts at locations along the proposed trail to accommodate perennial stream drainage and embankment widening
- Guardrail
  - Existing guardrail at MM 4.68 would be removed
  - No new guardrail
  - Guardrail on S001 00162 would be repaired
- Existing surfaced driveways and intersections would be resurfaced
- Diagonal parking areas on N-1 would be resurfaced
- The construction of the sidewalks and curb ramps would comply with the requirements in Public Right-of-Way Accessibility Guidelines (PROWAG). PROWAG is a formal set of guidelines for public right-of-way design that coincides with the Americans with Disabilities Act (ADA).
- Rock or gravel would be placed behind driveways and intersections to match the new asphalt.
- Mailbox turnouts would be constructed.
- Earth shoulders would be constructed on each side of the trail.
- The existing earth shoulders would be brought up to match the new asphalt.
- The trench widening operation would remove material adjacent to the existing surfacing. This trench would be filled with asphalt material.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Permanent pavement markings would be applied to all new surfacing.
- Street lighting modifications would be required near MM 6.55 as a result of shoulder modification.
- Additional property rights would be required to build this project.
- Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
- S001 00162 would not be rehabilitated under traffic. A detour route would be provided. The rest of the project would be constructed under traffic with lane closures controlled with approved temporary traffic control.
- Mitigate wetland impacts to a designated site located near the Village of NEPAville's retention ponds.





# Biological Assessment Memorandum

DATE 1/6/2015  
TO NEPA Project Manager  
Cc EPU Project Manager  
FROM T&E Species Biologist  
SUBJECT NEPAville North and South; STP1-23(456) CN 78910  
Threatened & Endangered Species Concurrence

The biological assessment final approval on: **1/6/2015**

## 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: **Doxy, Bowtruckle, Devil's Snare, Phoenix.**
  - This BA required FHWA Review and Approval.  
FHWA Concurrence Date: 12/4/2014
  - This BA required further consultation with the resource agencies (Level 2).  
USFWS Concurrence Date: **1/2/2015**  
NGPC Concurrence Date: **12/31/2014**
  - 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: (Level 3).

Additional Coordination with Other Tribal or Federal Agencies: N/A

Description of Coordination:

### **Bald and Golden Eagle Protection Act:**

This project was reviewed for potential impacts to bald and golden eagles. NDOR has determined the project site does not have appropriate habitat for eagles. Due to the lack of suitable habitat and the information that there are no known bald or golden eagle nests within the project area, NDOR has determined that there will be no impact to these species.

### **Migratory Bird Treaty Act:**

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

### **Fish and Wildlife Coordination Act:**

A wetland delineation was completed; 1.65 acres of impacts are anticipated; an IP will not be required. Based on current project design, this project will require a NPDES permit and Section 404 permit from the Corps of Engineers.

### **Conservation Conditions Already Completed:**

#### **Bowtruckle:**

**BT-1** A qualified biologist will survey according to protocol during the blooming season (May 15 - June 10) prior to the completion of the Process. If suitable habitat is identified, there will be another survey according to protocol during the growing season immediately prior to construction. If the species is found, then consultation is required.

***This project was surveyed for Bowtruckle during the blooming season (mid-May to mid-June) in 2009, 2010, 2013, and 2014. Suitable habitat exists at several locations adjacent to and along the Project in the roadside ditches, foreslopes, and backslopes. The adjacent land to the actively blooming populations primarily consists of wet meadow pasture that has been hayed and grazed in past years of NDOR survey. The most recent surveyed active populations are not located within Project limits, but are within NDOR ROW. NDOR will continue to survey and monitor the population throughout construction of the project. Additional survey will be conducted during the blooming season for several years after construction completion.***

#### **Devil's Snare:**

**DS-1** A qualified biologist will survey according to protocol during the blooming season (June 15-July 7) prior to the completion of the Process. If suitable habitat is identified, there will be another survey according to protocol during the blooming season immediately prior to construction. If the species is found, then consultation is required.

***This project was surveyed for Devil's Snare during the blooming season (mid-June to mid-July) in 2013. Potentially suitable habitat exists at several locations adjacent to the Project in subirrigated wet meadows. There are no known records of this species within 1-mile of the Project and no individuals have been found during the blooming season survey. No further surveys for this species are needed.***

**Conservation Conditions to Carry Forward:** *Responsible Party for conservation condition shown in parentheses.*

Listed below are the required Conservation Conditions that apply to this project. These measures are not subject to change without the prior written approval of the Federal Highway Administration. **Copy and paste the conditions listed below verbatim in the NEPA document, the Green Sheet, and in the contract documents:**

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

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

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

- A-7 Waste/Debris.** Construction waste/debris will be disposed of in areas or a manner which will not adversely affect state and/or federally listed species and/or designated critical habitat. *(Contractor)*
- A-8 Post Construction Erosion Control.** Erosion control activities that may take place by NDOR Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere to any standard conservation conditions for species designated for the project area during construction. (NDOR Maintenance, District Construction, Contractor)
- S-2 Platte River Depletions.** All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.
- S-3 Revegetation.** All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. *(NDOR Environmental)*
- S-4 Sensitive Areas.** Environmentally Sensitive Areas will be marked on the plans, in the field, or in the contract by NDOR Environmental for avoidance. *(NDOR Environmental, District Construction)*
- S-5 Species Surveys.** If species surveys are required for this project, results will be sent by NDOR to the USFWS, NGPC, and if applicable COE. FHWA will be copied on submittals. *(NDOR Environmental, District Construction)*

**Doxy:**

- D-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 doxy roosting period. (NDOR Environmental, Construction, Contractor)
- OR**
- D-2** If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge or >5-ft box-culvert structures occurs during doxy 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)

**Bowtruckle:**

- BT-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*)

**BT-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*)

**BT-C** NDOR Environmental personnel and District Environmental Coordinator will attend a Pre-Construction Meeting to provide species information and verify suitable habitat avoidance strategies with the Contractor and NDOR Project Manager. NDOR DEC will monitor the site weekly to ensure no impacts to sensitive areas. (*NDOR Environmental, District Environmental Coordinator, Construction*)

**BT-D** NDOR Environmental personnel or approved consultant will continue to conduct a survey of the population during the blooming season (May 15 – June 15) prior to, during, and 1-year post construction to ensure no adverse impacts to the known populations due to Project activities. Annual survey reports will be provided to NGPC and FHWA. (*NDOR Environmental*)

#### **Devil’s Snare:**

**DS-8** Asphalt plants and staging areas for construction supplies and Contractor’s equipment shall be located in areas that are frequently disturbed such as, but not limited to, field entrances, crop fields, abandoned roadway, farmsteads and roads. If this is not possible, the contractor shall coordinate with NDOR Environmental with a site plan showing the desired staging/stockpile location(s), which will be sited in such a way as to avoid impacting protected species.

