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: C

Project Name:

Alvo North

Project Number:

STP-63-2(108)

Control Number:

11450

Location and Study Area:

This project is located along Nebraska Highway 63 (N-63) beginning in the northern corporate limits of Alvo and extending north to approximately 0.32 miles south of the intersection of N-63 and Interstate 80 (I-80) in Cass County, Nebraska.

The Environmental Study Area is confined to the length of this project (6.29 miles) plus 200 feet on either end along N-63 from Mile Marker (MM) 4.20 to MM 10.49, including the existing right-of-way (ROW) and the limits of construction (LOCs) plus 50 feet beyond the ROW or LOCs for most of the project length, and extending to 150 feet beyond the ROW or LOCs at the bridges and culverts for wetlands and most other resources. For regulated materials the Study Area extended to 0.1 mile, and for Section 4(f) resources, 0.25 mile beyond the ROW or LOCs.

Termini are based on limits identified by NDOR pavement management system, District 1, and previous construction projects on this segment of highway.

Begin Point(s): MM 4.20

End Point(s): MM 10.49

Highway Number, Street, etc.: N-63

Project Description:

This New & Reconstruction project on N-63 would replace the existing asphalt pavement with dowelled concrete pavement on a shifted alignment for 6.15 miles and 0.14 miles of shoulder work located in Cass County. The project starts just south of the northern corporate limits of the City of Alvo at MM 4.20, and extends north to MM 10.49, 0.32 miles south of the I-80 and N-63 interchange. Construction may begin and/or end approximately 200

feet ahead of or beyond the actual project limits to accommodate transitioning the pavement. Removal of the entire pavement structure and modification of the pavement base requires the use of reconstruction standards, in this DR-4 design template.

The existing roadway on this segment of N-63 consists of the following:

MM 4.20 to MM 4.23: This segment consists of two 12 foot wide asphalt lanes and 5 foot wide earth shoulders.

MM 4.23 to MM 10.35: This segment consists of two 11.75 foot wide asphalt lanes and 1 foot wide earth shoulders.

MM 10.35 to MM 10.49: This segment of N-63 consists of two 12 foot wide concrete lanes and variable width earth shoulders.

The improvements on this project consist of removing the existing pavement and reconstructing with dowelled concrete pavement on foundation course and lime stabilized subgrade. The alignment of N-63 would be shifted to the west or east of the existing highway centerline at various locations along the project. The new roadway typical section consists of two 12-foot wide lanes and an 8-foot wide shoulder, of which 2 feet is surfaced. The project also includes grading consistent with the DR-4 standard typical cross section to the Lateral Obstacle Clear distance. One bridge size structure would be extended, Structure Number S063 00814, and an overflow structure would be added. Culverts located along the project would be removed and replaced or extended to accommodate the new grading.

Scope details include:

- Grading beyond the hinge point would be required for the following work:
  - Culverts
  - Guardrail
  - Mailbox turnouts
  - Correction or construction of horizontal alignment
  - Correction or construction of vertical alignment
  - Drives and intersections
  - Shoulder widening and surfacing
  - Flattening foreslopes
  - Ditch construction
  - Ditch cleanout
  - Berm construction
  - Roadway grading for culvert extensions

- All culverts would be modified and culverts would be constructed at new locations.
- One existing bridge size structure (Structure Number S063 00814) would be extended and an overflow structure would be added.
- Existing surfaced driveways and intersections would be replaced.
- Rock or gravel would be placed behind driveways and intersections to match the new concrete.
- Mailbox turnouts would be constructed.
- New horizontal and vertical alignments would be constructed.
- The reconstructed shoulders would be widened from the variable existing width to 8 foot wide with 2 foot wide surfaced. A beveled edge and rumble stripes would be included with the surfaced shoulder.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Permanent pavement markings would be applied to all new surfacing.
- Additional property rights would be required to build this project. Alignment shift would occur to meet design standards and to minimize impacts to channels, wetlands, residential homes and two cemetery locations.
- A permittee-responsible mitigation site would be acquired and developed as part of this project.
- Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
- This project would not be constructed under traffic. A detour would be provided.
- Traffic would be detoured on the state highway system. Work would not be required on the designated detour route.
- The project would include relocation of existing utility poles outside of the 30 foot wide Lateral Obstacle Clear

distance.

