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:

Center - Bloomfield

Project Number:

STP-84-5(109)

Control Number:

31892

Location and Study Area:

The Center - Bloomfield Project is located in Knox County on Nebraska Highway 84 (N-84), starting at the junction of N-84 and Nebraska Highway 13 (N-13) and ending at the east corporate limits of Bloomfield.

The Environmental Study Area is confined to the roadway for the length of this project (12.06 miles) plus 200 feet on either end along N-84, including the existing right of way (ROW) plus 50 feet beyond ROW for most of the project length, and extending to 150 feet beyond the ROW at bridges and bridge-sized box culverts for wetlands and most other resources. The study area extended to 0.1 mile beyond the ROW for regulated materials and 0.25 mile beyond the ROW for Section 4(f) resources.

Project termini are based on limits identified by NDOR pavement management system, District 3, and previous construction projects on this segment of highway.

Begin Point(s):

Mile Marker (MM) 10.34

End Point(s):

MM 22.39

Highway Number, Street, etc.:

N-84

Project Description:

This project would resurface 12.06 miles of N-84 located in Knox County, starting at the junction of N-84 and N-13, at MM 10.34, and extending east to the east corporate limits of Bloomfield, at MM 22.39. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-84 consists of the following:

• MM 10.34 to MM 10.71: This rural segment consists of two 12-foot-wide asphalt lanes and 6-foot-wide earth shoulders.
• MM 10.71 to MM 21.33: This rural segment consists of two 12-foot-wide asphalt lanes and 5.5-foot-wide earth shoulders. An asphalt right turn lane exists on N-84 for westbound traffic turning north near MM 14.00 and a concrete right turn lane exists on N-84 for eastbound traffic turning south near MM 18.75.
• MM 21.33 to MM 21.61: This urban segment consists of 42-foot-wide back to back asphalt lanes with concrete curb and gutter.
• MM 21.61 to MM 21.79: This urban segment consists of 42-foot-wide back to back composite lanes with concrete curb and gutter.
• MM 21.79 to MM 21.94: This urban segment consists of 74-foot-wide back to back composite lanes with concrete curb and gutter and angled parking in both directions.
• MM 21.94 to MM 22.14: This urban segment consists of 42-foot-wide back to back composite lanes with concrete curb and gutter.
• MM 22.14 to MM 22.23: This urban segment consists of 42-foot-wide back to back asphalt lanes with concrete curb and gutter.
• MM 22.23 to MM 22.39: This urban segment consists of a westbound 12-foot-wide asphalt lane and has been striped to provide a varying width, 10-foot max, asphalt shoulder, with an additional 8-foot of earth shoulder beyond the asphalt edge. Eastbound the segment consist of a 21-foot-wide composite section with curb and gutter.

For the rural portion of the project, MM 10.34 to MM 21.33, the improvements on this project would consist of milling of the existing asphalt roadway and resurfacing the roadway with asphalt. A beveled edge would be installed. There would be a grade raise at the new edge of pavement. Existing culvert ends with headwalls within the Fixed Obstacle Clear Zone would be extended or replaced with flared end sections as warranted. The bridge deck at MM 17.89 (Structure S084 01789) would be replaced to achieve a 30 foot clear width. Additional work would include cleaning and painting the bearings, adding approach slabs with grade beams on pile, and removing and rebuilding the existing guardrail. The urban bridge at MM 21.61 (Structure S084 02161) would undergo repairs including, but not limited to, full and partial depth deck repairs, adding bridge rail by the sidewalk (north side), updating the bridge rail (south rail), abutment concrete repairs, and resurfacing.

For the urban portion of the project, MM 21.33 to MM 22.39, the improvements would consist of milling and resurfacing the existing roadway with asphalt.

Scope details include:
• Grading beyond the hinge point would be required for the following work:
- Guardrail
- Mailbox turnouts
- Earth shoulder construction
- Bridges
- Turn lanes
- Shoulder widening and/or surfacing
- Backslopes for snow drifting control
- Foreslopes to a 3:1
- Roadway grading for culvert extensions
- Correction of superelevation at most would be a 12" grade raise
• Culverts
- The following work would be required:
 Culvert ends would require extension beyond the fixed obstacle clear zone.
 Culvert ends would require extension to intersect 3:1 foreslopes.
 Existing culvert headwalls within the fixed obstacle clear zone would be removed and replaced with flared end sections.
• Guardrail
- Remove and replace guardrail with grading beyond the hinge point.
• The existing deck on the bridge (Structure Number S084 01789) would be replaced to provide a 30-foot clear width; approach slabs with grade beams on pile would be added. The existing guardrail would be removed and replaced. Contractor crossing would be included on the project.
• The bridge over the Little Bazile Creek (Structure Number S084 02161) would be repaired including, but not limited to, full and partial depth deck repairs, an asphalt overlay with membrane, add bridge rail by sidewalk (north side), update bridge rail (south rail), and abutment concrete repairs. If warrants are met, new guardrail would be constructed.
• Concrete pavement repairs would be made prior to resurfacing.

• The existing asphalt would be milled prior to resurfacing.
• Existing surfaced driveways and intersections would be resurfaced.
• Rock or gravel would be placed behind driveways and intersections to match the new asphalt.
• Mailbox turnouts would be constructed.
• Surfacing would be placed under the guardrail.
• Beveled edges would be constructed on the outside edge of the pavement.
• The existing earth shoulders would be brought up to match the new asphalt.
• Pipe underdrains would be constructed on this project.
• 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).
• Because the pavement work would be considered to result in an alteration of the pavement in crosswalks, the NDOR would eliminate barriers to access by building curb ramps where required.
• Permanent pavement markings would be applied to all new surfacing.
• Additional property rights would be required to build this project.
• Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
• The majority of this project would be constructed under traffic with lane closures controlled with approved temporary traffic control, including repairs to bridge S084 02161. A detour, however, would be required for reconstruction of bridge S084 01789. The detour route would be N-13 to Nebraska Highway 59 (N-59) to Nebraska Highway 121 (N-121).

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

Purpose: The purpose of this project is to preserve the transportation asset, improve the reliability of the transportation system and perpetuate the mobility of the traveling public.

Need: The need for this project is based on information from the NDOR's Pavement Management System, Materials & Research Pavement Design Section and District 3. These entities have determined that the pavement distresses present on this section of N-84 are significant enough to warrant rehabilitation. The existing asphalt is between 19 and 26 years old, and would be between 23 and 30 years old at the time of construction, and therefore at or beyond the end of its anticipated service life. The asphalt on this segment is currently rutted between 3.73 mm and 14.56 mm. A rutting depth greater than 8 mm is a "Poor" condition rating. In the most recent five years, an average of $2,310 per lane per mile has been spent annually on maintenance activities, including patching, armor coating, and shoulder maintenance. This expenditure is indicative of a roadway in "Poor" condition. This project would address pavement on N-84 with a Nebraska Serviceability Index (NSI) of 66.51, or a "Fair" condition rating. The existing roadway has large areas of patching and wide and depressed thermal cracks. This is evidenced by both visual inspections and a Thermal Cracking Index of 83, or a "Poor" condition rating and a Cracking Index of 24, a "Fair" condition rating.

The need for curb ramps to eliminate barriers to access within the corporate limits of Bloomfield is considered necessary due an alteration of the pavement in crosswalks.

The need for culvert work is to address obstacles within the Fixed Obstacle clear zone.

The need for bridge repairs on this project is based on information from the NDOR's Bridge Inventory System, Bridge Division, and District 3.

S084 01789: This simple pre-stressed girder bridge was originally built in 1959 and has not been reconstructed and no contract maintenance has been performed. The deck has a rating of 4, a "Poor" condition rating. This deck condition has placed the bridge in a structurally deficient status. The existing clear roadway width is 26 feet and the "remain in place" width is 28 feet. The most recent biannual visual inspections in October 2014 indicated that one third of the deck has armor coat over an asphalt overlay on the westbound lane. The eastbound lane has several areas of cracking on the asphalt overlay. The underside has scaling with cracking and efflorescence. In addition, the bridge rail and terminal ends do not meet current standards.

S084 02161: This simple concrete frame bridge was originally built in 1959 and has not been reconstructed and no contract maintenance has been performed. The most recent biannual visual inspections in October 2014 indicated that approximately 30% of the deck has spalling and delamination. The underside of the slab has some scaling in span one and longitudinal cracking with efflorescence in all three spans.

The FHWA and NDOR have identified upgrading roadside safety hardware to a crashworthy appurtenance as a part of 3R (Resurfacing, Restoration and Rehabilitation) projects as one of the emphasis areas to mitigate the severity of roadway departure crashes. Pursuant to this emphasis, guardrail would be upgraded as necessary.

Action is identified in the Current STIP Date:	Subsequent Phase:	Estimated Cost *($)*:
8/3/2016	Construction	$5,441,000

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?

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

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

Land required for permanent ROW outside of the City of Bloomfield corporate limits is primarily used for agriculture. ROW would be needed along N-84 outside of the City of Bloomfield due to grading beyond the hinge point and culvert extensions.

Land required for temporary easements within the corporate limits of Bloomfield is office and commercial. Temporary easements would be needed along N-84 in the City of Bloomfield due to curb ramp construction.

There would be no relocations or potential impacts to major property improvements.

1.4 Estimated Acres of Permanent ROW/Easements:

0.98

1.5 Estimated Acres of Temporary ROW/Easements

0.96

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

[ ] Yes (3) [X] 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) [X] No (1) [ ] N/A

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

The Community Ballfield and Knox County Fairgrounds are located north of N-84 at the east end of the project area, and Bloomfield Public High School is located south of N-84 at the east end of the project area. The project would not require any additional property rights from any of these properties, and access to the properties would be maintained throughout construction.