#### **Phoenix:**

**P-1** Construction activities will not occur during Phoenix migration periods. (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16). (*NDOR Environmental, Construction, Contractor*)

#### **OR**

**P-2** If construction activities occur during Phoenix migration periods (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16), NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: **along the length of the Project** (*location of suitable habitat*) (**prior to the start of daily construction activities**). If species are present the District will notify the Contractor to stop work within 1/2 mile of the Phoenix and follow the protocol to determine when work can resume (**also not initiate work if species is found in the morning survey**). Options for resuming work may include but are not limited to (*NDOR Environmental, Construction, Contractor*):

- Construction activities are limited to the hours from 10:00 a.m. to 4:00 p.m. (CST) during the migration period, unless morning survey indicates Phoenix are not present.
- If a Phoenix is observed during the survey within ½ mile of the project, but departs the area (further than ½ mile from the project) then work can resume. Document this departure according to protocol.

**AND**

- P-3** Herbaceous species used for re-seeding within ¼ mile of the following location: **along the length of the Project** (location of suitable habitat) will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design, NDOR Environmental).
- R-11** For the **Phoenix**, nighttime work with lights from March 10 - May 10 and September 16 - November 16 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required (NDOR Environmental, District Construction, Contractor).



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

CLG Consultation? No 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:

Empty box for listing other consulting parties.

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

Archeological Resources

Above Ground Resources

Are NRHP listed or eligible properties present within the APE?

Are NRHP listed or eligible properties present within the APE?

No Yes

No Yes

Please list:

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:

Horizontal line at the bottom of the page.

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Construction Commitments:  No  Yes

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If Yes, detail here:

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---

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:

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**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

Planning and Project Development

**Date:** May 15, 2015

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

**From:** Hazardous Materials PQS, Highway Environmental Specialist, Planning and Project Development

**Subject:** Hazardous Materials Review Memo for the NDOR Project NEPAville North and South (C.N. 78910).

**Overview**

A hazardous materials review (HMR) was completed by Enterprise Associates for the NEPAville North and South project and approved by NDOR on December 16, 2014. 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 facilities record search conducted for the HMR identified 22 sites of concern located within 0.10 mile of the project right-of-way. In addition, one previously unidentified underground storage tank (UST) site was revealed as a result of earlier construction by the Village of NEPAville, and another tank removal site was identified in correspondence with NDEQ. Klingon Lead Site is a Superfund site for remediation in residential areas and includes the Project area. The Project would disturb soil within the Klingon Lead Site boundaries. After site reconnaissance, the UST is considered to be a low potential to impact the project based on distance from the facility to the project and current status of the facility. The Klingon Lead Site is considered to be a high potential site and requires special mitigation commitments.

**Lead and Asbestos**

The scope of bridge work requires the contractor and NDOR district to adhere to the following commitments:

The Greater Tatonka River Bridge includes removing the existing super and substructure and replacing it with timber. The existing bridge plans indicate that lead based paint was applied to the bridge structure. The Contractor is required to conduct their own sampling and monitoring at Project start-up, and adjust worker protection and work practices according to the results. The Contractor shall recycle the railing at a legitimate recycling facility for scrap metal, in the same manner described for lead plates in Paragraph 3 (Environmental Requirements) in Section 203.01 of the Standard Specifications for Highway Construction and in accordance with Title 128, Nebraska Hazard Waste Regulations. The Contractor's implementation plan efforts shall be documented in Site Manager. If the method of removal generates paint debris, the waste shall be handled in accordance with NDOR's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128, Nebraska Hazard Waste Regulations.

The existing bridge plans also indicate that asbestos blast plates were attached to the underside of the bridge. The Project includes replacement of structure components. Prior to modification activities at the bridge site(s), the structure must be thoroughly inspected for the presence of asbestos-containing material (ACM). All suspect ACM shall be sampled and laboratory analyzed or is assumed to contain asbestos and shall be handled as such. Suspect ACM associated with bridge structures may include, but are not limited to: utilities attached to the structure, joint compounds or sealers, and deck overlays. The inspector shall be certified in accordance with the Nebraska Department of Health and Human Services (DHHS) Nebraska Asbestos Control Program Regulations, Title 178. A list of Licensed Asbestos Inspectors can be found at: <http://dhhs.ne.gov/publichealth/Documents/asbestosinspectors.pdf>. Documentation of inspection shall be provided to the NDOR State representative by the Contractor and shall be recorded in Site Manager. If the bridge structure is comprised of only steel, concrete, brick or wood, an inspection by a certified inspector is not necessary.

If ACM is found to be present, removal and disposal of the ACM shall be in accordance with DHHS Nebraska Asbestos Control Program Regulations, Title 178 and shall occur prior to any bridge demolition or renovation activities. The contractor shall develop a removal and disposal plan in coordination with a licensed Asbestos Removal Contractor and NDOR. A list of Licensed Asbestos Removal Contractors can be found at: <http://dhhs.ne.gov/publichealth/Documents/asbestosbusinessentities.pdf>.

The work shall require the Contractor to submit a written NESHAP (National Emission Standards for Hazardous Air Pollutants) notification. If no asbestos is present, the notification is sent only to the Nebraska Department of Environmental Quality (NDEQ). If asbestos is present, in addition to the notification to NDEQ, the Department of Health and Human Services is also notified, using DHHS Form 5. The contractor shall submit the NESHAP Notification of Demolition and Renovation to NDEQ and DHHS (when required) at least 10 working days prior to commencement of any demolition activities or disturbance of any ACM. The ten day clock starts with the day the Notification is postmarked, hand delivered (includes submittals by email notification) or picked up by a commercial delivery service, such as United Parcel Service (UPS), Federal Express (FedEx), etc. Faxing documents is prohibited. The NDOR State Representative shall be provided copies of said notifications and their submittal date, which shall be recorded in Site Manager.

Disposal of construction waste and debris must be handled as per Standard Specifications Sections 201, 202.02(4), 203.01, 203.02 and NDOR's Special Provision addressing unexpected discoveries of hazardous waste during construction.

Within the Klingon Lead Site, soils can be reused at a construction site. Any excess soil shall be sampled to determine if it can be reused elsewhere or how it must be disposed in accordance with Village of NEPAville protocols for soils within the Klingon Lead Site.

**Commitments**

The contractor and the NDOR District will adhere to the following commitments:

An abandoned underground storage tank exists within the NDOR right-of-way between stations 184 and 185 on the west side of N-1. The contractor shall remove and close the tank according to Title 156 Chapter 10 of the State Fire Marshal regulations. The contractor shall notify the State Fire Marshal at least 30 days before beginning permanent closure.

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,

5/15/15

Name \_\_\_\_\_ Date \_\_\_\_\_

Hazardous Materials PQS, Highway Environmental Specialist,  
NDOR Planning and Project Development

Noise Impact Assessment  
CN 78910  
STP-1-23-(456)  
NEPAville North and South

### **Affected Environment**

The current traffic noise conditions in the study area were assessed through a combination of measurements and modeling. There were several residential and public areas within the study area that were of interest for the analysis. The existing conditions for traffic noise for these areas are presented below.

**Table 1 Existing Traffic Noise Measurement Results**

<b>Location Description</b>	<b>Land Use Category<sub>1</sub></b>	<b>NDOR NAC Approach (dBA)<sub>1</sub></b>	<b>Measured L<sub>eq</sub> (dBA)</b>
N-1	B	66	45
Residence #1	G	66	36
Residence #2	C	66	55

### **Receptors**

16 receptors present

### **Summary**

A traffic noise analysis was performed for a road improvement project that would widen the roadway for a right turn lane northwest of NEPAville, Nebraska. The results from the traffic noise analysis indicated that no receptors in the project study corridor will be impacted by noise from either of the proposed future alignments. Because no noise impacts were identified, no traffic noise abatement measures were evaluated for the project.

### **Commitments**

#### **Construction Impacts:**

The proposed project shall result in temporary construction-related impacts including increased noise levels, dust, vibration, and removal and replacement of vegetation and fences. A variety of BMPs shall be implemented to mitigate for these impacts, and may include restricted work hours, watering during dry periods, special equipment, erosion control measures, sediment containment, temporary fencing, and replacement of vegetation, landscaping, and fencing. (NDOR District, Contractor)

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.

*Minority* is defined as a person who is:

1. Black: a person having origins in any of the black racial groups of Africa;
2. Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;
3. Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent;
4. American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition;  
OR
5. Native Hawaiian and Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

*A Low-Income person is defined as a person whose median household income is at or below the Department of Health and Human Services poverty guidelines. (Note – The U.S. Department of Health and Human Services does not publish tabulations of the number of people below the DHHS poverty guidelines, which are a simplified version of the federal poverty thresholds. The federal poverty thresholds are used for calculating all official poverty population statistics, and are updated annually by the Census Bureau. The best approximation for the number of people below the DHHS poverty guidelines in a particular area is the number of persons below the Census Bureau poverty thresholds in that area.)*

*A Minority Population is defined as any readily identifiable group of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity.*

*A Low-Income population is defined as any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity.*

In a December 16, 2011, memorandum titled *Guidance on Environmental Justice and NEPA*, the FHWA laid out a basic methodology for performing Environmental Justice analysis. NDOR has adopted, and FHWA has approved, an Environmental Justice methodology which follows the basic framework of the 2011 memorandum, but expands upon a few vague or undefined concepts. NDOR Environmental Justice methodology is as follows:

1. Using localized census tract data and other relevant information sources, data is gathered and readily identifiable groups or clusters of minority or low-income persons in the EJ study area are listed. Small clusters or dispersed populations are not overlooked. Study area data is also compared with the data of larger, identifiable areas (census tracts, cities, counties,

NDOR districts, etc.) to determine the proportion of minority and low-income persons present in the study area.

2. Minority and low-income populations are identified where:

(a) A readily identifiable group or cluster of minority or low-income persons is located in the EJ study area (for example, a low-income housing complex, or a workplace of mostly minority persons); OR

(b) The minority population of the study area exceeds 50 percent; OR

(c) The minority population percentage of the affected area is *meaningfully greater* than the minority population percentage in the general population or other appropriate unit of geographic analysis. The *meaningfully greater* standard is fact-dependent and requires professional judgment, but in most cases *meaningfully greater* is about 6%-8% or above.

3. If minority and/or low-income populations are not present in the EJ study area, the analysis is concluded.
4. If minority and/or low-income populations are present in the EJ study area, potential disproportionately high and adverse effects of the proposed project are examined. If none are identified, the analysis is concluded.
5. If minority and/or low-income populations are present in the EJ study area, and potential disproportionately high and adverse effects of the proposed project have been identified, proposed mitigation will be considered. Commonly, the application of effective mitigation techniques can reduce or eliminate adverse effects that might otherwise fall disproportionately upon minority and low-income populations.
6. Finally, the analysis concludes with a determination that the proposed project either will or will not result in disproportionately high and adverse effects to minority and low-income populations. State transportation agencies lack the regulatory authority to make a final determination in cases where potential disproportionately high and adverse effects to minority and/or low-income populations exist. In the event that potential disproportionately high and adverse effects to minority and low-income populations are anticipated, even when mitigation is expected to reduce or eliminate the effects, the analysis and determination must be forwarded to the FHWA for comment, revision, and approval.

## **Project Description**

This project is located in two census tracts in Roads County, and is adjacent to the Village of NEPAville. This new and reconstruction project will resurface 9.24 miles of N-1 located in Roads County, starting just south of the corporate limits of the Village of NEPAville at the junction of N-1 and N-2 at mile

marker (MM) 0.00, and extending north to MM 9.24. The project will also construct a new, 10-foot wide asphalt trail for bicycle and pedestrian use between Johnny B. Goode Park and Tatonka Reservoir State Park. The proposed trail will be approximately 1.70 miles long and parallel the Tatonka River. There will be a detour for this project. The detour route is located within the same two census tracts as the project itself.

**Examination of Study Area Population: Census Data and Other Observations**

The Environmental Justice data for this project and its detour route is as follows:

Area	Minority Population*	Hispanic Population	Population Below the Poverty Level**
Tract 9998	10%	8%	10%
Tract 9999	18%	12%	11%
Village of NEPAville	22%	20%	13%
Roads County	15%	12%	11%

\*Data on minority and Hispanic persons collected from 2010 Decennial US Census, Summary File 1, Table P5.

\*\*Data on low-income persons collected from American Community Survey 2009-2013 5-Year Estimates, Table S1701.

The Limited English Proficiency data for this project and its detour route is as follows:

Area	% of Population that Speaks ONLY English*	Languages Other Than English Spoken by 5% or Greater of the Total Population**	Population of Area Age 5 or Greater
Tract 9998	90%	None	1000
Tract 9999	82%	Spanish – 5.5%	2500
Village of NEPAville	75%	Spanish – 9.5%	1500

\*All data from American Community Survey 2009-2013 5-Year Estimates, Table B16001.

\*\* These figures reflect the population of an area that speaks a language other than English, and also speaks English “Less than Very Well.”

In general, the areas in which this project and its detour route are located have lower or consistent populations of minority, Hispanic, and low-income persons when compared Roads County. However, the Village of NEPAville contains a meaningfully greater percentage of minority persons, and in particular Hispanic persons, when compared with Roads County. No businesses or agencies likely to be used predominantly by minority or low-income persons were identified in the vicinity of the project or along the detour route.

Limited English Proficiency data does indicate the presence of an LEP population in the project area which reaches the NDOR LEP outreach triggers of 5% or 1,000 persons.

### **Adverse Effects to Low-Income and/or Minority Populations**

The following project information is relevant:

There will be a detour for this project. The center turn lane in the northern part of the project area will not be constructed under traffic. The rest of the project will be constructed under traffic with lane closures controlled with approved temporary traffic control. The detour route will not travel through the Village of NEPAville, where the minority/Hispanic population is located.

There will be right of way acquisition for this project. However, right of way will not be acquired in the vicinity of the minority/Hispanic population in the Village of NEPAville.

Access to adjacent properties will be maintained.

There will be no isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.

There will be no restrictions of access to essential services.

There will be no relocations or building removal.

Based on this project information, adverse effects to the minority/Hispanic population in the Village of NEPAville are not anticipated.

### **Potential Disproportionately High and Adverse Effects to Low-Income and/or Minority Populations**

Because there are no anticipated adverse effects to minority and low-income populations attendant to the construction of this project, there are consequently no potential disproportionately high and adverse human health or environmental effects to minority and low-income populations.

### **Mitigation**

Because there are no potential disproportionately high and adverse effects to low-income and/or minority populations, no mitigation is required for this project.