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

Purpose: The purpose of this project is to improve the reliability of the transportation system, perpetuate the mobility of the traveling public, and bring the existing roadway up to current design standards.

Need: The need for this project is based on information from the NDOR's Pavement Management System, Materials & Research Pavement Design section and District 1. These entities have determined that the pavement distresses present on this section of N-63 are significant enough to warrant reconstruction. The existing asphalt between mile marker (MM) 4.20 and MM 4.23 is seven years old and would be eleven years old at the time of construction. The asphalt on this segment is currently rutted approximately 6 millimeters. A rutting depth greater than 6 millimeters is a classified as a "Fair" condition rating. The asphalt between MM 4.23 and 10.35 is currently one year old and would be four years old at the time of construction. In the most recent five years, annual maintenance costs have been very high, averaging $8,094 per lane per mile. Maintenance activities have included joint and crack filling, armor coating, patching, and shoulder grading. Prior to surfacing maintenance conducted in 2010 and 2011, the roadway had a Nebraska Serviceability Index (NSI)(1) of 59 and Cracking Index (2) of 32, "Fair" and "Poor" condition ratings respectively. Furthermore, this segment has experienced significant rutting, as high as 10.7 millimeters in 2005, but rutting has been mitigated by maintenance activities in multiple years. Current pavement metrics reflect the conditions present following the 2011 resurfacing project, and therefore do not indicate the need for reconstruction. The 2011 resurfacing was an emergency fix aimed at extending the pavement life until reconstruction can take place. The pavement has effectively reached the end of its life and long term overlays are no longer a viable option. Total reconstruction of the pavement is required.

Total reconstruction of the pavement requires the design for the highway meet New and Reconstruction Design Standards. The existing roadway does not meet current geometric standards for cross-section sight distance, grades, shoulder widths, and ditches. Improvements to the existing roadway profile and cross section are needed and would require a wider footprint for the new highway. Adjustments to the roadway profile would improve sight distances at drives and intersections. Widening the shoulders and flattening side slopes would provide for a lateral recovery area for errant vehicles. The subgrade currently does not drain due to the small grade difference between the ditch elevation and subgrade elevation. The road profile and ditches must be modified to improve the drainage. Any pavement strategy that does not address drainage of the subgrade would have a short life cycle and high recurring maintenance costs.

An alternatives analysis was completed for this project. The following five alternatives were considered:

Alternative 1- Horizontal and vertical alignments developed by NDOR
Alternative 2- Alternative 1 horizontal alignment with a modified vertical alignment
Alternative 3 - Modified horizontal alignment with Alternative 2 vertical alignment
Alternative 4 - Alternative 3 horizontal alignment with Alternative 1 vertical alignment
Alternative 5 - Horizontal alignment follows existing N-63 alignment

Key elements considered in the development of the general layout of the alignment concepts included:
Project Cost
Wetland and Waters of the US (WOUS) Impacts
Cemetery Impacts
Right-of-Way (ROW) Impacts
Earthwork Balances and Quantities
Constructability
Access and traffic disruptions during construction

Note: Intersection sight distance was reviewed at all intersections and drives for each of the alternatives to assure that alignments meet desirable design standards.

Alternative 1

Alternative 1 features a shift in the horizontal alignment, approximately 60 feet to the west of the existing centerline of N-63, starting just north of the corporate limits for the Village of Alvo. The proposed centerline runs parallel with the existing N-63 for approximately 7,500 feet before shifting the roadway back to the east, near the McKelvie Road intersection. This shift in alignment reduces impacts to the Alvo Cemetery located east of N-63 at

approximately MM 4.50.