In addition, three NRHP listed or eligible resources are present within the area of potential effects for Historic Properties: KX02-007 - ca. 1914 Masonic Lodge, KX02-019 - ca. 1900 Queen Anne House and KX02-038 - ca. 1900 Queen Anne House. Sidewalk reconstruction would be occurring within existing ROW near all three properties listed above. Permanent ROW or temporary easements would not be required to complete this work. Therefore, the project would not result in a Section 4(f) use.

2.4 Section 4(f) Mitigation:

Public access to the Community Ballfield, Knox County Fairgrounds, and Bloomfield Public High School shall be maintained at all times during construction. (Contractor)

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

☐ Yes (1) ☐ No (1) ☒ N/A

Other Non-Threshold Property Impacts

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

☐ Yes ☒ No

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

☐ Yes ☒ No ☐ Unknown

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

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

☐ Yes ☒ No

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

☒ Yes ☐ No

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

☐ Yes ☒ No ☐ N/A

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

The NRCS-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) forms show that the Part VI section assessment point total is 49. The NRCS-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) form is based on a point system that has 160 points set as the minimum number limit for “Total Points” that triggers additional in depth site reviews. The NRCS evaluation portion Part V is on a scale of 0 to 100 points. That means that the Federal Agency Part VI “Total Site Assessment Points” must be at least 60 to even warrant the possibility of reaching the 160 “Total Points” level of concern. In the case with this project, the highest possible "Total Points” that could be reached would only be 149. No further coordination would be required.

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 re-evaluation 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 re-evaluation prior to project letting. If the work is identified during construction, the project sponsor will initiate the re-evaluation 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:

The project encounters five Zone A floodplains. Structure Number S084 01789 crosses a Zone A floodplain at MM 17.89. Work at this location would remove and replace the structure, add approach slabs with grade beams on pile, and replace the existing guardrail. A contractor crossing would be included on the project. Structure Number S084 02161 crosses the Little Bazile Creek floodplain at MM 21.61. This structure would be repaired including, but not limited to, full and partial depth deck repairs, an asphalt overlay with membrane, add or update bridge rail, abutment concrete repairs, and new guardrail. A third floodplain is crossed from MM 20.24 to MM 20.39. A culvert headwall would be removed and replaced at this location. All work at these three locations would be considered functionally dependent.

Two floodplain encroachments on this project, MM 16.11 to MM 16.37 and MM 22.35 to MM 22.39 (end of project), would not be considered functionally dependent and fall under the requirements of 23 CFR 650.111(b, c, and d). The improvements at these locations would consist of milling and resurfacing the existing roadway with asphalt. The risks associated with the implementation of the proposed action and would not result in any significant change in flood risks or damage, and does not have potential for interruption or termination of emergency service or emergency routes. There are no significant encroachments as a result of this project and it does not support incompatible floodplain development.

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 the City of Bloomfield and Knox 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?

[X] 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?

[X] Yes (1) [ ] No (1)

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

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

7.4 Estimated Permanent Wetlands Impacts:

0.02

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

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

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

Based on the wetland delineation completed on 9/7/2014 and the DR-290 issued by NDOR design, unavoidable project impacts consist of 0.003-acre permanent impacts to PEMA wetlands, 0.014-acre temporary impacts to PEMA wetlands for a temporary access crossing, and 80-feet (0.015-acre) filled stream channel impacts. As such, mitigation for wetland impacts is not proposed, nor required, for this roadway project. Based on the roadway maintenance project description and minimal wetland impacts, the USACE issued a NWP #3b and NWP#33 permit for the project dated 5/25/2016 (Corps Permit No. NWO-2016-0576-WEH).

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/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. (NDOR Design, NDOR Environmental)

The project qualifies under Nationwide Permit # 3b and #33. The contractor shall adhere to the permit conditions, including regional and general conditions, during construction. (Contractor)

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

[X] Yes [ ] No

8.2 Does the project occur within a MS4 community?

[ ] Yes [X] No

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

[X] Yes [ ] No

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

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

The segment of Bazile Creek (MT2-12500) located approximately 0.1 mile west of the junction of N-13 and N-84 is a Category 5 impaired water for recreation (bacteria, E. coli). The project would not involve work within Bazile Creek. Structure Number S084 02161 crosses Little Bazile Creek in the City of Bloomfield. Little Bazile Creek is a tributary of Bazile Creek. The project would not involve work within Little Bazile Creek.

Erosion and sediment control best management practices (BMPs) would be implemented to protect water quality.