### **Conclusions**

A minority/Hispanic population is present in the Village of NEPAville. However, there are no anticipated adverse effects to this protected population.

A Limited English Proficiency population is present in the project area which reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. The following LEP outreach is required for this project:

1. Any written information that is dispersed to the public regarding this project must be translated into Spanish. "Dispersed information" does not include highway signs, but does include, for example, legal notices, news releases, and project map/information handouts. If any are present in the community, community organizations and media sources likely to serve the Spanish-speaking population should be contacted and utilized to effectively disseminate translated information to the Spanish-speaking community.
2. If a public meeting is held regarding this project, the written info at the meeting must be translated into Spanish and there must be a Spanish/English interpreter present. There must be sign-in sheets at the meeting place entrance in order to collect data, including racial/demographic data, on meeting participants, though signing in or giving information at public meetings is always optional, and is not a requirement to participate. Finally, there must be clear notice posted in Spanish at the meeting that the interpreter is available.

To: NDOR Environmental  
 From: Sarah Kugler, Public Involvement Manager, NDOR  
 Date: 12 May 2015  
 RE: Public Involvement Summary Report, STP-1-23(456), NEPAville North and South, 78910

**Public Involvement Outreach Requirements for Public Information Packet: C.N. 78910, STP-1-23(456), NEPAville North and South**

Based on an analysis of the project scope, the civil rights analysis, and discussion with the Nebraska Department of Roads (NDOR) District 7 Engineer, Jeffery Baratheon, NDOR utilized an official news release of the project and public meeting. An official news release of the project and public meeting was issued by NDOR on April 9, 2013. A project flyer was distributed to project area property owners and businesses prior to the public meeting. Temporary highway signs advertising the public meeting were erected. An open house format public meeting was held on Tuesday, April 23, 2013 at the Red Keep, 246 S 15th Street, NEPAville, Nebraska. Legal notice of the public meeting was published in the *Westeros Times* newspaper on April 3, 2013 and April 17, 2013. Displays and handouts at the public meeting included a proposed design mosaic map, bridge construction river impacts, construction phasing, and typical cross sections. 29 members of the public attended the public meeting. The comments received, and NDOR responses issued, from the public involvement process are as follows:

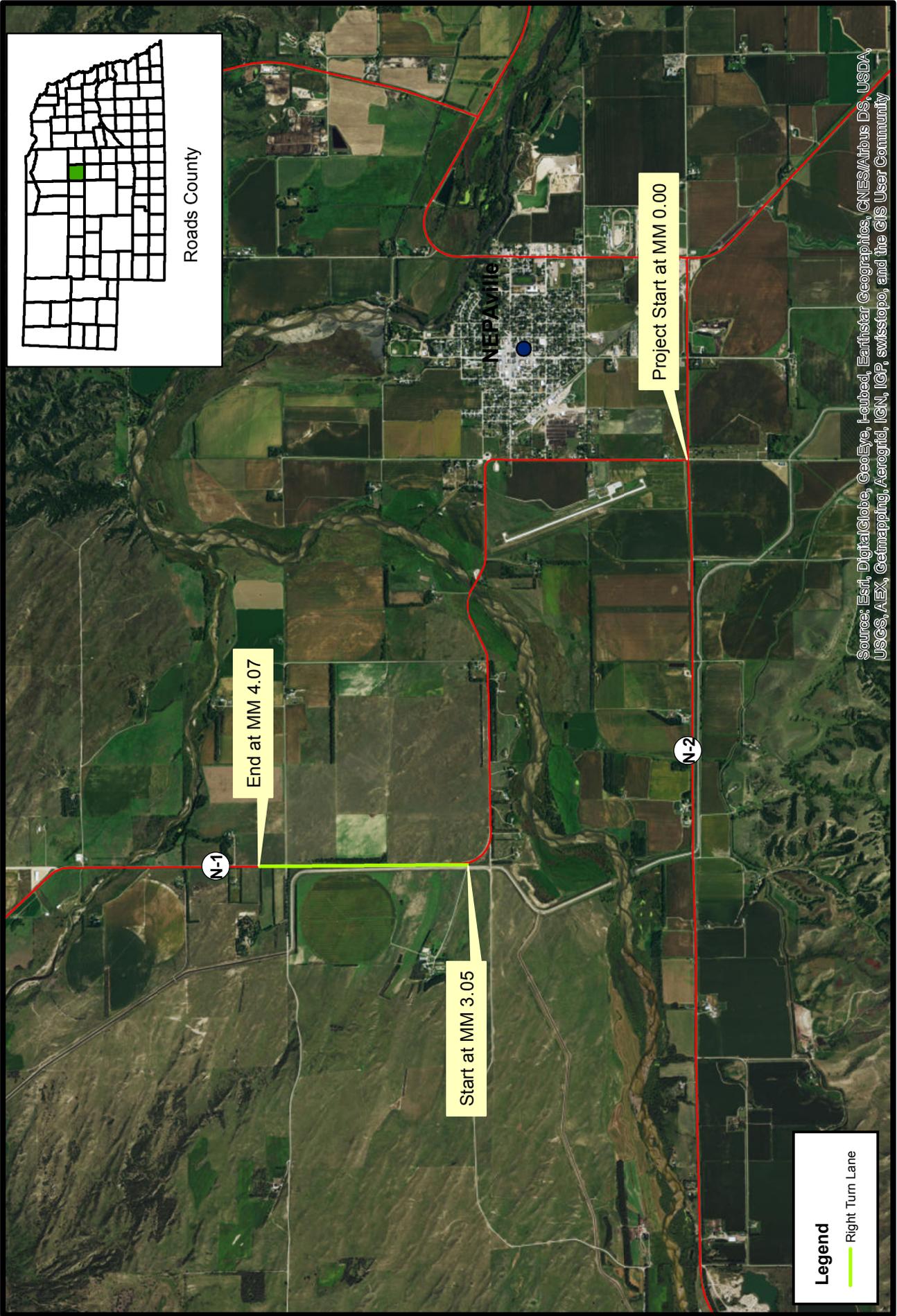
COMMENT	RESPONSE
1) Worried about trespassers on their property due to the proposed canoe access. 2) Asked if wetland mitigation could be split up between several land owners.	1) The fence around the subject property would be relocated. 2) This project is still early in design and additional evaluation will be conducted. Larger wetland areas tend to establish quicker, perform better, and are easier to maintain.
Could there be a bike trail or sidewalks associated with this project?	The proposed bridge over the Greater Tatonka River will be the same as the existing bridge in size. A trail is being built as part of the project but not near the bridge.
Discussed need for the bridge due to safety and that the lane closure does not compare to the problems that would occur if the bridge were to unexpectedly collapse.	NDOR will continue to engage the Village of NEPAville in the activities related to this project in an effort to minimize disruption to the residents of NEPAville. NDOR is actively coordinating with both public and private utilities, including the Village of NEPAville, water and sanitary, to minimize possible impacts and delays during construction.







# 78910\_STP-1-23(456)\_NEPAville North and South

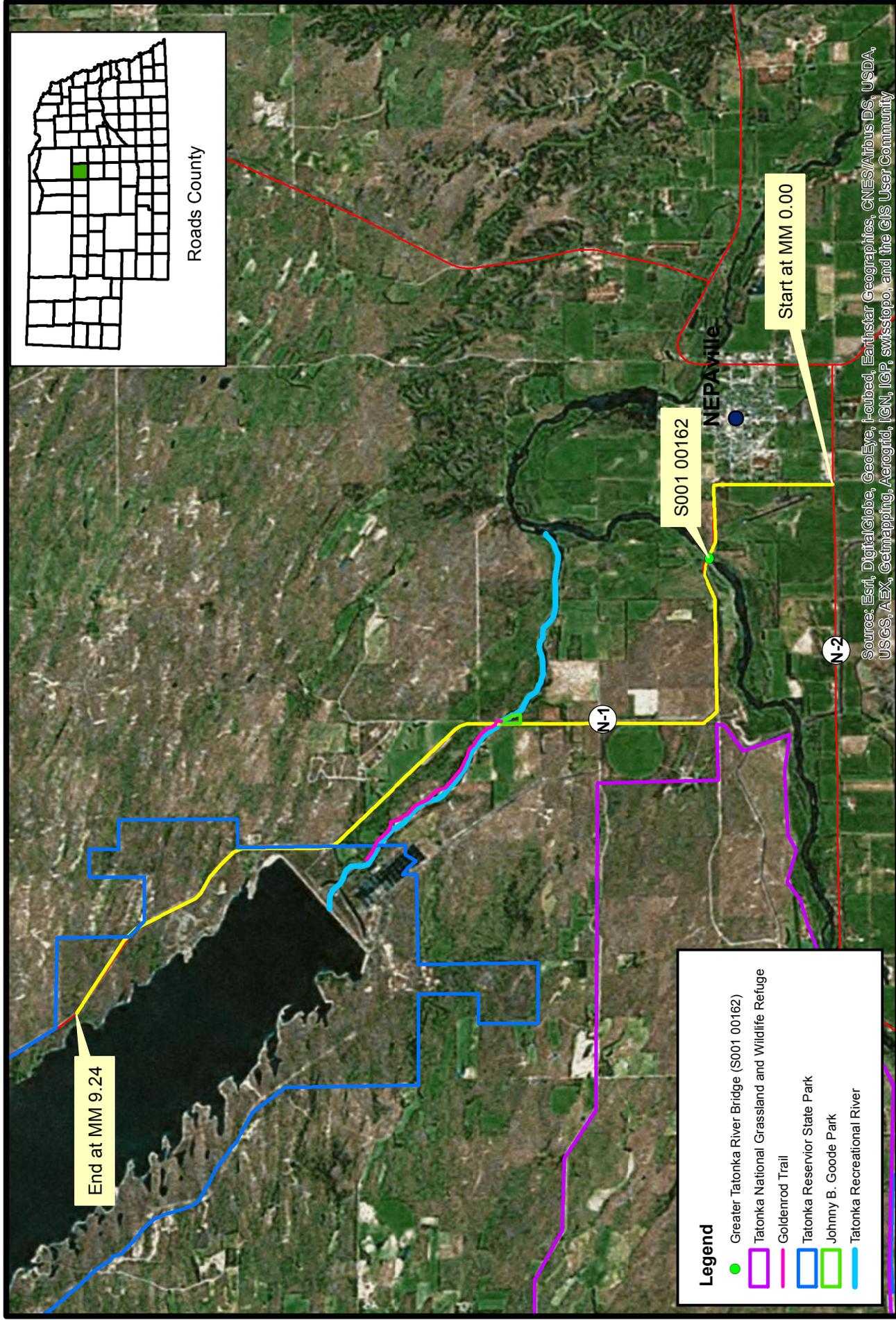


Right Turn Lane





# 78910\_STP-1-23(456)\_NEPAville North and South



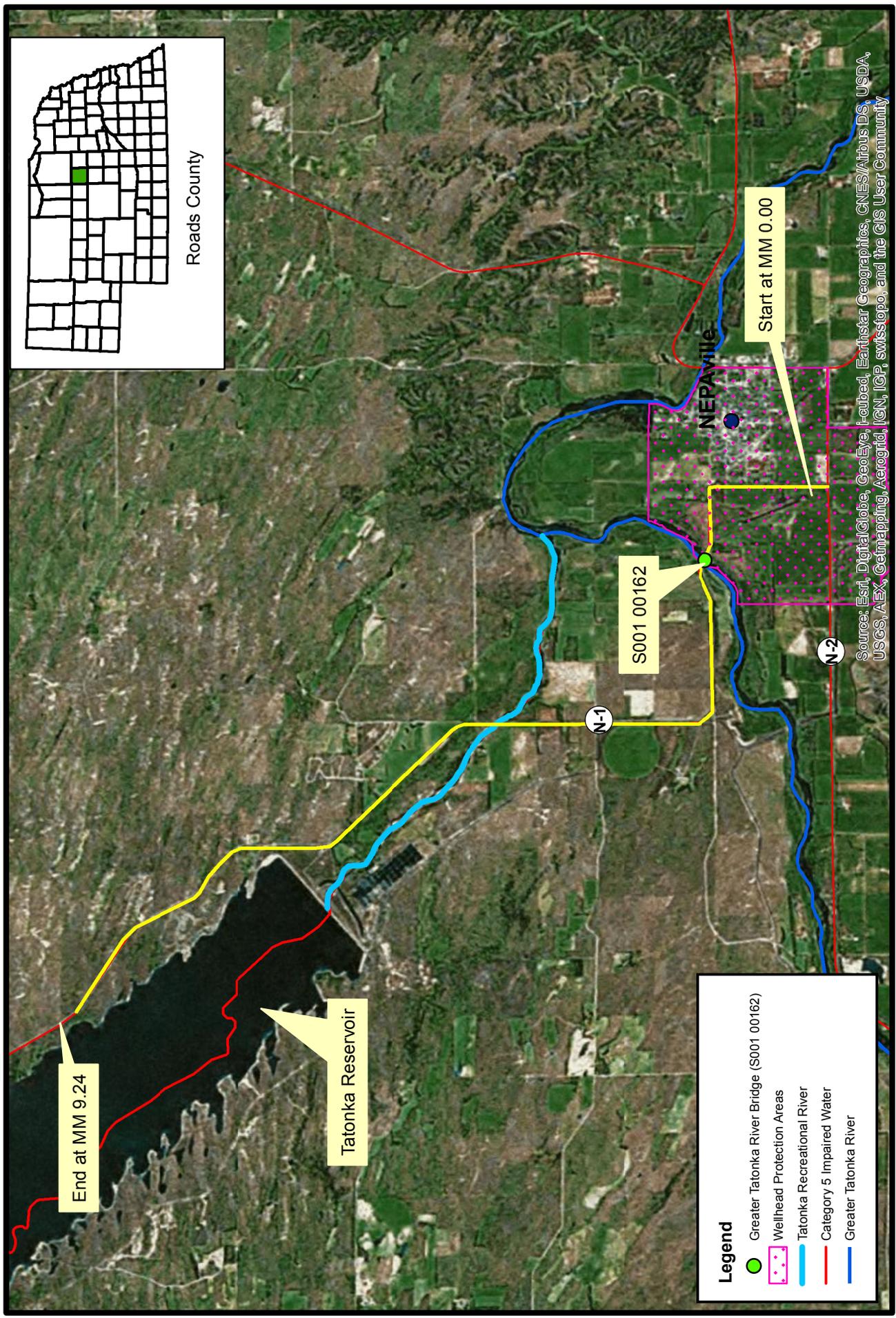
**NDOR**  
Nebraska  
Department of Roads

**Section 4(f) Resources**

**N E S W**



# 78910\_STP-1-23(456)\_NEPAville North and South



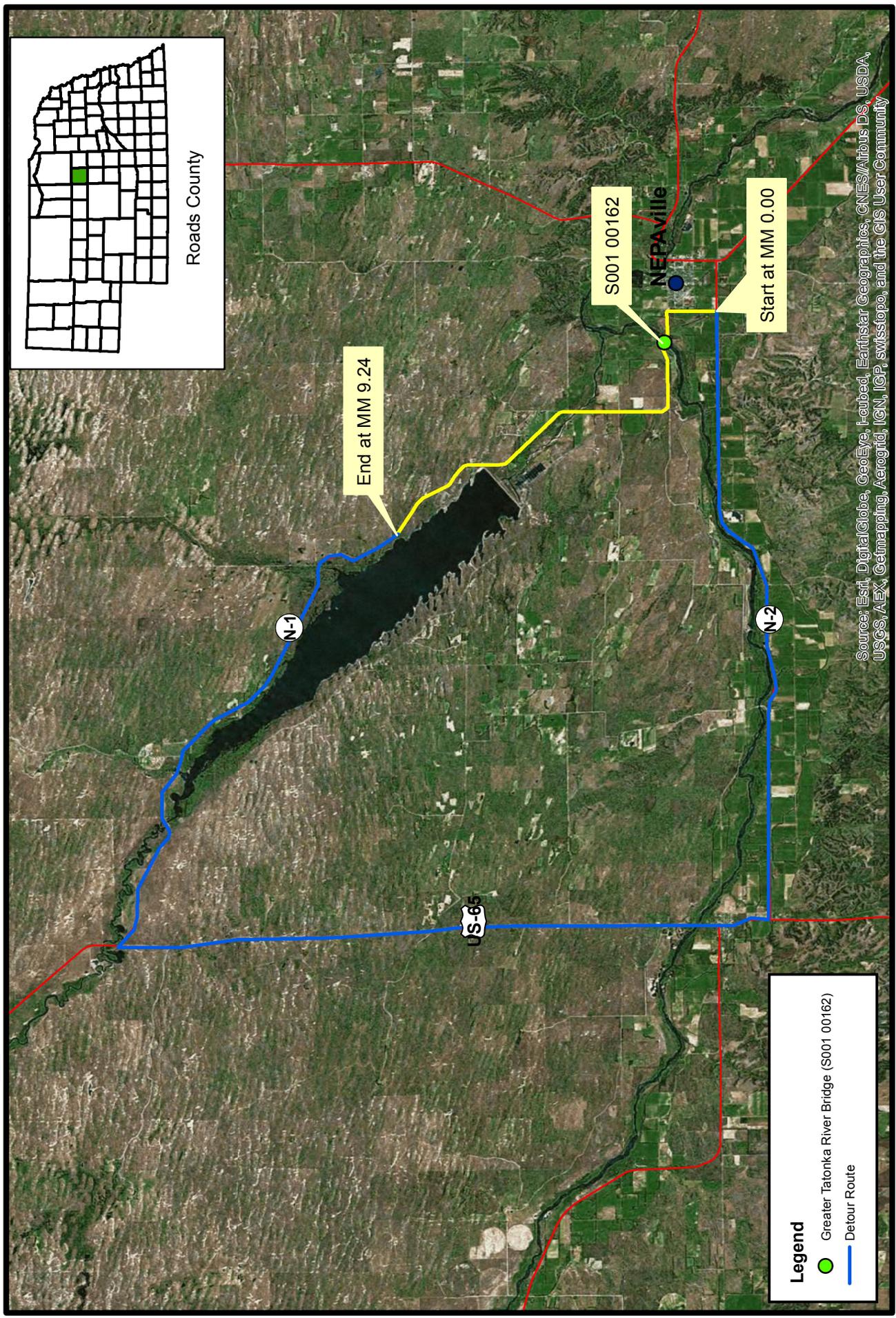
**NDOR**  
Nebraska  
Department of Roads

Water Resources

0 1 2 4 Miles

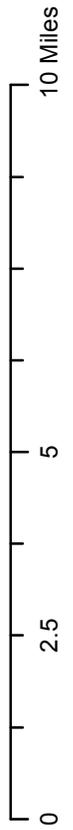


# 78910\_STP-1-23(456)\_NEPAville North and South



**Legend**

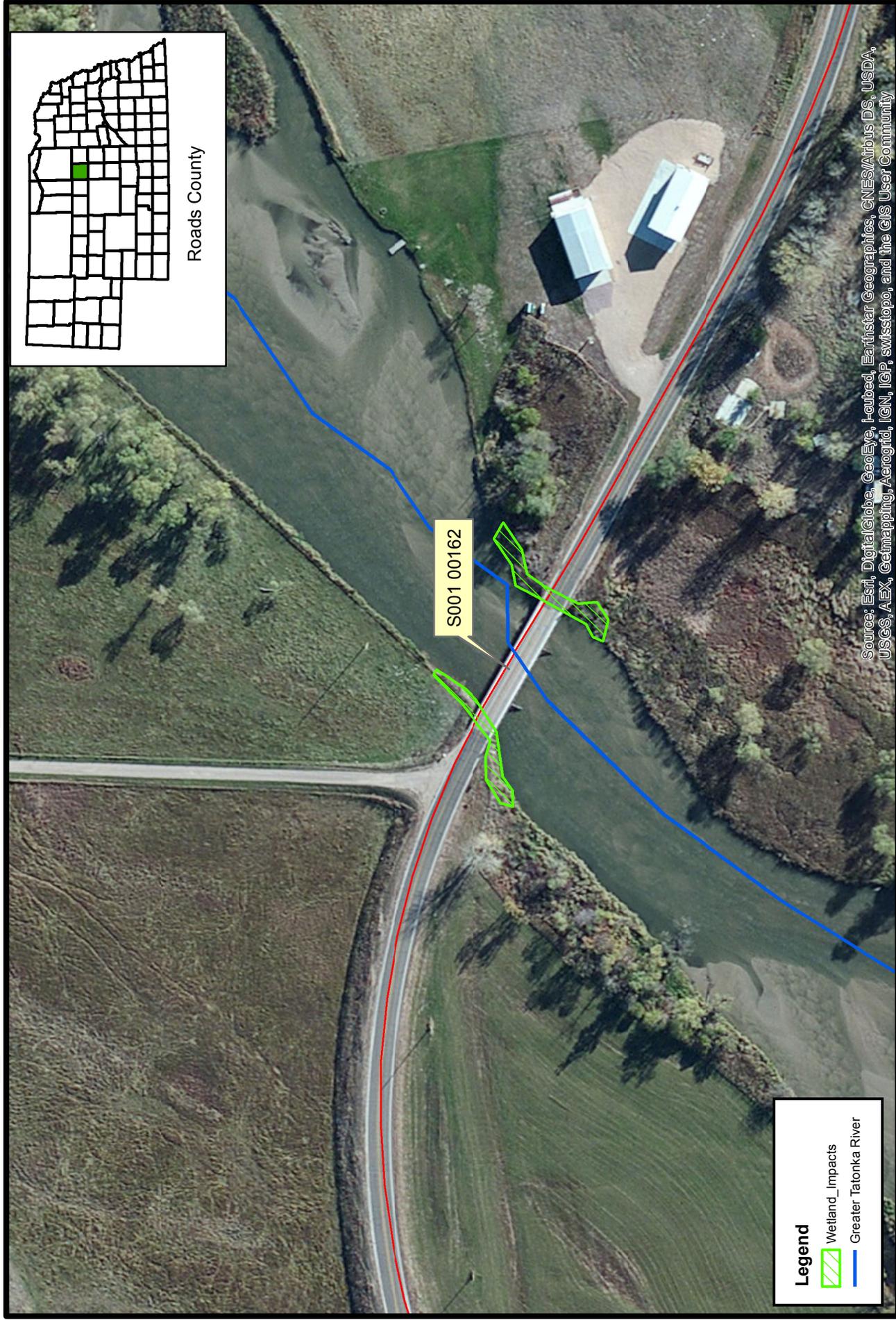
- Greater Tatonka River Bridge (S001 00162)
- Detour Route



Detour Route



# 78910\_STP-1-23(456)\_NEPAville North and South

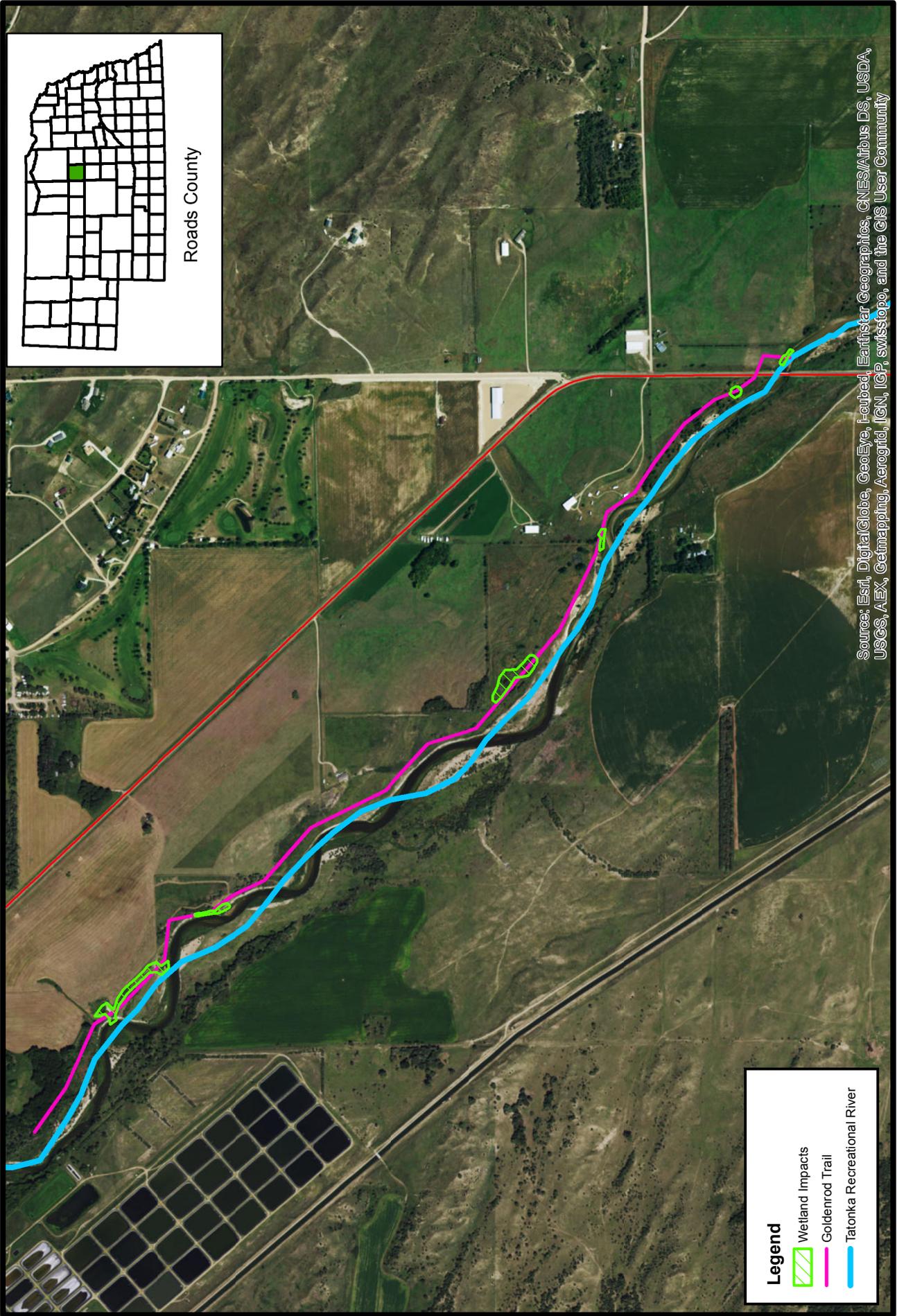


Wetlands  
Figure 1





# 78910\_STP-1-23(456)\_NEPAville North and South



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aergrid, IGN, IGP, swisstopo, and the GIS User Community



Wetlands  
Figure 2









**NOTES TO USERS**

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The community map repository should be consulted for possible updates or additional flood hazard information. Special Flood Hazard Areas were determined by approximate study methods. Therefore, no Flood Insurance Study report was developed.

The production of this map was based on the National Geodetic Vertical Datum of 1985. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information on the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of the FIRM.

Flood elevations on this map are referenced to the North American Vertical Datum of 1985. These flood elevations must be compared to structure and ground elevations referenced to the same vertical datum. For information on the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of the FIRM.

NGS Information Services  
 NOAA, NIMS12  
 National Geodetic Survey  
 SSMC-3, #9202  
 515 East-West Highway  
 Silver Spring, Maryland 20910-3282  
 (301) 713-3242

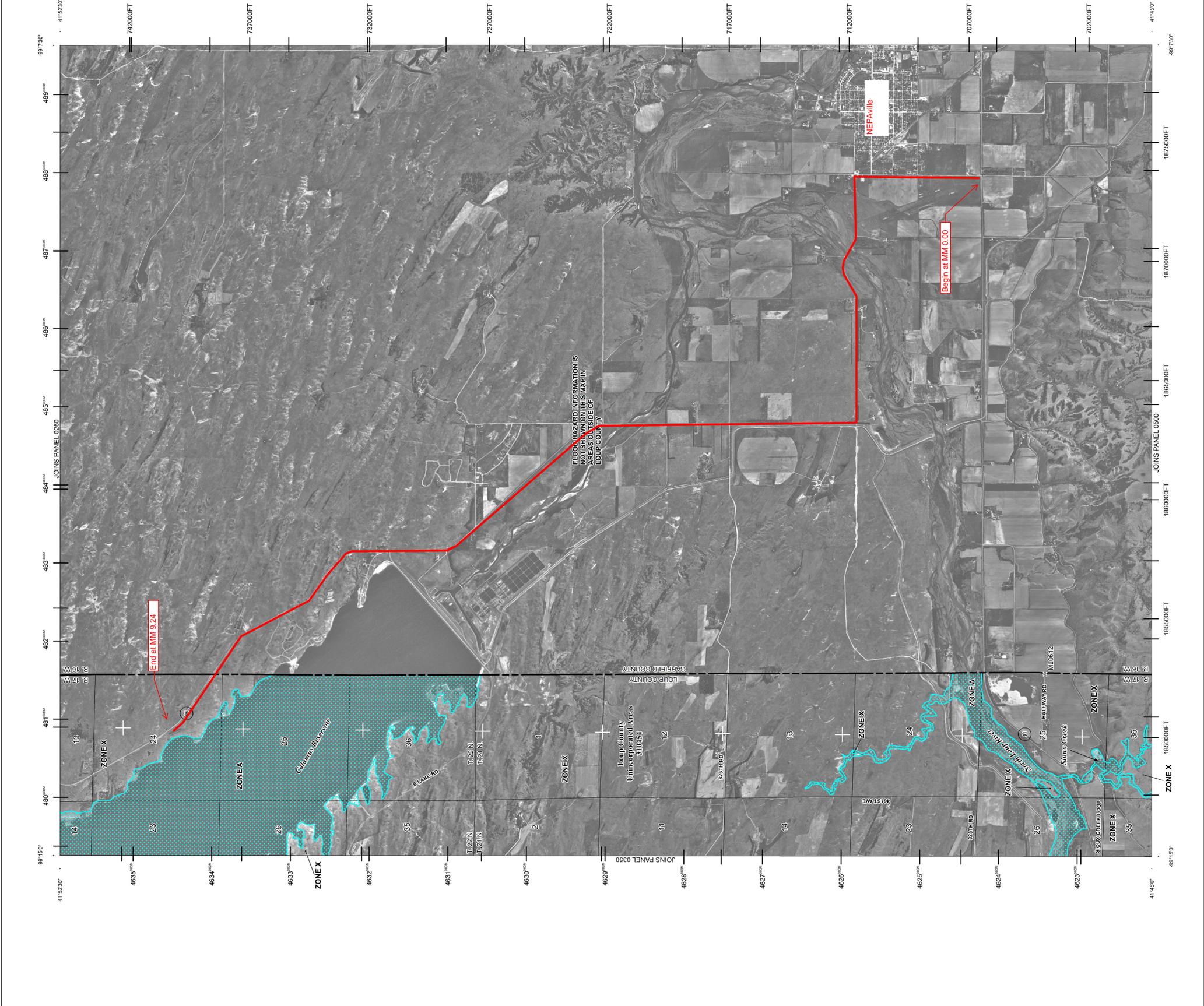
To obtain current elevation, description, and/or location information for benchmarks shown on this map, please contact the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by the Nebraska Department of Natural Resources. This information was originally completed at a scale of 1:12,000 from aerial photography dated 1993 or later.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may occur, users should consult the appropriate corporate limit locations. Please refer to the separately printed Map Index for an overview map of the county showing the layout of map panels, community map repository addresses, and dates for each community as well as a listing of the panels on which each community is located.

Contact the FEMA Map Service Center at 1-800-655-9616 for information on how to obtain a copy of this FIRM. Please refer to the community map repository address previously issued. Letters of Map Change and/or digital versions of this map. The FEMA Map Service Center may also be reached by Fax at 1-800-358-9620 and its website at <http://www.msc.fema.gov>.

If you have questions about this map or questions concerning the National Flood Insurance Program in general, please call 1-877-FEMA-MAP (1-877-338-2627) or visit the FEMA website at <http://www.fema.gov>.



**LEGEND**

**SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD**

The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to inundation by the 1% annual chance flood. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.

**ZONE A**  
 No Base Flood Elevation determined.

**ZONE AE**  
 Base Flood Elevation determined.

**ZONE AH**  
 Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevation determined.

**ZONE AO**  
 Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevation determined. No areas of flow on sloping terrain; no areas of flow on flooding, vehicles also determined.

**ZONE AR**  
 Area of special flood hazard formerly protected from the 1% annual chance flood event by a flood control system that was subsequently abandoned. Zone AE indicates that the former flood control system is no longer in operation. Zone AR indicates that the former flood control system is in operation and provides protection from the 1% annual chance or greater flood event.

**ZONE A99**  
 Area to be protected from 1% annual chance flood event by a Federal flood protection system under construction; no Base Flood Elevations determined.

**ZONE V**  
 Areas with velocity hazard (wave action); no Base Flood Elevations determined.

**ZONE VE**  
 Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.

**FLOODWAY AREAS IN ZONE AE**

This floodway is the channel of a stream plus adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.

**OTHER FLOOD AREAS**

Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.

**OTHER AREAS**

Areas determined to be outside the 0.2% annual chance floodplain.  
 Areas in which flood hazards are undetermined, but possible.

**COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS**

**OTHERWISE PROTECTED AREAS (OPAs)**

CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.

1% annual chance floodplain boundary  
 Floodway boundary  
 Zone D boundary  
 Zone D OPA boundary  
 Boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths or flood velocities.  
 Base Flood Elevation line and value elevation in feet\*  
 Base Flood Elevation value where uniform within zone;  
 elevation in feet\*  
 Cross section line  
 Transect line

\*Referenced to the North American Vertical Datum of 1988 (NAVD 88)

97°07'30", 32°22'30"  
 4276'  
 6000000 FT  
 DX5510 x  
 • M1.5

Geographic coordinates referenced to the North American Vertical Datum of 1988 (NAVD 88)  
 100-foot grid values: UTM Easting, UTM Northing, UTM Zone  
 500-foot grid values: Nebraska State plane coordinate system (FIPS ZONE 2600), Lambert projection  
 Bench mark (see explanation in notes to Users sections of the FIRM panel)  
 River Mile

**MAP REPOSITORIES**  
 Refer to listing of Map Repositories on Map Index

**EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP**  
 MAY 16, 2008

**EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL**

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.  
 To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-658-6620.

**MAP SCALE 1" = 2000'**

1000 0 1000 2000 4000 FEET  
 600 0 600 1200 METERS

**NFIP**

**PANEL 0375B**

**FIRM FLOOD INSURANCE RATE MAP**  
**LOUP COUNTY, NEBRASKA**  
**AND INCORPORATED AREAS**

**PANEL 375 OF 500**  
 (SEE MAP INDEX FOR FIRM PANEL LAYOUT)

**CONTAINS:**  
 NUMBER PANEL SUBJECTS 310454 0375 B  
 COMMUNITY LOUP COUNTY

**NATIONAL FLOOD INSURANCE PROGRAM**

**MAP NUMBER 3115C0375B**  
**EFFECTIVE DATE MAY 16, 2008**

**Federal Emergency Management Agency**

Notes to User: This Map Number should be used when placing map orders. The Community Number shown should be used on insurance applications for the subject community.