The horizontal alignment then shifts to the east side of the existing N-63 centerline near MM 5.80 , just south of McKelvie Road, where it then runs parallel at 50 feet to the east of N-63 for approximately 2,000 feet before shifting back on to the existing N-63 centerline near MM 7.00, or just south of Bluff Road. The alignment then follows the existing N-63 alignment to the end of the project near MM 10.49, where it ties into the recently constructed I-80 and N-63 interchange.

Alternative 2

Alternative 2 utilizes the same horizontal alignment developed in Alternative 1. The vertical alignment was adjusted to reduce the impacts to the adjacent properties by reducing the cuts and fills at existing drive locations, adjacent residences and county road intersections. Both vertical curve lengths and grades were adjusted with the focus on minimizing impacts at the side roads, driveways and stream crossings. Special ditches were also modified to accommodate the changes in vertical alignment.

Alternative 3

Alternative 3 features minor modifications to the horizontal alignment developed in Alternative 1 to further reduce impacts to adjacent properties, channel impacts and wetland impacts. The radius of the horizontal curve at approximately MM 4.44 was increased from 4,000 feet to 12,600 feet to match the other proposed curves on the project and eliminate the need for superelevation.

The location of the alignment shift from the west side to the east side near McKelvie Road was adjusted approximately 1,000 feet north, moving from MM 5.80 to approximately MM 6.00. This adjustment reduced the impacts to the residence located on the east side of N-63 at MM 5.80.

The alignment was shifted approximately 25 feet east of the Alternative 1 alignment to minimize the impacts to the residence located to the west of N-63 at MM 6.70. This shift would eliminate the need to relocate the residence and buildings located adjacent to the existing right of way.

A new cross over was introduced at approximately MM 7.00, near Bluff Road which takes the alignment from the east side to the west side of existing N-63 to reduce impacts at the residence located to the east of N-63 at approximately MM 7.12. The alignment continues along the west side, offset approximately 45 feet from the existing centerline of N-63, for approximately 1 mile before crossing back to east of existing N-63 alignment at approximately MM 8.37. The alignment then runs parallel, offset approximately 25 feet to the east of N-63 for the next mile before tapering into the existing alignment near MM 9.70.

Alternative 3 utilizes the same vertical alignment developed in Alternative 2. Minor modifications were made to the special ditches to accommodate the shift in the horizontal alignment developed in Alternative 3.

Alternative 4

Alternative 4 utilizes the same horizontal alignment developed in Alternative 3 and the same vertical alignment as Alternative 1. Minor modifications were made to the special ditches to accommodate the shift in the horizontal alignment developed in Alternative 3.

Alternative 5

Alternative 5 would be constructed on the existing N-63 alignment. Changes to the roadway would include widening the roadway footprint to meet design standards

Alternative Analysis

Alternative 5 would require the relocation of approximately 100 graves within Alvo Cemetery and relocation of six residences and outbuildings. Impacts to wetlands/WOUS for Alternative 5 would be similar to the other four alternatives. Based on the alternative analysis Alternative 5 was removed from further consideration based on the level of impacts within the study area.

Alternatives 1 through 4 were carried forward to the public involvement meeting. Alternative 1 involved the relocation of one residence and was not preferred. Alternative 2 had a higher amount of wetland impacts when

compared to Alternative 3 and was not preferred. Alternative 4 would require temporary access roads and would have the highest amount of wetland impacts. Therefore, Alternative 3 was selected to be the preferred alternative.

Based upon the evaluation of concept alternatives developed for this project, Alternatives 2 and 3 provide the lowest costs as well as the least amount of environmental and right-of-way impacts. Alternatives 2 and 3 also enhance constructability and would accommodate access to adjacent properties during construction when compared to Alternatives 1 and 4.

Looking at the project from the perspective of the residents who live along the project, Alternative 3 eliminates the relocation of one residence and provides the least amount of impacts to the other residences both during and after construction. This alignment was pulled away from the majority of residences along the project, thus creating more favorable driveway grades and less property disturbances during construction.

Alternative 3 also has the lowest impacts to wetlands as compared to the other alternatives. However, this alternative does have a slight increase in channel impacts as compared to Alternative 2. Based on the factors reviewed as part of the preliminary alternatives analysis, Alternative 3 was selected as the preferred alternative.

1: NSI is a pavement conditions index used to gauge the overall health of a pavement section. It is calculated numerical value based on pavement distresses such as transverse, wheelpath, and longitudinal cracking. Its value ranges on a scale of 0 to 100, with 0 being "very poor" condition and 100 being "very good" condition.
2: The Cracking Index is a rating of value used to qualify the amount of cracking based on the severity and extent noted during visual inspection.

Action is identified in the Current STIP Date:	Subsequent Phase:	Estimated Cost *($)*:
8/19/2016	Construction	$15,589,000

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)*?

[X] Yes (2) [ ] No (1) [ ] N/A

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

[X] Yes (3) [ ] No (2)

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

The majority of the property required for ROW consists of agricultural farmland and pasture adjacent to the existing ROW. The remaining property consists of portions of residential parcels. The acquisition of the ROW is due to the shift in the alignment of the highway and construction of intersections. There would be no removal of major property improvements associated with the new ROW.

1.4 Estimated Acres of Permanent ROW/Easements:

111.11

1.5 Estimated Acres of Temporary ROW/Easements

3.93

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

☐ Yes (3) ☒ No (2) ☐ N/A

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

☐ Yes (2) ☒ No (1) ☐ N/A

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

☐ Yes (1) ☐ No (1) ☒ N/A

Other Non-Threshold Property Impacts

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

☐ Yes ☒ No

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

☐ Yes ☒ No ☐ Unknown

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

☒ Yes ☐ No ☐ N/A

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

Utilities:
The project would include the relocation of existing utility poles outside of the 30-foot wide Lateral Obstacle Clear distance. The utility companies would be responsible for moving their facilities and obtaining any permits required for the relocation of the utility poles.

Farmland:
The NRCS-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) form was submitted to Wayne Vanek of the Natural Resources Conservation Service (NRCS) on February 2, 2016 with a Part VI section assessment point total of 90. Mr. Vanek responded on February 22, 2016 stating that NRCS-CPA-106 form is based on a point system that has 160 points set as the minimum number of "Total Points" that triggers additional in-depth site reviews. The NRCS evaluation portion Part V is on a scale of 0 to 100 points. In the case of this project, the "Total Points" equate to 156. Thus, NRCS has determined that the Alvo North project was found to be cleared of Farmland Protection Policy Act (FPPA) significant concerns.

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.

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

☐ Yes (3) ☒ No (1) ☐ N/A

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

☐ Yes (3) ☒ No ☐ N/A

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

A portion of the project is located within the Greenwood Creek - Zone A floodplain at approximately MM 8.15. Work at this location would include shifting the alignment to the west and extending the existing structure and constructing an overflow structure, which is considered to be a functionally dependent use.

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

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

☒ Yes (1) ☐ No (1)

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

☒ Yes (1) ☐ No (1)

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

☒ Yes (2) ☐ No (1) ☐ N/A

7.4 Estimated Permanent Wetlands Impacts:

2.04

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

☒ Yes (2) ☐ No (1) ☐ N/A

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

☐ Yes (3) ☒ No (2) ☐ N/A

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

A delineation occurred on May 6-8, 2013. Additional work was completed on June 18, 2013 and October 1 -2, 2015. Unavoidable project impacts consist of 1.66-ac permanent impacts to PEMA/C wetlands, 0.060-ac temporary impacts to PEMA/C wetlands, 0.14-ac permanent impacts to PEMF wetlands, 0.015-ac temporary impacts to PEMF wetlands, and 0.24-ac permanent impacts to PFOA wetlands. Stream channel impacts associated with the project include 0.035-ac of filled stream channel (775 feet) and 0.0238-ac (521 feet) of channel cleanout/shaping. (Note that none of the stream channel impacts nor the channel cleanout/shaping impacts exceed 200 feet at any one location.) Based on the project impacts and permitting thresholds, the roadway project would be permitted as a Nationwide Permit 23. Impacts to PEMA/C and PEMF wetlands would be debited to the existing NDOR Rock Creek mitigation bank site. A permittee responsible wetlands mitigation site would be constructed on site, to account for impacts to forested wetlands, at approximately MM 4.50 on the current highway alignment. This location is located within the project footprint and was evaluated for impacts. All Nationwide and General Permit Conditions would be detailed in the project green sheets to require contractor compliance.

A pre-application meeting was conducted with the USACE on August 4, 2015 to discuss the permitting process, calculation of stream channel impacts, and options available to address required mitigation for unavoidable project wetland impacts.

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

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)

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

The 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)

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

☐ Yes ☒ No

8.2 Does the project occur within a MS4 community?

☐ Yes ☒ No

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

☒ Yes ☐ No

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

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

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

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

☐ Yes (2) ☒ No (1)

NDOR PQS Determination Date:

2/4/2016

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

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

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

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

☒

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

☐ Coordination Required ☒ N/A

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

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

9.8 Species Mitigation:

S-2 Platte River Depletions. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.

S-3 Revegetation. All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. (NDOR Environmental)

S-4 Sensitive Areas. Environmentally Sensitive Areas will be marked on the plans, in the field, or in the contract by NDOR Environmental for avoidance. (NDOR Environmental, District Construction)

S-5 Species Surveys. If species surveys are required for this project, results will be sent by NDOR to the USFWS, NGPC, and if applicable COE. FHWA will be copied on submittals. (NDOR Environmental, District Construction)

Northern Long-Eared Bat:

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

NLEB-2 - If tree clearing or removal of box-culvert structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: any locations of tree or box culvert structure removal (location of suitable habitat). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

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

Human and Social Resources

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

☐ Yes (1) ☒ No (1)

10.4 Historic Property Determination

No Historic Properties Affected

NDOR PQS Determination Date:

8/16/2016

Has coordination occurred with SHPO?

☐ Yes ☒ No

Has coordination occurred with THPO?

☒ Yes ☐ No

THPO Concurrence Date:

8/16/2016

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:

9/8/2016

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

The Hazardous Materials Review (HMR) identified two facilities where past releases have occurred within the hazardous materials study area. The Roads Department Greenwood yard had a release of diesel and gasoline related to an underground storage tank. This facility is located approximately 0.25 miles north of construction. Based on the distance, down gradient location, and the no further remedial action (NFA) status, there is a low potential of encountering contamination during construction.

A former Superfund USDA grain bin was removed about 0.1 miles east of the project in Alvo. This site is east of where the current grain bins are located in Alvo. EPA investigation revealed Carbon Tetrachloride was discovered in the soil and groundwater in the vicinity of the former grain bin. Soil contamination was greatest at depth of 12 to 20 feet below ground surface (bgs). Groundwater samples in the nearest sampling location just northeast of the former bin revealed the presence of contamination but the levels were below limits establish by NDEQ target cleanup for direct contact with contaminated groundwater. The site was closed with a no further remedial action planned because there was not a significant risk of exposure. Soil contamination is not likely to be encountered due to the distance to construction activities. Groundwater contamination is not likely to be encountered given the flow direction is to the northeast and the shallowest depths to groundwater near Alvo (80 feet bgs, NE DNR) are below proposed excavations. Based on the information above, there is a low potential of encountering contamination originating from this site during construction.

The proposed project has had several changes since the review and approval of the HMR in 2014. The primary changes consist of extending the northern project limits from MM 10.34 to 10.47 and adding on onsite wetlands mitigation bank between stations 130.00 and 135.00. Guardrail replacement was also removed from the project scope. After review of the project changes, it has been determined that the conclusions of the HMR remain the same. The wetlands mitigation site is not in the vicinity of any hazardous material sites and the extended limits do not add any new hazardous material sites within the study area. In addition, database review did not identify any new release within the HMR study area.

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 District, 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)

15.2 Will the action result in major traffic disruption requiring detours, temporary roads, or ramp closures that are greater than 135 working days?

☒ Yes (3) ☐ No (2)

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:

The project would be constructed using a 31 mile detour. It would result in approximately 19.4 miles of rural out of direction travel. The detour would utilize United States Highway 34 (US-34), Nebraska Highway 50 (N-50), Nebraska Highway 66 (N-66), and I-80 and would be in place for two construction seasons.

Coordination with the affected public and emergency services has occurred, following the requirements of the approved public involvement plan. No adverse effects to businesses or emergency services were identified during the outreach.

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:

Local traffic access to adjacent residences would be maintained during construction but may be limited at times due to phasing requirements. NDOR District 1 and the Contractor would coordinate with the residences to ensure access to the properties. Access to the Alvo Cemetery would be maintained using temporary roads.

16.8 Substantial Access Disruption Mitigation:

Access to adjacent properties shall be maintained at all times during construction but may be disrupted temporarily at times due to construction activities, but will not be closed. NDOR District 1 and the Contractor shall coordinate with the property owners located on N-63 to ensure access is maintained. (NDOR District, Contractor)

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

☒ Yes (1) ☐ No (1)

17.2 Will the project have an adverse impact to minority or low income populations per NDOR's Environmental Justice Policy?

☐ Yes (2) ☒ No (1)

NDOR Highway Civil Rights Specialist Determination Date:

5/23/2014

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

In general, the areas through which this project and its detour route travel have low populations of minority, Hispanic, and low-income persons when compared to Cass County. In only one instance is the minority, Hispanic, or low-income population of a tract, city, or village meaningfully greater than the figure for Cass County. The Village of Alvo contains a low-income population.

However, despite the presence of a low-income population in the Village of Alvo, there will be no disproportionately high and adverse human health or environmental effects visited upon minority and low-income populations, as defined in USDOT Order 5610.2(a).

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

The areas through which this project travels are mostly English-speaking. In the areas 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 recommended for this project.

Based on an analysis of the project scope and a civil rights analysis, a public information open house meeting, targeted mailer in the form of a public notification, legal notice, news release, temporary highway signs, website, and a 30-day comment period were used as outreach tools for public involvement on this project.A public information open house meeting was held at the Alvo Village Office in Alvo, Nebraska on Thursday, November 14, 2013 from 4:00 PM to 6:00 PM. The public notification involved mailing a project notification to a compiled distribution list of 62 citizens and businesses adjacent to N-63, from MM 4.20 to MM 10.35. Additionally, 24 public and private agencies with potential interest in the project were also included in the distribution list, including the Nebraska Truck Association. Legal notices were placed in a Nebraska Press Association (NPA) recognized newspaper, the Lincoln Journal Star on October 27, 2013 and November 7, 2013. A news release was published on October 31, 2013. Temporary highway signs advertising the meeting were placed near the project. Project information was placed on the NDOR website.

NDOR Public Involvement received 6 comments during the specified comment period (October 27, 2013 – November 14, 2013), outlined in the attachments.

Due to changes in the project scope, a second public information open house meeting was held at the Alvo Fire Station, Fire Department and Rescue Squad Meeting Room in Alvo, Nebraska on Thursday, June 16, 2016 from 4:00 PM to 6:00 PM, with approximately 42 citizens in attendance. The public notification involved mailing a project notification to a compiled distribution list of 89 citizens and businesses adjacent to Nebraska Highway 63, from mile marker (MM) 4.20 to MM 10.49. Additionally, 55 public and private agencies with potential interest in the project were also included in the distribution list, including the Nebraska Trucking Association, Eagle Raceway, and I-80 Speedway. Legal notices were placed in three Nebraska Press Association (NPA) recognized newspapers, including the Omaha World Herald on June 1, 2016, the Plattsmouth Journal on June 2, 2016, and the Lincoln Journal Star on June 3, 2016. The notice was also placed in the Alvo Nebraska Newsletter, as well as placed on the alvonebraska.com website and events calendar. A news release was published on June 2, 2016. Temporary highway signs advertising the meeting were placed near the project location. Project information was placed on the NDOR website.

NDOR Public Involvement received 9 comments during the specified comment period (June 1, 2016 – July 1, 2016), outlined in the attachments.

18.2 Public Involvement Mitigation:

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

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

☐ Yes ☒ No

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

Contract Provisions Required

20.1 Wellhead Protection Special Provisions

[X] Yes [ ] No

20.2 General Conditions for Nationwide Permit

Nationwide Permit: 23

[X] Yes [ ] No

20.3 Federal Aviation Administration *(FAA)* Form 7460-1

[ ] Yes [X] No

20.4 General Conservation Conditions from the Matrix PA

[X] 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

[X]

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:

Control Number (CN)13155_STP-66-7(117)_Mahoney Interchange, Phase 2 is located along the detour route and would consist of concrete resurfacing and bridge repair. The project would be constructed in 2016 under traffic.
CN 13100_STP-66-7(116)_South Bend-N-50 is located along the detour route and would consist of resurfacing with bridge repair. The project would be constructed in 2019 under traffic.
CN 13218_NH-80-9(73)_Greenwood-N-66 is located along the detour route and would consist of joint sealing. The project would be constructed in 2019 and would be under traffic.

There are no anticipated cumulative impacts due to the Alvo North project in conjunction with the additional projects referenced above. Construction for the individual projects has been scheduled such that there would be adequate time between projects to prevent interference with local traffic patterns. There are impacts anticipated for wetlands/waters, which would be mitigated on site or at a mitigation bank. There are no impacts anticipated for threatened and endangered species, or Section 4(f) properties for the Alvo North 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 roadway improvements.

22.1 **Additional Comments**:

Section 12: The project also included a profile change at several locations along the proposed project for improved site distance. After reviewing the locations of the profile changes in relation to the adjacent receptors, there is not a situation in which shielding is removed exposing the line of site from the highway to the receptors. There is no substantial vertical change as defined in 23 CFR 772.5. This project does not fit the definition of a Type I project and is therefore exempt from a noise study.

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:
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)

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

The 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)

Impaired Waters, Section 402, and MS4 Mitigation:
Erosion control plans and storm water pollution prevention plans (SWPPP) are required on all projects that have one acre or more of disturbed soil. NDOR inspects all erosion and sediment control best

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

General Conservation Conditions from the Matrix PA:

A-1 Changes in Project Scope. If there is a change in the project scope, the project limits, or environmental commitments, the NDOR Environmental Section must be contacted to evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

A-2 Conservation Conditions. Conservation conditions are to be fully implemented within the project boundaries as shown on the plans. (District Construction, Contractor)

A-3 Early Construction Starts. Request for early construction starts must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start to ensure avoidance of listed species sensitive lifecycle timeframes. Work in these timeframes will require approval from the Federal Highway Administration and could require consultation with the USFWS and NGPC. (District Construction, Contractor)

A-4 E&T Species. If federal or state listed species are observed during construction, contact NDOR Environmental. Contact NDOR Environmental for a reference of federal and state listed species. (NDOR Environmental, District Construction, Contractor)

A-5 Refueling. Refueling will be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field. (Contractor)

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

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

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

A-7 Waste/Debris. Construction waste/debris will be disposed of in areas or a manner which will not adversely affect state and/or federally listed species and/or designated critical habitat. (Contractor)

A-8 Post Construction Erosion Control. Erosion control activities that may take place by NDOR Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere to

any standard conservation conditions for species designated for the project area during construction. (NDOR Maintenance, District Construction, Contractor)

Species Mitigation:
S-2 Platte River Depletions. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.

S-3 Revegetation. All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. (NDOR Environmental)

S-4 Sensitive Areas. Environmentally Sensitive Areas will be marked on the plans, in the field, or in the contract by NDOR Environmental for avoidance. (NDOR Environmental, District Construction)

S-5 Species Surveys. If species surveys are required for this project, results will be sent by NDOR to the USFWS, NGPC, and if applicable COE. FHWA will be copied on submittals. (NDOR Environmental, District Construction)

Northern Long-Eared Bat:

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

NLEB-2 - If tree clearing or removal of box-culvert structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: any locations of tree or box culvert structure removal (location of suitable habitat). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

Hazardous Materials Mitigation:
If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material 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)

Substantial Access Disruption Mitigation:
Access to adjacent properties shall be maintained at all times during construction but may be disrupted temporarily at times due to construction activities, but will not be closed. NDOR District 1 and the Contractor shall coordinate with the property owners located on N-63 to ensure access is maintained. (NDOR District, Contractor)

Public Involvement Mitigation:
A minimum of one news release shall go to all local and area media, and be posted on the NDOR

website, prior to the start of construction work. (NDOR District, NDOR Communication)

Additional Mitigation:
Historic Properties:
Excavation within the existing NDOR ROW is allowed. (NDOR District, Contractor)

Excavation within the boundaries of the cemetery are not anticipated, however, pursuant to the Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act (Nebraska Revised Statute 12-1201 thru 12-1212) Highway Archeology staff will be on site during the removal of the topsoil in any portion of the cemetery, and if any burials are discovered state law and procedures will be followed [Nebraska Revised Statute 12-1205 (2)]. (NDOR District, Contractor)

Borrow and Staging Site:
Any material needed will 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 be required to dispose of material removed as part of the project described above and miscellaneous obstructions encountered and removed along the project. The disposal shall be the responsibility of the Contractor. A waste site may be needed. The Contractor shall be responsible to obtain all permits and clearances and all conditions of those permits shall be followed.(Contractor)

Wellhead Protection Area:
A portion of the project has been identified as being located within the Cass County RWD #2's Wellhead Protection Area. NDOR’s Standard Specifications 107.01, 107.09 and 107.16 address the Contractor’s responsibility to keep fully informed of, observe and comply with all federal, state and local laws and ordinances that affect the conduct of the work. (Contractor)

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

Paragraph: (d)

Prepared by: Carmen Modrcin

Organization: NDOR-Environmental Documents

Phone: (402) 479-4413

Email: carmen.modrcin@nebraska.gov

Signature: Digitally signed by Carmen Modrcin
DN: cn=Carmen Modrcin, o=NDOR Environmental, ou=NEPA Specialist, email=carmen.modrcin@nebraska.gov, c=US
Date: 2016.09.13 14:58:17 -05'00'

Date: 9/13/2016

Reviewed by Project Sponsor:

Name: Kellie Troxel

Organization: NDOR- Roadway

Title: Consultant Coordinator

Signature:

Date: 9/13/2016

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

NDOR Environmental NEPA Specialist Signature:

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: 2016.09.13 15:03:26 -05'00'

Date:

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

Jon C Barber

Digitally signed by Jon Barber
Date: 2016.09.13 15:28:11 -05'00'

Date:

FHWA Environmental Specialist *(Level 3 Requirement)*:

Scott H. Stapp

Digitally signed by Scott H. Stapp
DN: cn=Scott H. Stapp, o=FHWA-NE, ou=Nebraska Division, email=scott.stapp@dot.gov, c=US
Date: 2016.09.28 13:39:05 -05'00'

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: