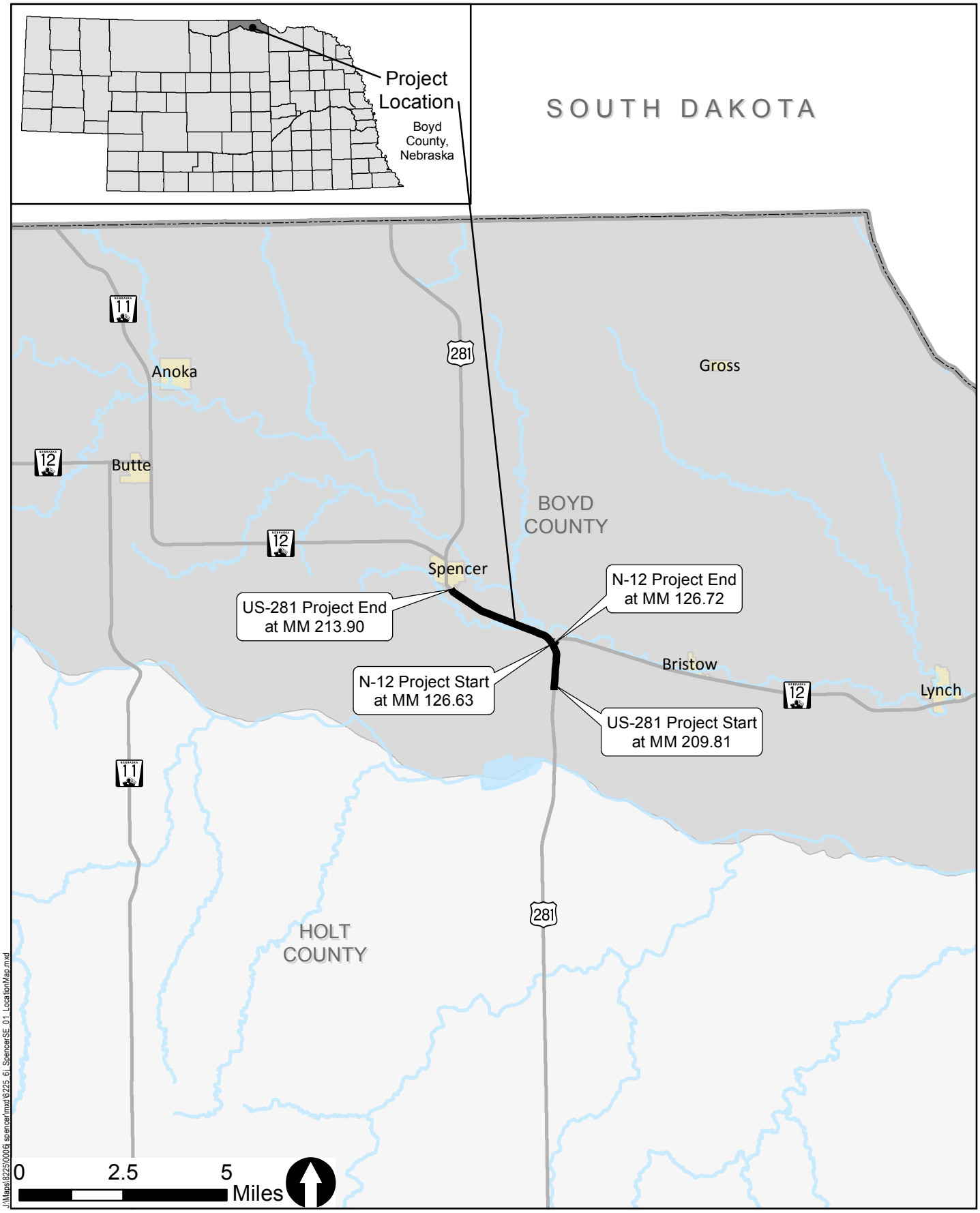

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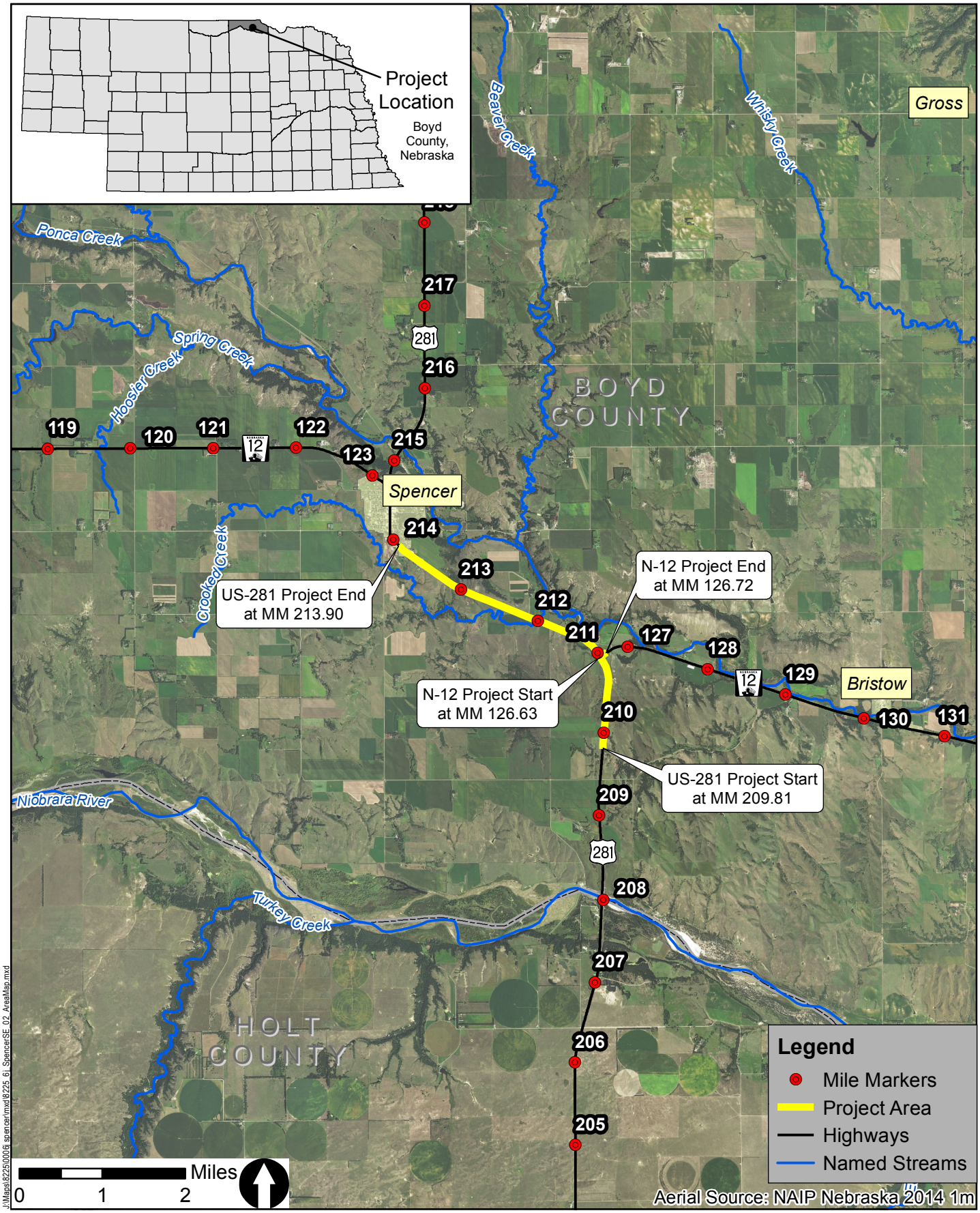
Project Location Map

Spencer Southeast (CN 80950 / NH-281-4(122))

Nebraska Department of Roads

Figure 1



Project Area Map

Spencer Southeast (CN 80950 / NH-281-4(122))

Nebraska Department of Roads

Figure 2

Section 4(f) Initial Assessment Form

May 29, 2015

Project Name	Project Number
Spencer Southeast	NH-281-4(122)
Control Number	**Date Completed**
80950	7/27/2016
Project Location *(Town, County)*	**Name of Preparer**
US-281, Spencer, Boyd County	Nicole Zappetillo, SRF Consulting Group, Inc.

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.

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.

- Nebraska Game and Parks Commission (NGPC) State Parks, NGPC Owned or Managed Sites, U.S. Army Corps of Engineers (USACE) properties, U.S. Forest Service lands, U.S. Fish and Wildlife Service (USFWS) Wildlife Refuges, USFWS Waterfowl Production Areas: Public Access ATLAS / http://outdoornebraska.maps.arcgis.com/home/item.html?id=ede157b65cd04eceab5dbf4bc797a69f
- USFWS Wilderness Areas: http://www.fws.gov/refuges/whm/Nebraska.html
- Land and Water Conservation Fund listed sites: http://projects.invw.org/data/lwcf/grants-ne.html
- Google Maps: https://www.google.com/maps
- Spencer, Nebraska website: http://www.spencerne.net/
- Boyd County, Nebraska website: http://www.boydcounty.ne.gov/
- Visit Nebraska website: http://visitnebraska.com/stays/spencer-park-fairgrounds

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

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

No potential Section 4(f) properties are present within 1/4 mile of the project area.

---

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.

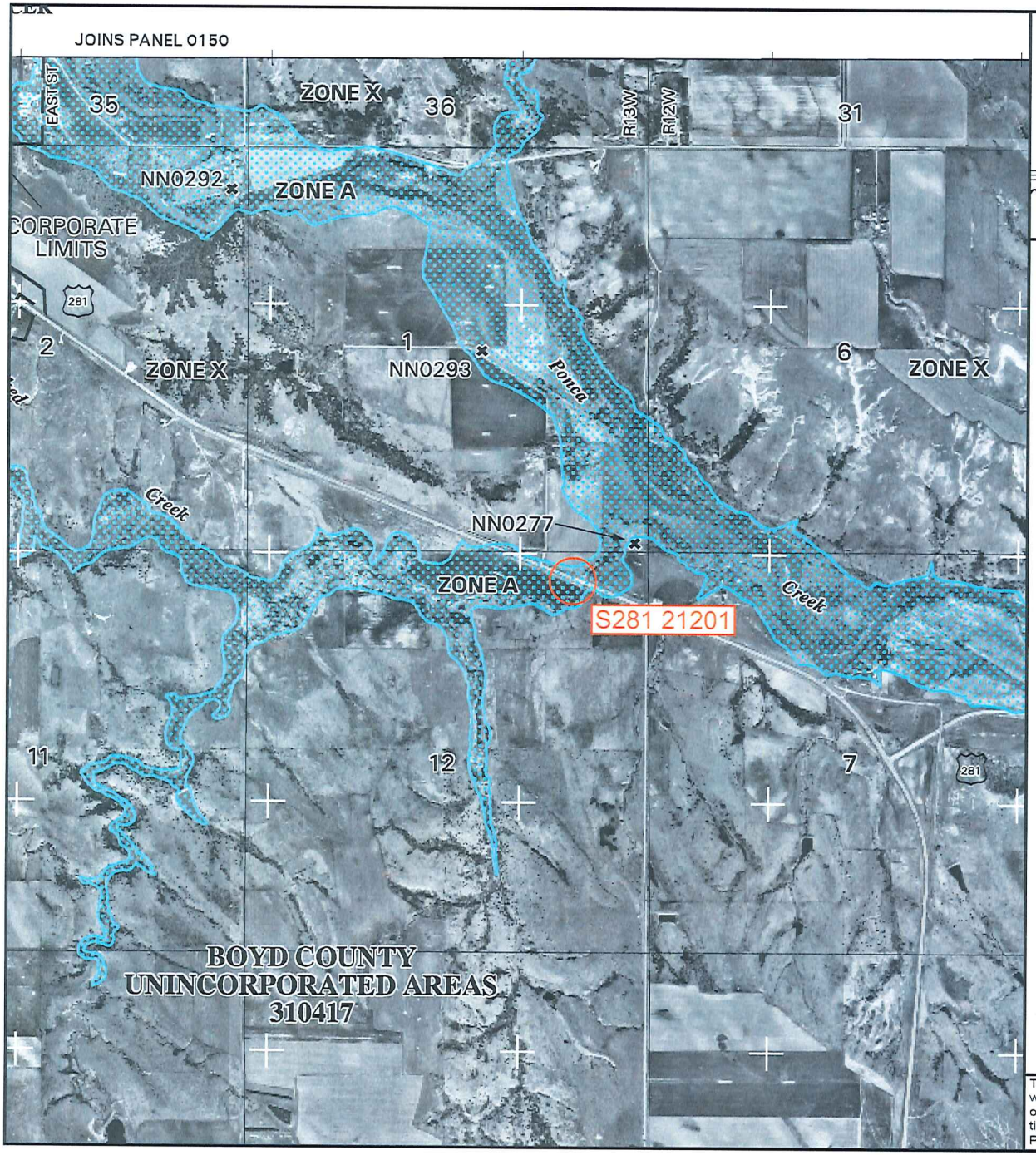
NDOR Reviewer Approval Signature: Date:

Wendy J. Austin

Digitally signed by Wendy J. Austin
DN: cn=Wendy J. Austin, o=Nebraska Dept. of Roads, ou=EDU - NEPA Specialist, email=wendy.austin@nebraska.gov, c=US
Date: 2016.07.27 10:59:04 -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



MAP SCALE 1" = 2000'

1000 0 2000 4000 FEET

METE

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0375C

FIRM

FLOOD INSURANCE RATE MAP

BOYD COUNTY,
NEBRASKA AND
INCORPORATED AREAS

PANEL 375 OF 450

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
BOYD COUNTY, UNINCORPORATED AREAS	310417	0375	C
SPENCER, VILLAGE OF	310398	0375	C

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

MAP NUMBER
31015C0375C

EFFECTIVE DATE:
AUGUST 18, 2005

Federal Emergency Management Agency

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

RECEIVED
APR 01 2015
ENVIRONMENTAL SECTION

Nebraska Department of Roads

Floodplain/Floodway Development Permit/Application

Permit Application No.	3-01-15
Date:	1/26/15

This form is used for any man-made change to improved or unimproved transportation facility, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Nebraska Department of Roads will obtain all other necessary federal, state, or local permits *(e.g., Corps of Engineers 404 Permit, Local Levee District, etc.)*

1.	Name of Applicant:	Nebraska Department of Roads PO Box 94759 Lincoln NE 68509-4759
2.	Type and Use of Development:	Mill and Overlay
3.	Specific Location of Development:	US-281 - M.M. 209+81 to 213+90
4.	Complete this section if the proposed development involves the improvement of a structure *(i.e., walled and roofed building).*	Pre-improvement Value of Structure: $ _____ Cost of Improvement: $ _____

The following section is to be completed by the community official:

5. Is the development Substantial Improvement? *(see #4)* ☐ Yes ☐ No
6. Is the development in an identified floodplain? ☑ Yes ☐ No

If Yes, complete the following:

a. Elevation of the Base *(100-Year)* Flood _____ Ft. MSL/NGVD 29 or NAVD 88

b. Elevation/Floodproofing Requirement *(if applicable)* _____ Ft. MSL/NGVD 29 or NAVD 88

c. Is the development in a designed Floodway?

☐ Yes New structures for human habitation are prohibited. For any other Floodway development, the NDOR must provide certification by a registered professional engineer that the development would result in no increase along the floodway water surface profile.

☑ No If a floodway has not been designated, the NDOR may be required to submit hydraulic data demonstrating that the proposed development will not increase flood heights more than one foot at any location.

If the development is in a floodplain, the following shall apply:

This permit is issued with the condition that the lowest floor *(including basement)* of a new or substantially improved nonresidential building will be elevated or floodproofed at least one foot above the base flood elevation. NDOR will provide certification by a registered Engineer, Architect, or Land Surveyor that these provisions are met.

All provisions of the Boyd *(County or City)* Floodplain Management Resolution/Ordinance (Number 20050401) shall be complied with.

Dolly Kienke — *Local Authorizing Official (Name & Title)* — 3-25-15 *Date*

[illegible] — *NDOR Environmental Permits Manager* — 1-30-15 *Date*

Project Name:	Spencer Southeast
Project No.:	NH-281-4(122)
Control No.: 80950	Structure No.: S281 21201

Wetlands PQS Memorandum

DATE 8/18/2016

TO Wendy Austin, NDOR EDU

FROM Roger Yerdon, NDOR EPU

SUBJECT Wetlands PQS Memo
Project No: NH-281-4(122)
Control No: 80950
Project Name: Spencer Southeast

☒A wetland delineation was completed 8/24/2013
Or
☐A desktop review was completed on Click here to enter a date.

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

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

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

Describe resources, <u>potential</u> impacts and anticipated permit type (*Include estimated permanent wetland impacts (acres). If known, also provide estimated temporary wetland impacts (acres), estimated channel impacts (linear feet/acres), special wetland areas, cause of impacts, and any Nationwide Permit information.*): No wetland impacts are anticipated with this project, therefore no NWP is required.

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)*: N/A

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 the following that apply:
☒ 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 or listed on Attachment 1 of the Environmental Commitment for the Contractor as avoidance areas. (NDOR Design, NDOR Environmental)

☐ The project qualifies under Nationwide Permit # Non-notifying Nationwide Permit Number. 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)

☐ The project will require a Title 117 Letter of Opinion for impacts to waters of the State. (NDOR Environmental, Contractor)

Project Description:
Project Description Date: 8/17/2016

This 3.95-mile project will resurface 3.13 miles and reconstruct 0.82 miles of US-281 located in Boyd County. The project begins at mile marker (MM) 209+81, 1.8 miles north of the Niobrara River bridge and extends north and west to MM 213+90, where the asphalt ends in the village of Spencer.
The East Junction (Channelized Intersection) of US-281/N-12, starting at M.M. 126+63 (N-12) will be reconstructed for 500 feet to M.M. 126+72 (N-12). Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement. The reconstructed segment begins at MM 210+51 and ends at MM 211+29.
The existing roadway on this segment of US-281 consists of two 12 foot wide asphalt lanes and 10 foot wide shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consist of milling and resurfacing the roadway and surfaced shoulders, removing and replacing guardrail, partial depth deck repair of bridge S281 21201, and reconstructing the segment(Channelized Intersection) at the east junction of US-281/N-12.

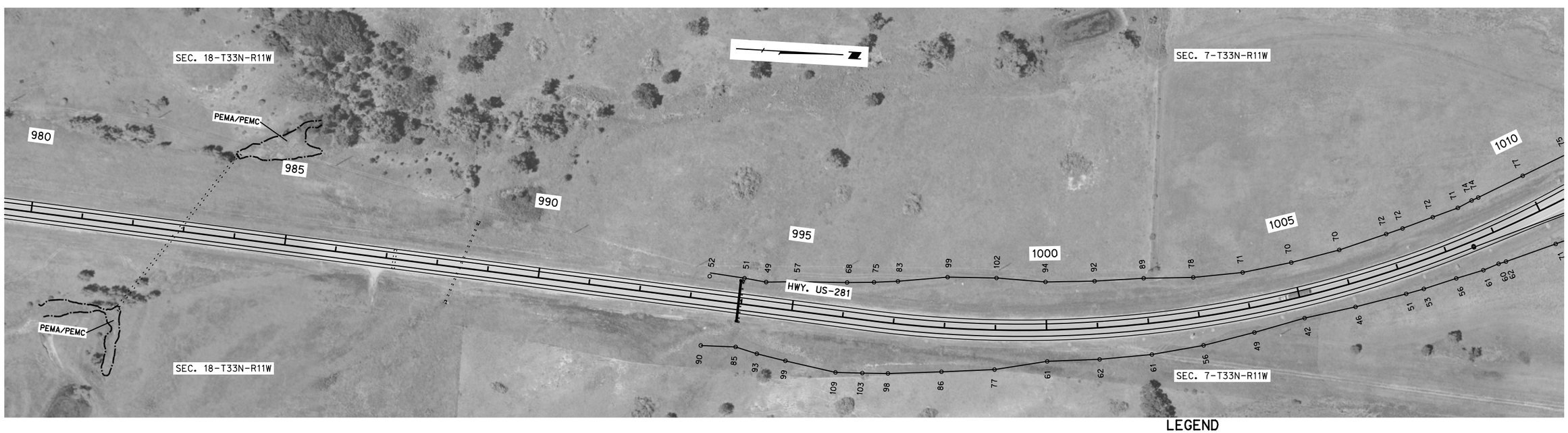
Scope details include:
- Grading beyond the hinge point will required for the following work:
    - Guardrail replacement at bridge S281 21201
    - Reconstruction of the roadway segment at the east junction of US-281 with N-12 will consist of asphaltc concrete for the new roadway and cutting standard 2 feet 6 inch deep ditches to convey the runoff from roadway.

    - Temporary road for traffic handling at the reconstruction segment.
- The scope of work at one culvert site will be extended on this project.
- As-built plans indicate that existing culvert ends are outside of the lateral obstacle clear zone. One culvert pipe will be replaced and a Concrete Box Culvert will be extened in the segment of the project that is being reconstructed.
- Remove and replace guardrail with grading inside the hinge point
- The existing asphalt will be milled prior to resurfacing for the 3R segments.
- The existing asphalt will be removed for the reconstruction segment of the project and replaced with asphaltic concrete.
- Asphalt patching operations will be performed prior to resurfacing, for the 3R segments.
- The deck on structure S281 21201 will be repaired prior to resurfacing with asphalt with membrane. The deck rails and a portion of the underside of the deck at the edge will be sealed and the piling will be painted 1 foot below grade.
- There are surfaced drives and intersections within the project limits. Rock or gravel will be placed behind driveways and intersections as appropriate to match the new asphalt.
- Surfacing will be placed under the guardrail.
- Rumble strips will be included with the surfaced shoulder.
- The existing earth shoulders will be brought up to match the new asphalt.
- Project surveying and staking will be required.
- Areas disturbed during construction will be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP). .
- Permanent pavement markings will be applied to all new surfacing.
- Temporary surfacing and widening will be required to maintain traffic.
- Right-of-way will be needed on the project.
- Special Ditches will be constructed.
- Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements.
- This project will be constructed under traffic with lane closures controlled with approved temporary traffic control.

PROJECT NO.	SHEET NO.
281-4(122)	2-W1

C.N. 80950

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE



SPENCER SOUTHEAST
BOYD COUNTY

LEGEND

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

DATE: 2012
FLIGHT: FSA
SCALE: 1" = 100'

ROADWAY DESIGN DIVISION

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File: 809500da01.dgn
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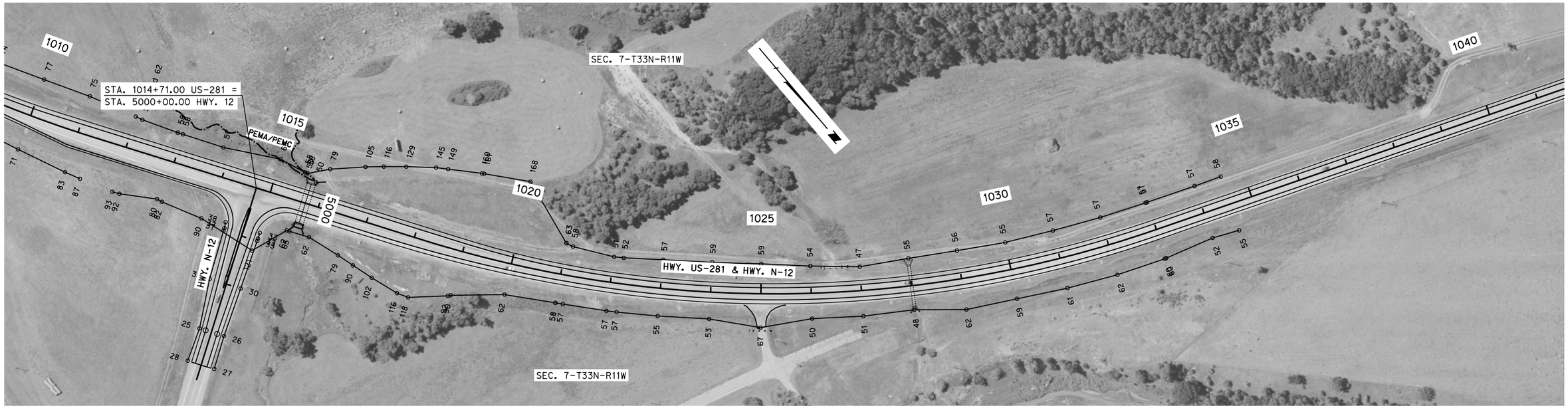
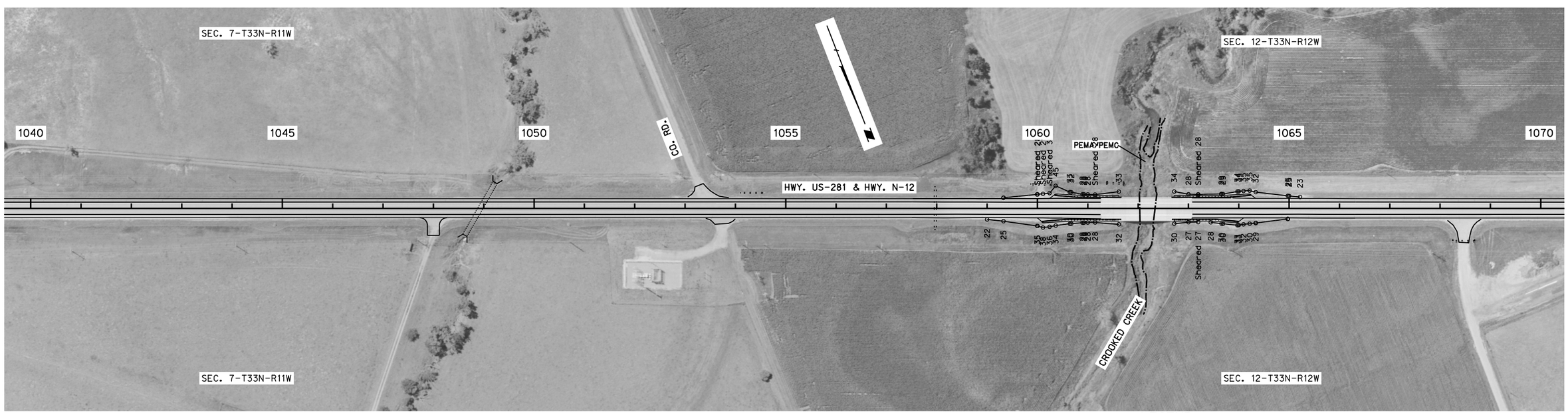
PROJECT NO.	SHEET NO.
281-4(122)	2-W2
C.N. 80950	

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2012
FLIGHT: FSA
SCALE: 1" = 100'

ROADWAY DESIGN DIVISION
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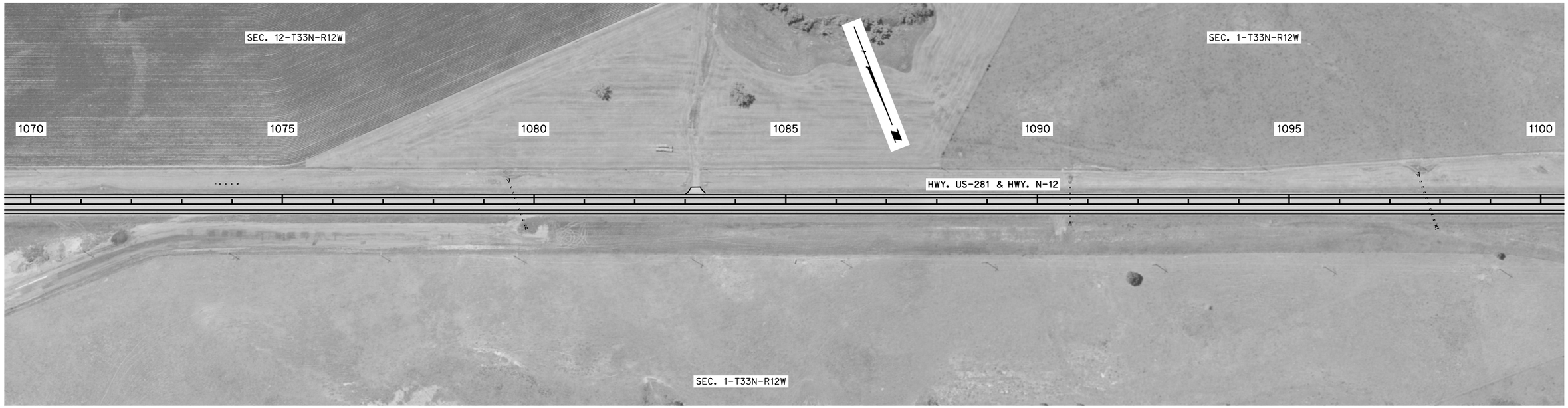
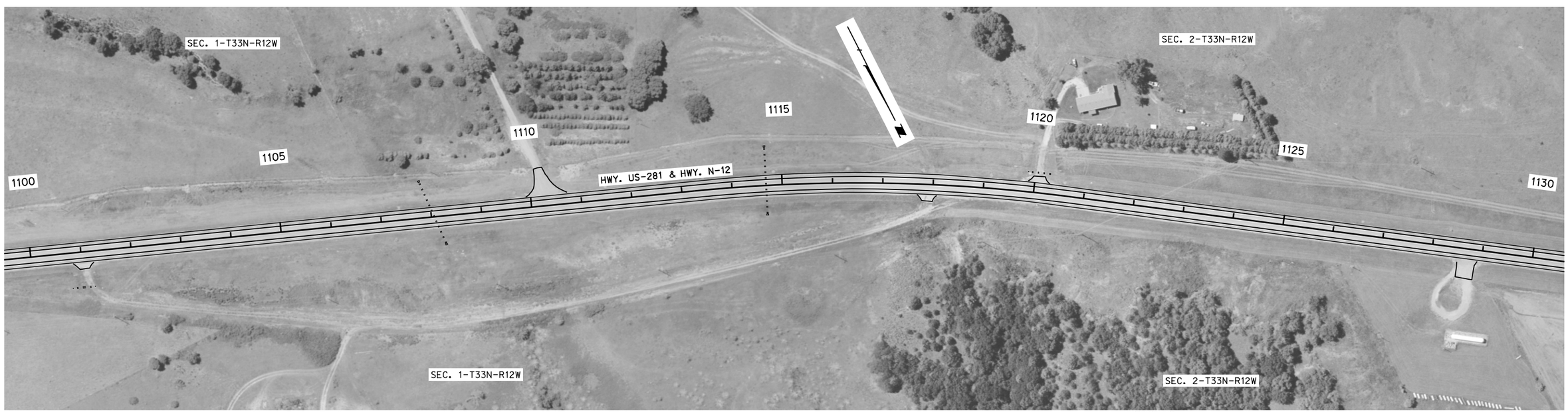
User: dor13199
Date: 07-JUN-2016 15:24
File: 809500dd02.dgn
Scale: 1:200

PROJECT NO.	SHEET NO.
281-4(122)	2-W3

C.N. 80950

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2012
FLIGHT: FSA
SCALE: 1" = 100'

ROADWAY DESIGN DIVISION

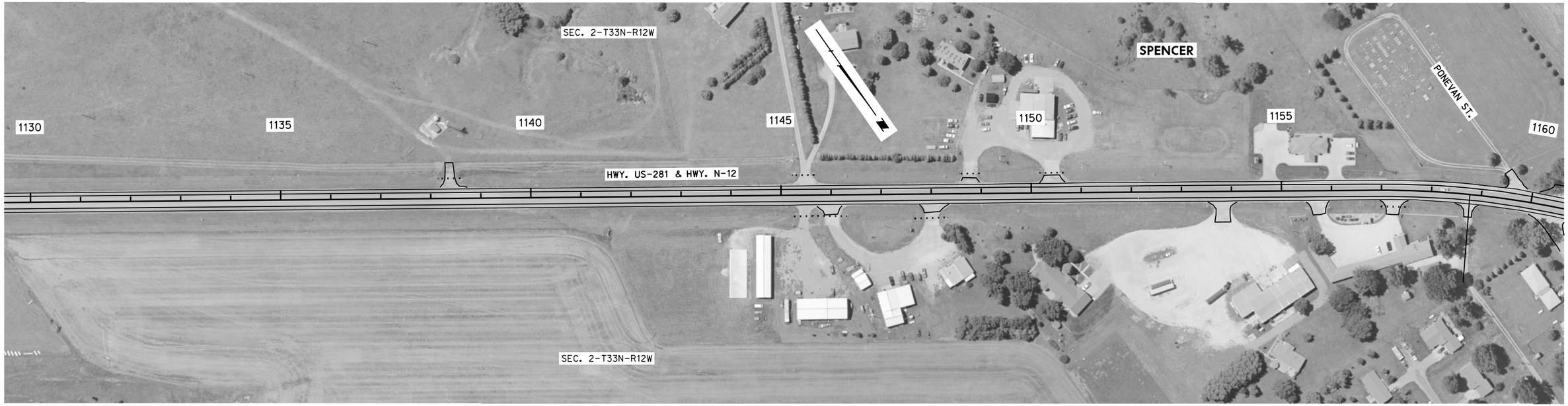
Computer: DRDESIGN61 User: dor13199 Date: 07-JUN-2016 15:24

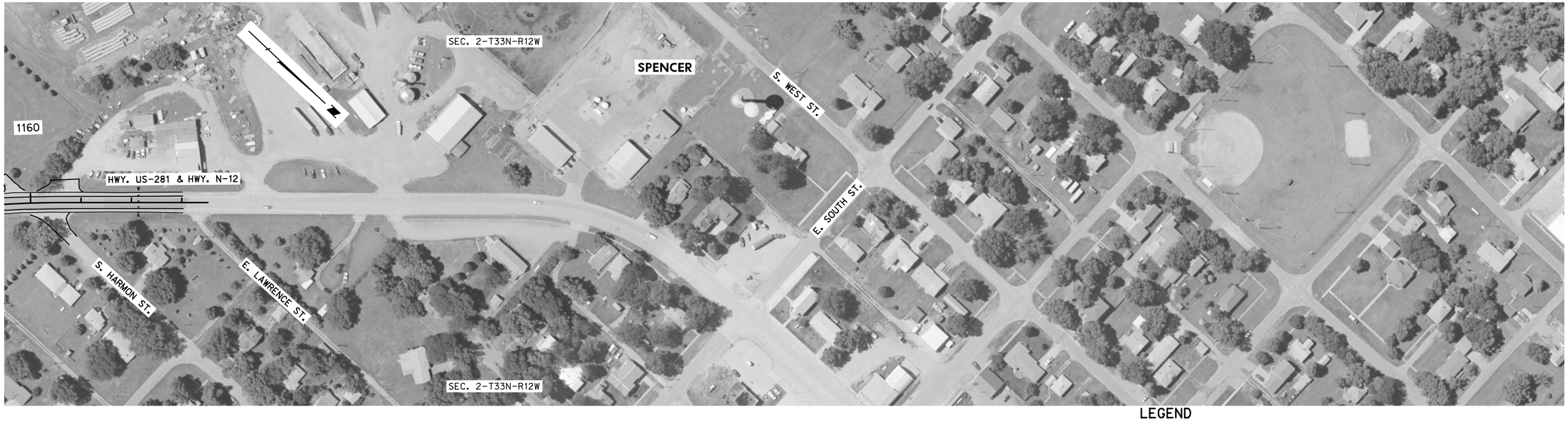
File: 809500dd03.dgn
Scale: 1:200

PROJECT NO.	SHEET NO.
281-4(122)	2-W4

C.N. 80950

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2012
FLIGHT: FSA
SCALE: 1" = 100'

ROADWAY DESIGN DIVISION

Computer: DRDESIGN61 User: dor13199 Date: 07-JUN-2016 15:24

File: 809500dd04.dgn
Scale: 1:200

Biological Assessment PQS Memorandum

DATE	9/16/2016
TO	Wendy Austin, NEPA Project Manager
Cc	Roger Yerdon, EPU Project Manager
FROM	Melissa Marinovich, T&E Species Biologist
SUBJECT	Spencer Southeast; NH-281-4(122); CN 80950 Threatened & Endangered Species Concurrence

The biological assessment final approval on: **10/23/2015**

The biological assessment was reevaluated on: **8/23/16 and on 9/16/16**

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:

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

Migratory Bird Treaty Act:

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

Fish and Wildlife Coordination Act:

A wetland delineation has been completed for this project; however, impacts are not yet available. Based on current project design, there may be wetland impacts on this project. This project may require a Section 404 permit from the Corps of Engineers.

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-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: ***Along the length of the Project in areas where soil disturbance would occur*** *(Location*

of suitable habitat). This work will be conducted by *either the District or the Contractor, as determined by the District during contracting*.

ABB-3 Bridge deck debris will be captured and/or contained from falling onto ground and/or dry channel. If debris cannot be captured, mowing and carrion removal will be implemented according to Protocol. (Contractor)

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).

Bald and Golden Eagle Protection Act

- Suitable **bald eagle** nesting and/or roosting habitat exists within 0.5 miles of the Environmental Study Area. If construction will begin between February 1 and April 15, a nest survey must be completed at least 1 but not more than 14 days prior to construction. If construction will begin between April 15 and October 1, a nest survey completed in March is sufficient, as nests will likely already be constructed if nesting will occur that year. However, a nest survey may be completed anytime during this timeframe, as long as it is completed prior to construction. If bald eagles are nesting in the area, consultation with NGPC and USFWS will be required. Eagle roosting surveys will be conducted if construction occurs between October 1 and January 31.

U.S. Department of Transportation
Federal Highway Administration

NEBRASKA DIVISION

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

February 13, 2015

NEBRASKA STATE HISTORICAL PRESERVATION OFFICE
Received
FEB 18 2015
NSHS

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

HP# 1502-075-01
County BD
STR. ___ ARCHEO. ___
Resp. ___ Date ___

Dear Mr. Puschendorf:

Project NH-281-4(122), CN 80950
Spencer Southeast
Boyd County
Cultural Resources Evaluation

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

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

Project Description
This 3.95-mile project would resurface 3.13 miles and reconstruct 0.82 miles of US-281 located in Boyd County. The project begins at mile marker (MM) 209.81, 1.8 miles north of the Niobrara River bridge and extends north and west to MM 213.90, where the asphalt ends in the village of Spencer. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement. The reconstructed segment begins at MM 210.51 and ends at MM 211.29.

The existing roadway on this segment of US-281 consists of two 12 foot wide asphalt lanes and 10 foot wide shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consist of milling and resurfacing the roadway and surfaced shoulders, removing and replacing guardrail, partial depth deck repair of bridge S281 21201, and reconstructing the segment at the east junction of US-281/N-12.

Scope details include:

- Grading beyond the hinge point would be required for the following work:
  - Guardrail replacement at bridge S281 21201
  - Reconstruction of the roadway segment at the east junction of US-281 with N-12 would consist of asphaltic concrete for the new roadway and cutting standard 2 feet 6 inch deep ditches to convey the runoff from roadway.
  - Temporary road for traffic handling at the reconstruction segment.

- The scope of work at one culvert site would be extended on this project.
- As-built plans indicate that existing culvert ends are outside of the lateral obstacle clear zone. One culvert pipe would be replaced and a Concrete Box Culvert would be extended in the segment of the project that is being reconstructed.
- Remove and replace guardrail with grading inside the hinge point
- The existing asphalt would be milled prior to resurfacing for the 3R segments.
- The existing asphalt would be removed for the reconstruction segment of the project and replaced with asphaltic concrete.
- Asphalt patching operations would be performed prior to resurfacing, for the 3R segments.
- The deck on structure S281 21201 would be repaired prior to resurfacing with asphalt with membrane. The deck rails and a portion of the underside of the deck at the edge would be sealed and the piling would be painted 1 foot below grade.
- There are surfaced drives and intersections within the project limits. Rock or gravel would be placed behind driveways and intersections as appropriate to match the new asphalt.
- Surfacing would be placed under the guardrail.
- Rumble strips would be included with the surfaced shoulder.
- The existing earth shoulders would be brought up to match the new 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.
- No additional property rights would be required to build this project.
- Temporary surfacing and widening would be required to maintain traffic.
- 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.

Area of Potential Effects (APE)

The APE for archeological properties and standing structures was chosen to adequately identify any historic properties that may be potentially altered given the scale and scope of this undertaking (Enclosure 2). With the exception of the curve reconstruction at MM210.51 to MM 211.29 (see above), the project is a 3R (Resurfacing, Restoration, and Rehabilitation) undertaking. However, the curve reconstruction portion of the project would remain entirely within existing right-of-way. 3R projects focus primarily on the preservation and extension of the service life of existing transportation facilities and on safety enhancements. Anticipated 3R project activities can include: resurfacing pavement, structural and joint repair, minor lane or shoulder widening, bridge repair, removal or protection of roadside obstacles, culvert repair and extension, installation of ADA compliant curb ramps, and minor alterations to vertical grades that do not require substantial ground disturbance. Project activities occur within existing rights-of-way or within minimal new rights-of-way.

To accommodate any potential minor changes in the above generalized project description that might occur during continued project development, the APE for direct construction effects includes an area generally 50 feet beyond present right-of-way adjacent to stream crossings (bridges and culverts) and 20 feet beyond present right-of-way along the remainder of the project. The vertical depth of the APE normally involves soils and deposits at or near the surface but can reach depths of 15 feet in the immediate area of bridges and culverts at stream crossings. The APE for effects to standing structures and farmsteads in rural areas includes an area 100 feet beyond existing right-of-way to account for any potential visual effects. Definition of a broader APE for secondary or cumulative impacts is not required in this instance.

Archeological Evaluation

An archeological evaluation was conducted by Highway Archeologist Nolan Johnson on January 20, 2015. A review of the Nebraska State Historical Society Cultural Resources Geographic Information System (NCRGIS) archeological resources database and historic maps indicated that there are no archeological sites recorded within the APE. A portion of the APE had been surveyed previously for an unrelated project by Nebraska Highway Archeology Program staff in 1992 [Koch 1992]. These portions of the APE were not resurveyed for the present project. An archeological reconnaissance was completed of the entire project APE. As a result of the reconnaissance eleven locations were selected for intensive pedestrian survey, though no archeological properties were discovered (Enclosure 3). The remainder of the APE is limited to activities 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.

Standing Structures

Preservation Associate Diane Laffin conducted a review of the standing structures within the APE using the Nebraska Historic Resources Survey & Inventory (NeHRSI) database, NeSHPO site files, *National Register Evaluation of Nebraska Bridges 1947 to 1965 (including the reassessment of select pre-1947 bridges), Nebraska Historic Bridge Inventory of* 1991, plat maps, books and manuscripts located in the Nebraska State Historical Society's Library and Archives, as well as the Boyd County Tax Assessor's Web site and Virtual Nebraska. Laffin also conducted an on-site survey in December 2014.

Two properties in the APE met the age threshold (greater than 50 years old) but did not meet any other Nebraska State Historic Preservation Office survey or evaluation criteria as they lacked both integrity and significance (historic or architectural). Therefore, a formal field investigation and preparation of a report is not required. The location of these two properties is: FN1 (49246 Hwy 281) and FN2 (49208 Hwy 281). The location of these properties is depicted in Enclosure 4.

The bridge to be repaired (S28121201) is not identified as an eligible structure in the Nebraska inventories of bridges before 1947 or of those from 1947 to 1965. These inventories were a joint effort between the Nebraska Department of Roads and the Nebraska State Historic Preservation Office and evaluated the National Register eligibility of all bridges in the state. The bridge is not listed in the inventories as eligible for inclusion on the National Register of Historic Places

because it does not possess the necessary engineering/design significance to be considered eligible. This bridge is also not on the list of structures excluded from the November 2012 Advisory Council on Historic Preservation Program Comment issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges.

There are no structural or architectural historic properties in the APE.

Recommended Effect
The proposed undertaking would not affect historic properties and the Federal Highway Administration recommends a finding of "no historic properties affected" and respectfully requests NeSHPO concurrence with this determination.

If you have any questions regarding this information, do not hesitate to contact me at your earliest convenience.

Sincerely yours,

Scott H. Stapp
Environmental Protection Specialist

Enclosures

REFERENCE:

Koch, Amy
1992 Project Survey Summary Form for NHAP-PSS F-281-4(1007), Spencer East. On file, Nebraska State Historical Society, Archeology Division. Lincoln

CONCUR:

L. Robert Puschendorf, Deputy State Historic Preservation Officer — Date 2-19-15

NEBRASKA
Good Life. Great Journey.
DEPARTMENT OF ROADS

Section 106 PQS Memo

To:	**Wendy Austin, NEPA Specialist**
From:	**Stacy Stupka, Section 106 Specialist**
cc:	
Date:	**August 22, 2016**
Re:	**80950_NH-281-4(122)_Spencer Southeast Supplemental Section 106 Evaluation**

The project referenced above received SHPO concurrence on a project effects recommendation of no historic properties affected on 02/19/15. Since SHPO concurrence was received, the project description was updated to include the acquisition of additional ROW as well as the addition of 500 feet of reconstruction on Hwy 12 east of the intersection of Hwy 12 and 281. This supplemental evaluation considers these updates.

Small amounts of ROW acquisition have been added to five locations along the curve where Hwy 12 intersects with Hwy 281, beginning at MM 211.06 through MM 212.64. Three areas are located between MMs 211.06 through 211.15 and MMs 212.52 through 212.64 and would have been within the archeological area of potential effects (APE) considered for this project under the NESHPO concurrence referenced above.

Two areas of new ROW acquisition between MMs 211.01 and 212.94 extend beyond the archeological APE previously considered, as does 500 feet east of the intersection of Hwy 12 and Hwy 281. Therefore, the archeological APE for this project has been expanded to include these areas (attached).

NDOR PQS Stacy Stupka consulted with Nebraska Highway Archeologist Nolan Johnson who determined that the expanded APE was previously surveyed by Amy Koch (1992) and Johnson (2015) and that no archeological sites were identified within the expanded APE as a result of these investigations.

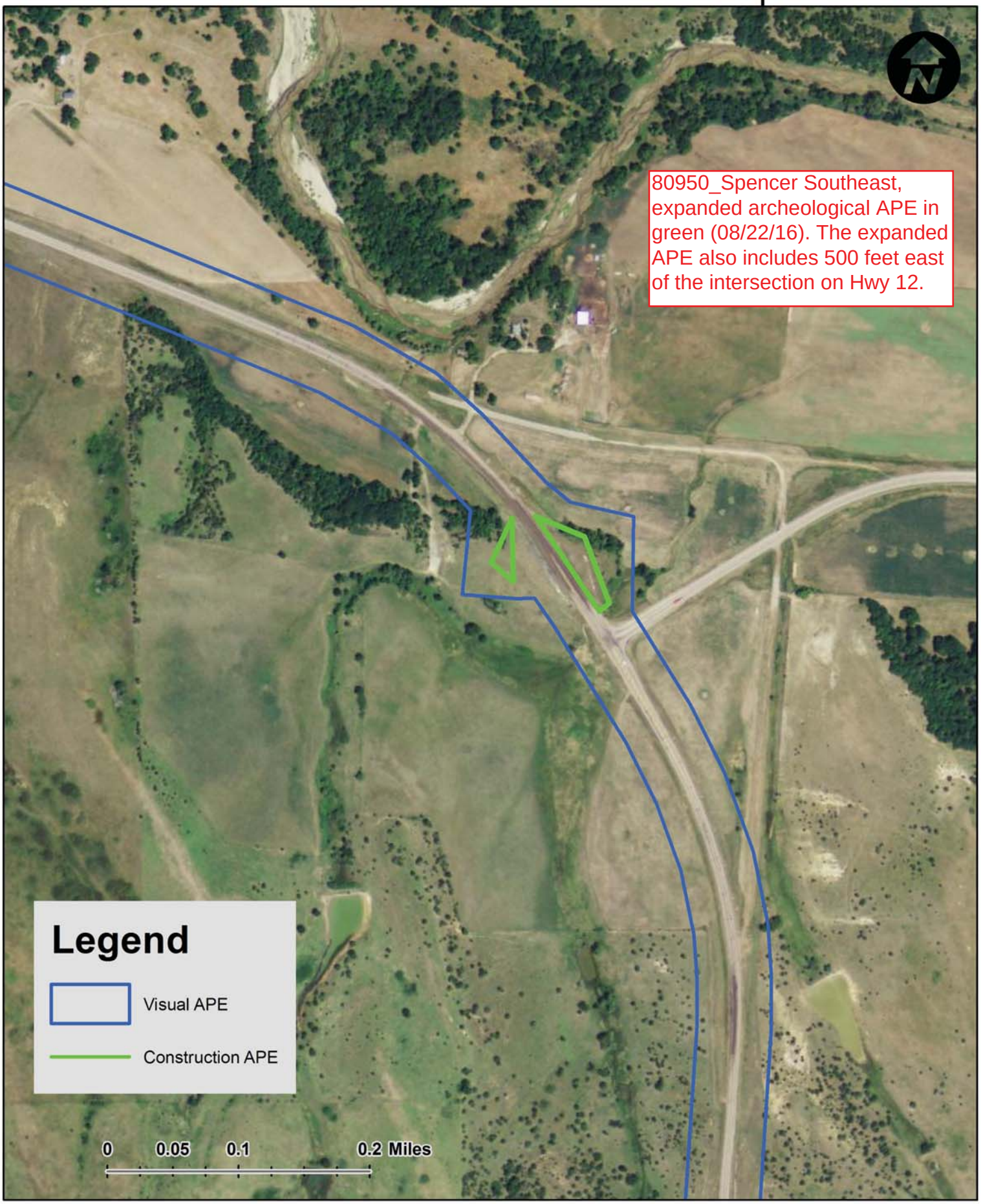
All areas of proposed ROW acquisition were included within the APE considered for above ground resources under the NESHPO concurrence referenced above. Project activities along the 500 feet of Hwy 12 are replacement in kind and do not require the acquisition of additional ROW. These activities have no potential to affect historic above ground resources.

There are no historic properties, either archeological or above ground, within the original APE or expanded APE considered for this project. The project effects recommendation of no historic properties affected remains appropriate. No additional consultation under Section 106 is recommended.

Stacy L. Stupka

Digitally signed by Stacy L. Stupka
DN: cn=Stacy L. Stupka, o=NDOR Environmental, ou=Section 106 Specialist, email=stacy.stupka-burda@nebraska.gov, c=US
Date: 2016.08.22 09:51:27 -05'00'

Area of Potential Effects Detail Map



Nebraska Department of Roads

Planning and Project Development

Hazardous Materials Memorandum

Date: August 22, 2016

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

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

Subject: Hazardous Materials Review Memo for the NDOR Project Spencer Southeast (C.N. 80950).

Overview

A hazardous materials review (HMR) was completed by SRF for the Spencer Southeast project and approved by NDOR on April 22, 2014. A HMR was required for this project because the scope of work exceeds the project exemptions. The purpose of the HMR is to identify environmental concerns associated with hazardous materials and petroleum products which could potentially be encountered during the construction project. This memo summarizes the conclusions and applicable mitigation measures found in the HMR and assists the Environmental Documents manager in completing the Hazardous Materials section of the CE Determination Form for Federal-Aid Projects. The HMR can be found in the NDOR project file.

The project description update on August 17, 2016 was used in for preparation of this PQS memo.

Hazardous Material Site Discussion

The HMR identified several facilities where past releases within the town of Spencer and within the hazardous materials study area. The releases were all related to leaking underground storage tanks. Only one site (R K Auto Sales and Repair) was adjacent to the project. The scope of work within the town of Spencer includes milling and filling the roadway and resurfacing drives. Based on the minimal scope of work with minor soil disturbance for resurfacing drives and the distance from the contamination to the project, there is a low potential of encountering contamination within the urban portion of the project.

The former Spencer Landfill was identified on the south side of the roadway near MM 212.90. In addition, a junkyard was identified on the north side of the roadway near MM 212.82. The scope of work in this area consists of resurfacing the roadway with minimal soil disturbance within the pre-existing roadway fill. Based on the minimal scope of work there is a low potential of encountering contamination originating from these sites. In addition, no Superfund sites were identified near the project.

Because almost two years have passed since the HMR was approved, databases were reviewed for any new releases within the hazardous materials study area. No new releases were identified. In addtion, the project description was updated after the approval of the HMR to include reconstruction of a 500 feet segement of the N-12 at the US-218/N-12 Junction (M.M. 126.63 to M.M. 126.72. This area was included within the orginal search radii. No hazardous material sites were identified that would impact construction. The approved HMRs conclusions are still valid.

Asbestos

The scope of bridge work does not require an asbestos survey. No asbestos commitments are required.

Lead Commitments

The Spencer Southeast project includes cleaning and painting of the bridge piles on structure S281 21201. There is potential for lead based paint to be found on the pilings. If lead-based paint is being removed in a manner that would create waste debris (i.e. sandblasting, abrasive removal, scraping), the Contractor shall remove the paint in accordance with NDOR's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128, Rules and Regulation Governing Hazardous Waste Management in Nebraska. Extreme caution shall be implemented to minimize the amount of potential lead based paint material or debris from falling to the watercourse below the bridge. The Contractors implementation plan efforts shall be documented in ECOD.

Unexpected Waste Commitment

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

Sincerely,

Will Packard 8/22/16

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

Probable Class of NEPA Action Form

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

Date this DR-53 was Completed:	Control Number: *(NDOR Completes)*	Project No.: *(NDOR Completes)*
9/22/14	80950	NH-281-4(122)

Project Name: Spencer Southeast

☐ LPA Project ☒ State Project

Local Public Agency or NDOR District and County Project Located In: NDOR District 8, Boyd County, Nebraska

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

17. To your knowledge, do any of the following exist within or adjacent to the project limits? *(Check all that apply)*
    - ☐ Above or below ground storage tanks
    - ☐ Past chemical spills or releases
    - ☐ Operational and/or closed dump or landfill
    - ☒ Industrial or commercial areas
    - ☐ None known

18. Do any of the following statements describe areas within the project limits? *(Check all that apply)*
    - ☐ There is standing water in the project area.
    - ☐ There area areas that hold water longer after it rains and/or do not drain well.
    - ☒ There are areas that appear to be soggy or swampy.
    - ☐ There are known wetlands in the project area.
    - ☐ Wetland plants are located in the project area *(e.g., cattails, reed-canary grass)*

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

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

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

Question 15: The Bald Eagle, Interior Least Tern, and Piping Plover have been identified within 5 miles of the project.

Question 18: Potential wetlands or water features have been identified in the Initial Environmental Review.

Document Preparer's Signature:

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

Carmen Pellish		9/22/2014
(Print Name)	*(Signature)*	*(Date)*

NDOR-NEPA Specialist

(Organization and Title)

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

The following is for NDOR Use Only

Environmental Justice/Title VI/LEP

Civil Rights Staff completes the following:

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

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

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

Chris Hassler (Print Name) — Hwy Civil Rights Specialist (Signature and Title) — 9/21/14 (Date)

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

Noise and Air Study

Noise & Air Section completes the following:

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

Is an air analysis warranted? ☐ Yes ☒ No

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

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

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

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

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

Public Involvement

Public Involvement Coordinator completes the following:

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

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

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

Sarah Kugler (Print Name) — Pub Involvement Coordinator (Signature and Title) — 10/7/2014 (Date)

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

Probable Class of NEPA Action

NDOR Environmental Section completes the following:

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

- [x] Programmatic Categorical Exclusion or Categorical Exclusion
- [ ] Environmental Assessment
- [ ] Environmental Impact Statement

Jill Thomann — Hwy Env./NEPA Specialist — 10/7/14

(Print Name) (Signature and Title) (Date)

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

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

Digitally signed by MELISSA G MAIEFSKI
DN: c=US, o=U.S. Government, ou=DOT FHWALincolnNE, ou=FHWA FHWALincolnNE, cn=MELISSA G MAIEFSKI
Date: 2014.10.15 14:51:29 -05'00'

(Print) (Signature and Title) (Date)

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

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

Civil Rights Data, CN 80950, NH-281-4(122), Spencer Southeast

The Limited English Proficiency data for this project is as follows:

Area	% of Population that Speaks ONLY English	Languages Other Than English Spoken by 5% or Greater of the Total Population*	Population of Area Age 5 or Older
Village of Spencer	97.1%	None	About 410
Boyd County	98.1%	None	About 1,910

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

The Environmental Justice Data for this project is as follows:

Area	Minority Population	Hispanic Population	Population Below the Poverty Level
Village of Spencer	6.2%	2.9%	13.3%
Boyd County	3.6%	1.6%	9.9%
State of Nebraska	17.9%	9.2%	12.4%

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