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

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

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

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

☐ Yes (2) ☒ No (1)

NDOR PQS Determination Date:

9/25/2015

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

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

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

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

☒

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

☐ Coordination Required ☒ N/A

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

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

9.8 Species Mitigation:

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

OR

NLEB-2 If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: S084 01789, >5-ft tall CBC extension locations, any areas of tree clearing (location of suitable habitat). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

Whooping Crane:

WC-1 Construction activities will not occur during Whooping Crane migration periods. (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16). (NDOR Environmental, Construction, Contractor)

OR

WC-2 If construction activities occur during Whooping Crane migration periods (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16), NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: Open ponds and wetlands between MM 10.34 and MM 15.00 (location of suitable habitat). (prior to the start of daily construction activities). If species are present the District will notify the Contractor to stop work within 1/2 mile of the

whooping crane and follow the protocol to determine when work can resume (also not initiate work if species is found in the morning survey). Options for resuming work may include but are not limited to (NDOR Environmental, Construction, Contractor):
• Construction activities are limited to the hours from 10:00 a.m. to 4:00 p.m. (CST) during the migration period, unless morning survey indicates Whooping Cranes are not present.
• If a whooping crane is observed during the survey within ½ mile of the project, but departs the area (further than ½ mile from the project) then work can resume. Document this departure according to protocol.

AND

WC-3 Herbaceous species used for re-seeding within ¼ mile of the following location: Adjacent to open ponds and wetlands between MM 10.34 and MM 15.00 (location of suitable habitat) will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design, NDOR Environmental).

R-11 For the whooping crane, nighttime work with lights from March 10 - May 10 and September 16 - November 16 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).

* 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?

[X] Yes (1) [ ] No (1)

10.2 Will the action result in Section 106 effects other than a "No Potential to Cause Effects" or a "No Historic Properties Affected" determination?

[ ] Yes (2) [X] No (1)

10.4 Historic Property Determination

No Historic Properties Affected

NDOR PQS Determination Date:

3/7/2016

Has coordination occurred with SHPO?

☐ Yes ☒ No

Has coordination occurred with THPO?

☒ Yes ☐ No

THPO Concurrence Date:

3/7/2016

Has coordination occurred with CLG?

☐ Yes ☒ No

10.5 List NRHP Eligible or NRHP Listed Resources, Impacts, and Coordination:

Three NRHP listed or eligible resources are present within the APE:

KX02-007 - ca. 1914 Masonic Lodge, Criterion A (located at the NW corner of Main & N Clark Sts.)
KX02-019 - ca. 1900 Queen Anne House, Criterion C (located at 512 W Main St.)
KX02-038 - ca. 1900 Queen Anne House, Criterion C (located at the NW corner of E Main & N Randolph Sts.)

Sidewalk reconstruction would be occurring within existing ROW near all three properties listed above. Permanent ROW or temporary easements would not be required to complete this work. This work is replacement in kind and would not affect these historic properties.

The north side of N-84 between MM 12.55 and MM 12.61, is a Sensitive Area. The Sensitive Area is archaeological site 25KX93, the gravesite of a child who died in 1886. The grave is on private property and is enclosed with a wooden fence. This site is protected by the Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act (Nebraska Revised Statute 12-1201 thru 12-1212).

10.6 Historic Property Mitigation:

The north side of N-84 between MM 12.55 and MM 12.61, is a Sensitive Area. No grading or project activities, including but not limited to, work, staging, borrowing, stockpiling, or storing material and/or equipment, shall occur beyond the existing ROW. The Sensitive Area is archaeological site 25KX93, the gravesite of a child who died in 1886. The grave is on private property and is enclosed with a wooden fence. This site is protected by the Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act (Nebraska Revised Statute 12-1201 thru 12-1212). (Contractor)

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:

8/23/2016

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

The HMR identified several facilities where past petroleum releases have occurred within the hazardous materials study area. The following facilities are former services stations and auto shops in the town of Bloomfield where leaking underground storage tank investigations have taken place. Freeman Oil (112 W Main St.), Kersten Auto (201 W Main St.), Mr. B's Quick Shop (202 E Main St.) and Dave's Standard (113 E Main St.) are adjacent to the proposed project.

Based on the minimal scope of work and the location of the spills in relation to project excavations (only ADA in urban portion), Mr. B's Quick shop and Freeman Oil were considered unlikely to impact the project. Monitoring wells are located within the project area for the Kersten Auto site and Dave's Standard. Coordination with the Nebraska Department of Environmental Quality (NDEQ) found that the monitoring wells for the Kersten Auto site are abandoned and the monitoring wells for Dave's Standard are still active. There is potential that minor residual contamination related to Dave's Standard could be present within the project area, but at levels that would not warrant a health and safety concern or require materials management. Monitoring wells for Dave's Standard would have to be replaced if they would be impacted by the project. All monitoring wells would be avoided and would be marked as Do Not Disturb on the design plan sets.

One landfill was located within the hazardous materials search radii. The former Center Landfill is located about 400 feet southwest of the proposed project start at the Highway 84 and Highway 13 junction. The grading in this area is minimal and the deepest excavations occur for the construction of a culvert north of the junction. Based on the minimal scope of work and distance from the landfill, this site is unlikely to impact the project.

No superfund sites were identified within the hazardous materials study area. There is a low potential for contamination to be encountered during construction of the Center to Bloomfield project.

The scope of bridge work on structures S084 01789 and S084 02161 warranted as asbestos survey. Both bridges tested negative for asbestos. There are no painted components on the bridge structures; therefore, no lead paint commitments are required. Structure S084 1789 warrants lead plate commitments as outlined below.

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).

The bridge structure S084 01789 will have the deck replaced. There is potential to encounter lead bearing plates and/or shims. The Contractor shall recycle any lead bearing plates and/or lead shims at a legitimate recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations. The Contractors implementation plan efforts shall be documented in ECOD. (Contractor)

There are several monitoring wells located between MM 608.00 and 610.60 between Broadway and Clark Street in Bloomfield, NE. Some wells may be located within the NDOR right-of-way. The monitoring wells will be adjusted to grade where applicable. Construction activities near the wells shall be performed with care to avoid damaging any wells. In the event that a monitoring well manhole is damaged, the contractor shall notify the Engineer immediately. NDOR will coordinate with the Nebraska Department of Environmental Quality (NDEQ) as directed by the Engineer. The contractor shall replace any damaged manholes at the Engineer's direction. If the well casing or seal was damaged, NDOR would contact the NDEQ to discuss further necessary actions. The Contractor shall comply with NDEQ direction concerning repair and/or replacement of damaged monitoring wells. Repair and/or replacement of damaged wells may require assistance by a certified Water Well Monitoring Supervisor and/or a licensed well driller. All work to repair and/or replace the damaged wells shall be the contractor's responsibility. (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 majority of this project would be constructed under traffic with lane closures controlled with approved temporary traffic control.

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.

Sheridan Street and Sherman Street (City of Bloomfield):

Two local road intersections with N-84 would be closed for construction at the N-84 bridge over Little Bazile Creek (Structure Number S084 02161):
1) Sheridan Street west of the N-84 bridge (Structure Number S084 02161), and
2) Sherman Street east of the N-84 bridge (Structure Number S084 02161).

The intersection closure would allow for the use of a Jersey Barrier/traffic control taper. The taper would extend through the intersections, directing traffic to the center of the bridge during a portion of the urban bridge replacement work (Structure Number S084 02161).

The Sheridan Street and Sherman Street closures would be signed by NDOR as part of the approved temporary traffic control for construction on S084 02161. Local traffic would be able to take local traffic routes through Bloomfield to reach their residence or business destination. Access to properties on Sheridan Street would remain via North 1st Street to West Bazile Street to Sheridan Street. Access to properties on Sherman Street north of N-84 would remain via North Pierce Street to West Bazile Street to Sherman Street. Access to properties on Sherman Street south of N-84 would remain via South Pierce Street to West Grant Street to Sherman Street. The out-of-direction travel for the above closures would be approximately 0.2-miles. Access to properties along Sherman Street would also remain along other local traffic routes to the east. Out-of-direction travel associated with the Sheridan Street and Sherman Street closures would be in place for approximately 60 working days.

Structure Number S084 01789 (MM 17.89):

The bridge replacement at MM 17.89 (Structure Number S084 01789) would not be phased. A designated detour route for through traffic on N-84 would be required. Local traffic would still be able to access residences, businesses, and properties along N-84 as access would be maintained throughout construction. Local traffic would also be able to take local traffic routes parallel to N-84 around the closure at S084 01789 to access their destinations. The designated detour route would follow state highways and utilize N-13 to N-59 to N-121. Out-of-direction travel along the designated detour route, from the City of Bloomfield to the junction of N-84 and N-13, would be approximately 43 miles. Out-of-direction travel along the designated detour route would be in place for less than 135 working days.

During construction, street parking in front of businesses would be temporary disrupted by construction activities. The contractor would coordinate with business owners to ensure the least amount of impact to the business. Business customers, business employees, and community services would not be able to access parking directly along US-84 during construction; but, parking on the side streets would be available during construction. No direct impacts to business access would be anticipated.

Several parking stall locations are in conflict with state and federal guidelines, being adjacent to crosswalks/driveways/fire hydrants. A number of stalls would be removed in order to comply with current standards.

15.9 Traffic Disruption Mitigation:

The closure of Sheridan Street (west of S084 02161, north side of N-84) and Sherman Street (east of S084 02161, north and south sides of N-84) shall not be in place for greater than 60 working days. (Contractor)

The majority of the project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. S084 01789 will require a detour route. The detour route shall not be in place for greater than 135 working days. (Contractor)

During construction, street parking in front of businesses will be temporary disrupted by construction activities. The contractor shall coordinate with business owners to ensure the least amount of impact to businesses during construction and shall ensure that parking on side streets near the businesses is available during construction. (Contractor)

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

☐ Yes (1) ☒ No (1)

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

☐ Yes (3) ☒ No (1)

16.6 Will the action change the functionality of adjacent properties?

☐ Yes (3) ☒ No (1)

16.7 Access Disruption Comments:

Access to Sheridan Street and Sherman Street from N-84 in the City of Bloomfield would be closed during reconstruction of the N-84 bridge over the Little Bazile Creek (Structure Number S084 02161). Alternative access to residential properties along Sheridan Street and Sherman Street would be maintained along local traffic routes.

Access to three private driveways along N-84 in the City of Bloomfield would be maintained at all times during reconstruction of the N-84 bridge over the Little Bazile Creek (Structure Number S084 02161):
(1) The motel driveway along the south side of N-84, west of S084 02161. Maintaining the motel driveway would allow for the business to continue normal operations during construction.
(2) The single family residential property along the south side of N-84, west of S084 02161 and the motel. An alternative access route to this property is not available.
(3) The single family residential property along the north side of N-84, west of S084 02161. An alternative access route to this property is not available.

Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.

16.8 Substantial Access Disruption Mitigation:

Access to the following properties shall be maintained during reconstruction of the N-84 bridge over the Little Bazile Creek (Structure Number S084 02161): (1) the business (Springs Motel) on the south side of N-84, west of the N-84 bridge over the Little Bazile Creek; (2) the single family residence (501 West Main Street, Bloomfield) on the south side of N-84, west of the N-84 bridge over the Little Bazile Creek; (3) the single family residence (402 West Main Street, Bloomfield) on the north side of N-84, west of the N-84 bridge over the Little Bazile Creek. (Contractor)

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. (Contractor)

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

[X] 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) [X] No (1)

NDOR Highway Civil Rights Specialist Determination Date:

7/14/2016

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

In general, the areas in which this project and its detour route are located have lower or consistent populations of minority, Hispanic, and low-income persons when compared to Knox County. City of Bloomfield and the Village of Wausa contain low-income populations that are about 9% greater and 6% greater, respectively, than the low-income figure for Knox County. The City of Bloomfield and the Village of Wausa therefore do contain meaningfully greater populations of low-income persons when compared with Knox County.

A minority population is not present within the project area.

No businesses, residences, or organizations likely to be predominately used by minority or low-income populations were identified in the vicinity of the project or along the detour route.

There are no anticipated adverse effects to the low-income populations in the City of Bloomfield and the Village of Wausa based on the following considerations:
(1) There would be a detour for this project.
- The Village of Wausa is located along the marked detour route, but is not expected to see a significant increase in congestion due to detoured traffic. Local residents of the project area would likely use alternate routes or county roads, rather than traverse the full length of the detour route. Wausa residents are located far enough away from the project area, and close enough to other routes, that it is unlikely that they would be directly affected by having to detour around construction.
- The City of Bloomfield is located on the project site, and would be directly affected by the detour route. However, the multitude of county roads and other routes surrounding the project area makes it unlikely that local residents, including the low-income population, would travel the full length of the detour route during the closure. The residents of Bloomfield would not have to use a detour route in order to access any locations or services within the City of Bloomfield. For these reasons, the City of Bloomfield and the low-income population therein are not anticipated to incur any increased congestion or increased commute times of more than a few minutes as a result of this detour route.
(2) There would be minimal anticipated right-of-way acquisition for this project for the bridge repair and other culvert work. The identified low-income populations would not be affected.
(3) Access to adjacent properties would be maintained.
(4) There would be no isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community.
(5) There would be no restrictions of access to essential services.
(6) There would be no relocations or building removals.

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

The Bloomfield Municipal Airport (Bloomfield, Nebraska) is located within 4 miles of the project approximately 1.0 mile from N-84 at MM 20.33.The Airport was contacted by NDOR on 8/26/2016, no concerns were expressed regarding the proposed project.

Based on an analysis of the project scope and a civil rights analysis, a targeted mailer in the form of a project information packet, legal notice, website, and a 30-day comment period were used as outreach tools for public involvement on this project. The project information packet involved mailing a project information sheet and prepaid postage comment sheet to a distribution list of 234 citizens and businesses adjacent to N-84 from MM 10.34 to MM 22.39. A total of 48 public and private agencies with potential interest in the project were also included in the distribution list. A legal notice was placed in Bloomfield Monitor and Verdigre Eagle, Nebraska Press Association recognized newspapers, on March 3, 2016 and March 17, 2016. Project information was placed on the NDOR website.

NDOR Public Involvement received 31 comments during the specified comment period (March 3, 2016 - April 4, 2016). The Public Involvement Summary Report is attached.

Following completion of the 30-day comment period, NDOR determined that local road closures at Sheridan Street and Sherman Street would be needed during reconstruction of the N-84 bridge over the Little Bazile Creek (Structure Number S084 02161). These local road closures would be needed to accommodate traffic restrictions on the N-84 bridge (Structure Number S084 02161). NDOR coordinated with City of Bloomfield officials and residents directly affected by the proposed bridge work and closure of the Sheridan Street and Sherman Street (June 30, 2016 - July 13, 2016). No concerns were identified.

The areas in which this project and its detour route are located are mostly English-speaking. In the areas surveyed, none of the data indicates the presence of a Limited English Proficiency (LEP) population that reaches the NDOR LEP outreach threshold of 5% or 1,000 persons.

18.2 Public Involvement Mitigation:

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

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

☐ Yes ☒ No

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

Contract Provisions Required

20.1 Wellhead Protection Special Provisions

☒ Yes ☐ No

20.2 General Conditions for Nationwide Permit — Nationwide Permit: 3

[X] Yes [ ] No

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

[X] Yes [ ] 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:

Two projects are planned on N-84 adjacent to either end of the Center - Bloomfield Project:

The Verdigre - Center Project (CN 31923 / STP-84-5(110)) is located adjacent to the west end of the Center - Bloomfield Project. Verdigre - Center would include resurfacing and bridge work on approximately 10 miles of N-84 and be constructed under traffic. The Verdigre - Center Project is scheduled for construction in FY 2018 and would not impact the Center - Bloomfield project or the associated detour route.

The Bloomfield - US-81 Project (CN 31832 / STP-84-5(108)) is located adjacent to the east end of the Center - Bloomfield Project and would include resurfacing and bridge work on approximately 12 miles of N-84. The Bloomfield - US-81 Project is scheduled for construction in FY 2022.

Overall, there are no anticipated cumulative impacts due to the Center - Bloomfield Project in conjunction with the Verdigre - Center Project and the Bloomfield - US-81 Project. It is anticipated that the Center - Bloomfield Project would result in only minor impacts for wetlands/waters and no impacts for threatened and endangered species or Section 4(f) properties. There are no negative long-term socio-economic 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**:

The project is located within a section of the Village of Center and City of Bloomfield Wellhead Protection Areas.

23.1 **Project Mitigation**:

Section 4(f) Migitation:
Public access to the Community Ballfield, Knox County Fairgrounds, and Bloomfield Public High School shall be maintained at all times during construction. (Contractor)

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 re-evaluation 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 re-evaluation prior to project letting. If the work is identified during construction, the project sponsor will initiate the re-evaluation 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/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. (NDOR Design, NDOR Environmental)

The project qualifies under Nationwide Permit # 3b and #33. The contractor shall adhere to the permit conditions, including regional and general conditions, during construction. (Contractor)

Impaired Waters, Section 402, and MS4 Mitigation:

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

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 BMPs 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-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, bridge deck joint replacements over the bridge deck, and bridge removal activities will be scheduled to occur between October 1st – March 31st to avoid impacts to the northern long-eared bat roosting period. (NDOR Environmental, Construction, Contractor)

OR

NLEB-2 If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: S084 01789, >5-ft tall CBC extension locations, any areas of tree clearing (location of suitable habitat). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

Whooping Crane:

WC-1 Construction activities will not occur during Whooping Crane migration periods. (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16). (NDOR Environmental, Construction, Contractor)

OR

WC-2 If construction activities occur during Whooping Crane migration periods (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16), NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: Open ponds and wetlands between MM 10.34 and MM 15.00 (location of suitable habitat). (prior to the start of daily construction activities). If species are present the District will notify the Contractor to stop work within 1/2 mile of the whooping crane and follow the protocol to determine when work can resume (also not initiate work if species is found in the morning survey). Options for resuming work may include but are not limited to (NDOR Environmental, Construction, Contractor):
• Construction activities are limited to the hours from 10:00 a.m. to 4:00 p.m. (CST) during the migration period, unless morning survey indicates Whooping Cranes are not present.

• If a whooping crane is observed during the survey within ½ mile of the project, but departs the area (further than ½ mile from the project) then work can resume. Document this departure according to protocol.

AND

WC-3 Herbaceous species used for re-seeding within ¼ mile of the following location: Adjacent to open ponds and wetlands between MM 10.34 and MM 15.00 (location of suitable habitat) will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design, NDOR Environmental).

R-11 For the whooping crane, nighttime work with lights from March 10 - May 10 and September 16 - November 16 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).

Historic Properties Mitigation:
The north side of N-84 between MM 12.55 and MM 12.61, is a Sensitive Area. No grading or project activities, including but not limited to, work, staging, borrowing, stockpiling, or storing material and/or equipment, shall occur beyond the existing ROW. The Sensitive Area is archaeological site 25KX93, the gravesite of a child who died in 1886. The grave is on private property and is enclosed with a wooden fence. This site is protected by the Nebraska Unmarked Human Burial Sites and Skeletal Remains Protection Act (Nebraska Revised Statute 12-1201 thru 12-1212). (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).

The bridge structure S084 01789 will have the deck replaced. There is potential to encounter lead bearing plates and/or shims. The Contractor shall recycle any lead bearing plates and/or lead shims at a legitimate recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations. The Contractors implementation plan efforts shall be documented in ECOD. (Contractor)

There are several monitoring wells located between MM 608.00 and 610.60 between Broadway and Clark Street in Bloomfield, NE. Some wells may be located within the NDOR right-of-way. The monitoring wells will be adjusted to grade where applicable. Construction activities near the wells shall be performed with care to avoid damaging any wells. In the event that a monitoring well manhole is damaged, the contractor shall notify the Engineer immediately. NDOR will coordinate with the Nebraska Department of Environmental Quality (NDEQ) as directed by the Engineer. The contractor shall replace any damaged manholes at the Engineer’s direction. If the well casing or seal was damaged, NDOR would contact the NDEQ to discuss further necessary actions. The Contractor shall comply with NDEQ direction concerning repair and/or replacement of damaged monitoring wells. Repair and/or replacement of damaged wells may require assistance by a certified Water Well Monitoring Supervisor and/or a licensed well driller. All work to repair and/or replace the damaged wells shall be the contractor’s responsibility. (NDOR District, Contractor)

Traffic Disruption Mitigation:
The closure of Sheridan Street (west of S084 02161, north side of N-84) and Sherman Street (east of S084 02161, north and south sides of N-84) shall not be in place for greater than 60 working days. (Contractor)

The majority of the project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. S084 01789 will require a detour route. The detour route shall not be in place for greater than 135 working days. (Contractor)

During construction, street parking in front of businesses will be temporary disrupted by construction activities. The contractor shall coordinate with business owners to ensure the least amount of impact to businesses during construction and shall ensure that parking on side streets near the businesses is available during construction. (Contractor)

Substantial Access Disruption Mitigation:
Access to the following properties shall be maintained during reconstruction of the N-84 bridge over the Little Bazile Creek (Structure Number S084 02161): (1) the business (Springs Motel) on the south side of N-84, west of the N-84 bridge over the Little Bazile Creek; (2) the single family residence (501 West Main Street, Bloomfield) on the south side of N-84, west of the N-84 bridge over the Little Bazile Creek; (3) the single family residence (402 West Main Street, Bloomfield) on the north side of N-84, west of the N-84 bridge over the Little Bazile Creek. (Contractor)

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. (Contractor)

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

Additional Mitigation:
Borrow 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. (Contractor)

Wellhead Protection:
A portion of the project has been identified as being located within or adjacent to Wellhead Protection Areas (Village of Center, City of Bloomfield). 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)

Airport within a 4-mile radius:
Because of the proximity to the Bloomfield Municipal Airport in Bloomfield, the height of any equipment used in the construction of the project (or any antennae installed on the equipment) shall not exceed the local airport's Height Restriction Zoning. Any Contractor involved in the project shall use the Notice Criteria Tool available at https://oeaaa.faa.gov/oeaaa/external/portal.jsp. If required, the Contractor shall file a 7460-1 Form with the Federal Aviation Administration (FAA). The form shall be required if the Contractor uses any equipment over 200' tall, or the equipment breaks a 100:1 slope from a public-use airport. This includes any trucks or equipment used during the construction of the project. NDOR's Roadway Design Division shall verify clearance for permanent construction in the controlled zone from the Nebraska Department of Aeronautics (NDOA) and FAA. NDOR's Roadway Design Division shall identify those contracts that shall require the special provision concerning the Contractor's responsibility to gain FAA and NDOA clearance for temporary encroachments due to construction operations. NDOR's Plans, Specification & Estimates (PS&E) / Contracts shall include the special provision in the appropriate project contracts. (Contractor)

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

Paragraph: (d)

Prepared by:	Organization:
Nicole Zappetillo	SRF Consulting Group, Inc.
Phone:	**Email:**
(763) 475-0010	nzappetillo@srfconsulting.com
Signature:	**Date:**
Brett Damm for Nicole Zappetillo	8/10/2016

Reviewed by Project Sponsor:

Name:	Organization:
Matthew Samuelson	Nebraska Department of Roads
Title:	
Roadway Project Designer	
Signature:	**Date:**
	9/6/2016

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:

Digitally signed by Carrie Wencel
DN: cn=Carrie Wencel, o=NDOR - EDU, ou=NEPA Specialist, email=carrie.wencel@nebraska.gov, c=US
Date: 2016.10.05 16:17:24 -05'00'

Date:

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

Digitally signed by Jon Barber
Date: 2016.10.05 21:21:51 -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: 2016.10.07 12:21:27 -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: