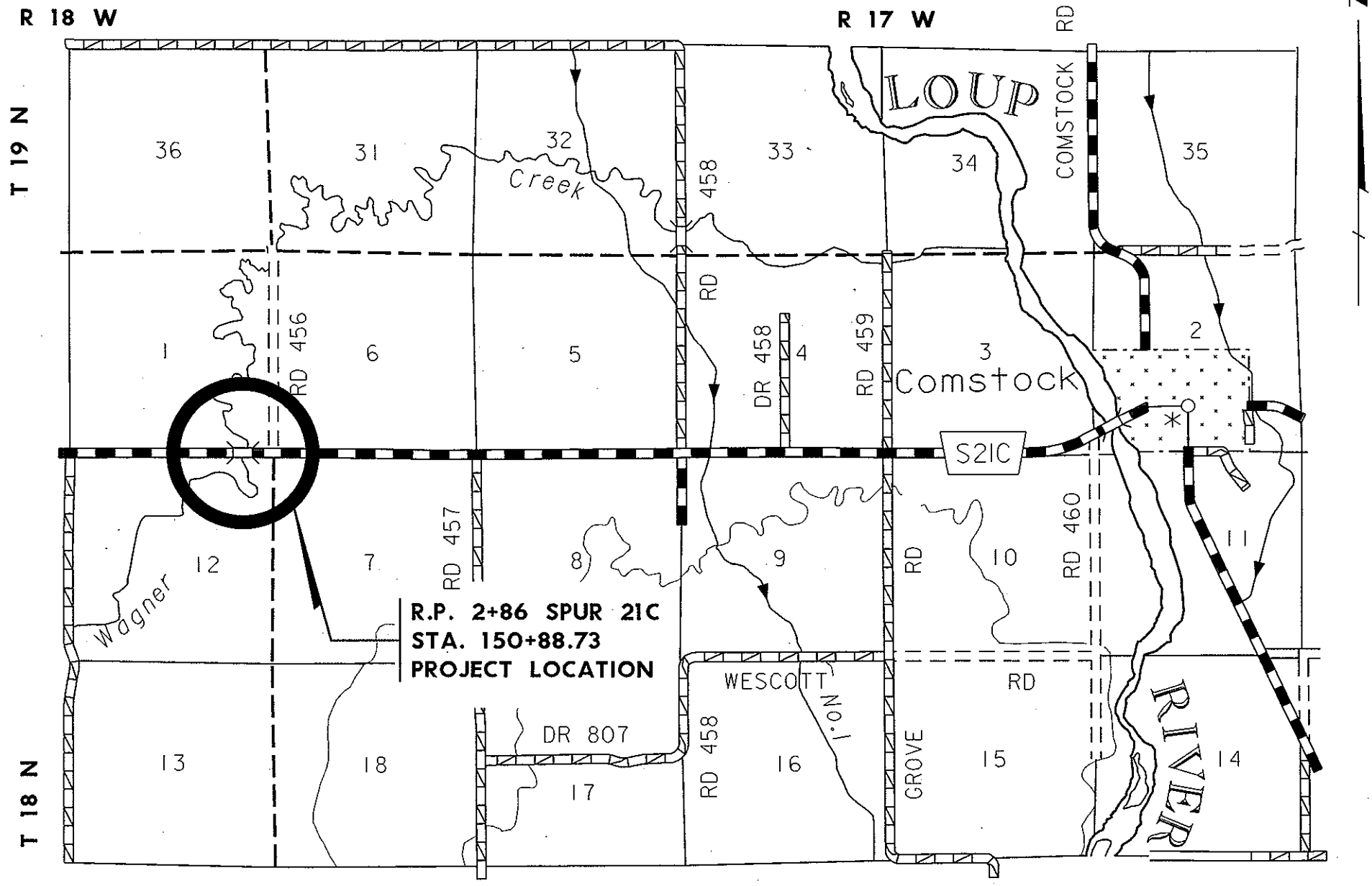
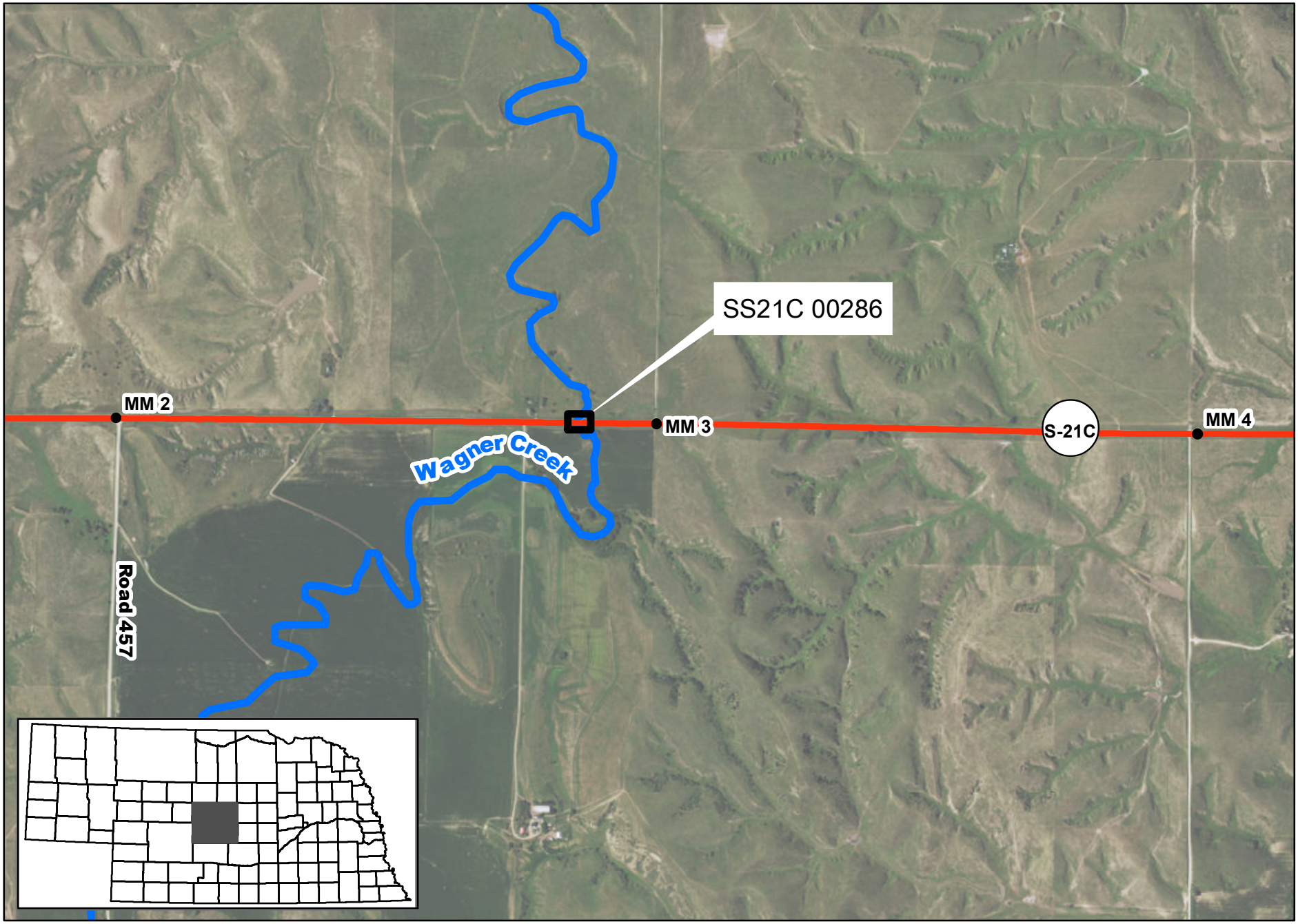
# COMSTOCK SPUR BRIDGE
# S21C (103)

**C.N. 61582 BOOK 6025**

**CUSTER COUNTY**



Location Map




0.5 Miles

# Comstock Spur Bridge

*Project No. STP-S21C(103)*

*CN 61582*

Custer County

# Section 4(f) Initial Assessment Form

***May 29, 2015***

| Project Name | Project Number |
|---|---|
| Comstock Spur Bridge | STP-S21C(103) |
| **Control Number** | **Date Completed** |
| 61582 | February 23, 2016 |
| **Project Location *(Town, County)*** | **Name of Preparer** |
| State Spur 21C in Custer County | Steve Lane, AICP, WSP\|Parsons Brinckerhoff |

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.

N/A

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 Maps, Nebraska Water Trails Guide, Nebraska Game and Parks Interactive Map, NGPC Nebraska State Parks map, NGPC Owned or Managed Sites, US Fish and Wildlife Service Wildlife Refuges, US Fish and Wildlife Service Wilderness Areas, US Fish and Wildlife Waterfowl Production Areas.<br><br>In addition, based on a telephone conversation on February 23, 2016 with the Custer County Planning and Zoning Administrator, no parks, recreation areas or wildlife/waterfowl refuges occur within or near the project area. |

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.

| |
|---|
| No potential Section 4(f) properties are present within the proposed project study area. |

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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.

| |
|---|
| N/A |

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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.

| |
|---|
| N/A |

---

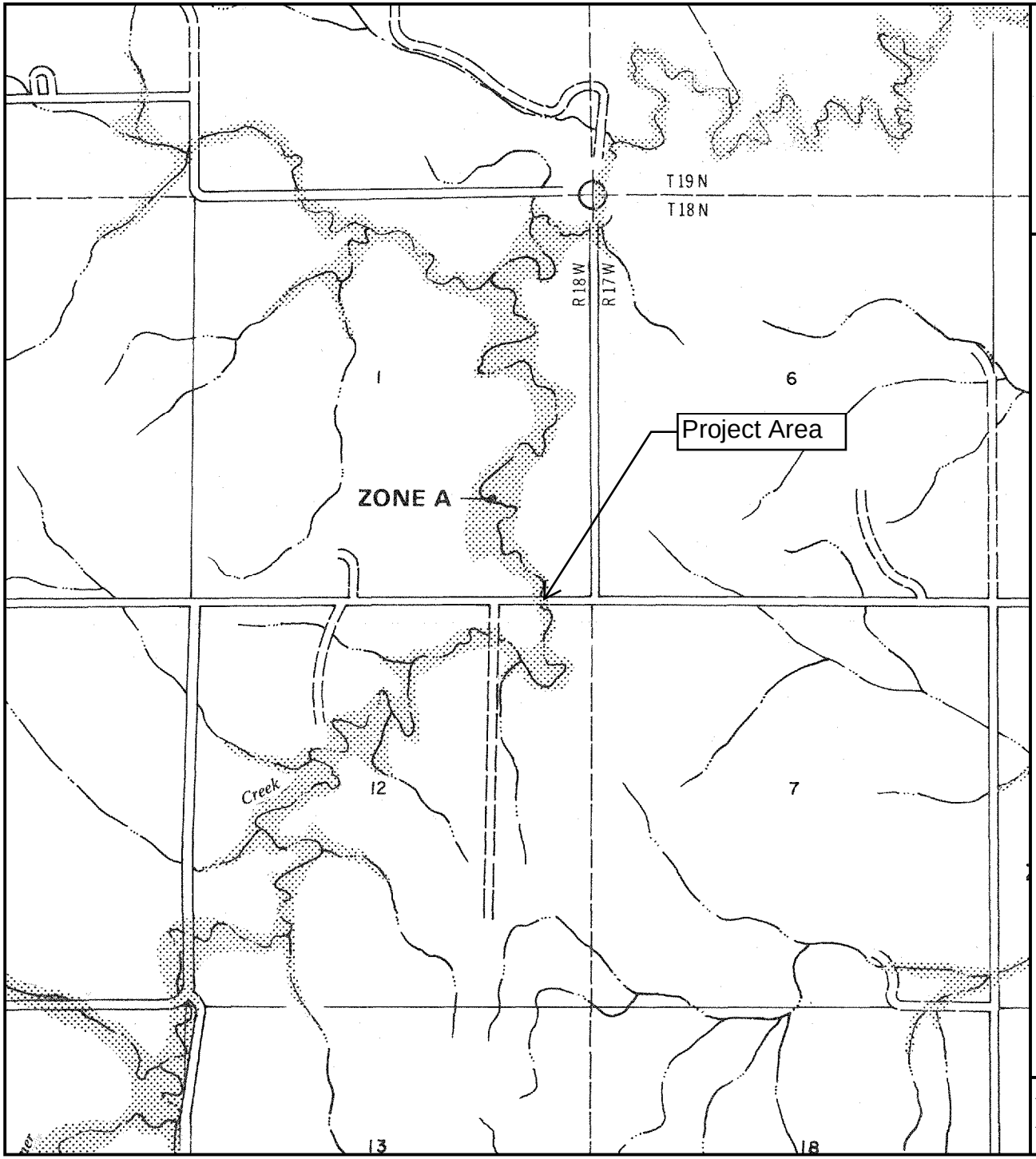
NDOR Reviewer Approval Signature: Date:

Digitally signed by Carmen Pellish
DN: cn=Carmen Pellish, o=NDOR Environmental, ou=NEPA Specialist, email=carmen.pellish@nebraska.gov, c=US
Date: 2016.02.25 08:03:16 -06'00'

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




APPROXIMATE SCALE IN FEET

2000 0 2000

North

FLOOD HAZARD BOUNDARY MAP

**CUSTER COUNTY, NEBRASKA**

UNINCORPORATED AREA

PAGE 10 OF 30

(SEE MAP INDEX FOR PAGES NOT PRINTED)

STP-S21C-(103)
CN 61582
Comstock Spur Bridge

**EFFECTIVE DATE:**
MARCH 14, 1978

CONVERTED BY LETTER
EFFECTIVE 3/1/02

**COMMUNITY - PANEL NO.**
310428 0010 A

**U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**
FEDERAL INSURANCE ADMINISTRATION

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

# Wetlands PQS Memorandum

**DATE** 2/17/2016

**TO** Carmen Pellish, NDOR EDU

**FROM** Mary Schroer, NDOR EPU

**SUBJECT** Wetlands PQS Memo
Project No: STP-S21C(103)
Control No: 61582
Project Name: Comstock Spur Bridge

☒A wetland delineation was completed 5/8/2015
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, <u>potential</u> impacts and anticipated permit type** (*Include estimated permanent wetland impacts (acres). If known, also provide estimated temporary wetland impacts (acres), estimated channel impacts (linear feet/acres), special wetland areas, cause of impacts, and any Nationwide Permit information.*): Based on DR290 and wetland delineation, no impacts to wetlands (permanent or temporary) are anticipated. Permanent impacts to channel are estimated at 0.005 acres and 76.60 linear feet. Temporary channel impacts are estimated at 0.01 acre and 151 linear feet. Permanent impacts result from replacing the existing bridge with a triple concrete box culvert. Tempory impacts result from channel shaping to allow for positive water flow from the perched roadside drainages to the creek. Under the NWP #14, if there are no wetland impacts and the permanent channel impacts are under 0.10 acre, no pre-construction notification (PCN) is required. Thus, no PCN submittal is anticipated to the Corps.

**Cowardin Class Impacted** (*Select all that apply*)
☐ Palustrine ☐ Riverine ☐ Lacustrine ☒ Not Applicable

**Describe any coordination conducted to date with officials/agencies** (*Include: Any coordination with USACE)*: None

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

***Wetlands/Waters of the U.S. Commitments:***

The Contractor shall not stage, store, waste or stockpile materials and equipment in undisturbed locations, or in known/potential wetlands and/or known/potential streams that exhibit a clear "bed and Bank" channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation (at lower elevations) from the surrounding upland areas.

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

**Select one of the following:**

☐ No wetland impacts are anticipated for this project; however, if impacts are found during design, the required permits shall be obtained prior to letting. NDOR Environmental shall reevaluate the project for the change in impacts. All wetlands within the project area shall be marked on the project plans and on the Green Sheet for the Contractor as avoidance areas. (NDOR Design, NDOR Environmental)

☒ The project qualifies under a Nationwide Permit #14 (non-notifying) and impacts only to Waters of the U.S. are anticipated. The contractor shall adhere to the permit conditions, including regional and general conditions, during construction. (Contractor)

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

***Project Description:***

This bridge replacement project is located on State Spur 21C in Custer County, at mile marker (MM) 2+86, 4.26 miles west of Comstock. Construction may begin and/or end approximately 200 feet ahead of or beyond the ends of the structure to accommodate the work on the adjacent pavement, guardrail and foreslopes.

The existing approach roadway on this segment of S-21C consists of two 12 foot wide asphalt lanes and 2.5 foot wide earth shoulders. The clear roadway width of this structure is 28 feet.

The scope of work for this project consist of replacing the existing bridge with a concrete box culvert, grading of the adjacent foreslopes, grading of the ditches to establish positive drainage through the new box culvert, reconstructing the adjacent roadway, earth shoulder construction and removing the existing guardrail by grading. A hydraulic analysis conducted by Bridge Division determined that a concrete box culvert is a sufficient replacement option for the existing bridge.

Scope details include:

- The bridge (Structure Number SS21C00286) over Wagner Creek will be removed and replaced with a triple 12' x 10' concrete box culvert.
- A profile change to the existing roadway will not be needed. The will be no grade raise associated with this project.
- Work within the channel will be required to remove the existing structure and to construct the new box culvert.
- Grading along the foreslopes as well as the ditches at the existing bridge location will be required for the bridge replacement.
- The guardrail for the existing structure will no longer be required. Additional grading along the foreslopes adjacent to the new box culvert location will be necessary. Some grading within the ditches will be required to establish positive drainage.

- Pavement will be removed and replaced adjacent to the structure as necessary to facilitate the bridge replacement.
- New full depth paving will be placed over the new box culvert. The reconstructed roadway will consist of 8 inch surfacing on a prepared subgrade.
- Temporary pavement widening will be required during construction to accommodate construction phasing requirements.
- Project surveying and staking will be required.
- Areas disturbed during construction will be stabilized utilizing NDOR approved erosion control methods as set forth within the SWPPP.
- Permanent pavement markings will be applied to all new surfacing.
- Additional property rights will be required to build this project.
- An existing fence line will need to be removed and replaced back to its original location to accommodate construction. A small portion of the existing fence will need to relocated to accommodate the new State ROW line.
- Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements.
- This project will be constructed under traffic with lane closures controlled with approved temporary traffic control devices.
- A temporary signal will be required during phased construction.

| PROJECT NO. | SHEET NO. |
|---|---|
| S21C(103) | 2-W |

C.N. 61582

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE

# COMSTOCK SPUR BRIDGE
## CUSTER COUNTY

LEGEND
- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

DATE: 08/07/2010
FLIGHT: ESRI WORLD
SCALE: 1" = 50'

ROADWAY DESIGN DIVISION
Computer: DRDESIGN147
User: dar13017
Date: 09-MAR-2015 07:40
File: 615820da01.dgn
Scale: 1:100

# Biological Assessment Memorandum

| | |
|---|---|
| DATE | 7/28/2015 |
| TO | Shannon Sjolie, NEPA Project Manager |
| Cc | Justin Williams, EPU Project Manager |
| FROM | Melissa Marinovich, T&E Species Biologist |
| SUBJECT | Comstock Spur Bridge; STP-S21C(103); CN 61582<br>Threatened & Endangered Species Concurrence |

The biological assessment final approval on: **7/28/2015**

**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: **Northern Long-Eared Bat**.

☐ This BA required FHWA Review and Approval.

FHWA Concurrence Date: Click here to enter a date.

☐ This BA required further consultation with the resource agencies (Level 2).

USFWS Concurrence Date: Click here to enter a date.

NGPC Concurrence Date: Click here to enter a date.

☐ Unique conservation conditions were developed and are included below (Level 3).

☐ A "May Affect, Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: (Level 3).

Additional Coordination with Other Tribal or Federal Agencies: Click here to enter text.

Description of Coordination:

**Bald and Golden Eagle Protection Act:**

This project was also reviewed for potential impacts to bald and golden eagles. NDOR believes the project site does not have appropriate habitat for eagles. Due to the lack of suitable habitat and information that there are no known bald 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 determination has been completed for this project; however, impacts are not yet available. Based on current project design, this project may require a Section 404 permit from the Corps of Engineers, but it is not yet determined at this point.

**Conservation Conditions:** *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)

**Northern Long-Eared Bat:**

**NLEB-1** Tree clearing and bridge removal activities will be scheduled to occur between October 1st – March 31st to avoid impacts to the northern long-eared bat roosting period. (NDOR Environmental, Construction, Contractor)

**OR**

**NLEB-2** If tree clearing, or removal of bridge structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: ***Structure SS12C 00286*** (*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)

Nebraska Department of Roads

Planning and Project Development

# Hazardous Materials Memorandum

**Date:** February 2, 2016

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

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

**Subject:** Hazardous Materials Review Memo for the NDOR Project Comstock Spur Bridge (C.N. 61582).

## Overview

A hazardous materials review (HMR) was completed by Parsons Brinckerhoff for the Comstock Spur Bridge project and approved by NDOR on February 2, 2016. A HMR was required for this project because the scope of work exceeds the project exemptions. 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. The HMR can be found in the NDOR project file.

## Hazardous Material Site Discussion

The HMR did not identify any facilities where past releases have occurred within the hazardous materials study area. In addition, no Superfund sites were identified near the project.

## Asbestos

The Comstock Spur Bridge project includes replacement of bridge structure SS21C00286. The structure was inspected for the presence of asbestos-containing material (ACM). No suspect ACM was found to contain asbestos. No contractor commitments are required. NDOR shall submit the National Emission Standards for Hazardous Air Pollutants (NESHAP) notification to NDEQ prior to demolition of the bridge structure.

## Lead Commitments

The bridge, structure number SS21C00286, is being replaced. There is potential for lead based paint to be found on the bridge's painted components. If the method of removal of the

components 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 Hazardous Waste Regulations. Extreme caution shall be taken to minimize the amount of potential lead based painted material or debris from causing or threatening to cause pollution of the air, land and waters of the State. The Contractor shall recycle any lead bearing plates and/or lead shims at a legitimate recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations . The Contractors implementation plan efforts shall be documented in ECOD.

**Unexpected Waste Commitment**

If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material shall stop until NDOR/FHWA is notified and a plan to dispose of the Hazardous Materials has been developed. Then NDEQ shall be consulted and a remediation plan shall be developed for this project. The potential exists to have contaminants present resulting from minor spillage during fueling and service associated with construction equipment. Should contamination be found on the project during construction, the NDEQ shall be contacted for consultation and appropriate actions to be taken. The Contractor is required by NDOR's Standard Specification section 107 (legal relations and responsibilities to the public) to handle and dispose of contaminated material in accordance with applicable laws (NDOR District, Contractor).

Sincerely,

Will Packard 2/2/16

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

Nebraska Department of Roads

Planning and Project Development

# Noise Study Determination Memo

**Date:** February 2, 2016

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

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

**Subject:** Noise Study Determination Memo for the NDOR Project Comstock Spur Bridge (C.N. 61582) in Custer County, NE

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

Sincerely,

Will Packard 2/2/16

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

# Probable Class of NEPA Action Form

**Attach the DR 530 for an LPA project, DR-73 for a State project, and an aerial location map of the project which includes project start and end points.*

| Date this DR-53 was Completed: | Control Number: *(NDOR Completes)* | Project No.: *(NDOR Completes)* |
|---|---|---|
| 9/23/14 | 61582 | STP-S21C(103) |

Project Name:
Comstock Spur Bridge

☐ LPA Project ☒ State Project

Local Public Agency or NDOR District and County Project Located In:
NDOR District 6, Custer County, Nebraska

| **Answer the following questions: (*See Instructions*)** | **Yes** | **No** |
|---|---|---|
| 1. Would the project construct a new roadway on a new location? | ☐ | ☒ |
| a. If yes, would the new roadway have 4 or more lanes? | ☐ | ☐ |
| 2. Would the project create a new access controlled freeway facility? | ☐ | ☒ |
| 3. Would the project include a new interchange? | ☐ | ☒ |
| 4. Is it likely the project would disturb any ground outside the existing paved roadway surface? | ☒ | ☐ |
| 5. Is it likely the project would add capacity *(adding thru lanes to a road, fly-by lane, passing lane, auxiliary or turn lane that is > or = 1 mile in length)* to an existing roadway? | ☐ | ☒ |
| 6. Is it likely the project would close a road, bridge, or access for more than 3 consecutive days? | ☐ | ☒ |
| 7. Is it likely the project would disturb natural ground *(soil)* below or beyond existing fill material? | ☒ | ☐ |
| 8. Is it likely the project would require the acquisition of right-of-way *(ROW)*, including permanent easements and/or temporary construction easements? | ☒ | ☐ |
| a. If yes, is it likely more than 1.5 acres per linear mile of ROW or easements would be needed? | ☐ | ☒ |
| b. If yes, is it likely farmland would be purchased? | ☐ | ☒ |
| c. Is it likely the project would require homes, businesses, or farms to be relocated? | ☐ | ☒ |
| 9. Is it likely the project would change access control rights to an existing roadway? | ☐ | ☒ |
| 10. Is there known public opposition or controversy related to this project or is it anticipated? | ☐ | ☒ |
| 11. Is additional outreach proposed beyond the program hearing/meeting? | ☒ | ☐ |
| 12. Are there any Section 4(f) properties *(including: publicly owned parkland, trail, wildlife refuge, or known historic properties)* present along or within 0.25 mile of the project? | ☐ | ☒ |
| a. If yes, is it likely the project would impact a Section 4(f) property? | ☐ | ☐ |
| 13. Based on past experiences or to your knowledge, is the project adjacent to structures that are 50 years old or older, or are there any known historic structures in the project area? | ☐ | ☒ |
| 14. Would the project affect an eligible historic bridge? | ☐ | ☒ |
| 15. Based on past experiences or to the best of your knowledge, are there any State or Federally listed Threatened or Endangered Species or critical habitat within the project area? | ☒ | ☐ |
| 16. Are any of the following water bodies located within the project limits? ☒ Creek or Stream Channel ☐ Lake ☐ River ☐ Drainage Ditch ☐ N/A | | |
| a. If any water bodies are in the project limits, then how often is water present in them? ☐ Always present ☒ Sometimes present ☐ Rarely present ☐ N/A | | |
| b. Is it likely the project would impact any of the following? *(Check all that apply)* ☒ Creek or Stream Channel ☐ Lake ☐ River ☐ Drainage Ditch ☐ N/A | | |

17. To your knowledge, do any of the following exist within or adjacent to the project limits? *(Check all that apply)*

- ☐ Above or below ground storage tanks
- ☐ Past chemical spills or releases
- ☐ Operational and/or closed dump or landfill
- ☐ Industrial or commercial areas
- ☒ None known

18. Do any of the following statements describe areas within the project limits? *(Check all that apply)*

- ☐ There is standing water in the project area.
- ☐ There area areas that hold water longer after it rains and/or do not drain well.
- ☒ There are areas that appear to be soggy or swampy.
- ☐ There are known wetlands in the project area.
- ☐ Wetland plants are located in the project area *(e.g., cattails, reed-canary grass)*

a. If any boxes were checked in 18 above, is it likely any of those areas would be impacted by project construction? ☒ Yes ☐ No

19. I have attached an aerial location map to this form which shows the project location and contains enough detail for someone from the public to find the project site. ☒ Yes

Please add any additional comments to support the information in this form. *(*Include any public involvement that has occurred.)*

Question 15: Small White Lady's Slipper and Whopping Crane have been identified within 5 miles of the project site.

**Document Preparer's Signature:**

*I certify the information in this form accurately reflects what I know about this project at this time.*

| Carmen Pellish | Carmen Pellish | 9/23/2014 |
|---|---|---|
| *(Print Name)* | *(Signature)* | *(Date)* |

NDOR-NEPA Specialist

*(Organization and Title)*

| 402-479-4413 | carmen.pellish@nebraska.gov |
|---|---|
| *(Phone – include Area Code)* | *(Email)* |

## The following is for NDOR Use Only

### *Environmental Justice/Title VI/*LEP

**Civil Rights Staff completes the following:**

Does the study area contain high concentrations of low-income or minority populations when compared to the area surrounding the study area and/or the city/county as a whole? ☐ Yes ☒ No

Does 5% or greater, or 1,000 persons or greater, or the affected population primarily speak a language other than English and also speak English "less than very well"? ☐ Yes ☒ No

If yes to any of the questions above, please describe what kind of analysis is recommended for the project based on the project scope and project description. ☐ Yes ☐ No

Chris Hassler (Print Name) — Hwy Civil Rights Specialist (Signature and Title) — 9/24/14 (Date)

Civil Rights Staff Comments: *(Early Guidance for the Project Proponent)*

### *Noise and Air Study*

**Noise & Air Section completes the following:**

Is a noise analysis warranted* *(Type I Project)*? ☐ Yes ☒ No

Is an air analysis warranted? ☐ Yes ☒ No

MSAT Analysis Level (Check one) ☒ 1 ☐ 2 ☐ 3

If yes, please identify the type(s) of analysis required.

* Note to Project Sponsor: If the vertical or horizontal alignment is changed, or if the design capacity is modified after DR-53 approval, reconsult with the Noise and Air staff.

Will Packard (Print Name) — Env. Specialist (Signature and Title) — 9/24/14 (Date)

Noise and Air Staff Comments: *(Early Guidance for the Project Proponent)*

### *Public Involvement*

**Public Involvement Coordinator completes the following:**

Based on the NDOR PIP, the DR-53 Guidelines, or characteristics of the project scope, location or community, is additional outreach required beyond the project's program meeting or what is proposed? ☒ Yes ☐ No

If yes, what type of additional public involvement is recommended:

☒ Public Involvement Campaigns *(i.e., targeted mailings, new release, etc.)*
☐ Public Meeting
☒ Other

Sarah Kugler (Print Name) — Pub. Involvement Coordinator (Signature and Title) — 10/7/14 (Date)

Public Involvement Coordinator Comments: *(Early Guidance for the Project Proponent)*
Based off the current scope, we recommend a targeted mailer to landowners along the project area and coordination with the airport.

***Probable Class of NEPA Action***

**NDOR Environmental Section completes the following:**

NDOR has reviewed this form and recommends the following Probable Class of NEPA Action for this project:

- ☒ Programmatic Categorical Exclusion or Categorical Exclusion
- ☐ Environmental Assessment
- ☐ Environmental Impact Statement

| Carrie Wencel | NDOR Envir. Analyst | 9.23.14 |
|---|---|---|
| *(Print Name)* | *(Signature and Title)* | *(Date)* |

NDOR Comments: *(Early Guidance for the Project Proponent)*
Will need wetlands review

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**FHWA Concurrence on NDOR's Recommended Probable Class of NEPA Action for this project:**

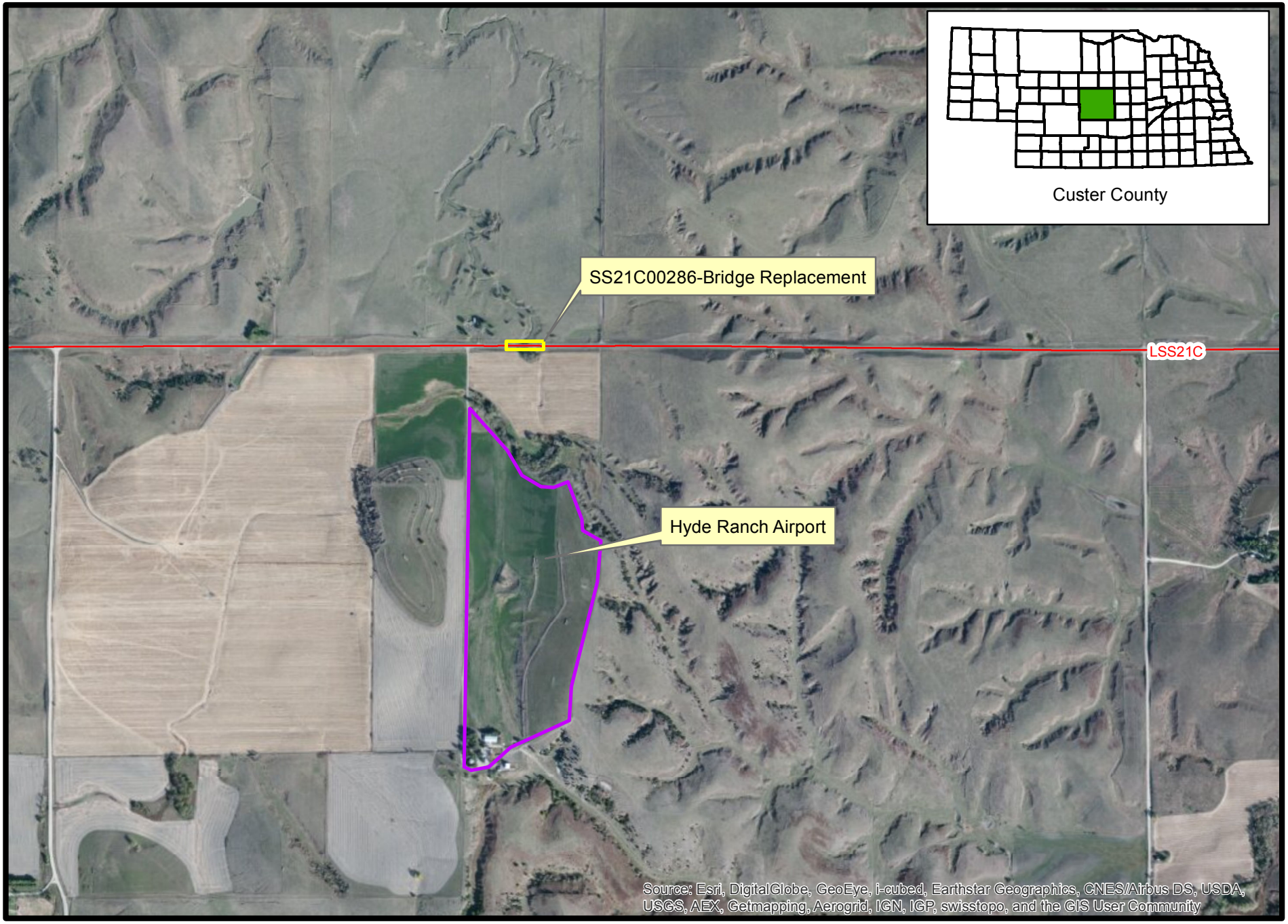
Digitally signed by MELISSA G MAIEFSKI
DN: c=US, o=U.S. Government, ou=DOT FHWALincolnNE, ou=FHWA FHWALincolnNE, cn=MELISSA G MAIEFSKI
Date: 2014.10.20 13:56:09 -05'00'

| | | |
|---|---|---|
| *(Print Name)* | *(Signature and Title)* | *(Date)* |

FHWA concurrence is based on the information known at the time of coordination. This is the probable class of NEPA action and is subject to change as the proposed project progresses and more information is learned about the project, surrounding area, and impacted resources.

FHWA Comments: *(Early Guidance for the Project Proponent)*

# 61582_STP-S21C(103)_Comstock Spur Bridge




0 0.225 0.45 0.9 Miles

N W E S

**Civil Rights Data, CN 61582, STP-S21C(103), Comstock Spur Bridge**

The Limited English Proficiency data for this project 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 Older |
|---|---|---|---|
| Tract 9717 | 2.1% | None | About 2,690 |

* These figures reflect the population of an area that speaks a language other than English, and also speaks English "Less than Very Well." American Community Survey, 2008-2012 Data, Table B16001.

The Environmental Justice Data for this project is as follows:

| Area | Minority Population | Hispanic Population | Population Below the Poverty Level |
|---|---|---|---|
| Tract 9717 | 2.1% | 1.2% | 10.3% |
| Custer County | 3.5% | 2% | 8.4% |

Minority and Hispanic data from 2010 Census SF1 Table P5. Poverty Data from American Community Survey, 2008-2012 Data, Table DP03.

To: NDOR Environmental
From: Sarah Kugler, Public Involvement Manager, NDOR
Date: 19 February, 2016
RE: Public Involvement Summary Report, STP-S21C(103) Comstock Spur Bridge; C.N. 61582

**Public Involvement Outreach Requirements for Public Involvement: C.N. 61582, STP-S21C(103), Comstock Spur Bridge**

Based on an analysis of the project scope and a civil rights analysis, NDOR Public Involvement had determined that no additional public involvement activities were necessary and/or anticipated during the NEPA process. Upon coordination with FHWA, it was recommended to proceed with early coordination with a privately owned airport located approximately one-half mile south of the project, preferably during NEPA. Following extensive research, Mr. Gordon Hyde, property owner of the Hyde Ranch Airport, has since moved from Comstock to Omaha, Nebraska. NDOR Public Involvement has reached out to Mr. Hyde via postail mail notifying him of the proposed project, and offered contact information for any comments, questions, and or concerns.

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., Director
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

February 18, 2016

Gordon Hyde
2112 N 152nd Cir
Omaha NE 68116

Re: Project No. STP-S21C(103)
Also Known As: Comstock Spur Bridge
Control No. 61582

Dear Mr. Hyde:

The Nebraska Department of Roads (NDOR) is proposing a project located along Nebraska Spur 21C (S-21C) at mile marker 2.86, which is approximately 2.86 miles east of the junction of S-21C and U.S. Highway 183 (US-183), in Custer County. The airport located on your property is approximately 0.5 miles south of the proposed project.

The construction would involve the removal and replacement of the bridge structure with a box culvert. The proposed project would be constructed under traffic with temporary widening during phased construction; no detour would be required, and approved temporary traffic control signals would be used. This project would require the acquisition of additional property rights for temporary easements. The proposed project would take approximately 60 working days.

Please feel free to contact me with any questions or concerns regarding this project.

NDOR understands that roadway construction may cause temporary inconvenience and hardships, but we are dedicated to improving Nebraska's highway system. With your help, we can achieve this goal.

Sincerely,

Sarah R. Kugler
Public Involvement Manager
Nebraska Department of Roads
(402) 479-4871
sarah.kugler@nebraska.gov

SRK/COM8-DJ

**From:** scott.stapp@dot.gov
**To:** Bui, Tony
**Cc:** Petracek, Sue; melissa.maiefski@dot.gov; Kugler, Sarah; Barber, Jon; Pellish, Carmen; Luther, Justin
**Subject:** RE: STP-S21C(103) Comstock Spur Bridge; CN 61582
**Date:** Tuesday, February 16, 2016 5:01:58 PM

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Hi Tony,

FHWA concurs that the public involvement approach described below for the above mentioned project meets NDOR's Public Involvement Procedure. There is a caution on the airport, however.

The information provided below states that the privately owned "Hyde Ranch" airport is approximately one-half mile south of the project and that coordination with the airport would occur prior to construction. For the recent Hebron bridge reconstruction project, an FAA permit application was submitted during final design for a crane of 150 feet high. FAA responded that any crane over 44 feet in height would be a hazard to the runway and would not be permitted. As a result, design and construction methods were reconsidered for the project, but the project was within days of being let.

Although the regulations governing private airports differs from public airports, waiting until before construction to coordinate with the airport introduces too much risk (bidability for contractor, risk of redesign while in construction, downtime charges, etc.). Instead FHWA recommends that coordination begin much sooner than final design, preferably during NEPA.

Let me know if you have any questions.
Scott
P/ENV/Involve

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**From:** Bui, Tony [mailto:tony.bui@nebraska.gov]
**Sent:** Tuesday, February 16, 2016 11:52 AM
**To:** Stapp, Scott (FHWA)
**Cc:** Petracek, Sue (FHWA); Maiefski, Melissa (FHWA); Kugler, Sarah; Barber, Jon; Pellish, Carmen
**Subject:** STP-S21C(103) Comstock Spur Bridge; CN 61582

Scott,

As shown in the DR-53 (attached), a targeted mailer was recommended by NDOR Public Involvement in fall of 2014 for the proposed *Comstock Spur Bridge* project. NDOR Public Involvement believes this outreach is no longer appropriate, per the Programmatic Agreement and Public Involvement Procedure.

The proposed project is located along Nebraska Spur 21C (S-21C) in Custer County, approximately 2.86 miles east of the junction of S-21C and U.S. Highway 183 (US-183), at mile marker (MM) 2+86. The proposed improvements on this project consists of removal and replacement of the bridge structure (SS21C 00286) with a box culvert. The current traffic count is approximately 265 ADT, with 7% Heavy Trucks. The proposed project would be constructed under traffic with temporary widening during phased construction; no detour would be required and approved temporary traffic control signals would be used. The project would require ROW acquisitions for temporary

easements (approximately 0.87 acres). Wetland/Channel impacts are anticipated due to the bridge replacement and would be mitigated at an existing wetland bank. No 4(f) or 6(f) properties were identified within or adjacent to the project. There are no public airports located within five miles of the project limits; however, there is the privately owned "Hyde Ranch" airport approximately one-half mile south of the project, whom would be coordinated with prior to construction. Impacts to the airport are not anticipated. The proposed project would take approximately 60 working days.

Upon re-evaluation of the proposed project, NDOR Public Involvement believes that the recommended outreach is no longer necessary. Additional public involvement activities are not anticipated at this time.

Please let me know if you have any questions.

Thank you!

**Tony Bui**
*Public Involvement Specialist*
Communication Division
Nebraska Department of Roads
Office: (402) 479-4994
Cell: (402) 326-2316
Fax: (402) 479-3989
*tony.bui@nebraska.gov*