



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

CE Review Level:

1 2 3 Re-evaluation

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

Appendix: A B C D E F G H I J K L M N O P Q R S T U V W X Y Z Other

Paragraph: 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

Project Name:

Snyder West

Project Number:

STP-91-6(110)

Control Number:

22219

Location and Study Area:

6.07 miles of Nebraska Highway 91 (N-91) and 0.26 miles of Spur 27A (S-27A) located in Dodge County, Nebraska.

Environmental Study Area is confined to the length of this project (6.07 miles) plus a half mile on either end along N-91 from Mile Marker (MM) 182.84 to MM 188.91 and S-27A from MM 0.00 to MM 0.26, including the existing right-of-way (ROW) plus 50 feet beyond ROW for most of the project length, and extending to 150 feet beyond the ROW at the bridges and culverts for wetlands and most other resources. For regulated materials the study area extended to 0.1 mile, and for Section 4(f) resources, 0.25 miles beyond ROW.

Termini are based on limits identified by NDOR pavement management system, District 2 and previous construction projects on this segment of highway.

Begin Point(s):

MM 182.84 - (N-91), MM 0.00 - (S-27A)

End Point(s):

MM 188.91 - (N-91), MM 0.26 - (S-27A)

Highway Number, Street, etc.:

Nebraska Highway 91 (N-91), Spur-27A (S-27A)

Project Description:

This project would resurface 6.07 miles of N-91 and 0.26 miles of S-27A located in Dodge County. The N-91 segment starts at the Colfax – Dodge County line, at MM 182.84, and extends east to MM 188.91, 0.05 miles east of the west corporate limits of Snyder. The S-27A segment starts at the junction with N-91 at MM 0.00 and extends north to MM 0.26, the southwest corporate limits of Dodge and the end of state maintenance. 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-91 consists of two 12-foot wide asphalt lanes and 8-foot wide earth shoulders. A right turn lane exists on N-91 for westbound traffic turning north onto the Dodge Spur S-27A near MM 183.83 and again for westbound traffic turning north onto County Road 3 near MM 185.00.

The existing roadway on the segment of S-27A consists of two 12-foot wide asphalt lanes and variable width, 8 foot maximum, earth shoulders.

The improvements on this project along the N-91 segment consist of milling and trench widening the existing roadway 2 feet left and right (2 feet-6-inches trench with beveled edge) and surfacing with asphalt, resulting in a 28-foot wide surfaced top. There would be a grade raise at the new edge of pavement. The areas of MM 182.94 and MM 185.73 would be built to meet New and Reconstruction Standards with 10-inch surfacing on prepared subgrade to accommodate the bridge replacements. The bridge at MM 182.94 (Structure S091 18294) would be removed and replaced with an 80-foot slab bridge. The bridge at MM 185.73 (Structure S091 18573) would be removed and replaced. New approach sections would be constructed with grade beams on pile, an access crossing with pipes would also be constructed and the existing guardrail would be removed and rebuilt. The westbound right turn lane on N-91 at the intersection with S-27A near MM 183.83 would be designed as an offset right turn. The westbound right turn lane on N-91 at the intersection with County Road 3 near MM 185.00 would not be offset but would be lengthened as necessary to conform to current design standards.

The improvements on this project along the S-27A segment consist of milling and resurfacing the roadway with asphalt.

The height of the additional asphalt required to correct would vary along the horizontal profile. The maximum additional height above the top of the existing surfacing at the outside edge of the driving lane would be approximately 0.25 feet.

Scope details include:

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

- Culverts
- Turn Lanes
- Guardrail
- Mailbox turnouts
- Bridges
- Drives and intersections
- Removal of old substructure
- Shoulder widening and/or surfacing
- Earth shoulder construction
- Relocation of field entrances or drives
- Culverts
- Correction of superelevation - The height of the additional asphalt required to correct would vary along the horizontal profile. The maximum additional height above the top of the existing surfacing at the outside edge of the driving lane would be approximately 0.25 feet.
- Temporary shooflies for bridge work
- Culverts for temporary shooflies
- Culverts within the fixed lateral clear zone would be extended beyond the clear zone. Culvert headwalls within the fixed obstacle clear zone would be removed and replaced with flared end sections.
- Guardrail
 - Remove and replace guardrail with grading beyond the hinge point
- The existing bridge (Structure S091 18294) would be removed and replaced with an 80-foot slab bridge. Approach sections would be constructed with grade beams on pile. An access crossing with pipes would also be constructed. The existing guardrail would be removed and rebuilt.
- The existing bridge (Structure S091 18573) would be removed and replaced with a 110-foot x 40-foot clear roadway width bridge. Approach sections would be constructed with grade beams on pile. An access crossing with pipes would also be constructed. The existing guardrail would be removed and rebuilt.
- The existing asphalt would be milled prior to resurfacing.
- Longitudinal edge drains would be constructed along the existing and new pavement between MM 182.84 and MM 183.85. Temporary transverse drains would be constructed between the new concrete pavement and existing asphalt pavement, one back and one ahead of the structure at MM 182.94.
- Existing surfaced driveways and intersections would be resurfaced.
- Rock or gravel would be placed behind driveways and intersections to match the new asphalt.

- Field entrances and drives would be relocated to accommodate construction.
- Mailbox turnouts would be constructed.
- Surfacing would be placed under the guardrail.
- The existing earth shoulders would be embedded with crushed rock and 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.
- 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.
- 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.
- This project would be constructed under traffic with lane closures controlled with approved temporary traffic control.

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

N/A

Action is identified in the
 Current STIP Date:

Subsequent Phase:

Estimated Cost (\$):

3/15/2016	Construction	\$4,382,000
If the action qualifies for (c)(23), identify the federal portion (\$):		\$3,136,000

The numbers in the parentheses (x) indicate the level of CE review that will be required.

All technical assessment approvals shall be made by NDOR Professional Qualified Staff (PQS) responsible for the resource category and are indicated by "NDOR PQS Determination Date."

Right of Way and Property Impacts

1.1 **Easements/ROW** – Will the action require the acquisition of new temporary or permanent right-of-way (including easements)?

Yes (2) No (1) N/A

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

Yes (3) No (2)

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

The majority of the property required for ROW consists of stream channel adjacent to the existing ROW. The acquisition of the ROW is due to the two bridge replacements and a ditch clean-out.

1.4 Estimated Acres of Permanent ROW/Easements:

1.5 Estimated Acres of Temporary ROW/Easements

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

Yes (3) No (2) N/A

2.1 **Section 4(f)** – Will the action result in a Section 4(f) use or qualify for Section 4(f) Exception?

Yes (2) No (1) N/A

2.3 Describe resources, impacts, and the coordination conducted with officials/agencies (*including FHWA approval date(s)*):

One property, Fireman Park was located within the study area. The park is located to the south of the project alignment and there would be no use of park property. Access to the park would remain open throughout construction and no right-of-way would be required from the park.

3.1 **Section 6(f)** – Are there any Section 6(f) Land and Water Conservation Fund Act properties 36 CFR 59) within the study area?

Yes (1) No (1) N/A

Other Non-Threshold Property Impacts

4.1 Will the action take place on or adjacent to Tribal lands or other Federal lands?

Yes No

4.2 Will federal funds be used to relocate utilities, or will the project contractor be responsible for the relocation of the utilities?

Yes No Unknown

The following questions should only be answered when the action is processed for CE Level 2 or CE Level 3 determinations. These questions are not required for a CE Level 1 analysis.

4.3 **Trails** – Will the action involve construction of new trails on ROW not previously designated for trails?

Yes No

4.4 Farmland – Will the action result in impacts to prime or unique farmland?

Yes No

4.5 If Yes, does the affected property accumulate 60 points or more in Part VI of the NRCS-CPA-106 Form?

Yes No N/A

4.6 Describe resources, impacts, and the coordination conducted with officials/agencies (including FHWA):

The NRCS-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) form was submitted to Wayne Vanek of the Natural Resources Conservation Service (NRCS) on May 4, 2016 with a Part VI section assessment point total of 69. Mr. Vanek responded on May 4, 2016 stating that a Farmland Conversion Impact Rating For Corridor Type Projects form (NRCS-CPA-106) would not be needed on this project since the project is less than 0.4 acres of additional cropland would be taken out of production, thus, NRCS has determined that the Snyder West project was found to be cleared of Farmland Protection Policy Act (FPPA) significant concerns.

4.7 Describe Mitigation for Above Non-Threshold Resources:

Utilities:
Utility relocation or replacement is not anticipated for this project. If utility relocation or replacement is required in a later phase of the project, a reevaluation will be required if: (1) federal funds will be used for the utility work; or (2) the project construction contractor will be responsible for the work. If this utility work is identified during final design, the project sponsor will initiate the reevaluation prior to the project letting. If the work is identified during construction, the project sponsor will initiate the reevaluation prior to the commencing utility work. (NDOR Environmental, NDOR District)

If any one of the above two conditions do not apply, later relocation or replacement of utilities shall be coordinated through NDOR and the Contractor per NDOR's Standard Specifications for Highway Construction, Subsection 105.06. Any environmental permits required for these utility relocations or replacements shall be the responsibility of the Utility. (NDOR District, Utility Provider(s))

Water and Ecological Resources:

5.1 Wild and Scenic/National Recreational Rivers – Will the action cross or occur adjacent to a Wild and Scenic River, National Recreational River Segment, or a river listed on the nationwide rivers inventory, including its buffer area?

Yes* No N/A

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

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

Yes (1) No (1) N/A

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

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

Yes (3) No (1) N/A

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

Yes (3) No N/A

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

Work in a Zone A Floodplain for a unnamed tributary would occur at MM 182.95 to replace Structure S091 18294 with an 3-span, 80-foot concrete slab bridge and also at MM 185.73 to replace Structure S091 18573 with a 110-foot single span concrete bridge.

Zone A Floodplain for an unnamed tributary along S-27A at MM 0.26 (project end) would be encountered. No impacts to the floodplain are anticipated due to the scope of work at this location.

Zone A Floodplain for an unnamed tributary along N-91 at MM 186.52 would occur due to milling and trench widening the existing roadway 2 feet left and 2 feet right.

Nebraska floodplain regulations require any project that crosses a mapped, regulated Floodplain (100 year base floodplain) to obtain a floodplain permit. NDOR has acquired the proper floodplain permits from Dodge County and the Village of Dodge, and has certified that the construction activities would be in compliance with the State of Nebraska floodplain regulations.

7.1 **Wetlands/Waters of the U.S.** – Are there wetlands, stream channels, or other waters within the study area?

Yes (1) No (1)

7.2 Will the action result in wetland impacts in accordance with Section 404 of the Clean Water Act and/or Nebraska State Title 117?

Yes (1) No (1)

7.3 Will the action result in greater than 0.5 acres (total permanent) of wetland impacts?

Yes (2) No (1) N/A

7.4 Estimated Permanent Wetlands Impacts:

0.10

7.5 If the project is processed with a Nationwide Permit, is a Pre-construction Notification required?

Yes (2) No (1) N/A

7.6 Will the action require an Individual Permit (IP) or Section 10 Permit from the U.S. Army Corps of Engineers or a Section 9 Permit from the U.S. Coast Guard?

Yes (3) No (2) N/A

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

A wetland delineation was completed on August 11, 2014 for NDOR. The project would result in permanent fill of approximately 0.03 acre of Palustrine Emergent Temporarily Flooded (PEMA) wetland and approximately 0.07 acre of Palustrine Forested Temporarily Flooded (PFOA) wetland for a total of 0.095 acre of permanent impacts. The project would temporarily impact 0.019 acre of PEMA wetland. The project would also temporarily impact 330 linear feet of channel. Permanent wetland impacts would result from two bridge replacements (Structures S091 18573 and S091 18294) and temporary wetland and water impacts would result from temporary access crossings. No mitigation is required.

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

All wetlands/waters within the project area that are not permitted for impacts will be marked on 2w Aerial Sheets for the contractor as avoidance areas. (NDOR Design, NDOR Environmental)

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

The project qualifies under Nationwide Permit # 3 and 7. The contractor shall adhere to the permit conditions, including regional and general conditions, during construction. (Contractor)

8.1 Impaired Waters, Section 402, and MS4 – Are there any impaired waters within or adjacent to (0.5 mile) the project study area?

Yes No

8.2 Does the project occur within a MS4 community?

Yes No

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

Yes No

If Yes, add standard Erosion Control plans and Storm Water Pollution Prevention Plan (SWPPP) commitment to the mitigation commitments.

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

Erosion control plans and storm water pollution prevention plans (SWPPP) are required on all projects that have one acre or more of disturbed soil. NDOR inspects all erosion and sediment control best management practices (BMP's) including devices every 14 days minimum and after every precipitation event of 0.5 inch or greater as per the requirements in the General Construction Storm Water Permit. Any BMP adjustments and repairs are to occur within 7 days of the inspections to ensure that water quality is being protected to the maximum extent practicable. The SWPPP shall be maintained and discharge points shall be monitored by the NDOR District Staff until the site is 70% re-vegetated. At that time the Notice of Termination with NDEQ for the General Construction Storm Water Permit and completion of the SWPPP responsibilities shall be filed. (NDOR Environmental)

9.1 Threatened and Endangered Species – Will the action result in a “May Affect” determination per the Nebraska Biological Evaluation Process *Matrix** that requires further consultation with the resource agencies?

Yes (2) No (1)

NDOR PQS Determination Date:

9/23/2015

9.4 Suitable habitat for eagle nesting is reviewed as part of the *Matrix* Biological Evaluation process and projects are evaluated for compliance with the Bald and Golden Eagle Protection Act (BGEPA). This project was reviewed for potential impacts to bald and golden eagles resulting in the following determination:

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.

It has been determined that suitable habitat does exist within 0.5 mile of the Environmental Study Area. NDOR will utilize the Bald and Golden Eagle Survey Protocols to determine when a survey for nests and/or roosts should be conducted. If nest(s) are present within 0.5 mile of the project area, NDOR will notify the Nebraska Game and Parks Commission and the United States Fish and Wildlife Service, and construction will not commence prior to their approval.

9.5 This project will comply with the Migratory Bird Treaty Act (*MBTA*) in accordance with NDOR’s Avian protection Plan (*APP*) and Biological Evaluation *Matrix* Appendix A.

9.6 If a Section 404 Individual Permit is required, coordination under the Fish and Wildlife Coordination Act will occur during the permitting process.

Coordination Required N/A

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

The Project as proposed has been determined to "may affect, not likely to adversely affect" the following species with the implemented conservation conditions: Northern Long-Eared Bat. The project would have "no effect" to all other state or federally listed species or their designated critical habitat.

9.8 Species Mitigation:

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: structures S091 18294 and S091 18573, and any areas of tree clearing (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)

* The Nebraska Biological Evaluation Process Programmatic Agreement *Matrix* complies with the Federal Endangered species Act (ESA) and Nebraska Nongame and Endangered Species Conservation Act (NESCA).

Human and Social Resources

10.1 **Historic Properties** – Are there any properties listed or eligible for the National Register of Historic Properties in the study area?

Yes (1) No (1)

10.4 Historic Property Determination

NDOR PQS Determination Date:

No Historic Properties Affected

Has coordination occurred with SHPO?

Yes No

Has coordination occurred with THPO?

Yes No

THPO Concurrence Date:

Has coordination occurred with CLG?

Yes No

11.1 **Hazardous Materials** – Will the project actions exceed the scope of the listed exemption identified in NDOR’s Hazardous Materials Assessment Guidance?

Yes (1) No (1)

11.2 Will the action result in more than a Low Potential for encountering hazardous materials during construction (excluding Lead Based Paint or Asbestos Containing Material)?

Yes (2) No (1)

11.2A There is potential for the project to encounter Lead Based Paint (LBP). LBP standard specifications shall apply to the proposed project.

Yes N/A

11.2B Asbestos Containing Materials (ACM) has been identified on bridge structures. ACM specifications will be included in the contract by special provisions.

Yes N/A

11.4 Will any soil disturbance occur below or beyond preexisting roadway fill within an active Superfund Site?

Yes (3) No (1)

NDOR PQS Determination Date:

11.5 Describe potential conflicts and the coordination with officials/agencies:

The hazardous materials review (HMR) identified two facilities where past releases have occurred within the HMR study area. B & L Auto and Danko Emergency Equipment Company both had releases associated with leaking underground storage tanks. The Danko facility had minimal contamination present and NDEQ closed this site with no further remedial action necessary. The facility is approximately 400 feet east of the project limits. Based on distance and minimal contamination present, there is a low potential of encountering contamination from this facility during construction.

The B & L Auto facility is location about 200 feet from the project limits. There were several releases at this facility relating to the removal of UST systems on the east side of the property. Groundwater contamination is present but at depths of 40 feet or greater. No shallow soil contamination was present based on NDEQ files. There is a possibility that pavement transition would occur 200 feet from the project limits, but little to no soil disturbance would be required for this work. Based on the shallow depths of excavation in relation to contamination and distance to the releases, there is a low potential of encountering contamination originating from this facility during construction.

11.6 Hazardous Materials Mitigation:

If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material will stop until NDOR/FHWA is notified and a plan to dispose of the Hazardous Materials has been developed. Then DEQ will be consulted and a remediation plan will 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 DEQ will be contacted for consultation and appropriate actions 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. (Contractor)

The bridge structures S091 18294 and S091 18573 are being replaced/rehabilitated. There is potential for lead based paint to be found on the bridges' 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 plates or shims at a legitimate recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations. The Contractor's implementation plan efforts shall be documented in the ECOD. (Contractor)

12.1 **Traffic Noise** – Does the project qualify as a Type I Project under NDOR's Noise Policy?

Yes (3) No (1) N/A

13.1 **Air Quality** – Will the action increase capacity in exceedance of 100,000 vehicles per day in the 20th year following construction; will it result in a high potential for Mobile Source Air Toxics (*MSAT Level III*) effects; or is it considered *Regionally Significant* within a designated non-attainment area?

Yes (3) No N/A

14.1 Roadway – Will the action result in the addition of through-lane capacity?

Yes (3) No (1) N/A

15.1 Traffic Disruption – Will the action result in minor traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days?

Yes (2) No (1)

15.3 Will temporary roads, detours, or ramp closures substantially change the environmental consequences of the action?

Yes (3) No (1)

15.4 Will the action result in adverse travel (*out-of-direction*) greater than 5 miles in urban areas or 25 miles in rural areas?

Yes (3) No (1)

15.5 Will the action result in temporary or permanent interference with local special events or festivals?

Yes (3) No (1)

15.6 Will the action result in temporary or permanent adverse effects to through-traffic dependent business?

Yes (3) No (1)

15.7 Will the action result in permanent traffic pattern changes or disruptions?

Yes (3) No (1)

If a detour is required for the project, attach a map to the CE document.

15.8 Traffic Disruption Comments:

There are two events that take place along the project, Dodge Daze and the Dodge Demolition Derby. There are no anticipated impacts to either event since traffic would remain open during construction.

15.9 Traffic Disruption Mitigation:

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

16.1 Access Disruptions – Will the action require any access closures to businesses or residences?

Yes (1) No (1)

16.5 Will the action result in access restrictions to emergency service facilities or providers?

Yes (3) No (1)

16.6 Will the action change the functionality of adjacent properties?

Yes (3) No (1)

16.7 Access Disruption Comments:

N/A

16.8 Substantial Access Disruption Mitigation:

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

17.1 **Environmental Justice** – Are protected populations within the study area?

Yes (1) No (1)

NDOR Highway Civil Rights Specialist Determination Date:

11/6/2014

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

There would be no disproportionately high and adverse human health or environmental effects visited upon minority and low-income populations, as defined in FHWA Order 6640.23A, because these protected populations are not present in the project area.

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

Based on an analysis of the project scope and a civil rights analysis, a targeted mailer in the form of a public notification, and the NDOR website, was used as outreach tools for public involvement on this project. The public notification included mailing a cover letter, project notification sheet, and maps to a distribution list of 150 citizens and businesses adjacent to Nebraska Highway 91 (N-91), from mile marker (MM) 182.84 to MM 188.91, along Nebraska Spur 27A (S-27A), from MM 0.00 to MM 0.26, as well as all property owners within the Village of Snyder. Additionally, 40 public and private agencies with potential interest in the project, including the Nebraska Trucking Association, were also included in the distribution list. Comments were not solicited as part of the public involvement, and no comments were received. Project information was placed on the NDOR website.

18.2 Public Involvement Mitigation:

A minimum of one news release shall go to all local and area media, and be posted on the NDOR website, prior to the start of construction work. (NDOR District, NDOR Communication)

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

Yes No

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

Contract Provisions Required

20.1 Wellhead Protection Special Provisions

Yes No

20.2 General Conditions for Nationwide Permit

Nationwide
Permit:

3

Yes No

20.3 Federal Aviation Administration (FAA) Form 7460-1

Yes No

20.4 General Conservation Conditions from the Matrix PA

Yes No

T&E General Conditions:

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/permited 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)

The proposed action will be carried out in compliance with Executive Order 13112 (*Invasive Species*). The project contractor shall comply with Special Provision A-43-2010 amending NDOR Specification 107.01 to include the following: The Contractor shall prevent the transfer of invasive plant and animal species. The Contractor shall wash equipment at the Contractor's storage facility prior to entering the construction site. The Contractor shall inspect all construction equipment and remove all attached vegetation and animals prior to leaving the construction site.

21.1 No Indirect or Cumulative Impacts

This box can be checked if after careful consideration of the Indirect and Cumulative Impact analysis guidance in the CE instructions and the facts of the project, the following statement is determined to be true:
“Indirect effects from this project are not anticipated. This project will not induce growth, change land uses, substantially change travel patterns within a community, or substantially impact water quality, drainage patterns or other resources of concern. Since no substantial human, environmental or economic impacts have been identified for this project; no cumulative impacts are expected.”

21.3 Cumulative Impacts:

Two projects, Clarkson East (CN 31845A) and Snyder East (CN 22455) are adjacent to the Snyder West project, but due to their letting date in the fall of 2018, cumulative impacts are not anticipated.

22.1 Additional Comments:

N/A

23.1 Project Mitigation:

Mitigation for Above Non-Threshold Resources:

Utilities:

Utility relocation or replacement is not anticipated for this project. If utility relocation or replacement is required in a later phase of the project, a reevaluation will be required if: (1) federal funds will be used for the utility work; or (2) the project construction contractor will be responsible for the work. If this utility work is identified during final design, the project sponsor will initiate the reevaluation prior to the project letting. If the work is identified during construction, the project sponsor will initiate the reevaluation prior to the commencing utility work. (NDOR Environmental, NDOR District)

If any one of the above two conditions do not apply, later relocation or replacement of utilities shall be coordinated through NDOR and the Contractor per NDOR's Standard Specifications for Highway Construction, Subsection 105.06. Any environmental permits required for these utility relocations or replacements shall be the responsibility of the Utility. (NDOR District, Utility Provider(s))

Wetlands/Waters of the U.S. Mitigation:

All wetlands/waters within the project area that are not permitted for impacts will be marked on 2w Aerial Sheets for the contractor as avoidance areas. (NDOR Design, NDOR Environmental)

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

The project qualifies under Nationwide Permit # 3 and 7. The contractor shall adhere to the permit conditions, including regional and general conditions, during construction. (Contractor)

Impaired Waters, Section 402, and MS4 Mitigation:

Erosion control plans and storm water pollution prevention plans (SWPPP) are required on all projects that have one acre or more of disturbed soil. NDOR inspects all erosion and sediment control best management practices (BMP's) including devices every 14 days minimum and after every precipitation

event of 0.5 inch or greater as per the requirements in the General Construction Storm Water Permit. Any BMP adjustments and repairs are to occur within 7 days of the inspections to ensure that water quality is being protected to the maximum extent practicable. The SWPPP shall be maintained and discharge points shall be monitored by the NDOR District Staff until the site is 70% re-vegetated. At that time the Notice of Termination with NDEQ for the General Construction Storm Water Permit and completion of the SWPPP responsibilities shall be filed. (NDOR Environmental)

General Conservation Conditions from the Matrix PA:

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)

Species Mitigation:

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: structures S091 18294 and S091 18573, and any areas of tree clearing (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)

Hazardous Materials Mitigation:

If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material will stop until NDOR/FHWA is notified and a plan to dispose of the Hazardous Materials has been developed. Then DEQ will be consulted and a remediation plan will 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 DEQ will be contacted for consultation and appropriate actions 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. (Contractor)

The bridge structures S091 18294 and S091 18573 are being replaced/rehabilitated. There is potential for lead based paint to be found on the bridges' 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 plates or shims at a legitimate

recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations. The Contractor's implementation plan efforts shall be documented in the ECOD.
(Contractor)

Traffic Disruption Mitigation:

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

Substantial Access Disruption Mitigation:

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

Public Involvement Mitigation:

A minimum of one news release shall go to all local and area media, and be posted on the NDOR website, prior to the start of construction work. (NDOR District, NDOR Communication)

Additional Mitigation:

Borrow, Debris Disposal and Staging:

Any material needed shall be provided by the Contractor. The Contractor shall try to obtain borrow from an upland site to prevent depletion issues. If the borrow site is within a depletion area of concern, the Contractor shall coordinate with the appropriate agencies and NDOR to offset or minimize impacts. The Contractor shall obtain all environmental clearances and permits required for the borrow site prior to obtaining borrow material for the project. The Contractor shall have a staging area for the project where material and equipment for the project is stored (e.g. re-steel, forms, etc.). The Contractor shall dispose of material removed as part of the project described above and miscellaneous obstructions encountered and removed along the project. The disposal is the responsibility of the Contractor. A waste site may be needed. The Contractor shall obtain all permits and clearances and all conditions of those permits shall be followed. (Contractor)

Wellhead Protection Area:

A portion of the project has been identified as being located within the Village of Dodge and the Village of Snyder Wellhead Protection Areas. NDOR's Standard Specifications 107.01, 107.09 and 107.16 address the Contractor's responsibility to keep fully informed of, observe and comply with all federal, state and local laws and ordinances that affect the conduct of the work. (Contractor)

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

Paragraph: (c)

Activity: 23

Prepared by:

Madison Leonard

Organization:

Olsson Associates

Phone:

(402) 938-2435

Email:

mleonard@olssonassociates.com

Signature:



Date:

6/7/2016

Reviewed by Project Sponsor:

Name:

Wahed Hassani

Organization:

NDOR

Title:

Engineer III, Roadway Design

Signature:



Date:

07/13/2016

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

NDOR Environmental NEPA Specialist Signature:

Date:

NDOR Environmental Documents Manager
Signature (*Level 2 and 3 Requirement*):

Date:

FHWA Environmental Specialist (*Level 3 Requirement*):

Date:

If the scope of work changes, existing conditions change, or applicable regulations change, NDOR shall reevaluate this determination in accordance with the *NDOR reevaluation procedures*.

Reevaluation Approval (*if necessary*):

Date: