



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

Paragraph: 23

Project Name:

District 6 CCTV Cameras

Project Number:

ITS-STP-21-2(115)

Control Number:

61607

Location and Study Area:

This project is located in District 6 on:
Nebraska Highway 21 (N-21) at mile marker (MM) 5.91 and MM 43.17 (Dawson County);
N-61 at MM 113.37 (Arthur County);
N-92 at MM 184.94 (McPherson County) and MM 257.03 (Custer County), and;
U.S. Highway (US-183) at MM 108.60 (Custer County).

All locations are in rural areas, 6-20 miles from the nearest cities (i.e., Arthur, Arnold, Sargent, Oconto, and Eustis). The Environmental Study Area (ESA) included the limits of construction (LOC) and existing right-of-way (ROW) for each mile marker listed above plus 200 feet on both ends. For some resources (e.g., wetlands), the ESA also included 50 feet from the LOC for most of the project length and up to 150 feet from the LOC at the bridges and culverts. The ESA was extended beyond the project excavations for regulated materials by 0.10 miles and 0.25 miles from the project center-line for Section 4(f) resources. The Area of Potential Effects (archaeological and above ground resource investigations) included 300 feet in each direction from the mile markers listed above.

Begin Point(s):

see above

End Point(s):

see above

Highway Number, Street, etc.:

N-21; N-61; N-92; US-183

Project Description:

This project shall deploy CCTV Camera towers in District 6 on:
N-21 at MM 5.91 and MM 43.17 (Dawson County);
N-61 at MM 113.37 (Arthur County);
N-92 at MM 184.94 (McPherson County) and MM 257.03 (Custer County), and;
US-183 at MM 108.60 (Custer County).

Scope details include:

- Installation of climbable truss towers with ground rods.
- Trenching or jacking of electrical conduit and installation of pull boxes.
- Construction activities may result in soil disturbances outside the hinge point.
- Project surveying and staking will be required.
- Areas disturbed during construction will be stabilized utilizing NDOR approved erosion control methods.
- No additional property rights will be required to build this project.
- This project would be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

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

\$268,000

If the action qualifies for (c)(23), identify the federal portion (\$):

\$207,000

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

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)):

N/A

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

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

N/A

4.7 Describe Mitigation for Above Non-Threshold Resources:

Utility relocation or replacement is not anticipated for the 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 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.

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:

N/A

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:

N/A

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

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 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)

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.

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

CCTV Camera location N-21 MM 5.91 is located approximately 0.10 miles from MP2-20500 (Tri-County Canal [Canal]). The Canal was listed as a category 3 impaired waterbody in the 2014 Water Quality Integrated Report, but updated to a category 5 impaired waterbody in the 2016 Surface Water Quality Integrated Report. According to the 2016 Report, a fish consumption assessment completed in 2013 determined this waterbody's aquatic life use to be impaired for Hazard Index Compounds. The Canal was created and is maintained by water released by Central Nebraska Public Power and Irrigation District from Lake McConaughy for irrigation and/or power generation.

Based on the scope of this project and distance from the impaired waterbody, no potential impacts to the Canal are anticipated as a result of the installation of a CCTV Camera within the current NDOR Right of Way.

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

There are category 5 impaired waters in the project study area; BMPs shall be reviewed and developed as necessary during the erosion control review process. If mitigation is required for impaired waters, it shall be captured in the projects erosion control plan sheets and special provisions. (NDOR Roadside Stabilization Unit)

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:

10/8/2015

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:

A "May Affect, Not Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions for American Burying Beetle.

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)

American Burying Beetle:

ABB-2 Mowing/vegetation removal and carrion (roadkill carcasses) removal must be done according to American Burying Beetle Conservation Measures Protocol and must be implemented at the following locations: All District 6 Camera Installation Locations (Location of suitable habitat). This work will be conducted by either the District or the Contractor, as determined by the District during contracting.

R-1 For the American burying beetle, nighttime work with lights from June 1 – July 1 and August 7 – September 1 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required (NDOR Environmental, District Construction, Contractor).

R-2 Request for early construction starts in the range of the American burying beetle must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start (District 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:

Has coordination occurred with SHPO?

Yes No

Has coordination occurred with THPO?

Yes No

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:

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 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, 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:

This project would be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

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:

1/20/2016

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

N/A

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

Due to the nature of the work, additional public outreach during the NEPA phase is not needed. This project has been disclosed in the District-wide Program Hearings as well as through the public involvement efforts in conjunction with the development of the STIP.

The areas through which this project travels is mostly English-speaking. In the area surveyed, none of the data indicates the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. No LEP outreach is required for this project.

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 Communications)

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:

N/A

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/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)

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 identified in the Nebraska Surface Transportation Program Book (FY2016-2021), are adjacent to the N-61 MM 113.37 CCTV Camera location; another project is adjacent to the N-21 MM 5.91 CCTV Camera location.

N-61 MM 113.37: Project 61380B_STP-61-3(111)_Arthur South would begin at N-61 MM 110.25 and would end at N-61 MM 125.22; this project would encompass the CCTV Camera location. The current scope of the project is to mill and resurface the road, and construction is anticipated to take place under traffic. It is programmed to let in 2018. Project 61380_STPD-61-2(112)_Lake McConaughy North abuts Project 61380B. The project would begin at N-61 MM 99.74 and would end at N-61 MM 110.25, south of the CCTV Camera location. This project would also mill and resurface the highway, is programmed to let in 2018, and is anticipated to be constructed under traffic.

N-21 MM 5.91: Project 61605_STP-21-2(114)_Eustis – Cozad would begin at N-21 MM 0 and would end at N-21 MM 12.67 and would encompass the CCTV Camera location. The current scope of the project would be to resurface the road potentially including bridge work; construction is anticipated to be under traffic. The project is programmed to let in 2022.

There are no anticipated cumulative impacts due to the timing and scope of the project in conjunction with the additional projects referenced above.

There are no impacts anticipated for wetlands/waters, threatened and endangered species with conservation conditions, Section 4(f) properties, or Section 106 resources for the District 6 CCTV Cameras (61607 ITS-STP-21-2(115)) project. There are no negative long-term socioeconomic impacts anticipated as access to residences or businesses would only be limited during construction. There are however, long term benefits to motorists due to the proposed roadway improvements and installations.

22.1 Additional Comments:

None

23.1 Project Mitigation:

Mitigation for Above Non-Threshold Resources:

Utility relocation or replacement is not anticipated for the 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 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:

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 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)

Impaired Waters, Section 402, and MS4 Mitigation:

There are Category 5 impaired waters in the project study area; BMPs shall be reviewed and developed as necessary during the erosion control review process. If mitigation is required for impaired waters, it shall be captured in the projects erosion control plan sheets and special provisions. (NDOR Roadside Stabilization Unit)

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)

American Burying Beetle:

ABB-2 Mowing/vegetation removal and carrion (roadkill carcasses) removal must be done according to American Burying Beetle Conservation Measures Protocol and must be implemented at the following locations: All District 6 Camera Installation Locations (Location of suitable habitat). This work will be conducted by either the District or the Contractor, as determined by the District during contracting.

R-1 For the American burying beetle, nighttime work with lights from June 1 – July 1 and August 7 – September 1 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required (NDOR Environmental, District Construction, Contractor).

R-2 Request for early construction starts in the range of the American burying beetle must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start (District 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 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, 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 Communications)

Additional Mitigation:

Borrow/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 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)

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

Paragraph: (c)

Activity: 23

Prepared by:

Caroline Jezierski

Organization:

NDOR

Phone:

(402) 479-4415

Email:

caroline.jezierski@nebraska.gov

Signature:



Date:

5/16/2016

Reviewed by Project Sponsor:

Name:

Alicea Mc Cluskey

Organization:

NDOR

Title:

ITS Project Engineer

Signature:



Date:

5/18/2016

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*):

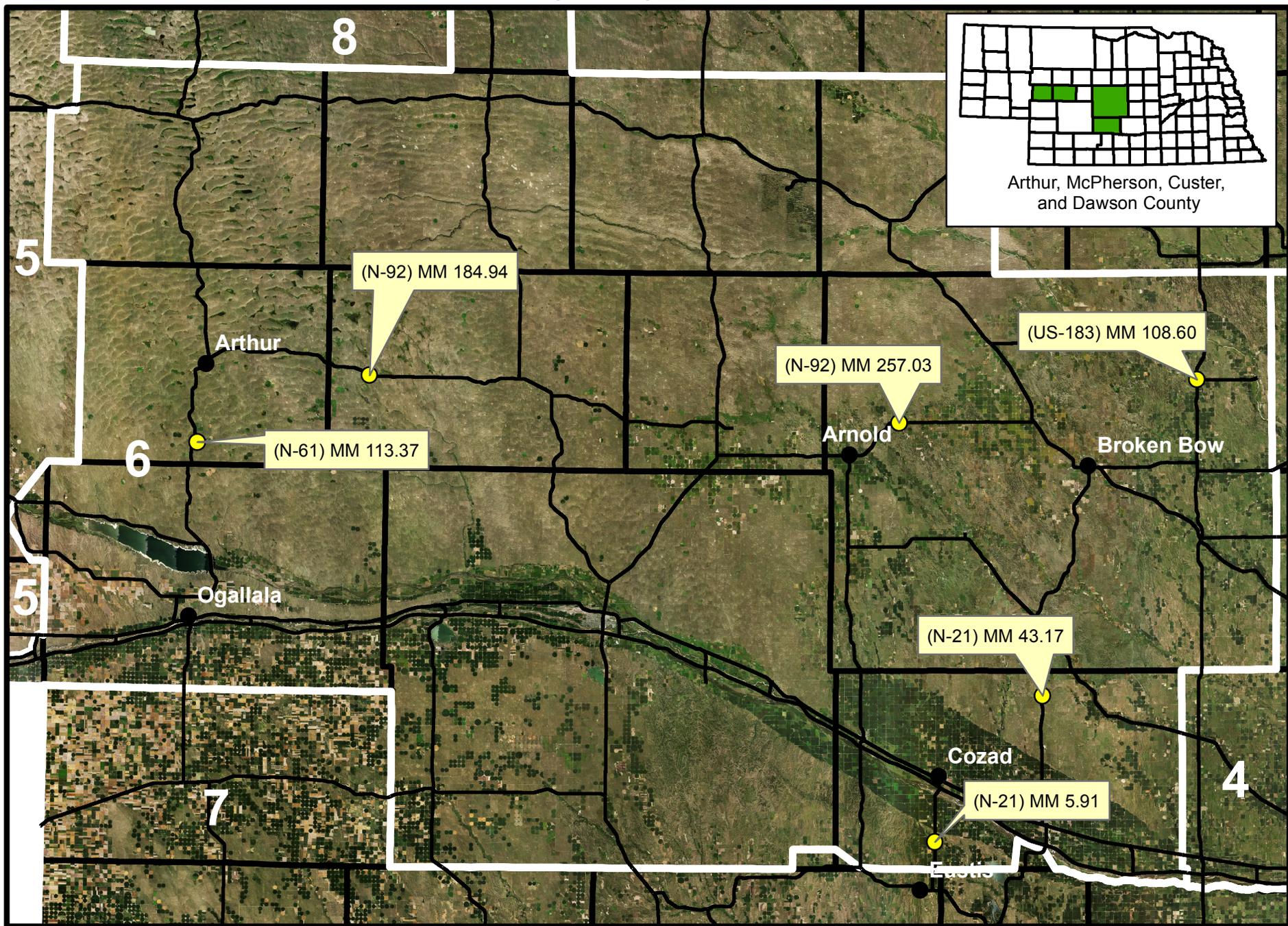
Date:

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:

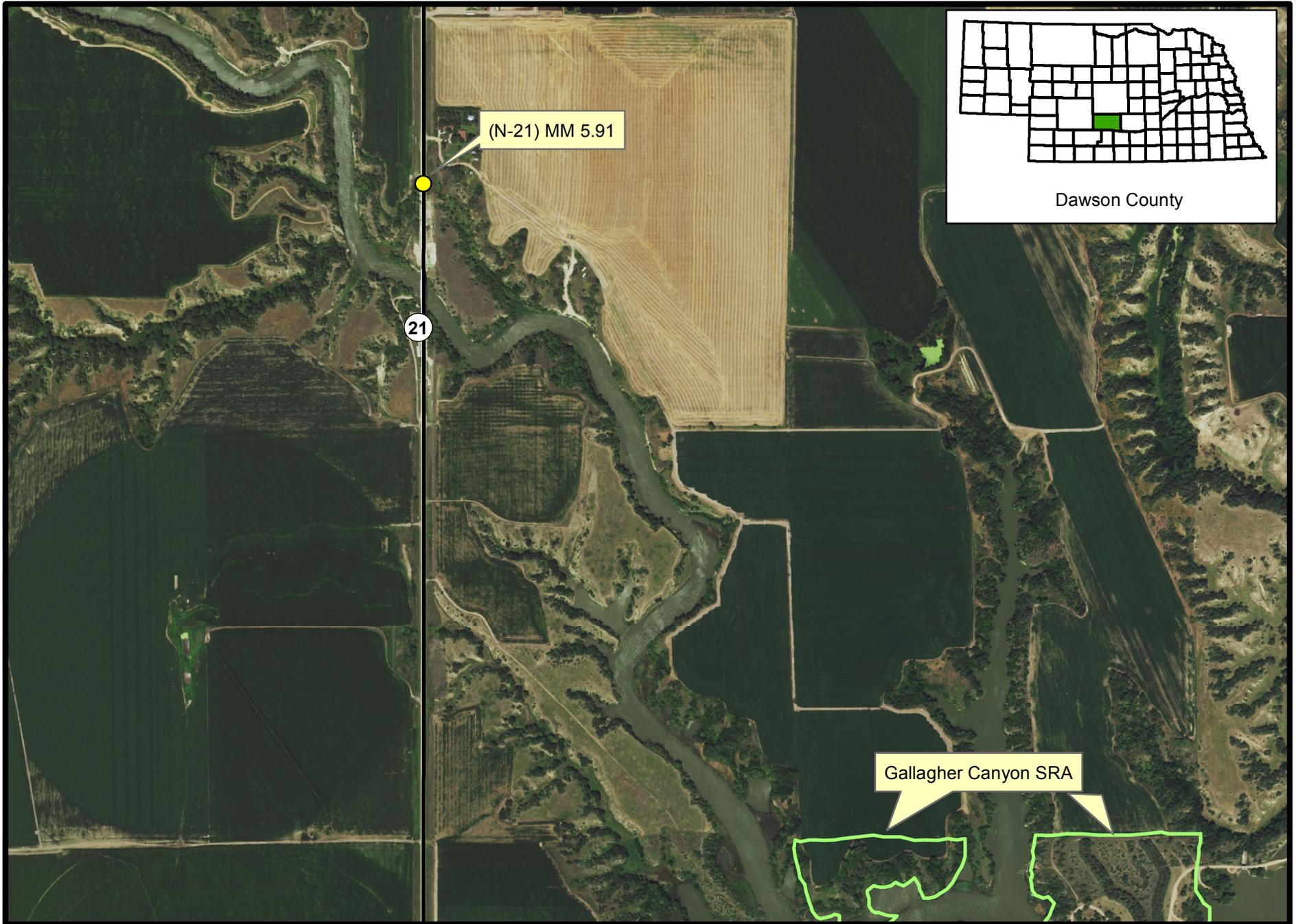
61607_ITS-STP-21-2(115)_District 6 CCTV Cameras



0 15 30 60 Miles



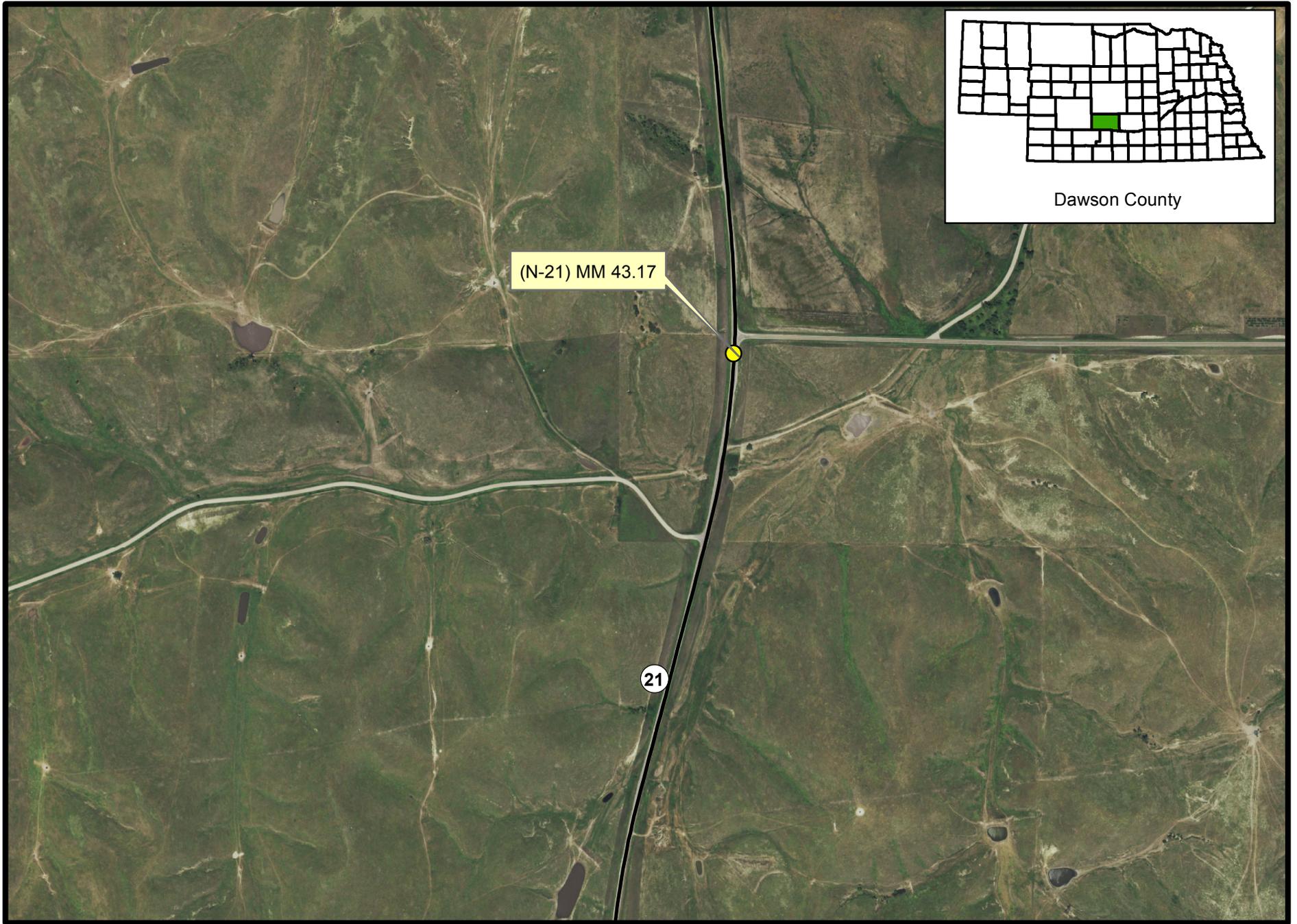
61607_ITS-STP-21-2(115)_District 6 CCTV Cameras



0 0.15 0.3 0.6 Miles



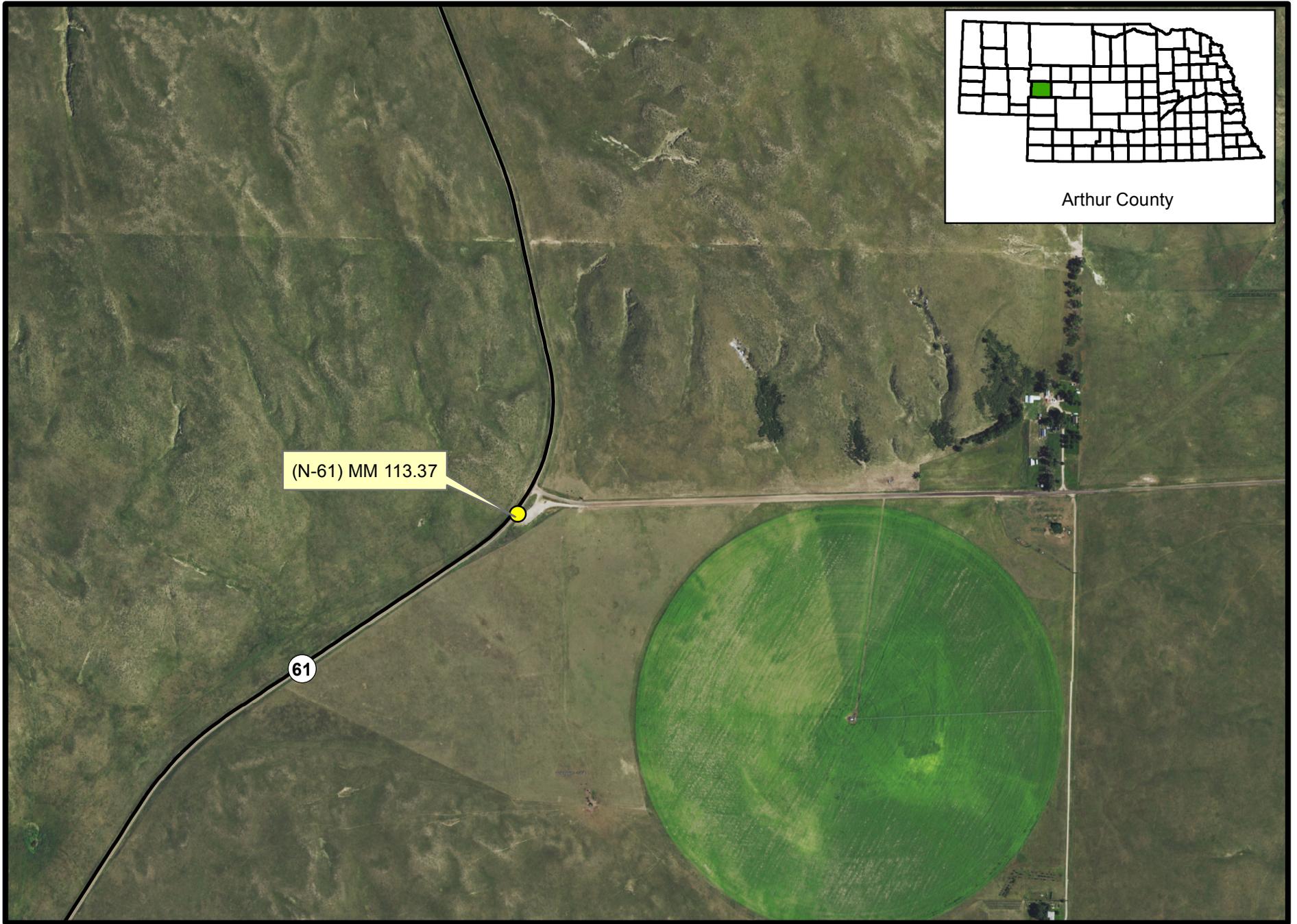
61607_ITS-STP-21-2(115)_District 6 CCTV Cameras



0 0.15 0.3 0.6 Miles



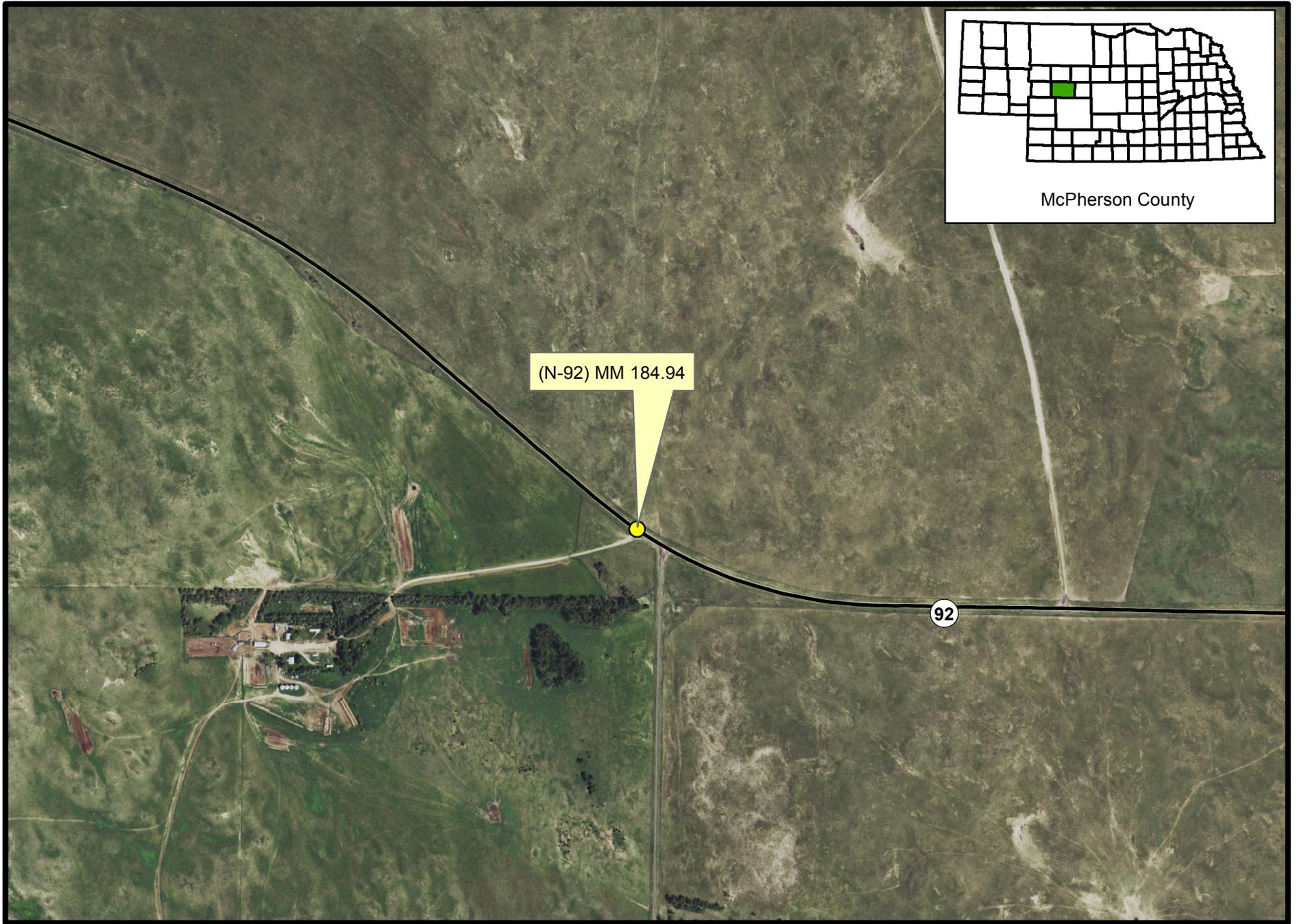
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0 0.15 0.3 0.6 Miles



61607_ITS-STP-21-2(115)_District 6 CCTV Cameras



0 0.15 0.3 0.6 Miles



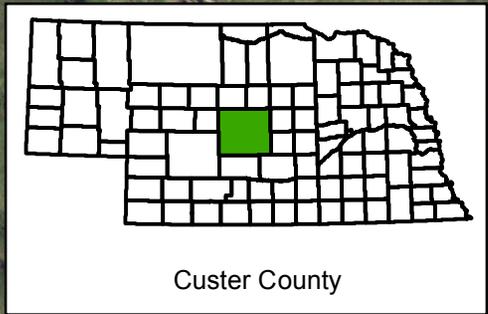
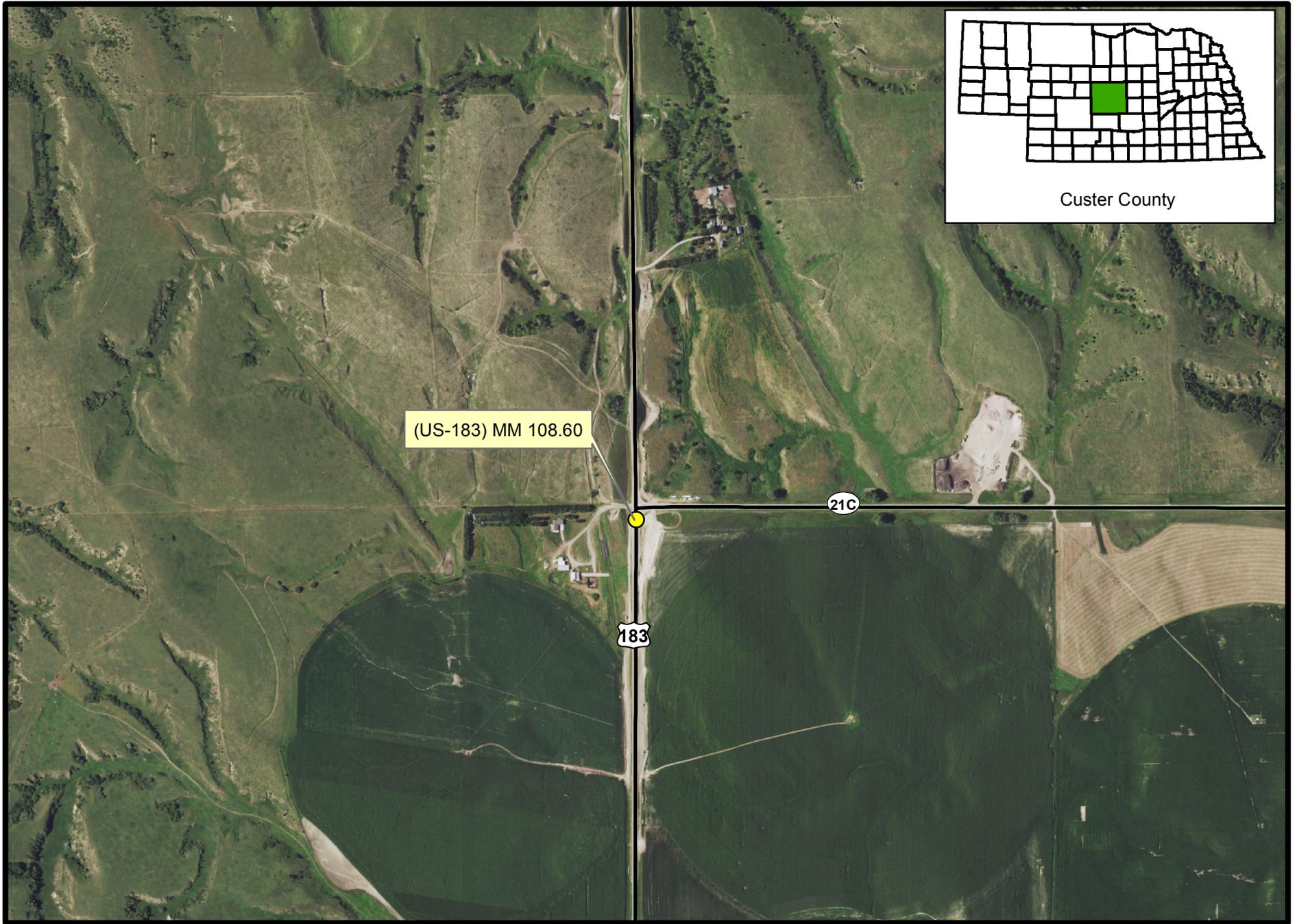
61607_ITS-STP-21-2(115)_District 6 CCTV Cameras



0 0.15 0.3 0.6 Miles



61607_ITS-STP-21-2(115)_District 6 CCTV Cameras



0 0.15 0.3 0.6 Miles





Section 4(f) Initial Assessment Form

May 29, 2015

Project Name

District 6 CCTV Cameras

Project Number

ITS-STP-21-2(115)

Control Number

61607

Date Completed

5/5/2016

Project Location (Town, County)

Arthur, McPherson, Custer, and Dawson Counties

Name of Preparer

Caroline Jezierski

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.

Dawson County Nebraska GIS Workshop (<http://www.dawson.gisworkshop.com/#>)
Custer County Nebraska Planing & Zoning (http://www.co.custer.ne.us/webpages/planning_zoning/planning_zoning.html)
Arthur County, Nebraska Zoning Administrator (<https://arthurcounty.nebraska.gov/content/zoning-administrator>)
McPherson County, Nebraska Wikipedia (https://en.wikipedia.org/wiki/McPherson_County,_Nebraska)
Arnold, Nebraska Recreation For Everyone (<http://arnoldne.org/recreation>)
Central Nebraska Public Power and Irrigation District (<http://www.cnppid.com/recreation/recreational-resources/>)
Game & Parks Interactive Map (mapserver.ngpc.state.ne.us/website/gpc_land/viewer.htm)
Google Earth Pro

- 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.

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

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

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

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

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

3. Determination of Section 4(f) Use

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?

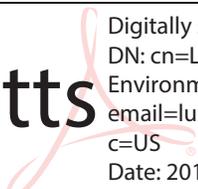
Any Yes: complete the appropriate Section 4(f) analysis for each impacted property

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.

NDOR Reviewer Approval Signature:

Date:



Digitally signed by Luke Pitts
 DN: cn=Luke Pitts, o=NDOR
 Environmental, ou=NEPA Specialist,
 email=luke.pitts@nebraska.gov,
 c=US
 Date: 2016.05.10 12:37:07 -05'00'

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



Wetlands PQS Memorandum

DATE 3/14/2016
TO Caitlin Fitzpatrick, NDOR EDU
FROM Kimberly Baker, NDOR EPU
SUBJECT Wetlands PQS Memo
Project No: ITS-STP-21-2(115)
Control No: 61607
Project Name: District 6 CCTV Cameras

- A wetland delineation was completed
Or
 A desktop review was completed on 2/24/2016

Are there wetlands, stream channels, or other waters within the study area?

- Yes No

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

- Yes No Not Applicable

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

- Yes No Not Applicable

Describe resources, potential impacts and anticipated permit type (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.): NA

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): NA

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 Nationwide Permit . 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 project will deploy CCTV camera towers in District 6 on N-21 at mile marker (MM) 5+91 and MM 43+17, N-61 at MM 113+37, N-92 at MM 184+94 and MM 257+03, and on US-183 at MM 108+60. All locations are within Arthur, McPherson, Custer and Dawson Counties.

Scope details include:

- Installation of climbable truss towers with ground rods.
- Trenching or jacking of electrical conduit and installation of pull boxes.
- Construction activities may result in soil disturbances outside the hinge point.
- Project surveying and staking will be required.
- Areas disturbed during construction will be stabilized utilizing NDOR approved erosion control methods.
- No additional property rights will be required to build this project.
- This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices



Biological Assessment PQS Memorandum

DATE 10/8/2015
TO Caitlin Fitzpatrick, NEPA Project Manager
Cc Kimberly Baker, EPU Project Manager
FROM Melissa Marinovich, T&E Species Biologist
SUBJECT District 6 CCTV Cameras; ITS-STP-21-2(115); CN 61607
Threatened & Endangered Species Concurrence

The biological assessment final approval on: **10/8/2015**

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: **American Burying Beetle**.
 - This BA required FHWA Review and Approval.
FHWA Concurrence Date:
 - This BA required further consultation with the resource agencies (Level 2).
USFWS Concurrence Date:
NGPC Concurrence 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:

Description of Coordination:

Bald and Golden Eagle Protection Act:

These projects were also reviewed for potential impacts to bald and golden eagles. NDOR believes the project sites do not have suitable habitat for eagles. Due to the lack of suitable habitat and information that there are no known bald eagle nests within the project areas, 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 these projects. Based on current project design, there will be no wetland or stream channel impacts on this project. These projects will not require a Section 404 permit from the Corps of Engineers; therefore, FWCA does not apply.

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)

American Burying Beetle:

ABB-2 Mowing/vegetation removal and carrion (roadkill carcasses) removal must be done according to American Burying Beetle Conservation Measures Protocol and must be implemented at the following locations: **All District 6 Camera Installation Locations** (*Location of suitable habitat*). This work will be conducted by either the District or the Contractor, as determined by the District during contracting.

R-1 For the **American burying beetle**, nighttime work with lights from June 1 – July 1 and August 7 – September 1 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required (NDOR Environmental, District Construction, Contractor).

R-2 Request for early construction starts in the range of the **American burying beetle** must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start (District Construction, Contractor).



NDOR PQS Project Review Memo Section 106 - Tier II Project

Control Number 61607 Project Number ITS-STP-21-2(115) Review Date 01/06/16

Project Name District 6 CCTV Cameras Project Location District 6

Date of Project Description Reviewed 12/17/14 (See attached)

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

THPO/Tribal Consultation? No Yes

CLG Consultation? No Yes

THPO/Tribes(s): _____

CLG: _____

Date Correspondence Sent: _____

Date Correspondence Sent: _____

THPO/Tribal response date: _____

CLG response date: _____

THPO/Tribal comment: _____

CLG comment: _____

Other Consulting Parties Identified:

Area of Potential Effects (APE)

The APE includes construction activities as detailed in the project description, including the installation of truss towers, trenching/jacking of electrical conduit, and pull box installation. APE includes 300 feet in each direction from given mile marker. These areas are all within the ROW of existing transportation facility intersections, with extant visual intrusions common, and therefore an expanded APE for visual effects is not required.

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

Summary of Archeological Investigations

Archeological reconnaissance was completed of the entire APE. As a result of this reconnaissance, one area was subjected to an intensive pedestrian survey. No archeological sites were identified. The remainder of the APE had been previously surveyed for previous unrelated projects or is in previously disturbed fill or on topographic settings with no potential to impact intact archeological deposits. There are no archeological historic properties in the APE.

Summary of Above Ground Resource Investigations

An evaluation of standing structures was completed by Highway Archeologist Courtney Ziska during the course of the archeological investigation and in consultation with Megan Hilger, Highway Archeology Program Preservation Associate, in December 2015. Through a review of aerial view imagery and a vehicular reconnaissance completed by Archeological Technician Nic Fogerty in November 2015, it was determined that there are no above ground resources present within the APE of this undertaking.

Archeological Resources	Above Ground Resources
Are NRHP listed or eligible properties present within the APE? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes	Are NRHP listed or eligible properties present within the APE? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes
Please list:	Please list:

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

If Yes, describe:

Construction Commitments: No Yes

If Yes, detail here:

Project would result in no historic properties affected: No Yes

Tier II Project Evaluation Complete

Stacy Stupka-Burda

Digitally signed by Stacy Stupka-Burda
 DN: cn=Stacy Stupka-Burda, o=NDOR, ou=Planning & Project
 Development, email=stacy.stupka-burda@nebraska.gov, c=US
 Date: 2016.01.06 14:00:58 -0600

01/06/16

NDOR PQS Review

Date

DATE April 24, 2016

TO Caitlin Fitzpatrick, Highway Environmental/NEPA Specialist, Planning and Project Development

FROM Will Packard, Highway Environmental Specialist, Planning and Project Development

SUBJECT Hazardous Materials Review for the NDOR project District 6 CCTV Cameras (C.N. 61607)

Overview

A hazardous materials review was conducted in association with the NDOR construction project District 6 CCTV Cameras. The purpose of this review is to identify environmental concerns associated with hazardous materials and petroleum products which could potentially be encountered during the construction project. The following web based mapping application(s), websites, databases and files were used to obtain information on hazardous material sites and releases:

- The Nebraska Department of Environmental Quality (NDEQ) Interactive Mapping System.
- The U.S. Environmental Protection Agency (EPA) EnviroMapper.

These databases were searched to identify facilities with releases that have occurred within 0.1 miles of project excavation or soil or groundwater plumes that have migrated to within 0.1 miles of project excavations. Facilities listed in environmental programs which are not related to hazardous materials or petroleum products, such as air permitting, livestock waste control and septic related onsite waste treatment, were not considered.

The project Description dated December 17, 2014 was used for preparation of this HMR memo.

Project Description

This project will deploy CCTV Camera towers in District 6 on N-21 at mile marker (MM) 5+91 and MM 43+17, N-61 at MM 113+37, N-92 at MM 184+94 and MM 257+03, and on US-183 at MM 108+60. All locations are within Arthur, McPherson, Custer and Dawson Counties.

Scope details include:

- Installation of climbable truss towers with ground rods.
- Trenching or jacking of electrical conduit and installation of pull boxes.
- Construction activities may result in soil disturbances outside the hinge point.
- Project surveying and staking will be required.
- Areas disturbed during construction will be stabilized utilizing NDOR approved erosion control methods.
- No additional property rights will be required to build this project.
- This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

Hazardous Materials Discussion and Conclusions

Database review did not identify any hazardous material sites or releases within the hazardous material study area. Due to the rural nature of the project, no identified releases near construction and no concerns identified through review of aerial photography a site reconnaissance was not warranted for this HMR. There is a low potential of encountering contamination during construction of the proposed project.

Although the potential to encountering contamination is low, the contractor and NDOR shall adhere to the following commitment related to the discovery of unexpected waste:

If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material shall stop until 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.

Sincerely,



4/24/16

Name

Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

Attachment A – Location Plans

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 19-FEB-2016 13:27

File: 6160707s.dgn
Scale: 1:200



LOCATION 1

NEBRASKA DEPARTMENT OF ROADS OPERATIONS DIVISION ITS			
LOCATION PLAN			
DESIGNED DOR19078	N-61 R.P. 113.37		1/6
REVIEWED	SOUTH OF ARTHUR		
APPROVED	DATE DRAWN	ENGINEER	DATE
	02/08/2016		



LOCATION 2

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 19-FEB-2016 13:27

File: 6160707s.dgn
Scale: 1:200

NEBRASKA DEPARTMENT OF ROADS OPERATIONS DIVISION ITS			
LOCATION PLAN			
DESIGNED DOR19078	N-92 R.P. 184.94		2/6
REVIEWED	EAST OF ARTHUR		
APPROVED	DATE DRAWN	ENGINEER	DATE
	02/08/2016		

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 19-FEB-2016 13:27

File: 6160707s.dgn
Scale: 1:200



LOCATION 3

NEBRASKA DEPARTMENT OF ROADS OPERATIONS DIVISION ITS			
LOCATION PLAN			
DESIGNED DOR19078	N-92 R.P. 257.03		3/6
REVIEWED	NORTHEAST OF ARNOLD		
APPROVED	DATE DRAWN	ENGINEER	DATE
	02/08/2016		

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 19-FEB-2016 13:27

File: 6160707s.dgn
Scale: 1:200



LOCATION 4

NEBRASKA DEPARTMENT OF ROADS OPERATIONS DIVISION ITS			
LOCATION PLAN			
DESIGNED DOR19078	N-21 R.P. 5.91		4/6
REVIEWED	SOUTH OF COZAD		
APPROVED	DATE DRAWN	ENGINEER	DATE
	02/08/2016		

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 19-FEB-2016 13:27

File: 6160707s.dgn
Scale: 1:200



LOCATION 5

NEBRASKA DEPARTMENT OF ROADS OPERATIONS DIVISION ITS			
LOCATION PLAN			
DESIGNED DOR19078	N-21 R.P. 43.17		5/6
REVIEWED	SOUTH OF OCONTO		
APPROVED	DATE DRAWN	ENGINEER	DATE
	02/08/2016		

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 19-FEB-2016 13:28

File: 6160707s.dgn
Scale: 1:200



LOCATION 6

NEBRASKA DEPARTMENT OF ROADS OPERATIONS DIVISION ITS			
LOCATION PLAN			
DESIGNED DOR19078	US-183 R.P. 108.60		6/6
REVIEWED	SOUTH OF SARGENT		
APPROVED	DATE DRAWN	ENGINEER	DATE
	02/08/2016		

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: 1/4/16	Control Number: (NDOR Completes) 61607	Project No.: (NDOR Completes) ITS-STP-21-2(115)
Project Name: District 6 CCTV Cameras		

LPA Project State Project

Local Public Agency or NDOR District and County Project Located In:
District 6: Arthur, McPherson, Custer, and Dawson Counties

Answer the following questions: (See Instructions)	Yes	No
1. Would the project construct a new roadway on a new location?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. If yes, would the new roadway have 4 or more lanes?	<input type="checkbox"/>	<input type="checkbox"/>
2. Would the project create a new access controlled freeway facility?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Would the project include a new interchange?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. Is it likely the project would disturb any ground outside the existing paved roadway surface?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is it likely the project would close a road, bridge, or access for more than 3 consecutive days?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7. Is it likely the project would disturb natural ground (soil) below or beyond existing fill material?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Is it likely the project would require the acquisition of right-of-way (ROW), including permanent easements and/or temporary construction easements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. If yes, is it likely more than 1.5 acres per linear mile of ROW or easements would be needed?	<input type="checkbox"/>	<input type="checkbox"/>
b. If yes, is it likely farmland would be purchased?	<input type="checkbox"/>	<input type="checkbox"/>
c. Is it likely the project would require homes, businesses, or farms to be relocated?	<input type="checkbox"/>	<input type="checkbox"/>
9. Is it likely the project would change access control rights to an existing roadway?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Is there known public opposition or controversy related to this project or is it anticipated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Is additional outreach proposed beyond the program hearing/meeting?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
a. If yes, is it likely the project would impact a Section 4(f) property?	<input type="checkbox"/>	<input type="checkbox"/>
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?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Would the project affect an eligible historic bridge?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Are any of the following water bodies located within the project limits? <input checked="" type="checkbox"/> Creek or Stream Channel <input type="checkbox"/> Lake <input type="checkbox"/> River <input type="checkbox"/> Drainage Ditch <input type="checkbox"/> N/A		
a. If any water bodies are in the project limits, then how often is water present in them? <input checked="" type="checkbox"/> Always present <input type="checkbox"/> Sometimes present <input type="checkbox"/> Rarely present <input type="checkbox"/> N/A		
b. Is it likely the project would impact any of the following? (Check all that apply) <input type="checkbox"/> Creek or Stream Channel <input type="checkbox"/> Lake <input type="checkbox"/> River <input type="checkbox"/> Drainage Ditch <input checked="" type="checkbox"/> 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 are 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.)

- The Hyde Ranch Airport & the Packard Ranch Airport are located within the projects study area.
- River Otter, American Burying Beetle, Interior Least Tern, Piping Plover & Whopping Crane have been found within 5 miles of the project.
- 1 DEQ Active Site is located within the project study area: Livestock Waste Control

Document Preparer's Signature:

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

Caitlin Fitzpatrick

(Print Name)

1/4/2016

(Date)

NDOR- Environmental NEPA Analyst

(Organization and Title)

402-479-4890

(Phone – include Area Code)

caitlin.fitzpatrick@nebraska.gov

(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)

Chris Hassler Hwy Civil Rights Coordinator
(Signature and Title)

1/20/16
(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)

Will Packard Hwy Env. Specialist
(Signature and Title)

1/26/16
(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)

Sarah Kugler Pub. Inv. Mgr.
(Signature and Title)

1/28/16
(Date)

Public Involvement Coordinator Comments: (Early Guidance for the Project Proponent)

