

FINAL Environmental Assessment

East Interchange & Bypass

Kearney, Nebraska

Project No. S-10(51), CN-42103

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US Department of Transportation, Federal Highway Administration – Nebraska Division
Nebraska Department of Roads
City of Kearney

SEPT. 24, 2010
Date

For City of Kearney

9/27/2010
Date

For Nebraska Department of Roads

9/28/2010
Date of Approval

For Federal Highway Administration

FHWA signature authorizes distribution of the document for public and agency review and comment and is not a commitment to approve an alternative.

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ABSTRACT: This Environmental Assessment (EA) document identifies and evaluates interchanges and bypass alternatives east of the City of Kearney.

EXECUTIVE SUMMARY

The Federal Highway Administration (FHWA), in cooperation with Nebraska Department of Roads (NDOR) and the City of Kearney, Nebraska, is proposing to construct an interchange and bypass near Kearney in Buffalo County, Nebraska. The project would be funded with Federal, state, and local funds. This environmental assessment (EA) was prepared to comply with the National Environmental Policy Act (NEPA) and NEPA-implementing regulations of FHWA. The recommended alternative (Build Alternative) would be constructed in three phases between 2011 and 2016 as funding allows.

The purpose of this project is to improve regional system linkage and enhance modal interrelationships with Kearney Regional Airport, Nebraska Army National Guard, and the industrial employment area east of the City. The need for the Project is based on a combination of factors:

1. Provide an alternative route for through-traffic that does not stop in Kearney. A study conducted for this EA found that approximately 30 percent of trips entering Kearney were through-trips. The alternative route would supplement Second Avenue as the primary north-south corridor and serve the needs and future traffic demands in Kearney and the surrounding area.
2. Connect industrial and new growth areas, and the Kearney Regional Airport to Interstate 80 (I-80) and United States Highway 30 (US 30). This is for employment access, delivery and distribution of goods and services from the industrial area, and direct access for the Nebraska Army National Guard facility to I-80.

Initially, 12 alternatives were considered and evaluated with a set of screening criteria. Six alternatives included a new I-80 interchange and bypass corridor, one added a new interchange on the west side of Kearney connecting to 30th Avenue, one included a new bypass corridor connected to an existing interchange at Nebraska Highway 10 (N-10), and three included improvements to local streets or traffic operations with no interchange or bypass. Bypass corridors, and the associated I-80 interchange location, generally follow existing road alignments to minimize Right-of-Way (ROW) acquisition and support the existing transportation network in the City. A No Build Alternative was included to provide a baseline for comparison of the other alternatives.

The recommended alternative is to build a new I-80 interchange and bypass roadway at Cherry Avenue east of Kearney. This Build Alternative includes a new interchange at I-80 and Cherry Avenue, approximately 3 miles east of the Second Avenue interchange; a new 8.5-mile, four-lane, high-speed, access controlled bypass route offset approximately 200 feet to the west of the existing Cherry Avenue from I-80 to 78th Street, continuing on 78th Street west to N-10/N-40 junction; and grade-separated crossings of the North Channel of the Platte River, the Union Pacific Railroad tracks, and US 30.

The Build Alternative would improve the transportation system for regional and local travelers and enhance connections to the Kearney Regional Airport, Nebraska Army National Guard, and the industrial area. The Build Alternative would be consistent with existing and future land use and transportation plans, a major differentiator from the other 11 alternatives considered.

The EA considers potential environmental impacts for the following resources: transportation, land use, farmlands, socioeconomic conditions, Title VI and environmental justice, noise, water resources, wetlands, wildlife, vegetation, invasive species, threatened and endangered species, hazardous materials, visual resources, Section 6(f) and Section 4(f) properties, and other resources. The Build Alternative does not cause significant impacts to any of these resources.

The Build Alternative would have beneficial effects on the regional and local transportation network and would be supportive of existing and future land use and transportation plans in the Kearney area. It would require acquisition of approximately 299 acres of new ROW, most of which is farmland. Three residences would need to be acquired, and four center pivots would need to be shortened.

Regional and local access to employers and the industrial areas east of Kearney would be improved, and the Build Alternative would support the economic development plans for the areas east of Kearney. Existing research on the economic effects of highway bypasses on downtown businesses in small- to medium-sized communities suggests the Build Alternative would have little long-term effect on Kearney's economy overall. Short-term economic benefits would be likely during the construction period.

One public elementary school is within 300 feet of the proposed bypass, and safety features have been incorporated to protect school children. Access to the nonprofit Great Platte River Road Archway museum would be improved. Three residences would be impacted by increased traffic noise, but mitigation is not feasible and reasonable for any of the homes.

The roadway design includes grass-lined roadside ditches and other features to treat stormwater and protect water quality. Construction permits would be obtained and best management practices implemented to protect surface water from sedimentation or material spills during construction. Several groundwater wells would be decommissioned and relocated because they are in the alignment of the Build Alternative.

Approximately 12.6 acres of wetlands and Waters of the US would be impacted by the Build Alternative. NDOR would obtain a Section 404 permit from the US Army Corps of Engineers (USACE) in accordance with the requirements of the Clean Water Act. NDOR will coordinate with the USACE to identify and implement appropriate mitigation. Impacts are within the geographic service area of the NDOR Morman Island wetland bank site. Specific locations and mitigation ratios will be determined in coordination with the USACE during final design.

The proposed interchange is adjacent to designated critical habitat for whooping cranes, and about one acre of this habitat would be affected by the Build Alternative. The proposed interchange does not include access to the south in order to continue to protect this habitat from development. In addition, NDOR will obtain conservation easements around the new interchange to offset the loss of habitat and provide a buffer from future development in the critical habitat area south of the interchange. Whooping cranes can be disturbed by light and noise from human activities. A light-diffusing barrier is included in the Build Alternative to block vehicle lights and reduce impacts. The US Fish and Wildlife Service has determined that after specific mitigation measures are implemented the Build Alternative may affect but is not likely to adversely affect this federally-listed endangered species. Five other federal- or state-listed species would not be affected by the Build Alternative.

The Build Alternative is expected to have little effect on important views along either Cherry Avenue or 78th Street, because Cherry Avenue is planned for industrial development and little non-agricultural development exists now.

A complete list of mitigation commitments is included in Section 5.0 of the EA.

Public and agency involvement has been an important component of the project. This EA process was initiated in 2002. Environmental and engineering studies were conducted in 2002 and 2003, and in 2003 a preliminary EA was prepared. Due to funding limitations, the project did not progress much between 2004 and 2005. In 2005, a federal earmark was directed to the Kearney interchange. The City approved a new agreement and funding plan with the state, and a Draft EA (City of Kearney and NDOR, 2007) was completed and circulated for agency and public review. The NDOR held several public meetings and one-on-one meetings to receive comments about the project and the Draft EA.

Through this collaborative process the Build Alternative has been refined with features that include:

- modifying the interchange configuration to reduce right of way impacts south of I-80,
- shifting the mainline alignment along Cherry Avenue to accommodate local traffic movements,
- constructing a barrier to block light from whooping crane habitat, and
- constructing an earthen berm as a safety feature at the Stone School.

This Final EA is being circulated for public review and comment and is available for review online at (<http://www.nebraskatransportation.org/projects/kearney-east/index.htm>), Kearney City office (18 E. 22nd Street, Kearney, NE 68848), Kearney Public Library (2020 1st Avenue, Kearney, NE 68847), NDOR District 4 Office (211 N. Tilden Street, Grand Island, NE 68802), NDOR Central Complex (1500 Highway 2, Lincoln, NE 68502), and FHWA – Nebraska Division Office (Federal Building 220, 100 Centennial Mall North, Lincoln, NE 68508). Announcements will be made in local media to inform area residents about the availability of the Final EA. Interested individuals can learn more about the EA study and its recommendations by contacting the following individuals:

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Written comments can be provided via mail, fax, or email to the above contacts. After considering public comments, FHWA will determine whether to issue a Finding of No Significant Impact (FONSI), revise the EA, or prepare an Environmental Impact Statement to further analyze environmental impacts. If FHWA determines that a FONSI is appropriate, NDOR would proceed with final design, right-of-way acquisition, and construction. Federal, state, and local funding has been allocated for this project, and these activities could begin in 2011.

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ACRONYMS AND ABBREVIATIONS

ADT	average daily traffic
APE	Area of Potential Effect
Archway	Great Platte River Road Archway
ASTM	American Society for Testing and Materials
BMP	best management practices
BNSF	Burlington Northern Santa Fe Railroad
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation and Liability Information System
CFR	Code of Federal Regulations
City	City of Kearney
CORRACT	Corrective Action Report
dB	decibel
dBA	A-weighted decibel
DOT	Department of Transportation
EA	Environmental Assessment
EPA	United States Environmental Protection Agency
ERNS	Emergency Response Notification System
ESA	Endangered Species Act
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FFPA	Federal Farmland Protection Act
FHWA	Federal Highway Administration
FIRM	Flood Insurance Rate Map
FONSI	Finding of No Significant Impact
GHG	Greenhouse Gas
HSWA	Hazardous and Solid Waste Amendments
I-80	Interstate 80
IJS	Interchange Justification & East Bypass Study
ITS	Intelligent Transportation Systems
kVA	kilo-Volt-ampere
L-10B	Nebraska Link 10B
LIUBHX	lacustrine/limnetic, unconsolidated bottom, permanently flooded, excavated
LOS	level of service
LUST	leaking underground storage tank
LWCF	Land and Water Conservation Fund
mgd	million gallons per day
N-10	Nebraska Highway 10
N-40	Nebraska Highway 40
N-44	Nebraska Highway 44

NAAQS	National Ambient Air Quality Standards
NAC	noise abatement criteria
NDED	Nebraska Department of Economic Development
NDNR	Nebraska Department of Natural Resources
NDOR	Nebraska Department of Roads
NDEQ	Nebraska Department of Environmental Quality
NEPA	National Environmental Policy Act
NFA	No Further Action
NFIP	National Flood Insurance Program
NFRAP	No Further Remedial Action Planned
NGPC	Nebraska Game and Parks Commission
NHPA	National Historic Preservation Act
NPDES	National Pollutant Discharge Elimination System
NPL	National Priority List
NRCS	National Resource Conservation Service
NRHP	National Register of Historic Places
PCB	polychlorinated biphenyl
PEM	palustrine emergent
PEMA	palustrine emergent temporary flooded
PEMC	palustrine emergent seasonally
PSSC	palustrine scrub/shrub
PRRIP	Platte River Recovery Implementation Program
RCRA	Resource Conservation and Recovery Act
ROW	Right-of-Way
SHPO	State Historic Preservation Office
SHWS	State Hazardous Waste Sites
SPILLS	Nebraska Surface Spill List
SWPPP	Storm Water Pollution Prevention Plan
TDM	Transportation Demand Model
TNM	Traffic Noise Model
TSM	transportation system management
UIC	Underground Injection Control
UNK	University of Nebraska at Kearney
UNO	University of Nebraska at Omaha
UPRR	Union Pacific Railroad
US	United States
US 30	United States Highway 30
US Eng Controls	Site with Engineering Controls Sites List
USACE	United States Army Corps of Engineers
USC	United States Code
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
WMA	Wildlife Management Area

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SECTION 1 PURPOSE AND NEED FOR THE PROJECT

1.1 INTRODUCTION

The Federal Highway Administration (FHWA), in cooperation with Nebraska Department of Roads (NDOR), is proposing construction of an interchange and bypass near Kearney, Nebraska (Project). The Project would be funded from a combination of Federal, State, and local funds. This Final Environmental Assessment (EA) was prepared in compliance with the requirements of the National Environmental Policy Act of 1969 (NEPA) 23 CFR 771, and with guidelines in FHWA's Technical Advisory T 6640.8A, *Guidance for Preparing and Processing Environmental and Section 4(f) Documents*. The intent is to provide a full and fair discussion of environmental impacts of the Project and to inform decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.

1.2 SUMMARY OF THE PURPOSE AND NEED FOR THE PROJECT

The purpose of this Project is to improve regional system linkage and enhance modal interrelationships with Kearney Regional Airport, Nebraska Army National Guard, and the industrial area.

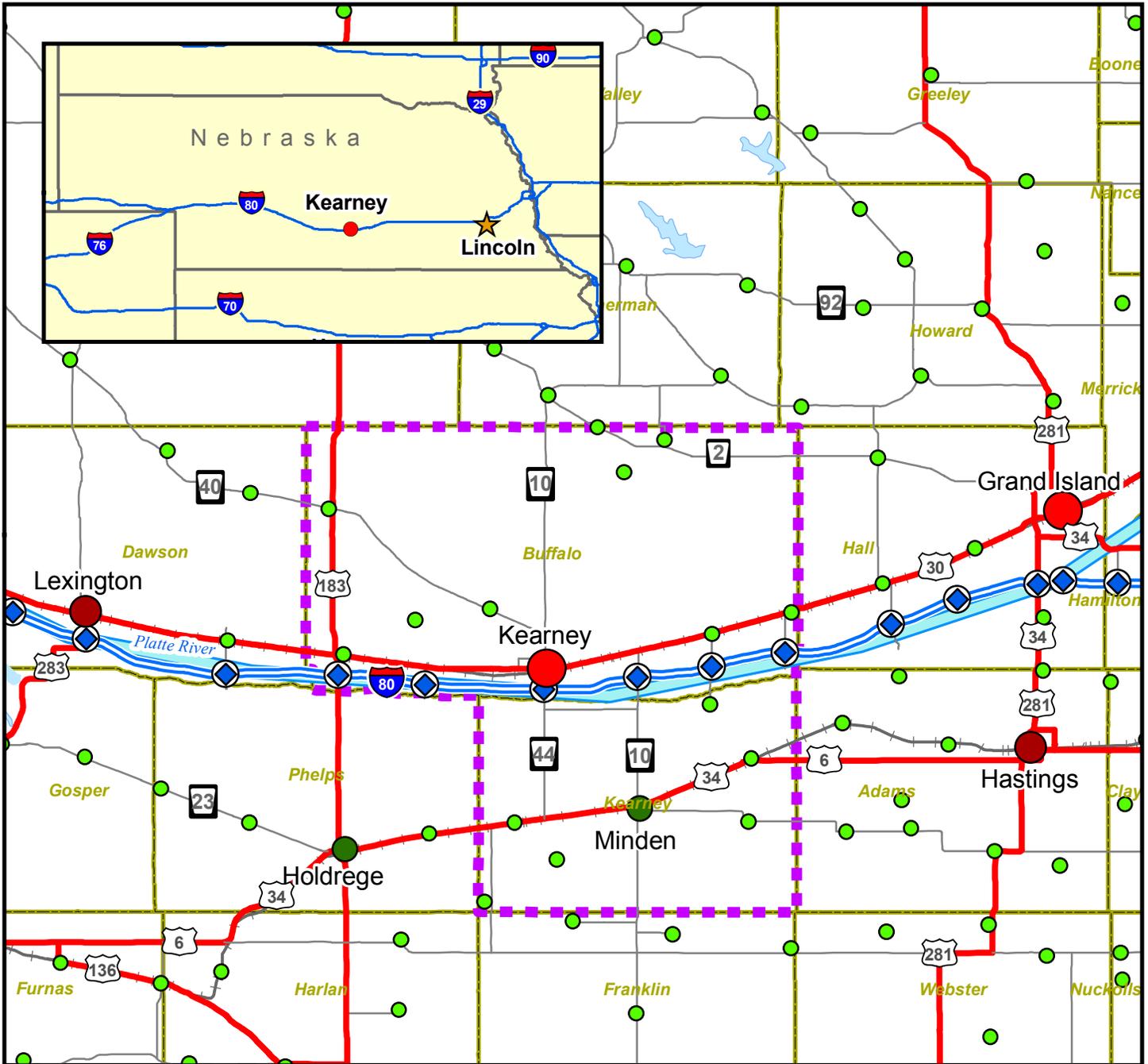
The need for the proposed action is based on a combination of factors as follows:

1. Provide an alternative route for through-traffic that does not stop in Kearney. The alternative route would supplement Second Avenue as the primary north-south corridor and serve the needs and future traffic demands in Kearney and the surrounding area.
2. Connect industrial, new growth areas, and the Kearney Regional Airport to Interstate 80 (I-80) and United States Highway 30 (US 30). This is for employment access, delivery and distribution of goods and services from the industrial area, and direct access for the Army National Guard facility to I-80.

1.3 BACKGROUND AND PROJECT HISTORY

The City of Kearney (City), population 30,400 (Census Bureau, 2010b), is one of the fastest growing communities in Nebraska. Kearney is the largest town in the Kearney Micropolitan Statistical Area, which includes Buffalo and Kearney counties in Nebraska, as shown in **Figure 1.1**. The population of the Kearney Micropolitan Statistical Area is 52,300 (Census Bureau, 2010a). Kearney is a regional trade center that provides employment, medical services, entertainment, manufacturing, shopping, and other business opportunities to the area.

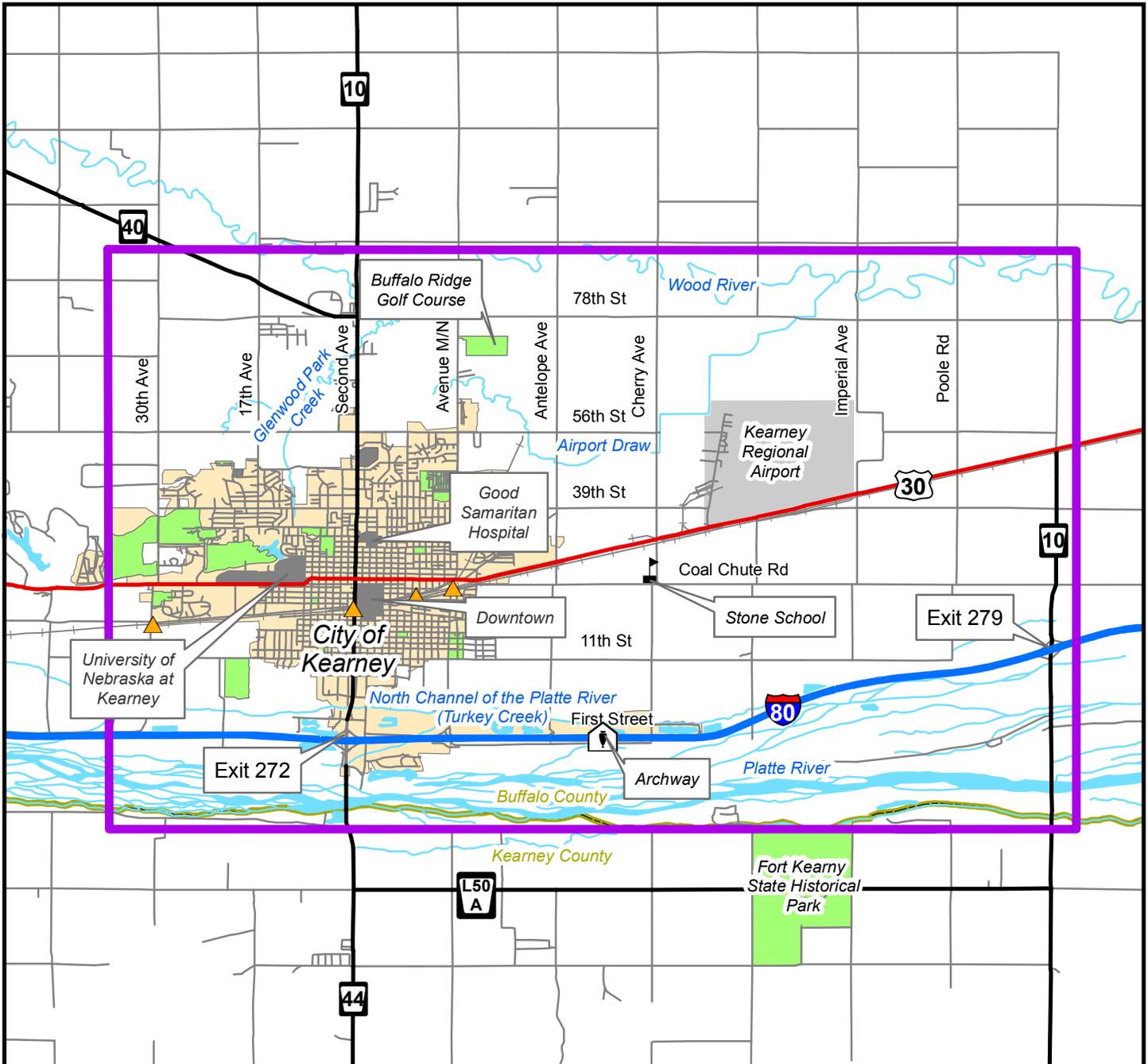
Kearney is presently served by a single interchange with I-80. Exit 272 is located directly south of the City and connects I-80 with Nebraska Highway 44 (N-44/Second Avenue). An indirect secondary access to the City from I-80 is provided at Exit 279, located approximately seven miles east of the City via Nebraska Highway 10 (N-10) and US 30 (**Figure 1.2**). Currently, Kearney has outgrown its ability to be adequately served by a single interchange.



LEGEND

<p style="text-align: center;">N</p> <p>1 inch equals 15 miles</p>	<p>Communities (2007 Population)</p> <ul style="list-style-type: none"> ● 0 - 2,500 ● 2,500 - 10,000 ● 10,000 - 25,000 ● 25,000 - 50,000 ◊ Existing I-80 Interchange 	<ul style="list-style-type: none"> — Interstate Highway — US Highway — State and County Highways — Railroad — Streams and Rivers County Boundary Kearney Metropolitan Statistical Area
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			<p>FIGURE 1.1 PROJECT LOCATION</p> <p><i>East Interchange & Bypass Environmental Assessment Kearney, Nebraska</i> <i>Project No: S-10(51), CN-42103</i></p>
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LEGEND

- | | | | |
|---|-----------------------------------|---|----------------------------|
|  | Grade Separated Railroad Crossing |  | Streams and Surface Waters |
|  | Interstate Highway |  | Parks and Golf Courses |
|  | US Highway |  | Existing City Limits |
|  | State and County Highways |  | Study Area |
|  | Local Streets | | |
|  | Railroad | | |



1 inch equals 2 miles



FIGURE 1.2
STUDY AREA AND TRANSPORTATION NETWORK
East Interchange & Bypass Environmental Assessment Kearney, Nebraska
 Project No: S-10(51), CN-42103

Year 2020 traffic projections on the existing system show most traffic channeling off I-80 to the Second Avenue corridor, which will produce Level of Service (LOS) F conditions on much of Second Avenue between the Union Pacific Railroad (UPRR) corridor and about 45th Street. These problems are compounded by the mixing of local and regional traffic created by a single interchange and discontinuities in the local traffic pattern (RDG et al., 1997).

LOS is a concept developed to correlate numerical traffic-volume data to subjective descriptions of traffic performance. LOS is a measure of effectiveness for operating conditions, and is based on density of vehicles within a segment of roadway. LOS ranges from “A” to “F”, with LOS “A” representing little or no congestion, and LOS “F” representing extreme congestion and delay. LOS “C”, or better, is considered desirable with LOS “D” being acceptable in some urban situations.

1.3.1 The Kearney Plan

The 1997 report *The Kearney Plan, the Comprehensive Development Plan for Kearney, Nebraska* (referred to as *Kearney Plan*)¹ is a comprehensive development plan for Kearney that has two fundamental purposes. The first provides an essential legal basis for land use regulation such as zoning and subdivision control. Second, the *Kearney Plan* presents a unified vision for a community, derived from the aspirations of its citizens, and establishes the specific actions necessary to fulfill that vision (RDG et al., 1997).

Plan Implementation, Project History and Development

Kearney's desirable in-city environment has been affected by development pressures resulting from rapid growth and the lack of time it takes to implement planned development. Additional traffic threatens traditional neighborhood streets. Changes in traffic and access patterns, along with development types that often gravitate toward highway interchanges, add other pressures that affect the quality and successful functionality of the city's built environment. The scale and design of development that comes with these changes can be different from the character of traditional Kearney and the maintenance of quality of life. A managed growth approach maintains the existing form of the City, but re-fashions circulation systems, infrastructure and facility investments to encourage a balanced, thoughtful pattern of development designed to meet future demands.

Cross-town traffic in the City is concentrated on Second Avenue, which provides the City's sole interchange with I-80. Nebraska Highway 44 (N-44) runs along Second Avenue south of US 30 contributing additional traffic volumes on Second Avenue.

Hotel, convention, restaurant, commercial and industrial businesses make up the physical characteristics of this commercial corridor at the south edge of the City. The Second Avenue corridor lacks “safe pedestrian circulation, causing all trips to and among commercial and hotel facilities to be made by automobile” (RDG Crose Gardner Shukert [RDG], 2003). As Kearney's population has grown, the single interchange on I-80 has placed traffic stress on Second Avenue. This stress is influenced by the combined use of the corridor by regional and local traffic.

Following the completion of the 1997 *Kearney Plan* (RDG, et al., 1997), the City and NDOR began a project development process in 1999 that investigated several alternative corridors for the proposed Kearney Bypass. The process was concluded with a completed *Interchange*

¹ The 1997 *Kearney Plan* and the 2003 Update, are available from the City of Kearney Planning and Zoning Department; The 2003 Update is also available at: <http://ne-kearney2.civicplus.com/DocumentView.asp?DID=988>

Justification & East Bypass Study Report (IJR) in October 2000 and the submittal to the FHWA for review and approval (Kirkham Michael, 2000).

The IJR was reviewed by FHWA on July 5, 2001, pending the approval of an environmental document. Subsequently, an executive summary of the IJR (Kirkham Michael, 2010) was prepared and submitted to FHWA in September 2010 addressing the current FHWA Interstate Access Policy². The IJR was conducted to determine design and operational acceptability of alternatives. This engineering allows disclosure of associated impacts to satisfy the NEPA requirements. Final approval will be issued after the NEPA decision making process³.

In 2003, the City issued an update to the *Kearney Plan* (RDG, 2003) identifying several key transportation policies that must be followed to meet the current and future mobility needs. In general, the policy includes improving north-south routes through town to decrease exclusive dependence on the Second Avenue corridor and to provide routes and alternative modes for local trips to alleviate congestion on major arterials. Components of the program include:

- Constructing new interchanges to the east and west of Kearney,
- Providing improved access to the Kearney Regional Airport and major industrial sites for accelerated marketing and development,
- Constructing an east bypass to help divert through-trips and truck traffic out of downtown, and
- Developing an inner beltway.

The *Kearney Plan* advocates better linkages to I-80 and US 30 for generating and encouraging future demand for new industrial sites. It further enforces that demand must be guided by land use policies that resolve problems of traffic congestion, disorganized site development, and a lack of clear industrial market focus (RDG et al, 1997 and RDG, 2003).

Nebraska's population grew in 18 of its 93 counties between 2000 and 2008, and those counties were mostly located in the eastern one-third of the state or along I-80, according to a recent study from the University of Nebraska at Omaha (UNO) (UNO, 2009)⁴. Buffalo County showed a population increase in 1990-2000 and 2007-2008 according to the UNO study. In order for the City to grow in the next 20 years, additional land for growth, development, and infrastructure will be necessary to support this growth. As stated in the 2003 *Kearney Plan*, Kearney's land use policies and decision making must reinforce the long-term City development concepts. The result will be a community that has a more balanced development pattern (RDG, 2003).

The Legal Role as Stated in the 2003 Kearney Plan

Nebraska State Statutes enable cities to adopt zoning and subdivision ordinances to promote the "health, safety, morals, or general welfare of the community." Land use regulations such as zoning ordinances recognize that people in a community live cooperatively and have certain responsibilities to one another. These regulations establish rules that govern how land is developed within a municipality and its extraterritorial jurisdiction achieved through the development of city comprehensive plans.

However, under Nebraska law, a city may not adopt land use ordinances without first adopting a comprehensive development plan. This requirement derives from the premise that land use

² Federal Register Volume 74 Number 165 8-27-2009.

³ The IJR is available for review at the City of Kearney, Public Works Department

⁴ UNO, 2009 http://www.unomaha.edu/cpar/documents/nebpopulation_08.pdf

decisions should not be arbitrary, but should follow an accepted and reasonable concept of how the city should grow. Under State of Nebraska statutes, a comprehensive development plan must address, at a minimum, the following issues:

- land use, or the planned distribution of activities and uses of land in the community,
- transportation facilities, and
- community facilities, including recreation facilities, schools, public buildings, and infrastructure.

The *Kearney Plan* provides the ongoing legal basis for the City's authority to regulate land use and development. In addition, the *Kearney Plan* identifies "major issues" including transportation needs to support community growth and development (RDG et al., 1997 and RDG, 2003).

1.3.2 Purpose of the Environmental Document

In 1969, Congress passed NEPA, which created the Council on Environmental Quality (CEQ). The CEQ issued guidelines (40 Code of Federal Regulations [CFR] Parts 1500-1508) on the preparation of environmental documents. These guidelines developed by the CEQ were to insure that all factors were considered in the transportation decision-making process, including a concern for the environment and the involvement of the public in the decision-making process. The purpose of the document is to ensure sound decision-making through a planning process that includes analysis of alternatives and opportunities for public involvement. This document has been developed in accordance with FHWA's NEPA implementation regulations.

1.4 PURPOSE OF THE PROJECT

The purpose of this Project is to improve regional system linkage and enhance modal interrelationships with the Kearney Regional Airport, Nebraska Army National Guard, and the industrial area. Improved transportation linkage between I-80 east of Kearney, US 30 and ultimate access to the regional transportation network north of the City, was identified as a goal in both the 1997 and 2003 *Kearney Plan* (RDG et al., 1997 and RDG, 2003). This would create system linkage and improve the City of Kearney and its extraterritorial jurisdiction's⁵ regional transportation network.

1.5 NEED FOR THE PROJECT

Congestion in the Kearney urban street network is increasing. One cause of congestion within the Kearney urban area is the lack of multiple north-south transportation routes through the City. Projected development and traffic patterns support the development of two additional interchanges, with one each developed east and west of Second Avenue. The *Kearney Plan* recommends regional transportation linkage between I-80, US 30, N-10, and Nebraska Highway 40 (N-40) along with providing enhanced access to Kearney Regional Airport and the industrial area on the east side of Kearney (RDG et al., 1997). The linkage will also provide an option for through-travel to divert traffic congestion from the existing primary route along Second Avenue.

The *Kearney Plan* recommends constructing an "east side interchange and bypass" first (RDG et al., 1997).

"Kearney will need both eastside and westside interchanges by the year 2020. Of the two, an eastside interchange provides relatively more relief to the 2nd Avenue corridor, and should therefore be built first." – 1997 *Kearney Plan* conclusion statement.

⁵ Defined as a 2-mile radius around the City of Kearney based on the 2002 Land Use Survey (RDG, 2003)

The Alternative Analysis Section of the 1997 *Kearney Plan* indicates that the City would ultimately need both east side and west side interchanges to I-80 in the long-term (RDG et al., 1997). However, the plan recommends constructing an eastside interchange first as it provides relatively more relief to the Second Avenue corridor (which is the only major street connecting the City directly to I-80). The transportation element of the 1997 *Kearney Plan* provides a comprehensive improvement program that, if implemented, will provide the City with a balanced transportation network (RDG et al., 1997).

According to the 2003 *Kearney Plan*, residential uses make up Kearney's largest single land use, accounting for just over 35 percent of the City's developed land area (RDG, 2003). About 80 percent of this land is taken up by urban density single-family residential development in the City and surrounding subdivisions. Most of the balance is used for mobile home and multi-family residential development. Much of the City's multi-family development occurs in the west part of the City, in neighborhoods east and south of University of Nebraska at Kearney (UNK) and along 39th Street in northwest Kearney.

Nearly 39 percent of the built environment of Northwest Kearney is devoted to large-scale parks, schools, golf courses, and other public uses. By contrast, parks, schools and civic uses represent less than 16 percent of land uses in southeast or southwest Kearney. In addition, Lake Kearney, and the power canal located in the northwest part of Kearney, account for over 570 acres of open space. Only southeast Kearney with a string of sandpit lakes and open area north of I-80 has more open space (733 acres). Less than 2 percent of land is dedicated to industrial and less than 6 percent to commercial uses. The West Bypass Alternative would have a disproportionate impact to residential and recreational properties compared to the East Bypass Alternative where the majority of land use is agricultural.

Additionally, an east side bypass and interchange would provide improved access to the Kearney Regional Airport and major industrial sites for accelerated marketing and development. The following discusses the major transportation needs of the Project:

1. Connect industrial areas, new growth areas, and the Kearney Regional Airport to I-80 and US 30. This is for employment access, delivery and distribution of goods and services from the commercial/industrial area and direct access for the Nebraska Army National Guard facility to I-80.
2. Provide an alternative route for through-traffic. The alternative route would supplement the existing single north-south through-corridor and serve the needs and future traffic demands on the east side of Kearney.

To meet the Purpose and Need, an alternative must provide more than a minor improvement. An improvement would be considered minor if it is localized, temporary, and/or largely unnoticeable to the typical user of the transportation system. Minor improvements to a transportation network include, but are not limited to, signalization, signal timing, and enhanced turn lanes. Alternatives that provide only a minor improvement do not meet the Purpose and Need for Action and, therefore, are not reasonable alternatives.

1.5.1 Need for a Kearney Bypass

Major Traffic Generators in Eastern Kearney

The Kearney area economy includes manufacturing, medical services, agriculture, regional retail and wholesale, tourism, and higher education. The majority of residents work in the trade, retail, wholesale, and services areas, though several thousand are employed in manufacturing and

construction. Currently, the City owns approximately 1,600 acres of land available for development and business expansion on the east side of Kearney.

As shown in **Table 1.1**, major employers include Baldwin Filters, Eaton Corporation, Pramac Group, Morris Press, Marshall Engines, West Company, Chief Agricultural Industries, Inc., and Monsanto.

Table 1.1: Employers in East Kearney Greater than 100 Employees

Private Sector ^a	Product or Business Type	Employees 2003 ^b	Employees 2009 ^d
Baldwin Filters	Filters	716	805
Eaton Corporation	Auto Valves	697	432
Cabela's	Retail Sales	630	496
Pramac Group	Electrical Generators	396	35 ^e
Morris Press	Publishing	225	208
Chief Ag Industries, Inc.	Material Handling	151	164
Bob's Superstore	Retail Sales	125	105
Monsanto	Ag Technology	NA ^c	100
Total:		2,940	2,345

^a The businesses listed are based on their location in the proximity of the proposed Project and represent those businesses that employ greater than 100 people.

^b Source: RDG, 2003.

^c Monsanto reported less than 100 employees in 2003.

^d Source: Kearney Area Economic Development Council. Personal contact by Kirkham Michael to Nikki Masek of Buffalo County Economic Development Council on December 1, 2009.

^e Business numbers reflect the current economic status. The number of employees is expected to climb with subsequent recovery.

According to the information in the 2003 *Kearney Plan*, there are 15,762 employed individuals in the City (RDG, 2003). Approximately 20 percent of the private sector employers are located near or within a 1-mile radius of Cherry Avenue and US 30. In addition, approximately 2,000 acres of land near Kearney are zoned for manufacturing or industrial uses and about 350 acres are located on land controlled by the Kearney Regional Airport and may be available for appropriate industrial use.

An east interchange would provide a direct connection to the Kearney industrial area and the Kearney Regional Airport. This interchange also would feed the northeast regional bypass, routing truck traffic bound to the region northwest of Kearney around the center of the City. The Kearney Bypass will serve as an alternative route to divert through-traffic and truck traffic from downtown Kearney and Second Avenue, providing opportunity for growth and development along the east edge of Kearney with connections on 11th Street, Coal Chute Road, and 39th and 56th Streets. In a letter dated December 11, 2009, the Buffalo County Economic Development Council expressed strong support of an east interchange and bypass (Refer to **Appendix B – Final EA Correspondence**). **Table 1.2** illustrates the amount of commercial truck traffic serving the industries in eastern Kearney. This truck traffic strains the existing through-town facilities and is a safety consideration for local traffic. Construction of an alternative route would provide relief for the truck traffic on existing north-south corridors.

According to the telephone survey with the businesses listed in **Table 1.2**, 90 to 95 percent of the truck trips are semi trucks, and the remaining five to ten percent are FedEx and UPS trucks. Baldwin Filters is proposing a facility expansion in the next five years that will include 480,000 square feet of additional distribution center located directly to the east of the existing facility. This facility expansion is expected to increase the number of trips, but a number is not yet known.

Table 1.2: Commercial Truck Trips for Pickup/Delivery

Private Sector	Deliveries to the Business	Distribution of Products
Baldwin Filters	125	150
Eaton Corporation	60	60
Pramac Group	15	20
Morris Press	35	30
Bob's Superstore	150	NA

NOTE: Numbers provided represent average weekly totals as stated by the companies during phone interviews in July 2009 by Kirkham Michael.

Regional Access and Modal Interrelationships

According to the 1997 *Kearney Plan*, to meet future needs, the City must clarify its industrial land use policies to designate concentrated sites for future expansion. These sites must be better linked to US 30 and I-80 than present development allows. The *Kearney Plan* notes that additional access will allow the City to generate a future demand for new industrial space. This demand must be guided by land use policies that resolve problems of traffic congestion, indiscriminate site development and a lack of clear industrial market focus (RDG et al., 1997).

According to the 1997 and 2003 *Kearney Plan*, the Project is considered necessary to improve regional access and mobility to the City, Kearney Regional Airport, and the industrial area on the east side of Kearney from I-80 while improving traffic operations on the arterial system within Kearney and maintaining consistency with the *Kearney Plan* (RDG et al., 1997 and RDG, 2003). The Kearney Bypass would likely facilitate in providing relief to the heavily traveled major corridors with limited capacity, like Second Avenue, from the existing conditions as well as to projected congestion by diverting through-trips and truck traffic. The lack of alternate routes and the commercial land uses along Second Avenue, result in it being the primary route for passenger car and truck traffic in town.

As discussed in Section 1.3.1, the *Kearney Plan* identifies the construction of an additional major north-south arterial route. The *Kearney Plan* anticipated a bypass would provide additional access to I-80 and direct access to the Kearney Regional Airport and the industrial areas. It also would act as a bypass route for truck traffic around the congested Second Avenue corridor. The *Kearney Plan* proposed the alternative route should connect new growth areas and the Kearney Regional Airport to I-80 providing opportunity for development and additional access on the east side of the City. According to the *Kearney plan*, “The City’s single I-80 interchange places excessively heavy traffic loads on the Second Avenue corridor and complicates access to the City’s airport and industrial areas.” The *Kearney Plan* evaluated the benefits of alternative interchanges at various locations and concluded that a bypass on the east side of Kearney would have the most benefits. According to the *Kearney Plan*, the airport and major industrial sites on the east side of Kearney should receive improved access to I-80 and US 30 for accelerated marketing and development (RDG et al., 1997 and RDG, 2003).

Kearney Regional Airport Access

The Kearney Regional Airport is the third highest passenger airport for Nebraska and largest general aviation facility for central Nebraska pilots and businesses. The City oversees all aspects of the airport. It is home to approximately 60 aircraft and handles an estimated 30,000 operations⁶ per year, including corporate activity, training and pleasure flying. According to the City's website, the Kearney Regional Airport averages about 10,000 enplanements⁷ annually.

The primary access to the Kearney Regional Airport is via Airport Road off US 30. Existing access to the Kearney Regional Airport can be described as indirect and requires a user to back track up to three miles to reach the facility. The following describes existing routes to the Kearney Regional Airport:

1. Westbound access from I-80 to N-10; N-10 to US 30.
Miles: 7 Time: 9 Minutes
While the commuter would not save on miles traveled, the proposed project would provide a high-speed facility and controlled access.
2. Westbound access from I-80 to Second Avenue; Second Avenue to US 30.
Miles: 14 Time: 17 Minutes
The commuter would have to double back 4.5 miles on the existing system to reach the terminal.
3. Eastbound I-80 to Second Avenue; Second Avenue to US 30.
Miles: 7.3 Time: 13 Minutes
While the commuter would not save on miles traveled, the proposed project would provide a high-speed facility and controlled access.
4. From eastbound I-80 passing the Kearney Exit (272) and taking the N-10 Exit (279) to US 30.
Miles: 15 Time: 21 Minutes
The commuter would have to double back 3.5 miles on the existing system to reach the terminal.

In a letter dated October 20, 2009, the Kearney Regional Airport identified the airport's need for the proposed Project and support of this modal interrelationship (Refer to **Appendix B – Final EA Correspondence**). From the management of the airport and its aeronautical activities, the bypass and interchange provide several benefits.

- Convenient higher speed access to the facilities for airport users.
- Provides a new “front door” to the terminal that would eliminate an at-grade railroad crossing from the access to I-80.
- The City is working with the Nebraska Department of Economics Development to build a technology park, 0.5 mile to the west, in which a shovel-ready site will be marketed as a potential location for data centers and high-tech industries. The bypass and interchange would provide good access to the park and the Airport's industrial tracts, allowing additional use of the airport both with air travel and leases.
- In the event of emergencies (weather, health, civil, etc.) the bypass would provide an additional higher speed access route for responders, thereby promoting public safety, health, and welfare.

⁶ The number of arrivals and departures from the airport.

⁷ Domestic, territorial, and international revenue passengers who board an aircraft in the states in scheduled and non-scheduled service of aircraft in intrastate, interstate, and foreign commerce and includes in transit passengers.

- With increased access and availability, more people in the Kearney area would use the airport facility as opposed to driving to Lincoln, Omaha, or Grand Island.

According to the Kearney Regional Airport, the bypass and interchange will act as a function of convenience to their users and aid in the financial success of the local airport facilities.

Nebraska Army National Guard Access

The Nebraska Army National Guard is located in the Kearney Armory, adjacent to the Kearney Regional Airport. In February 2002, the Nebraska Army National Guard wrote a letter of support citing a number of benefits (Refer to **Appendix C – Draft EA Correspondence**). The Nebraska Army National Guard has converted from an armor battalion to a transportation battalion. The letter noted “very poor over the road access to I-80.” In addition, the Nebraska Army National Guard reinforced the need for an alternative route noting that “Highway 30 east to Highway 10 is hazardous for large military trucks because the roads are narrow with very sharp turns.” The route to get to I-80 is currently through the middle of Kearney on Second Avenue and has “self-explanatory hazards.” The proposed project would benefit national defense need by providing high speed direct access to I-80 for use by the Army National Guard. The Army National Guard stated in a letter that “our national security posture will gain benefits by construction of the East Bypass as this enables the unit to rapidly respond to state of national guard unit call-ups by providing quick four-lane access to I-80.”

In December 2009, by email the Nebraska Army National Guard decided to remain neutral regarding the project (Refer to **Appendix B – Final EA Correspondence**).

1.5.2 Consistency with the *Kearney Plan* to Provide System Linkage

The 1997 *Kearney Plan* identified two challenges involved in the development of an arterial system (RDG et al., 1997):

- Distribution of traffic around the Second Avenue corridor, and
- Ultimate development of additional access points to I-80.

The 1997 *Kearney Plan* identified the need for development of a new regional bypass, interchanging with I-80 providing direct access to the Kearney Industrial Park and the Kearney Regional Airport (RDG et al., 1997). The Economic Development Council of Buffalo County, Kearney Regional Airport, Kearney Chamber of Commerce, and the Kearney Downtown Improvement Board are in strong support and favor of a regional bypass leading directly to Kearney Industrial Park and the Kearney Regional Airport and continuing north and west as N-40 (Refer to **Appendix B – Final EA Correspondence**).

The 1997 *Kearney Plan* analyzed alternatives that, if implemented, would provide the City with a balanced transportation network. The 1997 *Kearney Plan* Capacity Analysis and Traffic Projections suggest that two regional transportation priorities have important implications for the movement of traffic in and around Kearney. These include the development of one or two additional I-80 interchanges, together with a bypass route, for regional traffic around the City (RDG et al., 1997).

An alternatives analysis, using a computerized traffic assignment model, was used by the City and presented in the 1997 *Kearney Plan* to assess the comparative benefits of five alternatives to growth and capacity improvements. The conclusion of this alternative analysis determined the need for both east side and west side interchanges by the year 2020. Of the two, an east side interchange provides relatively more relief to the Second Avenue corridor, and should, therefore,

be built first (RDG et al., 1997). This interchange will also feed a regional bypass, moving truck traffic away from the City center.

1.6 GOALS AND OBJECTIVES

The goals and objectives for this Project are based on information generated during the scoping process and comments by agencies and interested parties. Project alternatives should provide for optimal roadway functionality and satisfy the following goals and objectives in order to fulfill the purpose and need:

- Minimize out-of-direction travel. Drivers tend to avoid traveling out of their way, so routes that require out-of-direction travel could limit the number of travelers who would take the Kearney Bypass for regional trips.
- Provide relief to traffic volume on Second Avenue; 30 percent of the traffic entering Kearney is through-traffic.
- Reduce truck traffic on Second Avenue.
- Minimize travel time. The goal is to minimize the amount of time it takes to travel between I-80 and US 30 by using the proposed Kearney Bypass.
- Incorporate access control measures that promote through-mobility. This involves maintaining higher speeds and control by limiting the locations for entering or exiting a major thoroughfare.

Project alternatives should minimize impacts to the community and the environment through careful consideration of the design. Alternatives should also enhance the community and environment where there are opportunities to do so. Alternatives should satisfy the following objectives with respect to the community and environment:

- Reduce congestion on local routes.
- Accommodate crossings for planned bicycle/pedestrian routes (existing and planned bicycle and pedestrian facilities, as well as grade-separated crossings for bicycles and pedestrians).
- Minimize environmental impacts to the extent practicable on aspects of the project.

In addition, proposed alternatives should address safety considerations. Objectives intended to promote the safety of the facility include:

- Improve or maintain safety on connecting routes.
- Meet NDOR and FHWA roadway design standards. Design standards are based on projected traffic volumes and the different types of vehicles that are expected to use the proposed Kearney Bypass.
- Reduce existing delay/crash potential along Second Avenue.

The following information supports the goals and objectives for the project.

1.6.1 Second Avenue

As previously mentioned, Second Avenue is Kearney's only continuous north-south arterial, extending south of I-80 as N-44 and north as N-10 and N-40. During the NEPA process, two issues with the existing Second Avenue corridor have been a focus: 1) Crashes and 2) Delays.

According to the City and traffic/transportation studies (which have been conducted involving the Second Avenue corridor), Second Avenue has reached its expansion capabilities and is currently built out to the right-of-way (ROW) limits. While the option of expanding Second Avenue was discussed in the *City of Kearney Transportation Plan Update Final Report* (Transportation Plan)

(Olsson, 2004), it was also discounted in that document due to the significance of impacts to local businesses and residences along the corridor. The 2004 *Transportation Plan* followed by the 2005 *City of Kearney Transportation Plan Update-Phase II (Transportation Plan-Phase II)* (Olsson, 2005) discusses signalizing and other changes that were made along Second Avenue to ease congestion. According to these studies, the passive changes to mitigate for crashes and LOS were relatively unsuccessful in improving the existing driving conditions.

Second Avenue is the City's main corridor for commercial development. The following is a description of existing Second Avenue geometry and environment:

- It is a four-lane divided facility throughout the study area, with various road sections and signalized intersections along with right and left turn lanes.
- It crosses the north channel of the Platte River north of Talmadge Street and crosses over Union Pacific Railroad (UPRR) main line with a grade-separated overpass.
- It has frequent mid-block access to businesses.

According to the *Transportation Plan-Phase II*, the majority of the traffic utilizing Second Avenue is northbound-southbound traffic or traffic entering or exiting the City from I-80 (Olsson, 2005). People travel into the City for goods, services, medical treatment, and employment. Major traffic generators include Kearney Regional Airport, the County fairgrounds, UNK, the Great Platte River Road Archway, Cabela's, worker influx to the industrial area located on the east side of Kearney, the local shopping mall, Downtown Kearney Entertainment District "the Bricks", and local businesses. The City is also home to Good Samaritan Hospital, which has one of the highest level trauma centers and neonatal intensive care units in Nebraska. In addition, there are several homes for aging adults and surgical centers that provide regional care.

Existing Traffic Volumes

Providing a route to divert through-traffic and truck traffic from downtown Kearney and Second Avenue would free up capacity on the local street system resulting in an improvement to the overall operating conditions and safety of the transportation system in Kearney.

An origin-destination study⁸ conducted in February 2000 concluded that almost 30 percent of trips entering Kearney did not stop in the City. A December 2009 review⁹ of the February 2000 origin-destination data validity indicated that the findings from this study and the conclusions relating to the 30 percent through-trips entering Kearney are still valid.

As shown on **Table 1.3**, the average daily traffic (ADT) on Second Avenue during 2003 was 19,780 vehicles per day. The Second Avenue corridor currently operates at LOS "C" (average) during the AM and PM peak hour. LOS "C" is considered satisfactory under existing conditions. However, according to the *Transportation Plan* (Olsson, 2004), the segment of Second Avenue between the UPRR viaduct and 39th Street is currently operating at LOS "D" or worse.

Given the population trend and proposed land uses in the *Kearney Plan*, estimates for traffic along Second Avenue in 2030 would approach double the current levels (RDG et al., 1997 and RDG, 2003). The Second Avenue corridor under a "no build" scenario would be anticipated to operate at LOS "E" on sections in the year 2030. **Table 1.3** shows the existing and 2030 No Build ADT projections and anticipated LOS for each segment.

⁸ Origin Destination Study is documented in the *Kearney Interchange Justification and East Bypass Study*, October 2000 - Kirkham Michael

⁹ Origin Destination Memo to Danny Briggs, FHWA – Kirkham Michael, December 2009 (Refer to **Appendix B – Final EA Correspondence**)

Table 1.3: 2003 and 2030 No Build Traffic Volumes and Segment Level of Service

Segment of Second Avenue	2003 ADT	2030 No Build ADT	2003 LOS	2030 No Build LOS
I-80 to 8 th St.	17,400	33,700	B	D
8 th St. to 16 th St.	22,000	32,000	C	D
16 th St. to 31 st St.	24,100	28,900	C	D
31 st St. to 56 th St.	26,000	33,400	C	E
56 th St. to 78 th St./N-40	9,400	17,300	A	A
Average	19,780	29,060		

Source: City of Kearney Transportation Plan Update, Olsson, 2004.

Based on the *Kearney Plan*, the rapid growth in Kearney population would negatively impact the operating conditions and congestion at the Second Avenue interchange to I-80. There is a need to service the long-term growth and employment opportunities in Kearney by providing an additional access interchange to I-80. According to the *Kearney Plan*, the new access to I-80 is needed within two to three miles of the existing Second Avenue interchange to support the development patterns as envisioned in the *Kearney Plan* (RDG et al., 1997 and RDG, 2003).

When gathering opinion for the Purpose and Need for Action of the 2004 *Transportation Plan*, citizens noted that Second Avenue becomes very congested during peak hours and drivers become impatient. In addition, 39th Street has grades at the intersection of Second Avenue that create sight distance issues and other safety concerns (Olsson, 2004). This intersection has the highest crash rate in the City. Reduction of truck traffic and through-traffic to I-80 could potentially improve safety conditions.

Safety is a fundamental consideration for all elements of a transportation system. Congestion and safety problems emerge when major arterials also are called upon to provide local trips, such as trips to shopping facilities. Traffic friction, or the mixing of local commercial and through-traffic, compromises the function of major arterials and creates safety problems because of deceleration and turning movements.

According to the information documented in the *Kearney Plan*, a bypass would reduce congestion and improve safety on Second Avenue (RDG et al., 1997 and RDG, 2003). Traffic conflicts and a mixture of turning movements create potential traffic delays along Second Avenue that slow travel and increases probability of traffic crashes. This is due to several reasons, two of which are the high number of access driveways to the adjacent properties and the mix of traffic including a relatively high percentage of trucks. Additional crash rate information from 2003 to 2007 along Second Avenue between I-80 and 56th Street are an average of 25 percent higher than the State of Nebraska average for similar urban four-lane roadway segments.

Based on similar situations and research, it would be reasonable to assume that the crash rates along Second Avenue would increase over time with increases in traffic volumes. **Table 1.4** provides total crashes and crash rates for selected segments within Kearney and a comparison with the State average rates.

Table 1.4: Crash Analysis Summary (2003-2007)

Segment of Second Avenue	2003 - 2007 Crashes		Total	Predominant Crash Type	Crash Rate (crashes / million vehicles miles) ^a	State Average (crashes / million vehicle miles) ^b
	At Inter-sections	At Mid-block				
I-80 to 8 th St.	106	23	129	Rear End (65) Right Angle (25) Left Turn (21)	4.04	3.02
North of 8 th St. to 16 th St.	118	30	148	Right Angle (52) Rear End (51) Left Turn (14)	9.34	3.02
North of 16 th St. to 31 st St.	180	123	303	Rear End (184) Right Angle (55) Sideswipe - Same Direction (36)	5.94	3.02
North of 31 st St. to 56 th St.	354	123	477	Rear End (235) Right Angle (124) Left Turn (68)	8.41	3.02
North of 56 th St. to 78 th St./N-40	6	5	11	Fixed Object (6) Right Angle (3) Left Turn (1) Backing (1)	0.56	3.02

^a Calculated using Average 2006 ADT for Segment

^b Statewide Average Crash Rate for Urban Four-Lane Roadway Segments for 2005-2007

Source: NDOR Traffic Engineering. Data requested by Kirkham Michael, 2009.

Future Traffic Volumes

The *Transportation Plan* estimates for traffic along Second Avenue are projected for the year 2030 (Olsson, 2004). The City was divided into Transportation Analysis Zones to compute probable daily traffic levels. The projected traffic volumes documented in the *Transportation Plan* indicate that Second Avenue will be operating at full capacity in 2030 (Olsson, 2004). **Table 1.3** shows the existing and 2030 No Build ADT projections and anticipated LOS for each segment.

According to the 2003 *Kearney Plan*, the following demonstrates the LOS for other locations in the City¹⁰:

LOS "E" and "F"

- Second Avenue from 16th Street to 56th Street
- 22nd Street from Second Avenue to Avenue E
- 25th Street at the Second Avenue intersection

LOS "D"

- 25th Street from Avenue Q to Second Avenue

¹⁰ Analysis for LOS is as listed in the *Kearney Plan* (RDG, 2003).

The *Kearney Plan* indicated that the City would outgrow its ability to be adequately served by the existing single interchange to I-80 at Second Avenue (RDG et al., 1997 and 2003). The analysis indicates that:

- An exclusive reliance on Second Avenue as the City's principal north-south through-arterial will cause a decreased LOS for the traffic system.
- The costs of widening Second Avenue to accommodate projected traffic are extremely high and will create an unacceptable impact on the City and neighboring businesses.
- Additional north-south through-routes will be needed during the next 20 years.

In addition, to better identify roadway deficiencies, the *Transportation Plan* showed roadway segments projected to operate at LOS "D" or worse (Olsson, 2004). An area identified as LOS D includes Second Avenue and the I-80 north ramp to UPRR viaduct, and 29th to 56th Streets.

SECTION 2.0 ALTERNATIVES

This section describes the alternatives evaluated to address the purpose and need for the Kearney East Interchange and Bypass project, as described in Section 1.0 of this EA. The study considered a range of possible alternatives, including the No Build Alternative, and options for varying alignments, typical sections, and interchange types.

2.1 ALTERNATIVE DEVELOPMENT

In the late 1990s, the City of Kearney began planning for a new I-80 interchange and north-south route through the City. The City's comprehensive plan, called the *Kearney Plan* (RDG et al., 1997), analyzed the City's transportation network and made a number of recommendations for improving traffic circulation in the City and region. The *Kearney Plan* concluded that the existing single, centrally located I-80 interchange at Second Avenue "can no longer serve the needs of a city of Kearney's size and future growth prospects" (RDG et al., 1997). The *Kearney Plan* contemplated new interchange locations along I-80; based on traffic circulation and future growth patterns, an interchange on the east side of Kearney was recommended as a first priority. Two locations, Antelope Avenue and Cherry Avenue (then known as Eaton Road), were determined to be the most beneficial for traffic operations. The *Kearney Plan* ultimately recommended the Eaton Road/Cherry Avenue location because it provided "buildable soils and a direct connection to the Kearney Industrial Park and Airport" while also feeding a "regional bypass, moving truck traffic away from the City center" (RDG et al., 1997). The new interchange would be supported by other recommended arterial street improvements and additional grade-separated railroad crossings to improve traffic flow, safety, and access for both regional and local travelers.¹

Approval from the FHWA is required for any new or modified interstate access, such as a new interchange. To comply with FHWA requirements (and the FHWA's eight-point policy paper on new or modified interchange accesses [23 CFR 630C]), the City of Kearney prepared the IJR (Kirkham Michael, 2000) and submitted it to NDOR and FHWA for review. Subsequently, an executive summary of the IJR (Kirkham Michael, 2010) was prepared and submitted to FHWA in September 2010 addressing the current FHWA Interstate Access Policy². The IJR and Executive Summary, which are included in **Appendix N – Interchange Justification Report**, provided detailed information about traffic needs and effects, analyzed location and interchange configuration options, and summarized compliance with FHWA policy for new interchanges. The IJR evaluated four locations for a new interchange east of the existing Second Avenue interchange. Each of these locations also included an associated local bypass route. Because one of the goals of the bypass is to reroute truck traffic outside downtown Kearney, the study included a survey of major manufacturing companies and trucking firms to determine preferences for a potential bypass. The City also sought public input and presented the interchange and bypass concepts at several public meetings. After review of the document, FHWA determined that the new interchange was acceptable pending completion of required NEPA analysis of environmental

¹ The Union Pacific Railroad operates a busy freight line through Kearney. At-grade crossings of the road network and railroad lines create roadway congestion as cars queue waiting for trains to pass and also present potential safety conflicts between vehicles and trains. The *Kearney Plan* recommended new grade-separated crossings of the railroad tracks for key circulator streets in the City (RDG et al., 1997 and RDG, 2003). The *Kearney Plan* also recommended connecting discontinuous streets and creating an inner beltway through Kearney and a regional bypass to relieve traffic on local streets for travelers destined for locations outside the City (RDG et al., 1997 and RDG, 2003).

² Federal Register Volume 74 Number 165 8-27-2009.

effects of the action. Both approving and providing funding for the new interchange and bypass are federal actions that require FHWA to comply with NEPA.

This EA was initiated in 2002, and the *Draft Environmental Assessment, East Interchange & Bypass, Kearney, Nebraska* (Draft EA) was published and distributed for public and agency review and comment in 2007. The study area for this EA is shown in **Figure 1.2** in Section 1.0. The alternatives development and evaluation builds on the previous efforts of the *Kearney Plan* (RDG et al., 1997 and RDG, 2003) and IJR (Kirkham Michael, 2000).

Initially, 12 alternatives were considered, as described in **Table 2.1** and illustrated in **Figure 2.1**. Six of these included a new I-80 interchange and bypass corridor, one added a new interchange on the west side of Kearney connecting to an existing higher speed road (30th Avenue), one included a new bypass corridor connected to an existing interchange (at N-10), and three included improvements to local streets or traffic operations with no interchange or bypass. Bypass corridors (and the associated I-80 interchange location) generally follow existing road alignments to minimize ROW acquisition requirements and support the existing transportation network in the City. A No Build Alternative was included to provide a baseline for comparison of the other build alternatives, although it does not meet the traffic or access needs of the project described in Section 1.0.

Table 2.1: Initial Alternatives

Alternative	Description
No Build	<ul style="list-style-type: none"> No new interchange or bypass. City would fund and construct other planned local road improvements.
ITS/TSM/TDM* Strategies Only	<ul style="list-style-type: none"> Minimal physical improvements. Implement minor improvements (such as adding turn lanes, adjusting signal timing, or adding signage) to improve traffic flow. Employ communications-based technology to manage traffic. Encourage programs (such as flexible work schedules, transit, or carpooling) to reduce vehicle travel miles or spread out trips during peak travel times.
Second Avenue Improvements	<ul style="list-style-type: none"> Implement plans to modify Second Avenue interchange with I-80 to remove northbound protected left-turn phase. Implement planned local intersection improvements at Second Avenue intersections with (south to north): Talmadge Road, 4th Street, 8th Street, 11th Street, 16th Street, 22nd Street, 25th Street, 29th Street, 31st Street, 33rd Street, 44th Street, 48th Street, 52nd Street, and 56th Street. (Improvements to the intersection of Second Avenue and 39th Street were implemented in 2006).
Frontage Road Improvements	<ul style="list-style-type: none"> Expand 1st Street along I-80 east to connect to Cherry Avenue (approximately 0.5 miles). Widen and flatten curves on 1st Street to improve its frontage road functions.
Avenue M/N	<ul style="list-style-type: none"> Provide new interchange at I-80 and Avenue M, approximately 1 mile east of the Second Avenue interchange. Provide new 6.5-mile, four-lane, high-speed, access controlled bypass route roughly following the existing Avenue M/N alignment from I-80 to 78th Street, continuing on 78th Street west to N-10/N-40 junction. Provide grade-separated crossing of the North Channel of the Platte River.

Table 2.1: Initial Alternatives

Alternative	Description
Antelope Avenue	<ul style="list-style-type: none"> • Provide new interchange at I-80 and Antelope Avenue, approximately 2 miles east of the Second Avenue interchange. • Provide new 7.5-mile, four-lane, high-speed, access controlled bypass route roughly following the existing Antelope Avenue alignment from I-80 to 78th Street, continuing on 78th Street west to N-10/N-40 junction. • Provide grade-separated crossings of the North Channel of the Platte River, the UPRR tracks, and US 30.
Cherry Avenue	<ul style="list-style-type: none"> • Provide new interchange at I-80 and Cherry Avenue, approximately 3 miles east of the Second Avenue interchange. • Provide new 8.5-mile, four-lane, high-speed, access controlled bypass route offset approximately 200 feet to the west of the existing Cherry Avenue from I-80 to 78th Street, continuing on 78th Street west to N-10/N-40 junction. • Provide grade-separated crossings of the North Channel of the Platte River, the UPRR tracks, and US 30.
Modified Cherry Avenue	<ul style="list-style-type: none"> • Provide new interchange at I-80 and Cherry Avenue, approximately 3 miles east of the Second Avenue interchange. • Provide new 7.5-mile, four-lane, high-speed, access controlled bypass route roughly following the existing Cherry Avenue alignment from I-80 to 39th Street, following a new alignment diagonally northwest across private property to meet the N-10/N-40 junction. • Provide new grade-separated crossings of the North Channel of the Platte River, the UPRR tracks, US 30, Antelope Avenue, and Avenue N.
Imperial Avenue	<ul style="list-style-type: none"> • Provide new interchange at I-80 and Imperial Avenue, approximately 5 miles east of the Second Avenue interchange. • Provide new 11-mile, four-lane, high-speed, access controlled bypass route roughly following the existing Imperial Avenue alignment from I-80 to 78th Street, continuing on 78th Street west to N-10/N-40 junction. • Provide grade-separated crossings of the UPRR tracks and US 30.
Poole Avenue	<ul style="list-style-type: none"> • Provide new interchange at I-80 and Poole Avenue, approximately 6 miles east of the Second Avenue interchange. • Provide new 12-mile, four-lane, high-speed, access controlled bypass route roughly following the existing Poole Avenue alignment from I-80 to 78th Street, continuing on 78th Street west to N-10/N-40 junction. • Provide grade-separated crossings of the UPRR tracks and US 30.
N-10	<ul style="list-style-type: none"> • Use existing interchange at I-80 and N-10, approximately 7 miles east of the Second Avenue interchange. • Provide new 13-mile, four-lane, high-speed, access controlled bypass route roughly following the existing N-10 alignment from I-80 to 78th Street, continuing on 78th Street west to N-10/N-40 junction. • Provide grade-separated crossings of the UPRR tracks and US 30.
West Interchange	<ul style="list-style-type: none"> • Provide new I-80 interchange west of the Second Avenue interchange at 30th Avenue. • Improve some local streets connecting to 30th Avenue. • No major improvements to 30th Avenue, which is a high-speed (45 miles per hour [mph]) facility that serves as the main north-south connector on the west side of Kearney and has an existing bridge over the UPRR tracks.

* ITS = Intelligent Transportation Systems; TSM = Transportation System Management; TDM = Transportation Demand Management

These initial alternatives were evaluated to identify a reasonable range of alternatives that could meet the purpose and need for the project. Two build alternatives were advanced for more detailed evaluation: Cherry Avenue Alternative and Antelope Avenue Alternative. The NDOR and FHWA considered environmental impacts for both build alternatives and the No Build Alternative, and included the results and recommendation for a Preferred Alternative in the 2007 Draft EA. The Draft EA, which was circulated for public and agency comments, identified Cherry Avenue Alternative as the Preferred Alternative (City of Kearney and NDOR, 2007). Two public hearings were held to explain the alternatives and receive comments about the proposal. The first hearing focused on the results of the location study (i.e., the alignment), and the second on the preliminary design. The public expressed support for the Cherry Avenue Alternative over the Antelope Avenue Alternative. The design hearing centered on the Cherry Avenue Alternative since that alternative had been identified as the Preferred Alternative. After consideration of the environmental analysis contained in the Draft EA and review and consideration of public and agency comments, NDOR confirmed Cherry Avenue Alternative as the Preferred Alternative (City of Kearney and NDOR, 2007). The Final EA, therefore, includes analysis of Cherry Avenue Alternative (the Build Alternative) and the No Build Alternative. Section 2.2 describes the alternatives screening process and rationale for selection of the Preferred Alternative.

2.2 ALTERNATIVE SCREENING

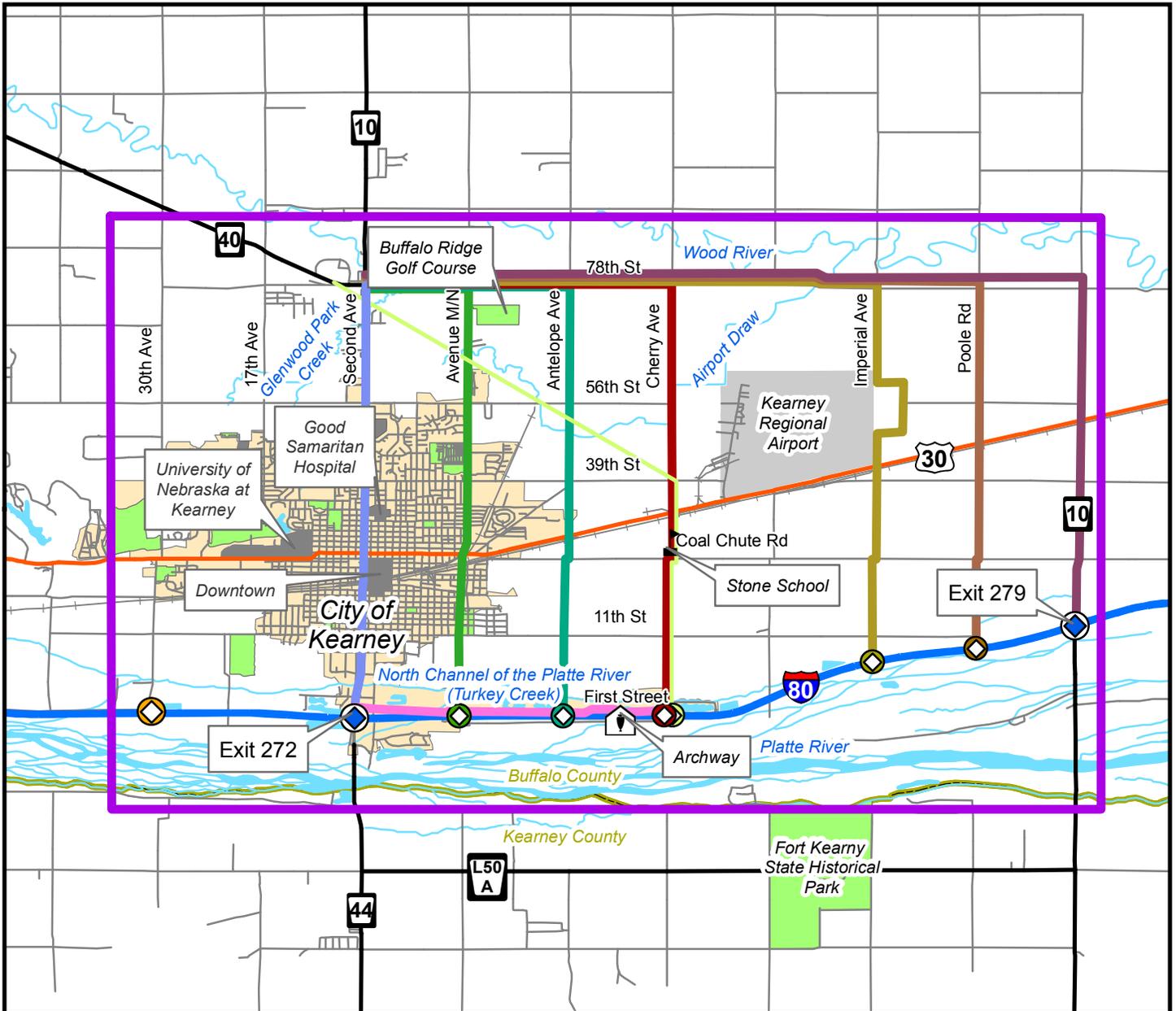
Alternatives were screened to define a range of design concepts that could meet the project purpose and need, be implemented at a reasonable cost, and would not result in unacceptable environmental or community impacts. Two levels of screening were conducted: Level 1 and Level 2. Level 1 screening was intended to eliminate alternatives with “fatal flaws.” Level 2 screening was intended to provide a more quantitative comparison of alternatives advanced from the Level 1 screening.

2.2.1 Screening Criteria

Criteria were developed to screen alternatives in the following areas: mobility, community and environmental impacts, implementation, and cost feasibility. **Table 2.2** describes the criteria and measures for Level 1 screening. These measures define the critical elements of the project, and any “NO” response to the questions in the description column would eliminate the alternative from further consideration.

Table 2.2: Level 1 Screening Criteria

Criteria	Description/Measure (YES, NO)
Mobility	<ul style="list-style-type: none"> Does the alternative support regional mobility and connectivity and traffic flow? Does the alternative support local connectivity and traffic flow? Can the alternative accommodate the required cross section and access control requirements of a high-speed facility?
Community and Environmental Impacts	<ul style="list-style-type: none"> Can the alternative be implemented without acquiring substantial new ROW and/or require many relocations? Can environmental impacts be avoided or mitigated reasonably?
Cost Feasibility	<ul style="list-style-type: none"> Can the alternative provide cost-effective structures (for crossings of the Platte River, UPRR, US 30, or other facilities)? Are ROW costs expected to be reasonable?
Implementation	<ul style="list-style-type: none"> Is the alternative compatible with established local plans and visions?



LEGEND

- | | | | | | |
|--|------------------------------------|--|------------------------------|--|----------------------------|
| | Second Avenue Improvements | | Existing I-80 Interchange | | Streams and Surface Waters |
| | Avenue M/N Alternative | | West Interchange Alternative | | Parks and Golf Courses |
| | Antelope Avenue Alternative | | Interstate Highway | | Existing City Limits |
| | Cherry Avenue Alternative | | US Highway | | |
| | Modified Cherry Avenue Alternative | | State and County Highways | | |
| | Imperial Avenue Alternative | | Local Streets | | |
| | Poole Road Alternative | | Railroad | | |
| | N-10 Alternative | | Study Area | | |
| | Frontage Road Alternative | | | | |

N

 1 inch equals 2 miles

**FIGURE 2.1
 INITIAL ALTERNATIVES**



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Level 2 screening relied on the same criteria categories but refined the performance measures to allow a more in-depth comparison of alternatives. Alternatives advanced from Level 2 screening would be the build alternatives to be included in the impact analysis for the Final EA. Criteria were measured quantitatively where possible. **Table 2.3** presents the criteria and performance measures for the Level 2 screening.

Table 2.3: Level 2 Screening Criteria

Criteria	Measure
Mobility	
Reduce congestion on Second Avenue	Projected LOS on Second Avenue segments: <ul style="list-style-type: none"> • I-80 to 8th Street • 8th Street to 16th Street • 16th Street to 31st Street • 31st Street to 56th Street • 56th Street to N-10/N-40
Access to industrial area	<ul style="list-style-type: none"> • Distance from I-80 to/from Eaton, Baldwin Filters, and Cabela's
Access to the regional airport	<ul style="list-style-type: none"> • Distance from I-80 to/from airport terminal
Improved access for Nebraska Army National Guard operations	<ul style="list-style-type: none"> • Distance from I-80 to/from Nebraska Army National Guard facility
Community and Environmental Impacts	
Property acquisitions and relocations	<ul style="list-style-type: none"> • Acres of required ROW • Number of projected relocations
Wetlands and Waters of the US	<ul style="list-style-type: none"> • Acres of fill and dredge
Cost Feasibility	
Cost estimate	<ul style="list-style-type: none"> • Estimated project cost (including design, ROW acquisition, and construction)
Implementation	
Compatibility with local transportation plan	<ul style="list-style-type: none"> • Consistency with roadway classification in local plan • Compatibility with other planned roadway improvements
Compatibility with local land use plan	<ul style="list-style-type: none"> • Roadway supports planned land use and projected development
Compatibility with airport master plan	<ul style="list-style-type: none"> • Roadway supports airport master plan
Public support/ input	<ul style="list-style-type: none"> • Comments supporting/opposing alternative
Truck survey preference	<ul style="list-style-type: none"> • Percent of respondents identifying roadway as preferred bypass

2.2.2 Screening Results

Each of the initial alternatives was evaluated under the Level 1 screening criteria. As noted previously, any alternative that received a fatal flaw rating on any of the criteria elements (that is, one or more "NO" responses) was eliminated from further consideration. **Table 2.4** provides the results of the Level 1 screening. As detailed in the table, all but the Cherry Avenue and Antelope Avenue Alternatives failed the fatal flaw review for one or more reasons. The specific reason that the alternative did not meet the criteria is summarized in parentheses following the NO response in the table.

Table 2.4: Level 1 Alternative Screening Results

Alternatives	Criteria			
	MOBILITY (supports regional connections and traffic flow; supports local connections and traffic flow; can meet high-speed facility requirements)	ENVIRONMENTAL IMPACTS (no substantial new ROW/relocation needs; environmental impacts can be avoided/mitigated)	COST FEASIBILITY (cost-effective structures, ROW costs)	IMPLEMENTATION (compatible with local plans and visions)
No Build	NO (does not provide additional north-south access through Kearney; does not provide additional travel routes; does not divert traffic from downtown)	YES	N/A*	NO (does not support local traffic needs/planned roadway network; does not support industrial area on east side or airport access)
ITS/TSM/TDM Only	NO (does not provide additional north-south access through Kearney; does not provide additional travel routes; does not divert traffic from downtown)	YES	YES	NO (does not support local transportation needs/planned roadway network; does not support industrial area on east side or airport access)
Second Avenue Improvements	NO (does not provide additional north-south access through Kearney; does not provide additional travel routes; does not divert traffic from downtown; cannot meet access requirements for high-speed facility)	YES	YES	NO (does not support local traffic needs/planned roadway network; does not support access to the industrial area on east side or airport access)
Frontage Road Improvements	NO (does not provide additional north-south access through Kearney; would not likely divert trips from downtown or change travel patterns)	NO (would have substantial impacts to North Channel and wetlands)	YES	NO (does not support local traffic needs/planned roadway network; does not support truck access to industrial area or airport access)
Avenue M/N	YES	NO (corridor is developed, and new roadway would require numerous relocations)	NO (high ROW costs)	NO (high-speed bypass facility is not compatible with existing or planned residential and mixed use development)
Antelope Avenue	YES	YES	YES	YES
Cherry Avenue	YES	YES	YES	YES

Table 2.4: Level 1 Alternative Screening Results

Alternatives	Criteria			
	MOBILITY (supports regional connections and traffic flow; supports local connections and traffic flow; can meet high-speed facility requirements)	ENVIRONMENTAL IMPACTS (no substantial new ROW/relocation needs; environmental impacts can be avoided/mitigated)	COST FEASIBILITY (cost-effective structures, ROW costs)	IMPLEMENTATION (compatible with local plans and visions)
Modified Cherry Avenue	YES	NO (bisects future residential development with high-speed facility)	NO (high ROW costs)	NO (bisects future residential development with high-speed facility)
Imperial Avenue	NO (would not divert trips from downtown)	YES	YES	NO (does not support local traffic needs/ planned roadway network; area is east of land use plan jurisdiction)
Poole Avenue	NO (would not divert trips from downtown)	YES	YES	NO (does not support local traffic needs/ planned roadway network; area is east of land use plan jurisdiction)
N-10	NO (would not provide new north-south access; does not provide additional travel routes; would not divert trips from downtown)	YES	YES	NO (does not support local traffic needs/ planned roadway network; area is east of land use plan jurisdiction; does not support new interchange access; does not support industrial area or airport access)
West Interchange	NO (would not provide new north-south access; does not provide additional travel routes)	YES	YES	NO (although a west interchange is envisioned in local plans, it is a lower priority than the east interchange; does not support existing or future east side development or airport access)

*N/A = Not applicable

As a result of Level 1 screening, three alternatives were advanced for further evaluation: No Build Alternative, Cherry Avenue Alternative, and Antelope Avenue Alternative. The No Build Alternative did not meet the Level 1 criteria but was advanced for baseline comparison in accordance with NEPA regulations. The build alternatives share common interchange types and cross sections but vary in alignment. The interchange type (tight diamond) and cross section (DR-2) were evaluated in the IJR (Kirkham Michael, 2000) and reevaluated as part of the EA.

These design elements meet the project needs, and no environmental or other concerns were identified that required reconsideration of the design options. Therefore, no additional options were considered. Section 2.3 provides discussion of the interchange and cross section designs. The IJR (Kirkham Michael, 2000), which is included as **Appendix N – Interchange Justification Report**, provides additional information about the development of these elements.

Table 2.5 provides the results of the Level 2 screening. The Level 2 screening indicated a preference for the Cherry Avenue Alternative but since no fatal flaws were identified with the Antelope Avenue Alternative and because FHWA wanted to receive public and agency input on the two alternatives, both were advanced for analysis in the 2007 Draft EA (City of Kearney and NDOR, 2007). It is noted, 2020 future traffic volumes were analyzed and LOS was estimated during the development of the 2000 IJR (**Appendix N – Interchange Justification Report**), while the 2004 Tech Memo (**Appendix M – Interchange Justification Report Tech Memo**) utilized 2025 future traffic volumes for analysis and LOS estimation. As more current data became available, the DEA (dated June 2007) was revised and updated with 2030 future traffic volumes.

Table 2.5: Level 2 Screening Results

CRITERIA	ALTERNATIVES		
	No Build	Cherry Avenue	Antelope Avenue
MOBILITY			
Reduce congestion on Second Avenue (2025 LOS on Second Avenue)	I-80 to 8 th Street – D 8 th Street to 16 th Street – E 16 th Street to 31 st Street – F 31 st Street to 56 th Street – F 56 th Street to N-10/N-40 – C	I-80 to 8 th Street – B 8 th Street to 16 th Street – D 16 th Street to 31 st Street – E 31 st Street to 56 th Street – D 56 th Street to N-10/N-40 – A	I-80 to 8 th Street – C 8 th Street to 16 th Street – C 16 th Street to 31 st Street – D 31 st Street to 56 th Street – D 56 th Street to N-10/N-40 – A
Provides access to industrial area (I-80 distance to/from Eaton, Baldwin Filters, Cabela's [miles])	Eaton – 5.5 Baldwin Filters – 5.5 Cabela's – 7	Eaton – 2.45 Baldwin Filters – 2.45 Cabela's – 2.75	Eaton – 2.75 Baldwin Filters – 2.75 Cabela's – 2.3
Airport access (distance from I-80 to/from terminal [miles])	7 (westbound I-80/N-10) 7.5 (eastbound I-80/ Second Avenue)	4.5	5.65
Improved access/deployments for Army National Guard (distance to/from I-80 [miles])	15 (US 30 west) 7.25 (US 30 east)	4.6	5.75
LOCAL/ENVIRONMENTAL IMPACTS			
ROW and Relocations (acres of ROW, number of relocations)	N/A	206 acres ROW required 3 residential relocations	196 acres ROW required 5 commercial relocations 5 residential relocations

Table 2.5: Level 2 Screening Results

CRITERIA	ALTERNATIVES		
	No Build	Cherry Avenue	Antelope Avenue
Wetlands and Waters of the US (acres affected)	N/A	10.41	11.55
IMPLEMENTATION			
Compatibility with local land use plan (roadway supports planned land use and development)	N/A	Consistent with plans. Cherry Avenue identified as bypass route to support industrial uses and growth on east side of Kearney.	Not compatible. Antelope Avenue identified as a local road to support residential and commercial growth in Kearney.
Compatibility with local transportation plan (roadway identified in local plan)	N/A	Consistent with plans. Cherry Avenue identified as a high-speed, limited access bypass route that would provide regional connections and provide a critical link for the planned Kearney beltway.	Not compatible. Antelope Avenue identified as a local road that would connect to regional highways but primarily serve local needs.
Compatibility with airport master plan (roadway identified in local plan)	N/A	Consistent with plans. 56 th Street planned to connect airport to proposed Cherry Avenue bypass.	Less compatible. Airport entrance not proposed to connect directly to Antelope Avenue .
Public support/input (letters of support/opposition received)	N/A	Public hearing poll showed most (12 of 17) in favor of Cherry Avenue Alternative; none specifically opposed; 4 opposed to any bypass.	Public hearing poll showed no preference for Antelope Avenue Alternative; one person opposed to Antelope specifically; 4 people opposed to any bypass.
Truck survey preference ^a (percent identified as preferred bypass)	N/A	53 percent	21 percent
COST			
Cost estimate (\$\$) ^b	N/A	\$ 53.7 million	\$ 51.4 million

^aRemainder (26 percent) favored another alternative or did not favor a bypass.

^bCosts based on 2010 cost estimates.

Environmental and social impacts of both the Cherry Avenue Alternative and Antelope Avenue Alternative were analyzed in the Draft EA. As presented in the Draft EA, both alternatives have environmental impacts but these impacts can be mitigated. The Cherry Avenue Alternative has less impact to existing businesses (fewer relocations) and is more compatible with local land use

and transportation goals, but it would have greater wetland and farmland impacts as shown in **Table 2.6**. The Antelope Avenue Alternative affects more existing development, requires more relocations, is less compatible with existing and future land uses, and results in greater impacts to waters of the U.S. Based on the comparison of the adverse socioeconomic impacts and the lesser overall impacts to the waters of the U.S. and wetlands, the Cherry Avenue Alternative also was determined to be the least environmentally damaging practicable alternative under the requirements of the Clean Water Act. **Table 2.6** summarizes the environmental impacts of the two alternatives, which were also presented in Section 4.0 of the Draft EA (City of Kearney and NDOR, 2007). Note that the impact numbers presented in Tables 2.5 and 2.6 represent impacts of the Cherry Avenue and Antelope Avenue Alternatives at an equivalent level of design; since 2007, refinements to the Cherry Avenue Alternative have changed the footprint of that alternative and its subsequent impacts. **Section 3** of this document presents the assessment of the Cherry Avenue Alternative based on a more refined alignment and limits of construction.

Table 2.6: Comparison of Environmental and Social Impacts of Cherry Avenue Alternative and Antelope Avenue Alternative

Resource	Impacts of Cherry Avenue Alternative	Impacts of Antelope Avenue Alternative
Transportation	<p>Improves regional and local travel.</p> <p>Improves access to destinations in east portion of Kearney and improves travel conditions on Second Avenue by adding new interchange.</p> <p>Bypass route provides direct I-80 access to/from airport, Nebraska Army National Guard, and industrial area.</p>	<p>Not compatible with local transportation plans. Antelope Avenue identified as a local road to support residential and commercial growth in Kearney.</p> <p>Overall benefits are similar to Cherry Avenue Alternative, except access would be less direct to airport, Nebraska Army National Guard, and industrial area.</p>
Land Use	<p>Supports existing and future land use plans</p> <p>Supports existing and future transportation network.</p> <p>Consistent with local land use and transportation plan.</p>	<p>Supports plans for additional eastside I-80 interchange.</p> <p>Bypass route alignment is inconsistent with roadway designation as local street</p> <p>Bypass route alignment conflicts with future residential land uses.</p>
ROW and Relocations	<p>206 acres of new ROW required.</p> <p>Acquisition of three residences and partial acquisition of four center pivots.</p>	<p>196 acres of new ROW required.</p> <p>Acquisition of four businesses, five residences, one storage building, and partial acquisition of one center pivot.</p>
Farmland	<p>191 acres of farmland, including 62 acres of prime farmland, converted to roadway use.</p> <p>Federal Farmland Protection Act farmland conversion impact rating indicates no adverse impact to farmland.</p>	<p>165 acres of farmland, including 58 acres of prime farmland, converted to roadway use.</p> <p>Federal Farmland Protection Act farmland conversion impact rating indicates no adverse impact to farmland.</p>
Socioeconomics	<p>Travelers to retail, lodging, and restaurants would benefit from reduced congestion on Second Avenue.</p> <p>Businesses in the industrial area would benefit from easier access for trucks, vendors, and employees.</p> <p>Archway Monument would benefit from direct I-80 access.</p>	<p>Similar to Cherry Avenue Alternative except access to the industrial area would be less direct.</p>

**Table 2.6: Comparison of Environmental and Social Impacts of
 Cherry Avenue Alternative and Antelope Avenue Alternative**

Resource	Impacts of Cherry Avenue Alternative	Impacts of Antelope Avenue Alternative
Environmental Justice and Title VI	No impacts.	No impacts.
Noise	Three residences along bypass route affected by traffic noise.	Two residences and one commercial property along bypass route affected by traffic noise.
Water Resources	Potential adverse effects to water quality, such as sedimentation, mitigated through standard best management practices (BMP) and compliance with required Clean Water Act permits. Adverse effects to Platte River depletions offset through permitting and compliance with the Platte River Recovery Implementation Program.	Same as Cherry Avenue Alternative.
Waters of the US and Wetlands	10.41 acres affected, including 5.87 acres of wetlands and 4.54 acres of open water.	11.55 acres affected, including 4.79 acres of wetlands and 6.76 acres of open water.
Wildlife, Vegetation, and Invasive Species	Some loss of wildlife habitat in riparian area mitigated through wetland replacement and implementation of conservation easements. Most of the project area is tilled agriculture that does not support quality habitat or vegetative communities.	Similar to Cherry Avenue Alternative.
Threatened and Endangered Species	May affect but not likely to adversely affect whooping crane. No effect to other threatened or endangered species.	Same as Cherry Avenue Alternative.
Hazardous Materials	Several sites of concern located near the alignment. Based on preliminary information, these sites are located outside of the construction area. Buildings to be demolished may contain asbestos or lead-based paint that would need to be disposed of properly.	Similar to Cherry Avenue with several sites of potential concern but none known in the construction area. Buildings to be demolished may contain asbestos or lead-based paint that would need to be disposed of properly.
Visual Resources	New interchange bridge may obstruct long distance view of Archway Monument from I-80.	Same as Cherry Avenue Alternative.
Section 4(f) Resources	No use of Section 4(f) properties.	Same as Cherry Avenue Alternative.
Other Resources	No impacts.	No impacts.
Construction Impacts	Short-term impacts to water quality and air quality from ground disturbance and erosion during construction. Increased noise and disrupted access may disturb residents and business owners during construction.	Similar to Cherry Avenue Alternative, except more development exists along Antelope Avenue so additional residents and businesses would be affected.

Table 2.6: Comparison of Environmental and Social Impacts of Cherry Avenue Alternative and Antelope Avenue Alternative

Resource	Impacts of Cherry Avenue Alternative	Impacts of Antelope Avenue Alternative
Cumulative Impacts	Alternative is consistent with future land use and development plans; no adverse impacts expected.	Alternative does not support future development plans, particularly in the industrial area and for the airport. If development by others occurs as planned, roadway network would not support traffic needs, and traffic congestion or poor traffic circulation on local and regional roadways may result.

NDOR also considered public and agency comments in identifying the Cherry Avenue Alternative as the Preferred Alternative. The majority of agencies and stakeholders (including the City of Kearney, airport, major employers, and trucking companies) preferred the Cherry Avenue Alternative. Several landowners expressed concerns with aspects of the Cherry Avenue Alternative (primarily about changes in accesses) that would occur with any build alternative that proposes a limited access highway.

NDOR held two public hearings and one public information meeting presenting the conclusions of the Draft EA (City of Kearney and NDOR, 2007). In July 2007, the location hearing presented both the Cherry Avenue Alternative and Antelope Avenue Alternative and identified Cherry Avenue as the preferred interchange location and bypass alignment. Approximately 89 people attended the meeting, and 17 comments were received. Comments generally supported the proposed project and the Cherry Avenue Alternative, although some landowners expressed concern about access restrictions and several people questioned whether the cost of the project is justified. In April 2008, a public information meeting was held to present preliminary design details for the Cherry Avenue Alternative and receive public input on the preliminary design. Approximately 71 people attended this meeting, and 18 comments were received. Comments included concerns on impacts to farming operations due to the access spacing along 78th Street and the proposed bypass, saving trees near Pony Lake Road (in the area of 1st Street east of Cherry Avenue), and student pick-up/drop-off access at Stone School. In October 2008, a second hearing was held focusing on the design of the Cherry Avenue Alternative. Approximately 68 people attended this meeting, and 23 comments were received. Comments focused on specific design aspects, such as relocated driveways and design of roundabouts. The NDOR has worked with property owners and modified features of the Cherry Avenue Alternative to address concerns. Section 4.0 contains a detailed list of public and agency comments and NDOR's responses to those comments.

2.2.3 Recommendation of the Preferred Alternative

The Cherry Avenue Alternative is identified as the Preferred Alternative. The Cherry Avenue Alternative would meet the purpose and need better than the Antelope Avenue Alternative.

The Cherry Avenue Alternative would provide these benefits **regionally**:

- Improve the regional transportation network by providing access to I-80 from the eastern half of the City of Kearney and Buffalo County.
- Provide an efficient, high-speed route around Kearney for travelers passing through Kearney to other regional destinations.

- Provide more direct access (as compared to the Antelope Avenue Alternative) to the growing industrial area and business parks on the east side of Kearney, and improve access to I-80 for major employers and their employees, vendors, suppliers, and visitors.
- Provide more direct access (as compared to the Antelope Avenue Alternative) from I-80 to the Kearney Regional Airport, an important regional transportation feature.
- Add another north-south travel route to the area around the City of Kearney.
- Provide more direct access (as compared to the Antelope Avenue Alternative) to I-80 for the Nebraska Army National Guard Armory, and discontinue use of Second Avenue for deployments.
- Improve access from I-80 to tourism destinations on the east side of Kearney.

The Cherry Avenue Alternative would provide these benefits **locally**:

- Comply with the local transportation network envisioned in the *Kearney Plan*, which calls specifically for a bypass route along Cherry Avenue. (RDG et al., 1997 and RDG, 2003).
- Comply with the *Kearney Municipal Airport Master Plan*, which calls for the City to extend 56th Street from the bypass to the terminal, and constructing a new main entrance to the Airport (HWS Consulting Group, 1997).
- Comply with the City's plan to manage and focus growth in the City envisioned in the *Kearney Plan* and three area-specific plans: *Interstate Corridor Mixed Use Plan* (1999), *West Platte River Corridor Plan* (2000) and the *Cherry Avenue Corridor Plan* (2001) (RDG, 2003).
- Direct trucks and automobile traffic not stopping in Kearney away from the congested Second Avenue corridor, thereby improving travel conditions through the community's downtown and main commercial corridor.
- Require fewer relocations or acquisitions of residences and commercial buildings compared to other build alternatives considered.

As described previously, the Cherry Avenue Alternative is preferred over the Antelope Avenue Alternative by the general public, local government and public agencies, businesses and business organizations. Environmental impacts can be avoided or mitigated, and costs for this alternative are similar to the Antelope Avenue Alternative. For these reasons, the Cherry Avenue Alternative is identified as the Preferred Alternative and is described as the Build Alternative in the Final EA.

2.3 ALTERNATIVE DESCRIPTIONS

Two alternatives are advanced for detailed environmental impact analysis in Section 3.0 of this document. As noted above, three alternatives were analyzed in the Draft EA (City of Kearney, NDOR, and FHWA, 2007) but this Final EA details only the Preferred Alternative (Cherry Avenue), referred to as the Build Alternative, and the No Build Alternative.

2.3.1 No Build Alternative

Under the No Build Alternative, neither a new interchange nor a bypass route would be constructed. The No Build Alternative would not provide an additional interchange to I-80 to serve Kearney and the surrounding area. Through-traffic would continue to use Second Avenue, and traffic LOS along Second Avenue would continue to be poor and deteriorate in the future. Access to Kearney Regional Airport, the Nebraska Army National Guard Facility, and the

industrial area on the east side of Kearney from I-80 would continue to be indirect via Second Avenue.

The No Build Alternative would include local improvements, both financed by the City and by developers moving into the City. Some of the recent projects underway include roadway improvements along 39th Street east of Avenue M; roadway improvements along Central Avenue south of the UPRR tracks; roadway and utility improvements for a new business center in southwest Kearney; and renovation to the airport terminal, including repaving its parking lot and constructing a new entrance. Other projects planned in the next six years are outlined in the *City of Kearney One and Six Year Street Improvement Plan, 2010-2016* (City of Kearney, 2010). Funding for the Build Alternative is programmed in this plan, along with the extension of 56th Street from the airport to the new Cherry Avenue bypass. A technology park is being planned near Antelope Avenue and 56th Street; when businesses are attracted to the park, additional roadway and utilities would be needed and would be constructed to support those businesses. Other improvements to local streets, including intersection improvements along Second Avenue and other actions outlined in the City's *Transportation Plan* (Olsson Associates, 2004), would occur as funds became available. Some local improvements that rely on a bypass for circulation would likely not be implemented.

The No Build Alternative would not support long term development along the industrial area on the east side of Kearney as envisioned by the *Kearney Plan* (RDG et al., 1997 and RDG, 2003). It would not meet congestion relief or regional and local traffic circulation needs outlined in Section 1.0 of this document. Despite not meeting the purpose and need for the project, the No Build Alternative is advanced to serve as a baseline for comparison of the Build Alternative as required by NEPA regulations.

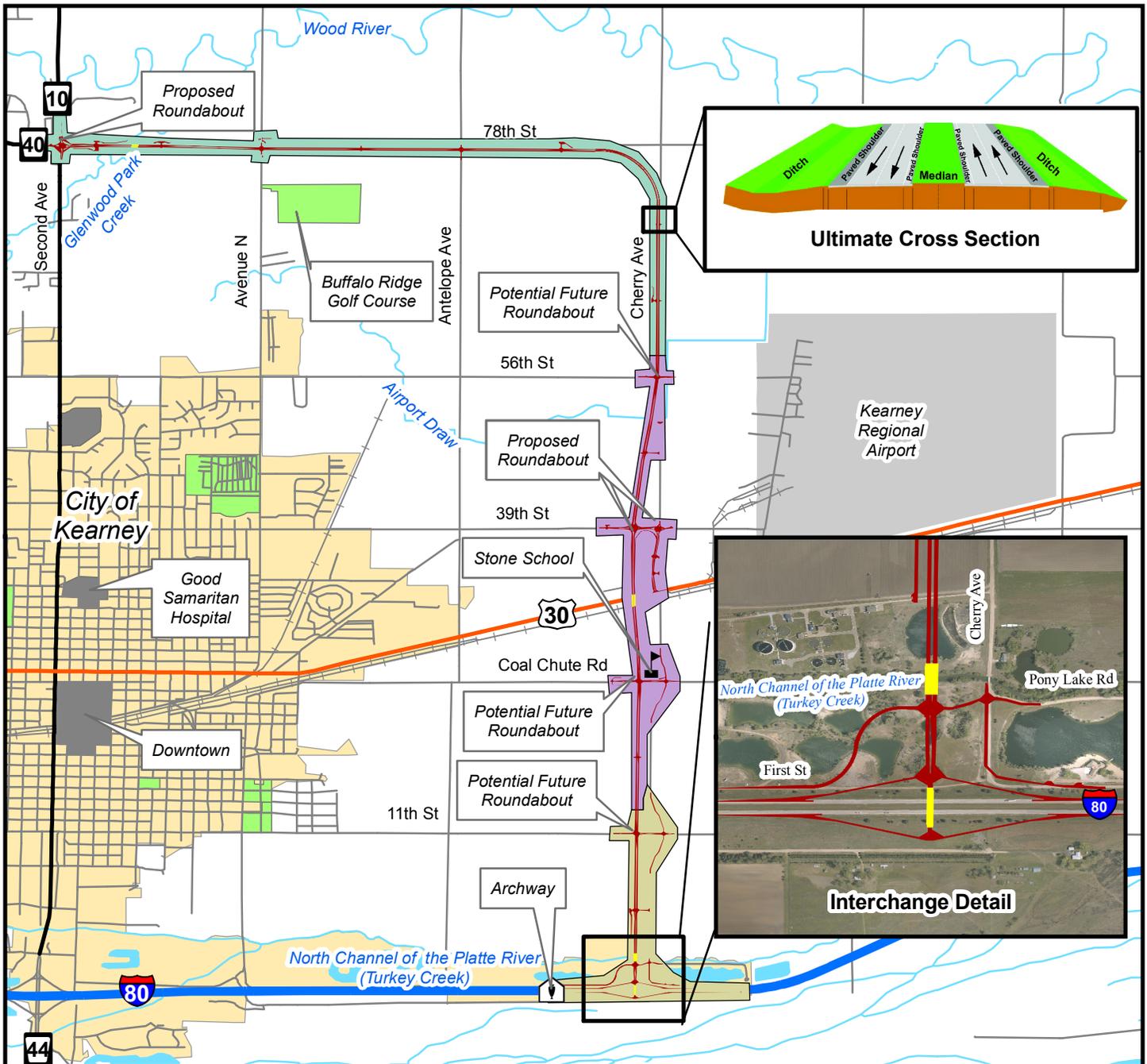
2.3.2 Build Alternative

The Build Alternative consists of a new I-80 interchange located approximately 3 miles east of the existing Second Avenue interchange. A new bypass road would be constructed from the proposed interchange which would run parallel to and approximately 360 feet west of the existing Cherry Avenue alignment. The features of the Build Alternative are illustrated in **Figure 2.2**.

The proposed interchange would be a tight diamond configuration. No access would be provided to the south, and a barrier would be added to reduce effects of light pollution from headlights on the whooping crane critical habitat that parallels I-80 to the south.

From I-80, the alignment would continue north, crossing the North Channel of the Platte River, to 78th Street and proceed west along 78th Street to the junction of N-10 and N-40. Most of the north-south alignment would be constructed on agricultural land adjacent to the Cherry Avenue ROW. Moving off the current alignment to the west provides an opportunity to align the bypass at Coal Chute Road (where the current intersection does not line up), provide a greater distance between the new roadway and the Stone School at Coal Chute Road, and allow the school access to remain off Coal Chute Road. The roadway along 78th Street would use the existing roadway ROW with required widening occurring to the south to minimize the number of properties that would be affected by ROW acquisition. The roadway would be a four-lane, paved section with controlled accesses at approximately 0.5 mile spacing.

Two roundabout intersections would be constructed along 39th Street (on the bypass and existing Cherry Avenue), and another roundabout intersection would be constructed at the N-10/N-40 intersection with 78th Street. NDOR chose to implement roundabouts at these locations because roundabouts are cost-effective to build and maintain; they have demonstrated improved safety



LEGEND

- | | | | |
|---|---------------------------|--|---------------------------|
|  | Interstate Highway |  | Streams and Surface Water |
|  | US Highway |  | Parks and Golf Courses |
|  | State and County Highways |  | Existing City Limits |
|  | Local Streets | Implementation Phases | |
|  | Railroad |  | Phase I (2011) |
|  | Proposed Structure |  | Phase II (2014) |
|  | Proposed Roadway |  | Phase III (2016) |



1 inch equals 1 mile

**FIGURE 2.2
BUILD ALTERNATIVE**



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performance compared to conventional intersections; and they allow traffic to flow without stopping, improving efficiency and speed for both directions of traffic at the intersection.

A new bridge would be constructed over the North Channel of the Platte River in the interchange area, which would accommodate future trails beneath it; the existing bridge over the North Channel on existing Cherry Avenue would remain in place. The bridge over Glenwood Park Creek, a tributary of the Wood River, along 78th Street would be replaced with a longer span bridge that would allow passage of a 100-year flood. The box culvert at the Airport Draw near 56th Street would also be replaced with a larger structure to allow passage of a 100-year flood. A viaduct would also be constructed over the UPRR tracks and US 30.

The Build Alternative also includes an extension of 1st Street, located north of I-80, farther east to intersect the bypass.

In its final configuration, the Build Alternative would consist of a four-lane divided highway section, with a median, shoulders, and storm water ditches. The inside and outside shoulders would be paved, and the median would primarily be grass surface. The cross section, which is illustrated in **Figure 2.2**, would be implemented throughout the route, although the initial configuration would only include paving of two of the four lanes north of 56th Avenue. Paving of the additional two lanes would occur as funding becomes available and traffic needs warrant.

Upon completion of the bypass, NDOR would transfer Second Avenue from I-80 to N-10/N-40 (78th Street) to the City of Kearney and Buffalo County. The City would be responsible for the roadway within the City limits, and Buffalo County would be responsible for the roadway outside the City limits. NDOR would also transfer N-10 between the interchange (exit 279) on I-80 and US 30 to Buffalo County.

The Build Alternative was refined in response to public and agency comments on the Draft EA (City of Kearney and NDOR, 2007). These refinements include:

- Shifting the bypass alignment north of 56th Street to reduce impacts to irrigation and electric utilities.
- Changing the alignment of Pony Lake Road (intersection just north of interchange to the east) to reduce impacts to trees.
- Revising the proposed design for Coal Chute Road to minimize changes at Stone School.
- Adding a right-out driveway on to Coal Chute Road from Stone School.
- Revising the bypass alignment to use more of existing 78th Street ROW at Cherry Avenue.
- Changing the design of the light-shielding barrier at the interchange from an earthen berm to a 60-inch concrete Jersey barrier³.

In addition to these revisions, NDOR conducted a value engineering study of the Build Alternative (NDOR, Kirkham Michael, and MACTEC, 2009). That study recommended several design changes, the following of which will be evaluated further in the design phase:⁴

- Eliminating median paving in select areas.
- Using existing concrete pavement, where reasonable.

³ The value engineering study made the same recommendation (Item E-5.1).

⁴ These recommendations correspond to items A-2, A-4.3A, A-4.3B, A-9.2.3, D-2.3, and G-2.2 outlined in the value engineering study, which is available for review by request to NDOR.

- Considering future roundabout at major intersections of Cherry Avenue, including 11th Street, Coal Chute Road, and 56th Street.
- Increasing the width of the shoulder in select superelevated sections to accommodate stormwater runoff.
- Coordinating with Stone School on their parking needs (refer to NDOR July 24, 2008 letter to Kearney Public Schools in **Appendix D – Public Involvement**).

2.4 PROJECT SCHEDULE AND FUNDING

Anticipated construction costs for the Build Alternative are \$53.7 million (2010 dollars). Construction funding in 2011 is directed toward the interchange and the southern portion of the bypass, from I-80 to 11th Street (Phase I). Phase II of the project which is from 11th Street to 56th Street, is programmed for 2014, and the remaining portion of the bypass (Phase III) is programmed for 2016. The City of Kearney has allocated its portion of the local match for the project in its budget. The phases of project construction are shown in **Figure 2.2**. The State Transportation Improvement Program for Fiscal Years 2010 to 2014 includes funding for Phase I and II of the Kearney East Interchange and Bypass Project. The Nebraska Surface Transportation Program for fiscal year 2011 through 2016 includes Phases I, II, and III of the Kearney East Interchange and Bypass Project.

SECTION 3.0

AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES

This section provides an overview of the environmental conditions in the project area, presents the environmental impacts that could result from the Build Alternative, and describes the mitigation measures that will be included for the Build Alternative. Impacts of the No Build Alternative are also presented for comparison with the impacts of the Build Alternative.

3.1 TRANSPORTATION

The Kearney area's roadway network centers on I-80 and Second Avenue. The interstate provides an excellent route for east-west travel through the region, and connects to Kearney's roads at the Second Avenue interchange. Other I-80 interstate accesses are located seven miles east at N-10 and nine miles west at Nebraska Link-10B (L-10B). Second Avenue provides regional and local travelers with a north-south route through the heart of the City. Second Avenue is a four-lane roadway through most of the study area, and designated as N-44 south of US 30 and N-10 north of US 30. A grid network of highways and City streets provides both regional and local access, as shown in **Figure 1.2**.

Cherry Avenue is a two-lane gravel road outside the City limits maintained by Buffalo County. The road intersects US 30 and the UPRR tracks, and other east-west roads, at at-grade crossings. Buffalo County paved 11th Street to Cherry Avenue in 2008.

First Street is a two-way paved road north of I-80 that acts as a partial frontage road to I-80 and provides the only paved access to several residences and the Great Platte River Road Archway (Archway) museum. First Street continues as a gravel road east of the Archway to Cherry Avenue.

Three UPRR tracks cross east-west through the center of Kearney, parallel to US 30. Approximately 140 trains (US DOT, 2006) travel these tracks daily, requiring north-south travelers to stop at rail crossings or use grade-separated crossings at 30th Avenue, Second Avenue, East 22nd Street, or Avenue M, as illustrated in **Figure 1.2**.

The Purpose and Need section of this EA contains detailed information on the transportation network and travel conditions in the study area. Additional information on the roadway network is available in the *East Interchange and Bypass Study Technical Memorandum* (Kirkham Michael, 2004) (**Appendix M – Interchange Justification Report Tech Memo**) and the *Interchange Justification Study Report* (IJR) (Kirkham Michael, 2000) (**Appendix N – Interchange Justification Report**).

3.1.1 Regional and Local Travel

Regional Travel

Kearney's role as a regional trade center, described in Section 1.0, heightens the importance of providing for regional travel in the area's transportation network. The regional hospital and airport, University of Nebraska at Kearney, and an extensive commercial district along Second Avenue draw travelers from distances well outside the City. **Figure 1.1** provides an overview of towns in the area surrounding Kearney. The City's comprehensive plan and its long-range transportation plan both recommend a bypass northeast of Kearney to provide a high-speed facility for travelers passing through Kearney to regional destinations. One study for the proposed bypass estimated 30 percent of all trips entering Kearney were by travelers who did not stop in Kearney (Kirkham Michael, 2000).

Nebraska Army National Guard. The Kearney Armed Forces Readiness Center is located at the Kearney Armory, just west of the Kearney Regional Airport. Currently, this facility houses the

734th Transportation Battalion Headquarters, the 1195th Transportation Company, and the Army Reserve's 295th Ordnance Company. Deployment routes for the Armory, and problems caused by travel on indirect and congested routes, are described in Section 1.5.1. The Nebraska Military Department expressed support for this project in 2002 and was neutral on the project in 2009. See **Appendix C – Draft EA Correspondence** and **Appendix B – Final EA Correspondence**, respectively, for correspondence.

Airport. The Kearney Airport is a regional destination, as described below in Section 3.1.3.

Local Travel

The high volume of regional travelers contributes to congestion and safety issues for local travelers, particularly on Second Avenue. As described in Section 1.5, traffic is congested today on some segments of Second Avenue, and will deteriorate to unacceptable levels in several segments by 2025. Safety conditions on Second Avenue include problems from congestion, trucks in the vehicle mix, turning movement conflicts, and sight distance limitations. As a result, accident rates along Second Avenue range from 20 to 33 percent above the state average for similar roadways. Detailed information is provided in Section 1.4.2.

Industrial Area. Northeast of Kearney there lies an industrial area, which contains concentrated industrial/commercial development. Many of Kearney's major employers are located in this area, and their operations generate a high volume of traffic by employees, vendors, suppliers, and visitors. These businesses generate hundreds of trips by trucks in a typical week, many of which currently use the Second Avenue corridor. Detailed information is provided in Section 1.5.1.

Impacts of the No Build Alternative

Under the No Build Alternative, neither a new interchange nor a bypass route would be constructed. The No Build Alternative would not provide an additional interchange to I-80 to serve Kearney and the surrounding area. Through-traffic would continue to use Second Avenue, and LOS along Second Avenue would continue to deteriorate in the future. Access to the Nebraska Army National Guard facility and the industrial area east of Kearney from I-80 would continue to be indirect via an increasingly congested Second Avenue.

Impacts of the Build Alternative

Under the Build Alternative, a new interchange and bypass would be constructed and regional and local travel conditions in Kearney and the surrounding area would improve. Regional travelers not stopping in Kearney would benefit from a more efficient, higher speed route. Regional travelers headed to the Airport and Kearney's industrial area would also benefit from a direct route to I-80, as would the Nebraska Army National Guard.

Local travelers would benefit from reduced congestion on Second Avenue in the future, and safety conditions related to congestion also would be expected to improve. As described in **Table 2.5**, travel conditions in the year 2025 would be LOS E or better on all segments of Second Avenue in the study area. (Kirkham Michael, 2004)

The area's transportation network would comply with the City's Comprehensive Plan and Transportation Plan, both of which identify Cherry Avenue as a regional bypass (RDG et al., 1997; RDG, 2003; Olsson, 2004; and Olsson 2005).

Mitigation

- The Build Alternative is consistent with local transportation plans. No mitigation is required or proposed.

3.1.2 Pedestrian and Bicycle Facilities

One existing trail for pedestrians and bicyclists is located in the study area. The City describes its trails as exclusive trails and roadside trails, both of which exist or are planned in the project area. Exclusive trails are those that motor vehicles are prohibited from using. Roadside trails are parallel to roadways, and may be attached as paved shoulders, or separate from but parallel to the roadway.

The only existing trail is Pioneer's Path, an exclusive trail, that runs east-west along the North Channel of the Platte River from Second Avenue to the Archway. The trail is an 8-foot paved path that connects to the Cottonmill Trail at Second Avenue.

The City plans to construct several more trails in the study area (RDG, 2003), as shown in **Figure 3.1**. Future Trails are presented as general concept alignments; final alignments would be defined during final trail designs. The City's Park and Public Works departments strive to include elements of these planned trails with any upgrades or new street construction under the City's capital improvements program. The City Division of Planning and Zoning also works with developers to include planned trails with any proposals brought to the City to complete trail sections as private development occurs. The City plans to use the existing Cherry Avenue bridge over the North Channel of the Platte River to provide additional pedestrian and bicycle access to trails.

Three planned trails warrant mention for their proximity to the Build Alternative, as listed below. The Pioneer's Path is planned on public property through the City limit and would continue on private property outside the City. The other planned trails listed below and shown on **Figure 3.1** currently are on private property.

- Pioneer's Path is planned for extension from the Archway east through the study area to cross I-80 and connect to the Fort Kearny Hike and Bike Bridge over the Platte River, continuing to the Fort Kearny State Recreation Area. Upon reaching Fort Kearny State Historical Park the Pioneer's Path would connect to the American Discovery Trail, the nation's only coast-to-coast, non-motorized trail.
- Cherry Avenue Trail would parallel the Build Alternative from just north of 11th Street to 39th Street.
- Northeast Bypass Trail would parallel the Build Alternative from 39th Street north and then west to Second Avenue.

Several more planned trails would intersect the Build Alternative.

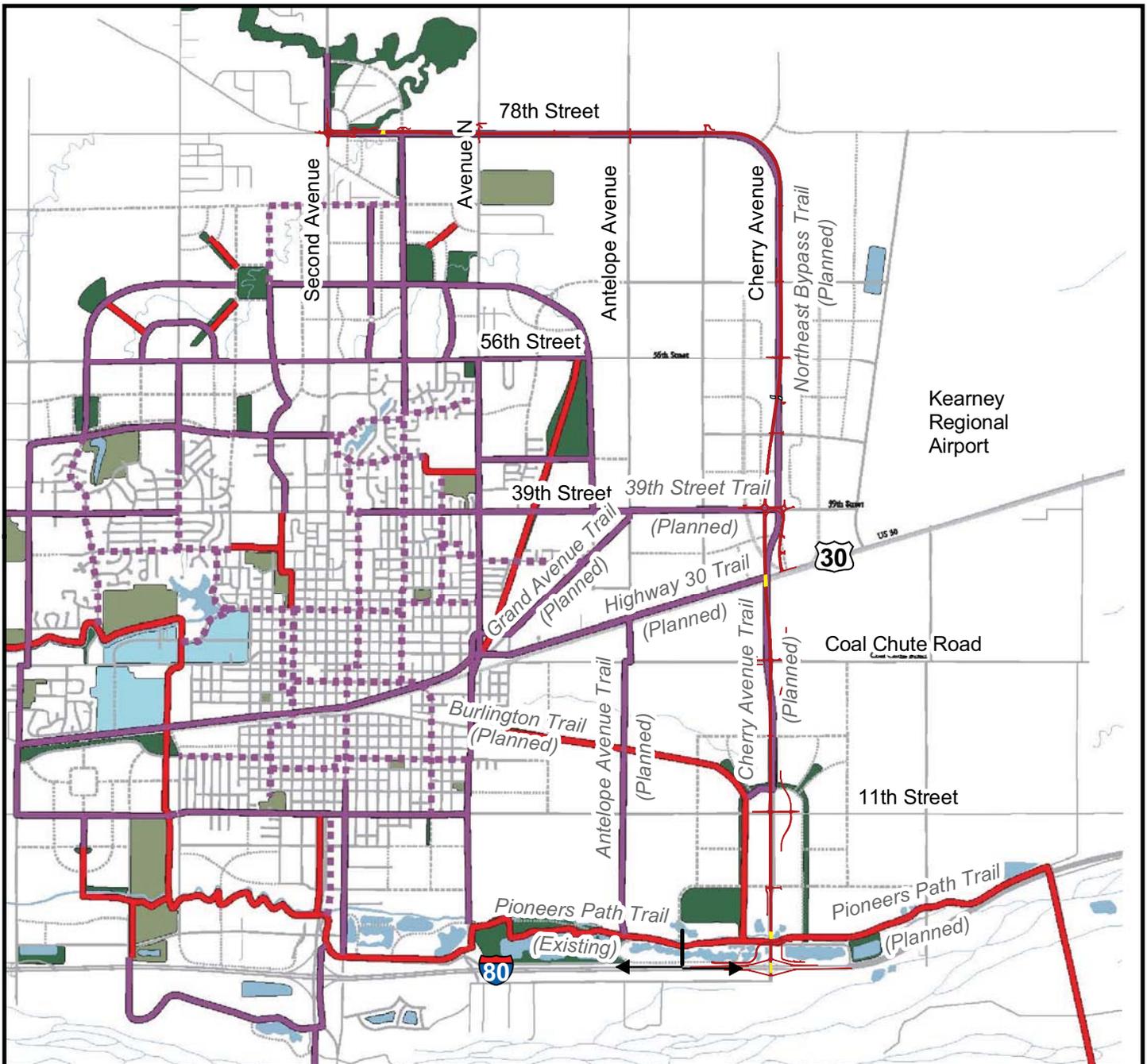
- Burlington Trail, proposed to be built on an abandoned railroad grade, would intersect with the Cherry Avenue Trail near 11th Street and with the Pioneer's Path near the Archway.
- Highway 30 Trail would intersect with the Build Alternative.
- 39th Street Trail would intersect with the Build Alternative.

Impacts of the No Build Alternative

The No Build Alternative would have no impact on existing or future trails in the study area.

Impacts of the Build Alternative

Under the Build Alternative, no existing trails would be affected. The new bridge over the North Channel of the Platte River would accommodate future bike trails on both sides of the river. Three proposed trails (extension of Pioneer's Path, Highway 30 and 39th Street) would intersect the proposed new highway.



1 inch equals 1 mile

NOTE: Future Trails are presented as general concept alignments; final alignments would be defined during final trail design.

LEGEND

- █ Build Alternative
- █ Existing Parks and Recreation Area
- █ Proposed Parks
- ↗ Exclusive Trails
- ↗ Roadside Trails
- ↗ Share-the-Road Routes (Bike Lanes and/or Designations)
- ↗ Streets
- ↗ Proposed Streets

Source: THE KEARNEY PLAN (RDG Planning & Design, 2003)

FIGURE 3.1
BICYCLE AND PEDESTRIAN TRAIL MAP



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The Cherry Avenue Trail and the Northeast Bypass Trail could be constructed along the proposed highway corridor on an alignment purchased by the City. The trails would not be constructed in the highway ROW or designated on paved shoulders because the bypass would be a high speed facility, and travel speeds could result in unsafe conditions for bicycles traveling along the roadway at close proximity.

Mitigation

- At-grade crossings of future trails intersecting the bypass will be designed to allow safe bicycle crossings.

3.1.3 Kearney Regional Airport

Kearney Regional Airport is a commercial service/general aviation airport, owned and operated by the City. The airport site comprises about 2,500 acres and is located 1 mile east of Cherry Avenue between 39th Street and 56th Street. Kearney Regional Airport currently has its main entry along US 30 east of Cherry Avenue, and a secondary entry at 39th Street through the industrial park.

Airport facilities include a small terminal and several types of aircraft hangars. The Airport is served by Great Lakes Airlines, which for the past 5 years has recorded almost 10,000 passengers annually on commercial flights. In total, the Airport accommodates 30,000 flight operations annually, including corporate activity, training, and pleasure flying. Other services include fueling, maintenance, and flight instruction, among others.

The Airport Master Plan identifies future extension of 56th Street east to connect directly to the Airport. This new entrance assumes the Build Alternative would be constructed, as identified in the City's 1997 and 2003 Comprehensive Plans (RDG et al., 1997 and RDG, 2003). This new entrance would provide access direct to the terminal and, if constructed as a one-way loop, improve curbside access for passengers.

Airspace surrounding the Airport is protected by the Federal Aviation Administration (FAA). To prevent obstruction of air navigation, the FAA and the Nebraska Department of Aeronautics must be notified of and approve proposed construction or alteration of structures near airports that meet specific criteria set by the FAA.

Impacts of the No Build Alternative

The No Build Alternative would not impact the Kearney Regional Airport or aviation activities. Regional access to the airport from I-80 would continue to be indirect via an increasingly congested Second Avenue.

Impacts of the Build Alternative

The Build Alternative would not impact the Kearney Regional Airport or aviation activities. The Airport manager has written a letter supporting the Build Alternative, citing benefits from improved access, and redundant travel routes in case of emergencies (see **Appendix B – Final EA Correspondence**).

Regional access to the Airport would be improved under the Build Alternative. Travel from both west and east of Kearney would be direct from I-80 to the terminal, and travel time would be reduced relative to the No Build Alternative. Some local travelers would benefit from this option of direct access and slightly reduced travel times by using the proposed bypass as a local route direct to the Airport.

The NDOR project team determined that two features of the Build Alternative require notifying the FAA and Nebraska Department of Aeronautics. The proposed overpass of US 30 would require notice be filed to the FAA, as would light standards at the proposed intersection of the proposed new highway at 39th Street. Copies of the completed FAA Form 7460-1 for these features have been submitted to the

FAA and Nebraska Department of Aeronautics, based on conceptual design (see **Appendix B-Final EA Correspondence**). Coordination between NDOR and FAA will continue during final design.

Mitigation

- NDOR will provide for future access at 56th Street to accommodate the City's extension of that street to the Airport terminal.
- During final design NDOR will resubmit FAA form 7460-1 to the FAA and Nebraska Department of Aeronautics.

3.2 LAND USE

This section describes existing and future land uses and analyzes the land use impacts of the alternatives. It also describes the ROW acquisition needs for the alternatives and assesses impacts of property acquisitions.

3.2.1 Existing and Future Land Use

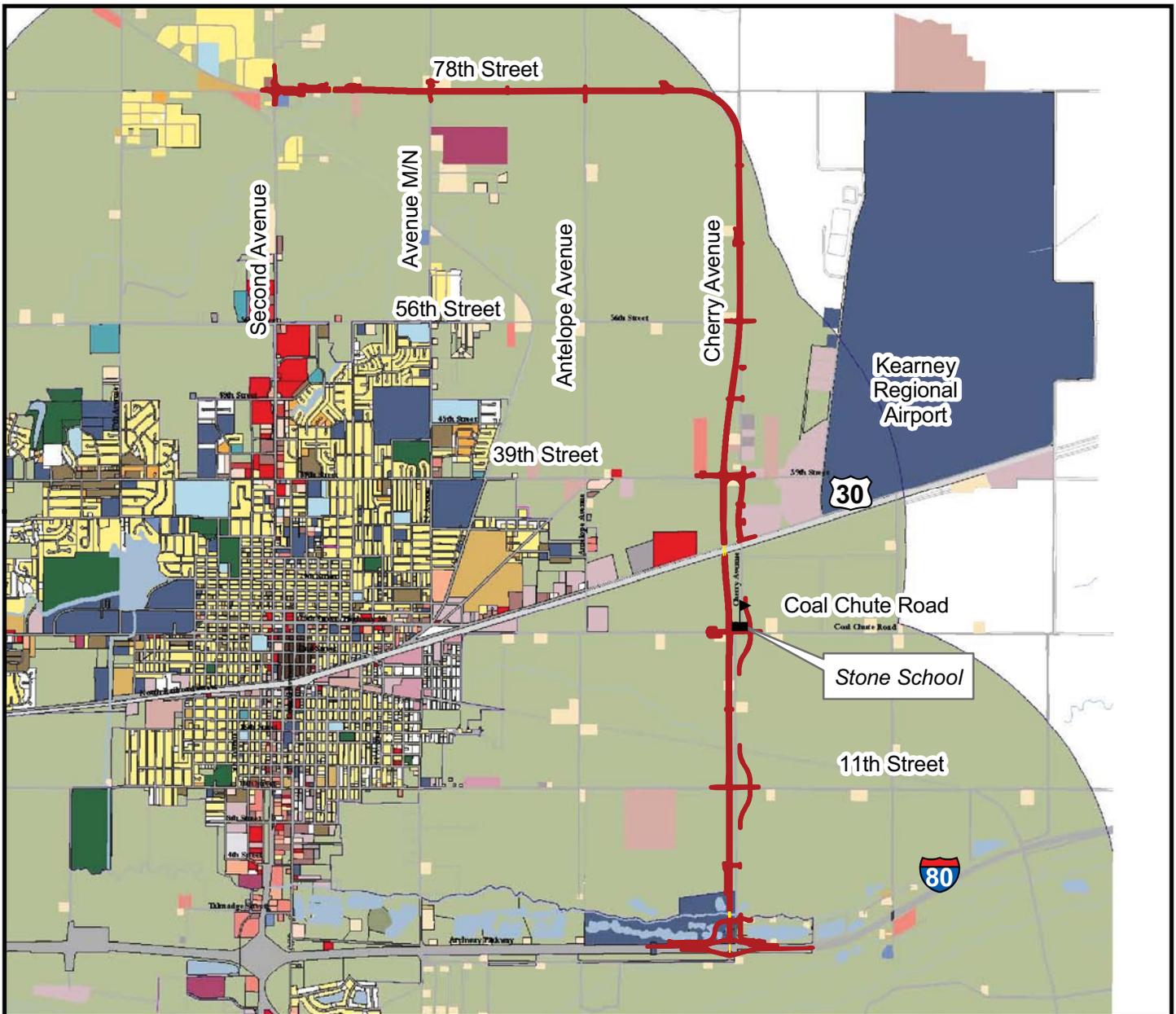
Kearney is a regional city that provides city services, such as, medical facilities, shopping, recreation, and employment, to numerous small communities. (**Figure 1.1** shows the relationship of Kearney to surrounding communities.) Land surrounding the project area is mostly outside of the City limits but falls within the City of Kearney's extraterritorial jurisdiction. The land is included in the City's comprehensive plan, known as the *Kearney Plan* (RDG et al., 1997; and RDG, 2003), and is anticipated for annexation into the City limits.

Existing land use within and surrounding the project area is primarily agricultural, with some industrial, commercial, and residential development, as well as open space or vacant land (**Figure 3.2**). As shown in **Figure 3.2**, rural residences are scattered throughout the area and several are adjacent to the Cherry Avenue corridor. More concentrated development is located along US 30, particularly to the west of Cherry Avenue. The regional airport is a prominent land use along US 30 east of Cherry Avenue.

Future land use is expected to change substantially. Cherry Avenue is located east of downtown Kearney where most of the City's growth and new development is expected to occur. As shown in **Figure 3.3**, a large mixed use development is anticipated in the Cherry Avenue and I-80 area (in part because the City's current comprehensive plan assumes an interchange would be located in this area), and the industrial uses north of US 30 along Cherry Avenue are planned to expand as the City's industrial area expands. Agricultural uses are anticipated north of 65th Street. The *Kearney Plan* (RDG et al., 1997; and RDG, 2003) provides additional details to support these growth patterns and forecasts.

Nebraska statutes require cities' comprehensive plans to address transportation facilities, along with land use and community facilities. The *Kearney Plan* provides a detailed discussion and analysis of Kearney's transportation needs and makes recommendations as to how the transportation network can support planned development. The planning process also sought residents' input about the issues that are critical to the City. Transportation was identified as an important issue, and residents cited specific concerns about poor north-south traffic flows, lack of roadway connections through the City, lack of frequent and affordable air service, and the City's dependence on the Second Avenue interchange as the sole access to I-80 (RDG, 2003).

The Cherry Avenue corridor is a key component of the City's planned transportation network, which is intended to provide travel options for both local and regional travelers. The *Kearney Plan* (RDG et al., 1997; and RDG, 2003) envisions Cherry Avenue as a major arterial for city and regional traffic, serving as a regional bypass route and a critical link of the City's inner beltway concept.



LEGEND



1 inch equals 1 mile

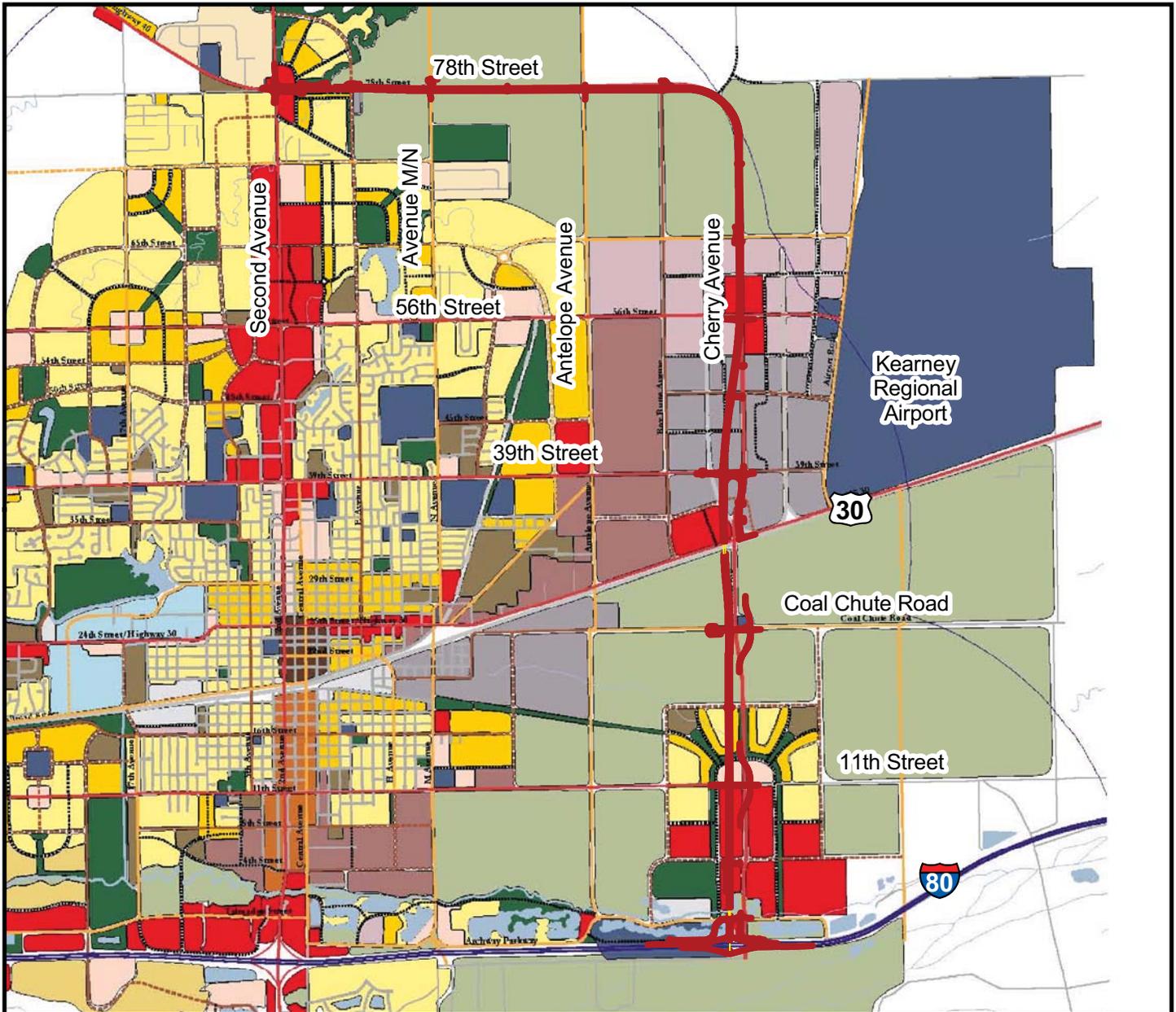
Source: THE KEARNEY PLAN
(RDG Planning & Design, 2003)

- | | |
|---|---------------------------------------|
| Build Alternative | Retail |
| Vacant | Downtown Mixed Use |
| Agricultural/Open Space | Wholesale |
| Parks/Recreation | Warehousing/Distribution/Self-Storage |
| Rural Residential | General Industrial |
| Single Family Residential | Salvage |
| Single Family Residential-Home Occupation | Schools |
| 2-4 Plex/Townhomes | Public Facilities |
| Multif Family Residential | Civic Uses |
| Mobile Homes | Retirement Home/Assisted Living |
| Office/Financial | Commercial Recreation |
| Restaurants/Entertainment | Quarry |
| Services | Ag-Industrial |
| Automotive | |



FIGURE 3.2
CITY OF KEARNEY EXISTING LAND USE

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LEGEND



1 inch equals 1 mile

Source: THE KEARNEY PLAN
(RDG Planning & Design, 2003)

- | | |
|----------------------------|------------------------------|
| Build Alternative | General Industrial |
| Conservation Reserve | UNK |
| Rural Estates | Civic |
| Low Density Residential | Agriculture/Open |
| Medium Density Residential | Agriculture Preserve |
| High Density Residential | Park/Conservation Open Space |
| Mixed Use 1 | Interstate 80 |
| Mixed Use 2 | Major Arterials |
| Mixed Use 3 | Minor Arterials |
| Kearney Gateway Mixed Use | Collectors |
| Central Business District | Proposed Streets |
| Business Park | |
| Light Industrial | |

FIGURE 3.3
CITY OF KEARNEY FUTURE LAND USE



East Interchange & Bypass Environmental Assessment Kearney, Nebraska
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- The bypass is the Build Alternative evaluated in this EA; the route follows Cherry Avenue north from a new interchange with I-80 to 78th Street, where it proceeds west to Second Avenue. The 1997 Kearney Plan (RDG et al., 1997) considered several options for the bypass and settled on the Cherry Avenue alignment as the one that best supported the City's current and future transportation needs. The 2003 update to the Kearney Plan (RDG, 2003) includes the bypass as part of its traffic and land use projections. The bypass route would be supported by a parallel network of "rearage" roads -- similar access to frontage roads but placed behind the development area to provide greater offset between the highway and cross street intersections.
- The inner beltway would be bounded by 30th Avenue on the west and Cherry Avenue on the east, with 11th Street and 39th Street making up the south and north boundaries.

Figure 3.3 displays the major and minor arterials that, along with collector roads and local streets, comprise Kearney's future transportation network.

Impacts of the No Build Alternative

The No Build Alternative would include local road improvements but would not support the transportation network envisioned in the *Kearney Plan* (RDG et al., 1997; and RDG, 2003) because it would leave out two elements critical to the network's success: a bypass and inner beltway. The No Build Alternative would have adverse effects on the proposed transportation network. It would not provide an additional interchange access to I-80, improve access to Kearney's industrial area and airport, relieve downtown congestion, or provide regional travel options. The No Build Alternative also would have adverse effects on land use, perhaps discouraging new development or providing a roadway network that is not capable of supporting future development efficiently, leading to traffic congestion.

Impacts of the Build Alternative

The Build Alternative would be consistent with existing and future land uses contained in the *Kearney Plan* (RDG et al., 1997; and RDG, 2003). The Build Alternative is the preferred bypass and beltway concept proposed in the *Kearney Plan* (RDG et al., 1997; and RDG, 2003) because of its more direct access to Kearney Regional Airport, Kearney Industrial Park, and future industrial development. The City's transportation plan relies on implementing the Build Alternative so that its transportation network can function efficiently. The existing and proposed land uses along Cherry Avenue are consistent with a high-speed, access-controlled facility. In short, the Build Alternative supports both the land use and transportation vision of the *Kearney Plan* (RDG et al., 1997; and RDG, 2003) and has beneficial effects to land use and the City's development plans.

Mitigation

- The Build Alternative is consistent with local land use and transportation plans. No mitigation is required or proposed.

3.2.2 Right-of-Way (ROW) and Property Acquisitions

Land used for transportation facilities and their maintenance is defined as ROW. The Cherry Avenue corridor does not contain ROW sufficient to construct a bypass. The ROW along county roads is typically 66-foot wide (including the road), while the proposed cross section for the bypass requires an approximately 200-foot wide ROW. Additional ROW would be required for the interchange, intersection improvements, and environmental mitigation (purchase of conservation easements as described in Section 3.10). Therefore, NDOR would need to acquire property from surrounding land owners to construct the Build Alternative. In cases where properties contain improvements (such as buildings) relocation of residences or businesses would also be required. Property impacts not involving relocation would be the acquisition of land for additional ROW required along the proposed Build Alternative (i.e., loss of land area or relocation of driveways).

Acquisition requirements for the Build Alternative have been identified based on the conceptual design of the proposed facility. Exact areas of property needs would be determined following the final design when the final limits of the design and construction are defined. Efforts were made to minimize the relocations by adjusting the bypass alignment where possible. These adjustments have been reflected in the alternatives descriptions presented in Section 2.0.

Impacts of the No Build Alternative

Under the No Build Alternative, NDOR would not construct any new transportation facilities and would not need to acquire any additional property.

Impacts of the Build Alternative

The Build Alternative would require approximately 324 acres of ROW based upon continued development of the preliminary design concept. The required ROW includes 299 acres of new ROW. Three residences would be acquired. No businesses or storage buildings would be acquired. The locations of acquisitions are shown in **Figure 3.4** and described in **Table 3.1**. Photographs of the buildings to be acquired are presented in **Appendix F – Acquisition Relocation Photolog**.

Table 3.1: Relocations Required for the Build Alternative

Map ID*	General Location	Section/Township/ Range	Owner Type	Use
3	West of Cherry Ave/South of 39 th Street	Section 32 Center (Northeast Part) Township 8 North-Range 15 West of 6th PM	Residence	Owner Occupied
2	South side of 78 th Street	Section 13 Riverdale Township 9 North - Range 16 West of 6th PM	Residence	Owner occupied
1	South side of 78 th Street	Section 13 Riverdale Township 9 North - Range 16 West of 6th PM	Residence	Owner occupied

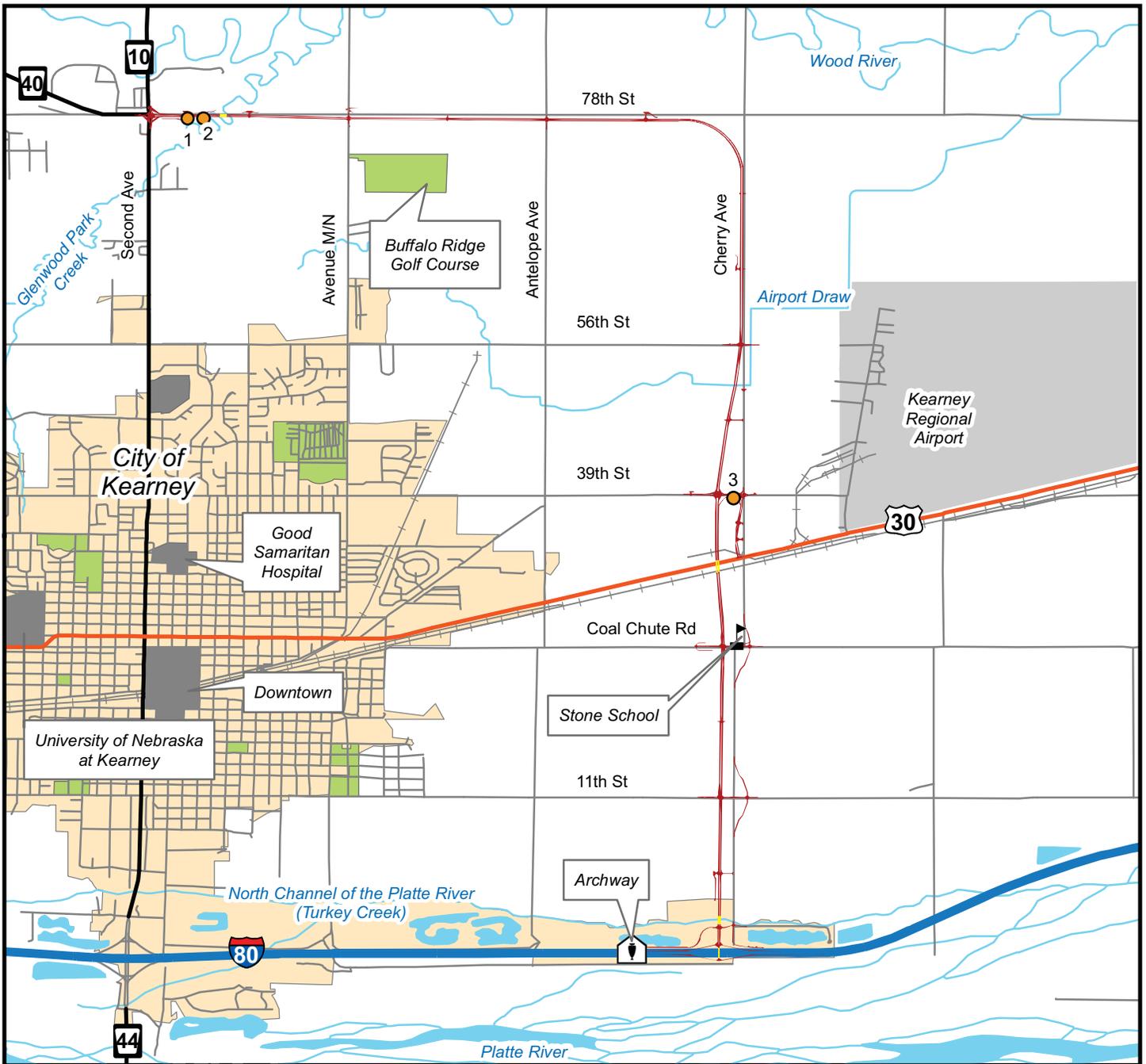
* See **Figure 3.4** for locations corresponding to the Map IDs

Two residences located on the south side of 78th Street and east of the intersection with N-10/N-40, would be acquired for the bypass. Widening on the south side of 78th Street was selected to minimize impacts to residences and businesses located along 78th Street. The other residence that would be relocated under the Build Alternative is located on the southwest corner of the existing intersection of Cherry Avenue and 39th Street. The proposed intersection of 39th Street and Cherry Avenue affects this residence (where the alignment of the Build Alternative was selected to utilize existing portions of Cherry Avenue north of the intersection) and any shifts to the east or west to avoid impacts to this property would result in impacts to other properties located north of the intersection. Another affected residential property is located along the west side of Build Alternative alignment, north of 11th Street; however, no relocation would be required as the residence has been removed.

Under the Build Alternative, four center pivots may need to be shortened, impacting small areas of farmland where irrigation would be unable to reach. While these triangulated parcels would still be farmable, without irrigation they may produce lower yields.

Mitigation

- All acquisitions and relocations will comply fully with federal and state requirements, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- Alignment shifts or design modifications (e.g., using retaining walls) will be considered during final design to minimize ROW requirements.



LEGEND



1 inch equals 1 mile

- Potential Acquisition
- Proposed Structure
- Proposed Roadway
- Streams and Surface Waters
- Parks and Golf Courses
- Interstate Highway
- US Highway
- State and County Highways
- Local Streets
- Railroad

**FIGURE 3.4
POTENTIAL RELOCATIONS**



East Interchange & Bypass Environmental Assessment Kearney, Nebraska
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3.3 FARMLAND

The Federal Farmland Protection Policy Act (FPPA) was enacted in 1981 (Public Law 97-98) to minimize unnecessary conversion of farmland to nonagricultural uses as a result of federal actions. In addition, FPPA seeks to ensure federal programs are administered in a manner that would be compatible with state and local policies and programs that have been developed to protect farmland. The Natural Resource Conservation Service (NRCS) provides technical assistance to evaluate farmland impacts and has developed a rating system and form for agencies to use to “score” project impacts.

The majority of farmland in the study area is located to the east and north, immediately adjacent to the current City limits of Kearney and consists primarily of tilled farmland. It should be noted that although the Build Alternative is presently outside the City limits, it is within the extraterritorial jurisdiction (i.e., two-mile planning jurisdiction). Portions of farmland within this area are projected to be converted to future residential and commercial/industrial land uses as identified in the *Kearney Plan* (RDG et al., 1997; and RDG, 2003).

The soils along the Platte River Valley are generally rich in nutrients and are the basis for productive row-crop agriculture. According to the Soil Survey of Buffalo County, Nebraska (SCS 1974), much of the farmland within the study area is classified as prime farmland. Prime farmland has the soil quality, growing season, and moisture supply needed to economically produce sustained high yields of crops when treated and managed, including water management, according to acceptable farming methods.

Impacts of the No Build Alternative

The No Build Alternative would not impact any farmland.

Impacts of the Build Alternative

Much of the farmland within the study area is classified as prime farmland. The NRCS Form CPA 106 Farmland Conversion Impact Rating Form (**Appendix B – Final EA Correspondence**) was completed for the Build Alternative. Out of a possible 260 points, the Build Alternative received a score of 149 points. As indicated in CFR 658.5(b), a site receiving a score of less than 160 points need not be given further consideration and no additional sites need to be considered. Therefore, based on this assessment, the Build Alternative would not result in unacceptable impacts to prime farmland.

Mitigation

- No mitigation is required or proposed.

3.4 SOCIOECONOMIC CONDITIONS

Socioeconomic conditions are evaluated to determine the potential effects of a transportation project on a community and its quality of life. Because much of the study area includes areas of the City and County, and because the Purpose and Need addresses the regional transportation network, socioeconomic conditions in the City and County both are relevant.

3.4.1 Economic Conditions

The City of Kearney is the county seat of Buffalo County and represents about two-thirds of the County’s population. Other smaller surrounding communities are shown in **Figure 1.1**. Economic characteristics of Kearney and Buffalo County in 2000 and 2008 are shown in **Table 3.2**.

Table 3.2: Economic Characteristics, 2000 and 2008

Characteristic	City of Kearney			Buffalo County		
	2000	2008	Change	2000	2008	Change
Population	27,400	30,400	11%	42,300	45,400	7%
Median Household Income	\$34,800	\$41,500	19%	\$36,800	\$46,300	26%
Median Home Value¹	\$89,300	\$126,300	41%	\$87,600	\$129,200	47%
Private Nonfarm Establishments	NA	NA	NA	1,295	1,498 ²	16%
Employment	NA	NA	NA	24,100	28,400	17%
Unemployment	NA	NA	NA	2.7%	2.5%	0%

¹ Owner-occupied units (Source: US Census Bureau, 2010a; US Census Bureau, 2010b; City of Kearney, 2010a)

² 2007 data

NA = data not available

Kearney, Grand Island (50 miles northeast), and Hastings (60 miles southeast) comprise the economic center of south central Nebraska and form a trade area that extends more than 100 miles along I-80. The area surrounding Kearney is predominantly agricultural, and the City is home to several large businesses and industries. Kearney was home to three of the State’s 100 largest private employers in 2005: Good Samaritan Hospital (rank #29), Buckle, Inc. (#38), and Baldwin Filters (#76). The University of Nebraska at Kearney is the State’s ninth-largest public employer (Nebraska Department of Economic Development (NDED), 2010a). Based on the average travel time to work of 15 minutes reported in 2000 (Census Bureau, 2010a), most area residents work close to home. Major employment areas include the Second Avenue corridor, industrial area east of the City, and University campus.

Retail sales play an important role in Kearney’s economy. The presence of numerous national retailers along Second Avenue attests to the community’s trade center status, and contributes to a vibrant local economy. In Kearney, retail sales per person totaled almost \$19,000 in 2002; this is much higher than the state and national averages, as shown in **Table 3.3**. Sales tax (all sources) represented 33 percent of the City’s total revenues in its 2008-09 budget (City of Kearney, 2010b). The core of Kearney’s retail industry is along Second Avenue north of I-80.

Tourism also plays an important role in Kearney. Several regional attractions make Kearney a regional destination which, along with travelers on I-80, accelerate revenues from the hospitality industry well ahead of state and national averages. The Archway, a United States Hockey League team, sporting goods retailer Cabela’s, and a nationally renowned “Crane Watch” bird watching festival draw many travelers to the area. The Good Samaritan Hospital, while not a traditional “tourist” destination, also brings in out-of-town travelers. In Kearney revenues from the hospitality industry (defined here as lodging and restaurant sales) sales per person totaled \$2,700 in 2002; this is more than double the state average and much higher than the national average, as shown in **Table 3.3**. The City’s hotel occupation tax represented 2.3 percent of the City’s total revenues in its 2008-09 budget (City of Kearney, 2010b). Kearney’s hospitality industry is concentrated along Second Avenue north and south of the I-80 interchange.

Table 3.3: Economic Comparisons of City of Kearney, 2002

	Retail Sales per Person (Kearney variance) ²	Hospitality Sales per Person ¹ (Kearney variance) ²
City of Kearney	\$18,600	\$2,700
Buffalo County	\$13,600 (+37%)	\$1,800 (+48%)
Nebraska	\$11,700 (+59%)	\$1,200(+124%)
United States	\$10,600 (+75%)	\$1,600 (+74%)

¹Lodging and Restaurant sales (Source: US Census Bureau, 2010a; US Census Bureau, 2010b; US Census Bureau, 2010c)

²For example, Kearney’s retail sales per person (\$18,600) are 59% above those of State of Nebraska (\$11,700)

East of the City, an employment center is planned as a vital economic engine of the future. In the fall of 2009, Governor Heineman announced that Kearney was one of three cities in Nebraska selected to participate in a state initiative to attract “data centers, high tech industries and companies with significant power needs” (NDED, 2010b). Kearney can receive grants and other assistance from the State to attract companies to a “power park” located near the Airport, east of Antelope Avenue.

The leading businesses and organizations in the area – the Kearney Area Chamber of Commerce, Economic Development Council of Buffalo County, Downtown Improvement Board, Good Samaritan Health Systems, and Cabela’s – have written letters (**Appendix B – Final EA Correspondence** and **Appendix C – Draft EA Correspondence**) endorsing an east bypass route, and express their hope for creation of growth and development opportunities and subsequent expansion of the tax base.

Impacts of the No Build Alternative

Under the No Build Alternative, neither a new interchange nor a bypass route would be constructed. Through-traffic would continue to use Second Avenue, and travel conditions along Second Avenue’s commercial corridor would continue to deteriorate in the future, as described in the Purpose and Need, Section 1.0. Access from I-80 to major employers east of the City would continue to be indirect via an increasingly congested Second Avenue.

Impacts of the Build Alternative

Under the Build Alternative, a new interchange and bypass would be constructed. The economic effect of highway bypasses is a topic well researched and has generally found bypasses to have little effect on community economic conditions, positive or negative. The body of research is summed up by Leong and Weisbrod (2000), who explain:

“The wide range of highway bypass studies carried out around the country provides a generally consistent story. They indicate that highway bypasses are seldom either devastating or the savior of a community business district. The locational shift in traffic can cause some existing businesses to turn over or relocate, but net economic impacts on the broader community are usually relatively small (positive or negative). Communities and business districts that have a strong identity as a destination for visitors or for local shoppers...are the ones that are most likely to be strengthened due to the reduction in traffic delays through their centers. However, there is also a broad perception that adequate signage to the bypassed business center is an important need (and concern) for ensuring its continued success.”

Based on published research, Kearney’s economy likely would not be impacted negatively by Build Alternative for the following reasons:

- Larger communities were impacted less by bypasses than smaller communities (Srinivasan and Kockelman, 2002). Kearney’s population falls within the range of the larger communities in this study.

- Proximity to larger cities increases the adverse effects of a bypass (Srinivasan and Kockelman, 2002). Kearney serves as a trade center destination and the closest larger community, Grand Island (population 46,000), is 50 miles away.
- Retail businesses, a key component in Kearney's economy, typically did not relocate from the central business district to a bypass (Wisconsin Department of Transportation (DOT), 1998).
- Local land use planning and zoning ordinances can help mitigate negative impacts (Maine DOT, 2008). Kearney's land use plan accounts for the bypass and plans land uses accordingly (RDG et al., 1997; and RDG, 2003).
- The reduction of trucks and through-traffic often is offset by an increase in local travelers, who had avoided congested local streets. The net result often is improved travel opportunities for local residents and access for downtown businesses (Collins and Weisbrod, 2000).

The potential for different types of businesses to be impacted by highway bypasses was categorized by a study of California projects (System Metrics, Inc., 2006), which observed:

- Businesses that serve local residents, including drug stores, banks and grocery stores, are generally not affected.
- Businesses that serve the trade region, such as big box retail and department stores, may benefit from improved access.
- Motels, galleries, and antique stores that cater to travelers who view the community as a destination may benefit if downtown is perceived as a destination.
- Gas stations and quick service or fast food restaurants that cater to pass-through traffic are most likely to be impacted by the diversion of traffic.

During construction activities the area's construction industry would benefit from a temporary increase in employment and the purchase of goods and services.

Most travelers who would use the bypass would be traveling through the community and not stop in Kearney (see Purpose and Need, Section 1.0 and **Appendix N – Interchange Justification Report**). The *Kearney Plan* (RDG et al., 1997; and RDG, 2003) directs that new commercial development along the proposed bypass would be limited to avoid eroding the vitality of the Second Avenue corridor or increasing competition with businesses located along Second Avenue. Local travelers and travelers headed to specific in-town destinations would benefit from reduced congestion on Second Avenue. Businesses operating in areas north and east of Kearney would realize the benefits of easier access for trucks, vendors, and employees.

Bypass Access at 78th Street and Cherry Avenue

Several comments were received from farm operators at the April 1, 2008, and October 30, 2008, public meeting and hearing regarding access at the intersection of 78th Street and Cherry Avenue. The comments explained that farmers frequently use 78th Street to travel east to Gibbon, Nebraska, where a grain elevator is located. A common concern was access to Cherry Avenue north of 78th Street, and 78th Street east of Cherry Avenue from the proposed bypass facility. The Build Alternative has been refined to provide access to Cherry Avenue and 78th Street intersection from the bypass.

According to Buffalo County, the east/west movement on 78th Street at Cherry Avenue is more predominant than the north/south movement on Cherry Avenue. Therefore, the access is proposed to be located along 78th Street to favor the predominant movement of vehicles and reduce the overall impact of additional travel distance.

Vehicles traveling northbound on the bypass approaching 78th Street would continue on the bypass around the horizontal curve and exit the bypass at the "jug-handle" access point located 0.5 mile west of the curve. Vehicles could then continue east along 78th Street to the intersection with Cherry Avenue and

continue east on 78th Street or north on Cherry Avenue. With the proposed bypass, these vehicles would travel an additional distance of approximately 0.9 miles (or approximately 2 minutes additional travel time at 30 miles per hour).

Vehicles traveling eastbound would exit the bypass at the “jug-handle” access point located 0.5 mile west of the curve and continue on routes described above. With the proposed bypass, these vehicles would travel an additional distance of approximately 0.1 miles (or less than 30 seconds of additional travel time at 30 miles per hour).

The additional travel distance to local traffic is considered minor since access would be provided for all movements and the change in travel distance is not considered excessive.

Another common concern noted by farm operators in this area was driveway locations and direct access to the bypass. The preliminary design identifies access to private properties from the bypass via the local street network. The tie-in locations of the private property driveways to the local street network would be finalized during the final design phase of the project. The affected property owners would be contacted during the final design to coordinate their private driveway locations.

Mitigation

- Access to adjacent properties will be maintained during construction as per NDOR Standard Specification 104.05.
- The affected property owners will be contacted during the final design by the Design Team to coordinate any access changes to private driveway locations.

3.4.2 Community Resources

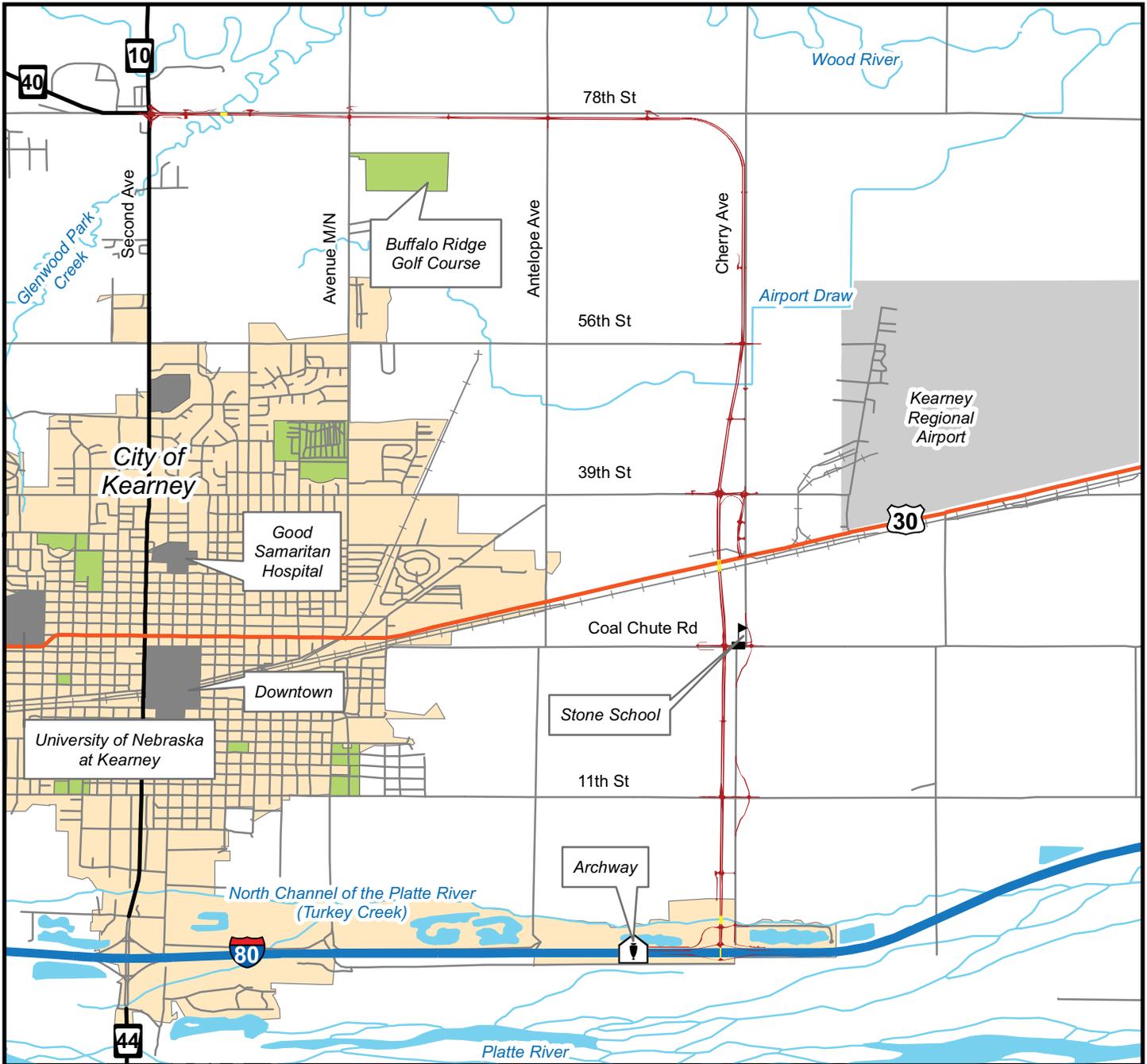
Kearney is home to the University of Nebraska at Kearney, a public university with 6,500 students located on the west side of the City. Kearney’s public schools enroll more than 4,500 students in nine elementary schools, two middle schools, one high school, and three other schools. The community’s private schools include three elementary/middle schools and one high school. Stone School, a public elementary school, is the only school located within a 0.5-mile radius of the Build Alternative. Stone School sits at the intersection of Cherry Avenue and Coal Chute Road, within about 300 feet of the proposed Build Alternative.

The Archway museum is located west of Cherry Avenue, along First Street, about 0.5 mile from the Build Alternative’s proposed I-80 interchange. The museum is dedicated to American pioneer history and details the migration and settlement of the American West. It offers educational programs for school children, scout groups, community members, and visitors. The museum is operated by the Great Platte River Road Memorial Foundation, a non-profit organization.

No hospitals, police or fire stations, community centers, public parks or religious institutions are located within a 0.5-mile radius of the Build Alternative. Public transportation is not available in this corridor. One recreational trail exists along the North Channel of the Platte River, and several more are planned in the study area (discussed in Transportation, Section 3.1.2). Buffalo Ridge Golf Course, a private golf club, sits south of 78th Street and west of Antelope Avenue. Community resources are illustrated in **Figure 3.5**.

Impacts of the No Build Alternative

Under the No Build Alternative, a new interchange and bypass route would not be constructed. Most community resources would continue to be accessed by Second Avenue and local streets, and traffic conditions along Second Avenue would continue to deteriorate in the future.



LEGEND

N

 1 inch equals 1 mile

- | | | | |
|--|----------------------------|--|---------------------------|
| | Proposed Structure | | Interstate Highway |
| | Proposed Roadway | | US Highway |
| | Streams and Surface Waters | | State and County Highways |
| | Parks and Golf Courses | | Local Streets |
| | | | Railroad |

**FIGURE 3.5
 COMMUNITY RESOURCES**



East Interchange & Bypass Environmental Assessment Kearney, Nebraska
 Project No: S-10(51), CN-42103

Impacts of the Build Alternative

The Build Alternative would affect the Stone School, Archway, and trails. Other community resources would not be affected. Impacts to trails are discussed in Section 3.1.2.

Kearney Public Schools expressed concerns with the location of the Build Alternative relative to Stone School; this alignment would be located approximately 300 feet west of the school. The School District was concerned about errant vehicles from the bypass striking the school building, and the potential for children to wander away from the school and onto the bypass. In response to the School District's concerns, the design has been refined to include a landscaped earthen berm and fence to physically and visually separate the Stone School and the bypass. Kearney Public School also was concerned about loss of parking on the south side of the school as part of the project. NDOR has coordinated with Kearney Public Schools and will work with the school during final design to address concerns (refer to **Appendix D – Public Involvement**).

Access to Stone School would be relocated from Coal Chute Road to a future county road to be constructed as part of the Build Alternative. Temporary easements would be required for construction of the egress driveway.

The Archway would benefit from the Build Alternative. The current meandering route east from the existing I-80 interchange along First Street would be replaced by shorter and more direct access. Community leaders have observed anecdotally that they expect visitation to the Archway would increase after the new interchange is constructed.

Mitigation

- The project will include a landscaped earthen berm and fence to physically and visually separate the Stone School and the bypass. Design details will be determined during final design.
- During the final design, NDOR will continue to coordinate with Kearney Public Schools to address the parking concerns.

3.5 ENVIRONMENTAL JUSTICE AND TITLE VI

Executive Order 12898 requires federal agencies to take the appropriate and necessary steps to achieve environmental justice by identifying and addressing “disproportionately high and adverse” human health or environmental effects of its programs, policies, and activities on minority and low-income populations. Environmental justice addresses the fair treatment of people of all races and incomes with respect to actions affecting the environment. Fair treatment implies that no group of people should bear a disproportionate share of negative impacts from an environmental action. This section examines the anticipated impacts associated with the alternatives with respect to potentially affected minority and economically disadvantaged groups.

The analysis in this section also includes discussion of social, economic, and relocation effects on various socioeconomic groups, including minorities and low-income population in accordance with Title VI of the Civil Rights Act of 1964 and related statutes. Title VI requires no person because of race, color, religion, national origin, sex, age, or handicap be excluded from participation in, denied benefits of, or be subject to discrimination by any federal activity.

To determine whether a federal activity would disproportionately affect these defined populations, it is necessary first to establish an appropriate basis for comparison. The area of influence for the proposed Build Alternative is defined as the population residing within four specific Block Groups¹ bordering the

¹A Block Group is a subset of a Census Tract. Block Groups are made of Blocks and are numbered as the first digit of the four-digit Block number. Thus, all the Blocks that begin with the same digit within a particular Census Tract comprise a Block Group.

proposed alignment. Block Group data was the smallest data unit available from the Census. For purposes of this analysis, the Block Group’s demographic data was compared to that of the County.

Comparing the Block Groups to a larger reference area allows a more focused analysis to determine if “pocket communities” exist that could potentially be impacted. Pocket communities are high concentrations of populations that have similar characteristics (such as, minority, elderly, low-income) in specific geographic areas. A disproportionate impact to these populations exists when: a) minority and/or low-income populations are affected significantly more than those populations in the reference areas, and b) there is a disproportionate environmental burden on the area compared with the reference areas. The 2000 US Census data indicated three Tracts and five Block Groups that intersect the Build Alternative (US Census 2000).

Populations within these Block Groups were evaluated for racial and ethnic diversity, poverty levels, elderly population, disabled residents, and female head of households. These characteristics are compared for the study area’s Block Groups relative to Buffalo County, using 2000 Census data (US Census 2000).

The study area is illustrated in **Figure 3.6**, with data provided in **Table 3.4**.

A full description of the opportunities for area residents to participate in project planning and comment on project activities is described in Section 4.0 of this EA. Outreach efforts included:

- Prior to public information meetings, bilingual notifications were published in the local newspaper and placed in the public library, and announcements made available to local radio stations.
- An interpreter was at public meetings to assist participants not proficient in English.

Table 3.4: Environmental Justice Population Characteristics

Area	Total Pop.	Minority ^a		Age 65 years and over		Total population for whom disabled is determined	Disabled		Total population for whom poverty is determined	Persons below poverty level		Households	Female head of household	
		#	%	#	%		#	%		#	%		#	%
CT 9697, BG 1	627	119	19.0	61	9.7	532	67	12.6	559	47	8.4	256	24	9.4
CT 9697, BG 4	1,398	156	11.2	170	12.2	1,285	200	15.6	1,545	482	33.1	592	130	22.0
CT 9693, BG 1	845	62	7.3	126	14.9	680	135	19.9	770	123	16.0	366	45	12.3
CT 9693, BG 2	1,467	129	8.8	64	4.4	1,321	168	12.7	1,477	252	17.1	552	100	18.1
CT 9692.01, BG 4	2,901	107	3.7	359	12.4	2,708	422	15.6	2,893	148	5.1	1,063	55	5.2
Buffalo County	42,259	1,311	3.1	4,880	11.5	38,745	5,618	14.5	39,241	4,395	11.2	15,930	1,316	8.3

Source: US Census Bureau, 2000.

Notes: CT = Census Tract, BG = Block Group, # = Number, % = Percentage.

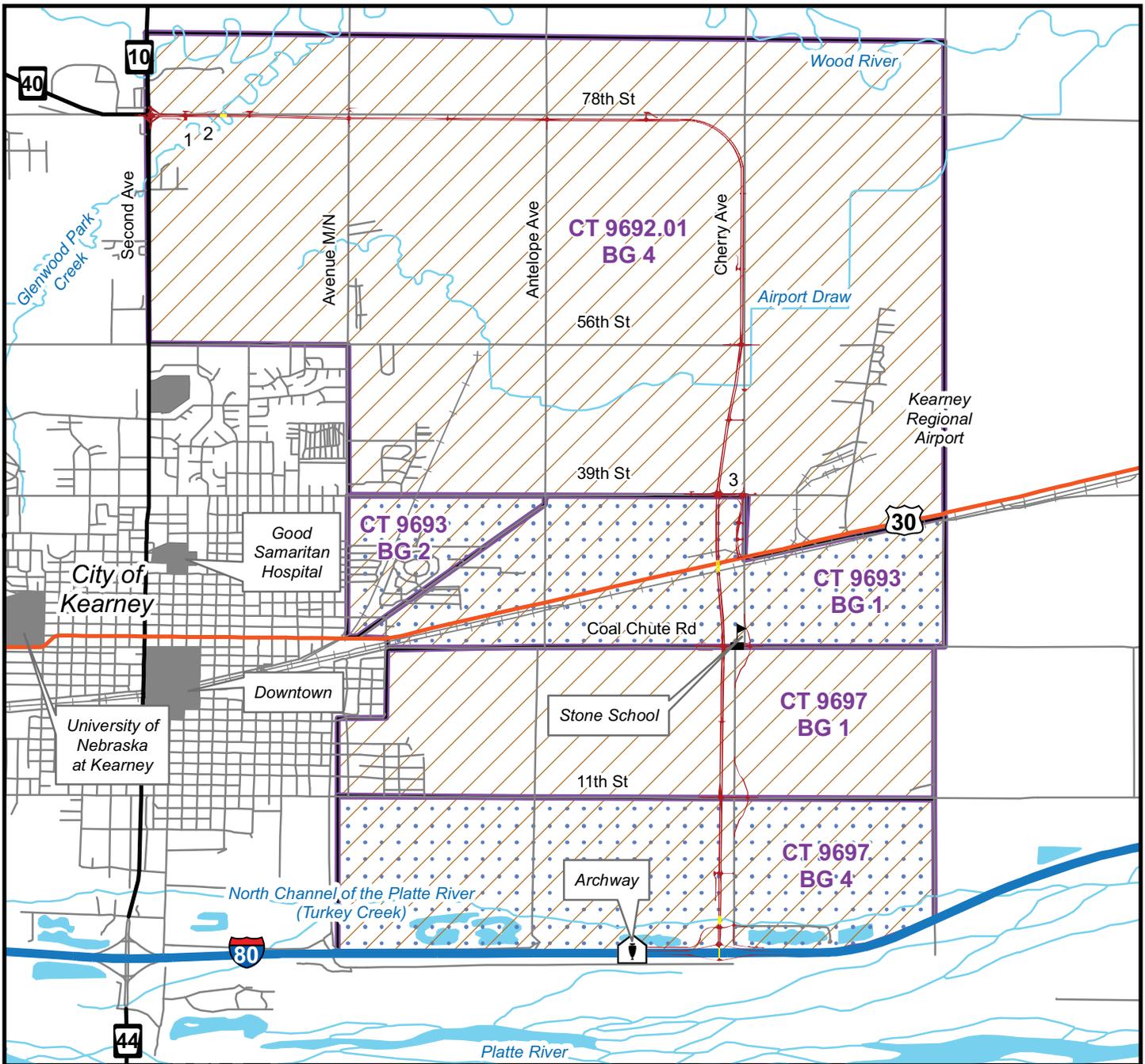
^a Minority is composed of all African American, Native American, Asian, Pacific Islander, Other Race, Two or More Races, and White Hispanic.

3.5.1 Minority and Low Income Populations

Environmental justice is defined to include proportions of residents who are minorities or who are low-income, which is defined as earning household income below the poverty level.

Minorities

All five Block Groups in the study area contained minority populations higher than Buffalo County’s 3.1 percent, including one Block Group whose proportion of minority residents is more than six times the county average. The most common racial or ethnic heritage identified by residents was Hispanic.



LEGEND

-  Proposed Structure
-  Proposed Roadway
-  Interstate Highway
-  US Highway
-  State and County Highways
-  Local Streets
-  Railroad

-  Streams and Surface Waters
-  Block Group Boundary and Census Tract and Block Group ID
-  Minority Population
-  Low Income Population

NOTES:

1. Low-Income Population equates to households below poverty level greater than the Buffalo County average of 11.2%
2. Minority Population is defined as population greater than the Buffalo County average of 3.1%
3. CT = Census Tract; BG = Block Group



1 inch equals 1 mile



FIGURE 3.6
MINORITY AND LOW-INCOME POPULATIONS, 2000

East Interchange & Bypass Environmental Assessment Kearney, Nebraska
Project No: S-10(51), CN-42103

Low Income

In Buffalo County, 11.2 percent of residents were identified as earning income below the poverty level. Three Block Groups in the study area had higher proportion of low income residents, including one Block Group with 33 percent of residents living in poverty.

Discussion of Impacts of the Alternatives

Because of the similarities between issues considered under environmental justice and Title VI, the discussion of impacts of the alternatives follows Section 3.5.2.

3.5.2 Other Protected Populations

Individuals protected by the more expansive definition of Title VI include minorities, individuals over 65 years of age, disabled persons, and female heads of household.

Over 65 Years of Age

Three Block Groups in the study area contained a higher proportion of residents over 65 years of age than Buffalo County's 11.5 percent. The differences were not substantial, however, and only one Block Group reported more than 12.4 percent elderly residents.

Disabled

In Buffalo County, 14.5 percent of residents were identified as disabled. Three Block Groups in the study area had higher proportion of disabled residents, including one Block Group with almost 20 percent of residents reporting a disability.

Female Head of Households

Four Block Groups in the study area contained a higher proportion of households lead by a woman than Buffalo County's 8.3 percent. One Block Group reported a level three times that of the County, and another reported a rate more than twice the County's.

Impacts of the No Build Alternative

Under the No Build Alternative, neither a new interchange nor a bypass route would be constructed. While residents living in the area would not be directly impacted by relocations, construction activities, or other issues, they also would not benefit from an improved transportation system, including a bypass route that is an alternative to Second Avenue and its congested travel conditions.

Impacts of the Build Alternative

Construction of the Build Alternative would result in some community disruption, including increased noise and fugitive dust emissions and some changes or temporary disruption of property access and travel through the construction area. Although residents protected by both environmental justice and Title VI policies reside in Block Groups that intersect the Build Alternative, project impacts are not borne primarily or disproportionately by minority or low-income residents. Project impacts would be experienced equally by all residents regardless of their age, ethnicity or income characteristics.

In Block Group 9693.1, one residence would be acquired, and in Block Group 9692-01.4 two residences would be acquired. More detailed discussion of these acquisitions, including NDOR's policies on right of way acquisition, is described in Section 3.2.

The Build Alternative would not cause a disproportionately high or more severe impact to minority, low income populations, elderly, disabled, or female head-of-households compared to other residents in the study area.

Mitigation

- No mitigation is required or proposed.

3.6 NOISE

Sound that interferes with communications, sleep, or is greater than the threshold of pain is typically considered noise. Noise is measured in decibels (dB), and can range from 0 dB (threshold of human hearing) to 140 dB (where sound causes pain). An “A-weighted decibel,” or dBA, is used for impact assessment because it mimics human’s varying sensitivity to sounds at different frequencies. Noise levels of 40 to 50 dBA are typical of a quiet neighborhood, while 70 to 80 dBA might be heard adjacent to a busy urban street or highway. An increase or decrease in noise by 5 dBA is readily noticeable by most people. The human ear perceives an increase or decrease in noise by 10 dBA as a doubling or halving of the noise level.

FHWA has established procedures for noise studies and the use of noise abatement measures for highway noise (23 CFR 772). In addition to the FHWA noise policy, the NDOR Noise Policy provides additional guidance for analyzing traffic noise and further defines the noise abatement criteria (NAC) used in evaluating noise impacts. The NDOR Noise Policy considers a noise impact to occur if noise levels equal or exceed 66 dBA for noise sensitive locations including residences, schools, and parks and 71 dBA for commercial areas. In addition, areas where future noise levels are predicted to substantially exceed existing levels are also considered to be impacted. NDOR defines a substantial increase as 15 dBA or more.

Existing and future noise levels in the study area were modeled using FHWA’s Traffic Noise Model (TNM) Version 2.5, which uses multiple traffic, roadway, and receiver characteristics to predict sound levels. Noise monitors were placed at 16 locations within the study area to measure existing noise levels and provide input to calibrate the model. A total of 31 receivers were included in the model, including 17 residences, one school, and three commercial properties located within 500 feet of the Build Alternative alignment along with an area for future development located north of US 30 where 10 potential receivers were located to gauge potential impacts to this planned development. **Figures 3.7a and 3.7b** show the receiver locations along the Build Alternative. The Traffic Noise Study report included as **Appendix H – Traffic Noise Study** to this document provides more details on the noise analysis process and results.

Two residences located in the study area currently experience noise impacts. These residences are shown as receivers 1 and 7 on **Figure 3.7a**. Both are affected by existing I-80 traffic and experience current noise levels of 66 dBA, just at the NAC threshold.

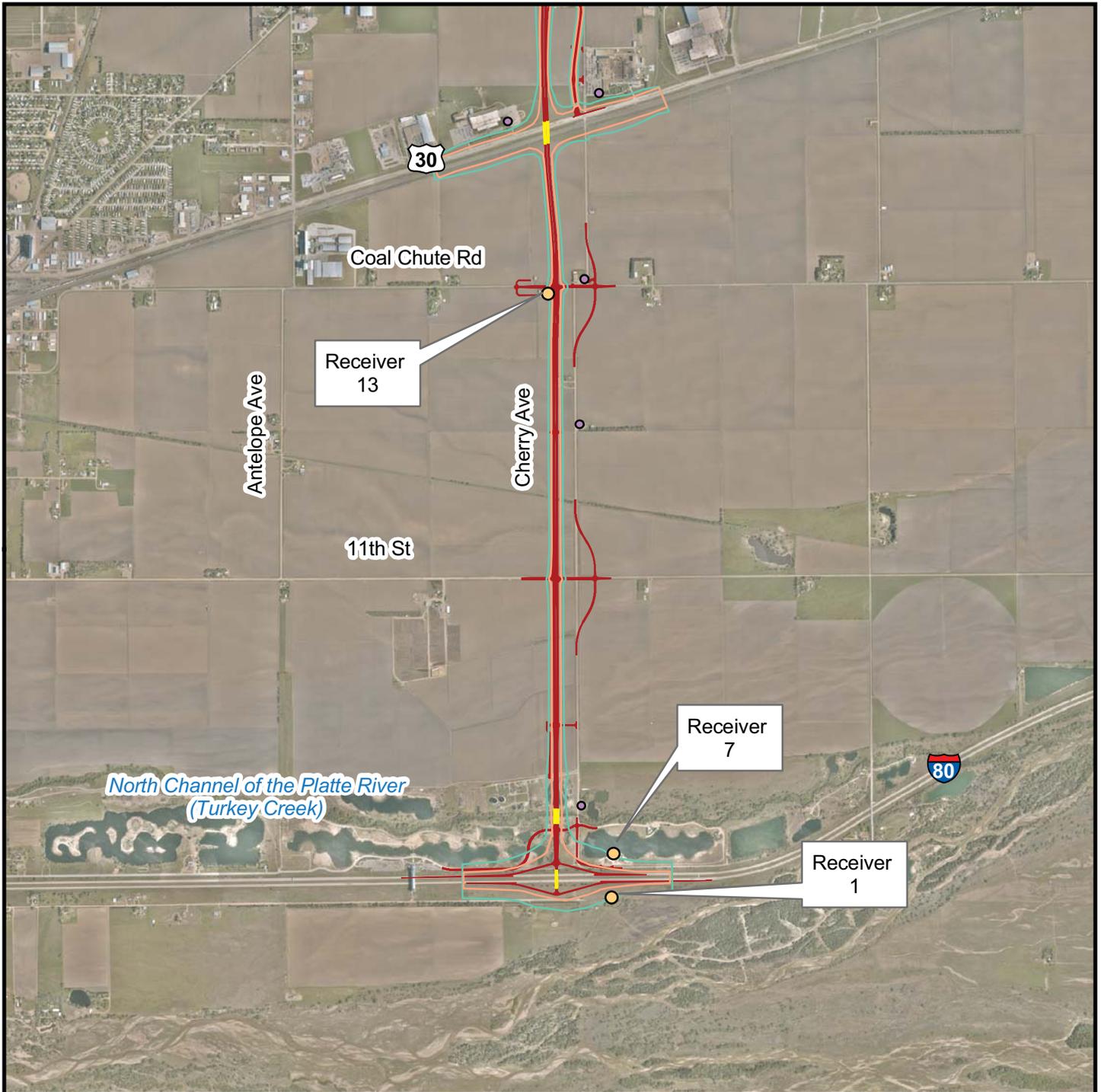
Impacts of the No Build Alternative

Under the No Build Alternative in 2030, noise levels for Receivers 1 and 7 (which currently experience noise impacts) would increase slightly, with Receiver 1 at 68 dBA, and Receiver 7 at 67 dBA (an increase of 2 dBA and 1dBA) respectively. No other receivers are or would be affected by noise under the No Build Alternative.

Impacts of the Build Alternative

Under the Build Alternative, three residences would be impacted by noise in the 2030 design year: Receivers 1, 13, and 26, as shown on **Figures 3.7a and 3.7b**.

Receiver 1, which is impacted under the No Build Alternative, would experience no increase in noise compared to existing conditions and a slight decrease compared to the 2030 No Build Alternative but would continue to experience levels of 66 dBA, just at the noise impact threshold. The new interchange ramps would provide some barrier between the receiver and the primary noise source of I-80, which is why the noise level does not increase as it would under the No Build condition. Receiver 7 is affected in the No Build condition but not the Build condition for the same reason, with the 2030 Build Alternative noise levels at this location predicted at 65 dBA.



1 inch equals 0.5 miles

- Proposed Structure
- Proposed Roadway

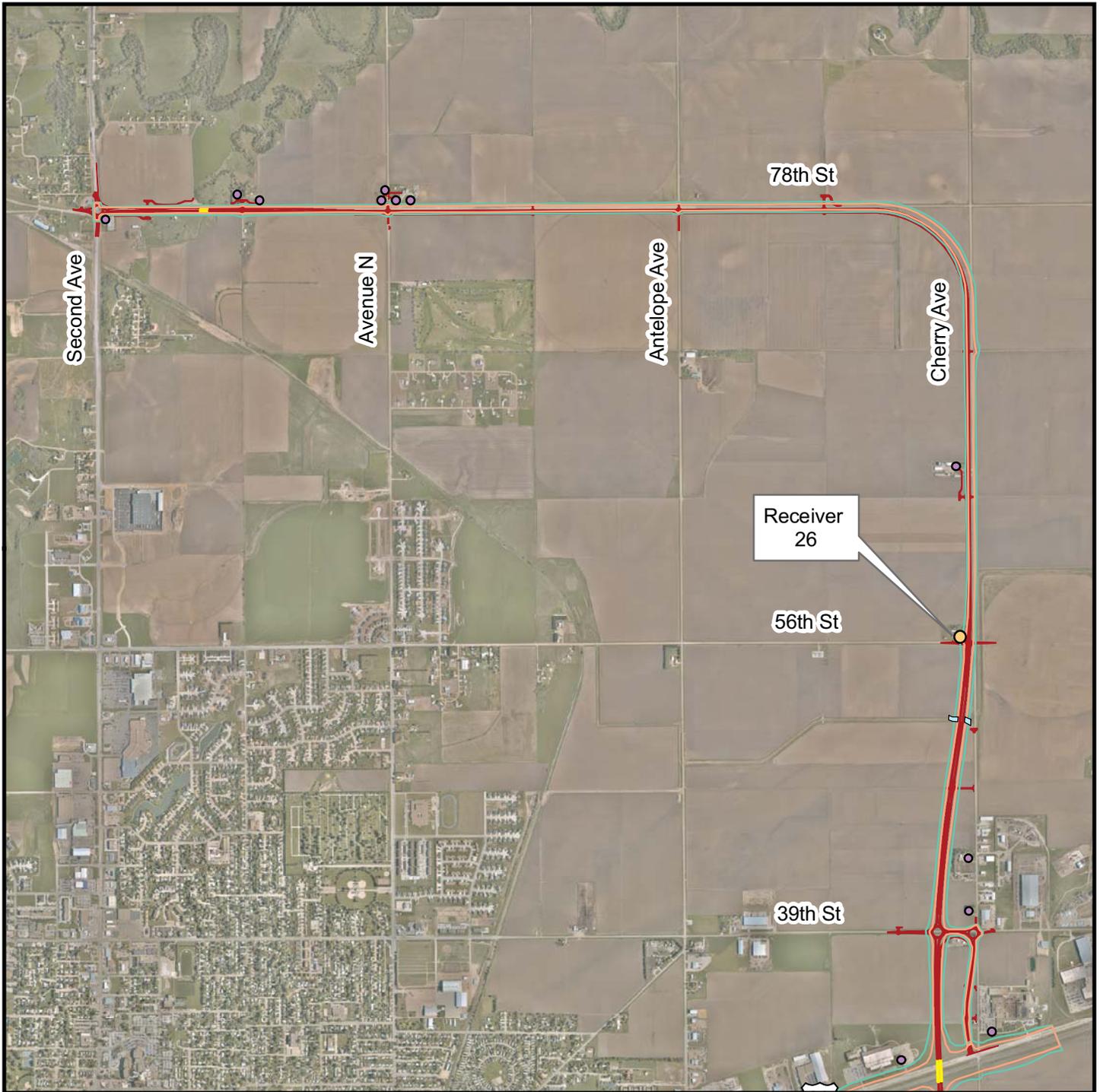
LEGEND

- Receivers**
- Impacted by One or More Alternatives
 - Not Impacted by Any Alternative
 - 71 dB Noise Contour for 2030 Build Alternative
 - 66 dB Noise Contour for 2030 Build Alternative



FIGURE 3.7a
BUILD ALTERNATIVE NOISE IMPACTS

East Interchange & Bypass Environmental Assessment Kearney, Nebraska
Project No: S-10(51), CN-42103



LEGEND

- Proposed Structure
- Proposed Roadway

Receivers

- Impacted by One or More Alternatives
- Not Impacted by Any Alternative
- 71 dB Noise Contour for 2030 Build Alternative
- 66 dB Noise Contour for 2030 Build Alternative



1 inch equals 0.5 miles

**FIGURE 3.7b
BUILD ALTERNATIVE NOISE IMPACTS**



East Interchange & Bypass Environmental Assessment Kearney, Nebraska
Project No: S-10(51), CN-42103

Noise levels for Receiver 13 (a residence located west of Cherry Avenue on Coal Chute Road) would experience noise levels of 67 dBA under the 2030 Build Alternative, as compared to 42 dBA and 45 dBA under the existing conditions and 2030 No Build Alternative conditions, respectively. Receiver 26, a residence located on the northwest corner of Cherry Avenue and 56th Street, has a predicted traffic noise level of approximately 59 dBA under the 2030 Build Alternative, which although not at or exceeding the NAC, represents a substantial increase (17 dBA) over existing conditions.

The Stone School (located on the northwest corner of Cherry Avenue and Coal Chute Road) has an existing traffic noise level of 57 dBA near the playground and green space located on the north and east sides of the school building. The traffic noise level predicted for the 2030 Build Alternative is 55 dBA at the school. The Build Alternative would place the bypass approximately 300 feet west of the school, providing adequate separation between the bypass and the school to dissipate traffic noise levels. A safety berm included in the Build Alternative (see Section 3.4) would also likely provide some noise benefit but was not included in the model as a noise barrier because noise abatement was not required at this location.

Abatement Analysis

According to NDOR policy, noise mitigation is considered for inclusion in a new roadway project if it is both “feasible” and “reasonable.” NDOR has defined criteria to evaluate whether noise mitigation is reasonable and feasible, as documented in the NDOR Noise Analysis and Abatement Policy (NDOR, 1998). Mitigation is generally considered feasible if it can be engineered to effectively reduce noise levels and is reasonable based on the cost, number of benefited receivers, amount of increased noise related to the project, and other factors. For each impacted receiver, an analysis is conducted according to the NDOR criteria, and a determination is made whether mitigation is reasonable and feasible. If it is, mitigation is included in the project design. Abatement is only considered for construction projects—that is, it is not considered for the No Build Alternative.

The impacted properties under the Build Alternative were analyzed to determine if a noise barrier was “feasible” and “reasonable” based on NDOR Noise Policy. No abatement for impacted properties were found to be both “feasible” and “reasonable,” primarily because they exceeded the cost-benefit ratios.

Mitigation

- No mitigation is required or proposed.

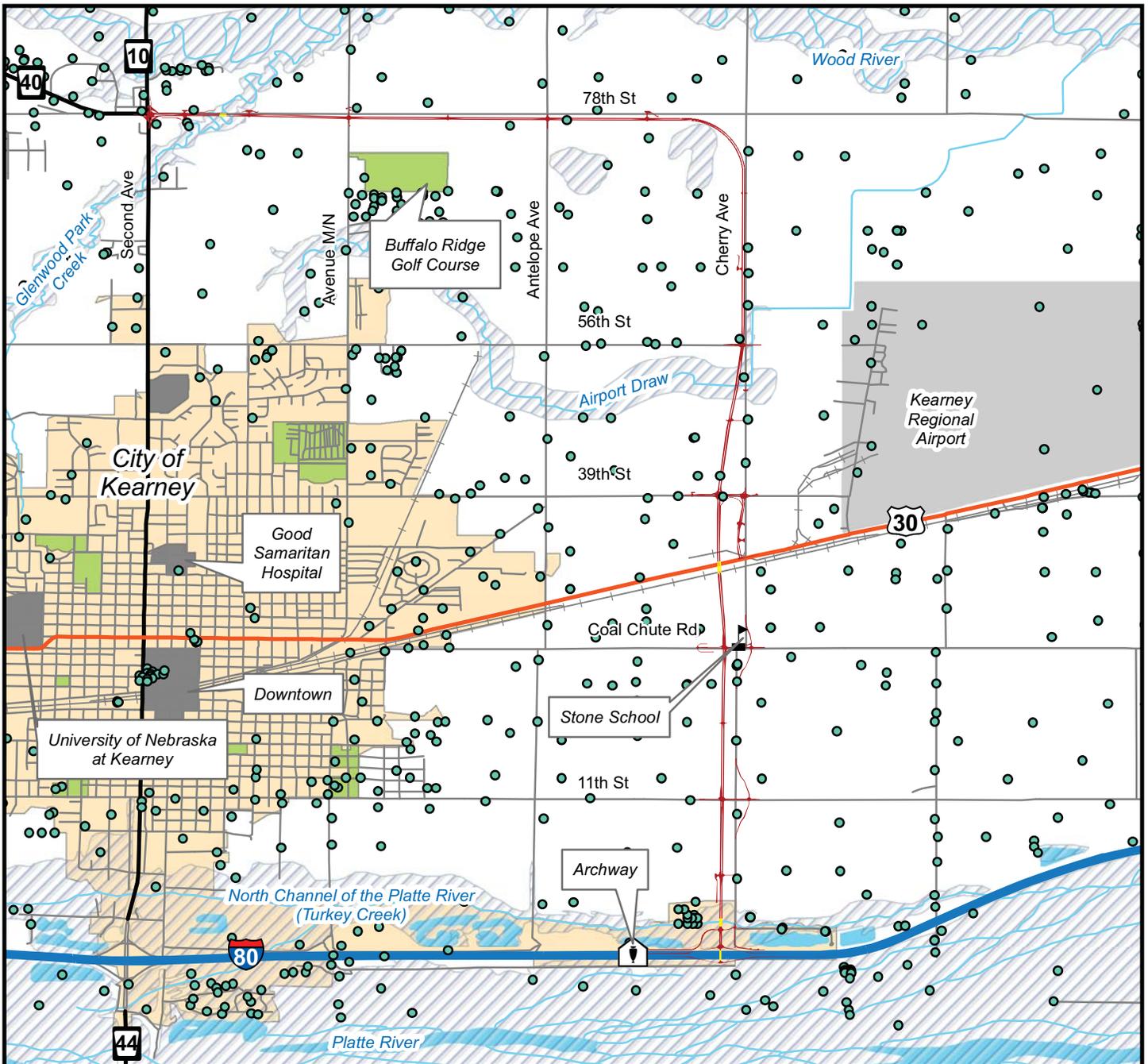
3.7 WATER RESOURCES

Transportation projects can affect water quality during both the construction and maintenance phases of projects. During construction, soils are exposed, increasing wind and water erosion and potential for sediment to enter water bodies. Roadways also collect pollutants, such as sediments, metals, and petroleum compounds that can enter water bodies in the form of stormwater runoff.

3.7.1 Surface Water

Several rivers and water bodies are located in the project area, and several cross the Build Alternative (**Figure 3.8**). These include the North Channel of the Platte River (also referred to as Turkey Creek); a drainage ditch referred to as the Airport Draw; Glenwood Park Creek, a tributary to the Wood River; and several sandpit lakes and other drainages and depressions present throughout the project area, in part because of the high groundwater table in the area.

The surface water in the project area is connected to the Platte River Basin. The Platte River is located immediately south of the study area. The Platte River flows approximately 310 miles and drains about 30,000 square miles, with the majority of tributary drainage from the north (USGS, 2002). The Platte



LEGEND

- | | | |
|--|---|--|
| <p>N</p>  <p>1 inch equals 1 mile</p> | <ul style="list-style-type: none">  Active Registered Ground Wells  Proposed Structure  Proposed Roadway  100-year Floodplain  Streams and Surface Waters  Parks and Golf Courses | <ul style="list-style-type: none">  Interstate Highway  US Highway  State and County Highways  Local Streets  Railroad |
|--|---|--|

FIGURE 3.8
WATER RESOURCES



East Interchange & Bypass Environmental Assessment Kearney, Nebraska
Project No: S-10(51), CN-42103

River is a braided, sand-bottom stream with many islands, some having an area of several square miles (*USGS Circular 1163*). Portions of the Platte River do not meet water quality standards for fecal coliform and *E.coli*. The cause of impairment is primarily livestock operations. The nearest livestock operation is approximately 2,000 feet from the Build Alternative. Agricultural chemicals from row-crop agriculture also affect water quality in the central Platte River Valley but public programs to control contaminant runoff into nearby waters have been implemented to control this problem, and no impairment has been cited for these chemicals.

The North Channel of the Platte River is located less than 0.25 mile north of I-80 and runs west to east, paralleling I-80. Within the study area the North Channel is 30 to 50 feet wide with steep banks. A small County bridge crosses the North Channel on existing Cherry Avenue.

The Airport Draw is a drainage located near the airport, crossing Cherry Avenue near 56th Street. Cherry Avenue crosses the Airport Draw over a box culvert.

The Wood River is located 0.5 to 1 mile north of the east/west leg of the proposed bypass (78th Street), and flows in an easterly direction. 78th Street crosses the Glenwood Park Creek, a tributary of the Wood River, on a bridge in the northwest portion of the project area.

Impacts of No Build Alternative

No impacts to surface water would occur under the No Build Alternative.

Impacts of Build Alternative

The Build Alternative would increase the existing impervious surface by approximately 85 acres, and would result in an increased volume of stormwater runoff from the highway. Runoff would likely contain a minimal level of contaminants related to typical highway runoff, including vehicle-related pollutants such as oil, grease, and other petroleum products. Without treatment, these pollutants could contaminate nearby waterways. Roadside ditches would be included in the final design of the bypass to transport stormwater runoff and be lined with native grass vegetation to serve as a bio-filter to trap sediments and absorb pollutants before they enter adjacent streams or percolate into the groundwater.

The Build Alternative would require new structures over three drainage areas. Construction of these crossings would temporarily disturb waters and surrounding vegetation, increasing turbidity and potential for erosion and sedimentation in the waterways. Demolition of the existing 78th Street bridge and Airport Draw box culvert, placement of structures and dewatering for foundations for the bridges and box culvert, and storage and fueling of equipment have the potential to release contaminants into the waterways. Construction of other elements of the Build Alternative, such as grading for roadways, also would expose soils and create an increased potential for sedimentation or other contaminants to enter waterways.

As noted above, portions of the Platte River do not meet water quality standards for fecal coliform and *E.coli*. The cause of impairment is primarily livestock operations. The Build Alternative would not disturb any livestock yards, the nearest of which is 2,000 feet away. The Build Alternative, therefore, should not contribute to further impairment of the Platte River.

Mitigation

- Prior to the bidding process, NDOR shall develop and implement a Storm Water Pollution Prevention Plan (SWPPP) and obtain a National Pollutant Discharge Elimination System (NPDES) permit to address stormwater and non-stormwater runoff and erosion control during construction.
- NDOR will obtain Section 401 certification and will obtain required Section 404 permits, as described in Section 3.8.

3.7.2 Groundwater

Groundwater in the project area comes from the Platte River alluvial aquifer,² which underlies the Platte River Valley. This aquifer is part of the High Plains aquifer and is connected hydraulically to the Platte River. The Platte River and its associated alluvial aquifer supplies water to Nebraska's largest cities, such as Omaha, Lincoln, and Kearney (*USGS Circular 1163*). Groundwater in the Kearney area is used for municipal, domestic, agricultural, and industrial service supply.

The City of Kearney receives water from a wellfield located on a Platte River island approximately 0.25 miles from the study area. The Wellhead Protection Ordinance establishes performance standards to protect the integrity of Kearney's main wellfield along the Platte River (Wellhead Protection Overlay District). The City of Kearney water surpasses all Federal and State Safe Drinking Water Standards (City of Kearney, 2005). Numerous other registered groundwater wells exist in the study area, as shown in **Figure 3.8**. These wells provide irrigation for agriculture.

Impacts of No Build Alternative

No impacts to groundwater would occur under the No Build Alternative.

Impacts of Build Alternative

The Build Alternative would require closure and relocation of a number of groundwater wells that are in the construction area (see **Figure 3.8**). Each affected well would be decommissioned in accordance with the Nebraska Department of Natural Resources (NDNR) regulations (Title 259). NDOR would provide funds for the replacement of affected wells in accordance with its ROW acquisition process.

The Build Alternative would have a minimal effect on groundwater recharge. Existing ground surface areas would be covered with pavement (an impermeable surface) leaving less permeable ground surface area available for groundwater recharge. However, the impact to groundwater would be minimized as roadside ditches would detain surface water and assist in recharging groundwater. The net effect to groundwater in the area would be negligible.

Mitigation

- Registered groundwater wells affected by the Build Alternative will be decommissioned in accordance to the NDNR Regulations and replaced in accordance with the requirements established by the ROW acquisition process.

3.7.3 Platte River Depletions

The Platte River Recovery Implementation Program (PRRIP) was signed in 2006 by the governors of Colorado, Nebraska and Wyoming, and the U.S. Department of the Interior with a January 1, 2007 effective date. Because the project is located within the Upper Platte River drainage basin, it has the potential to impact Platte River flows related to water depletion concerns. Habitat of the interior least tern, piping plover, and pallid sturgeon may be affected by water depletions in the Platte River basin resulting from the potential impoundment of surface water runoff in borrow sites or excavation that exposes groundwater that is hydrologically connected to the river, thereby depleting the river through increased evapotranspiration (Platte River Recovery Implementation Program, October 24, 2006).

The PRRP requires an offset for adverse effects on state-protected flows and on target flows of the Platte River upstream of the Loup River confluence caused by new or expanded sandpits and other surface water bodies. If project related impacts result in depletion on state-protected flows and on target flows

² Alluvial aquifer is an area of water-bearing sand, gravel or rock formation capable of storing or conveying water below the surface of the land and retains a hydraulic connection with the depositing stream; an aquifer stores groundwater.

within the PRRIP area, offsets will be required and will be addressed by coordinating with the Nebraska Department of Natural Resources (NDNR).

Impacts of No Build Alternative

The No Build Alternative would not cause depletion of the Platte River.

Impacts of Build Alternative

The project is located in an area protected by the PRRIP. As such, it will be required to offset new depletions that may occur as a result of project activities. Under the current plan, the contractor will provide needed borrow material. If borrow sites do not cause an evaporated loss of water, no impacts from the Build Alternative would occur.

Mitigation

- The Project contractor will be required to submit a Materials Source Site Identification and Evaluation Form to NDOR and USACE if project borrow is needed. NDOR will forward the Material Source Form to the USFWS, NGPC, NDNR, and HAP-NSHS for review and approval.
- The Contractor shall try to obtain material from an upland site to prevent depletion issues. However, if the material site is located within the Platte River basin, and it is identified that it will pond water after excavation, NDOR will determine project related impacts by calculating the evaporated loss of water at the material site, by using the Natural Resource Conservation Service (NRCS) – US Department of Agriculture (USDA) Consumptive Use Calculator. Results of the impacts shall then be submitted to NDNR, and the project contractor will be responsible to offset the depletion impacts, in accordance to the PRRIP.

3.8 WETLANDS AND WATERS OF THE U.S.

Executive Order 11990 Protection of Wetlands requires federal agencies to protect wetlands by avoiding construction in wetlands whenever possible. FHWA requirements for compliance with this Executive Order are outlined in 23 CFR 777. Wetlands, also called bogs, swamps, and marshes, provide many benefits including water quality improvements, food and habitat for fish and wildlife, flood control and river bank erosion control, and recreation.

Section 404 of the Clean Water Act provides protection for wetlands, streams, and other waters by requiring a permit from the USACE for any action that may dredge or fill streams or wetlands. In general, applicants must demonstrate that dredging or filling streams or wetlands under the jurisdiction of the USACE would not significantly degrade the Nation's waters and no practicable alternatives less damaging to the aquatic environment exist.

The North Channel of the Platte River and several sandpit lakes and irrigation reuse pits are located within the study area. The North Channel of the Platte River is located approximately 0.25 mile north of I-80 and runs west to east, paralleling I-80 and the main river channel. Past gravel mining activities in the Platte River Valley have created numerous borrow pit lakes (commonly referred to as "sandpit" lakes), several of which are located within the study area.

The study area was evaluated for the presence or absence of the indicators of wetland as described in the *U.S. Army Corps of Engineers Wetlands Delineation Manual* (USACE, 1987). The three parameters used to determine the presence of wetlands include hydrophytic vegetation, hydrology, and hydric soils. Routine wetland delineations were conducted in May and September 2006 to identify and delineate potential wetlands in the study area. An additional delineation was conducted in August 2007. The results were recorded on standard 1987 USACE Manual Routine Wetland Determination data sheets and

submitted along with the wetland delineation reports (**Appendix I – Wetland Delineation Report**) to the USACE.

Figure 3.10 shows the locations of wetlands in the study area. These areas are described further in **Appendix I – Wetland Delineation Report**, which also includes data sheets and maps for each wetland area. According to the USFWS wetland classification system (Cowardin et al. 1979), wetlands in the study area include the following:

- Palustrine emergent (PEM); palustrine emergent temporarily flooded (PEMA), palustrine emergent seasonally flooded (PEMC), and palustrine scrub/shrub seasonally flooded (PSSC).
- Lacustrine/limnetic, unconsolidated bottom, permanently flooded, excavated (L1UBHX).

The PEMC and PEMA wetlands are located along the north and south banks of the North Channel of the Platte River. The PEM and L1UBHX wetlands included several sandpit lakes located in the southern portion of the study area north of I-80. **Figure 3.9** provides photos of these wetlands.

Figure 3.9: Wetland Photos



Wetland Vegetation, North Channel of the Platte

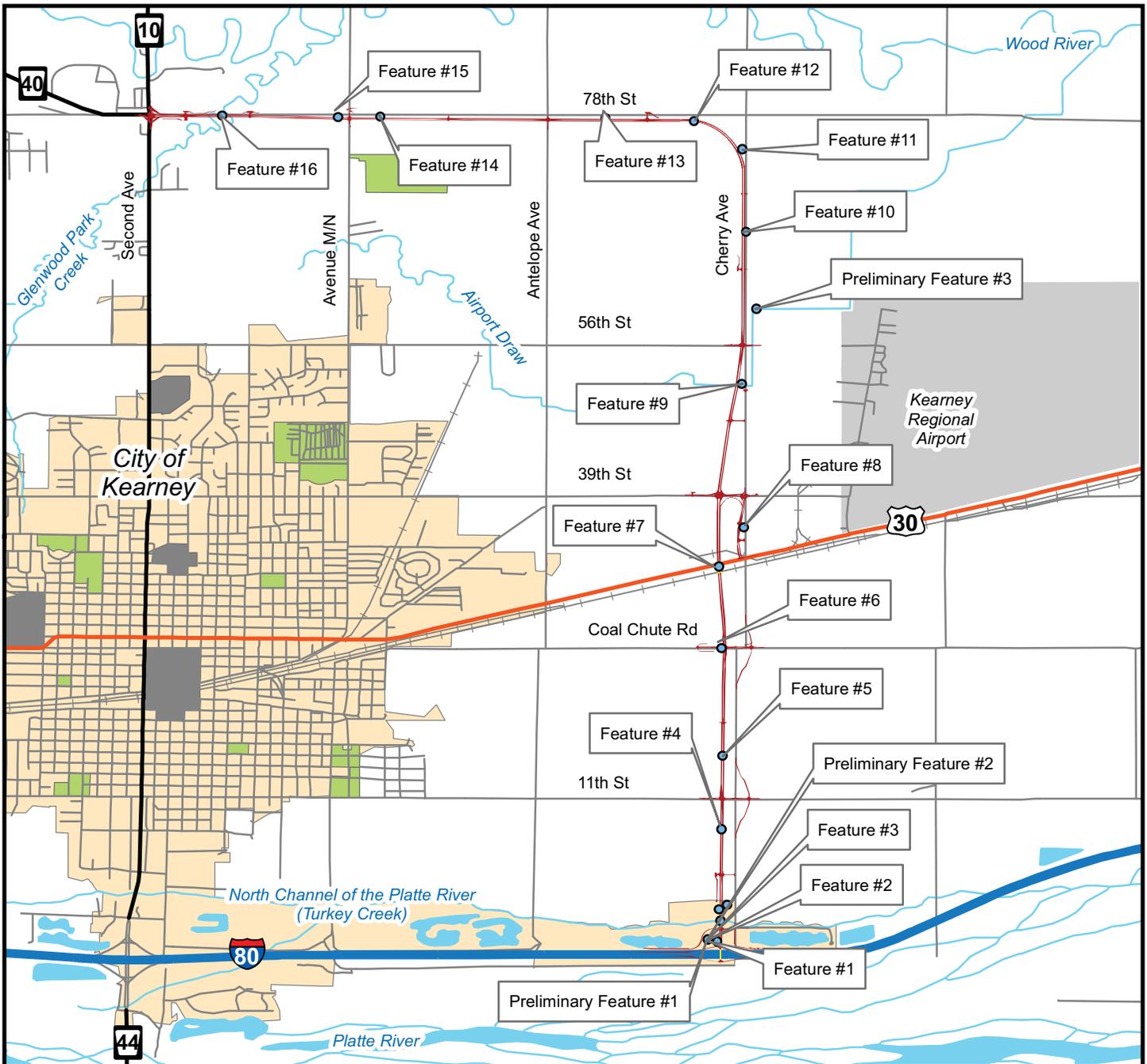
Sandpit Lake – Archway Property

Sandpit Lake – Wastewater Treatment Plant

Irrigation Reuse Pit – 11th Street / Cherry Avenue

Impacts of the No Build Alternative

The No Build Alternative would not involve any construction activities in the study area and would not impact any wetlands or waters of the US.



LEGEND



1 inch equals 1 mile

- Wetland Location
- Proposed Structure
- Proposed Roadway
- Streams and Surface Waters
- Parks and Golf Courses
- Interstate Highway
- US Highway
- State and County Highways
- Local Streets
- Railroad

**FIGURE 3.10
WETLAND LOCATIONS**



*East Interchange & Bypass Environmental Assessment Kearney, Nebraska
Project No: S-10(51), CN-42103*

Impacts of the Build Alternative

The estimated impacted wetland areas for the Build Alternative are included in **Table 3.5**. The numbers presented here increased slightly over those presented in **Table 2.5** because of refinements to the footprint of the Build Alternative, particularly around intersections, that occurred after the Cherry Avenue alignment was identified as the Preferred Alternative. NDOR will continue to look for opportunities to minimize wetland impacts during final design.

Table 3.5: Wetland and Open Water Impacts for the Build Alternative

Feature ID	Description	Wetland Area Impact (acres)	Open Water Impact (acres)
Feature 1	Manmade wetland/open water area with fringe wetlands	0.46	0.56
Feature 2	North Channel Platte River and riparian wetlands	0.14	0.00
Feature 3*	Open water with fringe wetlands	0.19	2.02
Feature 4	Irrigation reuse pit	0.00	2.48
Feature 5	Wetland swale	0.04	0.00
Feature 7	Road ditch	0.33	0.00
Feature 8	Road ditch	0.15	0.00
Feature 9	Irrigation ditch	0.49	0.00
Feature 10	Road ditch	0.33	0.00
Features 10, 11, 12	Wetland swale/road ditch/open water	3.42	0.21
Feature 15	Road ditch	0.31	0.00
Feature 16	Glenwood Park Creek, riparian wetlands, and oxbow	0.07	0.00
Feature 1A	North Platte channel and riparian wetlands	0.07	0.87
Preliminary Feature 1	Sand borrow pit	0.07	0.42
TOTAL		6.06	6.56

* Feature 3 acreages were determined by measurements on Google Earth 2010.

The extension of First Street to Cherry Avenue, construction of the interchange, and construction of the bypass would impact 6.06 acres of wetlands and an additional 6.56 acres of open water. The impacts include 0.14 acres of the North Channel of the Platte River and 0.14 acres of sandpit lakes.

Impacts to the North Channel of the Platte River were minimized with the bridge design. Preliminary analysis indicates a three span bridge would be required to cross the channel without use of causeways for construction, with piers to be placed outside of the ordinary high water elevation of the channel. BMPs would be implemented to control erosion or sedimentation within the immediate segment of the channel that would be potentially affected. Despite these efforts, the bridge would impact the wetlands located on the banks of the North Channel of the Platte River. NDOR has coordinated with USACE and a Pre-Jurisdictional Determination (JD) has been completed.

Other constraints within the corridor such as residences and platted land prevented full avoidance of impacts to wetlands. Avoidance of the wetlands was attempted by adding curves to the horizontal alignment, or by spanning the wetland sites with bridges. However, these options were not practical due to increased property impacts, the creation of an unfavorable curvilinear alignment, and additional bridge structures, resulting in project cost increases.

Mitigation

- NDOR will comply with the requirements of Section 404 of the Clean Water Act and will obtain a Section 404 permit from the USACE. An individual permit is likely required, but the specific type of permit required for the project will be determined as part of the joint review process with USACE during final design.
- NDOR will comply with the requirements of the Section 404 permit to mitigate for wetland losses caused by the Build Alternative. Impacts are within the geographic service area of the NDOR Morman Island wetland bank site. Specific locations and mitigation ratios will be determined in coordination with the USACE during final design.

3.9 WILDLIFE, VEGETATION, AND INVASIVE SPECIES

The ecology of the study area varies widely between a small area near the I-80 interchange and the remainder of the corridor. The south end contains open water and riparian habitat that provides more diverse sources of food, cover and movement corridors than the cultivated, irrigated agricultural fields to the north.

3.9.1 Wildlife

Wildlife expected to be present in the study area include large and small mammals; raptors, waterfowl, and songbirds; fish, reptiles, and amphibians. Mammals likely to be found throughout the study area include white-tailed deer (*Odocoileus virginianus*), coyote (*Canis latrans*), cottontail rabbit (*Sylvilagus floridanus*), raccoon (*Procyon lotor*), and muskrat (*Ondatra zibethica*).

Birds of prey such as bald eagles (*Haliaeetus leucocephalus*) and red-tailed hawks (*Buteo jamaicensis*) utilize the area for feeding and roosting. Waterfowl such as mallards (*Anas platyrhynchos*), Canada geese (*Branta canadensis*), and sandhill crane (*Grus canadensis*) are found along the Platte River and water-filled sandpits. Numerous species of songbirds would be expected to occupy the study area, including American robins (*Turdus migratorius*), sparrows (*Spizella* spp.), northern cardinals (*Cardinalis cardinalis*), and blue jays (*Cyanocitta cristata*).

The Platte River and its North Channel, and the sandpit lakes provide habitat for fish, amphibians, and reptiles in the far south end of the study area. Fish likely to be found here include about 50 species of fish, including typical warm water game and nongame species such as catfish (*Ameiurus* spp.), bluegill and sunfish (*Lepomis* spp.), crappie (*Pomoxis* spp.), largemouth bass (*Micropterus salmonoides*), shiners (*Notropis* spp.), and various minnows (Chadwick et al., 1997).

More than 40 species of amphibians and reptiles, could be found in the study area, including bullfrogs (*Rana catesbiana*), chorus frogs (*Pseudacris* spp.), northern leopard frogs (*Rana pipiens*), toads (*Bufo* spp.), and salamanders. Several species of reptiles would be expected to inhabit the study area, including bullsnakes (*Pituophis melanoleucus sayi*), garter snakes (*Thamnophis* spp.), ornate box turtles (*Terrapene ornata ornata*), snapping turtles (*Chelydra serpentina*), fence lizards (*Sceloporus* spp.), and six-lined racerunners (*Cnemidophorus sexlineatus*) (USGS, 2002).

Impacts of the No Build Alternative

City-sponsored roadway paving and construction projects would occur primarily in developed areas and would not have a great effect on wildlife.

Impacts of the Build Alternative

The Build Alternative would remove or fragment some habitat near the North Channel of the Platte River. This habitat is adjacent to I-80 in an area previously disturbed by transportation, gravel mining, construction, agriculture, and other human activities. This loss of habitat would be adverse but minor and may cause limited displacement or mortality of individual wildlife but not entire populations. **Section 3.10** includes the analysis of threatened and endangered species and migratory birds.

Mitigation

- No mitigation is required or proposed.

3.9.2 Vegetation

Vegetation in most of the study area is dominated by agricultural row crops, principally corn and soybeans. Vegetation along the North Channel of the Platte River is associated with sandy soils or waste areas and includes European brome (*Bromus inermis*), dropseed grass (*Sporobolus asper*), yellow foxtail (*Setaria glauca*), snake cotton (*Froelichia floridana*), ragweed (*Ambrosia sp.*), common sunflower (*Helianthus annuus*), rosin-weed (*Grindelia squarrosa*), and hemp (*Cannabis sativa*). Wetland vegetation along the North Channel of the Platte River and sandpit lakes includes sedges (*Carex spp.*), cattails (*Typha spp.*), and cottonwoods (*Populus spp.*). Vegetation throughout the rest of the study area consists of grassy roadside ditches and farmsteads with lawns and tree landscaping. These species may include a mixture of little bluestem (*Schizachyrium scoparium*), Indian grass (*Sorghastrum nutans*), European brome, yellow foxtail, hoary vervain (*Verbena stricta*), western ragweed, and fetid marigold (*Dyssodia papposa*).

Impacts of the No Build Alternative

City-sponsored roadway paving and construction projects would occur primarily in developed areas and would not have a significant effect on vegetation.

Impacts of the Build Alternative

The Build Alternative would remove existing vegetation along the route of the proposed bypass throughout the study area. Most of this vegetation is cultivated, irrigated agricultural fields, with some riparian areas along the North Channel of the Platte River. Impact to vegetation would be adverse but insignificant. Potential impacts to wetlands are described in **Section 3.8**.

Mitigation

- No mitigation is required or proposed.

Standard Specifications

- Standard Specification 202.01(4)(d) – Clearing and Grubbing – Description – Trash, dead trees and vegetation in the ROW limits and beyond the limits of construction shall be disposed of by the contractor.
- Standard Specification 107.01(6) Amended A-43-0210 – Legal Relations and Responsibility to the Public – Laws to be Observed.
- Standard Specification 803.03 – Seeding – Construction Methods.
- Standard Specification 805.00 – Mulch.
- Standard Specification 806.02(4)(c) – Sodding – Material Requirements.

3.9.3 Invasive Species

Executive Order 13112 directs federal agencies to control the introduction and spread of invasive species. Non-native flora and fauna can cause substantial changes to ecosystems, upset the ecological balance, and cause economic harm to agricultural and recreational resources. Federal agencies cannot authorize, fund, or carry out actions that are likely to cause or promote the introduction or spread of invasive species in the United States or elsewhere unless all reasonable measures to minimize risk of harm have been analyzed and considered. Complying with the Executive Order means Federal-aid funds cannot be used for construction, re-vegetation, or landscaping activities purposely including the use of known invasive plant species.

The NDOR *Plan for the Roadside Environment* identifies invasive species found throughout the state (available online <http://www.nebraskatransportation.org/environment/roadside-plan.html>). In the study area, several invasive species are known to exist: brome grass (*Bromus* spp.), Canada thistle (*Cirsium arvense*), leafy spurge (*Euphorbia esula*), red cedar (*Juniperus virginiana*), tamarix, and Reed's canary grass (*Phalaris arundinacea*).

Impacts of the No Build Alternative

City-sponsored roadway paving and construction projects could introduce invasive species during construction and re-vegetation, if not managed properly.

Impacts of the Build Alternative

The Build Alternative has the potential to spread or introduce invasive species to the study area due to construction activities and revegetation of disturbed soils following construction. Given the importance of agriculture in Buffalo County, mitigation measures will be implemented to minimize this impact.

Mitigation

- NDOR will develop a seed mix to include native plant species during final design to be included in the project Specifications and used by the contractor on disturbed areas after construction.
- The contractor will prevent transfer of invasive plant and animal species. The contractor will wash equipment at the contractor's storage facility prior to entering the construction site. The contractor will inspect all construction equipment and remove all attached vegetation and animals prior to leaving the construction site.
- Appropriate mulching materials will be applied and will not include brome hay. If sod is required to be applied to the Build Alternative, it will be free from all weeds, including noxious weeds.

Standard Specifications

- Standard Specification 202.01(4)(d) – Clearing and Grubbing – Description – Trash, dead trees and vegetation in the ROW limits and beyond the limits of construction shall be disposed of by the contractor.
- Standard Specification 107.01(6) Amended A-43-0210 – Legal Relations and Responsibility to the Public – Laws to be Observed.
- Standard Specification 803.03 – Seeding – Construction Methods.
- Standard Specification 805.00 – Mulch.
- Standard Specification 806.02(4)(c) – Sodding – Material Requirements.

3.10 THREATENED AND ENDANGERED SPECIES AND MIGRATORY BIRDS

Habitat for threatened and endangered species and migratory birds is present near the study area. Federally listed threatened and endangered species are protected under the Endangered Species Act (ESA). The ESA requires federal agencies to ensure that actions which they authorize, fund, or carry out are not likely to harm protected, threatened or endangered species, or result in the destruction or adverse modification of their critical habitat. State-listed threatened and endangered species are protected under the Nebraska Nongame and Endangered Species Conservation Act, which is administered by the NGPC. The majority of bird species are protected under the Migratory Bird Treaty Act, with only a few non-native species, such as the European starling (*Sturnus vulgaris*), being excluded from protection. The Migratory Bird Treaty Act makes it illegal to collect, possess, and by any means transfer possession of any migratory bird nest. Statutes other than the Migratory Bird Treaty Act, such as the Bald and Golden Eagle Protection Act, legally protect some unoccupied nests, including nests of threatened and endangered bird species and raptor nests under some circumstances.

3.10.1 Threatened and Endangered Species

The USFWS and the NGPC were consulted to obtain information on federal- and state-listed threatened and endangered species that have the potential to occur in Buffalo County. In letters dated May 2002, included in **Appendix B – Final EA Correspondence**, the agencies indicated that the state and federally listed species shown below have the potential to occur in Buffalo County. NDOR submitted a Biological Assessment to the USFWS and NGPC in October 2008.

Federal- and state-listed:

- Whooping crane (*Grus americana*) – Federal endangered, state endangered.
- Western prairie fringed orchid (*Platanthera praeclara*) – Federal threatened, state threatened.
- Least tern (*Sterna antillarum*) – Federal endangered, state endangered.
- Piping plover (*Charadrius melodus*) – Federal threatened, state threatened.
- Pallid sturgeon (*Scaphirhynchus albus*) – Federal threatened, state threatened.
- River otter (*Lontra canadensis*) – state threatened.
- Small white lady's slipper (*Cyrripedium candidum*) – state threatened.

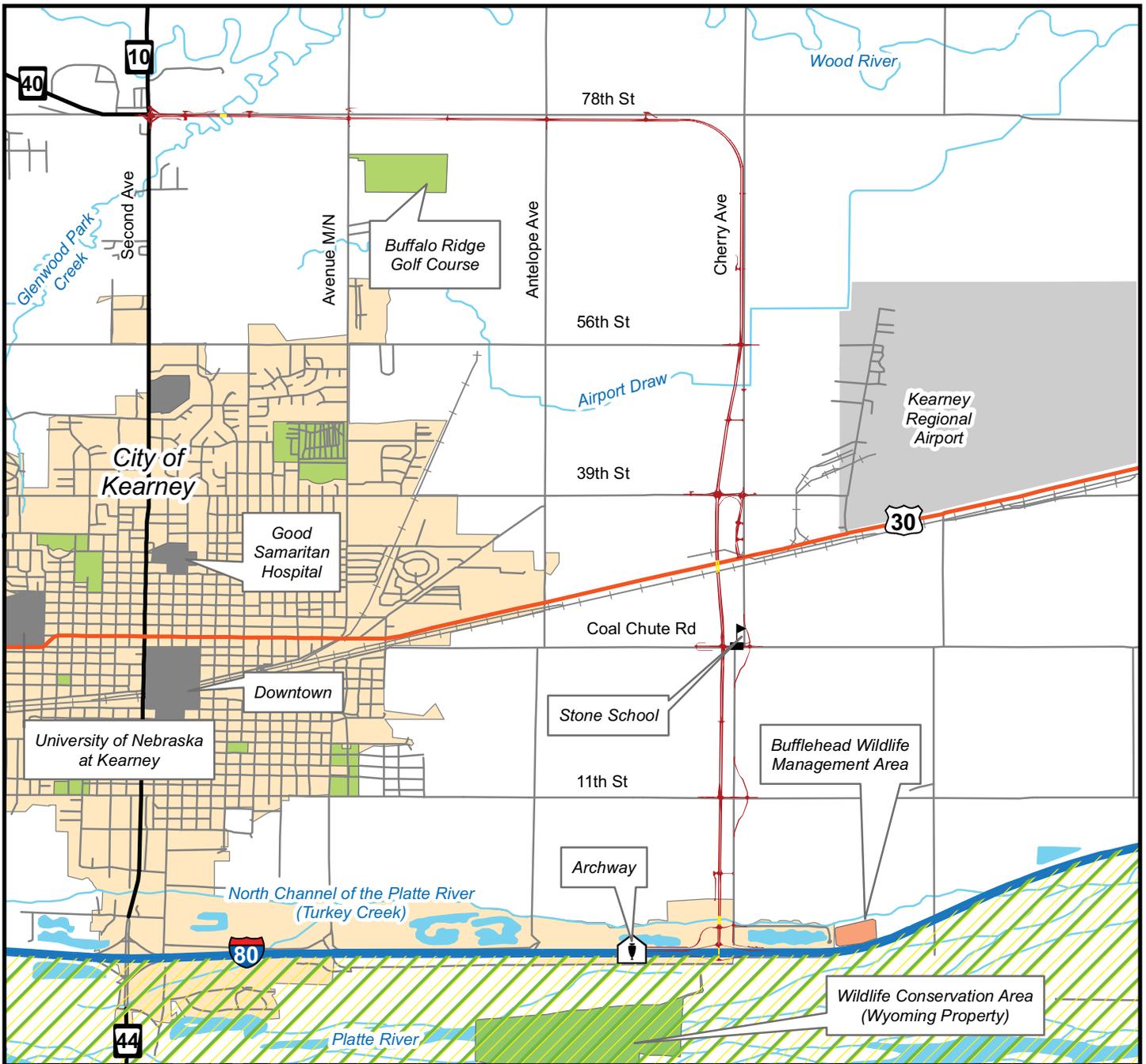
Whooping Crane

Whooping cranes were listed as endangered in 1967. Whooping cranes use shallow, sparsely vegetated streams and wetlands in which to feed and roost during migration. The peak migration seasons in Nebraska are from approximately March 23 through May 10, and from October 1 through November 16. They are very sensitive to human activity and other disturbances, and typically are not found near residences or along county roads with moderate to high traffic volumes.

Whooping crane critical habitat in Nebraska is a 54-mile long by 3-mile-wide reach of the Platte River located south of I-80 from Lexington to near the Buffalo-Hall County line (**Figure 3.11**). A wildlife conservation area owned by the State of Wyoming (also known as the Wyoming property) and managed by USFWS is located near the study area within the identified critical habitat. Habitat is provided for whooping cranes, sandhill cranes, least terns, piping plovers, and waterfowl.

Western Prairie Fringed Orchid

The western prairie fringed orchid was listed as threatened in 1989. It is an inhabitant of tallgrass or sub-irrigated sand prairies. In Nebraska, the western prairie fringed orchid is found in the eastern two-thirds of the state, from the Missouri River west to Cherry and Keith Counties. These plants were once common; however, population numbers have now decreased to around 900 plants in Nebraska. Although



LEGEND



1 inch equals 1 mile

- | | | | |
|---|---------------------------------|---|---------------------------|
|  | Proposed Structure |  | Interstate Highway |
|  | Proposed Roadway |  | US Highway |
|  | Streams and Surface Waters |  | State and County Highways |
|  | Whooping Crane Critical Habitat |  | Local Streets |
|  | Parks and Golf Courses |  | Railroad |

**FIGURE 3.11
WILDLIFE AREAS**



East Interchange & Bypass Environmental Assessment Kearney, Nebraska
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critical habitat has not been designated for the western prairie fringed orchid, potential habitat has been identified along the Platte River floodplain from Kearney to Omaha (USFWS, 1996).

The study area does not include tallgrass prairie, wet meadow, or common prairie plants (e.g., sedges, reedgrass, rushes, big bluestem, little bluestem, and switchgrass), and crop irrigation, plowed fields, and the use of pesticides limit orchid habitat. No populations are known to occur in the study area and the only records of western prairie fringed orchid within 5 miles are historic.

Least Tern

The least tern (interior population) was listed as endangered in 1985. The least tern nests on unvegetated or sparsely vegetated sandbars in the Platte River, along lake and reservoir shorelines, and on unvegetated waste sand piles associated with active or recently abandoned gravel mining operations. They use adjacent shallow water to forage for small fish. The nesting period for the least tern is from April 15 through August 15. No populations are known to occur in the study area and the only records of least terns are more than 2 miles away.

Piping Plover

The piping plover was listed as endangered for several states, and threatened for all remaining states including Nebraska, in 1985. The piping plover nests on unvegetated or sparsely vegetated sandbars in the Platte River, along lakes and reservoir shorelines, and on unvegetated waste sand piles associated with active or recently abandoned gravel mining operations. Piping plovers forage for invertebrates on exposed beach substrates. The nesting period for the piping plover is from April 15 through August 15. No populations are known to occur in the study area and the only records of piping plovers are more than two miles away.

Pallid Sturgeon

The pallid sturgeon was officially listed as an endangered species on September 6, 1990. This fish is found in the lower Platte and Missouri rivers, where its preferred habitat is submerged sand flats and gravel bars. The USFWS has expressed concern regarding the potential of flow depletions in the Platte River system having an adverse effect on pallid sturgeon habitat in the lower Platte River.

River Otter

The river otter was designated as an endangered species by Nebraska in 1986. Unregulated trapping in the early 1900s was a key factor leading to the complete disappearance of otters from Nebraska. Between August 1986 and March 1991, releases were completed at seven sites, including the Platte River near Kearney and the North Platte River above Lake McConaughy.

River otters are quite adaptable, utilizing a variety of habitat types. Although they frequent lakes and ponds, they typically live in marshes and along wooded rivers and streams with sloughs and backwater areas. River otters require large territories, occupying 50 or more miles of stream course throughout a year. Otters live in dens in the ground most of the year. Brush piles, root areas under large trees, and similar sites are also used as temporary homes. Fish make up the greatest portion of the otter's diet. Detrimental human actions include habitat destruction and the introduction of pesticides and pollutants into the food chain. The study area is approximately 4 miles from the nearest record for river otter.

Small White Lady's Slipper

The small white lady's slipper is a threatened species in Nebraska. This plant prefers rich moist prairies and is found in wet meadow and wet-mesic tallgrass prairie. The decline of this species can be attributed in part to agricultural activities, invasive species, and reduced groundwater levels. No populations of small white lady's slipper are known to occur in the study area and the only records within 5 miles are historic.

Impacts of the No Build Alternative

City-sponsored roadway paving and construction projects would occur primarily in developed areas that do not contain federal or state listed species or their habitat, and no impacts would occur.

Impacts of the Build Alternative

Whooping Crane

Under the Build Alternative, the proposed I-80 interchange would directly impact approximately 1 acre of critical habitat for whooping cranes, and be adjacent to designated critical habitat along the Platte River south of I-80.

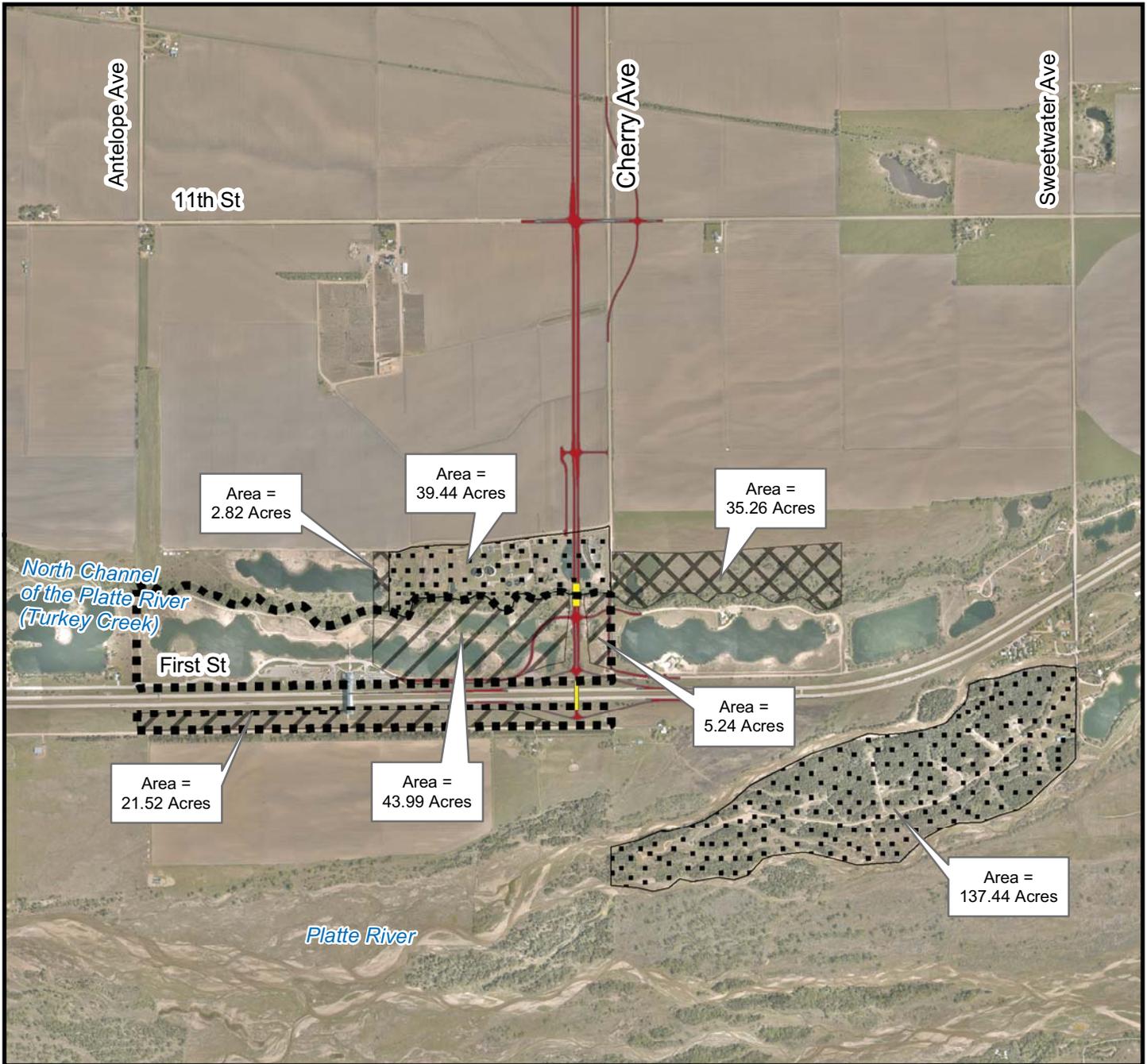
The USFWS expressed concern to NDOR that an increase in human activity within the study area would impact the whooping crane and its critical habitat; see letter in **Appendix B – Final EA Correspondence**. The USFWS noted future development under the Build Alternative could increase sources of light (e.g., advertising, vehicle lights); increase noise levels (e.g., acceleration and deceleration of vehicles entering and exiting I-80); increase human activity (e.g., project construction, foot traffic, vehicles traveling on access roads and parking lots, etc.); and cause water depletions to the Platte River. To prevent these impacts, NDOR has included several design modifications to the Build Alternative, including:

- A 60-inch barrier will be constructed on the south side of the I-80 interchange to shield vehicle lights from disturbing whooping cranes occupying critical habitat along the Platte River.
- Lights at the I-80 interchange will be low-mast sodium vapor lighting to minimize disturbing whooping cranes occupying critical habitat along the Platte River.
- NDOR will obtain conservation easements near the I-80 interchange to restrict development that could affect the whooping crane. **Figure 3.12** shows the approximate locations of conservation easements, which will be managed and administered by NDOR. NDOR has coordinated with property owners and will obtain the conservation easements during ROW acquisition. These conservation easements would include the following development restrictions:
 - Construction of access roads to commercial and industrial developments, except the extension of 1st Street North to Cherry Avenue.
 - Mining or extraction of sand, gravel, or other minerals.
 - Establishing public or private firearms ranges.
 - Lighting, signage, and permitted uses or limits on seasonal activities.

Coordination has occurred between FHWA, NDOR, USFWS, and NGPC to modify the Build Alternative design and develop mitigation measures to address the agencies' concerns. With the inclusion of these design modifications (which are reflected in the description of the Build Alternative in Section 2 and also listed above) and other mitigation measures listed below, the USFWS has concluded the Build Alternative may affect but is not likely to adversely affect whooping cranes or its habitat.

Western Prairie Fringed Orchid

Although no populations are known in the study area, depletions to the Platte River could adversely affect this species downstream. However, with mitigation measures to address potential depletions to the Platte River, the western prairie fringed orchid will not be adversely impacted by the Build Alternative. Impacts and mitigation pertaining to depletions to the Platte River are discussed in more detail in Section 3.7.3. It has been determined that the project would have no effect to this species or its habitat.



LEGEND



1 inch equals 0.33 miles

-  Proposed Structure
-  Proposed Roadway
-  GPRR Archway Monument Property
-  Private Property Conservation Easement Area (Total = 38.08 Acres)
-  Archway Property Conservation Easement Area (Total = 70.75 Acres)
-  City of Kearney Conservation Easement Area (Total = 176.88 Acres)

FIGURE 3.12
PROPOSED CONSERVATION EASEMENT LOCATIONS



East Interchange & Bypass Environmental Assessment Kearney, Nebraska
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Least Tern

The Build Alternative could fragment low quality habitat in the south end of the study area. Depletions to the Platte River could adversely affect this species downstream of the study area. However, with mitigation measures to address potential depletions to the Platte River, the least tern (interior population) will not be impacted by the Build Alternative. Impacts and mitigation pertaining to depletions to the Platte River are discussed in more detail in Section 3.7.3. It has been determined that the project would have no effect to this species or its habitat.

Piping Plover

The Build Alternative could fragment low quality habitat in the south end of the study area. Depletions to the Platte River could have an adverse effect on this species downstream of the study area. However, with mitigation measures to address potential depletions to the Platte River, the piping plover will not be impacted by the Build Alternative. Impacts and mitigation on depletions to the Platte River are discussed in more detail in Section 3.7.3. It has been determined that the project would have no effect to this species or its habitat.

Pallid Sturgeon

Pallid Sturgeon records do not occur within five miles of the Build Alternative. The possibility exists that depletions to the Platte River could have an adverse effect on this specie; please refer to Section 3.7.3 Platte River Depletions for measures to mitigate these impacts. The project will be constructed in compliance with requirements of the Platte River Flow depletions regulation; accordingly USFWS has determined that the project will have no affect on this species. The Build Alternative includes the bridge over the North Channel of the Platte River which would be a three span bridge with piers to be placed outside of the ordinary high water elevation of the channel. It is anticipated at this time that the construction of the bridge would not require any alteration of the channel flow.

River Otter

The Build Alternative could remove or fragment river otter habitat in the south end of the study area near the North Channel of the Platte River. The Build Alternative is not expected to affect the river otter or its habitat following implementation of mitigation measures described below. A river otter survey shall be completed as outlined in the Nebraska Game and Parks Commission "River Otter Survey Protocol". It has been determined that the project would have no effect to this species or its habitat.

Small White Lady's Slipper

Due to the lack of habitat for small white lady's slipper in the study area, the Build Alternative would have no effect to this species or its habitat.

Mitigation

General Conservation Conditions (Responsible Party in Parenthesis)

- All permanent seeding and landscaping shall use species and composition native to project vicinity as shown in the Plan for the Roadside Environment (NDOR Environmental, District Construction).
- If species surveys are required for this project, results will be sent by NDOR to the USFWS, NGPC, and if applicable USACE. FHWA will be copied on submittals (NDOR Environmental, District Construction).
- 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).
- 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).

- Conservation conditions are to be fully implemented within the project boundaries as shown on the plans (District Construction, Contractor).
- The following project activities shall, to the extent possible, be restricted to 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. Any project related activities that occur outside of these areas must be environmentally cleared/permitted with the USFWS and NGPC 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 will not adversely affect state and/or federally listed species or designated critical habitat (NDOR Environmental, District Construction, Contractor).
- 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).
- 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).
- 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).
- Refueling will be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field (Contractor).
- If a survey, Natural Heritage Database, or other source identifies an occurrence within 1.0 mile of the project, since the year 1975, indirect effects of the activity will be analyzed. Indirect effects may include but are not limited to hydrologic changes (ditching, diking, etc.). If any indirect effects are identified that are not captured elsewhere in the Matrix, then May Affect (NDOR Environmental).

Whooping Crane

- Conservation Easements will be acquired prior to the award of the Build Alternative.
- The contractor will limit all construction activities in the immediate area of the proposed I-80 interchange and for a distance of 0.5 mile north from I-80 along the Project to occur between 1 hour after sunrise to 1 hour before sunset from February 13 through May 16, and from October 1 through November 16. The USFWS will notify NDOR when all whooping cranes have migrated through the Central Flyway, thus suspending this timing restriction until the next migration season begins.
- Low mast/down-shielded, sodium vapor lighting will be used at the I-80 interchange as part of the Build Alternative.
- NDOR will construct a wall at the top of the slope to block headlights from shining onto the Platte River south of the I-80 interchange as part of the Build Alternative.

- For activities in the range of the Whooping Crane, nighttime work with lights from March 10 through May 10 and September 15 through November 15th is prohibited. If nighttime work is required, request for approval should be initiated with NDOR Environmental Section at least 10 days prior to construction so consultation with USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required. (NDOR Environmental, District Construction, Contractor)

Western Prairie Fringed Orchid

- No mitigation is required or proposed.

Least Tern

- No mitigation is required or proposed.

Piping Plover

- No mitigation is required or proposed.

Pallid Sturgeon

- No mitigation is required or proposed.

River Otter

- NDOR will utilize a qualified biologist to conduct a river otter survey along the Platte River and the North Channel of the Platte River no more than 10 days prior to construction following NGPC's "River Otter Survey Protocol". If active den sites are found, NDOR Environmental Section will notify District Construction and will consult with USFWS, NGPC, and FHWA. If species are present District Construction will notify the contractor to stop work within 0.25 mile of the active den, and construction will not resume prior to their approval.

Small White Lady's Slipper

- No mitigation is required or proposed.

Standard Specifications

- Standard Specification 107.01 – Legal Relations and Responsibility to the Public – Laws to be Observed.
- Special Provision – Environmental Commitment Document (B-3-0509).

3.10.2 Migratory Birds

Migratory birds nest in the study area in riparian habitat, along roadsides and rural residential yards, and on structures such as bridges and buildings. The primary season for most migratory bird nesting activity in Nebraska is from April 1 to July 15.

Impacts of the No Build Alternative

City-sponsored roadway paving and construction projects would occur primarily in developed areas. However, migratory birds likely do nest throughout the City but would not be affected by proposed improvements.

Impacts of the Build Alternative

Migratory birds could be affected during construction activities if active nests are damaged or destroyed, or if nearby activities cause nests to be abandoned. However, no long term impacts are anticipated to these species from the Build Alternative.

Mitigation

- Tree and brush cutting will be conducted outside of restricted timeframes unless surveys are performed prior to tree removal within restricted timeframes and areas are clear of nesting birds.

Standard Specifications

- Standard Specification 107.01 – Legal Relations and Responsibility to the Public – Laws to be Observed.
- Special Provision – Environmental Commitment Document (B-3-0509).

3.10.3 Bald and Golden Eagle

Bald eagles are protected by the Bald and Golden Eagle Protection Act and the Migratory Treaty Act. Bald eagles migrate statewide and utilize mature riparian timber near streams, lakes, and wetlands. Migrant and wintering bald eagles are known to occur along the Platte River immediately south of the project area. The primary bald eagle migration and wintering period is mid-November to early April.

Impacts of the No Build Alternative

City-sponsored roadway paving and construction projects would occur primarily in developed areas. However, bald and golden eagles likely do not nest throughout the City and would not be affected by proposed improvements.

Impacts of the Build Alternative

The areas north of I-80 disturbed by the Build Alternatives do not contain suitable roosting or foraging habitat for bald and golden eagle. No long-term adverse impacts are anticipated to these species from the Project. The area to be disturbed by the Build Alternative does not contain mature cottonwoods desired by bald and golden eagles. Tree removal from past and current activities in the project area has modified the habitat of bald and golden eagles and migratory birds.

Mitigation

- A bald eagle nest survey will be conducted in accordance with NGPC “Bald Eagle Survey Protocol”, before construction begins at the new interchange location. NDOR will conduct the survey. If the survey identifies nest(s) are present within 0.5 mile of the Project, NDOR will notify USFWS, NGPC, and FHWA, and construction will not resume prior to their approval.

Standard Specifications

- Standard Specification 107.01 – Legal Relations and Responsibility to the Public – Laws to be Observed.
- Special Provision – Environmental Commitment Document (B-3-0509).

3.11 HAZARDOUS MATERIALS

Hazardous materials are defined as substances that, because of their quantity, concentration, or physical, chemical, or infectious characteristics, may present a substantial danger to public health or the environment if released. Solid wastes are designated as hazardous if they are corrosive, ignitable, explosive, chemically reactive, or toxic, as defined in 40 CFR 261 Subpart C. Hazardous materials are regulated by the EPA and other federal and state agencies under the Toxic Substances Control Act; the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); the Resource Conservation and Recovery Act (RCRA); the Superfund Amendments and Reauthorization Act; and the Emergency Planning and Community Right-to-Know Act. RCRA gives EPA the authority to control hazardous waste from the "cradle-to-grave". This includes the generation, transportation, treatment, storage, and disposal of hazardous waste. RCRA also set forth a framework for the management of

non-hazardous solid wastes. The 1986 amendments to RCRA enabled EPA to address environmental problems that could result from underground tanks storing petroleum and other hazardous substances. Hazardous wastes are also regulated under Nebraska Administrative Code Title 128, Nebraska Hazardous Waste Regulations (NDEQ, 2007).

Nebraska Administrative Code Title 178, Environmental Health, Chapter 23, Lead-Based Paint Activities, governs the removal of lead-based paint from structures (Nebraska Department of Health and Human Services, 2005). Nebraska Administrative Code Title 178, Chapter 22, Asbestos Projects, governs the removal of asbestos from structures (Nebraska Department of Health and Human Services, 2009).

Environmental Data Resources, Inc. (EDR) reports, which include information from 70 federal, state, and tribal databases, were obtained to identify sites/facilities with hazardous materials within a 1-mile radius of the Build Alternative. The 1-mile search distance meets or exceeds the search distance for the nationally recognized Environmental Site Assessment Standard, ASTM 1527-05. Individual facilities identified in the EDR searches may be identified in more than one database. Given the “L” shape of the Build Alternative, separate searches were conducted for Cherry Avenue and 78th Street; these are in **Appendix K – Hazardous Materials**.

A site with insufficient address information is defined by EDR as an Orphan Site. The Orphan Sites Summary in each EDR report was reviewed to determine potential impact from Orphan Site locations. Pertinent information regarding Orphan Sites is provided in **Appendix K – Hazardous Materials**.

Additional information regarding reported releases and Orphan Sites was obtained from searches of online agency databases and EDR Site Reports (**Appendix K – Hazardous Materials**).

Databases containing entries and identifying known releases to the soil and groundwater are discussed briefly below:

Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) - is a federal database that contains information on potentially hazardous waste sites that have been reported to the EPA from a variety of sources. CERCLIS contains sites that are either proposed or on the National Priority List (NPL) and sites that are in the screening and assessment phase for possible inclusion on the NPL.

Corrective Action Report (CORRACTS) - is a federal database compilation of hazardous waste handlers with RCRA corrective action activities ordered by state or federal agencies.

Emergency Response Notification System (ERNS) - is a federal database that records and stores information on reported releases of oil and hazardous substances.

Leaking Underground Storage Tank (LUST) - incident reports are maintained by the NDEQ. LUST records contain an inventory of reported LUST incidents.

US CDL – This is a federal database of clandestine drug lab locations. It contains records of location where chemicals or other items were found indicating the presence of clandestine drug laboratories or dumpsites.

Site with Engineering Controls Sites List (US Eng Controls) - is a listing of sites with engineering controls in place. These include various forms of caps, building foundations, liners and treatment methods to prevent regulated substances from entering either the environmental media or effect public health.

State Hazardous Waste Sites (SHWS) - is a database maintained by NDEQ that tracks hazardous waste generators and hazardous waste Transportation, Storage and Disposal facilities.

Underground Injection Control (UIC) - is a state database containing the locations of underground injection wells. The UIC Program is responsible for regulating the construction, operation, permitting and closure of injection wells placing fluids underground for storage or disposal.

Nebraska Surface Spill List (SPILLS) - is the state database maintaining records of surface spills of hazardous materials.

No Further Action (NFA) and No Further Remedial Action Planned (NFRAP) status is provided to releases that have been investigated and, if necessary, remediated to the satisfaction of the responsible regulatory agency.

Information was also obtained from local representatives, environmental agency officials and representatives of responsible parties. The City of Kearney Utilities Department was contacted on April 2, 2009, and May 17, 2010, to obtain information on the locations of former landfills near Kearney that are listed in the EDR report but had insufficient address information. In addition, web-based address searches and telephone calls to Northgate Veterinary Clinic and Kearney U.S. Post Office were conducted to identify Orphan Sites. Records of conversation are in **Appendix K – Hazardous Materials**.

Most of the study area has been used for agricultural purposes with commercial and residential activities scattered along the Build Alternative, particularly near US 30 and 39th Street (**Appendix K – Hazardous Materials**). It is unlikely unreported releases of hazardous materials at sites in the project's rural areas would be encountered.

Field observations were conducted according to American Society for Testing Materials (ASTM) Standards E 1527-05 along the Build Alternative on May 1, 2010. These observations were conducted to search for evidence of soil and pavement staining, abandoned drums and other environmental concerns. During the field observations, no drums or suspect containers were noted in roadside ditches, and no leaks were observed at aboveground storage tanks or drums visible from accessible areas. Minor oil stains were noted in paved and gravel parking lots. No distressed vegetation or unusual odors were noted. Photographs of representative areas and some of the facilities are included in **Appendix K – Hazardous Materials**.

Areas south of 1st Street South were not observed due to lack of access and development. Aerial photographs were reviewed for the area approximately 1 mile south of the Platte River between approximately Avenue M to Sweetwater Avenue; however, these areas would not be disturbed under the Build Alternative.

Cherry Avenue

A total of 86 entries were identified in the EDR report for Cherry Avenue.

- 71 sites were listed in “minimal concern” databases, typically registrations and permits that do not pertain to hazardous material releases.
- 3 sites were identified in the SHWS database:
 - Two sites were more than 0.5 mile from Cherry Avenue,
 - One site is Eaton Corporation for groundwater contamination. Eaton Corporation is at the northeast corner of Cherry Avenue and US 30. Hazardous wastes were generated that impacted

groundwater; a groundwater remediation system and injection well are in place. Copies of database information are in **Appendix K – Hazardous Materials**.

- 12 sites with reported releases of hazardous materials:
 - 2 LUST sites, all with NFA status.
 - 1 CERCLIS facility (Eaton Corporation). As described above.
 - 1 CORRACTS facility (Eaton Corporation). As described above.
 - 1 US Eng Controls facility (Eaton Corporation). As described above.
 - 2 ERNS releases. Both are minor releases and located more than one-half mile from Cherry Avenue.
 - 1 UIC well (Eaton Corporation). As described above.
 - 4 SPILLS releases, all of which have NFA status.

A total of 101 Orphan Sites were identified in the EDR report for Cherry Avenue. Hazardous materials releases were reported at 17 Orphan Sites, 8 of which have received NFA or NFRAP status, and 9 of which are located more than one mile from Cherry Avenue.

Two releases were reported from NPPD transformers near the Build Alternative. One release was at 4300 Cherry Avenue near the intersection with 56th Street; the other was near the northeast corner of US 30 and Cherry Avenue. Both releases were minor surface spills that were cleaned up and pose minimal concern. Both releases received NFA status.

78th Street

Two entries were identified in the EDR report for 78th Street.

- 1 LUST at the intersection of 78th Street and Second Avenue. Minor petroleum contamination was left in place following tank removal; groundwater is approximately 30 feet below ground level, and groundwater flow is to the east-northeast. This site location received NFA status in 2003. Copies of the NDEQ reports for this site are located in **Appendix K – Hazardous Materials**.
- 1 UIC well located more than one-half mile south of 78th Street.

A total of 102 entries for Orphan Sites were identified in the EDR report for 78th Street. Hazardous materials releases were reported at 26 Orphan Sites; 6 releases have NFA/NFRAP status, and 20 releases are located over one-half mile from 78th Street.

Impacts of the No Build Alternative

The No Build Alternative includes intersection improvements along the existing Second Avenue corridor. Given the distance from the Build Alternative and lack of involvement by NDOR in the No Build Alternative, hazardous materials investigation was not conducted for this corridor. Project sponsors would conduct hazardous materials investigations during their planning and design phases to determine potential impacts.

Impacts of the Build Alternative

Reported releases with NFA or NFRAP status and/or past remediation were not considered to pose a concern to the Build Alternative, nor were sites located more than one-half mile from the Build Alternative.

Under the Build Alternative, the proposed intersection of 39th Street and existing Cherry Avenue would impact the northwest corner of the Eaton Corporation property (**Figure 3.13**). According to the EPA (personal communication, Brian Mitchell, EPA Region 7 Superfund; Telephone call May 2010) and an Eaton Corporation representative (personal communication, Dan Saathoff, Environmental, Health, and

Safety Manager, Eaton Corporation, Kearney, Nebraska, Telephone call May 2010; Greg Benson, Plant Manager Eaton Corporation, Kearney, Nebraska; Telephone call March 2009), the plume of impacted groundwater is not located at the northwestern portion of the Eaton property. The Build Alternative would not impact the contaminated portion of the property.

Buildings would be demolished as part of the Build Alternative. Building materials may include asbestos-containing building materials, lead-based paint, PCB-containing fixtures, mercury-containing switches, and demolition debris.

Although appropriate research has been conducted regarding releases of hazardous materials along the Build Alternative, hazardous materials may be encountered at locations that were not reported in agency databases.

Figure 3.13: Eaton Corporation at the Northeast Corner of Highway 30 and Cherry Avenue



Mitigation

- If hazardous materials are encountered, the contractor will stop construction immediately and notify NDOR's project manager to coordinate with NDEQ (402-471-2186 or 877-253-2603 Monday to Friday 8:00 AM to 5:00 PM) for further direction before resuming construction. The contractor may be directed by NDEQ to contact the Nebraska State Patrol (402-471-4545), Kearney Fire Department Hazardous Materials Response Team (911), and/or the Buffalo County Hazardous Materials Response Team (911). After hours or on holidays, the contractor will call the Nebraska State Patrol Dispatch Center.
- If hazardous materials are spilled or released during construction, it is the responsibility of the contractor to contact NDOR's project manager to coordinate with NDEQ for further direction before resuming construction.
- The contractor will keep records of actions taken during construction related to hazardous materials.
- The contractor will survey and test any buildings, facilities and/or structures requiring demolition for the presence of asbestos-containing building materials, lead-based paint, polychlorinated biphenyl (PCB)-containing components, and mercury-containing switches prior to demolition. If asbestos-containing building materials, lead-based paint, PCB-containing components, and/or mercury-containing switches are discovered, the contractor is responsible to conduct a monitoring program to

ensure the safety of the construction workers and that demolition of the building, facility, and/or structures will comply with NDEQ Title 178, Chapter 22 and 23 requirements and other applicable local, state and federal regulations.

Standard Specifications

- Standard Specification 732.01 – Lead-Based Paint Removal – Description.
- Standard Specification 732.02 – Lead-Based Paint Removal – Material Requirements.
- Standard Specification 732.01 – Lead-Based Paint Removal – Construction Methods.
- Standard Specification 701.01 – General Requirements – Description.
- Standard Specification 203.01 – Removal of Structures and Obstructions – Description.
- Standard Specification 203.02 – Removal of Structures and Obstructions – Construction Methods.
- Standard Specification 203.03 – Removal of Structures and Obstructions – Method of Measurement.
- Standard Specification 107.01 as Amended A-43-0210 – Legal Relations and Responsibility to the Public – Laws to be Observed.
- Nebraska Administrative Code Title 178, Chapters 22 and 23 requirements.
- NDOR Standard Specifications 732.01, 732.02, and 732.03 address contractor responsibilities for removal of lead-based painted structural steel.

3.12 VISUAL RESOURCES

NEPA and CEQ regulations identify aesthetics as one of the elements or factors in the human environment that must be considered in determining the effects of a project. Visual resources are those physical features that make up the visible landscape, including land, water, vegetative and man-made elements (FHWA, 1986).

The Cherry Avenue alignment consists of a graveled road running along agricultural fields. Topography is relatively flat, and development is limited to scattered rural residences and some industrial development, particularly in the area near US 30. Portions of the 78th Street alignment are paved, but most of the roadway is gravel surfaced; this area is also surrounded by agricultural fields with some commercial and residential development near the end of the alignment at N-10/N-40. Notable features visible from the Build Alternative include two rivers, school, golf course, and the Archway. The North Channel of the Platte River (Turkey Creek) runs west to east along the southern limits of the Build Alternative, near the proposed interchange with I-80. Another river, the Wood River, parallels 78th Street north of the Build Alternative alignment. An elementary school is located near the intersection of Cherry Avenue and Coal Chute Road along the Build Alternative route (**Figure 3.14**), and the Buffalo Ridge Golf Course is located on the east side of Avenue N, approximately ¼ mile south of 78th Street. The Archway is located along I-80, approximately 2.5 miles east of the Second Avenue interchange (**Figure 3.15**). The Archway is an 8-story high steel frame with a log and stone façade that spans I-80 (**Figure 3.15**). The Archway is a prominent feature for both eastbound and westbound travelers along I-80, although views are more pronounced for eastbound travelers because the road is straight, where a roadway curve in the westbound direction limits the distance from which the arch is visible. The Archway is situated roughly 0.4 mile west of the proposed Cherry Avenue interchange. Downtown development limits the view of the arch from locations in the city outside its immediate area or I-80.

Impacts of the No Build Alternative

The No Build Alternative would not involve any development activities and would, therefore, not change the visual landscape of the project area. Development to the east of the City would be expected under the

No Build Alternative, however, this and development by others would affect the visual setting of the area. Section 3.15 provides additional discussion of cumulative impacts.

Figure 3.14: District 36 Stone School



Figure 3.15: The Great Platte River Road Archway



Impacts of the Build Alternative

Converting a two-lane gravel county road to a modern four-lane divided highway would alter the visual setting along the eastern fringe of the City. It would introduce a modern highway and elevated crossing of the UPRR tracks to a mostly agricultural and undeveloped area. Properties adjacent to the new highway would experience a change in immediate visual setting from the introduction of the highway and associated lights, signs, and pavement, but the roadway would not alter longer views. The elevated crossing of US 30 and the UPRR tracks would introduce a large structure that would be visible from properties near Cherry Avenue (although one of these would be acquired to implement the Alternative, as described in Section 3.2.2). However, the most important change to the visual landscape is the change that will occur as development occurs. The highway is expected to foster development by others, such as expansion of the airport and further development of the industrial area, which would further change the rural character of the area indirectly.

The Build Alternative is expected to have little effect on important views along either Cherry Avenue or 78th Street, because Cherry Avenue is planned for industrial development and little non-agricultural development exists now. The roadway would not be prominent (and may not even be visible) from the Buffalo Ridge Golf Course. The two properties that may be affected, the school and the Archway, are discussed below.

Effects to the Stone School would be minimal because the roadway would be offset from the school approximately 300 feet, access would remain off Coal Chute Road, and none of the roadway features near Coal Chute Road would be elevated. Additionally, the Build Alternative includes a berm on the west side of the school that would shield view of the roadway from the school and vice versa. The elevated structure over US 30 and the UPRR tracks would be visible from the school on clear days but would not be prominent because the crossing would be at least 1 mile from the school and, if visible at all, would be from the side, rather than front, of the school.

The proposed interchange would screen distant views of the Archway from I-80. The bridge for the proposed interchange would hamper views of the Archway until the motorists pass the interchange bridge structure. Under the Build Alternative, the proposed I-80 interchange would be located approximately 0.44 mile east of the Archway, and westbound I-80 motorists would view the monument for a 0.44-mile distance. Eastbound I-80 motorists' distant views of the Archway would not be altered, although an overpass bridge over I-80 is already present approximately 1.5 miles west of the Archway. Under the Build Alternative, the interchange itself would not substantially alter views around the Archway, although expected development around the new interchange may move east and create more in-fill around the Archway. Conservation easements (see Section 3.10) will limit development immediately around the interchange but a mixed use area is envisioned near the interchange due to the better I-80 access. The City supports a new interchange and the improved access it would provide to the Archway (**Appendix B – Final EA Correspondence**). Development around the Archway and in the area east of Kearney is also expected and supported.

Mitigation

- The Build Alternative will include design elements to reduce potential impacts to the Stone School, including offsetting the roadway near the school, realigning the Cherry Avenue and Coal Chute Road intersection, and providing a berm between the highway and the school to create visual and physical separation between the school and highway.

3.13 SECTION 6(F) AND SECTION 4(F) PROPERTIES

Section 6(f) properties are park and public recreation properties acquired or developed with grants from the Land and Water Conservation Funds (LWCF). Any effect to the portions of the park or recreation site funded with LWCF monies must be compensated and the amenity or land replaced. Research from the

National Park Service and the NGPC for LWCF activity revealed no properties that received LWCF funds within the project area. NDOR coordinated with NGPC to determine if any properties meeting Section 6(f) requirements are present in the project area, and none were identified.

Section 4(f) of the Department of Transportation Act of 1966 (49 USC 303) provides protection for publicly owned parks, recreation areas, historic sites, and wildlife and waterfowl refuges from conversion to a transportation use. Section 4(f) states that the Secretary of the US Department of Transportation may not approve a project that requires the use of any publicly owned land from a public park, recreation area, wildlife and waterfowl refuge or historic site of national, state, or local significance unless: 1) no feasible and prudent alternative to the use of land for the property exists; and 2) the action includes all possible planning to minimize harm to the property resulting from such use (23 CFR 771.135).

Compliance with Section 4(f) first involves identification of any 4(f) resources within the project area. Resources must meet a number of specific criteria to be protected by Section 4(f). These criteria are listed below.

- Parks and recreation areas must be:
 - Publicly owned.
 - Open to the public.
 - Officially designated or primarily used as a park or recreation area.
 - Considered to play a significant role in providing park and recreation needs by the official with jurisdiction over the land.
- Wildlife areas must be publicly owned and have refuge characteristics. FHWA defines refuge characteristics as land that primarily serves as a sanctuary or refuge for the protection of wildlife species.
- Historic sites are privately or publicly owned properties or districts that are listed or eligible for inclusion in the National Register of Historic Places (NRHP).

For parks, recreation areas, and refuges, FHWA makes the determination whether a property qualifies as a 4(f) resource. This determination is based on documentation provided, consultation with the officials having jurisdiction over the land on the types of activities that occur on the land, and FHWA's examination of the actual uses of the land.

For historic sites, FHWA identifies NRHP-listed and eligible properties in coordination with the State Historic Preservation Office (SHPO) through the standard consultation process under Section 106 of the National Historic Preservation Act (NHPA).

If Section 4(f) resources are present, FHWA determines whether there is a 4(f) "use" of the resource. As defined in 23 CFR §771.135(p), the "use" of a protected Section 4(f) resource occurs when:

1. Land is permanently incorporated into a transportation facility through partial or full acquisition (called a direct use).
2. There is a temporary occupancy of land that is adverse in terms of the preservationist purposes of Section 4(f) (called a temporary use).
3. There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (called a constructive use).

Two properties meeting the qualifications as Section 4(f) properties are present in the project area: one recreation and one wildlife site. No other Section 4(f) park, recreation, or wildlife areas or any NRHP-

eligible historic sites would be affected by the Build Alternative. The two Section 4(f) properties are described below.

Bufflehead Wildlife Management Area (WMA) is located approximately 0.5 mile east of Cherry Avenue on the north side of I-80 (**Figure 3.11**). The approximately 18 acre property's primary feature is a 15-acre lake. Bufflehead WMA is owned by the NGPC Wildlife Division and managed for fishing. Nebraska's WMAs play a central role in providing recreation opportunities, particularly for hunting and fishing. The areas are all owned by the NGPC, open to the public, and designated as wildlife management/recreation areas.

The Wyoming Property is an approximately 462 acre wildlife conservation area located approximately 0.25 to 0.5 mile south of I-80 and west of Cherry Avenue (**Figure 3.11**). This property is owned by the State of Wyoming and managed by the USFWS as a habitat for whooping cranes, sandhill cranes, least terns, piping plover, and waterfowl. Access to the property is on the south side of I-80 near Cherry Avenue.

Impacts of No Build Alternative

Section 6(f) properties are not present and, therefore, would not be affected by this Alternative. The No Build Alternative would not require use of any Section 4(f) properties.

Impacts of Build Alternative

Section 6(f) properties are not present and, therefore, would not be affected by this Alternative.

The Bufflehead WMA and the State of Wyoming refuge area are located in the vicinity of the Build Alternative interchange with I-80 but no use of either property would be required. These properties are located 0.5 and 0.3 mile, respectively, from the proposed interchange. No acquisition of property is required, and no direct use would occur. Access to the properties would not change and would remain open during construction of the Build Alternative. No temporary use, therefore, would occur either.

The Build Alternative, and specifically the interchange component, could indirectly affect the Wyoming refuge property. It would increase vehicular traffic in the vicinity of Cherry Avenue and may increase light pollution from vehicle headlights. The north boundary of Wyoming Property is located less than 0.5 mile south and west of the location of the proposed interchange at I-80 and Cherry Avenue. Because the USFWS has found whooping cranes to be sensitive to human activity and other disturbances as far as 0.5 mile away, NDOR considered the potential for noise or light increases to hinder the refuge qualities of the property and result in a constructive use. As a result, NDOR coordinated with USFWS to develop a light-diffusing berm on the south side of the proposed I-80 interchange to shield the Wyoming property from vehicle headlights (**Appendix B – FEA Correspondence**).

Noise studies conducted for this project (**Appendix H – Traffic Noise Study**) show that noise levels around the Wyoming property would decrease slightly under the Build Alternative, in part because the interchange ramps and light-blocking barrier would provide some noise benefit. As a result, no adverse effect of noise is expected that would interfere with the function of the property; thus, no constructive use would occur. Vehicle headlights could introduce some light pollution at the Wyoming property. To ensure that the light does not create an adverse effect to the Wyoming property, a light-diffusing barrier is included in the design to prevent light from shining directly into the wildlife area. With the addition of the barrier, any light introduced from headlights would not affect the function of the wildlife area or impair its refuge qualities; thus, no constructive use would occur.

Vehicle headlights and traffic noise from the bypass would not directly or indirectly hinder the function of Bufflehead WMA, which is fishing.

Mitigation

- The design of the Build Alternative will include a light-diffusing barrier on the south side of the proposed I-80 interchange to shield the Wyoming Property from vehicle headlights.

3.14 OTHER RESOURCES

The following resources are not present in the project area, would not be affected by the project, or effects to them can be mitigated through standard best management practices employed on NDOR construction projects. These include air quality, historical and archaeological resources, floodplains, utilities, and wild and scenic rivers.

3.14.1 AIR QUALITY AND GREENHOUSE GASES

The National Ambient Air Quality Standards (NAAQS) established by the United States Environmental Protection Agency (EPA) define the allowable concentrations of pollutants that may be reached but not exceeded in a given time period to protect human health (primary standard) and welfare (secondary standard) with a reasonable margin of safety. These standards include maximum concentrations for ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead, and particulate matter with a diameter of 10 microns. Any level of pollutants beyond the EPA NAAQS constitutes an impact to air quality.

Kearney and the surrounding area are classified as a NAAQS Attainment Area (NDEQ, 2002). This indicates existing concentrations of air pollutants are below the established standard(s) and limited increases in emissions are allowable.

NDOR, the Nebraska Department of Environmental Quality (NDEQ) and the FHWA developed a detailed Air Quality Agreement for all major Federal-Aid projects. According to the Air Quality Agreement, detailed analysis needs to be conducted on federal aid projects only when the 20-year projected ADT exceeds 100,000 vehicles per day. The Air Quality Agreement includes a requirement for a project under environmental evaluation to be included in the NDOR State Transportation Improvement Program. The Build Alternative is included in the NDOR State Transportation Improvement Program for Fiscal Years 2010 to 2014 and meets this requirement. The Air Quality Agreement between NDOR and FHWA is included in **Appendix L – Air Quality**.

A review of the existing and proposed physical characteristics of the Second Avenue and Cherry Avenue corridors based on site visits and the *Kearney Plan* (RDG et al., 1997 and RDG, 2003) does not indicate any unusual conditions that would warrant additional air quality analysis.

The issue of global climate change is an important national and global concern that is being addressed in several ways by the Federal government. The transportation sector is the second largest source of total greenhouse gases (GHGs) in the U.S., and the greatest source of carbon dioxide (CO₂) emissions – the predominant GHG. In 2004, the transportation sector was responsible for 31 percent of all U.S. CO₂ emissions. The principal anthropogenic (human-made) source of carbon emissions is the combustion of fossil fuels, which account for approximately 80 percent of anthropogenic emissions of carbon worldwide. Almost all (98 percent) of transportation-sector emissions result from the consumption of petroleum products such as gasoline, diesel fuel, and aviation fuel.

Recognizing this concern, FHWA is working nationally with other modal administrations through the DOT Center for Climate Change and Environmental Forecasting to develop strategies to reduce transportation's contribution to greenhouse gases - particularly CO₂ emissions - and to assess the risks to transportation systems and services from climate changes.

Impacts of No Build Alternative

The 20 year projected ADT volumes along the Second Avenue corridor for the No Build Alternative do not exceed 100,000 vehicles per day and therefore would not require an air quality analysis per the Air Quality agreement.

Impacts of Build Alternative

Under the Build Alternative, the projected 2025 ADT volumes are anticipated to be between 6,700 and 20,900 vehicles per day according to the IJR Technical Memorandum dated August, 2004 (**Appendix M – Interchange Justification Report Technical Memorandum**). Since the projected 2025 traffic volumes are expected to be less than 100,000 vehicles per day, no analysis for air quality is required per the Air Quality agreement.

The state of Nebraska is currently in attainment status with respect to the National Ambient Air Quality Standards set for criteria pollutants, meaning there are no areas within the state that exceed the regulated or “threshold” level for one or more of the criteria pollutants. The primary land use in the state is agricultural, including row-crops and pastures. Transportation is primarily provided by individual cars and trucks along a highway system that has vegetated right of way. Greenhouse gas emissions is a global issue and the difference in emissions due to various project alternatives would be negligible compared to global totals and therefore was not specifically calculated for this project.

Mitigation

- No mitigation is required or proposed.

Standard Specifications

- The contractor will follow standard specifications for dust control on detours, haul roads, parking lots, staging areas, storage areas, and any area where soils are disturbed.
- In accordance with NDOR Standard Specifications, work will be suspended when winds create an excessive amount of blowing dust.
- The contractor will implement a fugitive dust control plan during construction, in accordance with the NPDES permit and Standard Specifications.

3.14.2 HISTORICAL AND ARCHEOLOGICAL RESOURCES

Historic properties are defined as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP. A property is eligible for the NRHP if it possesses historic integrity (such as maintaining original materials and design) and meets one or more of the following four criteria:

- Criterion A Is associated with important historical events or patterns
- Criterion B Is associated with lives of persons significant in our past
- Criterion C Embodies distinctive characteristics of an architectural type, period, or method of construction
- Criterion D Has yielded or is likely to yield information important in prehistory or history

Section 106 of the National Historic Preservation Act of 1966, as amended, requires projects proposed or funded by federal agencies to identify and assess effects to historic properties listed on or eligible for inclusion in the NRHP. Agencies must consult with the SHPO in identifying historic properties, determining effects to any identified properties, and resolving those effects, if any, through mitigation.

An intensive cultural resources inventory of the Area of Potential Effect (APE) was conducted in September 2002, and a follow-up survey was conducted in December 2006 to assess areas outside the

original APE due to a shift in the alignment of the Build Alternative. The APE was determined based on the construction footprint of the Build Alternative **Appendix O – Cultural Resources Study** contains additional information about the cultural survey.

The surveys identified 35 sites, including farmsteads, hospitals, barns, sheds and canals, a segment of the Burlington Northern Santa Fe Railroad (BNSF), an archaeological site, and several isolated finds. Two of these meet the NRHP eligibility criteria. The hospital building at the St. Luke's Good Samaritan Village (previously Good Samaritan Hospital) was recommended as eligible because of its association with important historic events (Criterion A). The structure has had little modification from its original condition and retains sufficient integrity to convey its significance. The site is located west of Antelope Avenue and north of US 30 and would not be affected by the Build Alternative. The BNSF grade site consists of the abandoned railroad grade that crosses Cherry Avenue between 11th Street and Coal Chute Road within the project area. The grade is approximately 15 to 20 feet wide and stands 2 to 4 feet high. The railroad grade was recommended as eligible for the NRHP because of its association with important historic events (Criterion A); however, the portion of the BNSF grade within the study area has been severely impacted by road construction and lacks sufficient integrity to convey the significance of the overall resource and is a noncontributing segment.

NDOR coordinated with the SHPO, who concurred with the survey findings and NDOR's determination that no historic properties would be affected by the proposed project. Correspondence is included in **Appendix B – Final EA Correspondence**.

Impacts of No Build Alternative

No historic properties would be affected by the No Build Alternative because no construction activities would occur that would affect historic properties.

Impacts of Build Alternative

No historic properties would be affected by the Build Alternative. Only one NRHP-eligible historic property, the Good Samaritan Hospital, is located in the vicinity of the Build Alternative, and this property is located distant from the proposed construction and would not be directly or indirectly affected.

Mitigation

- In the event that cultural resources are encountered during construction activities of the Build Alternative, construction activities will be stopped in and around the site of discovery and the SHPO will be contacted immediately. Construction will not be resumed until appropriate coordination is completed.

3.14.3 Floodplains

EO 11988 directs all federal agencies to avoid the long and short-term adverse impacts associated with the modification of floodplains by evaluating the potential effects of any actions it may take in a floodplain to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains. A floodplain is defined as the area adjacent to a watercourse, including the floodway that is inundated by a particular flood event. A floodway is the channel and any adjacent floodplain areas that must be kept free of encroachment so that the 100-year (1 percent chance of being equaled or exceeded in any single year) flood can be conveyed without increasing the flood elevation by more than 1 foot. The effective Federal Emergency Management Agency (FEMA) digital Flood Insurance Rate Map (FIRM) for the 100-year flood event was used to identify floodplains within the study area. For purposes of this analysis, the term "floodplain" is synonymous with the 100-year floodplain.

FEMA requires construction within a floodway achieve a no-rise condition (i.e., no increase in the base 100-year flood elevation). To satisfy FEMA requirements, structures placed within a floodway may be designed so they would not result in any increase in flood levels during the occurrence of the base (100-year) flood discharge; alternatively, if it is not possible to obtain a no-rise certification from FEMA, a Letter of Map Change (LOMC) may be obtained. The LOMC requires coordination among all affected parties, including the public. FEMA requirements for construction within the floodplain but outside of the floodway are less stringent, allowing up to a 1-foot rise in the 100-year flood elevation.

Local jurisdictions (counties and cities) enforce FEMA requirements in order to maintain participation in the FEMA National Flood Insurance Program (NFIP). Both Buffalo County and the City of Kearney participate in the FEMA NFIP, which requires communities to adopt and enforce a floodplain management ordinance that meets minimum NFIP requirements and to issue permits for all development in the 100-year floodplain. Federal regulations regarding floodplain management for communities that participate in the NFIP are listed in *Title 44 CFR Part 60, Criteria for Land Management and Use*.

Since the project lies within the extraterritorial jurisdiction of the City of Kearney, the floodplain ordinances for the City of Kearney would apply. Per City of Kearney Floodplain Ordinance No. 3686, if a project is located within a designated floodplain, the City would issue a floodplain development permit for each site. If any portion of the project encroaches into the floodway, a registered professional engineer would need to certify the project would not raise the 100-year water surface elevation above existing conditions.

In addition, Nebraska floodplain regulations require a floodplain permit for any project that could affect a mapped, regulated floodplain (100-year base floodplain) or floodway. Standards set by the Nebraska Natural Resources Commission require that new construction, substantial improvements, or other obstruction (including fill) within the floodplain should not increase the water surface elevation of a base flood more than 1 foot, and that such actions would not be permitted within the floodway unless it has been demonstrated through hydrologic/hydraulic analyses that the proposed new construction would not result in any increase (no-rise) in water surface elevations along the floodway profile during the occurrence of the base flood (NDNR Floodplain Management Section).

Base floodplains (100-year) were identified using FEMA FIRMs. Floodplains within the study area are shown in **Figure 3.8**. The Build Alternative is within the City of Kearney's extraterritorial jurisdiction, and would follow the City of Kearney floodplain management permits and guidelines.

Three major waterways in the area were identified and are regulated as having floodways and floodplains. These features are the Platte River, the North Channel of the Platte River, and the Wood River.

The Build Alternative would cross existing floodplains in three areas: the North Channel of the Platte River north of I-80; Airport Draw located south of 56th Street; and Glenwood Park Creek, a tributary to Wood River located along 78th Street approximately 0.3 mile east of N-10. **Figure 3.8** depicts the floodplains within the study area.

Impacts of the No Build Alternative

The No Build Alternative includes intersection improvements along the existing Second Avenue corridor. Since any construction under this Alternative would not be included in the Federal Action, local agencies would be responsible for researching and reviewing any impacts related to floodplains.

Impacts of the Build Alternative

The Build Alternative includes construction within the floodplain of the Platte River, North Channel of the Platte River, Airport Draw, and Glenwood Park Creek. Hydraulic analysis was conducted for the three stream crossing structures based on the preliminary design for the Build Alternative.

Based on the preliminary plans, the proposed bridge crossing over the North Channel of the Platte River would be a three span bridge with a shallow superstructure and both piers placed outside of the ordinary high water limits of the channel. The Build Alternative includes minimal channel modification to accommodate future pedestrian trails and includes bank protection work (riprap) to the North Channel of the Platte River. With the proposed three span bridge configurations, causeways would not be required for bridge construction. Based on preliminary design, the hydraulic analysis determined the bridge over the North Channel of the Platte River would result in a no-rise condition.

A box culvert structure is proposed in the preliminary design to span the Airport Draw. The hydraulic analysis determined based on preliminary design, the box culvert for the Airport Draw would result in a no-rise condition.

The preliminary design also includes a single span bridge over Glenwood Park Creek. This bridge configuration would eliminate the need for any type of pier in the channel and would allow for both abutments to be placed outside the ordinary high water limits of the channel. The hydraulic analysis determined based on preliminary design, the bridge over Glenwood Park Creek would result in a no-rise condition.

Appendix B – Final EA Correspondence includes coordination and correspondence with the City of Kearney Floodplain Administrator.

Mitigation

- The Project Sponsor (NDOR) will ensure compliance with local floodplain ordinances and regulations by obtaining permits/approvals from the City of Kearney Floodplain Administrator and the Buffalo County Floodplain Administrator during final design.

3.14.4 Utilities

Water, sanitary and storm water sewer, natural gas, telephone, and cable lines are accessed via underground lines located within the street ROW.

Water/Sanitary Sewer

The municipal water system in Kearney is supplied by 30 wells (average depth of 60 to 80 feet). The system, serving 99.99 percent of the city population, has a maximum capacity of over 35 million gallons per day (mgd) and an average daily demand of 5.375 mgd (City of Kearney Utilities Department, 2009).

The City of Kearney operates a municipal sanitary sewerage system and a storm sewer system. The City of Kearney Wastewater Treatment Plant is located approximately 0.25 mile west of Cherry Avenue and approximately 0.5 mile north of I-80.

Electricity/Telecommunications

NPPD supplies electricity to the Kearney area. Service is provided by five 115,000-volt lines that tie to NPPD's statewide high voltage grid. The City of Kearney and its industrial area are fed from 12 substations with a combined capacity in excess of 100,000 kVA.³ The Dawson Public Power District,

³ The kilo-Volt-Ampere (kVA) is a unit of apparent power that equals to 1,000 volt-amperes.

a wholesale power customer of Nebraska Public Power District, serves the rural area surrounding Kearney (Nebraska Public Power District, 2007).

Telecommunication services are provided to the area by Frontier Communications, an all-service telecommunication provider (NDED, 2002a).

Natural Gas

NorthWestern Energy distributes natural gas in the community, and KN Interstate Gas Transmission Company is the interstate pipeline carrier. Kinder Morgan also supplies natural gas to the Kearney area.

Impacts of the No Build Alternative

The No Build Alternative includes intersection improvements along the existing Second Avenue corridor.

Since any construction under this Alternative would not be included in the Federal Action, local agencies would be responsible for researching and reviewing any impacts related to utilities.

Impacts of the Build Alternative

Based on a preliminary review of utility locations from the City of Kearney GIS website, utilities within the Build Alternative alignment include:

- Citizens Communications Telephone Terminal Building that is located in the northwest corner of the Cherry Avenue and US 30 intersection (**Figure 3.16**).
- Electric transmission lines located on one or both sides of Cherry Avenue on various segments from south of I-80 to 78th Street (**Figure 3.17**). Transmission lines also parallel segments of 78th Street.
- An underground cable that crosses Cherry Avenue approximately 0.25 mile north of 56th Street.
- An underground natural gas pipeline runs along the south side of 11th Street from N-10 to east of Cherry Avenue.
- A 115 kV main transmission line diagonally crossing I-80 at the proposed location of the interchange.
- A water main crossing underneath I-80 and paralleling Cherry Avenue north to 11th Street. At 11th Street, the water main connects to another water main paralleling 11th Street to the west. The water main continues north paralleling Cherry Avenue to US 30 where it heads east.
- A water main crossing Cherry Avenue at 39th Street. A line branches off, parallels Cherry Avenue, and ends approximately 2,100 feet north of 39th Street.
- A sanitary sewer main crossing Cherry Avenue at a point just north of US 30.
- The City of Kearney Wastewater Treatment Plant facility located approximately 1,000 feet west of the existing Cherry Avenue on the north side of the North Channel of the Platte River.

The proposed bypass with the Build Alternative would be located approximately 600 feet west of the telephone terminal building near US 30 and Cherry Avenue and would not impact the building. The transmission lines paralleling Cherry Avenue would likely be avoided since the bypass alignment under this Alternative would be located over 300 feet west of the existing Cherry Avenue south of 39th Street. Transmission lines paralleling Cherry Avenue north of 39th Street would likely be impacted since the bypass would realign with the existing Cherry Avenue. The transmission lines paralleling 78th Street would likely be impacted and need to be relocated. The underground cable crossing Cherry Avenue north of 56th Street could potentially be impacted depending on the depth the utilities are buried. The underground gas pipeline crossing Cherry Avenue near 11th Street would not be impacted.

Figure 3.16: Citizens Communication Telephone Terminal Building



Figure 3.17: Cherry Avenue Power Lines



The transmission line crossing I-80 near Cherry Avenue (**Figure 3.17**) would likely be impacted and require relocation with the Build Alternative to construct the proposed interchange. The water main paralleling Cherry Avenue would likely not be impacted since the bypass alignment would be located more than 300 feet west of the existing Cherry Avenue alignment south of 39th Street under this Alternative. The sanitary sewer main crossing Cherry Avenue north of US 30 would likely not require relocation. The Wastewater Treatment Plant facilities and operation would not be impacted by the Build Alternative.

During the April 1, 2008 Public Information Meeting, a property owner located on the northeast corner of Avenue N and 78th Street noted two of his utilities are located under 78th Street. There is an 8-inch irrigation pipe crossing under 78th Street, approximately 4.5 to 5 feet below the surface. The property owner noted the pipe should be at least 5 feet below the ground to prevent freezing. The property owner also mentioned underground electrical lines cross under 78th Street west of the irrigation pipe. The property owner did not provide details on the exact location of the utilities. During final design, coordination with the property owner would take place to accommodate any impacts to the irrigation pipe and electrical wires.

It is anticipated the Build Alternative would not disrupt utility services. The final design should attempt to minimize impacts to various utilities within the study area as appropriate. The final design should consider strategies to minimize service disruptions to customers and/or provide redundant utility service.

Mitigation

- During final design, the Project Sponsor (NDOR) will identify all utility impacts and coordinate utility relocation with the respective utility companies in accordance with the NDOR “Policy for Accommodating Utilities on State Highway Right-of-Way.”
- During final design, the Project Sponsor (NDOR) will ensure the designers will consider accommodating continuous utility service to customers and minimize utility disruptions if feasible.
- The Project Sponsor (NDOR) will include in the plans and specifications the provisions that the contractor will be required to comply with the State’s One-Call Notification System Act.
- The Project Sponsor (NDOR) will coordinate with the property owner on the northeast corner of Avenue N and 78th Street to replace in-kind the 8 inch irrigation pipe and electrical wire crossing under 78th Street impacted by the project.

Standard Specifications

- Standard Specification 105.06 – Control of Work – Cooperation with Utilities.
- Standard Specification 107.09 – Legal Relations and Responsibility to the Public – Preservation and Restoration of Property, Trees, Monuments, etc.
- Standard Specification 107.12 – Legal Relations and Responsibility to the Public – Responsibility for Damage, Injury, or Other Claims.
- Standard Specification 107.16 – Legal Relations and Responsibility to the Public – Contractor’s Responsibility for Utility Property and Services.

3.14.5 Wild and Scenic Rivers

The Platte River and the North Channel of the Platte River are not designated as Wild and Scenic Rivers. No other rivers within the study area qualify as a Wild and Scenic River.

3.15 CONSTRUCTION IMPACTS

The impacts of the proposed action during construction would be temporary and would be limited to the period of construction. This section discusses general impacts of construction with respect to relevant resources within the study area.

Impacts of the No Build Alternative

The No Build Alternative would not involve the construction of an interchange at I-80 or a bypass route. The No Build Alternative would include some modifications to local streets and intersections with Second Avenue over a period of time as outlined in the City’s *Transportation Plan* (Olsson, 2004 and Olsson, 2005). Therefore, there would not be any immediate construction impacts under the No Build Alternative and the study area would remain the same. Modifications on local streets and Second Avenue could involve temporary lane closures and detours.

Impacts of the Build Alternative

Construction activities would increase the potential for localized soil erosion due to the removal of existing vegetation and subsequent excavation and grading of the construction site. Implementation of construction BMPs such as silt fences and vegetative controls such as temporary seeding, and surface wetting, etc., would minimize soil erosion from wind and runoff. Given the level topography of the site and the use of BMPs, it is unlikely that construction activities at this site would impact surface waters. Construction activities, most of which would occur within a few feet of ground surface, are not expected to impact groundwater. A SWPPP would be developed that would address erosion and sediment control measures.

Short-term air quality impacts during construction would occur from disruption of ground cover by grading activities that would generate dust. Short-term air quality impacts would also include exhaust emissions from construction vehicles and related equipment. BMPs such as wetting the ground surface and temporary seeding would minimize much of the impact from fugitive dust. Construction contractors would be required to comply with statutory regulations for state air pollution control and to receive permits, as needed.

Noise levels would increase in the immediate vicinity of the project site due to construction activities. BMPs in accordance with state regulations would be used to mitigate construction-related noise impacts and generally limit construction activities to daylight hours.

The Build Alternative would be expected to have a positive short-term impact on the local economy due to a short-term increase in the construction work force and purchase of construction materials.

Access on the existing street network surrounding the Build Alternative may be restricted at times during construction. However, access would be maintained to all adjacent properties in accordance with NDOR Standard Specifications. Since the Build Alternative alignment is offset from Cherry Avenue for much of its course, traffic disruptions would be minimized. Temporary lane restrictions may occur on I-80 during construction of the interchange. Short-term traffic delays may result throughout the study area from the movement of construction equipment and vehicles.

Visibility of construction equipment and clearing of existing vegetation would create adverse but minor visual impacts. This impact would be expected to last until construction would be completed and vegetation would be established.

Construction activities could disrupt the endangered whooping crane habitat, which is immediately south of the project area. Specific mitigation measures are identified in Section 3.10 to avoid and minimize these impacts.

Mitigation

- A SWPPP will be developed which will address erosion and sediment control measures.
- Soil erosion will be minimized by using construction BMPs such as silt fence and temporary seeding. The contractor will be required to obtain National Pollutant Discharge Elimination System permits and construct the project in accordance with the SWPPP.
- Fugitive dust will be minimized by the use of construction BMPs such as temporary seeding and the wetting of soil. Water used during construction shall be acquired from approved sources in accordance with NDOR specifications, and the contractor shall be responsible for all necessary permits.
- Contractors will be required to adhere to NDOR equipment specifications and obtain permits in accordance with NDOR standard specifications.
- Noise levels will be minimized by adhering to NDOR standard specifications for equipment. Construction activities will primarily be limited to daylight hours.
- Access to adjacent properties will be maintained by the contractor in accordance with NDOR Standard Specification 104.05.

Standard Specifications

- Standard Specifications 104.05 – Maintenance of Detours and Shooflies.
- Standard Specifications 107.01 – Legal Relations and Responsibility to the Public.
- Standard Specifications 301.02(1a, 1b) General Requirements – Equipment.

3.16 CUMULATIVE IMPACTS

The CEQ regulations implementing NEPA define a cumulative impact:

“Cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable actions regardless of what agency (federal or non-federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.” (40 CFR 1508.7)

This analysis considers the potential for impacts of the Build Alternative to interact with impacts of future projects by others to accumulate and result in adverse impacts to resources. For those resources that the Build Alternative has no direct or indirect effects, no cumulative impacts would occur.⁴ Through review of the impacts of the Build Alternative and the potential impacts of other projects in the Kearney area, the resources that are considered susceptible to cumulative impacts and thus included in this analysis are land use, farmland, wetlands, and endangered species critical habitat.

Geographic Boundaries and Time Period

Geographic boundaries are determined by the scope and extent of the resource affected. For this project, land use impacts are limited to the Kearney planning area (which includes the city limits and a planning jurisdiction that extends around the city in Buffalo County as described in Section 3.2). For the other resources, the geographic scope is broader. Farmland is a statewide resource but is generally regulated at the county level. Buffalo County is, therefore, the geographic scope for this analysis. Wetlands and endangered species critical habitat are appropriately compared to the entire Platte River through the state.

Past and present actions have influenced the current conditions of the resources, and these actions are described in that context (indicating the health of the resource and its susceptibility to significant cumulative impacts). Future actions are defined within the planning horizon – 2030 in this case. Actions are described in broad trends as few specific major development projects are anticipated to occur during the period of implementation of the Build Alternative by 2014.

Past, Present, and Future Conditions

Kearney has grown substantially since 1930, initially in response to the expansion of the railroad and agriculture, the establishment of its college (now a university), and later the result of natural increases that accompanied that population. Kearney’s greatest growth occurred during the 1960s and 1970s, and by 2000 it had a population census of 27,431 (US Census Bureau, 2010a). This growth rate ranks Kearney as the fastest growing non-metro city in Nebraska of more than 20,000 people (City of Kearney, 2010a). According to the *Kearney Plan* (RDG et al., 1997 and RDG, 2003), Kearney is projected to experience a 2010 population of 31,707; a 2020 population of 36,938; and a 2025 population of 39,925.

Table 3.6 lists past, present, and reasonably foreseeable actions in Buffalo County that are relevant to cumulative impacts analysis for land use, farmland, wetlands, and threatened and endangered species that are dependent on the Platte River. The information in the table was obtained from the *Kearney Plan* (RDG et al., 1997 and RDG, 2003) and discussions with local officials.

⁴ The No Build Alternative is not included in this analysis because no action is included in the No Build Alternative that could accumulate impacts.

Table 3.6: List of Past, Present and Future Actions

Past and Present Actions
<ul style="list-style-type: none"> • Railroads and highways establish Kearney as regional trading center. UPRR through Kearney is the country’s busiest rail line. • Water and power projects support agricultural development in Buffalo County. Farmland is the dominant land use and economic industry in the region. Water demands for irrigated farmland throughout the west begin to deplete the Platte River. • The City of Kearney continues to develop as population grows. By 1990, Kearney is Nebraska's fastest growing city of 20,000 or more. Kearney's growth moves beyond the city limits and new rural estates housing extends into unincorporated parts surrounding Kearney. Farmland is converted to other uses. • Kearney Comprehensive Plan completed in 1997 establishes land use practices and policies to support balanced growth in the area. As part of the planning process, a number of transportation improvements are recommended to support land use goals (RDG et al., 1997). • Irrigation, power generation, and urban settlement divert nearly 70 percent of the Platte River flow. An associated decrease in the total areas of sandbars and open water results. • Four threatened and endangered species are listed for the Platte River area: Whooping crane (1967) and critical habitat (1978), interior least tern (1985), pallid sturgeon (1990), piping plover (1986) and critical habitat (2002). Federal and state government agencies develop and implement a recovery plan focusing on maintaining instream flow for threatened/endangered species in the Platte River Basin (the Platte River Cooperative Agreement). Conservation measures affect land use and proposed development. • Demand for recreation, particularly around the Platte River, increases. New trails and recreation areas are established. Tourism becomes an important local industry.
Reasonably Foreseeable Future Actions
<ul style="list-style-type: none"> • Conversion of up to 4,000 acres of farmland for residential, industrial, and commercial development. • Construction of up to 3,400 housing units. • Various roadway improvements including expanding two-lane paved roadway into the Cottonmill Park and Rolling Hills Developments, constructing of various intersection improvements within the City, and conducting minor roadway maintenance in the near term. Longer-term projects include construction of various two-lane paved, rural roadway sections within Kearney to improve local road network, and completion of an I-80 frontage road system. • Expansion of air service at the Kearney Regional Airport, and constructing a new entrance to the airport at 56th Street that would connect with the Cherry Avenue bypass. • Increased industrial activity along the US 30 and Cherry Avenue corridors on the east side of Kearney.

Cumulative Effects on Land Use

The City of Kearney has traditionally served as the trade and economic center of an area that includes all of Buffalo County and substantial parts of Kearney, Custer, and Sherman Counties. In 1964, the completion of I-80 linked Kearney to the busiest east-west highway in the country, creating a boom in tourist trade and encouraging construction of new motels and restaurants. Regional transportation changes were made following the construction of I-80. N-10 and N-44, which once followed Central Avenue through the town center, were relocated to the west to their present location on Second Avenue. In addition, the N-44 Platte River crossing was also moved west to a new bridge aligned with Second Avenue.

The Second Avenue connection to I-80 encouraged highway-oriented commercial development along the Second Avenue corridor. As Kearney experienced regional growth, the single interchange on I-80 placed substantial traffic stress on Second Avenue, heightened by the combined use of the corridor by regional and local traffic. Hotel, convention, restaurant, commercial and industrial uses became densely developed to a two block depth along Second Avenue.

The *Kearney Plan* (RDG et al., 1997 and RDG, 2003) identifies land needs in the Kearney area primarily for residential and industrial uses, with a modest amount of additional land required for commercial development. Because the downtown area is built out to capacity, growth is expected to occur outside the city limits. To support projected population growth, between 2000 and 2025, the City will need nearly 2,800 acres of land for residential development, approximately 600 acres for industrial development, and about 300 acres for commercial development. To support that demand efficiently, the *Kearney Plan* (RDG et al., 1997 and RDG, 2003) seeks to direct growth and use its land use plan to regulate where and how development within the City occurs. Using land use control policies allowed by the *Kearney Plan* (RDG et al., 1997 and RDG, 2003), it appears that growth can be managed, and no cumulative impacts to land use would occur. The Build Alternative has a positive effect on land use and supporting the land use policies of the City and County. This action, combined with reasonably foreseeable development actions by others, would have no adverse effect on Kearney's land use.

Cumulative Effects on Farmland

Nebraska had approximately 45 million acres of farmland in 2007, with Buffalo County accounting for just over 612,000 acres (National Agricultural Statistics Service, 2007). Buffalo County ranked in the top eight counties in Nebraska in the production of alfalfa, hay, corn for grain, beef cows and calves during the last five years (National Agricultural Statistics Service, 2007). Farmland is the most dominate land use in Buffalo County.

Statewide, approximately 675,000 acres of farmland (rangeland, cropland, and pastureland) were converted to other uses between 1982 and 1997 (NRCS, 2001). During the same period, however, the condition of farmland soils improved substantially with only the northeast portion of the state containing soils that are eroding at unacceptable rates (NRCS, 2001).

The primary pressure for development into farmland areas in Buffalo County has been the continued expansion of the City of Kearney. The proposed east interchange and bypass under the Build Alternative would directly convert approximately 299 acres of farmland (refer to Section 3.3). The Build Alternative would also be expected to indirectly support conversion of farmland to other land-uses that may develop around the new interchange and bypass corridor. Development also would be expected within the future urban planning area. The *Kearney Plan* (RDG et al., 1997 and RDG, 2003), along with the Buffalo County Comprehensive Plan dictates planned areas of agriculture and open spaces, discourages development in unplanned areas, and seeks to concentrate development in areas close to existing city infrastructure and services. The development envisioned by the *Kearney Plan* (RDG et al., 1997 and RDG, 2003) will likely convert more farmland to other uses but will also protect farmland area from development by limiting sprawl.

Conversion of farmland has an adverse effect on farmland, but the effect is minor in comparison to the size of the overall resource. Buffalo County would retain substantial tracts of farmland. Neither the Build Alternative nor actions by others within Buffalo County would have significant effects on farmland. Existing programs and practices to reduce erosion and health of pastures and rangelands would be expected to continue, and the overall condition of remaining farmland is likely to be better in the future. Overall, the cumulative effects to farmland would be adverse but minor.

Cumulative Effects on Wetlands

Historically, the Platte River was comprised of numerous wide, braided, sandy channels. Before settlement, most of the grasslands in the Platte River valley were wetlands of a mixture of poorly drained sedge meadows and marshes and relatively well drained, slightly elevated lowland prairies with subsurface irrigation (Sidle and Faanes, 1997). Settlement of the region in the 1880s brought development of the agricultural community, resulting in extensive and mostly permanent changes in the character of the Platte River valley landscape. In response to the growing agricultural economy, wetlands were drained to accommodate agricultural development, tall grass prairie was converted to crop fields, and water withdrawal from the river intensified, resulting in a changed character of the natural riverine habitats. Approximately 35 percent of Nebraska's wetlands were lost between 1780 and 1980 (NGPC, 2005). However, Nebraska retains more wetland area and has suffered fewer losses (by a percentage basis) than any of its surrounding states. Nebraska generally, and the Kearney area specifically, is home to Rainwater Basin wetlands, which are considered especially important and rare. A number of federal, state, local, and private programs are in place to conserve these wetland types.

Federal and state programs to protect wetlands have been effective at reversing the trends of wetland losses. In addition, the national goal of "no net loss" of wetlands, coupled with the requirement for Section 404 permitting for projects affecting waters of the US (including wetlands), provide protection for wetland resources in the future. After mitigation, the Build Alternative, other proposed actions, or the cumulative effect of the combined actions would not have a significant adverse effect to wetlands. Restriction on development in wetland areas and requirements to compensate for any losses of wetlands from development that does occur would offset impacts, and limited adverse cumulative impacts would be expected. Cumulative beneficial impacts to wetland resources would be expected as a result of local, state, and federal programs to protect wetlands and the threatened and endangered species that rely on these resources in Nebraska. Several conservation organizations such as the Platte River Whooping Crane Maintenance Trust, the National Audubon Society and the Nature Conservancy are dedicated to the conservation of whooping cranes, sandhill cranes and other migratory birds and their habitat along the Platte River in central Nebraska providing additional protection to wetland habitat.

Cumulative Effects on Threatened and Endangered Species and Critical Habitat

The Platte River provides stopover habitat to various waterfowl, including migratory birds (e.g., whooping crane) traveling the North American Central Flyway and using the Platte River for a nesting and staging site, especially during spring migration. The Platte River and its wetland areas provide important habitat to waterfowl during migration.

Irrigation influenced the flow of the river during the early settlement period. Nearly 2,000 canals were on the North Platte and South Platte Rivers by 1890 (USGS). With an economy traditionally centered on agriculture and agribusiness, the Platte River in the Big Bend Reach has provided water for a myriad of uses. Irrigation, power generation, and urban settlement have diverted more than 70 percent of its natural flow, creating problems for fish and wildlife. The cumulative decrease in the total area of sandbars and open water occurring in this reach of the Platte River coincides with a decreased volume of stream discharge. The relationships among groundwater, surface water, and the elevation of the groundwater table are crucial to maintaining water levels in the river during low-flow periods, as they influence vegetation in and near the river.

As noted in Section 3.10, the USFWS raised concerns about the Preferred Alternative's effect on Platte River depletions, particularly exposure of water at project construction material borrow sites that could result in evaporative losses. Mitigation for direct impacts, which is included in Section 3.10, offsets the impacts associated with the Preferred Alternative, and the USFWS has agreed that the action would not likely adversely affect endangered species.

Future development in the Kearney area and throughout the Platte River Basin would be subject to the requirements of Platte River Cooperative Agreement, which requires conservation of habitat (by avoiding development near critical habitat and requiring purchase of conservation easements or other measures) and limiting increase of water withdrawals from the Platte River. The future land use plan in the Kearney area is supportive of maintaining critical habitat.

Mitigation

- Mitigations for project-specific impacts of the Build Alternative are detailed in Section 5.0 and will be implemented.

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SECTION 4.0

AGENCY COORDINATION AND PUBLIC INVOLVEMENT

Public and agency involvement is an important component of the project. Public participation requirements of the NEPA specifically state that “Agencies shall: make diligent efforts to involve the public in preparing and implementing their NEPA procedures and; provide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected” (40 CFR 1506.6[a]).

This EA process was initiated in 2002. Environmental and engineering studies were conducted in 2002 and 2003, and in 2003 a preliminary EA was prepared. Due to funding limitations, the project did not progress much between 2004 and 2005. In 2005, a federal earmark was directed to the Kearney interchange. The City approved a new agreement and funding plan with the State, and a Draft EA (City of Kearney and NDOR, 2007) was completed and circulated for agency and public review. The NDOR held several public meetings and one-on-one meetings to receive comments about the project and the EA.

4.1 AGENCY COORDINATION

Per the NEPA guidelines, agency coordination was conducted that included consultations and coordination with the various agencies as documented in **Appendix C – Draft EA Correspondence** including the following:

- U.S. Army Corps of Engineers (USACE)
- U.S. Environmental Protection Agency (USEPA)
- U.S. Fish and Wildlife Service (USFWS)
- Nebraska Game and Parks Commission (NGPC)
- Nebraska Department of Environmental Quality (NDEQ)
- Nebraska State Historic Preservation Office (SHPO)
- U.S. Department of Agriculture/ Natural Resources Conservation Service (NRCS)
- Nebraska Department of Natural Resources (NDNR)

An agency scoping meeting was held on May 14, 2002 in Kearney to discuss the project. Letters were mailed to appropriate agencies for review of the project’s Purpose and Need statement. Concurrence in the Purpose and Need was accomplished as of June 2003.

The Preliminary Draft Environmental Assessment (PDEA) was circulated and concurrence in the alternatives carried forward was requested in October 2003. Included in **Appendix C – Draft EA Correspondence** are copies of the concurrence and response letters regarding the PDEA from the participating agencies. Agency comments received and the follow-up responses are summarized in **Table 4.1**.

Table 4.1 Summary of Agency Comments to PDEA

Agency	Comment	Response
USEPA	<p>1) Suggested that TSM techniques be analyzed further and rationale for rejection stated.</p> <p>2) Suggested Table 1.1 shows analysis for Build Alternatives (LOS 2002 and 2003) as it shows for No Build Alternative.</p> <p>3) Requested information on type of livestock, livestock operations that could be displaced with either Build Alternative.</p>	<p>1) TSM techniques analyzed. Rationale in detailed explanation in March 22, 2004 letter provided to EPA (Appendix C – Draft EA Correspondence).</p> <p>2) IJR contains LOS information (Kirkham Michael, 2000). Table 1.1 in Section 1.3 of the PDEA updated to include ADT and LOS. USEPA provided with copies of IJR and Technical Memorandum (Appendix L – Air Quality and Appendix N – Interchange Justification Report respectively).</p> <p>3) Information provided to USEPA on livestock operations. Closest operations to either Build Alternative is approximately 2,000 feet from either of the alignment centerlines to the property line of the facility.</p> <p>USEPA comment letter November 5, 2003, the letter of response to USEPA March 22, 2004, and USEPA response letter April 14, 2003 are provided in Appendix C – Draft EA Correspondence.</p>
NGPC	<p>Suggested avoiding potential disturbance to whooping crane by restricting operation of heavy equipment during migration times (spring: April 1- May 15; fall: September 25-November 10)</p>	<p>Section 3.11 states proposed mitigation and measures for the whooping crane and other federally and state listed T and E species. These measures include restrictive specification within the construction contract.</p>
USFWS	<p>Concerns with borrow sites resulting in depletion from the Platte River system and adverse affects on T and E species and/or critical habitat.</p> <p>Recommended that provisions stated in Migratory Bird Treaty Act be included in PDEA.</p> <p>Include in PDEA specific details regarding interchange lighting.</p>	<p>Location of borrow sites, lighting and provisions for migratory birds clarified in Section 3.11 of the Draft EA.</p>

Agency	Comment	Response
Nebraska SHPO	SHPO comments received November 12, 2003 regarding the Kearney Bypass Intensive Inventory for Cultural Resources, Buffalo County, Nebraska. Updated SHPO concurrence obtained in May 2010. The updated concurrence letter summarized previous documentation on file for the project and reiterated the standing recommendation of effect (there will be no historic properties affected by this project).	Responses to SHPO provided in letter dated February 26, 2004. SHPO concurred with findings reported in Cultural Resources Inventory report. Correspondence is included in Appendix C – Draft EA Correspondence . Updated SHPO Concurrence letter dated May 2010 is included in Appendix B – Final EA Correspondence .

The Draft EA (City of Kearney and NDOR, 2007) was circulated for comment in June 2007. The Draft EA concluded the Cherry Avenue Alternative as the Preferred Alternative. Included in **Appendix C – Draft EA Correspondence** are copies of the response letters regarding the Draft EA from the responding agencies. Agency comments received and the follow-up responses are summarized in **Table 4.2**. The following agencies were sent a copy of the Draft Environmental Assessment:

- Federal Aviation Administration
- Small Business Administration
- U.S. Army Corps of Engineers
- State Conservationist, Natural Resources Conservation Service
- U.S. Department of Interior, Bureau of Reclamation
- U.S. Fish and Wildlife Service
- U.S. Environmental Protection Agency, Region VII
- Wells Fargo Corporate Trust Special Accounts Group
- Nebraska Historical Society
- Nebraska Department of Natural Resources
- Kearney Mayor, City Council, City Manager, Public Works Director
- Buffalo County Board of Supervisors
- Nebraska Public Power District
- Kearney Park and Recreation Department
- Buffalo County Highway Superintendent
- Tri-Basin Natural Resources District
- Nebraska Trucking Association
- Federal Emergency Management Agency Region 7, FIM Division
- Federal Railroad Administration
- U.S. Air Force, Base Civil Engineer
- Nebraska Department of Aeronautics
- Nebraska Department of Environmental Quality

- Nebraska Department of Health and Human Services System, Division of Environmental Health Services
- Nebraska Game and Parks Commission
- Nebraska Commission on Indian Affairs
- Director of Cultural Affairs, Ponca Tribe of Nebraska
- Director of Tribal Operations/Historic Preservation, Iowa Tribe of Oklahoma
- John Blackhawk, Chairman, Winnebago Tribal Council
- Elmer Blackbird, Chairman, Omaha Tribal Council
- Tribal Historic Preservation Officer, Pawnee Nation of Oklahoma
- Urban League of Nebraska
- Union Pacific Railroad
- The Great Platte River Road Archway Trustee

Table 4.2: Summary of Comments to Draft EA

Agency	Comments /Concerns	Response
NDNR, Steve McMaster	<p>Surface Water: One surface water right exists north of 78th Street, which would be impacted by expansion of roadway and ROW; DNR needs to be notified of any action taken place on water rights.</p>	<p>Added mitigation item for coordination between project sponsor (NDOR) and DNR on impacts to the water right once the final area of impact has been determined. (Section 3.8.1)</p>
	<p>Ground Water: Several registered groundwater wells exist close enough to Cherry Avenue Alternative that roadway expansion and ROW might impact the wells; Impacted wells will require mitigation, notification to owners of the wells, and completion and submittal of appropriate forms to DNR.</p>	<p>Added mitigation item to coordinate with DNR and owners of the wells and to replace the wells in accordance with the requirements established by the ROW process. (Section 3.8.1)</p>
	<p>Floodplain Management: It is clear project team understands what needs to be done to comply with local floodplain management ordinances.</p>	<p>City of Kearney’s Floodplain Manager was contacted for project review. The Build Alternative (Cherry Avenue) would need floodplain permit as a part of final design. Project would be designed to meet or exceed FEMA and City requirements. Floodplain permits would be obtained during the final design phase of the project. (Section 3.14.3)</p>

Table 4.2: Summary of Comments to Draft EA

Agency	Comments /Concerns	Response
Nebraska Department of Aeronautics – Engineering Department, Kevin Delka	Concerned with any elements of the bypass (overpass, lighting, etc.) having a height which could be an obstruction to the airspace around Kearney Regional Airport.	FAA 7460-1 Airspace forms were completed for the proposed Build Alternative location (Cherry Avenue Alternative) for overpass lighting and lighting at the new intersection of 39 th Street and Old Cherry Avenue. (Section 3.1.3)
USEPA, Joe Cothorn	<p>Environmental Justice: It is not clear how the analysis/data supports conclusion that “there is no evidence to suggest that this project would cause a disproportionately high, adverse human health or environmental effect on minority, elderly, or low-income populations...”. A more detailed analysis, paying particular attention to impacts other than residence displacements alone, would strengthen the section and provide basis for the conclusion.</p>	The Preferred Alternative may result in impacts that would be beneficial (improved regional mobility) or adverse (highway noise) but that would not be significant. The potential impacts would be experienced proportionally by all residents in the study area. The EA has been revised to include additional discussion. (Section 3.5 and 3.4.2)
	<p>Protection of Children: Expand evaluation of impacts to safety of children traveling to/from Stone School under the Cherry Avenue Alternative and other pedestrian safety issues; expand discussion on noise impacts to Stone School with the Cherry Avenue Alternative.</p>	The Preferred Alternative has been revised to include several features to improve safety at Stone School. These include: alignment shift of existing Cherry Avenue away from the school; inclusion of an access roadway that does not enter directly to the proposed bypass; and construction of a berm to protect school children from errant vehicles traveling on the proposed bypass. The noise analysis has been supplemented with additional information about Stone School. (Section 3.6)

Table 4.2: Summary of Comments to Draft EA

Agency	Comments /Concerns	Response
	<p>Hydrology and Water Quality: Add discussion on water quality status of all surface waters within the watershed; Final EA to describe pollutants in highway runoff, specifically those which bio-accumulate in fish and wildlife tissue and what measures will be taken to reduce transport of runoff; Water quality impacts to the Platte River should receive special consideration due to importance of river to migratory birds.</p>	<p>The northwest corner of the Eaton property is the only location of impacted property under the Build Alternative (Cherry Avenue Alternative). From discussion with Eaton Corp officials and USEPA, groundwater contamination is not present at the northwestern portion of their property.</p> <p>Section 3.7.1 of the FEA includes additional discussion about highway runoff. Roadside ditches would be included in the final design of the bypass to transport stormwater runoff and be lined with native grass vegetation to serve as bio-filter to trap sediments and absorb pollutants before they enter adjacent streams or percolate into the groundwater.</p>
	<p>Regulated Materials: Final EA should more completely characterize the conditions at the Eaton Corp site and any possible impacts due to the Cherry Avenue Alternative.</p>	<p>Section 3.11 of the EA addresses the Hazardous Materials resource and specifically the concern at the Eaton Corp site.</p>
<p>Nebraska Game and Parks, Carey Grell</p>	<p>NGPC concurs with the determination that the proposed project may affect, but is not likely to adversely affect the state-listed endangered whooping crane based on the commitment to implement conservation measures as identified.</p>	<p>Coordination on the terms of the conservation easements involved the following parties: NDOR, FHWA, NGPC, USFWS, City of Kearney, and Wells Fargo. The conservation easements are included in Appendix J – Conservation Easements. The conservation easements were submitted to NGPC on October 27, 2008 for review. NGPC provided determination and concurrence on June 30, 2010 that the proposed project may affect, but is not likely to adversely affect the federally listed whooping cranes based on the commitment to implement conservation measures as identified.</p>

Table 4.2: Summary of Comments to Draft EA

Agency	Comments /Concerns	Response
USFWS, Grand Island, Nebraska, John Cochner	Final version of EA endorsement withheld pending review of conservation easement for Archway property.	Coordination on the terms of the conservation easements involved the following parties: NDOR, FHWA, NGPC, USFWS, City of Kearney, and Wells Fargo. The conservation easements are included in Appendix J – Conservation Easements . The conservation easements were submitted to USFWS on October 27, 2008 for their review. USFWS provided determination and concurrence on January 28, 2010 that the proposed project may affect, but is not likely to adversely affect the federally listed whooping cranes or result in the destruction or adverse modification to federally designated critical habitat for the species.
FAA Kansas City, Missouri	Concerned with any elements of the bypass (overpass, lighting, etc.) having a height that could be an obstruction to the airspace around Kearney Regional Airport; FAA does not provide comments from an environmental standpoint.	FAA 7460-1 Airspace forms were completed for the proposed Build Alternative location (Cherry Avenue Alternative) for overpass and lighting at the new intersection of 39 th Street and Old Cherry Avenue. (Section 3.1.3).
Nebraska Department of Health and Human Services, Lincoln, Nebraska, Doug Woodbeck	Private wells (known and unknown) impacted by project must be properly decommissioned per Title 178 regulations.	Added mitigation item to coordinate with DNR and to decommission impacted wells and replace the wells in accordance with the requirements established by the ROW process. (Section 3.8.1).
Nebraska Historical Society, Lincoln, Nebraska, Bob Puschendorf	No environmental concerns.	Updated SHPO Concurrence letter dated May 2010 is included in Appendix B – Final EA Correspondence .

4.2 PUBLIC INVOLVEMENT

4.2.1 Past Public Outreach

The goal of the project sponsors is to encourage broad public participation from all sectors of the community and provide the community with adequate opportunities to participate in the decision-making process. Past public outreach includes public meetings in conjunction with the IJR completed in 2000 (Kirkham Michael, 2000) and the public meetings held as part of the Kearney Plan development during 1997 and 2003, when the original concept of a Kearney bypass was conceived (RDG et al., 1997 and RDG, 2003).

As part of the IJR, an initial public information meeting was held on January 31, 2000 at the Kearney City Library. Approximately 50 individuals attended the meeting including representatives from FHWA, NDOR, and the City of Kearney. Items noted by the public were generally positive. Major concerns expressed at the meeting included access south of I-80, the Stone School located on Cherry Avenue at Coal Chute Road, access to the industrial business located along US 30, and funding issues. A second public meeting was held on October 5, 2000 at the Kearney City Library to present the findings of the IJR. Approximately 40 to 50 individuals attended the meeting. Generally, the individuals with comments were positive with a few exceptions of those persons living along the proposed corridor. From this meeting four written comments were received. A summary of the written comments included two requesting reprints of the displays used at the public meeting, two showing concern for the Stone School, one supporting an Antelope Avenue alignment and one generally opposed to the interchange and bypass. A final comment received suggested using the Minden exit located approximately 4 miles to the east of Cherry Avenue as the primary access to the east part of Kearney. **Appendix N- Interchange Justification Report** includes the IJR documenting the past public outreach on the interchange justification process.

4.2.2 Public Meetings and Hearings

The public involvement process for the development of EA document included public meetings, location study, design hearings, and one-on-one property owner meetings. A project website was also setup to disseminate information to the public regarding the project. The website was hosted by the NDOR and the address is: www.transportation.nebraska.gov/projects/kearney-east/index.htm

Three public meetings/ hearings were held during the development of the EA document.

- 1st Public Meeting (Location Public Hearing) – July 17, 2007
- 2nd Public Meeting (Public Information Meeting) – April 1, 2008
- 3rd Public Meeting (Design Public Hearing) – October 30, 2008

Details of the three public meetings/ hearings held during the development of the EA document are described in the following paragraphs:

First Public Meeting - Location Public Hearing

Date of Public Meeting: July 17, 2007

Time: 4:00 PM – 7:00 PM

Location: Buffalo County Extension Building, 1400 East 34th Street, Kearney, Nebraska

Notification: Kearney Hub Newspaper; NDOR website

Attendance: 89

The purpose of the meeting was to present the No Build, Antelope Avenue, and Cherry Avenue alternatives. The Draft EA (which concluded that the Cherry Avenue Alternative was the Preferred Alternative) was made available at this meeting to the public. From this meeting, 17 written comments and no verbal comments were received. A summary of the written comments, responses to comments, and alternative preference are include in **Table 4.3**, and a copy of the comments received are included in **Appendix D – Public Involvement**.

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
1	Resident Jay Lumbar 3607 Antelope Avenue Kearney, Nebraska 68847 308.234.2779	Doesn't like proposed roundabout at 39 th Street and Cherry Avenue due to heavy truck traffic at this location and heavy traffic volumes during shift changes.	Roundabouts can be designed to accommodate large trucks; During the final design process, these large semi trucks would be taken into consideration so the roundabout would be able to accommodate large trucks; In addition, roundabouts can provide efficient traffic flow, reduce delays and increase safety at intersections.	Existing N-10
		He prefers bypass alternative which follows existing N-10 from I-80 then north to 78 th Street and west along 78 th Street to Second Avenue; N-10 could connect to 11 th Street.	An alternative following existing N-10 from I-80 to US 30, then following Keystone Road north to 78 th Street and then west to Second Avenue was considered; However, it does not meet the purpose and need of the project and was thus not carried forward.	
		Doesn't like roundabout at 39 th Street and Cherry Avenue; Should not be used due to the presence of trucks and commercial traffic; Instead, use traffic lights at all 39 th Street intersections.	Refer to response to first comment/ concern.	
		The interchange under the Cherry Avenue Alternative is not good because of environmental impacts to sandpits and proximity to the Platte River.	The alignment of the bypass under the Cherry Avenue Alternative was selected to minimize impacts to sandpit lakes and wetlands; It should be noted Antelope Avenue Alternative also has similar amounts of impacts to sandpit lakes and wetlands as Cherry Avenue Alternative.	

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
		Antelope Avenue Alternative affects John Deere dealer on US 30 and Ready Mix Concrete Plant near intersection at US 30 and Antelope Avenue and other new businesses at the intersection.	The location of the bypass under the Antelope Avenue Alternative has been selected to minimize total impacts to adjacent properties; Any shifts in the alignment west or east would result in an increased in total impacts.	
2	Resident Tony Ovrada 1123 5th Avenue Kearney, Nebraska 68845 308.237.1099	Interchange and bypass need to be separate from existing city; Cherry Avenue Alternative would open new areas for growth, provide access to airport and industrial areas, and would create new truck route past Kearney.	Comments noted.	Cherry Avenue
3	Resident Jerry McKean 2180 E 56th Street Kearney, Nebraska 68847 308.237.5602	Landowner along both alternatives; Cherry Avenue Alternative would be more efficient access to airport and industrial park; Feels 2 miles between interchanges (in Antelope Avenue Alternative) is too close.	Comments noted.	Cherry Avenue
4	Property Owner Tom Kappas 3618 Fairway Dr Plattsmouth, Nebraska 68048 402.298.8862 402.690.1643	He owns property north of interchange and east of the bypass; He has been making plans to develop property based on access to bypass for some time; Current plans [at the July 2007 meeting] do not show access from his property to bypass; Removal of access would cause dramatic changes in plans ; Wants full access reinstated.	The south portion of this property is included in conservation easements and would have restrictions on development; Access from bypass to existing Cherry Avenue has been included in design. Property can be accessed from existing Cherry Avenue.	Cherry Avenue
		Interested in bypass project from beginning since he owns property adjacent to Cherry Avenue; Bypass is necessary for economic growth and transportation options for Kearney; Bypass will provide easier access to Archway and relieve existing congestion on Second Avenue; Can not think of any negative impacts and fully supports bypass.	Comment noted.	

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
5	Business Employee Theresa Holtzen 2908 E. Highway 30 Kearney, Nebraska 308.237.3126	Antelope Avenue Alternative would negatively impact existing facilities and future expansion plans of Kearney Crete and Block and Ready Mix of Kearney at US 30.	The location of the bypass under the Antelope Avenue Alternative has been selected to minimize total impacts to adjacent properties; Any shifts in the alignment west or east would result in an increased in total impacts.	NOT Antelope Avenue
6	Resident Richard Stokes 8910 Second Avenue Kearney, Nebraska 68847 308.440.2744	Cherry Avenue Alternative is logical choice; One negative of Antelope Avenue Alternative is it displaces too many residences and businesses.	Comment noted.	Cherry Avenue
		More local traffic uses Antelope Avenue; Cherry Avenue Alternative will take traffic out and around the area.	Comment noted.	
		Businesses on Antelope Avenue have good location for commercial operations and Antelope Avenue Alternative would require some to be acquired/relocated.	The location of the bypass under the Antelope Avenue Alternative has been selected to minimize total impacts to adjacent properties; Any shifts in the alignment west or east would result in an increased in total impacts.	
		Conversion of Antelope Avenue to four-lane roadway could cause accidents to rise on an already safe road.	Comment noted.	
7	Resident Gordon and Audrey Taylor 2912 Antelope Avenue Kearney, Nebraska	Negative of Antelope Avenue Alternative is that it has too many impacts to businesses and residences; Their residence would be impacted under Antelope Avenue Alternative.	Comment noted.	Cherry Avenue
8	Business Owner Steve Stelling CVI Kearney 3111 Antelope Avenue Kearney,	Bypass should provide route around the outside of a city, not through a city; City of Kearney has grown east due to commercial development to include Antelope Avenue, thus Antelope Avenue Alternative is not good for bypass since it is in City.	Comment noted.	Cherry Avenue

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
	Nebraska 68848-0945 308.237.2268	Proposed connection from bypass to US 30 under the Antelope Avenue Alternative is a disaster due to business/industry impacts; This property is valuable since the location of the UPRR tracks directly south of US 30 essentially cut the prime commercial property location along the corridor in half.	Due to the existing development along the existing intersection of US 30 and Antelope Avenue, impacts to these properties can not be avoided; The bypass alignment under the Antelope Avenue Alternative was selected to minimize the unavoidable impacts.	
		Antelope Avenue Alternative would require construction over old landfill – not a good place to construct the bypass.	The location of the bypass under the Antelope Avenue Alternative has been shifted west to avoid impacts to the landfill.	
		Cherry Avenue Alternative is logical choice.	Comment noted.	
		Biggest issue with Cherry Avenue Alternative is residence at 39 th Street and Cherry Avenue.	Acquisition of this property is needed for construction of intersection at 39 th Street and Cherry Avenue intersection.	
9	Resident Thomas and Jean Reidy 414 E 33 rd Street Kearney, Nebraska 68847	Cherry Avenue Alternative is the best option; Bypass needs to be farther away from Kearney as in the Cherry Avenue Alternative since Kearney seems to be growing north and east.	Comment noted.	Cherry Avenue
		The proposed roundabouts at intersections under the Cherry Avenue Alternative may not be the best option due to large trucks in the area.	Roundabouts can be designed to accommodate large trucks; During the final design process, these large semi trucks would be taken into consideration so the roundabout would be able to accommodate large trucks.	
		Kearney needs another exit from I-80.	The need for another interchange was included as a need for the project.	

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
10	Resident Stan Zimbelman 124 W 46th Street Kearney, Nebraska 68847 308.865.5404	After reviewing plans, Cherry Avenue Alternative is the best option; Cherry Avenue Alternative will provide direct access to the industrial area and the airport; Cherry Avenue Alternative will disrupt fewer residences/businesses than Antelope Avenue Alternative.	Comment noted.	Cherry Avenue
11	Resident Wayne Macomber 860 E 1st Street Kearney, Nebraska 68847 308.237.7411 308.289.0004	Project was a dead horse from the start. Purpose of the exit is for benefit of Archway not businesses or downtown; Oppose any bypass just a waste of money.	A bypass will meet several needs for the City of Kearney, and none of these needs are to provide access for benefit of the Archway.	No Bypass

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
12	Business Owner EJ Webber Triangle Metals P.O. Box 325 4211 E 43rd Street Place Kearney, Nebraska 68848 308.237.2194	Owns business located on Cherry Avenue [north of 39 th Street]; Concerned existing Cherry Avenue will dead-end north of the industrial park; Many customers come from north and may have difficulty finding his business; Could NDOR connect existing Cherry Avenue to the bypass north of the industrial park or to 56 th Street.	The design includes an access on the bypass half-way between 56 th Street and 39 th Street to existing Cherry Avenue. Existing Cherry Avenue still dead ends north of 39 th Street and does not connect to 56 th Street. Adequate spacing between the intersections of the bypass and existing Cherry Avenue would need to be provided. This spacing could be accommodated for by shifting the bypass alignment west which would impact a residential property on the northwest corner of the intersection of 56 th Street and Cherry Avenue. The other option is to extend existing Cherry Avenue north and east to intersect 56 th Street. This would impact the adjacent farmland east of Cherry Avenue which includes a center pivot irrigation. Therefore, providing a connection to 56 th Street from existing Cherry Avenue is not desirable due to the impacts.	
		Likes the roundabouts in Cherry Avenue Alternative.	Comment noted.	
13	Business Employee Neil Koster P.O. Box 2526 Kearney, Nebraska 68848-2526 308.237.5810	Aerial maps used in plans were old and did not show recent development along Antelope Avenue; Antelope Avenue Alternative poor choice due to existing development; Bypass should be on outskirts of a town so it will allow city to grow out to bypass; Cost would be less to build bypass in open area.	The aerial maps utilized for the plans were the most recent aerals with a good enough resolution at the time of the meeting.	Existing N-10

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
		Cherry Avenue Alternative poor layout; No direct access from the bypass to US 30; Talk of improving access to archway, airport, national guard unit, but does not improve the access to Cabela's which is largest tourist business which attracts 750,000 visitors per year; Consideration should also be given to all other business/industries.	Cherry Avenue Alternative includes access to US 30; During development of the concept plans, consideration was given to access for other businesses and industries, not only the Archway and the airport.	
		US 30 east of Kearney is prime location for development.	Comment noted.	
		NDOR should consider bypass at Minden exit [existing N-10] with interchange at US 30 and overpass over UPRR then north to 78 th Street and west on 78 th Street.	An alternative following existing N-10 from I-80 to US 30, then following Keystone Road north to 78 th Street and then west to Second Avenue was considered; However, it does not meet the purpose and need of the project and was thus not carrier forward.	
14	Gene Freeze 17 Red Fox Lane Kearney, NE 68845 308.440.1430	Supports Cherry Avenue Alternative to relieve congestion, less property acquisitions, serves better as a bypass to Kearney, serve growth of airport and National Guard Amory better than other alternatives.	Comment noted.	Cherry Avenue

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
15	Kathy Morrow 2403 E 32 nd 1-A Kearney, Nebraska 68847 308.237.3466	Second I-80 interchange waste of tax money; Many people use existing Minden exit; Many towns in Nebraska share exits.	The “shared exits” listed as examples are “shared” by communities which are located approximately directly north-south in relation to each other on opposite sides of I-80. In the case of the Minden interchange, Minden is located south of the Minden interchange, and Kearney is north of I-80 and approximately 7 miles west of the Minden interchange; Therefore, since Kearney and Minden are not approximately directly north-south in relation to each other, the examples listed do not reflect the conditions at this interchange. An alternative following existing N-10 from I-80 to US 30, then following Keystone Road north to 78 th Street and then west to Second Avenue was considered; However, it does not meet the purpose and need of the project and was thus not carried forward.	Existing N-10
		Lived in Kearney for almost 25 years and does not agree there are traffic concerns on Second Avenue; Don’t think about now, think 10 to 15 years down the road; US 30 will become four-lane roadway eventually.	Results from capacity analysis conducted as part of the IJR indicate the intersection of Second Avenue and US 30/25 th Street was operating at LOS ‘D’ during the year 2000. The remainder of the intersections along the Second Avenue corridor was operating at LOS ‘B’ or better. The IJR evaluated the conditions along the Second Avenue corridor for the year 2025 as well. Sections of the Second Avenue corridor in 2025 are estimated to operate at unacceptable conditions without improvements.	

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
		Suggestions: take money and build overpass over UPRR on existing NE Hwy 10/Keystone Rd; This will also keep the bypass away from Stone School; Expand US 30 to four-lane.	An alternative following existing NE Hwy 10 from I-80 to US 30, then following Keystone Rd north to 78 th Street and then west to Second Avenue was considered; However, it does not meet the purpose and need of the project and was thus not carried forward. Per the City of Kearney Transportation Plan Update, US 30 is planned to be expanded to four-lane to Imperial Avenue in the future.	
		She has seen other states which have build interstate exits for attractions, such as the Archway; The proposed exit under either alternative near the Archway could serve as an off-ramp only and then vehicles must travel to Second Avenue to get back onto I-80, or place on-ramp to I-80 at the Archway; This is a better solution if the project is supposed to help increase business at the Archway.	Comment noted. The purpose of the project is not to provide access for the Archway, but, this is a benefit of the Antelope Avenue Alternative and Cherry Avenue Alternative.	
		US 30 and 39 th Street intersections with the bypass will require stop light or there will be accidents; She lives near intersection of 39 th Street and Antelope Avenue and has seen many terrible accidents; 39 th Street will be four-lanes to the airport someday and there will be more issues to deal with if traffic lights aren't put in now.	The intersection with existing Cherry Avenue and US 30 is planned to have traffic signals. The intersection of 39 th Avenue at the Bypass and existing Cherry Avenue is planned to have roundabouts which have proven safety benefits. Per the City of Kearney Transportation Plan Update.	
16	Richard Elliot 5101 Avenue N Place Kearney, Nebraska 68847 308.236.0745	Cherry Avenue best route.	Comment noted.	Cherry Avenue

Table 4.3: First Public Meeting (Location Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response	Alternative Preference
17	Anonymous	Life-time resident in Buffalo County; Works at Morris Press; Sometimes it takes 15 minutes to leave parking area since there is no left-turn lane; Businesses need frontage road or another exist; Consider truck entrance from the north side to access Antelope Avenue and Cherry Avenue; Other businesses could fill in space; Where is Wal-Mart? They want speeds [on US 30] to be 50 mph to Airport Road because Cabellas, Morris Press, Eatons, and Baldwin have traffic adding to US 30.	These are traffic issues that are not included in the scope of the proposed project.	Cherry Avenue
		Bypass will really make east Kearney is an industrial area and provide easy access for trucks.	Comment noted.	
		Widen entrances to have left-turn lane when wanting to get onto US 30 to help attract companies.	Comment is not clear where the entrances are located; If these are existing driveways along US 30, this issue is not included in the scope of the proposed project.	
		Should provide easier access to Buffalo County Fair site [located at southeast corner of 39 th Street and Avenue 'N'].	Comment is not clear on what type of access (access from I-80 along the bypass or driveway access?). Based on subject of preceding comment, it is assumed the comment is referring to driveway access. This issue is not included in the project scope.	
		They vote for the Cherry Avenue Alternative since they see Kearney expanding out to this location.	Comment noted.	
TOTAL ALTERNATIVE PREFERENCES: Cherry Avenue (10); Antelope Avenue (0); NOT Antelope Avenue (1); N-10 (3); Not Specified/ No Preference (2); No Bypass (1)				

Second Public Meeting – Public Information Meeting

Date of Public Meeting: April 1, 2008

Time: 5:00 – 7:00 PM

Location: Great Platte River Road Archway Monument

Notification: Kearney Hub Newspaper; special signage at 39th Street and Cherry Avenue; NDOR website

Attendance: 71 (approximate)

The purpose of the meeting was to present preliminary design details for the preferred Build Alternative (Cherry Avenue Alternative). From this meeting, 18 written comments and no verbal comments were received. A summary of the comments, are included in **Table 4.4** and a copy of the comments received are included in **Appendix D – Public Involvement**.

Table 4.4 – Second Public Meeting (Public Information Meeting) Comments and Responses

	Citizen	Comment/Concern	Response
1	Resident Robert A. Zumbrunnin 4303 Avenue 3 Kearney, Nebraska 68847	Concerns with existing house, farm and county road (need to be on 1/4-mile line). Are they necessary at this time and cost vs. benefit of round-about at 39 th Street and Cherry and N-10 and N-40 highways?	Facility is being designed with controlled access and higher speeds to function more as an expressway and necessitates limitations on driveways. Roundabout intersections have been found to be safe and reduce overall delay.
2	Resident – Willy Keep 432 E. Calkins Avenue Elm Creek, Nebraska 68836 308.856.4288	Is this the best place for a bypass? Concern about factory traffic on 39 th Street and about N-10 traffic/rush hour. Extend 78th Street east and south and put Hwy 30/Railroad viaduct there. Numerous accidents on N-10/US 30 with stopped and slow moving trains. Other museums in Nebraska facing lower receipts as well - is this fair to residents of Nebraska as a whole. Can the rest area be moved; will the I-80 viaduct at Cherry Avenue block the view of the Archway? Are we doing a service by adding more obstacles?	Comments noted. Preferred alignment was selected by the benefits it can bring while minimizing impacts to property. The rest area is not a part of this study.
3	Resident – Craig Peister 110 Huron Drive Kearney, Nebraska 68847	Get Second Avenue completed first; locate exit at 30 th Avenue as there is already an overpass, etc; only benefit is for the Arch and Cabela's; too much money being wasted, rethink and use common sense.	Preferred alignment was selected by the benefits it can bring while minimizing impacts to property. 30 th Street Interchange is in the <i>Kearney Plan</i> , but not a part of this study (RDG et al., 1997 and RDG, 2003).
4	Resident – Lee Potter 6985 Antelope Kearney, Nebraska 68847	Concern with convenient access due to farming south of 78 th and east of Cherry. Don't want to have to backtrack.	Comments noted. Preferred designs will have some impacts. Designs try to minimize impacts while keeping good design standards. Refer to Section 3.4.1 Economic Conditions for additional discussion.

Table 4.4 – Second Public Meeting (Public Information Meeting) Comments and Responses

	Citizen	Comment/Concern	Response
5	Resident – Ed Sweet 100 th and Cherry Kearney, Nebraska 68847 308.548.8341	Suggest exit ramp and on ramp at corner of 92 nd and Cherry for direct access north.	Comments noted. Preferred designs will have some impacts. Designs try to minimize impacts while keeping good design standards.
6	Resident – Theresa Holtzen 2908 East Highway 30 Kearney, Nebraska 68847 308.237.3126	Problems with turning left onto US 30 from Minden exit because of high traffic and the proximity of the railroad.	Comments noted. This intersection is several miles east of the Bypass.
7	Resident – Scott Sweet 4425 E. 100 th (100 th and Cherry) Kearney, Nebraska 68847 308.293.1206	Possible exit ramp for northbound traffic to continue north (similar to 78 th Street). Future development on Cherry Avenue should be considered. Cherry Avenue is the first road cleared from snow for people from the north to town.	Comments noted. Preferred designs will have some impacts. Designs try to minimize impacts while keeping good design standards.
8	Resident – Theresa Sweet 4425 E. 100 th Street Kearney, Nebraska 68847 308.236.6447	Exit from Cherry Avenue (N-10) and 92 nd Street that goes directly north.	Comments noted. Preferred designs will have some impacts. Designs try to minimize impacts while keeping good design standards.
9	Resident – Robert L. Markus 1360 E. 78 th Street Kearney, Nebraska 68848 308.234.9041	Concerns with irrigation pipes and underground electrical wire under present roadway and the need to relocate them. Pipes freezing and concerns with driveway being closed and the semi-trailer trucks that need to navigate in his driveway and concern with close proximity of ROW to his two homes.	Alignment of the bypass along 78 th Street will be shifted south as far as practical to reduce impacts to houses. Facility is being designed with controlled access and higher speeds to function more as an expressway and necessitates limitations on driveways. Property will be appraised and compensation made for impacts. Refer to Section 3.4.1 Economic Conditions for additional discussion.
10	Resident – Gerald Brandorff 4711 Avenue E Kearney, Nebraska 68847 308.237.2646	Concerns with traffic and safety on Second Avenue. Growth of the Industrial Park and airport as well as better access to Arch and better access for the National Guard all positives.	Comments in favor of the bypass are noted.

Table 4.4 – Second Public Meeting (Public Information Meeting) Comments and Responses

	Citizen	Comment/Concern	Response
11	Resident LaDonna Ahrens 4835 Pony Lake Road Kearney, Nebraska 68848 308.233.5723	Move lake connector road so a bigger radius could be put in for a better blend into Cherry Road. Better radius for Pony Lake Road into connector as well. Concerns with maintaining Pony Lake Road due to increased traffic.	Comments noted. Alignment will be redesigned into Pony Lake and adjacent lake to the east of Pony Lake (refer to Figure 2.2 for Pony Lake Road location).
12	Resident – Jerry Rogers 4307 Cherry Avenue Kearney, Nebraska 68847 308.234.6809	Concerns with NDOR funding choices and having money for Omaha Co. Bluffs Walk Bridge, but not for this project and Kearney having to pay \$3 million the NDOR does not have. Supports the project anyway, no stop light at Cherry Avenue and 39 th Street. Supports second roundabout.	Comments noted. Funds used for walkway bridge could not be used for other projects.
13	Resident – Christy Cronin 250 Rainbow Lane Gibbon, Nebraska 68840 308.468.6370	Better access on and off of Kearney By-Pass from Cherry Avenue from Blue Sky Estates Subdivision (Ravenna Road dangerous. Concerns for safety of both young and old drivers.	Comments noted. Designs try to minimize impacts while improving safety and keeping good design standards. Refer to Section 3.4.1 Economic Conditions for additional discussion.
14	Resident – McKean Land and Cattle Co. 2180 E. 56 th Street Kearney, Nebraska 68847 308.23.5602	Concern with disturbing existing irrigation wells from 39 th Street north and west to N-10 and N-40. Gravel road to enter highway too long at the corner of 78 th Road and Cherry Avenue. Access road concerns into building site located in NE 1/4 20-9-15.	Alignment attempts to minimize impacts. Access to 78 th Road and Cherry Avenue was forwarded to the County for their review. Designs provide the safest access within the design standards. Field staff will ensure the project is built within specifications. Refer to Section 3.4.1 Economic Conditions for additional discussion.
15	Resident – Ronny Roberts 4240 East 1 st Street Kearney, Nebraska 68847 308.236-8950	Move lake connector road so a bigger radius could be put in for a better blend into Cherry Road. Better radius for Pony lake Road into connector as well. Possibly putting up signs prohibiting engine braking or change speed limit to 65 mph in that area.	Pony Lake Road will be redesigned. Engine braking is a local ordinance; either City or County in this case. Concern forwarded to the City and County for their review (refer to Figure 2.2 for Pony Lake Road location).
16	Resident – Steven R. Voight 5207 Avenue G Place Kearney, Nebraska 68847 308.236.5045	Concerns with affect the new exit will have on Pony Ranch Lake. Possibly move connector road and Old Pony Lake Road. Provide bigger radius on both roads for future traffic; also leave the present trees standing.	Pony Lake Road will be redesigned. Trees will be saved where possible on the project (refer to Figure 2.2 for Pony Lake Road location).

Table 4.4 – Second Public Meeting (Public Information Meeting) Comments and Responses

	Citizen	Comment/Concern	Response
17	Ace Irrigation and Manufacturing 4740 E. 39 th Street Kearney, Nebraska 68848 c/o Tom Bokenkamp	Concerned with movement of their oversized, and over length loads hitting vehicles, tracking over curbs, and hitting signage.	Comments noted. Company can take loads north to 56 th Street and access the bypass further north to avoid roundabouts. Design vehicle is a WB-62. Designs were reviewed and loads typical of Ace Metal can traverse the roundabouts.
18	Kearney Public Schools Art Hansen Dir. Bldg and Grounds 1007 W. 20 th Street Kearney, Nebraska 68845-5100	Concerned with student pickup and drop-off, speeds on Coal Chute Road. Could they have access on Coal Chute Road exit only, could they keep the old Cherry Road, could they use ROW on the south side of school?	State of Nebraska does not allow encroachments in ROW for parking. Remnants of ROW after construction can be negotiated. Egress only driveway onto Coal Chute Road will be allowed. Speed limit on Coal Chute Road is Buffalo County's jurisdiction and comment will be forwarded to Buffalo County for review.

Third Public Meeting – Design Public Hearing

Date of Public Meeting: October 30, 2008

Time: 5:00 – 7:00 PM

Location: Great Platte River Road Archway Monument

Notification: Kearney Hub Newspaper; special signage at 39th Street and Cherry Avenue; NDOR website

Attendance: 68

The purpose of the meeting was to present preliminary design details for the Build Alternative (Cherry Avenue Alternative) with modifications based on public comments from the April 1, 2008 Public Information Meeting. These changes included the following:

- A shifted bypass alignment north of 56th Street to reduce impacts to irrigation and electric utilities.
- A changed alignment of Pony Lake Road (intersection just north of interchange to the east) to reduce impacts to trees.
- A revised design to Coal Chute Road to minimize impacts to Stone School.
- The addition of a right-out driveway on to Coal Chute Road from Stone School.
- A revised bypass alignment to use more of existing 78th Street at Cherry Avenue.

From this meeting, 23 written and verbal comments were received. A summary of the comments and responses to comments received are included in **Table 4.5** and copies of the written comments received are included in **Appendix D – Public Involvement**. Individual responses to each of the citizens expressing concerns were developed and sent on April 6, 2009 and May 25, 2010. Copies of these response letters are included in **Appendix D – Public Involvement**.

Table 4.5: Third Public Meeting (Design Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response
1	Student Chris Hussey UNL College of Architecture Address Unknown Verbal Comment	The project is a great idea. It will help to alleviate traffic and make it easier for local residents to access that part of town. It will also help economic development for the business out in the area. He would like to see the project incorporate multi-modal transportation such as biking/hiking trails and a bridge over US 30.	Comments noted. The bridge over North Channel of Platte River is designed to accommodate bicycle trails on both sides under the bridge. The existing bridge on Cherry Avenue will remain in place to accommodate the crossing of pedestrians over the North Channel of the Platte River. For additional information refer to Section 3.1.2- Pedestrian and Bicycle Facilities.
2	Resident Dennis Clabaugh 3825 E. 1 st Street South Kearney, Nebraska 68847 308.237.0598	Has been watching the development of the project. Initially it was stated that they were not going to take any of the county road that had been in existence since the 1960s. He planted a shelter belt 20 years ago and now their new design is knocking down trees in the river and taking half of his shelter belt. He is considering getting an attorney to protect his shelter belt and the trees in his area. His property is located just south of the new interchange. Believes the road does not need to be moved and the power lines do not need to be moved, just add poles to raise the lines. He can provide fill from his property. Wants plans of options for the headlight screening berm.	The county road would not require shifting with the final design alternative to provide a headlight screening berm on the south side of the interchange. A proposed 60-inch concrete jersey barrier would act as the headlight berm. The earth berm that originally required the county road to be potentially shifted south would be replaced by a proposed reinforced slope stabilization fill slope. This new fill slope would be graded at a 1.5:1 slope to allow the existing county road to remain in its existing location. This new Alternative will also allow the existing trees to remain in place. A Nebraska Public Power District (NPPD) electrical transmission line tower on the north side of I-80 is directly impacted by the new interchange requiring the relocation of the transmission line. Plans for headlight screening berm were sent. For additional information refer to Section 3.14-Utilities, Section 3.2.2-Property Acquisitions and Relocations, Appendix B-Final EA Correspondence , and Appendix J-Conservation Easements .
3	Donna Wantischke NDOR District 4 Highway Commissioner Verbal Comment	Kearney has waited a long time for this project. She hopes it helps the Archway, Cabelas, and the businesses they thought were in jeopardy. The local residents are not worried about N-10 congestion as much as downtown Kearney and Central Avenue. She believed that there would be a problem with moving N-10 from the Minden residents, but she has not heard from them.	Comments noted.

Table 4.5: Third Public Meeting (Design Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response
4	Resident Gene Willmes 3890 Cherry Avenue Kearney, Nebraska 68847 Verbal Comment	Lives on the corner of 39th and Cherry Avenue. He would like to know where we are at with the project. He believes it will greatly impact him and doesn't know how long he can stay there. They are located where the roundabout will be located. The design will take his entire residence. He has been there 20 years and would not like to leave, but know that he has to and would like to get as much information now and get the process started instead of living in limbo.	Concerns noted and due diligence will be undertaken to inform Mr. Willmes of highway development process and timeline, in accordance with the Uniform Act. For additional information refer to Section 3.2.2-Property Acquisitions and Relocations.
5	Land Owner Harry Compton 7840 Avenue N. Kearney, Nebraska 68847 Verbal Comment	As a landowner in the area, the project is taking the driveways away from his properties and he believes it will destroy his property values. He would like to see a different design. He does not understand why the project can't go out on the east side of the property to the far driveway and not ruin his property. He would like to see the engineers, not the surveyors come out and talk with him and not just use aerial photos for design purposes. He spoke with NDOR Design and Right-of-Way Staff. The ROW people stated the new design can only have two accesses within a mile. He does not see a problem with 78 th Street that the County paved and is only 3-4 years old.	The bypass is being designed with controlled access, which limits access to approximately 0.5 mile intervals, and to current national and state standards. Access will be provided north of his existing drive off of "N" Avenue. Bypass alignment was shifted south to minimize impacts after the Information Meeting held 4-1-2008. ROW impacts will be mitigated in accordance with the Uniform Act. The paved portion of 78 th Street is being reviewed for its capacity to carry highway traffic volumes. The condition of the pavement will be re-examined prior to construction of this portion of the project. For additional information refer to Section 3.2.2-Property Acquisitions and Relocations, NDOR Access Control Policy to the State Highway System (March 2006), and Appendix E-Preliminary Plan and Profile.

Table 4.5: Third Public Meeting (Design Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response
6	Resident Robert Markus 1360 East 78 th Street Kearney, Nebraska 68847 Written Comment	He has two driveways that access 78th street. The design will close his driveways and he has concerns with his semi getting in and out and turning around for his property. He believes there will be a safety issue and it ruins his building sites. He also has a water line that crosses the road up on the hill. It has been there since 1971 and is located 4-5 feet under the road. If the design cuts the hill down, he is not sure what will happen. He also has an electrical line under there for his pivots. He would like these lines addressed in the design.	The bypass is being designed with controlled access which limits access to 1/2 mile intervals, and to current national and state standards. Access will be provided north of his existing drive off of "N" Avenue. The water and electrical line will be reviewed and accommodation will be permitted if feasible with good highway design review will be done during ROW negotiation. ROW impacts will be mitigated in accordance with the Uniform Act. For additional information refer to Section 3.2.2-Property Acquisitions and Relocations and NDOR Access Control Policy to the State Highway System (March 2006). Refer to Section 3.4.1 Economic Conditions for additional discussion.
7	Resident Neil Koster P.O. Box 2529 Kearney, Nebraska 68848 308.237.5810 sales@midplain sonline.com	Believes this is a pork barrel project at taxpayer's expense. Why start something if it doesn't have funding?	The project's "Purpose and Need" has been established and approved by local, state, and FHWA. The project will be completed in three phases to match funding revenue. For additional information refer to Section 1.0-Purpose and Need for the Project.
8	Resident Matt Waugh 78 Sweetwater Avenue South Kearney, Nebraska 68847 308.338.1062 kattsauto@rco m-ne-com	Would like the county to place traffic counters on Sweetwater and put a hard surface on Sweetwater and also connect to N-10. Currently, Sweetwater has more traffic than 11th street and the road base is terrible. The road also has a low elevation and poor ditches and with heavy rain, the road can have up to two feet of water crossing over the road and it is the only access road to homes and businesses.	Sweetwater Road is under the jurisdiction of Buffalo County. The road is approximately 0.5 mile east of the project and does not connect to the bypass. Comments will be forwarded to the County for their review.
9	Resident Thomas Larson 11 W. 44 th Street Kearney, Nebraska 68847 308.237.3246	Need to visit about Station 320 area, and the 400 to 430 area. Can meet with somebody anytime after the middle of December.	Meeting with Mr. Larson will be scheduled by NDOR to discuss concerns.

Table 4.5: Third Public Meeting (Design Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response
10	Resident David Fleming 4115 Avenue G Kearney, Nebraska 68847 308.627.7092 Written Comment	As an area farmer, would like to have better access to our property east of the junction of 78 th and Cherry Road.	The access has been reviewed and accepted by Buffalo County. Concern will be forwarded to the County for their review. Refer to Section 3.4.1 Economic Conditions for additional discussion.
11	Residents Pat and Cheryl Winters 550 East 78 th Street Kearney, Nebraska 68847 308.237.7075 Written Comment	<p>The gravel surface proposed will cut through our orchard, which is over 40 years old, destroying part of it and separating the remaining portions.</p> <p>Our asphalt driveway will be disposed and will be replaced with a gravel drive placed to the east. This gravel road is proposed to continue north to the east of our house running in between our house and well. The change in location will mean that our evergreen trees will be cut down.</p> <p>The project will take frontage away, depreciating our properties immensely.</p> <p>It is very objectionable for the large farm equipment to come up our driveway. Due to rotation of crops, it is necessary to have two entrances for planting, maintaining, harvesting farm crops. 5. Our neighbors would have to come through our drive to get to their pasture to the west.</p>	Design to the properties will be reviewed and if feasible design will be altered. Surfacing will be hard surfaced rather than gravel. ROW impacts will be mitigated in accordance with the Uniform Act. For additional information refer to Section 3.2.2-Property Acquisitions and Relocations and NDOR Access Control Policy to the State Highway System (March 2006). Refer to Section 3.4.1 Economic Conditions for additional discussion.
12	Sandy Peever 3975 E. 1 st Street South Kearney, Nebraska 68849 Verbal Comment	Would like a mosaic of the shifted county road (south of the interchange).	Mosaic was provided.

Table 4.5: Third Public Meeting (Design Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response
13	Kevin Matson, Plant Mgr. Eaton Corp. 4200 Highway 30 East Kearney, Nebraska 68847 Verbal Comment	Would like a mosaic of the roundabout area adjacent Eaton Corporation.	Mosaic was provided.
14	Resident Ronnie Roberts 4240 E. 1 st Street Kearney, Nebraska 68847 Verbal Comment	Steve Voigt is a landowner of property along the lake just northeast of I-80 and Cherry. Ronny Roberts also owns the property on the lake at 4240 E 1st Street (house on southwest portion of the lake). General noise questions and engine braking. Both men expressed the same concern: Building a ramp next to their property will increase the noise levels. Can the speed limits be reduced?	On November 20, 2008, NDOR Noise and Air Staff called Mr. Roberts and Mr. Voight (see comment 15) to address their concerns. They were informed that the ramp, in fact, will decrease the noise as it will be built on an elevated berm blocking the line of site and thus blocking noise of a portion of I-80 traffic. They also raised questions regarding methods of noise modeling wondering why NDOR does not use field measurements. They were informed that computer models are used in order to get information about the future noise impacts and that field measurements are used to calibrate the model to existing conditions. Engine braking was simply acknowledged that it could be a problem; however, this was an enforcement issue. They wanted to know if lowering the speed was an option for noise abatement. It is not in this instance. For additional information refer to Section 3.6-Noise and Appendix H-Traffic Noise Study .
15	Resident Steve Voight 5207 Avenue G Place P.O. Box 1184 Kearney, Nebraska 68847 Verbal Comment	General noise questions and engine braking. Expressed the same concern as Mr. Roberts: Building a ramp next to their property will increase the noise levels. Can the speed limits be reduced? Steve Voigt is a landowner of property along the lake just northeast of I-80 and Cherry. Ronny Roberts also owns the property on the lake at 4240 E 1st Street (house on southwest portion of the lake).	Refer to Comment 14 Response.

Table 4.5: Third Public Meeting (Design Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response
16	Kearney Public Schools 2430 Cherry Street Kearney, Nebraska 68847 308.234.9486	Wanted to know the design details at the school.	Design was changed after Public Information Meeting April 1, 2008 to allow right-out only egress onto Coal Chute Road, and Coal Chute Road's cross-section and alignment shifted south to not take additional ROW from parking on the south side of the property.
17	Jerry McKean 2180 East 56 th Street Kearney, Nebraska 68847 308.237.5602 308.627.5510	Main concern is with the design of the access to 78 th Street from Cherry Avenue. Without a jughandle they will be forced to travel excess miles making their harvest very inefficient.	The access from 78 th Street and Cherry Avenue to the Bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both along 78 th Street and Cherry Avenue is being designed with 0.5 mile access points in order to maintain an efficient high speed bypass. Refer to Section 3.4.1 Economic Conditions for additional discussion.
18	Marlene McKean 2180 East 56 th Street Kearney, Nebraska 68847 308.237.5602	Plases consider an access road at 78 th Street and Cherry Avenue. We use these roads for our farming business.	The access from 78 th Street and Cherry Avenue to the Bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both along 78 th Street and Cherry Avenue is being designed with 0.5 mile access points in order to maintain an efficient high speed bypass. Refer to Section 3.4.1 Economic Conditions for additional discussion.
19	Patricia Lewis 7922 Keystone Road Kearney, Nebraska 68847	Opposes the proposed adjustment of 78 th and Cherry. The adjustments are expensive for the tax payers and usually only a few people get any advantages by the change.	The access from 78 th Street and Cherry Avenue to the Bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both along 78 th Street and Cherry Avenue is being designed with 0.5 mile access points in order to maintain an efficient high speed bypass. Refer to Section 3.4.1 Economic Conditions for additional discussion.
20	Lee Potter 6985 Antelope Kearney, Nebraska 68847	Feels there is a problem on the corner of 78th and Cherry. As an ag producer in the area, they need to be able to get on and off 78 th and Cherry at the original intersection.	The access from 78 th Street and Cherry Avenue to the Bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both along 78 th Street and Cherry Avenue is being designed with 0.5 mile access points in order to maintain an efficient high speed bypass. Refer to Section 3.4.1 Economic Conditions for additional discussion.

Table 4.5: Third Public Meeting (Design Public Hearing) Comments and Responses

	Citizen	Comment/Concern	Response
21	Kimble Lewis 7922 Keystone Road Kearney, Nebraska 68847 308.234.1725	Currently farms land between 56 th and 78 th Street on Cherry Avenue. He is concerned that there is not enough access along both 78th and Cherry for semis or farm equipment. 78 th Street is also a main artery for farms delivering grain to Cargill in Gibbon.	The access from 78 th Street and Cherry Avenue to the Bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both along 78 th Street and Cherry Avenue is being designed with 0.5 mile access points in order to maintain an efficient high speed bypass. Refer to Section 3.4.1 Economic Conditions for additional discussion.

One-on-one meetings were also held with various property owners and adjacent business operators during the course of preliminary design and development of the EA document. **Appendix D – Public Involvement** includes meeting minutes from these one-on-one meetings. On-going public involvement and information will continue as deemed necessary to continue to inform the public.

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SECTION 5.0 MITIGATION SUMMARY

In order to comply with all applicable Federal, State, and local legislation, and in addition to any general or special conditions required by pending permits, the following mitigation measures/environmental commitments have been incorporated into the Build Alternative. In addition to the mitigation measures listed below, the contractor will be required to comply with *NDOR Standard Specifications for Highway Construction* (NDOR, 2007). These standard specifications contain provisions and standard practices to maintain environmental quality compliance during construction.

Transportation Resources

- At-grade crossings of future intersecting trails and the bypass will be designed to allow safe bicycle crossings.
- NDOR will provide for future access at 56th Street to accommodate the City's extension of that street to the Airport terminal.
- During final design, NDOR will resubmit FAA form 7460-1 to the FAA and Nebraska Department of Aeronautics.

Right-of-Way and Property Acquisitions

- All acquisitions and relocations will comply fully with federal and state requirements, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
- Alignment shifts or design modifications (e.g., using retaining walls) will be considered during final design to minimize ROW requirements.

Socioeconomic Resources

- Access to adjacent properties will be maintained by the contractor during construction as per NDOR Standard Specification 104.05.
- The affected property owners will be contacted during the final design by the Design Team to coordinate any access changes to private driveway locations.
- The project will include a landscaped earthen berm and fence to physically and visually separate the Stone School and the bypass. Design details will be determined during final design.
- During the final design, NDOR will continue to coordinate with Kearney Public Schools to address the parking concerns.

Noise

- Noise levels will be minimized by adhering to NDOR standard specifications for equipment. Construction activities will primarily be limited to daylight hours.

Water Resources

- Prior to the bidding process, NDOR shall develop and implement a SWPPP and obtain a NPDES permit to address stormwater and non-stormwater runoff and erosion control during construction.
- NDOR will obtain Section 401 certification and will obtain required Section 404 permits, as described in Section 3.8.
- Registered groundwater wells affected by the Build Alternative will be decommissioned in accordance to the NDNR Regulations and replaced in accordance with the requirements established by the ROW acquisition process.

- The Project contractor will be required to submit a Materials Source Site Identification and Evaluation Form to NDOR and USACE if project borrow is needed. NDOR will forward the Material Source Form to the USFWS, NGPC, NDNR, and HAP-NSHS for review and approval.
- The Contractor shall try to obtain material from an upland site to prevent depletion issues. However, if the material site is located within the Platte River basin, and it is identified that it will pond water after excavation, NDOR will determine project related impacts by calculating the evaporated loss of water at the material site, by using the Natural Resource Conservation Service (NRCS) – US Department of Agriculture (USDA) Consumptive Use Calculator. Results of the impacts shall then be submitted to NDNR, and the project contractor will be responsible to offset the depletion impacts, in accordance to the PRRIP.

Wetlands

- NDOR will comply with the requirements of Section 404 of the Clean Water Act and will obtain a Section 404 permit from the USACE. An individual permit is likely required, but the specific type of permit required for the project will be determined as part of the joint review process with USACE during final design.
- NDOR will comply with the requirements of the Section 404 permit to mitigate for wetland losses caused by the Build Alternative. Impacts are within the geographic service area of the NDOR Morman Island wetland bank site. Specific locations and mitigation ratios will be determined in coordination with the USACE during final design.
- The contractor will comply with standard specifications, including:
 - Standard Specification 104.08 – Final Cleanup.
 - Standard Specification 107.01(4)(e) – Legal Relations and Responsibility to the Public – Laws to be Observed – Environmental Quality Compliance.
 - Standard Specification 501.01(3) – Bituminous Pavement.

Vegetation

- The contractor will comply with standard specifications, including:
 - Standard Specification 202.01(4)(d) – Clearing and Grubbing – Description – Trash, dead trees and vegetation in the ROW limits and beyond the limits of construction shall be disposed of by the contractor.
 - Standard Specification 107.01(6) Amended A-43-0210 – Legal Relations and Responsibility to the Public – Laws to be Observed.
 - Standard Specification 803.03 – Seeding – Construction Methods.
 - Standard Specification 805.00 – Mulch.
 - Standard Specification 806.02(4)(c) – Sodding – Material Requirements.

Invasive Species

- NDOR will develop a seed mix to include native plant species during final design to be included in the project Specifications and used by the contractor on disturbed areas after construction.
- The contractor will prevent transfer of invasive plant and animal species. The contractor will wash equipment at the contractor's storage facility prior to entering the construction site. The contractor will inspect all construction equipment and remove all attached vegetation and animals prior to leaving the construction site.
- Appropriate mulching materials will be applied and will not include brome hay. If sod is required, all sod to be applied to the Build Alternative, it will be free from all weeds, including noxious weeds.

- The contractor will comply with standard specifications, including:
 - Standard Specification 202.01(4)(d) – Clearing and Grubbing – Description – Trash, dead trees and vegetation in the ROW limits and beyond the limits of construction shall be disposed of by the contractor.
 - Standard Specification 107.01(6) Amended A-43-0210 – Legal Relations and Responsibility to the Public – Laws to be Observed.
 - Standard Specification 803.03 – Seeding – Construction Methods.
 - Standard Specification 805.00 – Mulch.
 - Standard Specification 806.02(4)(c) – Sodding – Material Requirements.

Threatened and Endangered Species

General Conservation Conditions (Responsible Party in Parenthesis)

- All permanent seeding and landscaping shall use species and composition native to project vicinity as shown in the Plan for the Roadside Environment (NDOR Environmental, District Construction).
- If species surveys are required for this project, results will be sent by NDOR to the USFWS, NGPC, and if applicable USACE. FHWA will be copied on submittals (NDOR Environmental, District Construction).
- 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).
- 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).
- Conservation conditions are to be fully implemented within the project boundaries as shown on the plans (District Construction, Contractor).
- The following project activities shall, to the extent possible, be restricted to 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. Any project related activities that occur outside of these areas must be environmentally cleared/permitted with the USFWS and NGPC 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 will not adversely affect state and/or federally listed species or designated critical habitat (NDOR Environmental, District Construction, Contractor).
- 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).

- 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).
- 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).
- Refueling will be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field (Contractor).
- If a survey, Natural Heritage Database, or other source identifies an occurrence within 1.0 mile of the project, since the year 1975, indirect effects of the activity will be analyzed. Indirect effects may include but are not limited to hydrologic changes (ditching, diking, etc.). If any indirect effects are identified that are not captured elsewhere in the Matrix, then May Affect (NDOR Environmental).

Whooping Crane

- Conservation Easements will be acquired prior to the award of the Build Alternative.
- The contractor will limit all construction activities in the immediate area of the proposed I-80 interchange and for a distance of 0.5 mile north from I-80 along the Project to occur between 1 hour after sunrise to 1 hour before sunset from February 13 through May 16, and from October 1 through November 16. The USFWS will notify NDOR when all whooping cranes have migrated through the Central Flyway, thus suspending this timing restriction until the next migration season begins.
- Low mast/down-shielded, sodium vapor lighting will be used at the I-80 interchange as part of the Build Alternative.
- NDOR will construct a wall at the top of the slope to block headlights from shining onto the Platte River south of the I-80 interchange as part of the Build Alternative.
- For activities in the range of the Whooping Crane, nighttime work with lights from March 10 through May 10 and September 15 through November 15th is prohibited. If nighttime work is required, request for approval should be initiated with NDOR Environmental Section at least 10 days prior to construction so consultation with USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required. (NDOR Environmental, District Construction, Contractor)

River Otter

- NDOR will utilize a qualified biologist to conduct a river otter survey along the Platte River and the North Channel of the Platte River no more than 10 days prior to construction following NGPC's "River Otter Survey Protocol". If active den sites are found, NDOR Environmental Section will notify District Construction and will consult with USFWS, NGPC, and FHWA. If species are present District Construction will notify the contractor to stop work within 0.25 mile of the active, and construction will not resume prior to their approval.

Migratory Birds

- Tree and brush cutting will be conducted outside of restricted timeframes unless surveys are performed prior to tree removal within restricted timeframes and areas are clear of nesting birds.
- The contractor will comply with standard specifications, including:
 - Standard Specification 107.01 – Legal Relations and Responsibility to the Public – Laws to be Observed.
 - Special Provision – Environmental Commitment Document (B-3-0509).

Bald and Golden Eagle

- A bald eagle nest survey will be conducted in accordance with the NGPC “Bald Eagle Survey Protocol”, before construction begins at the new interchange location. NDOR will conduct the survey. If the survey identifies nest(s) are present within 0.5 mile of the Project, NDOR will notify USFWS, NGPC, and FHWA, and construction will not resume prior to their approval.
- The contractor will comply with standard specifications, including:
 - Standard Specification 107.01 – Legal Relations and Responsibility to the Public – Laws to be Observed.
- Special Provision – Environmental Commitment Document (B-3-0509).

Hazardous Materials

- If hazardous materials are encountered, the contractor will stop construction immediately and notify NDOR’s project manager to coordinate with NDEQ (402-471-2186 or 877-253-2603 Monday to Friday 8:00 AM to 5:00 PM) for further direction before resuming construction. The contractor may be directed by NDEQ to contact the Nebraska State Patrol (402-471-4545), Kearney Fire Department Hazardous Materials Response Team (911), and/or the Buffalo County Hazardous Materials Response Team (911). After hours or on holidays, the contractor will call the Nebraska State Patrol Dispatch Center.
- If hazardous materials are spilled or released during construction, it is the responsibility of the contractor to contact NDOR’s project manager to coordinate with NDEQ for further direction before resuming construction.
- The contractor will keep records of actions taken during construction related to hazardous materials.
- The contractor will survey and test any buildings, facilities and/or structures requiring demolition for the presence of asbestos-containing building materials, lead-based paint, polychlorinated biphenyl (PCB)-containing components, and mercury-containing switches prior to demolition. If asbestos-containing building materials, lead-based paint, PCB-containing components, and/or mercury-containing switches are discovered, the contractor is responsible to conduct a monitoring program to ensure the safety of the construction workers and that demolition of the building, facility, and/or structures will comply with NDEQ Title 178, Chapter 22 and 23 requirements and other applicable local, state and federal regulations.
- The contractor will follow appropriate laws regarding hazardous materials handling and disposal (Nebraska Administrative Code Title 178, Chapters 22 and 23) and NDOR Standard Specifications, including:
 - Standard Specification 732.01 – Lead-Based Paint Removal – Description.
 - Standard Specification 732.02 – Lead-Based Paint Removal – Material Requirements.
 - Standard Specification 732.01 – Lead-Based Paint Removal – Construction Methods.
 - Standard Specification 701.01 – General Requirements – Description.
 - Standard Specification 203.01 – Removal of Structures and Obstructions – Description.
 - Standard Specification 203.02 – Removal of Structures and Obstructions – Construction Methods.
 - Standard Specification 203.03 – Removal of Structures and Obstructions – Method of Measurement.
 - Standard Specification 107.01 as Amended A-43-0210 – Legal Relations and Responsibility to the Public – Laws to be Observed.
 - NDOR Standard Specifications 732.01, 732.02, and 732.03 address contractor responsibilities for removal of lead-based painted structural steel.

Visual Resources

- The Build Alternative will include design elements to reduce potential impacts to the Stone School, including offsetting the roadway near the school, realigning the Cherry Avenue and Coal Chute Road intersection, and providing a berm between the highway and the school to create visual and physical separation between the school and highway.

Section 6(f) and Section 4(f) Properties

- The design of the Build Alternative will include a light-diffusing barrier on the south side of the proposed I-80 interchange to shield the Wyoming Property from vehicle headlights.

Historical and Archeological Resources

- In the event that cultural resources are encountered during construction activities of the Build Alternative, construction activities will be stopped in and around the site of discovery and the SHPO will be contacted immediately. Construction will not be resumed until appropriate coordination is completed.

Air Quality and Greenhouse Gases

- Fugitive dust will be minimized by the use of construction BMPs such as temporary seeding and the wetting of soil. Water used during construction shall be acquired from approved sources in accordance with NDOR specifications, and the contractor shall be responsible for all necessary permits.
- The contractor will follow standard specifications for dust control on detours, haul roads, parking lots, staging areas, storage areas, and any area where soils are disturbed.
- In accordance with NDOR Standard Specifications, work will be suspended when winds create an excessive amount of blowing dust.
- The contractor will implement a fugitive dust control plan during construction, in accordance with the NPDES permit and Standard Specifications.

Floodplains

- The Project Sponsor (NDOR) will ensure compliance with local floodplain ordinances and regulations by obtaining permits/approvals from the City of Kearney Floodplain Administrator and the Buffalo County Floodplain Administrator during final design.

Utilities

- During final design, the Project Sponsor (NDOR) will identify all utility impacts and coordinate utility relocation with the respective utility companies in accordance with the NDOR “Policy for Accommodating Utilities on State Highway Right-of-Way.”
- During final design, the Project Sponsor (NDOR) will ensure the designers will consider accommodating continuous utility service to customers and minimize utility disruptions if feasible.
- The Project Sponsor (NDOR) will include in the plans and specifications the provisions that the contractor will be required to comply with the State’s One-Call Notification System Act.
- The Project Sponsor (NDOR) will coordinate with the property owner on the northeast corner of Avenue N and 78th Street to replace in-kind the 8 inch irrigation pipe and electrical wire crossing under 78th Street impacted by the project.
- The contractor will comply with standard specifications, including:
 - Standard Specification 105.06 – Control of Work – Cooperation with Utilities.

- Standard Specification 107.09 – Legal Relations and Responsibility to the Public – Preservation and Restoration of Property, Trees, Monuments, etc.
- Standard Specification 107.12 – Legal Relations and Responsibility to the Public – Responsibility for Damage, Injury, or Other Claims.
- Standard Specification 107.16 – Legal Relations and Responsibility to the Public – Contractor’s Responsibility for Utility Property and Services.

Construction Impacts

- A SWPPP will be developed which will address erosion and sediment control measures.
- Soil erosion will be minimized by using construction BMPs such as silt fence and temporary seeding. The contractor will be required to obtain National Pollutant Discharge Elimination System permits and construct the project in accordance with the SWPPP.
- Fugitive dust will be minimized by the use of construction BMPs such as temporary seeding and the wetting of soil. Water used during construction shall be acquired from approved sources in accordance with NDOR specifications, and the contractor shall be responsible for all necessary permits.
- Contractors will be required to adhere to NDOR equipment specifications and obtain permits in accordance with NDOR standard specifications.
- Noise levels will be minimized by adhering to NDOR standard specifications for equipment. Construction activities will primarily be limited to daylight hours.
- Access to adjacent properties will be maintained by the contractor in accordance with NDOR Standard Specification 104.05.
- The contractor will comply with standard specifications, including:
 - Standard Specification 104.05 – Maintenance of Detours and Shooflies.
 - Standard Specification 107.01 – Legal Relations and Responsibility to the Public.
 - Standard Specification 301.02(1a, 1b) – General Requirements – Equipment.

Design Refinements in Response to Public and Agency Comments

- Shifting the bypass alignment north of 56th Street to reduce impacts to irrigation and electric utilities.
- Changing the alignment of Pony Lake Road (intersection just north of interchange to the east) to reduce impacts to trees.
- Revising the proposed design for Coal Chute Road to minimize changes at Stone School.
- Adding a right-out driveway on to Coal Chute Road from Stone School.
- Revising the bypass alignment to use more of existing 78th Street ROW at Cherry Avenue.
- Changing the design of the light-shielding barrier at the interchange from an earthen berm to a 60-inch concrete Jersey barrier.

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APPENDIX A LIST OF PREPARERS

APPENDIX A- LIST OF PREPARERS

Mr. Mike Olson, P.E., Transportation Manager – Mr. Olson’s background includes a B.S. in Civil Engineering and over 25 years of experience with transportation projects including project planning, design, and construction engineering.

Mr. Murthy Koti, P.E., P.T.O.E, P.T.P., Senior Transportation Engineer – Mr. Koti has received a B.S. in Civil Engineering and a M.S. in Transportation Engineering. He has over 12 years of national experience working on various types of projects involving NEPA, transportation planning, traffic engineering, context sensitive design, public involvement, and traffic modeling.

Mr. Nicholas Gordon, P.E., Transportation Engineer – Mr. Gordon has received a B.S. in Civil Engineering and a M.S. in Transportation Engineering. Mr. Gordon’s experience includes over five years of project experience which include NEPA, transportation planning, and traffic engineering. He has completed training and is certified in FHWA Traffic Noise Modeling.

Mr. Dirk Draper, Senior Environmental Planner – Mr. Draper received a B.S. in Agricultural Economics and a M.S. in Agriculture and Resource Economics. He has 17 years of experience preparing NEPA documents for transportation projects and has worked extensively throughout the western U.S.

Ms. Mandy Whorton, Senior Environmental Planner – Ms. Whorton received a B.A. in Political Science and a M.S. in Environmental Management. She has 18 years of experience in NEPA evaluations and associated technical studies, land use planning, regulatory permitting, and public involvement.

Mr. Brett Weiland, Environmental Planner – Mr. Weiland received a B.S. in Environmental Science and has 9 years of NEPA experience consulting to state transportation departments in California, Colorado, Illinois, Iowa, Nebraska, Minnesota, Washington, and Wisconsin.

**APPENDIX B
FINAL ENVIRONMENTAL
ASSESSMENT CORRESPONDENCE**



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.OutdoorNebraska.org

June 30, 2010

Eric Zach
Nebraska Department of Roads
1500 Highway 2
P.O. Box 94759
Lincoln, NE 68509-4759

**RE: Kearney East Bypass and I-80 Interchange, Control Number 42103,
Project Number S-10(51), Buffalo County**

Dear Mr. Zach:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information regarding the subject project that was provided in the October 27, 2008 Biological Assessment, and in a January 5, 2010 letter sent from the Federal Highway Administration (FHWA)(Melissa Maiefski) to the U.S. Fish and Wildlife Service (Robert Harms). The January 5, 2010 letter provided updated information on the final conservation easements, as well as the proposal to construct a wall at the top of the slope at the south end of the new interchange to block headlights from shining onto the Platte River. These documents outline the commitment by Nebraska Department of Roads (NDOR) and FHWA to implement conservation measures as part of this project to offset adverse affects to the whooping crane (*Grus americana*), a state-listed endangered species.

Based on the commitment to implement the conservation measures as identified, we concur with the determination that the proposed project may affect, but is not likely to adversely affect the state-listed endangered whooping crane.

Thank you for the opportunity to review this proposal. If you have any questions regarding these comments, please contact me at (402) 471-5423 or carey.grell@nebraska.gov.

Sincerely,

Carey Grell
Environmental Analyst
Realty and Environmental Services Division

cc: Len Sand, NDOR
Jon Barber, NDOR



Subject: FPPA Updated response for Farmland Conversion Impact Rating – Kearney Bypass, Kearney, Nebraska (CN42103a)
Date: 5/20/2010

ATTENTION: Michael S. Olson – Vice President – KIRKHAM-MICHAEL

NRCS has updated the AD-1006 form originally filled out in May 16, 2002.

I have reviewed the project information for which you requested review of impacts to prime and important farmlands as per the Farmland Protection Policy Act (FPPA). This review only covers FPPA concerns and does not include any other environmental concerns such as wetlands or endangered species. For general conservation concerns or questions relating to wetlands under the jurisdiction of the Food Security Act, contact your county Natural Resources Conservation Service office.

The NRCS-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) forms which you submitted to our office shows that your Part VI section assessment point totals for both Corridor A and B is **79**. 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 for Cherry Avenue Corridor**. **Thus, NRCS has determined that your project was found to be cleared of FPPA significant concerns.** We encourage you to continue to be aware of prime and important farmlands in general and the role they play in current and future projects.

I am returning the updated **CPA106 form** for to you for your records.

Wayne Vanek
USDA-NRCS
Fed. Bldg. Rm. 152
100 Centennial Mall North
Lincoln, NE. 68508-3866
402.437.4125
wayne.vanek@ne.usda.gov

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)	3. Date of Land Evaluation Request	4. Sheet 1 of _____
---	------------------------------------	---------------------

1. Name of Project	5. Federal Agency Involved
--------------------	----------------------------

2. Type of Project	6. County and State
--------------------	---------------------

PART II (To be completed by NRCS)	1. Date Request Received by NRCS	2. Person Completing Form
--	----------------------------------	---------------------------

3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated Average Farm Size
--	--

5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: _____ %	7. Amount of Farmland As Defined in FPPA Acres: _____ %
------------------	---	--

8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
--	---	---

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D

A. Total Acres To Be Converted Directly				
---	--	--	--	--

B. Total Acres To Be Converted Indirectly, Or To Receive Services				
---	--	--	--	--

C. Total Acres In Corridor				
----------------------------	--	--	--	--

PART IV (To be completed by NRCS) Land Evaluation Information				
--	--	--	--	--

A. Total Acres Prime And Unique Farmland				
--	--	--	--	--

B. Total Acres Statewide And Local Important Farmland				
---	--	--	--	--

C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
---	--	--	--	--

D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
--	--	--	--	--

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)				
--	--	--	--	--

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points			
--	-----------------------	--	--	--

1. Area in Nonurban Use	15			
-------------------------	----	--	--	--

2. Perimeter in Nonurban Use	10			
------------------------------	----	--	--	--

3. Percent Of Corridor Being Farmed	20			
-------------------------------------	----	--	--	--

4. Protection Provided By State And Local Government	20			
--	----	--	--	--

5. Size of Present Farm Unit Compared To Average	10			
--	----	--	--	--

6. Creation Of Nonfarmable Farmland	25			
-------------------------------------	----	--	--	--

7. Availability Of Farm Support Services	5			
--	---	--	--	--

8. On-Farm Investments	20			
------------------------	----	--	--	--

9. Effects Of Conversion On Farm Support Services	25			
---	----	--	--	--

10. Compatibility With Existing Agricultural Use	10			
--	----	--	--	--

TOTAL CORRIDOR ASSESSMENT POINTS	160			
----------------------------------	-----	--	--	--

PART VII (To be completed by Federal Agency)				
---	--	--	--	--

Relative Value Of Farmland (From Part V)	100			
--	-----	--	--	--

Total Corridor Assessment (From Part VI above or a local site assessment)	160			
---	-----	--	--	--

TOTAL POINTS (Total of above 2 lines)	260			
--	------------	--	--	--

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
-----------------------	---	-----------------------	--

5. Reason For Selection:

Signature of Person Completing this Part:	DATE
---	------

NOTE: Complete a form for each segment with more than one Alternate Corridor

Farmland Classification—Buffalo County, Nebraska
(Kearney East Bypass CN-42103)

MAP LEGEND

Area of Interest (AOI)

 Area of Interest (AOI)

Soils

 Soil Map Units

Soil Ratings

-  Not prime farmland
-  All areas are prime farmland
-  Prime farmland if drained
-  Prime farmland if protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated
-  Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season
-  Prime farmland if irrigated and drained
-  Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season

-  Prime farmland if subsoiled, completely removing the root inhibiting soil layer
-  Prime farmland if irrigated and the product of I (soil erodibility) x C (climate factor) does not exceed 60
-  Prime farmland if irrigated and reclaimed of excess salts and sodium
-  Farmland of statewide importance
-  Farmland of local importance
-  Farmland of unique importance
-  Not rated or not available

Political Features

 Cities

Water Features

-  Oceans
-  Streams and Canals

Transportation

-  Rails
-  Interstate Highways

-  US Routes
-  Major Roads

MAP INFORMATION

Map Scale: 1:53,200 if printed on A size (8.5" x 11") sheet.

The soil surveys that comprise your AOI were mapped at 1:20,000.

Please rely on the bar scale on each map sheet for accurate map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 14N NAD83

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Buffalo County, Nebraska
Survey Area Data: Version 13, Oct 29, 2009

Date(s) aerial images were photographed: 7/16/2006

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification— Summary by Map Unit — Buffalo County, Nebraska				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
2843	Uly, Holdrege, and Coly soils, 6 to 11 percent slopes, eroded	Not prime farmland	26.6	0.6%
3545	Hobbs silt loam, channeled, frequently flooded	Not prime farmland	35.1	0.8%
3910	Scott silt loam, frequently ponded	Not prime farmland	13.9	0.3%
3917	Scott silt loam, drained, frequently ponded	Not prime farmland	90.4	2.1%
4153	Holdrege-Hall silt loams, 0 to 1 percent slopes	All areas are prime farmland	5.3	0.1%
5632	Platte soils, occasionally flooded	Not prime farmland	164.5	3.8%
6350	Leshara and Gibbon silt loams	Prime farmland if drained	97.6	2.3%
6508	Blendon fine sandy loam, 0 to 2 percent slopes	All areas are prime farmland	5.7	0.1%
6513	Blendon loam, 0 to 2 percent slopes	All areas are prime farmland	57.3	1.3%
8400	Alda fine sandy loam, rarely flooded	Prime farmland if drained	119.3	2.8%
8402	Alda loam, rarely flooded	Prime farmland if drained	41.2	1.0%
8495	Gothenburg soils, frequently flooded	Not prime farmland	6.0	0.1%
8506	Lex silt loam, rarely flooded	Prime farmland if drained	108.0	2.5%
8567	Platte-Alda complex, occasionally flooded	Not prime farmland	49.2	1.1%
8585	Wann loam, rarely flooded	Prime farmland if drained	52.1	1.2%
8818	Cozad silt loam, 3 to 6 percent slopes, eroded	All areas are prime farmland	42.1	1.0%
8819	Cozad silt loam, 6 to 11 percent slopes, eroded	Not prime farmland	30.4	0.7%
8840	Hall silt loam, 0 to 1 percent slopes	All areas are prime farmland	761.7	17.6%
8841	Hall silt loam, 1 to 3 percent slopes	All areas are prime farmland	44.1	1.0%
8869	Hord silt loam, 0 to 1 percent slopes	All areas are prime farmland	1,447.1	33.4%
8870	Hord silt loam, 1 to 3 percent slopes	All areas are prime farmland	247.7	5.7%
8960	Wood River silt loam, 0 to 1 percent slopes	All areas are prime farmland	825.4	19.1%
9983	Gravel pit	Not prime farmland	36.8	0.9%
9999	Water	Not prime farmland	23.2	0.5%
Totals for Area of Interest			4,331.1	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary

Tie-break Rule: Lower



1 inch equals 1 miles



**East Interchange & Bypass
Environmental Assessment**

**EXHIBIT A
CHERRY AVENUE ALTERNATIVE**



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Monty W. Fredrickson, P.E., Director – State Engineer

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759

Phone (402) 471-4567 • FAX (402) 479-4325 • www.transportation.nebraska.gov

May 21, 2010



L. Robert Puschendorf
Deputy State Historic Preservation Officer
1500 "R" Street, Box 82554
Lincoln, NE 68501

RE: Kearney East I-80 Interchange and Bypass, Buffalo County
Project Number STPD-IM-STPN-TMT-10-2(114), CN 42103A
Formerly [Project No. S-10(51), CN-42103]; HP# 0204-115-01

Dear Mr. Puschendorf:

Please review the information attached regarding the above referenced project under Section 106 of the National Historic Preservation Act of 1966 as amended and implementing regulations at 36 CFR Part 800. The information attached is submitted to respond to FHWA comments on the Draft Environmental Assessment.

Project Description:

The project, identified as STPD-IM-STPN-TMT-10-2(114) and known as **Kearney East Interchange and Bypass**, will connect Interstate 80 (I-80) on the south to Highways N-10 and N-40 on the north side of Kearney, in Buffalo County, Nebraska. The proposed bypass roadway is planned to be a four-lane highway with limited access at approximately ½ mile spacing. A new interchange will be built at I-80 and a new viaduct will be built over the Union Pacific RR and Highway US-30.

Two build alternatives and one no-build alternative are being evaluated as part of the NEPA environmental documentation process. The two build alternatives being evaluated for the bypass include alignments on the east side of Kearney that originate at I-80 and generally follow Antelope Avenue and Cherry Avenue corridors to the North and continue westward along 78th Street to the N-10/N-40 junction, where the project ends as shown in Exhibit A.

The Cherry Avenue alternative is approximately 8.5 miles in length, while the Antelope Avenue alternative is approximately 7.5 miles in length.

Local road improvements connecting the proposed bypass to the existing roadway system are also anticipated as part of this project. Acquisition of land will be required for highway right-of-way throughout the length of the project. Control of access to the new bypass will be acquired. Approximately 200 acres of additional right-of-way will be needed for this project under the Antelope Avenue Alternative and for the Cherry Avenue Alternative approximately 220 acres of additional right-of-way will be needed for this project. Approximately five homes and four businesses will need to be acquired under the Antelope Avenue Alternative. Approximately three homes will need to be acquired under the Cherry Avenue Alternative.

Portions of the project will have roadway lighting, and signals will be installed at some intersections when warranted. Protected left-turn bays will be constructed at intersections with public roads.

Cultural Resources Activity Summary:

Nebraska State Historic Preservation officer (NeSHPO) reviewed the Draft Environmental Assessment for this undertaking on June 18, 2007 and responded with no comments. Prior to that final evaluation cultural resources were presented to the NeSHPO in report form from the consulting firm URS. The following list documents letters of significance from the NeSHPO regarding this undertaking:

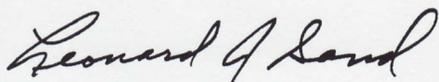
- SHPO consultation with URS and clarifications submitted 2002-2004
- 2-26-2004, URS letter to NeSHPO clarifying information to NeSHPO regarding Area of Potential Effect (APE) and marker questions.
- 3-19-2004, NeSHPO letter concurring with URS clarifications regarding eligibility of a concrete marker and APE issues.
- 3-24-2004, NeSHPO letter documenting their concurrence with no historic properties determination of effect for the undertaking.
- 2-8-2007, NeSHPO concurrence with determination of no historic properties affected pertaining specifically to supplemental archeological information

The Federal Highway Administration requested further clarification regarding the concrete military reservation marker mentioned in the 2004 letters between the NeSHPO and URS. Supplemental information from the consultant (URS) recommended the marker as not eligible because it was commemorative in nature and not original to the military reservation era. The marker was located within the APE for the Antelope Avenue alternative. The NeSHPO concurred with this recommendation of effect in their letter dated March 19, 2004.

This letter is meant to clarify the previous documentation on file for this project. It further re-iterates the standing recommendation of effect. The Nebraska Department of Roads requests NeSHPO concurrence with the information contained within this letter and further that there will be no historic properties affected by this undertaking.

If you have any further questions do not hesitate to contact me at 479-4411.

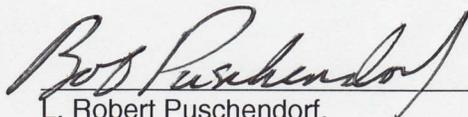
Sincerely,



Leonard J. Sand
Highway Environmental Program Manager
Planning and Project Development Division

LJS/PDV7-HZ

CONCUR



L. Robert Puschendorf,
Deputy State Historic Preservation Officer

DATE 5/24/10



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

January 28, 2010

Ms. Melissa Maiefski
Program Delivery Team Lead
Federal Highway Administration
100 Centennial Mall North
Room 220
Lincoln, NE 68508

RE: Kearney East Bypass and Interstate 80 Interchange; Buffalo County, Nebraska; Project Number S-10 (51)

Dear Ms. Maiefski:

This is in response to your January 5, 2010, letter and January 27, 2010, E-mails which provide written confirmation of the Federal Highway Administration (FHWA) and Nebraska Department of Roads (NDOR) intention to implement several conservation measures to offset adverse affects to the federally endangered whooping crane (*Grus americana*) and its federally designated critical habitat resulting from the proposed Kearney East Bypass and Interstate 80 Interchange project.

After reviewing your January 5 letter and January 27 E-mails, the U.S. Fish and Wildlife Service (Service) has concluded that it concurs with the FHWA/NDOR determination that the proposed project may affect, but is not likely to adversely affect the federally endangered whooping crane or result in the destruction or adverse modification to federally designated critical habitat for the species.

Please note that the Service may reinitiate consultation if new species become listed or are proposed to be listed, critical habitat is proposed or designated, or new information about federally listed species becomes available that previously was not considered during this consultation. The FHWA should reinitiate consultation with the Service if the current project is modified through a change in scope or design parameters, and/or if new information becomes available about the project that previously was not considered.

The Service appreciates the opportunity to work cooperatively with the FHWA and NDOR in assuming a shared responsibility for protecting federal trust fish and wildlife resources in Nebraska. If you have any questions or require technical

Scan

assistance, please do not hesitate to contact Mr. Robert Harms within our office at (308)382-6468, extension 17.

Sincerely,

Nell McPhillips

Nell McPhillips
Acting Nebraska Field Supervisor

cc: NDOR; Lincoln, NE (Attn: Eric Zach)
NGPC; Lincoln, NE (Attn: Michelle Koch)
NGPC; Lincoln, NE (Attn: Carey Grell)



U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

January 5, 2010

100 Centennial Mall North
Room 220
Lincoln, NE 68508
(402)437-5765

In Reply Refer To:
HEP-NE

Robert Harms
U.S. Fish and Wildlife Service
203 West Second Street
Grand Island, NE 68801

Dear Mr. Harms:

Project No. S-10(51)
CN 42103
Kearney East Bypass and I-80 Interchange

This is in response to your email of November 11, 2009 requesting that the Federal Highway Administration (FHWA) provide details concerning conservation easements proposed for the subject project. In addition, you requested FHWA provide a commitment to implement the agreed upon conservation conditions for the Section 7 Consultation, along with the determination of effect.

Conservation Easements

The conservation easements have been developed with the assistance of the U.S. Fish and Wildlife Service (USFWS). The conservation easements will be executed prior to the construction of the I-80 interchange at Cherry Avenue. The conservation easements are enclosed for your review.

Effect Determination

Due to lack of suitable habitat in the project vicinity, FHWA has determined that the project will have no effect to all species listed within the project county except for the whooping crane. FHWA has determined that this project may affect, but is not likely to adversely affect whooping cranes and/or their critical habitat with the implementation of the conservation conditions below. The determinations made for state listed species remain the same as was outlined in the October 27, 2008 correspondence.



Bald and Golden Eagle Protection Act

This project is within 0.5 miles of the Platte River, which appears to be suitable habitat for bald eagles. A bald eagle nest survey will be conducted in accordance with the Nebraska Game and Parks Commission "Bald Eagle Survey Protocol", before construction begins at the new interchange location. The remainder of the project does not contain suitable habitat for bald eagles, therefore surveys during construction of that portion of the project are not needed. With the implementation of this conservation measure, NDOR has determined that this project will have no effect on bald eagles.

Conservation Conditions for the proposed Kearney Interchange project:

Conservation easements shall be acquired prior to the award of the proposed project.

All construction activities in the immediate area of the proposed highway interchange and for a distance of 0.5 mile north from I-80 along the realigned Cherry Avenue **shall** occur between one hour after sunrise to one hour before sunset from February 13 through May 16 (spring migration season), and from October 1 through November 16 (fall migration season). The USFWS will notify NDOR when all whooping cranes have migrated through the Central Flyway, thus suspending this timing restriction until the next migration season begins.

Low mast/down-shielded, sodium vapor lighting will be used at the new I-80 Interchange.

NDOR will be constructing a wall at the top of the slope to block headlights from shining onto the Platte River south of the interchange.

For activities in the range of the Whooping Crane, nighttime work with lights from March 10 – May 10 and September 15 – November 15 is prohibited. If nighttime work is required, request for approval should be initiated with the NDOR Environmental Section at least 10 days prior to construction so consultation with USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required. (NDOR Environmental, District Construction, Contractor)

All permanent seeding and landscaping shall use species and composition native to project vicinity as shown in the Plan for the Roadside Environment. (NDOR Environmental, District Construction)

All species survey results will be sent by NDOR to the USFWS, NGPC, and if applicable, COE. FHWA will be copied on submittals. (NDOR Environmental, District Construction)

If federal or state listed species are observed during construction, the District Construction office will contact NDOR Environmental. Contact NDOR Environmental for a reference of federal and state listed species. (NDOR Environmental, District Construction, Contractor)

Environmentally sensitive areas will be marked on the plans by NDOR Environmental or otherwise identified in the field for avoidance. (NDOR Environmental, District Construction)

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

A bald eagle nest survey will be conducted in accordance with the Nebraska Game and Parks Commission "Bald Eagle Survey Protocol", before construction begins at the new interchange location.

The following project activities shall, to the extent possible, be restricted to 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. Any project related activities that occur outside of these areas must be environmentally cleared/permitted with the U. S. Fish and Wildlife Service and 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 will not adversely affect state and/or federally listed species or designated critical habitat. (NDOR Environmental, District Construction, Contractor).

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)

FHWA respectfully requests your concurrence with the determination of may affect, not likely to adversely affect to the whooping crane as a result of the proposed project, based upon the commitment to implement the conservation conditions listed above. Please contact me at (402)437-5973 if you have any questions.

Sincerely yours,



Melissa G. Maiefski
Program Delivery Team Lead

cc: Leonard Sand, NDOR
Jason Jurgens, NDOR
Eric Zach, NDOR
Michelle Koch, NGPC

Technical Memorandum

To: Danny Briggs
Jonathan Wiegand
Federal Highway Administration – Nebraska Division
Lincoln, Nebraska


From: Murthy Koti, PE, PTOE, PTP

Subject: Kearney East Interchange and Bypass
Origin – Destination Study

Date: December 16, 2009

Job Number: STPD-IM-STPN-TMT-10-2(114), CN 42103A
S-10(51), CN 42103
KM 0203242/ 0611233

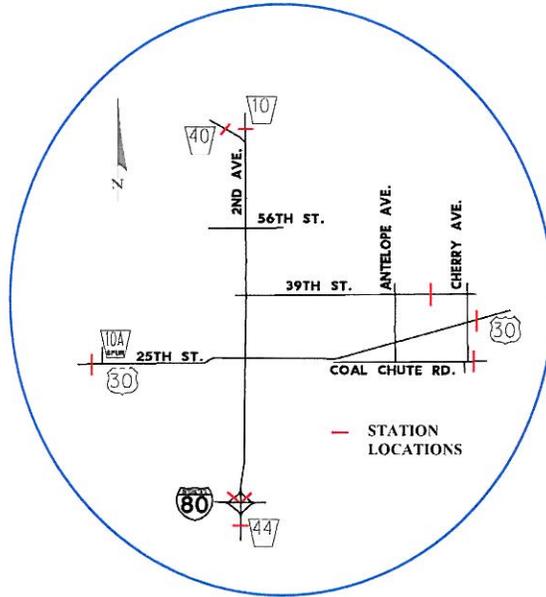
This memo addresses the adequacy and applicability of the origin-destination study data collected during February 2000 for the Kearney East Interchange and Bypass Environmental Assessment. The Environmental Assessment document and the associated purpose and need for the subject project have been revised during 2009 to address Federal Highway Administration (FHWA) comments and concerns. As a result, the FHWA has requested a brief memorandum that explains the applicability and validity of the 2000 Origin – Destination (O-D) Study in the context of the revised purpose and need.

- Origin-Destination data provide valuable information for transportation studies. The scale of the O-D studies can vary from small communities to large regional and metropolitan areas. O-D information is typically used for comprehensive plans which are long range and slow in implementation. Due to this reason, O-D data must be projected to a planning horizon or design year, which is usually 15 to 25 years in the future based on the socio-economic indicators like population, vehicle ownership and usage, land use changes and employment. Various trip types like external-external or through trips, internal-internal or local trips are defined and extracted from the O-D data in relationship to the study area.
- The data collection for the O-D study in Kearney was conducted during February 2000 by Kirkham Michael. License plate surveys were conducted at nine (9) stations as indicated below. An O-D study was developed based on this information, which concluded that about 30% of trips entering Kearney were through trips passing through Kearney.

S:\0203242\Report\EA\FEA December 2009\20091217_NDOR Deliv\Memo to FHWA_OD Data.doc

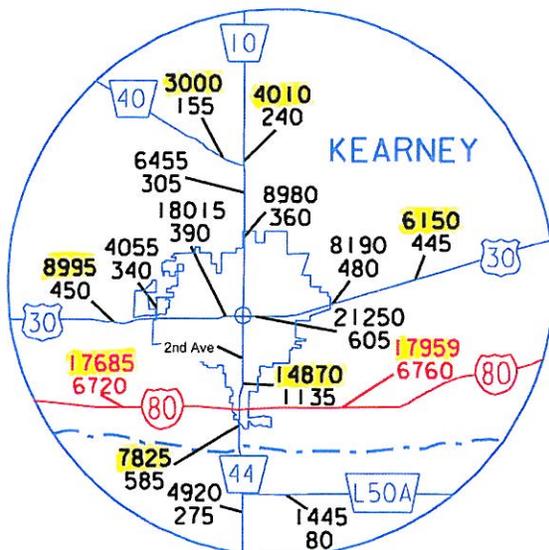


2000 ORIGIN-DESTINATION STUDY STATION LOCATIONS



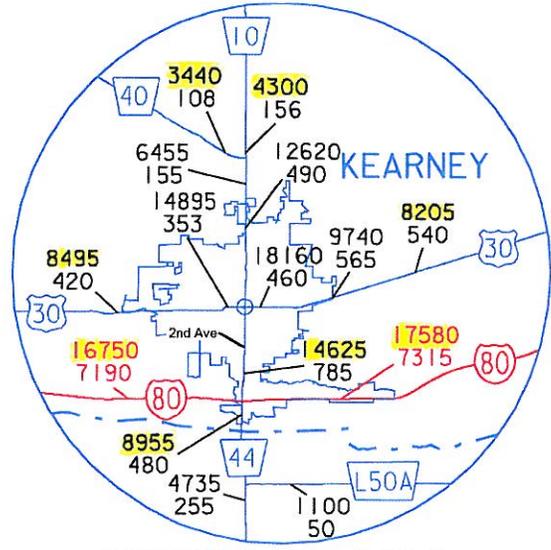
- A review of average daily volume trends from 2000 and 2008 indicate minimal changes in link volumes on the I-80, Second Avenue near I-80, US Highway 30 West of Kearney, N-44 South of I-80, N-10 North of N-40, N-40 West of Second Avenue as shown and highlighted below. Daily volumes at these locations on the periphery of Kearney have remained relatively stable between 2000 and 2008. Any significant changes in traffic volumes appear to be internal-internal trips within Kearney reflecting fluctuating development patterns of the City.

**2000
KEARNEY AREA**



SOURCE: NDOR 2000 Nebraska Highway Traffic Flow Map

**2008
KEARNEY AREA**



SOURCE: NDOR 2008 Nebraska Highway Traffic Flow Map



- A review of employment and labor force statistics indicate minor changes between 2000 and 2009 as shown below. The total labor force in 2000 was 24,802 for Buffalo County and 16,249 for the City of Kearney. During 2009, the total labor force is 25,697 for Buffalo County and 17,220 for the City of Kearney.

Employer	Total Employees	
	1997	2009
University of NE at Kearney	1,577	1,361
Good Samaritan Health Systems	1,287	1,488
Eaton Corporation	764	432
Kearney Public Schools	646	842
Baldwin Filters	631	805
Cabela's	596	496
Coleman Powermate (Pramac America)	543	N/A
Gibbon Packing (American Foods Group)	480	N/A
Wal-Mart	390	513
Morris Printing Group, Inc.	353	208
Ramada Inn	234	80
West Company	231	275
City of Kearney	218	276
ITI Marketing	217	N/A
Nebraska Turkey (Norbest)	217	N/A
The Buckle	199	476
Buffalo County	196	221
FirsTier Event Center	0	300
Cash-Wa	N/A	310
Kearney Clinic	N/A	173
TOTAL LABOR FORCE	2000	2009
Buffalo County	24,802	25,697
City of Kearney	16,249	17,220

SOURCE: Buffalo County Economic Development; U.S. Census Bureau

- The population of Kearney, NE has increased from 27,431 in the year 2000 to 30,471 in the year 2008 (Source: US Census Bureau).
- Based on these indicators, it is highly unlikely that travel patterns and through trip characteristics observed during 2000 along Second Avenue corridor near I-80 in Kearney, NE would change significantly in magnitude or shift abnormally outside the normal data error range and seasonal fluctuations in 2008.
- The conclusion from the 2000 O-D study regarding the 30% of the trips entering Kearney are through trips appears to be valid in 2008 after a review of the socio-economic indicators and daily traffic volumes between the study years 2000 and 2008.



The Economic Development Council of Buffalo County

1007 Second Avenue
Post Office Box 607
Kearney, NE 68848
308.237.9346
FAX 234.2764
tdc@kearney.net
www.ci.kearney.ne.us

December 11, 2009

Michael Olson, P.E.
Kirkham Michael
12700 West Dodge Road
P.O. Box 542030
Omaha, NE 68154-8030

RE: Interstate 80 Planned Interchange at Kearney

Dear Mr. Olson,

On behalf of the Buffalo County Economic Development Council, this letter is to express the strong support of this organization for the completion of a second essential I-80 interchange at Cherry Avenue. This second exit will offer a multitude of opportunities for the community of Kearney, including growth in commerce and industry, increased national and local safety, improved access to Kearney Regional Airport and Good Samaritan Hospital, and existing tourism attraction access.

- Commerce and industry growth - Kearney Industrial Park, employing more than 3,000, and home to nationally established companies such as Baldwin Filters, Eaton Corporation, Cabela's, Pramac, and Monsanto. These industrial residents will greatly benefit from efficient access to I-80, allowing for growth and improved safety.
- National safety - A key National Guard transportation unit will gain a direct line to the interstate, bypassing the city limits, should the unit have to deploy.
- Public Safety - the current exit directs all interstate traffic to a four-lane highway which bisects the entire distance of the community, pushing traffic counts in excess of 20,000 daily, which results in accidents well above the statewide average. A second exit will disperse truck, industrial, airport and military traffic, as well as add a necessary grade separation over the nation's busiest UP rail corridor.
- Airport access - Kearney Regional Airport experienced over 10,000 enplanements in 2008, designating it as the third largest airport in Nebraska.
- Hospital access - Good Samaritan Hospital is a comprehensive referral, Level II Trauma Center that serves more than 300,000 patients from a three state region, with 50% of those patients travelling from outside Buffalo County.
- Tourism growth - Cabela's retail center, a Nebraska top 5 tourist destination, and The Great Platte River Road Archway are both nationally recognized tourism attractions that will benefit by direct visitor access.

The Buffalo County Economic Development office is responsible for submitting proposals to industrial prospects pursuing a relocation or expansion in Nebraska. On numerous occasions, Kearney has been eliminated as a potential location by site selectors because the only access route to I-80 is not conducive to the equipment necessary for transportation. With a second interchange as a marketing tool, Kearney will become a contender in attracting new industry to the community.

Sincerely,

Nikki Masek
Business Development Specialist

Nicholas Gordon - Fwd: Re: NEARNG

From: Murthy Koti
To: Nicholas Gordon; Stacey Froscheiser
Date: 12/10/2009 4:05 PM
Subject: Fwd: Re: NEARNG

>>> On 12/10/2009 at 4:02 PM, in message <4B211C39.A77A.00B1.0@kirkham.com>, Rich Robinson wrote:

Unfortunately the Col. last communication FYI.

Rich Robinson
Sr. Vice President
402-255-3840



>>> "Zegers, Timothy COL NGNE" <timothy.zegers@us.army.mil> 12/10/2009 3:11 PM >>>
Rich,
After some discussion the Nebraska Military Department has decided to remain neutral.

V/r

COL Zegers

From: Rich Robinson <Rlr@kirkham.com>
To: Zegers, Timothy COL NGNE
Cc: Michael Olson <molson@kirkham.com>; Murthy Koti <mkoti@kirkham.com>
Sent: Thu Dec 10 11:06:07 2009
Subject: Good Morning !!

Good Morning Sir :

Since I have not been in our Omaha office since Monday as a result of meetings and winter weather, didn't know if you have had a chance to draft the letter relative to Kearney By-Pass. If you have, could you forward to me electronically. Thanks Col. Have a great day !!

Rich

Rich Robinson
Sr. Vice President
402-255-3840



Jim Lynaugh
Airport Manager
Kearney Regional Airport
P. O. Box 1180
Kearney, NE 68848-1180



TELEPHONE · (308) 234-2318
FAX · (308) 236-7968
E-MAIL · jlynaugh@kearneygov.org
WEBSITE · www.cityofkearney.org

October 20, 2009

Mr. Karl Fredrickson
411 South 13th St, Suite 101
Lincoln, NE 68501

RE: Environmental Assessment for Kearney East Bypass and Interchange, Letter dated September 29, 2009.

Dear Mr. Fredrickson;

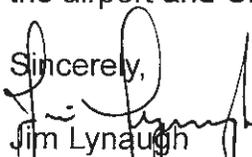
In response to your letter the Kearney Regional Airport is owned and operated by the City of Kearney. The City and the Airport has been a supporter of the bypass and interchange since project conception. The project is identified in our long range comprehensive plan as you noted in your letter.

From the management of the airport and its aeronautical activities, the bypass and interchange Provides several benefits.

- Convenient higher speed access to our facilities for our users.
- Provides a new "front door " to our facility that eliminates at-grade railroad crossing to access from I-80.
- The City is working with the Nebraska Department of Economics Development to build a technology park, one half mile to the west, which a shovel-ready site will be marketed as a potential location for a data centers, high-tech industries. The bypass and interchange provides good access to the park and our industrial tracts which will provide additional use of our facility both with air travel as well as leases.
- In the event of emergencies (weather, health, civil, etc.) the bypass provides an additional higher speed access route for responders thereby promoted public safety, health and welfare.

Air travel and the airport usage is a function of convenience to our users and the bypass and interchange will aid in the financial success of our airport facilities. We feel that with increased access and availability, more people in the Kearney area will use the airport facility as opposed to driving to Lincoln, Omaha, or Grand Island.

Thank you for the opportunity to provide input to the environmental assessment. Stated earlier the airport and City are strong supporters for getting this facility in-place sooner than later.

Sincerely,

Jim Lynaugh
Airport Manager
Kearney Regional Airport



Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2009-ACE-494-OE

Issued Date: 05/29/2009

Jim Lynaugh
City of Kearney
5145 Airport Road
P.O. Box 484
Kearney, NE 68848-0484

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Light Pole Proposed N-10 Bypass NB Overpass
Location:	Kearney, NE
Latitude:	40-42-23.06N NAD 83
Longitude:	99-01-44.65W
Heights:	75 feet above ground level (AGL) 2205 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

See attachment for additional condition(s) or information.

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 11/29/2010 unless:

- (a) extended, revised or terminated by the issuing office.
- (b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE POSTMARKED OR DELIVERED TO THIS OFFICE AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will

void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (847) 294-7520. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2009-ACE-494-OE.

Signature Control No: 626504-109548698

(DNE)

Brenda Mumper
Specialist

Attachment(s)
Additional Information

Additional information for ASN 2009-ACE-494-OE

Lights shall deflect downward so as not to create visual disruption for pilots conducting operations at the Kearney Regional Airport (EAR).



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

May 8, 2009

June Deweese
U.S. Fish and Wildlife Service
203 West 2nd St.
Grand Island, NE 68801

Carey Grell
Nebraska Game and Parks Commission
2200 North 33rd Street
Lincoln, NE 68801

RE: East Interchange and Bypass, CN-42103, PN-S-10(51), [{42103A, DPS-10-2(114)},
{42103B, DPS-STP-10-2(116)}, and {42103C, STP-10-2(117)}]
Headlight Shielding Berm

Ms. Deweese and Ms. Grell,

Please make reference to a letter from the United States Fish and Wildlife Service (the Service) on February 27, 2009 concerning the need for a headlight shield on the East Interchange Bypass, CN 42103, PN S-10(51) [{42103A, DPS-10-2(114)}, {42103B, DPS-STP-10-2(116)}, and {42103C, STP-10-2(117)}]. NDOR has investigated the option outlined in the Service's letter suggesting the usage of a "vegetation screen" to shield headlights from reaching suitable habitat for whooping cranes. The Service speculated that this option "may represent a cost savings to NDOR when compared to the cost of dirt work and fill material for construction of option 1."

NDOR has determined that the most feasible option to satisfy the Service's requirement for a headlight shield at the south end of the Kearney East Bypass Interchange remains Option 1, which includes the construction of earthen berms as headlight shields. The Service expressed concern that Option 1 would result in the loss of habitat in the form of a shelterbelt of eastern red cedar. As was discussed during the site visit on February 23, 2009, each of the design options which do not include an MSE wall would encroach on the county road, resulting in the removal of a portion of the shelterbelt. That being the case, NDOR determined that the construction of an earthen berm was the most permanent, cost effective alternative. Option 1 would also eliminate the need for maintenance and care of the vegetation along with any potential "take" issues that could arise from the destruction of the vegetation screen and subsequent loss of headlight shielding capabilities during whooping crane migration periods.

A detailed plan of Option 1 was sent to your office on October 2, 2008. That plan shows a berm being constructed at the southern terminus of the interchange to prevent lights from shining onto whooping crane habitat. In addition, the plan showed a berm constructed along the shifted county road. During the site visit February 23, 2009 with Bob Harms and Carey Grell, it was agreed upon by all parties that the proposed berm along the county road was not necessary since that road has no outlet and serves only one home. Option 1 will be constructed as outlined in the plans you received but will not include the berm along the county road (see the updated typical plan for Option 1, attached).

As the letter from the Service pointed out, this is the only remaining matter to be resolved to conclude Section 7 consultation. NDOR requests a timely response in this matter in order to allow us to continue with the preparation of the Environmental Assessment.

Sincerely,

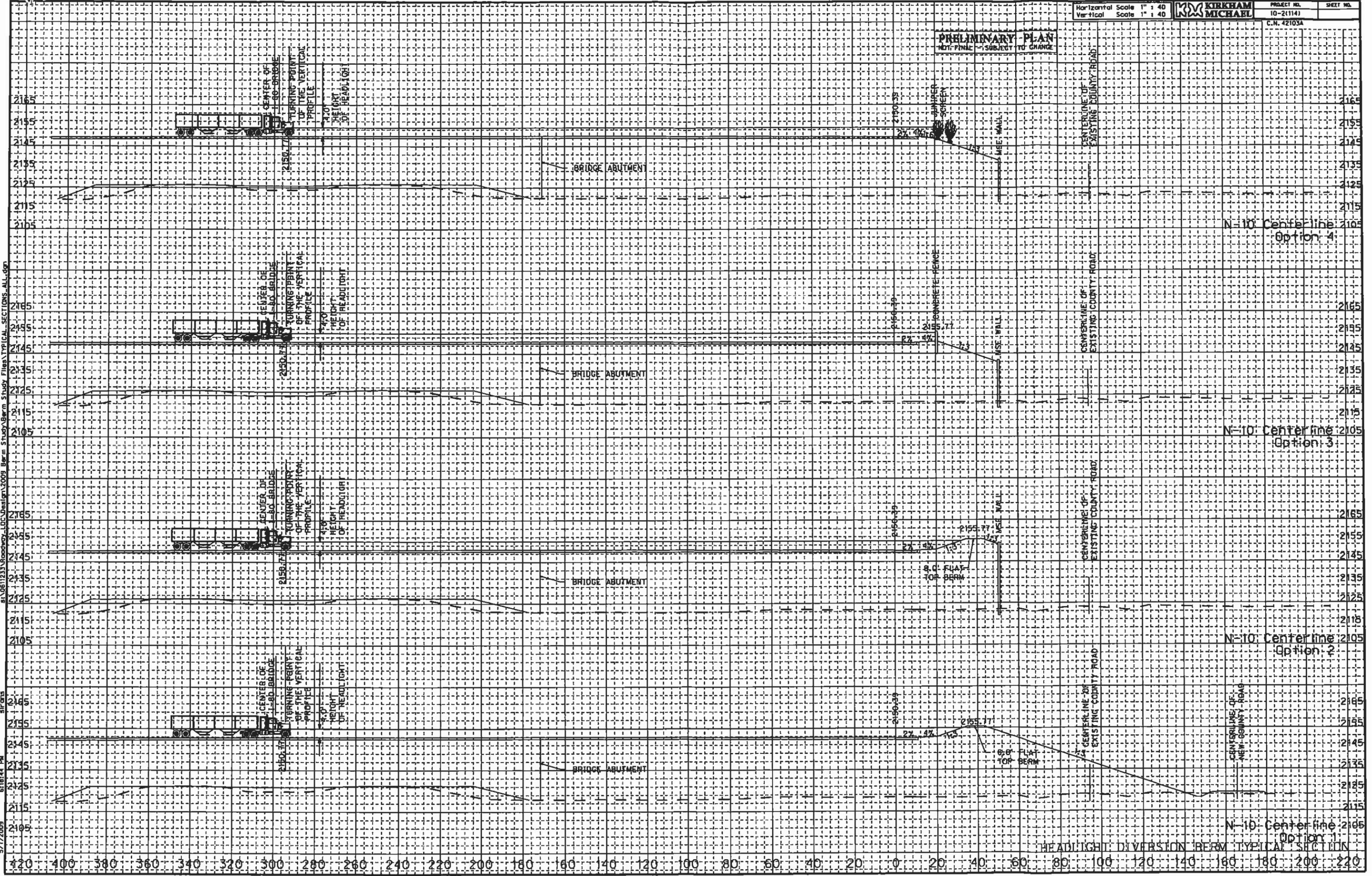


Eric Zach
Highway Environmental Biologist

Attachment

cc: NDOR (Len Sand, Lou Lenzen, District Engineer, Environmental Permits Unit file)
Kirkham Michael (Randall Eldorado)
FHWA (Dan Briggs)
NGPC (Carey Grell)

PRELIMINARY PLAN
 NOT FINAL - SUBJECT TO CHANGE



5/7/2009 6:18:44 PM s:\061233\Roadway\LOC\Design\2009_Berm_Study\Berm_Study\Files\Typical_Section_All.dwg

HEADLIGHT DIVERSION BERM TYPICAL SECTION

From: <mrichardson@kearneygov.org>
To: "Karl Fredrickson" <kfredrickson@kirkham.com>
Date: 4/27/2009 2:40 PM
Subject: Re: Fwd: Kearney East Bypass--Floodplain Coordination
Attachments: Flood.doc; pic09978.gif; pic08970.gif

Karl:

I hope the enclosed information will be helpful in regard to your flood plain questions. As I understand the project, the work will ultimately be at Cherry Avenue, but you will need to submit documentation for Antelope as well.

If you are working in a designated Flood Plain, which would appear to be the case, the City will issue a flood plan development permit for each site. I have enclosed the permit and would ask that you provided specific information identifying the extent of work proposed in the FP. Should a portion of the project encroach into the Flood Way, you will need to provide assurance the work will not raise the 100-year water surface elevation above existing conditions. A registered professional engineer would need to certify the findings. The complete regulations can be found on line at www.cityofkearney.org, Chapter 43, Section 43-103 of the City Codes.

On the permit; item 3. Specific Location of Development, you can identify the location of the project by a specific NDOR Number, a State of Nebraska classification or by Section, Township, Range coordinates. Item 6; the 100-year Base Flood elevation, can be an approximate range across the area where work will take place, i.e 2162-2159 feet of elevation.

Please provide this office with the requested information and this office will be happy to complete a flood plain permit for each location.

(See attached file: Flood.doc)

Max Richardson
Building Official
mrichardson@kearneygov.org

From: "Karl Fredrickson" <kfredrickson@kirkham.com>
To: mrichardson@kearneygov.org
Date: 04/23/2009 09:10 AM
Subject: Fwd: Kearney East Bypass--Floodplain Coordination

Max,

My apologies, this email did not get to you sooner, I typed the wrong address into the address line. Attached is the original email and it should have the floodplain map we discussed.

Let me know if you need any other information.

Thank you.

Karl

Karl Fredrickson
402-477-4240

(Embedded image moved to file: pic09978.gif)

----- Message from "Karl Fredrickson" <kfredrickson@kirkham.com> on Thu, 16 Apr 2009 17:53:12 -0500 -----

To: rrichardson@kearneygov.org

cc: "Nicholas Gordon"
<ngordon@kirkham.com>

Subject: Kearney East Bypass--Floodplain
Coordination

Max,

Attached is the map we discussed earlier today. The map shows both the Antelope Ave. and Cherry Ave alignments. We are analyzing the corridors equally for the NEPA environmental assessment. The information needed would be:

- issues with each alignment (good or bad) in relation to floodplain management
- permits needed (if any) and schedule for obtaining
- any other information you feel is pertinent

Thank you for your help.

Karl

Karl Fredrickson
402-477-4240

[attachment "Fig3.9.pdf" deleted by Max Richardson/kpd] [attachment "Karl Fredrickson.vcf" deleted by Max Richardson/kpd] [attachment "Karl Fredrickson.vcf" deleted by Max Richardson/kpd] (Embedded image moved to file: pic08970.gif)

April 13, 2009

Michael W. Morgan, City Manager
City of Kearney
18 East 22nd St.
Kearney, NE 68848-1180

RE: Planned Cherry Avenue Exit on Interstate 80

Dear Mr. Morgan:

This letter is to express our strong support for the long overdue Interstate exit at Kearney, Nebraska. The first phase of the project includes the construction of an overpass and interchange at I-80 and Cherry Avenue and the construction of a four-lane roadway to 11th Street. Buffalo County has agreed to complete the paving of 11th Street from Cherry Avenue west to Avenue M prior to the completion of Phase 1. Subsequent phases will include a 4-lane roadway to 56th Street with a grade separation over Highway 30 and UP Railroad and then a 2-lane roadway to 78th Street and west to the current Highway 10.

This most important transportation artery will provide direct highway access to the growing industrial district east of Kearney in and around the Kearney Regional Airport. Kearney has already lost private investment opportunities in this district because of insufficient access to Interstate 80. Currently, the only access in Kearney to the Interstate is through the middle of Kearney on Second Avenue. The accident history on Second Avenue is well above the statewide average and is near grid-lock during peak hours of the day as the traffic attempts to travel through seventeen (17) signalized intersections.

Please convey to the federal and state highway authorities our sincere and fervent support for this exit off of Interstate 80. If we can lend any assistance or effort to seeing this happen, please don't hesitate to call.

Sincerely,



Jonathan Krebs, CEcD
Executive Director

Cc: Buffalo County Economic Development Council Board of Directors
Governor Dave Heineman
Nebraska State Senator Galen Hadley
Nebraska State Senator John Wightman
Senator Benjamin Nelson
Senator Michael Johanns
Mayor Stan Clause
Buffalo County Chairman Richard Pierce



Downtown Improvement Board
City of Kearney
18 East 22nd Street
P. O. Box 1180
Kearney, NE 68848-1180



TELEPHONE · (308) 233-3222
FAX · (308) 234-6399
E-MAIL · sbrodine@kearneygov.org
WEBSITE · www.downtownkearney.com

April 13, 2009

Michael Morgan, City Manager
City of Kearney
18 E 22nd Street
PO Box 1180
Kearney, NE 68848-1180

RE: Cherry Avenue Project

Dear Sir or Madam:

The City of Kearney, in cooperation with Buffalo County and the State of Nebraska, has announced plans for a second I-80 interchange at Kearney as well as a bypass to the east. The project will reroute heavy traffic around Kearney and provide the necessary infrastructure to continue to expand the industrial base of the community.

The new route will provide a challenge to Downtown Kearney, but also an amazing opportunity for growth. The Downtown district has been hemmed in by heavy traffic on 2nd Avenue and Highway 30; rerouting that traffic to Cherry Avenue will allow the commercial district the opportunity to expand. Pedestrian and light auto traffic will have easier access to Downtown Kearney. The nature of the planned zoning along the project, industrial, also ensures that it will not compete with 2nd Avenue for visitor traffic, creating no expected conflict in drawing customers to the historic commercial district.

The Downtown Improvement Board realizes this new roadway will affect change in the community, but it will create tremendous opportunities for growth, development, and new business and easier access to the Downtown. Downtown Kearney fully supports the Cherry Avenue Project.

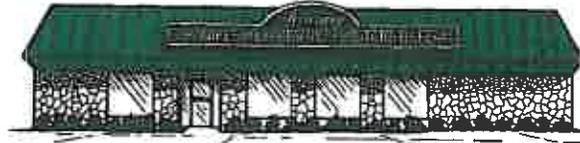
Sincerely yours,

Downtown Improvement Board

A handwritten signature in blue ink that reads 'Jayne Meyer'.

Jayne Meyer
Chair

JM/sb



KEARNEY AREA CHAMBER OF COMMERCE

April 13, 2009 **Together, positioning the Kearney Area for the future.**

Michael Morgan
City Manager
City of Kearney
PO Box 1180
Kearney, NE 68848

RE: Kearney Bypass Project

Dear Mr. Morgan:

On behalf of the 850 plus members of the Kearney Area Chamber of Commerce we fully support the funding and construction of the Kearney Bypass project. As noted in the most recent community-wide strategic planning discussion, the Kearney Bypass project is the most important priority for our city.

Economic development, public safety and the dispersing of traffic from Second Avenue, are three highly documented and solid considerations for why the project has been placed on the high priority list for the city.

- **Economic Development** – In order for Kearney to continue moving forward at a competitive level the Bypass project is of great necessity. The Bypass project will lead to greater growth and greater efficiency in an already established industrial sector of the city. Baldwin Filters, Eaton Corporation, and Cabela's are just three of the existing large businesses that will grow and prosper from the Bypass project. All three are important economic engines for the Kearney area and the state.
- **Public Safety** – Traffic counts of over 30,000 vehicles on this one street make the case for why we need to move quickly and efficiently through the process to bring the Bypass project online.
- **Dispersing of Traffic** - For a city of nearly 30,000 people, and a hub for medical care and higher education, we must have more than one point of access and delivery from Interstate 80. The enormous capacity that Second Avenue handles on a day-to-day basis clearly demonstrates why this Bypass is a major project for our community.

The strategic planning team, city officials and county officials are all to be commended for the outstanding work they have performed to date on this project. The time has come for this project to move forward. In order for Kearney to see continued growth, provide adequate traffic safety and to continue delivering products and services at a more than sufficient rate, we need to see the Kearney Bypass project become a reality.

Sincerely,

Greg Shea
Executive Director





United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

February 27, 2009

Mr. Leonard Sand
Highway and Environmental Program Manager
Nebraska Department of Roads
1500 Highway 2, PO Box 94759
Lincoln, NE 68509-4759

Dear Mr. Sand:

Please make reference to a letter from the Nebraska Department of Roads (NDOR) dated October 2, 2008, requesting comments from the U.S. Fish and Wildlife Service (Service) about three options under consideration for a headlight shield associated with the proposed Kearney East Bypass and Interstate-80 (I-80) Interchange project (Project No. S-10 (51), CN 42103). The Service reviewed the options under consideration as requested and concurred with NDOR's selection of option 1 as the preferred alternative in a letter dated November 4, 2008. Our recent concurrence with NDOR's selection of option 1 was predicated on project information provided during the course of several meetings during our section 7 consultation with the Federal Highway Administration (FHWA) and NDOR on the proposed project in 2006-2007. Little was known about the interchange configuration or its specific location at that early stage of project development.

At that time and in order to make progress on our section 7 consultation, the NDOR, FHWA, and Service agreed to use the Locust Street Interchange south of Grand Island, Nebraska as the model for the future Kearney Bypass Interchange. As you know, the Locust Street Interchange is a single cloverleaf located in the southwest quadrant of the junction of I-80 and Locust Street. In that situation, a large earthen berm was constructed to the south of the cloverleaf to prevent headlights from sweeping over river roost habitat used by the federally endangered whooping crane and sandhill crane when vehicles accessed the eastbound lanes. Headlight sweep disturbs roosting whooping cranes and sandhill cranes utilizing roost habitat. Thus, a large earthen berm was also proposed as a conservation measure for the Kearney Bypass Interchange to prevent headlights from sweeping over river roost habitat and disturbing whooping cranes and sandhill cranes on a restored parcel known as the Wyoming Property. Although discussed at the time, the Service recommended that vegetation not be used as a headlight shield because of the immediacy of the headlight disturbance on roost habitat and time required for

establishment of a headlight shield of this nature. We do recognize that vegetation can provide a useful light screen provided it has time to grow and become established.

The Service has recently become aware that the interchange configuration for the Kearney Bypass is, in fact, dissimilar to that of the Locust Street Interchange based on site inspections on December 8, 2008, and February 23, 2009, and supplemented by a detailed review of plan view drawings. The Kearney Bypass Interchange is now a diamond configuration. Headlights would no longer sweep in a southwest to west direction across restored roost habitat on the Platte River as previously thought. Instead, headlights would shine southward and sweep in an easterly direction when vehicles access the eastbound I-80 lanes. There is a thick stand of cottonwood and eastern red cedar forest between the interchange and river channels which currently provides a headlight shield. We believe that this interchange configuration and location will have less affect on the whooping crane than that previously proposed (i.e. the Locust Street and Interchange model) planned for during the course of our section 7 consultation.

A headlight shield is still necessary at the south end of the Kearney Bypass Interchange. As you may know, there is a tremendous effort underway to restore habitat for the whooping crane and other riverine fish and wildlife species on the central Platte River; much of this effort is occurring in the area of the Wyoming property. Parcels located near the Wyoming property (i.e., south of the proposed interchange) would be considered high priority areas for habitat restoration in the future. Such habitat restoration would involve removal of trees, construction of roosting islands, removal of sediment from channels, and restoration of meadow habitats. Of course all of these actions would be contingent on willing landowners. When these sorts of habitat restoration actions occur, however, headlights shining south and sweeping east at the interchange would no longer be shielded and may result in an adverse modification of critical habitat for the whooping crane.

Given new information about the proposed interchange configuration and its location and consideration of the immediacy of threat to whooping cranes, we believe that less intrusive approaches for headlight shielding may be available to the NDOR. We would be amenable to the establishment of a headlight shield at the south end of the proposed interchange consisting of a vegetation screen instead of the currently proposed earthen berms (option 1). Vegetation used for the shield should be a native species adapted to the area weather conditions and be at least 5 feet in height to adequately shield headlights. This vegetation screen should also be maintained by the NDOR so that it serves its purpose as a shield.

An advantage of a vegetation screen instead of the construction of two large earthen berms under option 1 is that it will prevent unnecessary loss of wildlife habitat. Option 1 would result in the loss of an entire portion of a broad, well-maintained shelterbelt of eastern red cedars which provides habitat for a diversity of wildlife, including migratory birds. Use of a vegetation screen also may represent a cost savings to NDOR when compared to the cost of dirt work and fill material required for the construction option 1.

Please consider our above comments and provide written response in regards to NDOR's acceptance of what we believe is a much less intrusive and cost saving approach than option 1 to shield headlights from whooping crane habitat. As you know, the issue involving the headlight shield is the only remaining matter needing to be resolved to conclude this section 7 consultation on the proposed project; we have reviewed and are satisfied with the contents of the conservation easements. Once we receive your response, we will provide our concurrence/nonconcurrence for the proposed project and conclude section 7 consultation.

We appreciate working with NDOR and FHWA to adjust this conservation measure in response to a project development change. If you have any questions or need additional information please contact Mr. Robert Harms at (308) 382-6468, extension 17.

Sincerely,



June M. DeWeese
Nebraska Field Supervisor

cc: FHWA; Lincoln, NE (Attn: Dan Briggs)
NGPC; Lincoln, NE (Attn: Carey Grell)
NDOR; Lincoln, NE (Attn: Eric Zach)



U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

December 1, 2008

100 Centennial Mall North
Room 220
Lincoln, NE 68508

In Reply Refer To:
HOP-NE

Mr. Lou Lenzen
Roadway Design
Nebraska Department of Roads
Lincoln, NE

Dear Mr. Lenzen:

This is in reference to Project No. S-10(51), CN 42103, Kearney East Bypass and I-80 Interchange, Buffalo County, NE.

We have reviewed your email request, dated November 10, 2008, for Federal Highway Administration's (FHWA) concurrence to use Option 1 (earth berm embankment 3:1 slope – no MSE wall) as listed in the enclosed correspondence, dated October 2, 2008. US Fish and Wildlife and Nebraska Game and Parks Commission have previously approved the use of Option 1 for this project. Based on this information, FHWA hereby approves Nebraska Department of Roads' (NDOR) request to use this design in the development of the environmental document for this alternative.

Sincerely yours,

Danny Briggs
Transportation Engineer

Enclosure



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

November 4, 2008

FWS-NE: 2009-057

Mr. Leonard Sand
Highway and Environmental Program Manager
Nebraska Department of Roads
1500 Highway 2, PO Box 94759
Lincoln, NE 68509-4759

Dear Mr. Sand:

Please make reference to a letter dated October 2, 2008, and a telephone conversation on November 3, 2008, between you and Mr. Robert Harms of my staff in regards to the proposed Kearney East Bypass and I-80 interchange (Project No. S-10 (51), CN 42103). The letter discussed three options to construct a headlight deflection barrier to control vehicle headlight encroachment on critical habitat for the federally endangered whooping crane in the Platte River. A set of pros and cons were presented for each of the three options.

The U.S. Fish and Wildlife Service concurs with the Nebraska Department of Road's selection of option 1 as the preferred alternative. All three options would function well to deflect headlights, but option 1 offers the most cost savings when considering construction and maintenance costs.

Thank you for the opportunity to provide comment on the proposed headlight deflection barrier options. If you have any questions or need additional information please contact Mr. Harms at (308) 382-6468, extension 17.

Sincerely,

June M. DeWeese
Nebraska Field Supervisor

cc: NGPC; Lincoln, NE (Attn: Carey Grell)



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370
Phone: 402-471-0641 / Fax: 402-471-5528 / www.OutdoorNebraska.org

November 3, 2008

Len Sand
Nebraska Department of Roads
1500 Highway 2
P.O. Box 94759
Lincoln, NE 68509-4759

RE: Options for the south limits of the proposed I-80 Interchange for the Kearney East Bypass, Project No. S-10(51), Control No. 42103, Buffalo County

Dear Mr. Sand:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information for the proposal identified above. The information provided in a letter you sent that was dated October 2, 2008 described three options for the layout of the southern limits of the proposed I-80 Interchange for the Kearney East Bypass. Of the three options, the Nebraska Department of Roads (NDOR) has selected Option 1 as the preferred alternative. Option 1 includes the slight realignment of a county road to the south to accommodate the interchange ramps on the south side of I-80, as well as light deflection berms along the interchange ramps and the relocated county road south of I-80, to control vehicle headlights from encroaching on whooping crane critical habitat.

Based on our review of the information provided, we concur with the selection of Option 1 as the preferred alternative.

Thank you for the opportunity to review this proposal. If you have any questions regarding these comments, please contact me at (402) 471-5423.

Sincerely,

Carey Grell
Environmental Analyst
Realty and Environmental Services Division

cc: Kristal Stoner, NGPC
Bob Harms, USFWS



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

October 27, 2008

Ms. Kristal Stoner
Nebraska Game and Parks Commission
2200 North 33rd Street
Lincoln, NE 68503

Mr. John Cochnar
U.S. Fish & Wildlife Service
203 West 2nd Street
Grand Island, NE 68801

RE: Biological Assessment: East Interchange and Bypass, 42103, S-10(51)

Dear Mr. Cochnar and Ms. Stoner:

The Nebraska Department of Roads (NDOR) has completed a Biological Assessment of the East Interchange and Bypass, Control Number 42103, Project Number S-10(51) under Section 7 of the Endangered Species Act. NDOR, on behalf of the Federal Highway Administration (FHWA), has made the determination of may affect, not likely to adversely affect, with implemented conservation measures, for the preferred alternative (Cherry Avenue Alternative) and the Antelope Avenue Alternative outlined in the Draft Environmental Assessment.

Species

Whooping Crane

The proposed project may affect but is not likely to adversely affect whooping cranes or their designated critical habitat with the implementation of proposed conservation measures and mitigation as outlined in Section 4.3 of the Draft Environmental Assessment. NDOR has agreed to implement the following measures to avoid adversely impacting whooping cranes and designated critical habitat.

1. All construction activities in the immediate area of the proposed highway interchange and for a distance of 0.5 mile north from I-80 along the realigned Cherry Avenue should occur between one hour after sunrise to one hour before sunset from February 13 through May 16 (spring migration season), and from October 1 through November 16 (fall migration season). The United States Fish and Wildlife Service will notify NDOR when all whooping cranes have migrated through the Central Flyway, thus suspending this timing restriction until the next migration season begins.
2. Conservation Easements as approved.
3. Installation of low mast lighting as approved.
4. Construction of earthen berms along the southern edge of the new interchange and along the southern edge of the county roadway south of the new interchange, as approved.

Interior Least Tern and Piping Plover

Records of Interior least tern and piping plover exist within five miles of the proposed project. The nearest record is over 2 miles east and no records occur within 2 miles of the proposed project. The Platte River is approximately 0.3 miles south of the project and is buffered by riparian habitat running along the northern bank of the Platte River. Additionally no records have been found at the sandpits within the projects limits of construction. The possibility exists that depletions to the Platte River could have an adverse effect on this species, please refer to the Platte River Flow

Depletions and Borrow Sites section below for measures to mitigate these impacts. Due to the fact construction activities will be buffered by the riparian habitat south of the project area and potential flow depletions will be mitigated, NDOR feels this project will have no effect to interior least terns or piping plovers.

Pallid Sturgeon

Pallid Sturgeon records do not occur within five miles of the project area. The possibility exists that depletions to the Platte River could have an adverse effect on this species, please refer to the Platte River Flow Depletions and Borrow Sites section below for measures to mitigate these impacts.

Western Prairie-fringed Orchid

All records of Western prairie-fringed orchid within five miles of the proposed project are historic. The possibility exists that depletions to the Platte River could have an adverse effect on this species, please refer to the Platte River Flow Depletions and Borrow Sites section below for measures to mitigate these impacts. Due to the historic nature of the records, the absence of suitable habitat outlined in Section 3.11 of the Draft Environmental Assessment, and the mitigation for potential flow depletions, NDOR has determined that this project will have no effect to this species.

Small White Lady's Slipper

All records of small white lady's slipper within five miles of the proposed project are historic. Due to the historic nature and the absence of suitable habitat outlined in Section 3.11 of the Draft Environmental Assessment, NDOR has determined that this project will have no effect to this species.

River Otter

This project is approximately 4.0 miles from the nearest record for river otter. A river otter survey shall be completed as outlined in the Nebraska Game and Parks Commission "River Otter Survey Protocol". With the implementation of this conservation measure, NDOR has determined that this project will have no effect on river otter.

Bald Eagle

This project is within 0.5 miles of the Platte River, which appears to be suitable habitat for bald eagles. A bald eagle nest survey will be conducted in accordance with the Nebraska Game and Parks Commission "Bald Eagle Survey Protocol", before construction begins at the new interchange location. The remainder of the project does not contain suitable habitat for bald eagles, therefore surveys during construction of that portion of the project are not needed. With the implementation of this conservation measure, NDOR has determined that this project will have no effect on bald eagles.

Migratory Birds

Please refer to the Migratory Bird portion of Section 3.11 in the Draft Environmental Assessment for measures to avoid impacts to migratory birds.

Platte River Flow Depletions and Borrow Sites

Depletions: It is anticipated that construction of the Interchange and Bypass will require additional fill material for roadway construction. The source of borrow material has not been identified, however, if the excavation of borrow sites will occur within the Platte River Basin and result in open water that could constitute a depletion to the Platte River system upstream of the Loup River confluence, the Nebraska Department of Natural Resources and the Central Platte Natural Resources District will be contacted.

Borrow sites: Consistent with Section 205-Excavation and Embankment of the Standard Specifications for Highway Construction handbook: All contractors are required to obtain clearance from the Nebraska State Historical Society and the Nebraska Game and Parks Commission for any borrow site outside of the limits of construction. In addition NDOR will provide a copy of the request to the United States Fish and Wildlife Service.

NDOR requests that the FWS and NGPC respond within one month of receipt of this letter to help expedite the completion of the environmental documentation.

Sincerely,



Eric Zach
Highway Environmental Biologist

cc: NDOR (Len Sand, District Engineer, Environmental Permits Unit file)
Kirkham Michael (Randall Eldorado)
FHWA



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director
1500 Highway*2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479-4325 • www.dor.state.ne.us

October 2, 2008

(address list)

Re: Project No. S-10(51), Control No. 42103, Kearney East Bypass and I-80 Interchange
Buffalo County, Nebraska

Dear Mr. Cochnar:

A discussion of the I-80 interchange and the concept of the planned design were part of the agenda at the July 16, 2008, Quarterly Interagency meeting.

Information provided: Kearney East Bypass and I-80 Interchange; Project No. S-10(51), Control No. 42103; A Draft Environmental Assessment (EA) has been signed and the Final EA is in preparation. The planned interchange is located along the north boundary of Whooping Crane Critical Habitat, which extends along the area south of I-80 from Lexington to near the Buffalo-Hall County line. Items presented regarding the Interchange:

1. The I-80 Interchange will not provide connection to any road system or access to any property to the south of I-80; however, to provide space for construction of the interchange ramps it is proposed to shift an existing east-west county road, located south of I-80, south to provide adequate space for construction.
2. It is planned to provide a light deflection barrier to control vehicle headlight encroachment on the area south of I-80. A barrier of some type is to be located to the south and east of the interchange to control southbound to eastbound vehicle headlights.
3. Directly north of the interchange are several sandpit lakes that contain open water. It is planned to shift these sandpits to allow for the construction of the north approach roadway to the interchange.

The enclosed shows the three options that were considered at the south limits of the interchange and the pros and cons for each option that resulted in Option 1 being the preferred alternative. A verbal comment regarding a light deflection barrier south of the relocated county road was received from the Fish and Wildlife Service at the July 16 meeting. The barrier has been added to the plan.

If your agency has any comments regarding the proposal as shown, please let me know. Please provide responses within 30 days.

Sincerely,

Leonard J. Sand
Highway Environmental Program Manager
Planning and Project Development Division

LJS/PDV8-ZE

Enclosure

US Environmental Protection Agency Region VII
Attn: Joe Cothorn, NEPA Team Leader
Environmental Services Division
Region VII Comp./SC
901 N 5th St
Kansas City KS 66101-2670

U.S. Army Corps of Engineers
Nebraska Program Manager
Nebraska Regulatory Office - Wehrspann
8901 S 154th St Ste 1
Omaha NE 68138-3621

Mr. John Cochran
US Fish & Wildlife Service
203 W 2nd St
Grand Island NE 68801-5907

Nebraska Game & Parks Commission
Mr. Frank Albrecht
2200 N 33rd
Box 30370
Lincoln NE 68503-0370

Nebraska Department of Environmental Quality
Attn: Hugh Stirts
1200 N St Ste 400
PO Box 98922
Lincoln NE 68509-8922

Option 1: Earth Berm Embankment (3:1 Slopes) Cost Estimate \$391,725

Pros

- Blends into the natural surroundings.
- No additional maintenance for NDOR.
- Lowest lifetime cost compared to Options 2 and 3.

Cons

- Requires the realignment of a County Rd. to the south.
- Additional screening berm required on south side of realigned County Rd.
- Encroachment on crane habitat.
- Requires acquisition of additional ROW.

Option 2: Earth Berm Embankment and MSE Wall (3:1 Slopes) Cost Estimate \$1,739,820

Pros

- No impact to existing County Rd. for interchange construction.
- No encroachment on crane habitat due to interchange construction.

Cons

- Massive retaining wall inconsistent with surrounding environment.
- Future graffiti problems and maintenance problems.
- Significant increase in lifetime cost over Option 1.

Option 3: Concrete Fence and MSE Wall (3:1 Slopes) Cost Estimate \$1,885,145

Pros

- No impact to existing County Rd. for interchange construction.
- No encroachment on crane habitat due to interchange construction.

Cons

- Concrete "light shielding" wall inconsistent with natural surroundings.
- Massive retaining wall inconsistent with natural surroundings.
- Future graffiti problems and maintenance problems.
- Significant increase in lifetime cost over Option 1.

**APPENDIX C
DRAFT ENVIRONMENTAL
ASSESSMENT CORRESPONDENCE**



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES
Ann Bleed
Director

June 27, 2007



IN REPLY TO: 5

Randy Eldorado
Kirkham-Michael
12700 West Dodge Road
P.O. Box 542030
Omaha, NE 68154-8030

MAIL ROUTE

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Initials: RJE, RJE

RE: Kearney East Interchange and Bypass

Dear Mr. Eldorado:

This review encompasses the preferred alternative of improving Cherry Avenue and 78th Street only. The Nebraska Department of Natural Resources has reviewed this proposed project and has the following comments:

Surface Water

There is one surface water right that would be impacted by the expansion of the road and its associated right-of-way. It may be possible to reroute the road expansion to avoid this impact. The water right is located on the north side of 78th Street/Highway 40 in Section 13; T9N; R16W and is registered to:

Lawrence Richter
8206 Wood River Road
Kearney, NE 68847

Appropriation # A-3886

lives N 1/4 mile north of N-10/40 intersection

S 13 T9N R16W

NDNR needs to be notified of any action taken on this surface water right. Potential actions might be: a transfer from the owner prior to purchase of the land or a relinquishment by the new owner after the purchase.

For additional information about this water right, go to our website (<http://www.dnr.ne.gov/>) and select the "Water Rights Information" in the Surface Water section.

For you and for the water right owner, the NDNR contact for additional assistance is Mary Lonowski at (402) 471-2099.

471-0587 Mike Thompson

Ground Water

There are several registered ground water wells which appear close enough to Cherry Avenue that a road expansion and associated right-of-way could directly impact them. If impacted, some sort of mitigation action would be required. First, given in list of order from south to north, the well registration numbers and locations are:

Dam Safety-Flood Plain/McMaster

Randy ElDorado
June 27, 2007
Page 2

G-071006 – S9; T8N; R15W - *in*
G-010033 – S4; T8N; R15W
G-010036 – S4; T8N; R15W
G-013008 – S28; T9N; R15W
G-096495 – S28; T9N; R15W
G-142048 – S29; T9N; R15W
G-009619 – S20; T9N; R15W
G-003858 – S21; T9N; R15W
A-003353A – S21; T9N; R15W
G-005035 – S21; T9N; R15W
G-010210 – S16; T9N; R15W

Additional information about these wells can be found by selecting the “Well Registration Information” link of the Ground Water section of NDNR’s website. After determining whether this project will impact any of the above listed ground water wells, the owners of the impacted wells should be contacted. Depending on the nature of the impact, the appropriate forms will need to be filed with this agency.

For additional assistance for ground water issues, your agency contact will be Pam Bonebright at (402) 471-0572.

Floodplain Management

Based on the written comments in section 3.8.2 of the Draft EIS, it is clear that you understand what needs to be done with the stream crossings in order to be in compliance with the local floodplain management ordinance(s). To assist with the floodplain development permitting and filing of no-rise certification, the local floodplain administrators are:

Kearney

Max E. Richardson
Building Official
P.O. Box 1180, 18 E. 22nd St.
Kearney, NE 68848
Telephone: (308) 233-3236

Buffalo County

LeAnn Klein
Floodplain Administrator
9730 Antelope Avenue
Kearney, NE 68847
Telephone: (308) 233-5640

If you have any questions about this letter, please call me at (402) 471-3957.

Sincerely,



Steve McMaster
Natural Resources Planner Coordinator

cc: Lawrence Richter
Max Richardson, Kearney
LeAnn Klein, Buffalo County

City Manager's Office
City of Kearney
18 East 22nd Street
P. O. Box 1180
Kearney, NE 68848-1180



TELEPHONE · (308) 233-3214
FAX · (308) 234-6399
E-MAIL · mmorgan@kearneygov.org
WEBSITE · www.cityofkearney.org

June 27, 2007

Randy Eldorado, P.E.
Kirkham Michael
12700 West Dodge Road
P. O. Box 542030
Omaha, NE 68154-8030



RE: Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

Dear Randy:

As requested, the City of Kearney has reviewed the Draft Environmental Assessment Report for the East Interchange and Bypass. The official position of the City of Kearney is that this project does not pose any significant environmental impact upon the resources within the City of Kearney's jurisdiction.

Accordingly, please see the signed attached endorsement. If you have any questions, please don't hesitate to contact me.

Sincerely yours,

CITY OF KEARNEY

Michael W. Morgan
City Manager

MWM/jms
enc.

pc: Rod Wiederspan, Director of Public Works



Draft Environmental Assessment
East Interchange & Bypass
Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

"We have reviewed the Draft Environmental Assessment, including the preferred alternative, and find that this project does not have any significant environmental impact upon the resources within our agency's jurisdiction."

Signed: Michael W. Meyers

Title: City Manager

Agency: City of Kearney

Date: June 28, 2007



Arizona • Colorado
Iowa • Kansas • Nebraska
www.kirkham.com

June 12, 2007

Re: Draft Environmental Assessment
East Interchange & Bypass
Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

Copy	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
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Draft Environmental Assessment
East Interchange & Bypass
Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

"We have reviewed the Draft Environmental Assessment, including the preferred alternative, and find that this project does not have any significant environmental impact upon the resources within our agency's jurisdiction."

Signed: Larry Johnson

Title: President

Agency: Nebraska Trucking Association

Date: 6/20/07

NEBRASKA DEPARTMENT OF AERONAUTICS

Dave Heineman
Governor

Stuart MacTaggart
Director

Mr. Randy EIDorado, P.E.,
Project Manager
12700 West Dodge Road
P.O. Box 542030
Omaha, NE 68154-8030

June 19, 2007

SUBJECT: East Interchange and Bypass, Kearney, NE

Dear Mr. EIDorado:

In reference to your letter regarding the above project, an interchange and bypass, if the construction site is located outside of a 3 mile radius from an airport, there will be no impact on aviation. Otherwise, the following regulations should be considered.

1. Height restriction zoning limits the height of structures and equipment within three miles of the airport property to 150' above the nearest airport elevation. The zoning regulations are on file with the local building inspector or are available for review at this office.
2. FAA Form 7460-1 must be filed for all structures that penetrate a 100:1 slope from the nearest runway end. These forms are available at <http://forms.faa.gov/forms/faa7460-1.pdf>
3. Residences and other places of public assembly are prohibited within the runway protection zone (RPZ). The RPZ is a trapezoidal area off the end of the runway intended to enhance the protection of the people and property on the ground. The size of the RPZ depends on the type of aircraft that regularly use the airport. In general, if a structure is within a half-mile of the runway send the location and approximate height to us for review.

If you have any questions, give us a call.

Sincerely,
NEBRASKA DEPARTMENT OF AERONAUTICS

Kevin Delka
Engineering Division

Main Office

Mailing Address
P.O. Box 82088
Lincoln, Nebraska 68501
402.471.2371
402.471.2906 fax

Office Location
3431 Aviation Road Suite 150
Lincoln, Nebraska 68524

www.aero.state.ne.us

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Navigational Aids Office

Kearney Municipal Airport
5065 Airport Road
Kearney, Nebraska 68847
308.865.5696
fax 308.865.5697

From: "Richard Haden" <richard.haden@gmail.com>
To: "Rick Haden" <rjh@kirkham.com>
Date: 7/30/2007 5:42 PM
Subject: Fwd: Draft EA - East Interchange & Bypass, Kearney, NE

----- Forwarded message -----

From: Eric Johnson <ewj@kirkham.com>
Date: Jul 30, 2007 5:26 PM
Subject: Fwd: Draft EA - East Interchange & Bypass, Kearney, NE
To: Richard Haden <richard.haden@gmail.com>

Here is the email.

Eric Johnson, VP
Office Manager
Kirkham Michael Consulting Engineers
411 South 13th Street
Suite 101 PO Box 83328
Lincoln, NE 68501-3328
Phone: (402) 477-4240
Fax: (402) 477-4268
ewj@kirkham.com

>>> Randy EIDorado 7/11/2007 11:08 AM >>>
Here's the email from Todd.

Randy

>>>
From: <todd.madison@faa.gov>
To: <reldorado@kirkham.com>
Date: 6/20/2007 3:08 PM
Subject: Draft EA - East Interchange & Bypass, Kearney, NE
CC: <Nardos.Wills@faa.gov>

Mr. Randy EIDorado, P.E.
Kirkham Michael
12700 West Dodge Road
PO Box 542030
Omaha, NE 68154-8030
Phone: (402)393-5630
Fax: (402)255-3850
Email: reldorado@kirkham.com

Dear Mr. EIDorado:

The Federal Aviation Administration (FAA) reviews other federal agency environmental from the perspective of the FAA's area of responsibility;

that is, whether the proposal will have effects on aviation and other FAA responsibilities. We generally do not provide comments from an environmental standpoint. Therefore, we have reviewed the material furnished with the June 12, 2007, transmittal letter, regarding the Draft Environmental Assessment for the East Interchange & Bypass in Kearney, Nebraska, Project No. S-10(51), CN-42103, and Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A, and we have no comments regarding environmental matters. We did notice that the preferred alternative, Cherry Avenue, would provide direct access to the Kearney Regional Airport from Interstate Highway 80.

However, we remind you that you will need to consider whether or not the project will require formal notice and review from an airspace standpoint.

The requirements for this notice may be found in Federal Aviation Regulations (FAR) Part 77, Objects Affecting Navigable Airspace. This regulation is contained under Subchapter E, Airspace of Title 14 of the

Code of Federal Regulations. We would like to remind you that if any part

of the project exceeds notification criteria under FAR Part 77, notice should be filed at least 30 days prior to the proposed construction date.

For instructions on how to file and who to contact with any questions, please visit the following web site:

<https://oeaaa.faa.gov/oeaaa/external/portal.jsp>

Sincerely,

Todd M. Madison, P.E.
Environmental Specialist
FAA Central Region Airports Division, ACE-611F
901 Locust, Room 335
Kansas City, Missouri 64106-2325
Tel: (816) 329-2640
Fax: (816) 329-2611
email: todd.madison@faa.gov
web:
http://www.faa.gov/airports_airtraffic/airports/regional_guidance/central/

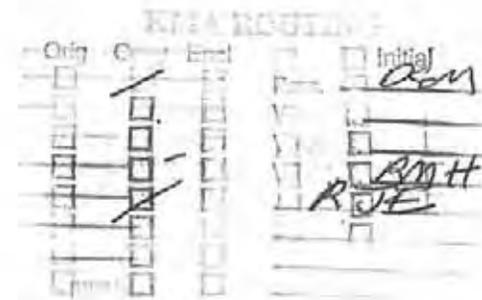
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May the Peace of Christ be with you always.

June 12, 2007

Re: Draft Environmental Assessment
East Interchange & Bypass
Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

U.S. Air Force
Base Civil Engineer
Offutt Air Force Base
Omaha, NE 68113



Dear Madam or Sir:

The National Environmental Policy Act (NEPA) of 1969 established a broad national policy to promote efforts to improve the relationship between man and his environment and provided for the creation of the Council of Environmental Quality. Section 102(2)(c) of NEPA is designed to ensure that environmental considerations are given careful attention and appropriate weight in all governmental decisions.

In keeping with these national policies, United States Department of Transportation, Federal Highway Administration Regulations, 23 CFR Part 771, November 27, 1987, the attached Draft Environmental Assessment for the Kearney East Interchange and Bypass is being submitted to your office for review and comment.

If your agency has no particular comments, we would appreciate having you return the endorsement on the following page within 45 calendar days or by July 30, 2007. No response will be considered as a "no comment" on the proposed action. (It is not necessary to return the attached Draft Environmental Assessment). We will also be scheduling a public hearing on this project sometime in late July.

If you have any questions, please feel free to contact me at (402) 255-3835 or email at reldorado@kirkham.com. Return your comments or signed endorsement (on following page) to me at the address below. Thank you for your continued effort on this project.

Sincerely,

Randy ElDorado, P.E.
Project Manager

RJE/rjh
Attachment





Draft Environmental Assessment
East Interchange & Bypass
Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

"We have reviewed the Draft Environmental Assessment, including the preferred alternative, and find that this project does not have any significant environmental impact upon the resources within our agency's jurisdiction."

Signed: 
Title: Chief Environmental Management Flight
Agency: Offutt AFB
Date: 14 June 07



Natural Resources Conservation Service
Nebraska State Office
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866
(402) 437-5300

<http://www.ne.nrcs.usda.gov>

June 15, 2007

Randy Eldorado, P.E.
Project Manager
Kirkham Michael
12700 West Dodge Road
Omaha, NE 68154-8030

EIAA ROUTING			
Orig	Copy	Final	Initial
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	DEM
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	RMH
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<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

Dear Mr. Eldorado:

This letter is in reply to your request for comments on the Draft Environmental Assessment for the Kearney East Interchange and Bypass.

This project has already been reviewed for Prime Farmland Classification and met the requirement for the Farmland Protection Program Act (FPPA). Refer to part 3.3.3 and 3.3.4 on page 3.15 and 3.16. Therefore, no further comments are needed from this agency.

Sincerely,

STEPHEN K. CHICK
State Conservationist

Enclosure





Draft Environmental Assessment
East Interchange & Bypass
Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

"We have reviewed the Draft Environmental Assessment, including the preferred alternative, and find that this project does not have any significant environmental impact upon the resources within our agency's jurisdiction."

Signed: W. W. [Signature]

Title: NEPA Coordinator

Agency: NE Dept. of Environmental Quality

Date: July 31, 2007

From: <Cothorn.Joe@epamail.epa.gov>
To: <reldorado@kirkham.com>
Date: 7/30/2007 2:31 PM
Subject: Draft Environmental Assessment (EA) for the Kearney East Interchange and Bypass, Kearney, Nebraska, Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

Dear Mr. EIDorado,

The U.S. Environmental Protection Agency has reviewed the Draft Environmental Assessment (EA) for the Kearney East Interchange and Bypass, Kearney, Nebraska, Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A. Please consider the following comments pertaining to the specific sections of the document referenced below.

Section 3.0 Affected Environment and Impacts
3.4 Socioeconomic Setting
3.4.4 Environmental Justice (EO 12898)

Table 3.3, page 3.28, documents a higher percentage of minority, low-income and elderly population within several Census Tracts and Block Groups affected by the build alternatives in comparison to those populations within both the City of Kearney and Buffalo County. In the discussion of "Build Alternatives", the document states that "project impacts would be experienced by residents generally in relationship to their proximity to the selected alignment, regardless of their age, racial or income characteristics." The document further focuses on potential relocation impacts within two of the Census Tracts, but includes no discussion of impacts to affected populations beyond potential loss of residence. This section then concludes that "there is no evidence to suggest that this project would cause a disproportionately high, adverse human health or environmental effect on minority, elderly or low-income populations compared to other residents in the project corridor(s) and other Kearney residents." It is not clear how this conclusion is supported by the data in Table 3.3. Perhaps a somewhat more detailed explanation of the basis for this statement would strengthen this section, paying particular attention to impacts other than residence displacement alone.

3.4.5 Protection of Children (EO 13045)

The text describing possible impacts to children's health or safety resulting from implementing the Cherry Avenue alternative focuses on the construction of a berm to reduce noise and a fence to separate children from the bypass at the Stone School. This evaluation should be expanded to evaluate possible impacts to the safety of children traveling to and from the school. This evaluation should address both traffic-related and pedestrian-related safety issues. In addition, neither the Traffic Noise Study nor the draft EA specifically describe possible noise impacts in the vicinity of Stone School. Given that this alternative will place a major roadway adjacent to an elementary school, this evaluation should more completely analyze the risk to children safety and health.

3.8 Hydrology and Water Quality
3.8.1 Surface Water and Ground Water

This section could benefit from a discussion of the general water quality status of all surface waters within this watershed, specifically whether any waters are listed by the Nebraska Department of Environmental Quality as impaired under section 303(d) of the Clean Water Act, and whether stormwater-related runoff associated with the bypass will possibly affect water quality, particularly regarding any pollutants identified by NDEQ as already causing impairment to surface waters in this area. The final EA could also describe those pollutants, particularly those which bioaccumulate in fish and wildlife tissue, typically associated with highway runoff and what measures will be taken to reduce transport of runoff into nearby surface waters, particularly adjacent sandpit lakes and the north channel of the Platte River. The Platte River, which is heavily utilized by migratory birds for feeding and reproduction, should receive special consideration in gauging the impact of runoff to aquatic and semi-aquatic organisms. Design measures which work to retain runoff in the immediate area of the roadway, allowing for infiltration rather than entry into nearby surface areas, would serve to minimize water quality impacts associated with "first flush" runoff from impervious surfaces.

3.13 Regulated Materials

The draft EA states that the Cherry Avenue alignment "may impact the northwest corner of the Eaton Corporation property which is being evaluated under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or "Superfund." The draft EA does not describe the nature or extent of these possible impacts nor the conditions associated with this site. Given the proximity of the Cherry Avenue alignment to a possible Superfund site, the final EA should more completely characterize this site and any possible impacts on the project resulting from steps necessary to remediate the site under Superfund.

If clarification of any of these comments is needed, please contact Mr. Larry Shepard at 913-551-7441.

Thank you for the opportunity to provide comment.

Sincerely,

Joseph E. Cothorn
NEPA Team Leader
U.S. Environmental Protection Agency
Region 7 - Kansas City
(913) 551-7148
cothorn.joe@epa.gov

cc: NGPC; Lincoln, NE (Attn: Carey Grell)
NGPC; Lincoln, NE (Attn: Kristal Stoner)
EPA; Kansas City, KS (Attn: Joe Cothorn)
Corps; Wehrspann, Omaha, NE (Attn: John Moeschen)

From: "Carey Grell" <Carey.Grell@ngpc.ne.gov>
To: <reldorado@kirkham.com>
Date: 8/2/2007 1:45 PM
Subject: Draft EA for Kearney East Interchange and Bypass
Attachments: KirkhamMichael-Draft EA Kearney East Interchange and Bypass-Jul07.pdf

CC: <kristal.stoner@ngpc.ne.gov>, "Bob Harms" <robert_harms@fws.gov>
Mr. Eldorado,

I have attached a signed electronic copy of the Nebraska Game and Parks Commission comment letter regarding the subject project. Please let me know if you have any questions.

Thanks,
Carey

Carey Grell
Environmental Analyst
Realty and Environmental Services Division
Nebraska Game and Parks Commission
Phone: (402) 471-5423



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.outdoornebraska.org

July 31, 2007

Randy ElDorado
Kirkham Michael
12700 West Dodge Road
P.O. Box 542030
Omaha, NE 68154-8030

RE: Draft Environmental Assessment (EA) for East Interchange and Bypass in Kearney, Buffalo County

Dear Mr. ElDorado:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the Draft EA for the proposed East Interchange and Bypass in the City of Kearney, and we offer the following.

The NGPC has been made aware of several changes proposed for the draft Perpetual Conservation Easement for the Archway property that are not reflected in the easement found in Appendix G of the Draft EA. Based on a letter sent from the USFWS to Kirkham Michael dated July 30, 2007, we understand that a final version of the easement will be provided for review in the Final EA. The NGPC will wait to provide our concurrence that the project will not adversely affect resources of our agency's concern, including state-listed species, until we have had a chance to review the final Archway easement.

Thank you for the opportunity to review the Draft EA. We look forward to reviewing the final Archway easement and the Final EA. If you have any questions, please contact me at (402) 471-5423.

Sincerely,

Carey Grell
Environmental Analyst
Realty and Environmental Services Division

cc: Kristal Stoner, NGPC
John Cochran, USFWS



DEPARTMENT OF SERVICES • DEPARTMENT OF REGULATION AND LICENSURE
DEPARTMENT OF FINANCE AND SUPPORT

July 5, 2007

Mr. Randy ElDorado, P. E.
Kirkham Michael
P. O. Box 542030
Omaha, Nebraska 68154-8030

Re: Draft Environmental Assessment review, East Interchange & Bypass Kearney, Nebraska
Project No. S-10(51), CN-42103 and Project No. STPD-IM-TMT-10-2(114), CN 42103A.

Mr. ElDorado,

In response to Kirkham Michael's request for review and comment on the referenced projects, the Nebraska Department of Health and Human Services Division of Public Health (DHHS DPH) had Mr. Ralph Naber, Field Representative in the Grand Island office for DHHS DPH review the materials that you submitted. The review was directed at finding any items of concern that have the potential to affect any public water systems in the area of proposed construction. Following is a synopsis of Mr. Nabers' comments:

A thorough review was conducted of the material you sent. There are no PWS wells that this project would impact. However, there may be some private wells (some with known locations and some that may be "discovered" during the construction of the project) that may be impacted. For this project it should be mandated that any wells that are found and that must be relocated by necessity of the proposed construction be properly decommissioned as per Title 178 regulations.

As you can see from Mr. Nabers' findings there are no known impacts to any public water system wells in the area of the proposed construction.

If we may be of further assistance to you in this or any other matter please do not hesitate to contact the Department at your convenience.

Respectfully,

Doug Woodbeck

Doug Woodbeck
Manager
NDHHS DPH

DLW

Cc: City of Kearney
DHHS DPH Kearney file in Lincoln

Ec: Ralph Naber, DHHS DPH Field Area 5 Representative
Tom Christopherson, DHHS DPH Manager

Enclosures: Submitted material from Kirkham Michael

Initial

RJE
RSH

Make commitment that wells to be relocated will be decommissioned as per Title 178 reg's.

NEBRASKA HEALTH AND HUMAN SERVICES SYSTEM



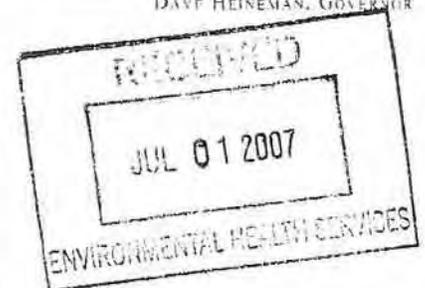
DEPARTMENT OF SERVICES • DEPARTMENT OF REGULATION AND LICENSURE
DEPARTMENT OF FINANCE AND SUPPORT

STATE OF NEBRASKA

DAVE HEINEMAN, GOVERNOR

June 14, 2007

Mr. Ralph Naber
NHHS R&L
1137 South Locust Street
Grand Island, Nebraska 68501



Re: Environmental Assessment for Kearney, Nebraska road project.

Mr. Naber,

Please review the enclosed material for any potential impact on any PWS in the affected areas of proposed construction. Please complete the review and return the materials to me by July 2, 2007.

Thanks for your assistance in this matter.

Respectfully,

Doug Woodbeck
NHHS R&L Field Services Supervisor

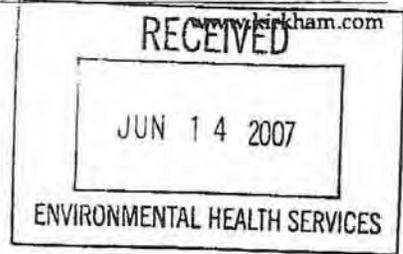
Enclosure:

Kirkham Michael East Interchange & Bypass project for Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN-42103A



Arizona • Colorado
Iowa • Kansas • Nebraska

www.kirkham.com



June 12, 2007

Re: Draft Environmental Assessment
East Interchange & Bypass
Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

Nebraska Department of Health and Human Services System
Division of Environmental Health Services
301 Centennial Mall South
PO Box 95044
Lincoln, NE 68509-5044



Dear Madam or Sir:

The National Environmental Policy Act (NEPA) of 1969 established a broad national policy to promote efforts to improve the relationship between man and his environment and provided for the creation of the Council of Environmental Quality. Section 102(2)(c) of NEPA is designed to ensure that environmental considerations are given careful attention and appropriate weight in all governmental decisions.

In keeping with these national policies, United States Department of Transportation, Federal Highway Administration Regulations, 23 CFR Part 771, November 27, 1987, the attached Draft Environmental Assessment for the Kearney East Interchange and Bypass is being submitted to your office for review and comment.

If your agency has no particular comments, we would appreciate having you return the endorsement on the following page within 45 calendar days or by July 30, 2007. No response will be considered as a "no comment" on the proposed action. (It is not necessary to return the attached Draft Environmental Assessment). We will also be scheduling a public hearing on this project sometime in late July.

If you have any questions, please feel free to contact me at (402) 255-3835 or email at reldorado@kirkham.com. Return your comments or signed endorsement (on following page) to me at the address below. Thank you for your continued effort on this project.

Sincerely,

Randy ElDorado
Randy ElDorado, P.E.
Project Manager

RJE/rjh
Attachment



Draft Environmental Assessment
East Interchange & Bypass
Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

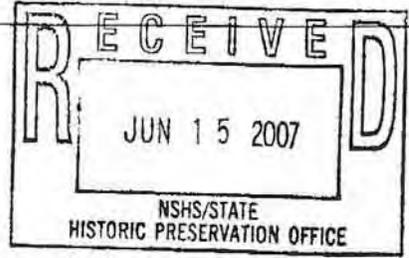
"We have reviewed the Draft Environmental Assessment, including the preferred alternative, and find that this project does not have any significant environmental impact upon the resources within our agency's jurisdiction."

Signed: *Song Woodbeck*

Title: *Manager*

Agency: *DHHS DPH*

Date: *7-5-2007*



0204-115-01

Draft Environmental Assessment
East Interchange & Bypass
Kearney, Nebraska
Project No. S-10(51), CN-42103
Project No. STPD-IM-STPN-TMT-10-2(114), CN 42103A

"We have reviewed the Draft Environmental Assessment, including the preferred alternative, and find that this project does not have any significant environmental impact upon the resources within our agency's jurisdiction."

Signed: Bos Puchendorf

Title: Deputy State Historic Preservation Officer

Agency: NE State Historical Society

Date: 6/18/07



Initial

SJE
RHH





NEBRASKA STATE HISTORICAL SOCIETY
1500 R STREET, P.O. BOX 82554, LINCOLN, NE 68501-2554
(402) 471-3270 Fax: (402) 471-3100 1-800-833-6747 www.nebraskahistory.org
Michael J. Smith, Director/CEO

8 February 2007

Leonard J. Sand
Planning & Project Development
Department of Roads
P.O. Box 94759
Lincoln, NE 68509-4759

Re: Kearney East Bypass and I-80 Interchange *CN-42103, S-10(51)*
Buffalo Co.
H.P. #0204-115-01

Dear Mr. Sand:

The cultural resources survey report (Bozell 2006) on the above referenced project has been reviewed by this office. We concur with the findings of the report that no archaeological, architectural, or historic context property resources will be affected by the proposed project.

Sincerely,

Terry Steinacher
H.P. Archaeologist

Concurrence:

L. Robert Puschendorf
Deputy NeSHPO

TO: Bob Puschendorf, Nebraska State Historic Preservation Office
FROM: Rob Bozell
DATE: 1-3-2007
RE: Cultural Resources Survey, Kearny East Bypass and I-80 Interchange (HP # 0204-115-01)

Bob,

Please review the attached document and send your Section 106 comments to Leonard Sand at the Nebraska Department of Roads with a copy to Randy ElDorado [Kirkham Michael, 411 S. 13th Street, Suite 101, Lincoln, NE 68508]

The project involves survey of some minor alignment changes to a project that your office has previously reviewed under the above HP #

Thanks

Rob

**CULTURAL RESOURCES ASSESSMENT OF SELECT
PORTIONS OF THE PROPOSED KEARNEY EAST
BYPASS AND I-80 INTERCHANGE, BUFFALO COUNTY,
NEBRASKA**

JOHN R. BOZELL
DECEMBER 2006

PREPARED FOR **KIRKHAM MICHAEL** (LINCOLN, NEBRASKA)



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

September 1, 2005

Mr. Michael W. Morgan, City Manager
City of Kearney
18 East 22nd Street
PO Box 1180
Kearney, NE 68848-1180

Dear Mr. Morgan:

This is in response to your July 27, 2005, letter regarding the proposed Interstate 80 Interchange and Cherry Avenue Bypass project. In that letter, several responses were provided to questions and comments made by the U.S. Fish and Wildlife Service (Service) in a May 4, 2005, E-mail message addressed to Mr. Randy EIDorado of Kirkham-Michael & Associates. The Service appreciates the initial efforts by the City of Kearney to avoid and minimize adverse impacts of the proposed project to the federally endangered whooping crane (*Grus americana*) and modification or destruction of that species' designated critical habitat along the central Platte River. However, there are a number of unresolved concerns with the proposed project that will need to be addressed through continued section 7 consultation with the Federal Highway Administration (FHWA), Nebraska Department of Roads (NDOR), and the City of Kearney pursuant to the requirements of the Endangered Species Act (ESA) of 1973 (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*).

The Service maintains its previously stated position that it is unable concur with the FHWA that the proposed project will not have an adverse affect on federally listed species or result in the destruction or adverse modification of designated critical habitat. The following comments are meant to provide rationale for the Service's concerns and address the responses provided in your July 27 letter.

Whooping Crane and Federally Designated Critical Habitat

A 54-mile-long by 3-mile-wide reach of the Platte River from the Lexington, Nebraska bridge to near Denman, Nebraska was federally designated as critical habitat for the whooping crane on May 15, 1978. The northern boundary for this critical habitat area is Interstate 80. Criteria used for the critical habitat designation included biological and physical requirements of the whooping crane, and are referred to as primary constituent elements (PCE). The PCEs used to designate critical habitat for the whooping crane

include: a) space needed to meet daily life requirements; b) presence of large expanses of wetlands; c) presence of food and water; d) unobstructed roosts; and e) roosts protected from human disturbances. The expansiveness of the mid-channel, unvegetated sandbars, coupled with the existence of wetland areas located along the reach of the Platte River between Lexington and Denman meets these PCE requirements and thus, was included in the critical habitat designation for Nebraska.

Whooping cranes have consistently used the Platte River corridor in the Kearney area during spring and fall migrations because the area provides the PCEs essential for the survival and recovery of the species. The Service is aware of at least three separate sightings of up to three whooping cranes along the river (i.e., during migration periods in 1986, 1989, and 2003) in the vicinity of the proposed project site, the nearest being approximately 0.25-mile from an area that is planned for future development by the Great Platte River Road Archway (Archway), an activity that would be facilitated by the proposed project. These whooping crane sightings have occurred on or immediately adjacent to a 470-acre tract of land along the river that is owned by the State of Wyoming and managed by the Service specifically for the benefit of the federally endangered whooping crane and least tern (*Sterna antillarum*), and threatened piping plover (*Charadrius melodus*).

The aforementioned Wyoming property was acquired nearly 20 years ago as an outcome of a section 7 consultation under ESA between the Service and U.S. Army Corps of Engineers (Corps) to offset the adverse impacts of the Wyoming Water Development Commission's proposed Deer Creek Dam/Reservoir Project on the whooping crane and the species' federally designated critical habitat located several hundred miles downstream along the central Platte River in Nebraska. This property, and its associated habitats for federally listed species, will also be included as part of the State of Wyoming's contribution to the future land component of the proposed Platte River Recovery Implementation Program (Program). The implementation of the proposed Program will serve to offset the adverse impacts on federally listed species (i.e., whooping crane, least tern, piping plover, and pallid sturgeon (*Scaphirhynchus albus*)) and designated critical habitats due to existing and future federal water projects in the Platte River basin pursuant to a July 1997 Cooperative Agreement between the Governors of Colorado, Wyoming, and Nebraska, and the Secretary of the Interior. It is envisioned that the Wyoming property will become the center piece for a much larger habitat complex to be established along the river through future implementation of the proposed Program.

Indirect Effects of the Proposed Project

The need to adequately address the indirect effects of a proposed Federal action on federally listed species and designated critical habitat through the section 7 consultation process under ESA is supported by a number of court cases. In National Wildlife Federation v. Coleman, 529 F.2D 359 (5th Cir.), cert. denied, 429 U.S. 979 (1976), the court ruled that the indirect effects of private developments resulting from the proposed construction of highway interchanges had to be considered as impacts of proposed

Federal highway projects, even though the private development had not been planned at the time the highway project was proposed.

The Service is concerned that the proposed project will result in the commercial development of the local area for some distance to the north of the new highway interchange, as well as to the east and west of Cherry Avenue (including a portion of the Archway property). Such development will have an indirect effect and adverse impact upon the whooping crane and the federally designated critical habitat area that is located adjacent to the proposed project. The anticipated future development within the proposed project area will result in an increase in human disturbances through creation of multiple sources of light (e.g., advertising, vehicle lights, etc.), increased noise levels (e.g., acceleration and deceleration of vehicles entering and exiting Interstate 80), and human activity (e.g., foot traffic, vehicles traveling on access roads and parking lots, etc.).

Whooping cranes are very sensitive to and intolerant of human activity and other disturbances, and are known to take flight and vacate an area in response to such stimuli from up to 0.5-mile away. Consequently, the Service is concerned that an increase in human disturbances within the affected area would adversely modify one or more of the PCEs listed above in the federal designation of critical habitat for migrating whooping cranes. This concern is underscored by the fact that as much as 80 percent of whooping crane deaths appear to occur during migration periods (Lewis et al. 1992), and that such mortality may be linked to the quality and quantity of stopover habitats (NRC 2005). Because a significant portion of the whooping crane population stops along the Platte River during migration, any degradation of that important habitat area adversely affects the likelihood of the species survival and recovery (NRC 2005).

SERVICE RECOMMENDATIONS

Conservation Easement and Agreement

The Service continues to believe that the best way to help avoid or offset the indirect adverse effects of the proposed project on the whooping crane and its designated critical habitat would be through the acquisition of conservation easements, or the accomplishment of some other means, that will perpetually protect and restrict the future occurrence of incompatible land uses within the areas delineated on the enclosed map. In addition to what is briefly outlined above, the purpose and need for such protection was previously discussed during a March 9, 2005, meeting in Kearney between representatives of the Service and the project proponents. Subsequent to that meeting, the referenced May 4, 2005, E-mail message from the Service provided further comments and recommendations regarding land use restrictions that should be included as part of a conservation easement agreement for the areas of concern.

Protection of Area Along Turkey Creek

Included as one of the recommended conservation easement areas is the grassland and forested riparian corridor located along Turkey Creek. Based on the information provided in your July 27 letter, it does not appear as though that area will be adequately protected from incompatible land uses in the absence of a conservation easement. Future development of that area which maintains a "no rise condition" in compliance with the National Flood Insurance Program does not necessarily prevent the occurrence of incompatible land uses that are of concern to the Service as discussed above. Also, oversight by the Corps, under the authority of section 404 of the Clean Water Act, may not necessarily protect this area of concern given the limitations of that agency's scope of authority. Thus, the Service has concluded that the delineated area along Turkey Creek should be protected from future incompatible land uses by a conservation easement or some other acceptable means.

Municipal Wellfield and Wastewater Treatment Properties

The Service is pleased to note that the City of Kearney is willing to place the municipal wellfield and waste water treatment plant properties under the provisions of a conservation easement agreement should the facilities be transferred, closed, abandoned, etc. It is recommended that the City of Kearney coordinate in advance with the Service in preparing a draft deed restriction for the potential future disposal of each of those properties to ensure their perpetual protection under the terms and conditions of the conservation easement currently being considered. The future deed restrictions for those properties should be included as one of the conservation measures for the proposed project. The Service is not presently concerned with any future expansion, improvement, or modification of the municipal facilities that may occur on those properties as previously discussed. However, it should be noted that if any future action associated with one of the facilities located on those properties requires federal funding, permit, license, or approval, the lead Federal agency for that proposed action will need to consult with the Service as required by section 7 of ESA.

Artificial Lighting

The Service also appreciates the willingness of the City of Kearney and Archway to minimize impacts on whooping crane use of the critical habitat area by reducing the existing lighting in the parking lot of the Archway. As was mentioned in the Service's May 4, 2005, E-mail message, it is recommended that the number of existing lights in the parking lot be reduced by 50 percent, and that the remaining lights be converted to sodium vapor lighting. For the existing access road from the west to the Archway and the proposed future access road from Cherry Avenue along with all additional lighting that will result from future development of the Archway property, it is recommended that either sodium vapor lights with directional hoods be used or the same type of lights that were installed on the South Locust Street interchange at Interstate 80, located south of Grand Island.

Timing of Project Construction Activities

The Service further appreciates the expressed willingness of the project proponents to incorporate special provisions into the construction contract for the proposed project regarding the timing of construction activities to avoid adverse impacts to whooping crane use of the critical habitat area during migration periods.

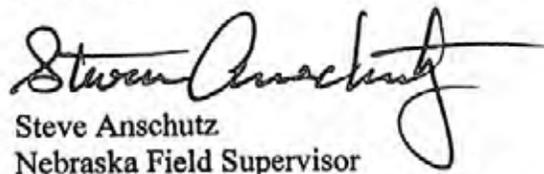
Use of Earthen Berm or Pre-Cast Wall Feature

The Service appreciates receiving word from you that the proposed project will incorporate the use of either an earthen berm (similar to that used on the south side of the aforementioned Interstate 80 and South Locust Street interchange project located near Grand Island), or a pre-cast concrete wall on the south side of the proposed interchange area. The incorporation of this conservation measure as a feature of the proposed project should help reduce the adverse impacts of traffic lights on whooping crane use of the adjacent critical habitat area. It is requested that details regarding the design and placement of either the earthen berm or pre-cast concrete wall feature be coordinated with and approved by the Service at the appropriate time during the final plan development stage for the proposed project.

CONCLUSION

The Service appreciates the good faith efforts by the City of Kearney to address the Federal trust fish and wildlife resource issues that are associated with the proposed project. However, based on the content of your July 27 letter, it does not appear as though all of the Service's concerns with the proposed project have been adequately addressed or resolved as mentioned above. Consequently, it is suggested that a meeting be arranged between FHWA, NDOR, City of Kearney, Nebraska Game and Parks Commission, and Service representatives to further discuss the recommended conservation measures or other options that may be available for either avoiding or offsetting all of the adverse impacts of the proposed project on federally listed species and designated critical habitat in fulfillment of the section 7 consultation requirements under ESA. If you have any questions or would like to schedule a meeting as suggested, please contact Mr. Robert Harms within our office at (308)382-6468, extension 17.

Sincerely,


Steve Anschutz
Nebraska Field Supervisor

Enclosure

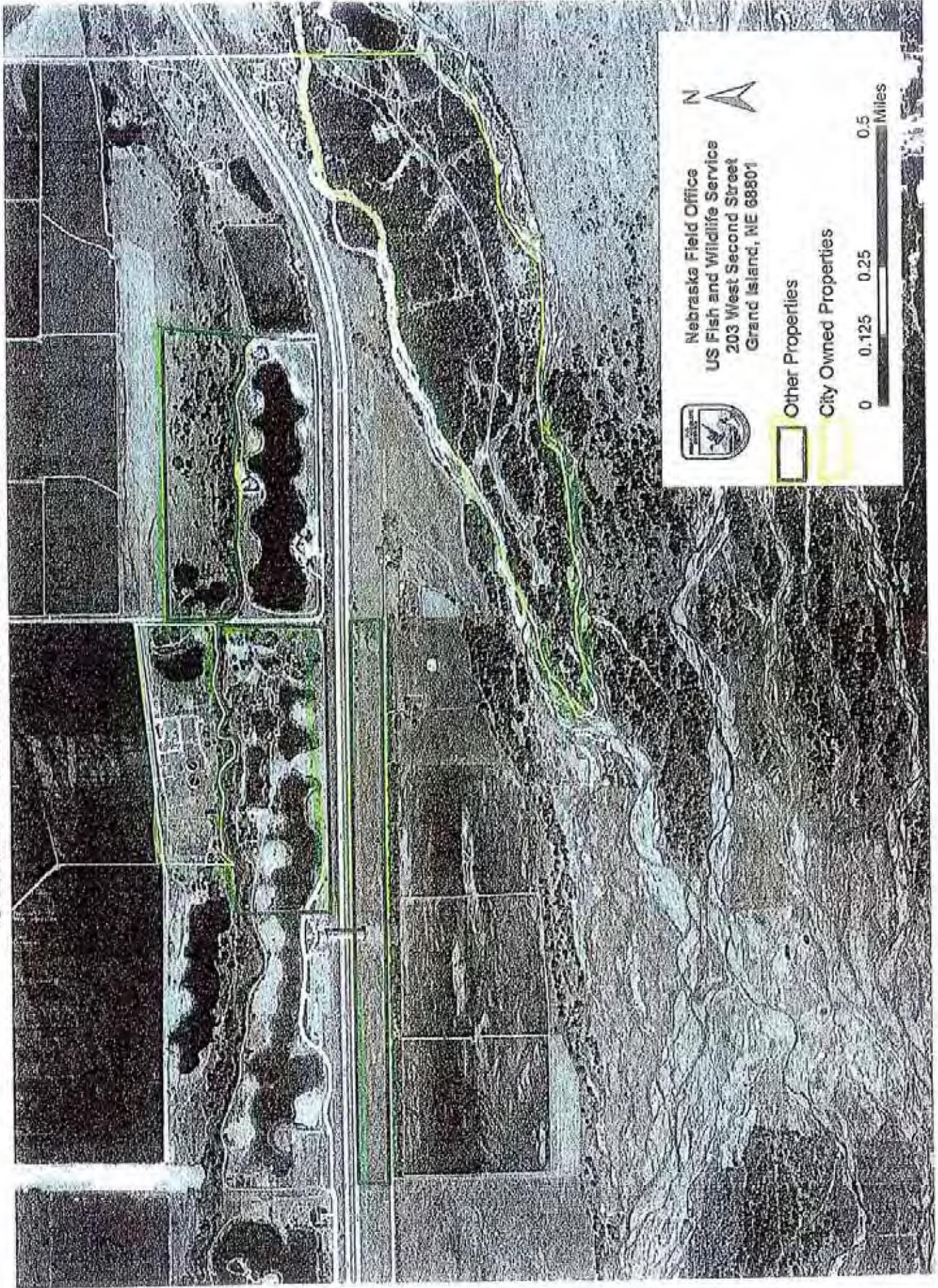
cc: FHWA, Lincoln, NE (Attn: Edward Kosola)
NDOR, Lincoln, NE (Attn: Cynthia Veys)
NGPC; Lincoln, NE (Attn: Troy Rahmig)

REFERENCES

Lewis, J.C., E. Kuyt, K.E. Schwindt, and T. Stehn. 1992. Mortality in fledged whooping cranes of the Aransas/ Wood Buffalo population. Pp. 145-148 in Proceedings 1988 North American Crane Workshop, D.A. Wood, ed. Tallahassee, FL: Florida Game and Freshwater Fish Commission.

National Research Council. 2005. Endangered and Threatened Species of the Platte River, Final Report. Washington, DC: National Academy Press.

Conservation Easement Boundaries



From: <Steve_Anschutz@fws.gov>
To: <reldorado@kirkham.com>
CC: <John_Cochnar@fws.gov>, <Robert_Harms@fws.gov>, <edward.kosola@fhwa.dot...>
Date: 5/4/2005 5:19 PM
Subject: Kearney Interchange/East Bypass Project

Randy:

Our comments and recommendations are provided below in response to your April 5 and 18, 2005, E-mail messages regarding the proposed Kearney Interchange/ East Bypass Project:

1. Sections II.A. and V.A. of the conservation easement agreement for the South Locust Street Interchange Project (i.e., which is being used as a template for a draft agreement for the proposed project under review) prohibited the construction of access roads to commercial and industrial development across the land. Based on your April 18 message, you have recommended that such a prohibition be struck from the draft conservation easement agreement for the proposed Kearney Interchange/Bypass East Project. Your stated rationale for this revision is that it, "...allows for the construction of an access road from the Arch to Cherry Avenue." The interrelationship of this planned access road with the proposed project was discussed during our March 9, 2005, meeting in Kearney. Your suggested removal of this prohibition language from the agreement is problematic from our perspective in that it would allow for the construction of other access roads to cross conservation easement areas for access to commercial and industrial developments elsewhere on adjacent lands. Consequently, we believe that the access road prohibition language should remain as stated in the original draft conservation easement agreement attached to your April 5 message, but be modified as follows:

Section II.A.

"No commercial or industrial development shall be allowed on the land subject hereto. This includes a prohibition on (1) the construction of access roads to commercial and industrial development across the land (with the exception that this prohibition would allow for the construction of a road between the realigned Cherry Avenue and the Arch for the purpose of providing access to the Arch only); (2) the mining or extraction of sand, gravel or other minerals; and (3) the establishment of public or private firearms ranges."

Section V.A.

"The agreed upon purpose of this easement is the protection of these lands from commercial and industrial development, including but not limited to access roads (except as allowed for in Section II.A. above), commercial or industrial development across the land, mining or extraction of sand, gravel or other minerals, and the use of lighted commercial signs annually during the period of February 1 through May 31. This agreement is not meant to affect the installation, operation and maintenance of lighted informational, regulatory or traffic control signs located within the right-of-way of Interstate 80. Any ambiguities in this easement shall be constructed in a manner which best effectuates preservation and protection of the existing crane and other wildlife habitat."

2. Specific criteria and methods of oversight need to be provided for protection of the 0.5-mile-long riparian corridor along Turkey Creek, located east of the proposed realignment of Cherry Avenue within the affected project area. Satisfactory criteria for protecting the riparian corridor would be the exclusion of all commercial/residential development and other incompatible land uses (as described in Section II.A. of the proposed conservation easement) within the 100-year floodplain as shown on the aerial photography attached to your April 5 message. It is possible that the floodway may also suffice to protect the riparian corridor, but it is not shown on the map in the area of concern. Please describe existing land use restrictions and permitting requirements, if any, for the 100-year floodplain and floodway areas in question to ensure adequate administrative

oversight and protection by the City of Kearney and/or Buffalo County.

3. It is further recommended that a deed restriction be included in the terms of sale or property transferral in the event of a property disposal action involving the Kearney Water Treatment Plant (Plant) and/or associated municipal wellfield area. Should the current sites of the Plant and wellfield area be abandoned and relocated, the vacated properties would need to be added to the area currently under consideration for a conservation easement agreement, and be subject to any and all conditions identified therein.

4. Please provide information regarding land use restrictions and conditions imposed by the City of Kearney within the Wellfield Protection Boundary area that is delineated on the aerial photography attached to the April 5 message.

5. No information was provided in regards to a proposed reduction in the current amount of lighting at the Arch parking lot area that was discussed during the March 9 meeting. We recommend that a reduction in the current number of lights be considered (perhaps by at least 50 percent or more) along with shielding of the remaining lights to prevent diffuse lighting in the area, or conversion to sodium vapor lighting. If lighting is necessary along the planned access road between Cherry Avenue and the Arch, it is recommended that low mast, sodium vapor lighting be used for that purpose, and that the number of lights be kept to a minimum.

6. All construction activities in the immediate area of the proposed highway interchange and for a distance of 0.5-mile north from I-80 along the realigned Cherry Avenue should occur between one hour after sunrise to one hour before sunset from February 13 through May 16 (spring migration season), and from October 1 through November 16 (fall migration season).

7. The planting of trees along the south side of proposed I-80 interchange is not an acceptable method for the elimination of vehicle traffic light disturbance to the adjacent Platte River habitat area. The construction of a pre-cast concrete wall or similar structure, or earthen berm of sufficient height is preferable.

In light of our above comments and recommendations, we recommend that another meeting be scheduled to further discuss and hopefully agree upon conservation measures that can be included as part of the proposed project to either avoid or off-set adverse impacts to federally listed species and designated critical habitat. Thanks.

Steve Anschutz
Nebraska Field Supervisor
U.S. Fish and Wildlife Service
203 West Second Street
Grand Island, NE 68801
(308)382-6468. extension 12
(308)384-8835 FAX
E-mail: steve_anschutz@fws.gov

STATE OF NEBRASKA



Mike Johanns
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder

Director

Suite 400, The Atrium

1200 'N' Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

FAX (402) 471-2909

web site : www.deq.state.ne.us

JUN 28 2004

June 21, 2004

Mr. Edward W. Kosola
Realty/Environmental Officer
U.S. Department of Transportation
Federal Highway Administration
100 Centennial Mall North, Room 220
Lincoln, Nebraska 68508-3851

**RE: S-10(51), Kearney East Bypass, Integrating NEPA/404 Processing,
Concurrence in Preliminary Draft Environmental Assessment**

Dear Mr. Kosola:

The Nebraska Department of Environmental Quality has reviewed the above referenced project. We have no comments regarding this project that would fall under the jurisdiction of our programs.

Enclosed is the signed endorsement. If you have any questions, feel free to contact me at (402) 471-4231.

Sincerely,

A handwritten signature in black ink, appearing to read "Jay D. Ringenberg".

Jay D. Ringenberg
Deputy Director

JDR:nh

Enclosure

scanned
6/28/04
AS

Good Samaritan Health Systems

June 16, 2004

The Honorable John L. Mica
2445 Rayburn House Office Building
Washington, DC 20515-0907

Re: Highway Reauthorization Bill H.R. 3550 and S 1072
Project #2348
Kearney, NE Interstate 80 Exit

Dear Representative Mica:

Please join me and numerous other Nebraskans, including Congressman Osborne, Senator Hagel, and Senator Nelson, in support of raising the above referenced funding in the House Bill from its present \$2 million to \$12.5 million (federal share) for the essential second I-80 interchange in Kearney, Nebraska.

Good Samaritan Hospital is a comprehensive referral center that serves a region equivalent to the size of Indiana and including more than 300,000 people. It is my understanding that Kearney is among the largest cities in the country that is served by a single interstate exit. The current exit connects to an "F" rated arterial road and this new exit and bypass project is badly needed to provide alternative routing for non-local, truck, industrial, airport, military, and emergency services traffic.

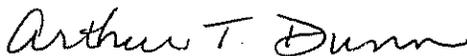
During peak hours, the traffic congestion is sometimes so bad that our ambulances are unable to get through the traffic to the hospital. Since we are a tertiary care facility, serving towns all around us, many of our emergency patients are delivered off the Interstate through traffic conditions that can only be described as gridlock.

Please help us to obtain the funding we need to complete this vital project, so critical to the mission of our hospital.

Thank you for consideration during conference deliberations.

Sincerely,

GOOD SAMARITAN HEALTH SYSTEMS



Arthur T. Dunn
Interim CEO

pc: Congressman Tom Osborne
Congressman Lee Terry
Congressman Doug Bereuter
Senator Chuck Hagel
Senator Ben Nelson



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

APR 14 2004



Mr. Michael C. Piernicky, PE
Project Manager
12700 West Dodge Rd
PO Box 542030
Omaha, NE 68154-8030

Dear Mr. Piernicky:

RE: Kearney, Nebraska East Interchange & Bypass Environmental Assessment

The U.S. Environmental Protection Agency (EPA) has reviewed the preliminary environmental assessment for the East Interchange & Bypass in Kearney, NE. We would like to thank you for considering our comments in preparation of the draft environmental assessment. After reviewing the Interchange Justification Study, EPA observes that our specific comments have been satisfactorily addressed. Please contact me with any questions or further coordination requirements at (913) 551-7805.

Sincerely,

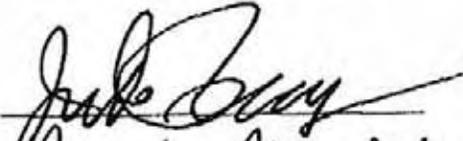
Nicholas P. Rocha
NEPA Reviewer
Environmental Services Division

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Concurrence: Preliminary Draft Environmental Assessment

"We have reviewed the Preliminary Draft Environmental Assessment on project S -10(51) and concur that it is satisfactory. The information provided to date is adequate and we agree that the project can be advanced to the next stage of project development."

Signed:



Title:

Deputy Director

Agency:

NDEQ

Date:

6-17-04

MCP

March 22, 2004

Nicholas P. Rocha
Environmental Services Division
United States Environmental Protection Agency
Region VII
901 North 5th Street
Kansas City, Kansas 66101

Project: East Interchange & Bypass Environmental Assessment - Kearney, Nebraska
Project No.: KM-0203242
Subject: Response to EPA Comments

Mr. Rocha:

We received and reviewed the comments in your letter regarding the PDEA for the East Interchange & Bypass project in Kearney, Nebraska. Following our previous phone conversation, the three comments within the letter have been placed in a table, in the order received, as well as the response or action taken for each comment based on our conversation:

Number	Comment
1.	<p>Comment</p> <p><i>Traffic System Management (TSM) techniques (auxiliary lanes, traffic signal timing, truck lane only, etc.) should be looked at with the specific objective of de-conflicting large truck traffic from other types of vehicular traffic currently existing on 2nd Street. If this strategy has already been considered and subsequently rejected, please include rationale for rejection. The document currently suggests that traffic safety on 2nd Street is a concern due to a high number of access driveways and the mix of traffic. Accident analysis data (with emphasis on vehicle mix) would be useful to fully analyze this issue.</i></p> <p>Response</p> <p>Transportation System Management (TSM) Alternatives</p> <p>Generally, Transportation System Management (TSM) alternatives tend to be traffic operations activities implemented by public agencies and are part of a regular system of maintenance performed by the city and/or state on a regular basis. As such these alternatives become part of the base conditions analyzed. Individual TSM techniques were considered for this project and each of the applications are addressed in more detail below:</p> <ul style="list-style-type: none"> • <u>Auxiliary / Truck Only Lanes</u>-Auxiliary and truck only lanes along 2nd Avenue were dropped from further consideration because it did not satisfy the project purpose and need statement. <p>Two main issues caused this alternative to not be considered further evaluation. First is the existence of numerous building structures close to the existing right-of-way on the 2nd Avenue corridor. This is especially prevalent in the downtown area and is specifically highlighted at the intersection of 2nd Avenue and US 30 (25th St.), which today sees high levels of congestion during the peak hours of operation. The addition of auxiliary lanes, especially in the downtown area, would result in the complete taking of properties causing significant impacts to the community and businesses.</p>

Second is that the future traffic projections, (in excess of 45,000 ADT for certain sections) is beyond the ability of auxiliary lanes/truck only lanes to improve traffic operations to acceptable levels. Furthermore, given these traffic volumes, the designation of a lane as truck only lane would impact and overload the adjacent travel lanes. Additionally, the truck lane only alternative is not practical given urban nature of the corridor and the close spacing of cross streets and individual access points along the 2nd Avenue alignment. The movement of traffic to the appropriate lanes to complete turning movements into each of these access points would see a constant mixing of traffic in all lanes, defeating the purpose of separating the heavy vehicles from other vehicles.

- **Traffic Signal Timing**-Traffic signal timing updates are being completed on a regular basis as part of ongoing maintenance programs by the city and state. Furthermore, this alternative would not be able to mitigate the projected traffic volumes for certain sections of the corridor. Traffic signal timing improvements were considered in conjunction with each of the finalist alternatives along 2nd Avenue as it is reasonable to assume these maintenance programs will continue. It was dropped from further consideration as an individual alternative because it did not satisfy the project purpose and need statement.

Collision Analysis Data

Information on approximately 1100 collisions was reviewed for this project with regards to the analysis shown in the PDEA. Information that was provided by the state for each collision included the following items: 1) Date, 2) Milepost, 3) Location Description, 4) Time, 5) Collision Severity, 6) Total Injuries, 7) Total Fatalities, 8) First Harmful Event, 9) Collision Type, 10) Road Surface Condition, 11) Alcohol Involvement, 12) Vehicle Travel Direction, 13) Number of involved vehicles, and 14) Vehicle movement. Data regarding the specific involvement of heavy vehicles was not provided by the state. The reference to conflict problems and the involvement of heavy vehicles was based on informal background information collected as part of meetings with the city and public.

Action Taken

The following items will be completed to address this comment.

1. This letter addressing the comments will appear in the Coordination Section of the Environmental Assessment.
2. Copies of the Interchange Justification and East Bypass Study and Technical Appendix and supporting information will be provided to the EPA for their information and review.
3. We have the individual traffic collision data on file at our office. It is available for review if requested.

2. Comment

Table 1.1 shows "no-build" traffic volumes and LOS in 2002 and 2025. Similar analysis (per discrete 2nd Street segments) should be undertaken to discern the degree that viable alternatives would reduce congestion and alleviate safety concerns. Traffic volume projections might also be improved through trip frequency analysis, destination analysis or through public survey. Such tools might also be useful to determine the amount of draw that the east bypass alternatives could be expected to induce.

Response

The majority of the information asked for is contained in the Interchange Justification and East Bypass Study and Technical Appendix. Within that study, traffic projections were developed using the standard transportation planning process. The traffic volume projections were reviewed and approved by the Nebraska Department of Roads Planning Division and the Federal Highway Administration-Nebraska Division.

	<p>An origin-destination study was also completed as part of this document to assess the traffic likely to divert to the new bypass alignment based on the desired travel patterns throughout the region. Furthermore, a survey was sent to the members of the Nebraska Trucking Association to gain information regarding the heavy vehicle use of area highways as primary travel routes and the likelihood of them using a proposed east interchange and bypass.</p> <p>All of the suggested items have been completed previously and were included in the analysis of the project alternatives. However, to reduce duplication were not specifically mentioned in detail in the EA document and were referenced as part of the Interchange Justification and East Bypass Study and other supporting materials.</p> <p>Action Taken</p> <p>The following items will be completed to address this comment.</p> <ol style="list-style-type: none"> 1. This letter addressing the comments will appear in the Coordination Section of the Environmental Assessment. 2. Copies of the Interchange Justification and East Bypass Study, Technical Appendix, and updated Technical Memorandum will be provided to the EPA for their information and review. 3. Table 1.1 in Section 1.3 of the EA will be updated to include ADT and LOS estimates on Second Avenue for the 2025 finalist alternatives.
<p>3.</p>	<p>Comment</p> <p><i>For any of the "build" alternatives that would displace livestock feedlots, the EPA should like to see information on the type of livestock (cattle, pigs...), size of operation (# of head) and probable re-location areas for these operations. This information is deemed important due to the impaired status of the Platte River (impairment: fecal coliform) and the development of Total Daily Maximum Loads to address this impairment. If livestock operations remain close to the ROW of any of the "build" alternatives, then project drainage designs may provide benefit in retarding pollutant movement to the Platte River.</i></p> <p>Response</p> <p>Based on aeriels and site reconnaissance, the closest livestock operation to either of the proposed finalist alternatives is located directly between Antelope and Cherry Avenues on the south side of East 11th Street. It is approximately 2000 feet from either of the alignment centerlines to the property line of the facility. There is no anticipated impact to the facility by either of the proposed alternatives. Furthermore, the land use (row-crop agriculture) between the facility and the alignments and the topography (flat) of the area make it highly unlikely that either of the proposed facilities would receive run-off from the livestock facility.</p> <p>Action Taken</p> <p>No action is being taken at this time as there is no known issue or impact.</p>



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We are currently preparing the Draft Environmental Assessment (DEA) for distribution to the agencies and for public review. We are anticipating completion of other work within the next week and would like to complete the DEA as soon as possible. We would like to include a concurrence from the EPA with this document. Please let me know if there is any other information that we can provide to aide in your review.

Thank you for the comments and if you have any questions please give me a call at (402) 255-3839.

Sincerely,

KIRKHAM MICHAEL

A handwritten signature in black ink, appearing to read 'Michael C. Piernicky', with a stylized flourish at the end.

Michael C. Piernicky, PE
Project Manager

mcp

Copy to: File



NEBRASKA STATE HISTORICAL SOCIETY
1500 R STREET, P.O. BOX 82554, LINCOLN, NE 68501-2554
(402) 471-3270 Fax: (402) 471-3100 1-800-833-6747 www.nebraskahistory.org

March 19, 2004

Mr. Leonard Sand, Program Manager
Planning and Project Development
Nebraska Department of Roads
1500 Hwy. 2, Box 94759
Lincoln, NE 68509-4759

RE: 2/26/04 letter from URS Corp. responding to SHPO 12/17/03 comment letter regarding *Kearney Bypass Intensive Inventory for Cultural Resources, Buffalo County, Nebraska* NDOR project # S-10(51), C.N. 42103 HP # 0204-115-01

Dear Mr. Sand:

We have reviewed the referenced response letter from URS Corp. Our comments on this project are required by Section 106 of the National Historic Preservation Act of 1966, as amended, and 36CFR Part 800.

We concur with the clarifications given in the letter, and thank URS for the new information. Therefore, we concur with the findings of the *Kearney Bypass Intensive Inventory Report*, and, in our opinion, no historic properties will be affected by the project as proposed. We therefore have no objection to the project proceeding as planned.

If you concur with our opinion, please file your documented finding in order to evidence compliance with Section 106.

If you have any questions, please do not hesitate to call Bill Callahan at 471-4788. Thank you for this opportunity to comment.

Sincerely,

L. Robert Puschendorf
Deputy State Historic Preservation Officer
Nebraska State Historical Society

Cc: Ed Kosola
Melissa Dirr
URS Corp.



February 26, 2004

Mr. L. Robert Puschendorf
Deputy State Historic Preservation Officer
Nebraska State Historical Society
1500 R Street
PO Box 82554
Lincoln, NE 68501-2554



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SUBJECT: Kearney Bypass Intensive Inventory for Cultural Resources, Buffalo County, Nebraska

Report Prepared by URS Corporation
NDOR Project # S-10(51), C.N. 42103 HP # 0204-115-01

Dear Mr. Puschendorf,

Thank you for your review of the above referenced documents and the comments provided to Mr. Leonard Sand of the Nebraska Department of Roads in a letter dated November 12, 2003. Subsequent to the receipt of this letter, I spoke with Bill Callahan of your office by telephone on December 17, 2003. Mr. Callahan was very helpful and provided additional guidance on the information requested and indicated that a response via a letter would be sufficient. We are hereby formally responding to your comments in this letter.

One of the larger issues raised in your letter was the justification for and definition of the Area of Potential Effects (APE). This issue may be confusing because we used two different APEs. For archaeological resources, the APE was a 300-foot wide corridor for both alignments except where landowner access was denied or where inventory areas of a different size were necessary to accommodate larger or smaller APEs. A 400-foot wide corridor surveyed for the portion that crosses both Highway 30 and the Union Pacific Railroad tracks where the area of disturbance expands to approximately 350 feet to accommodate proposed overpasses. Irregular block areas were inventoried for the curves at the north ends of both proposed roadways where they turn onto the 78th Street alignment. Diamond-shaped areas approximately 2000 feet long (east-west) and 800 feet wide (north-south) were inventoried for the proposed ramps on and off Interstate 80. Corridors 200 feet wide were inventoried on the associated access road and the proposed new road. We based this APE for archaeological resources as the area to be most likely to be affected by direct ground disturbance.

For standing structures we used an APE defined as 1/4-mile on either side of the existing roadways. We believe that this APE provides adequate coverage for any potential indirect effects that may be caused by the conversion of these exiting rural, gravel county roads to a paved, traffic-controlled semi-urban road. Landowner access was provided to all standing structures within the APE. Please note that a few of the standing structure sites contained only farm buildings, that is either there never were residential structures at these sites, or they had been demolished and all evidence obliterated prior to the survey.

URS Corporation
8181 E. Tufts Avenue
Denver, CO 80237
Tel: 303.694.2770 and 303.740.2600
Fax: 303.694.3946



Regarding the concerns for additional information on our methodology, we conducted a selective survey, in that we recorded the standing structures that appeared to be 45 years old or older. More recent construction was not recorded. A specific question Mr. Callahan asked during our telephone conversation was "were there any standing structures between the alternatives that did not get looked at"? Yes, in fact there appear to be two instances where this has occurred.

Concerning the Fort Kearney marker, I have enclosed a photograph showing it. As can be seen in the photograph, the marker indicates that the Military Reservation boundary was 146 feet east of this point and based on this, as well as the overall good condition of the marker, that this was not a feature associated with Fort Kearney but an after the fact commemorative marker.

Regarding Site #8, this feature is a drainage canal that is part of a larger system of drainage canals maintained by the Central Platte Natural Resources District. It appears that this canal was enlarged sometime after 1998. At this time we would like to revise our eligibility recommendation to read "due to recent modification, this segment of the ditch does not retain sufficient integrity to support the eligibility of the resource whose overall eligibility remains undetermined."

Based on my conversation with Mr. Callahan, we wish to revise our eligibility recommendations for the segments of the Burlington-Northern Railroad Grade, Union Pacific Railroad, and Lincoln Highway, We would now recommend that the segments of these large linear resources that were documented by this survey do retain sufficient integrity to support the eligibility of a resource whose overall eligibility has not yet been determined.

Sincerely,

URS Corporation

A handwritten signature in black ink, appearing to read "R. J. Mutaw", with a long horizontal line extending to the right.

Robert J. Mutaw, Ph.D.
Cultural Resources Team Leader

Enclosure.

cc: Quentin Bliss, URS Project Manager
Michael Piernicky, Kirkam Michael Project Manager



IF # 2. Looking east. Cement military reservation marker. Roll k-1, Exp. 3



NOV 14 2003

Ed
Abe
P-file

United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

November 13, 2003

Mr. Edward Kosola, Realty Officer
Federal Highway Administration
Federal Building, Room 220
100 Centennial Mall North
Lincoln, Nebraska 68508-3851

RE: Preliminary Draft Environmental Assessment for Project Number S-10 (51), East Interchange and Bypass, Kearney, Buffalo County, Nebraska

Dear Mr. Kosola:

This responds to your letter dated October 3, 2003, regarding the proposed project referenced above. The U.S. Fish and Wildlife Service (Service) has reviewed the Preliminary Draft Environmental Assessment (PDEA) for the proposed project and offers the following comments.

The Service does not concur with the PDEA and recommends that the proposed project not advance to the next stage of project development until our concerns regarding depletions to the Platte River system are resolved. In a letter dated May 31, 2002, the Service identified that exposure of water at project construction material borrow sites would result in evaporative losses, which are considered a depletion from the Platte River system. The Service further stated that it considers depletion of flows (direct or indirect) from the Platte River system to be significant and have a negative affect on the whooping crane (*Grus americana*), least tern (*Sterna antillarum*), piping plover (*Charadrius melodus*), western prairie fringed orchid (*Platanthera praeclara*), and pallid sturgeon (*Scaphirhynchus albus*). In addition, water depletions are likely to adversely modify designated critical habitats for the whooping crane and piping plover.

The PDEA for the proposed project states that borrow material will be needed to construct the proposed overpass and interchange, possibly resulting in the creation of a 40-acre lake adjacent to Interstate 80, and a projected 150 acre-foot depletion from the Platte River system. Due to the cumulative affect of many water resource development projects in the Platte River basin, the Service considers any depletion of instream flows (direct or indirect) from the Platte river system to be significant. Consequently, the Service has adopted a jeopardy standard for all section 7 consultations on Federal actions that result in water depletions to the Platte River system. The Service considers the Platte River and its associated wetland habitats to be resources of national and international importance. Since 1978, the Service has concluded in all of its section 7 consultations on water projects in the Platte River basin that the Platte River ecosystem is in a state of jeopardy, and any Federal action resulting in a water depletion to the Platte River system will further or continue the degradation of stressed habitat conditions.

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Given that the projected amount of depletion for the proposed project is greater than 25 acre-feet, the Service's March 4, 2002, revised biological opinion on Federal agency actions resulting in minor depletions to the Platte River System will not be applicable to the referenced action. Consequently, the Service requests that the Federal Highway Administration (FHWA) prepare a biological assessment and request initiation of formal section 7 consultation on the proposed project pursuant to the requirements of the Endangered Species Act of 1973, as amended. As part of your assessment and request for consultation, we ask that you provide us with some additional information, including your calculations for the 150 acre-foot depletion, which should include a spreadsheet and applicable details. Additionally, please provide us with information regarding a breakdown of the average monthly net depletions in terms of acre-feet for January through December. The information provided to us should also address whether there are any other project-related activities, other than borrow pits, that may cause depletions to the Platte River system (e.g., water obtained from wells or pumped from the river that is used during the construction process, etc.).

You should also be aware that as a result of the July 1997, "Cooperative Agreement for Platte River Research and Other Efforts Relating to Endangered Species Habitats" (Cooperative Agreement) signed by the Secretary of the Interior and the Governors representing the three Platte River basin states, the Service agreed to the following commitment for any new water related activity for which section 7 consultation is warranted under ESA during the term of the Cooperative Agreement. For new water related activities with depletions greater than 25 acre-feet such as the proposed project, the Service has agreed to recommend to project proponents that the depleted amounts of water should be restored to the Platte River system immediately below the point of loss within the state in which the depletion occurs. The timing of replacement water should occur outside of the irrigation season and at a time of shortage to the affected federally listed threatened and endangered species. Because the depleted amounts of water should be replaced during the term of the Cooperative Agreement, there should not be any land components included as part of reasonable and prudent alternatives for new depletions greater than 25 acre-feet.

The Service is encouraged to note that the City of Kearney has committed to implementing our recommendations in regards to interchange lighting. However, no specific details in that regard were provided in the PDEA. We request that the PDEA include specific details about how the interchange lighting will be modified.

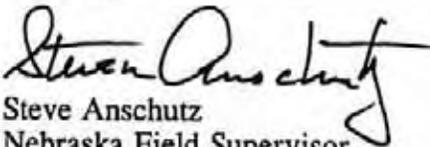
Migratory Birds

We recommend that the following be included in the PDEA for addressing potential project impacts on migratory birds. Under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712: Ch. 128 *as amended*) construction activities in grassland, wetland, and woodland habitats, and those that occur on bridges (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period of April 1 to July 15. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15, whereas sedge wrens which occur in some wetland habitats normally nest from July 15 to September 10. If the proposed construction project is planned to occur during the primary

nesting season or at any other time which may result in the take of nesting migratory birds, the Service recommends that the project proponent (or construction contractor) arrange to have a qualified biologist conduct a field survey of the affected habitats and structures to determine the absence or presence of nesting migratory birds. Surveys must be conducted during the nesting season. It is further recommended that the results of field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) for potential review by the Service (if requested) until such time as construction on the proposed project has been completed. The Service's Nebraska Field Office should be contacted immediately for further guidance if a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities. Adherence to these guidelines will help avoid the unnecessary take of migratory birds and the possible need for law enforcement action.

The Service appreciates the opportunity to comment on the PDEA, and the involvement of FHWA in assuming a shared responsibility for the protection of Federal trust fish and wildlife resources in Nebraska. Should you have any questions, please contact Mr. Robert Harms within our office at (308)382-6468, extension 17.

Sincerely,



Steve Anschutz
Nebraska Field Supervisor

cc: FWS; Denver, CO (Attn: Don Anderson)
FWS; Kearney, NE (Attn: Gene Mack)
NDOR; Lincoln, NE (Attn: Leonard Sand)
NGPC; Lincoln, NE (Attn: Julie Godberson)



NEBRASKA STATE HISTORICAL SOCIETY

1500 R STREET, P.O. BOX 82554, LINCOLN, NE 68501-2554
(402) 471-3270 Fax: (402) 471-3100 1-800-833-6747 www.nebraskahistory.org

November 12, 2003

Mr. Leonard Sand, Program Manager
Planning and Project Development
Nebraska Department of Roads
1500 Hwy. 2, Box 94759
Lincoln, NE 68509-4759

RE: *Kearney Bypass Intensive Inventory for Cultural Resources, Buffalo County, Nebraska*

Report prepared by URS Corporation November, 2002
NDOR project # S-10(51), C.N. 42103 HP # 0204-115-01

Dear Mr. Sand:

We have reviewed the referenced document prepared by URS Corp. Our comments on this project are required by Section 106 of the National Historic Preservation Act of 1966, as amended, and 36CFR Part 800.

We concur with the report's conclusion that the three archeological resources (Sites 1, 2 and 3) are not eligible for listing in the National Register of Historic Places, and that the project as proposed will have no effect on archeological resources (memo from T. Steinacher, June, 2003). However, before we are able to concur with the report's findings about standing structures, we have a number of questions and concerns.

There appears to be a significant discrepancy in describing the scope of the survey area. Page 1-1 indicates that "A 300-foot wide corridor was inventoried for both alignments except where landowner access was denied or where inventory areas of a different size were necessary to accommodate larger or smaller APEs." Page 6-1 states "... all historic structures and buildings that would be indirectly affected by the project within a quarter-mile of the proposed by-passes were examined and evaluated..." Please clarify this discrepancy, and also tell us whether or not any standing structures were not inventoried due to owner objection.

The report does not indicate where the project APE is located, either in text or on a map. More significantly perhaps, the report does not adequately justify or define the APE for this project. Although the report does indicate that the proposed by-pass will generally follow existing road alignments, it does not describe the existing condition or type of roads these are. The potential for effects on standing structures may be very different depending on whether the existing roads are rural, gravel county roads or are paved, traffic controlled semi-urban roads.

Although the 1993 *Nebraska Historic Buildings Survey* (NEHBS) of Buffalo County final report is cited in the URS report bibliography, there is no indication of how or whether the report or the findings of the NEHBS survey were consulted as part of the records search. Similarly, according to the bibliography, neither the Secretary of the Interior's *Standards and Guidelines for Identification and Evaluation of Historic Properties* or the NESHPO's *Nebraska Historic Buildings Survey Manual* appear to have been consulted. In any event, there is no discussion of what survey methodology was undertaken, or what were the limitations or biases of the survey. It is imperative that there be a clearly defined survey methodology that is justified by a clearly defined project APE.

Is the Ft. Kearney Military Reservation marker (delineated as IF2 on P. 7-1) an actual marker for the military reservation, or is it a commemorative marker erected at a later date? If so, when was it erected? Although it is true, as the report indicates, that markers are generally not eligible for the Register, there are exceptions. An 1860's military reservation marker in its original location would, for example, be an extraordinary find, and there are other, later commemorative markers that are listed in the National Register. Also, the term "isolated find" has meaning only in an archeological context, and has no bearing on whether a standing structure is or is not eligible for the National Register.

The narrative for Site 4 on P. 7-3 makes a curious statement: "The site is located well outside the APE of the proposed alignment and will not sustain any direct impact from it. The project will however have an indirect impact on the site by changing its rural/agricultural setting." This statement emphasizes the need for this report to clearly define and justify the project APE. As you know, changing the rural setting of an agricultural resource may not only have an effect on that resource, but have an adverse effect. There are, in fact, several other places in the report where similar seemingly incongruous statements about the APE are made.

In several instances, there are good physical descriptions of individual buildings within a complex, but no indication whether a dwelling currently or ever existed on the site. It is important for us to understand the physical, spatial relationships between buildings in a complex. For us to do that, we need to have a clear understanding of whether or not what is usually the key building in a complex—the house—is extant.

We do not know enough about Site # 8 on page 7-14 to say definitively that it is not a good candidate for listing in the National Register. As a matter of course, historic irrigation structures often have great local significance. Before we are able to concur that the structure has lost integrity or has no significance, we require more detailed information about its age, use and history.

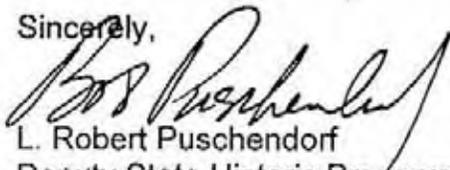
The report makes sweeping recommendations that the Burlington-Northern Railroad Grade, the Union Pacific Railroad and the Lincoln Highway (Pp. 7-14 & 7-15) are eligible for listing in the National Register. The report then indicates that sections of these resources affected by the by-pass should not be considered to contribute due to lack of integrity. The report gives very little photographic or narrative justification for lack of

integrity of these sections. However, in any event, we are extremely skeptical that these very, very large resources should be considered eligible without a great deal of additional contextual and physical investigation. Please clarify these recommendations.

To reiterate, our primary concern with this report is that it lacks two elements essential for our review. The project APE needs to be clearly defined and justified, and; in the context of the clearly defined and justified project APE, a standing structures survey methodology must be defined and justified. Before we are able to comment on the adequacy of the survey presented in the report and its findings, we must at least understand these two issues.

We look forward to consulting with you further on this project. If you have any questions, please do not hesitate to call Bill Callahan at 471-4788. Thank you for this opportunity to comment.

Sincerely,



L. Robert Puschendorf
Deputy State Historic Preservation Officer
Nebraska State Historical Society

Cc: Ed Kosola
Melissa Dirr
URS Corp.



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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

NOV 05 2003

Mr. Edward Kosola
Realty/Environmental Officer
Nebraska Division FHWA
100 Centennial Mall North, Rm 200
Lincoln, NE 68508-3851

Dear Mr. Kosola:

RE: Preliminary Draft Environmental Assessment for East Interchange and Bypass in Kearney, Nebraska

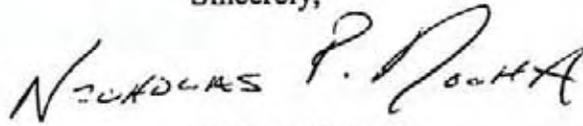
The U.S. Environmental Protection Agency (EPA) has reviewed the preliminary environmental assessment for the East Interchange and Bypass in Kearney, Nebraska. EPA makes the following observations and recommendations:

- 1) Traffic System Management (TSM) techniques (auxiliary lanes, traffic signal timing, truck lane only, etc..) should be looked at with the specific objective of de-conflicting large truck traffic from other types of vehicular traffic currently existing on 2nd Street. If this strategy has already been considered and subsequently rejected, please include rationale for rejection. The document currently suggests that traffic safety on 2nd Street is a concern due to a high number of access driveways and the mix of traffic. Accident analysis data (with emphasis on vehicle mix) would be useful to fully analyze this issue.
- 2) Table 1.1 shows "no-build" traffic volumes and Level of Service (LOS) in 2002 and 2025. Similar analysis (per discrete 2nd Street segments) should be undertaken to discern the degree that viable alternatives would reduce congestion and alleviate safety concerns. Traffic volume projections might also be improved through trip frequency analysis, destination analysis or through public survey. Such tools might also be useful to determine the amount of draw that the east bypass alternatives could be expected to induce.
- 3) For any of the "build" alternatives that would displace livestock feedlots, the EPA would like to see information on the type of livestock (cattle, pigs...), size of operation (# of head) and probable re-location areas for these operations. This information is deemed important due to the impaired status of the Platte River (impairment: fecal coliform) and the development of Total Daily Maximum Loads to address this impairment. If livestock operations remain close to the right of way of any of the "build" alternatives, then project drainage designs may provide a

benefit in retarding pollutant movement to the Platte River.

The EPA appreciates the opportunity to review and comment on the preliminary environmental assessment. If you have any questions or require NEPA technical assistance, then please call me at 913-551-7805.

Sincerely,

A handwritten signature in black ink that reads "NICHOLAS P. ROCHA". The signature is written in a cursive style with some capital letters.

Nicholas P. Rocha
NEPA Reviewer
Environmental Services Division

OCT 31 2003

PF



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.outdoornebraska.org

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October 24, 2003

Edward W. Kosola
Federal Highway Administration-Nebraska Division
100 Centennial Mall North, Room 220
Lincoln, NE 68508-3851

**RE: Kearney East Bypass
Project No. S-10(51), CN-42103**

Dear Mr. Kosola:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the Preliminary Draft Environmental Assessment for the proposal identified above, specifically the information regarding the selection of the two build alternatives, Antelope and Cherry Avenues.

In a previous letter dated May 15, 2002, we addressed concerns regarding impacts to the whooping crane (*Grus americana*), a state-listed endangered species. We have documented occurrences of the whooping crane utilizing the Platte River and sites adjacent to the river in the vicinity of the project area as stopover sites during migration. To avoid potential disturbance to the whooping crane we request that operation of heavy equipment be restricted during these migration times. Construction activities can be resumed once the cranes have left the area. The spring whooping crane migration occurs in Nebraska typically from April 1 through May 15 and the fall migration occurs between September 25 and November 10.

Thank you for the opportunity to review this proposal. If you have any questions, please contact me at (402) 471-5422.

Sincerely,

Frank Albrecht
Assistant Division Administrator
Realty and Environmental Services Division

cc: Steve Anschutz, USFWS
Terry Hickman, NDEQ
Julie Godberson, NGPC Lincoln
Carey Grell, NGPC Lincoln
Daylan Figs, NGPC Kearney

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sa

Concurrence: Preliminary Draft Environmental Assessment

"We have reviewed the Preliminary Draft Environmental Assessment on project S -10(51) and concur that it is satisfactory. The information provided to date is adequate and we agree that the project can be advanced to the next stage of project development."

Signed: Frank J. Albrecht
Title: Asst. Dir. Administrator
Agency: NGPC
Date: 10-30-03

Ed
Abe
Justin

Dan -

OCT 22 2003 P.F.

cc: Len Sand

2

Concurrence: Preliminary Draft Environmental Assessment

"We have reviewed the Preliminary Draft Environmental Assessment on project S -10(51) and concur that it is satisfactory. The information provided to date is adequate and we agree that the project can be advanced to the next stage of project development."

Signed: Keith Jilbert
Title: Environmental Resource Specialist
Agency: U.S. Army Corps of Engineers
Date: October 21, 2003

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J-



U.S. Department
of Transportation
**Federal Highway
Administration**

100 Centennial Mall North, Room 220
Lincoln, NE 68508-3851
Nebraska.FHWA@FHWA.DOT.GOV

October 3, 2003

NEBRASKA DIVISION FHWA

In Reply Refer To:
HRW-NE

SEE ADDRESSEES

S-10 (51)
Kearney East Bypass
Integrating NEPA/404 Processing,
Concurrence in Preliminary Draft Environmental Assessment
Due: November 3, 2003

An agency scoping meeting was held on May 14, 2002, in Kearney to discuss the subject project. A Purpose and Need Statement was forwarded to all agencies on April 29, 2003. The proposed project will improve regional and local transportation along Second Avenue (Hwy 44/10) in Kearney, Buffalo County, Nebraska by relieving existing and future traffic congestion along the corridor. A Preliminary Draft Environmental Assessment (PDEA) has now been prepared and is enclosed for your review.

The NEPA/404 merge procedures provide for four written concurrence points during project development. These points are:

- Purpose and Need
- Alternatives Carried Forward
- Selected Alternatives
- Impact Minimization

Please review the enclosed Preliminary Draft Environmental Assessment. If your agency concurs with the Preliminary Draft Environmental Assessment, please sign the concurrence block below and return a signed copy of this letter to the Federal Highway Administration by **November 3, 2003**. We will assume you concur with the PDEA if we do not receive a written response by November 3, 2003. If you need additional time for review please contact us prior to November 3, 2003, to discuss your needs.

If you have any questions or would like to discuss the project in more detail, please contact me at (402) 437-5973.

Sincerely yours,

Edward W. Kosola
Realty/Environmental Officer

Enclosures

Concurrence: Preliminary Draft Environmental Assessment

“We have reviewed the Preliminary Draft Environmental Assessment on project S -10(51) and concur that it is satisfactory. The information provided to date is adequate and we agree that the project can be advanced to the next stage of project development.”

Signed: _____

Title: _____

Agency: _____

Date: _____

ADDRESSEES:

U.S. Environmental Protection Agency Region VII
Attn: Joe Cothem, NEPA Team Leader
Environmental Services Division, Region VII
901 N 5th Street
Kansas City, KS 66101-2670

US Army Corps of Engineers (2 Copies)
Nebraska Program Manager
Nebraska Regulatory Office – Wehrspann
8901 S. 154th Street
Omaha, NE 68138-3621

Steve Anschutz
U.S. Fish and Wildlife Service
230 W. 2nd Street
Grand Island, NE 68801 – 5907

Nebraska Game and Parks Commission
Attn: Rex Amack
2200 N. 33rd
Box 30370
Lincoln, NE 68503-0370

Nebraska Department of Environmental Quality
Attn: Jay Ringenberg
1200 N. Street, Ste 400
P.O. Box 98922
Lincoln, NE 68509 – 8922

cc: John Bender, Water Quality Standards Coordinator(without enclosures)



WORLD'S FOREMOST OUTFITTER®
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September 10, 2003

Joel T. Johnson, Senator
Nebraska State Legislative 37th District
Nebraska State Capitol
P.O. Box 94604
Lincoln, NE 68509-4604

RE: Cherry Avenue Exit and Bypass
Kearney, NE

Dear Senator Johnson,

I recently had an opportunity to have a discussion with Dwayne "Butch" Brown regarding the seeming stalemate involving a second exit for Kearney at Cherry Avenue. Butch indicated that unless the State of Nebraska makes this a priority the ability to seek Federal-funding assistance is greatly hampered.

On behalf of Cabela's, I strongly urge the State of Nebraska to do whatever it can to make this a priority and seek the Federal-funding to make the Cherry Avenue Exit a reality.

As I travel the country looking for new sites for Cabela's Retail Showrooms, it is amazing the emphasis that States are now placing on Tourism and Destination Retailing. Without such economic assistance, it is difficult for companies such as Cabela's to build Retail Showrooms such as we are doing today. It strikes me that it just makes good sense, given that the majority of States have Sales Tax as a major source of their state revenues.

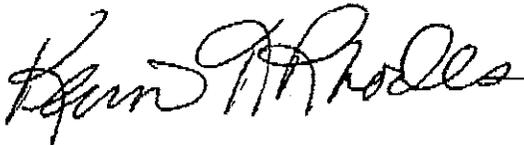
The addition of the Cherry Avenue Exit, together with the potential construction for the new "ring road" around Kearney, it will undoubtedly stimulate significant additional development. The new development will create new jobs expanding tax base and yes, additional revenue for the state coffers. Interstate 80 carries significant traffic from throughout the nation. Let's give those travelers passing through our State another reason to stop and leave a few more dollars in Nebraska. Additionally, the construction of the new Roadway-encircling Kearney

Cabela's, Incorporated • One Cabela Drive • Sidney, Nebraska 69160
(308) 254-5505 Phone • (308) 254-8060 Fax • www.cabelas.com

will provide an incentive for Cabela's to consider expansion and enhancement of our Kearney Retail Showroom. Additionally that will stimulate other development around the store.

Senator Johnson, Cabela's is a supporter of this project. We would be happy to provide additional testimony as it relates to the benefit of such initiatives when taken by state and local governmental bodies. Please feel free to call me at any time.

Sincerely,

A handwritten signature in black ink that reads "Kevin T. Rhodes". The signature is written in a cursive style with a large initial "K".

Kevin T. Rhodes, CCIM
Director of Real Estate
Cabela's Ventures, Inc.
Phone: (308) 255-1882
Fax: (308) 254-8060

KTR: dj

Ed - Abe - Dan -

JUL 03 2003 P.F.

STATE OF NEBRASKA *cc - Len Sand*



Mike Johanns
Governor

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder

Director

Suite 400, The Atrium

1200 'N' Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

Phone (402) 471-2186

FAX (402) 471-2909

web site : www.deq.state.ne.us

June 30, 2003

Mr. Ed Kosola, Environmental/Realty Officer
U.S. Department of Transportation
Federal Highway Administration
100 Centennial Mall North, Room 220
Lincoln, Nebraska 68508-

RE: Project S-10 (51), Kearney East Bypass, Integrating NEPA/404 Processing, Concurrence in Purpose & Need for Environmental Assessment

Dear Mr. Kosola:

The Nebraska Department of Environmental Quality has reviewed the above referenced project. We have no comments regarding this project that would fall under the jurisdiction of our programs.

Enclosed is the signed endorsement. If you have any questions, feel free to contact me at (402) 471-4231.

Sincerely,

Jay D. Ringenberg
Deputy Director

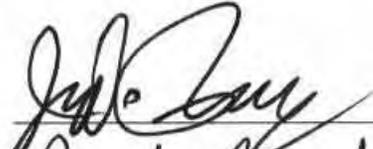
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043003kearneybypassnepafrm.doc

Enclosure

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Concurrence: Purpose and Need

“We have reviewed the Purpose and Need statement for the environmental assessment on Project S-10 (51) and concur that it is satisfactory. The information provided to date is adequate and we agree that the project can be advanced to the next stage of project development.”

Signed: 
Title: Deputy Director
Agency: NRED
Date: 7-1-03

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MAY 22 2003

Concurrence: Purpose and Need

"We have reviewed the Purpose and Need statement for the environmental assessment on Project S-10 (51) and concur that it is satisfactory. The information provided to date is adequate and we agree that the project can be advanced to the next stage of project development."

Signed: Frank J. Albecht
Title: Asst. Dir. Administrator
Agency: NGPC
Date: 5-21-03

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EEL

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Ed —
Abe —

Concurrence: Purpose and Need

"We have reviewed the Purpose and Need statement for the environmental assessment on Project S-10 (51) and concur that it is satisfactory. The information provided to date is adequate and we agree that the project can be advanced to the next stage of project development."

Signed: Keith Tillatson
Title: Environmental Resource Specialist
Agency: U.S. Army Corps of Engineers
Date: May 19, 2003

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Ed -
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P.F

**Project S-10 (51)
Kearney East Bypass
Integrating NEPA/404 Processing,
Concurrence in Purpose and Need for Environmental Assessment**

Concurrence: Purpose and Need

“We have reviewed the Purpose and Need statement for the environmental assessment on Project **S-10 (51)** and concur that it is satisfactory. The information provided to date is adequate and we agree that the project can be advanced to the next stage of project development.”

Signed: Joseph Cothran
Title: National Environmental Policy Act Team Leader
Agency: U.S. Environmental Protection Agency
Date: May 6, 2003

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5-12-03
JTL

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P.F.
MAY 06 2003



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

May 5, 2003

Mr. Edward Kosola, Realty Officer
Federal Highway Administration
Federal Building, Room 220
100 Centennial Mall North
Lincoln, NE 68508-3851

RE: Kearney East Bypass, Buffalo County, Nebraska, Project Number S-10 (51)

Dear Mr. Kosola:

This is in regard to a April 29, 2003, letter requesting that the U.S. Fish and Wildlife Service (Service) review the Purpose and Need for the proposed Kearney East Bypass project at Kearney, Nebraska, Project Number S-10 (51) as provided under the National Environmental Policy Act Procedures/404 process. The Service has reviewed the Purpose and Need for the proposed project and concurs that it is satisfactory. The information provided to date is adequate, and the project can be advanced to the next stage of project development. Should you have any questions regarding these comments, please contact Mr. Robert Harms within our office at (308) 382-6468, extension 17.

Sincerely,

Steve Anschutz
Nebraska Field Supervisor

Attachment

cc: NGPC; Lincoln, NE (Attn: Frank Albrecht)
NDEQ; Lincoln, NE (Attn: John Bender)
EPA; Kansas City, KS (Attn: Larry Long)
Corps; Omaha, NE (Attn: Mike Rabbe)

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5-6-03

Concurrence: Purpose and Need

"We have reviewed the Purpose and Need statement for the environmental assessment on Project S-10 (51) and concur that it is satisfactory. The information provided to date is adequate and we agree that the project can be advanced to the next stage of project development."

Signed: Steven Anschutz
Title: Nebraska Field Supervisor
Agency: U.S. Fish and Wildlife Service
Date: 5 May 03



U.S. Department
of Transportation
**Federal Highway
Administration**

100 Centennial Mall North, Room 220
Lincoln, NE 68508-3851
Nebraska.FHWA@FHWA.DOT.GOV

April 29, 2003

In Reply Refer To:
HRW-NE

NEBRASKA DIVISION FHWA

NE Department of Environmental Quality
John Bender
PO Box 98922
Lincoln, NE 68509-8922

Dear Mr. Bender:

**Project S-10 (51)
Kearney East Bypass
Integrating NEPA/404 Processing,
Concurrence in Purpose and Need for Environmental Assessment
Due: May 21, 2003**

An agency scoping meeting was held on May 14, 2002, in Kearney to discuss the subject project. The proposed project purpose is to construct an east interchange and bypass at Kearney. A Purpose and Need statement has been prepared and is enclosed.

The NEPA/404 merge procedures provide for four written concurrence points during project development. These points are:

- Purpose and Need
- Alternatives Carried Forward
- Selected Alternatives
- Impact Minimization

Please review the enclosed Purpose and Need statement. If your agency concurs with the statement, please sign the concurrence block below and return a signed copy of this letter to the Federal Highway Administration **by May 21, 2003**. We will assume you concur with the Purpose and Need if we do not receive a written response by May 21, 2003. If you need additional time for review, please contact us prior to May 21, 2003, to discuss your needs.

If you have any questions or would like to discuss the project in more detail, please contact me at (402) 437-5973.

Sincerely yours,

Edward W. Kosola
Environmental/Realty Officer

Enclosures



U.S. Department
of Transportation
Federal Highway
Administration

100 Centennial Mall North, Room 220
Lincoln, NE 68508-3851
Nebraska.FHWA@FHWA.DOT.GOV

April 29, 2003

In Reply Refer To:
HRW-NE

NEBRASKA DIVISION FHWA

NE Game and Parks Commission
Rex Amack
PO Box 30370
Lincoln, NE 68503-0370

Dear Mr. Amack:

**Project S-10 (51)
Kearney East Bypass
Integrating NEPA/404 Processing,
Concurrence in Purpose and Need for Environmental Assessment
Due: May 21, 2003**

An agency scoping meeting was held on May 14, 2002, in Kearney to discuss the subject project. The proposed project purpose is to construct an east interchange and bypass at Kearney. A Purpose and Need statement has been prepared and is enclosed.

The NEPA/404 merge procedures provide for four written concurrence points during project development. These points are:

- Purpose and Need
- Alternatives Carried Forward
- Selected Alternatives
- Impact Minimization

Please review the enclosed Purpose and Need statement. If your agency concurs with the statement, please sign the concurrence block below and return a signed copy of this letter to the Federal Highway Administration **by May 21, 2003**. We will assume you concur with the Purpose and Need if we do not receive a written response by May 21, 2003. If you need additional time for review, please contact us prior to May 21, 2003, to discuss your needs.

If you have any questions or would like to discuss the project in more detail, please contact me at (402) 437-5973.

Sincerely yours,


Edward W. Kosola
Environmental/Realty Officer

Enclosures



NEBRASKA STATE HISTORICAL SOCIETY
 1500 R STREET, P.O. BOX 82554, LINCOLN, NE 68501-2554
 (402) 471-3270 Fax: (402) 471-3100 Museum Fax: (402) 471-3314

MAY 23 2002

May 21, 2002

Mr. Leonard Sand
 Department of Roads
 P.O. Box 94759
 Lincoln, NE 68509-4759

Re: Kearney East Interchange And Bypass EA
 H.P. #0204-115-01

Dear Len:

We have received a letter from Kirkham Michael Consulting Engineers concerning the Kearney East Interchange and Bypass EA. In order to assess potential effects on any historic properties in the proposed routes the following requirements must be met.

For the Avenue M/N alignment and urban and rural survey of standing structures needs to be completed. For the Antelope Ave. alignment, Cherry Ave. alignment, and the Alternative Cherry Ave. alignment a rural survey of all standing structures is required. Additionally, an archeological survey is required for the selected corridor.

If you have any questions please contact Greg Miller at 471-4775 or Bill Callahan at 471-4788. Thank you for your cooperation.

Sincerely,

L. Robert Puschendorf
 Deputy State Historic Preservation Officer

Cc: Ed Kosola, FHWA
 Michael C. Piernicky, Kirkham Michael

ROUTING		Initial
<input type="checkbox"/>	Pres.	_____
<input type="checkbox"/>	VP Eng.	_____
<input type="checkbox"/>	VP Arch.	_____
<input type="checkbox"/>	VP GIS	_____
<input type="checkbox"/>	MCP	_____
<input type="checkbox"/>	RTA	_____
<input type="checkbox"/>		_____
<input type="checkbox"/>		_____

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)	Date Of Land Evaluation Request 5/16/02
Name Of Project Kearney Bypass	Federal Agency Involved Federal Highway Admin
Proposed Land Use	County And State Buffalo County, NE

PART II (To be completed by SCS)	Date Request Received By SCS 5/20/02
Does this site contain prime, unique, statewide or local important farmland? (If no, the FFA does not apply - do not complete additional parts of this form)	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 200,788 Average Farm Size 546 ac
Acres Of Farmland In Govt. Jurisdiction	Amount Of Farmland As Defined In FFA 400,866
Name Of State Soil Conservation System Used	Name Of Local Soil Assessment System

	Alternative Site Rating			
	Site A	Site B	Site C	Site D
PART III (To be completed by Federal Agency)				
A. Total Acres To Be Converted Directly	206	177		
B. Total Acres To Be Converted Indirectly	0	0		
C. Total Acres In Site	206	177		
Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	62	53		
Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	64	55		
PART V (To be completed by SCS) Land Evaluation Option				
Relative Value Of Farmland To Be Converted (Scale of 0 to 100 Points)	70	72		

Site Assessment Criteria (These criteria are explained in 7 CFR 658.5(b))	Maximum Points	Alternative Site Rating		
		Site A	Site B	Site C
1. Area In Nonurban Use	15	15	15	
2. Perimeter In Nonurban Use	10	10	10	
3. Percent Of Site Being Farmed	20	14	14	
4. Protection Provided By State And Local Government	20	0	0	
5. Distance From Urban Builtup Area	NA	NA	NA	
6. Distance To Urban Support Services	NA	NA	NA	
7. Size Of Present Farm Unit Compared To Average	10	10	10	
8. Creation Of Nonfarmable Farmland	25	0	0	
9. Availability Of Farm Support Services	5	5	5	
10. On-Farm Investments	20	20	20	
11. Effects Of Conversion On Farm Support Services	25	0	0	
12. Compatibility With Existing Agricultural Use	10	5	5	
TOTAL SITE ASSESSMENT POINTS	160	79	79	

PART VII (To be completed by Federal Agency)				
Relative Value Of Farmland (From Part V)	100	70	72	
Total Site Assessment (From Part VI above or a local site assessment)	160	79	79	
TOTAL POINTS (Total of above 2 lines)	260	149	151	

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes <input type="checkbox"/> No <input type="checkbox"/>
Reason For Selection:		

Interior least tern and Piping plover- Groups of least tern and piping plover are often found nesting together on riverine sandbars and artificially created sites such as sand and gravel pits, dredged islands, and reservoir shorelines. Piping plovers feed on invertebrates found along the water edge while the least tern feed on small fish, exclusively. Loss of sandbar nesting habitat has caused the decline of both species. Additionally, human disturbances also have impacted both birds by disrupting nesting activities. Also, please be advised the proposed project sites are near proposed federally designated critical habitat for piping plover.

Bald eagle—bald eagles nest along the Platte River—nests may be present in the segment along Buffalo County. The bald eagle is associated with the Platte River during annual migrations and throughout the winter where open water is present.

River otter- river otters are quite adaptable, utilizing a variety of habitat types. Although they frequent lake and ponds, they typically live in marshes and along wooded rivers and streams with sloughs and backwater areas, which are found along the Platte River.

Small white lady's slipper—the white lady's slipper grows on mesic tallgrass prairies, such as those found along the Platte River corridor. Although the plant can be a colonizer species and grow on disturbed areas, it is found in greatest abundance on high quality prairie. The plant blooms in July.

Lighting

Lighting of the bypass is also a concern to us. High-intensity lighting could potentially disturb species found near the project site, particularly bird species. Therefore, we recommend that lighting of the bypass be kept at a minimum, based on traffic safety standards.

Water Depletions from the Platte River System

Depletions to the Platte River system may affect the whooping crane, piping plover, least tern, and small white lady's slipper. Please address implications of depletions to the Platte River system for this project in the feasibility report.

Borrow Sites

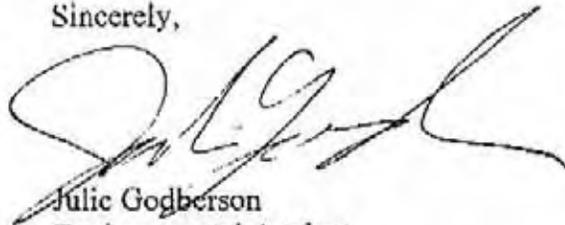
Be advised that potential borrow sites associated with this project will also need to be reviewed. We acknowledge that locations and sizes for borrow sites are unknown at this time. However, once the borrow site(s) is located, please complete a Borrow Pit/Materials Pit Identification and Evaluation form and submit it to this office for review and evaluation.

Please note that this correspondence does not satisfy requirements of the Nongame and Endangered Species Conservation Act. State agencies are required to ensure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of a threatened or endangered species or result in the destruction or modification of habitat of such species which is determined by the Commission to be critical (Neb. Rev. Stat. § 37-807 (3)). Please contact me if you need assistance with determining the potential of the action to affect listed species.

The project could impact wetlands given that the project location is on a stream course. We recommend that you or a representative from the County review the project in light of potential impacts to wetlands, if that has not been done already. Permits may be necessary, depending on the project. For information about the applicability of a Corps of Engineers permit for this project, please contact Mr. Mike Rabbe, Corps of Engineers, at 402-896-0896.

We can complete consultation when issues identified above are addressed. If you have any questions or need additional information, please contact me at 402-471-5444 or email me at jgodberson@ngpc.state.ne.us

Sincerely,



Julie Godberson
Environmental Analyst
Nebraska Natural Heritage Program
jgodberson@ngpc.state.ne.us
402-471-5444

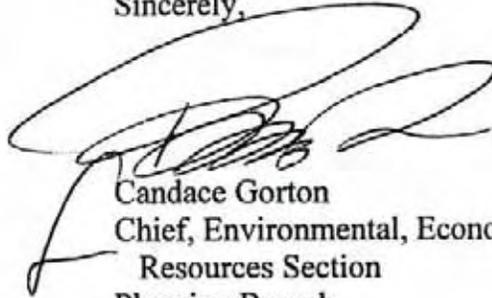
Attachment

Cc:

Mr. Wally Jobman, USFWS
Mr. John Cochran, USFWS
Mr. Frank Albrecht, NGPC

If you have any questions, please contact Lauren Deane of our staff at (402) 221-4598. Thank you for the opportunity to review this proposal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Candace Gorton', written over a large, loopy flourish.

Candace Gorton
Chief, Environmental, Economics and Cultural
Resources Section
Planning Branch

STATE OF NEBRASKA



Mike Johanns
Governor

MILITARY DEPARTMENT
Roger P. Lempke
Director
1300 Military Road
Lincoln, Nebraska 68508-1090
Phone: (402) 471-3241

February 25, 2002

Congressman Tom Osborne
District 3
507 Cannon House Office Bldg.
Washington, DC 20515

Dear Congressman Osborne:

I am writing to point out a unique situation with regard to the proposed I-80/Cherry Avenue interchange and East Kearney By-Pass in Kearney, Nebraska.

Recently, the Nebraska Army National Guard unit converted from an armor battalion to a transportation battalion. As you know, the armory has very poor over-the-road access to I-80. Highway 30 east to highway 10 is hazardous for large military trucks because the roads are narrow and contain sharp turns. The route west takes a military convoy through the middle of Kearney with it's own self-explanatory hazards.

In addition to very sound economic and safety reasons for this project, our national security posture will also gain. By providing quick four-lane access to I-80, the project ensures rapid response to state or national unit call-ups while eliminating dangers to soldiers and local populace. The unit is posed in the center of Nebraska to move immediately to any part of the state provided ready access to I-80 is available.

I realize the competition for federal funds for projects such as this is fierce. Please keep in mind the military benefits that will result from this particular project as the prioritization process moves forward.

Should your staff have any specific questions of the Nebraska Military Department, do not hesitate to contact my legislative liaison, LtCol Buddy Smith, at (402) 309-7104.

Sincerely,

Handwritten signature of Roger P. Lempke in cursive.

ROGER P. LEMPKE
Major General
Adjutant General

cf: Mayor Pete Kotsiopoulos (Kearney)
LtCol Budd Smith



U.S. Department
of Transportation
**Federal Highway
Administration**

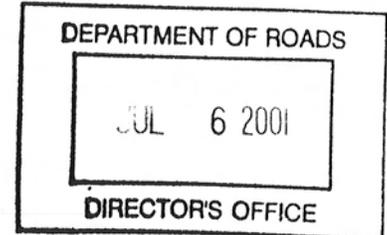
100 Centennial Mall North, Room 220
Lincoln, NE 68508-3851
Nebraska.FHWA@FHWA.DOT.GOV

July 5, 2001

NEBRASKA DIVISION FHWA

In Reply Refer To:
HDA-NE

Mr. John L. Craig, Director
Nebraska Department of Roads
P.O. Box 94759
Lincoln, NE 68509



Dear Mr. Craig:

Additional Interchange, I-80 and Cherry Avenue

The information submitted with your June 20, 2001, letter supporting the Interstate 80 and Cherry Avenue Interchange has been reviewed. Based on this engineering and operations review, the access request is considered acceptable. The interchange will not degrade traffic operations on the Interstate. If there are no major changes in the design of the proposal, final access approval may be given upon completion of the environmental process.

Sincerely yours,

Bruce A. Lind, P.E.
Division Administrator

cc:

Rodney K. Wiederspan
City of Kearney

APPENDIX D PUBLIC INVOLVEMENT

OCTOBER 2008
DESIGN PUBLIC HEARING

Kearney East Bypass 10-2(114)
Public Information Meeting
October 30, 2008
Citizen Comments

Citizen	Comments/Concerns	Responses
<p>1 Student - Chris Hussey UNL College of Architecture Address Unkown Verbal Comment</p>	<p>The project is a great idea. It will help to alleviate traffic and make it easier for local residents to access that part of town. It will also help economic development for the business out in the area. He would like to see the project incorporate multi-modal transportation such as biking/hiking trails and a bridge over Highway 30.</p>	<p>Comments Noted. The Bypass will have surfaced shoulders along the entire length in conformance with the Nebraska Bicycle Guide. The bridge over North Channel of Platte River is designed to accommodate bicycle trails on both sides under the bridge. The existing bridge on Cherry Avenue will remain in place to accomodate the crossing of pedestrians over the North Channel of the Platte River. For additional information refer to Environmental Assessment (EA) Section 3.1.5-Bicycle and Pedestrian Access.</p>
<p>2 Resident - Dennis Clabaugh 3825 E. 1st S. South Kearney, NE 68847 308.237.0598 Verbal and Written Comment</p>	<p>Dennis has been watching the development of the project. Initially it was stated that they were not going to take any of the county road that had been in existence since the 1960s. He planted a shelter belt 20 years ago and now their new design is knocking down trees in the river and taking half of his shelter belt. He is considering getting an attorney to protect his shelter belt and the trees in his area. His property is located just south of the new interchange. Believes the road does not need to be moved and the power lines do not need to be moved, just add poles to raise the lines. He can provide fill from his property. Wants plans of options for the headlight screening berm.</p>	<p>Road was shifted to accommodate earth fill for headlight screening berm on the south side of the interchange. Berm is to prevent headlight intrusion in the critical whooping crane habitat. Any right-of-way impacts, including trees, will be mitigated in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act (Uniform Act). Available borrow will be reviewed and contractors notified of potential source of material. A NPPD electrical transmission line tower on the north side of I-80 is directly impacted by the new interchange requiring the relocation of the transmission line. Plans for headlight screening berm were sent. For additional information refer to EA Section 3.4.2-Utilities, Section 3.4.3-Acquisiton/Relocation Impacts, Appendix B-Correspondence, and Appendix G-Draft Conservation Easements. Response letter sent to Mr. Clabaugh</p>
<p>3 Donna Wanitschke NDOR District 4 Highway Commissioner Verbal Comment</p>	<p>Kearney has waited a long time for this project. She hopes it helps the Archway, Cabelas and the businesses they thought were in jeopardy. The local residents are not worried about Highway 10 congestion as much as downtown Kearney and Central Avenue. She believed that there would be a problem with moving Highway 10 from the Minden residents, but she has not heard from them.</p>	<p>Comments noted.</p>

**Kearney East Bypass 10-2(114)
Public Information Meeting
October 30, 2008
Citizen Comments**

Citizen	Comments/Concerns	Responses
<p>4 Resident - Gene Willmes 3890 Cherry Ave Kearney, NE 68847</p> <p>Verbal Comment</p>	<p>Lives on the corner of 39th and Cherry Avenue. He would like to know where we are at with the project. He believes it will greatly impact him and doesn't know how long he can stay there. They are located where the roundabout will be located. The design will take his whole entire residence. He has been there 20 years and would not like to leave, but know that he has to and would like to get as much information now and get the process started instead of living in limbo.</p>	<p>Concerns noted and due diligence will be undertaken to inform Mr. Willmes of highway development process and timeline, in accordance with the Uniform Act. For additional information refer to EA Section 3.4.3-Acquisition/Relocation Impacts. Response letter sent to Mr Willmes.</p>
<p>5 Land Owner - Harry Compton 7840 Avenue N, Kearney, NE 68847</p> <p>Verbal Comment</p>	<p>As a landowner in the area, the project is taking the driveways away from his properties and he believes it will destroy his property values. He would like to see a different design. He doesn't understand why the project can't go out on the east side of the property to the far driveway and not ruin is property. He would like to see the engineers, not the surveyors come out and talk with him and not just use aerial photos for design purposes. He spoke with NDOR Design and Right-of-Way Staff. The ROW people stated the new design can only have two accesses within a mile. He does not see a problem with 78th Street that the County paved and is only 3-4 years old.</p>	<p>The bypass is being designed with controlled access which limits access to approximately 1/2 mile intervals, and to current national and state standards. Access will be provided north of his existing drive off of "N" Avenue. Bypass alignment was shifted south to minimize impacts after the Information Meeting held 4-1-2008. Any right-of-way impacts will be mitigated in accordance with the Uniform Act. The paved portion of 78th Street is being reviewed for its capacity to carry highway traffic volumes. The condition of the pavement will be re-examined prior to construction of this portion of the project. For additional information refer to EA Section 3.4.3-Acquisition/Relocation Impacts, NDOR Access Control Policy to the State Highway System (March 2006), and Appendix E- Preliminary Plan & Profiles. Response letter sent to Mr. Compton.</p>
<p>6 Resident - Robert Markus 1360 East 78th Street Kearney NE 68847</p> <p>Written Comment</p>	<p>He has two driveways that access 78th street. The design will close his driveways and he has concerns with his semi getting in and out and turning around for his property. He believes there will be a safety issue and it ruins his building sites. He also has a water line that crosses the road up on the hill. It has been there since 1971 and is located 4-5 feet under the road. If the design cuts the hill down, he is not sure what will happen. He also has an electrical line under their for his pivots. He would like these lines addressed in the design.</p>	<p>The bypass is being designed with controlled access which limits access to 1/2 mile intervals, and to current national and state standards. Access will be provided north of his existing drive off of "N" Avenue. The water and electrical line will be reviewed and accomodation will be permitted if feasible with good highway design review will be done during right-of-way negotiation. Any right-of-way impacts will be mitigated in accordance with the Uniform Act. For additional information refer to EA Section 3.4.3-Acquisition/Relocation Impacts, NDOR Access Control Policy to the State Highway System (March 2006). Response letter sent to Mr. Marcus.</p>

**Kearney East Bypass 10-2(114)
Public Information Meeting
October 30, 2008
Citizen Comments**

Citizen	Comments/Concerns	Responses
<p>7 City of Kearney Rod Wiederspan Director of Public Works Verbal Comment</p>	<p>It has been a long process with the project, but we have been in support of the process from the beginning. We have worked with the State in getting the feasibility and location study and the environmental documents. The City is anxious and ready to proceed with construction. The use of traffic circles is a new design concept and it will be interesting to see how the public reacts to them. They allow you to continually move instead of having stop and go traffic. The introduction of a second interchange into Kearney will increase safety issues and help to access Kearney if one of the interchanges is closed without going to Minden or Gibbon.</p>	<p>City of Kearney support for the project.</p>
<p>8 City of Kearney - Bruce Grupe Bruce Grupe City Engineer Verbal Comment</p>	<p>We have been in support of the project. From an engineering standpoint, it is a great project for the local community and the highway system. People traveling through Kearney and the local community will benefit greatly from the project.</p>	<p>City of Kearney support the project.</p>
<p>9 Resident - Neil Koster P.O. Box 2529 Kearney, NE 68848 308.237.5810 sales@midplainsonline.com</p>	<p>Believes this is a pork barrel project at taxpayer's expense. Why start something if it doesn't have funding?</p>	<p>The project's "Purpose and Need" has been established and approved by local, state, and FHWA. The project will be completed in three phases to match funding revenue. For additional information refer to EA Section 1.0-Purpose and Need for the Project. Response letter sent to Mr. Koster.</p>
<p>10 Resident - Matt Waugh 78 Sweetwater Ave. S Kearney, NE 68847 308.338.1062 kattsauto@rcom-ne.com Written Comment</p>	<p>Would like the county to place traffic counters on Sweetwater and put a hard surface on Sweetwater and also connect to Highway 10. Currently, Sweetwater has more traffic than 11th street and the road base is terrible. The road also has a low elevation and poor ditches and with heavy rain, the road can have up to two feet of water crossing over the road and it is the only access road to homes and businesses.</p>	<p>Sweetwater Road is under the jurisdiction of Buffalo County. The road is approximately 1/2-mile east of the project and does not connect to the bypass. Comments will be forwarded to the County for their review. Response letter sent to Mr. Waugh.</p>

**Kearney East Bypass 10-2(114)
Public Information Meeting
October 30, 2008
Citizen Comments**

Citizen	Comments/Concerns	Responses
11 Resident - Thomas Larson 11 W. 44th Street Kearney, NE 68847 308.237.3246 Written Comment	Need to visit about Station 320 area, and the 400 to 430 area. Can meet with somebody anytime after the middle of December.	Meeting with Mr. Larson will be scheduled to discuss concerns. Response letter sent to Mr. Larson.
12 Resident - David Fleming 4115 Avenue G Kearney, NE 68847 308.627.7092 Written Comment	As an area farmer, would like to have better access to our property east of the junction of 78th and Cherry Rd.	The access has been reviewed and accepted by Buffalo County. Concern will be forwarded to the County for their review. Response letter sent to Mr. Fleming
13 Resident - Pat and Cheryl Winters 550 East 78th Street Kearney, NE 68847 308.237.7075 Written Comment	1. The gravel surface proposed will cut through our orchard, which is over 40 years old, destroying part of it and separating the remaining portions. 2. Our asphalt driveway will be disposed and will be replaced with a gravel drive placed to the east. This gravel road is proposed to continue north to the east of our house running in between our house and well. The change in location will mean that our evergreen trees will be cut down. 3. The project will take frontage away, depreciating our properties immensely. 4. It is very objectionable for the large farm equipment to come up our driveway. Due to rotation of crops, it is necessary to have two entrances for planting, maintaining, harvesting farm crops. 5. Our neighbors would have to come through our drive to get to their pasture to the west.	Design to the properties will be reviewed and if feasible design will be altered. Surfacing will be hard surfaced rather than gravel. All right-of-way impacts will be mitigated in accordance with the Uniform Act. For additional information refer to EA Section 3.4.3-Acquisition/Relocation Impacts, NDOR Access Control Policy to the State Highway System (March 2006). Response letter sent to the Winters.
14 Sandy Peever 3975 E 1st St S. Kearney, NE 68849 Verbal Comment	Would like a mosaic of the shifted county road (south of the interchange)	Mosaic was provided.
15 Kevin Matson, Plant Manager Eaton Corp. 4200 Highway 30 East Kearney, NE 68847 Verbal Comment	Would like a mosaic of the roundabout area adjacent Eaton Corporation	Mosaic was provided.

**Kearney East Bypass 10-2(114)
Public Information Meeting
October 30, 2008
Citizen Comments**

Citizen	Comments/Concerns	Responses
<p>16 Resident - Ronnie Roberts 4240 E 1st Street Kearney, NE 68847</p>	<p>Steve Voigt is a landowner of property along the lake just northeast of I-80 and Cherry. Ronny Roberts also owns the property on the lake at 4240 E 1st st. (house on southwest portion of the lake). General noise questions and engine braking. Both men expressed the same concern: Building a ramp next to their property will increase the noise levels. Can the speed limits be reduced?</p>	<p>11/20/08, NDOR Noise and Air Staff called both men to address their concerns. They were informed that the ramp, in fact, will decrease the noise as it will be built on an elevated berm blocking the line of site and thus blocking noise of a portion of eastbound traffic. Both men also raised questions regarding methods of noise modeling wondering why NDOR do not use field measurements. They were informed that computer models are use in order to get information about the future noise impacts and that field measurements are often inaccurate. Engine braking was simply acknowledged that it could be a problem; however, this was an enforcement issue. Both men wished to know if lowering the speed was an option for noise abatement is not in this instance. For additional information refer to EA Section 3.7-Noise, and Appendix D-Traffic Noise Study.</p>
<p>Verbal Comment</p>		
<p>17 Resident - Steve Voigt 5207 Avenue G Place PO Box 1184 Kearney, NE 68847 Verbal Comment</p>	<p>General noise questions and engine braking. Both men expressed the same concern: Building a ramp next to their property will increase the noise levels. Can the speed limits be reduced? Steve Voigt is a landowner of property along the lake just northeast of I-80 and Cherry. Ronny Roberts also owns the property on the lake at 4240 E 1st st. (house on southwest portion of the lake).</p>	<p>11/20/08, NDOR Noise and Air Staff called both men to address their concerns. They were informed that the ramp, in fact, will decrease the noise as it will be built on an elevated berm blocking the line of site and thus blocking noise of a portion of eastbound traffic. Both men also raised questions regarding methods of noise modeling wondering why NDOR do not use field measurements. They were informed that computer models are use in order to get information about the future noise impacts and that field measurements are often inaccurate. Engine braking was simply acknowledged that it could be a problem; however, this was an enforcement issue. Both men wished to know if lowering the speed was an option for noise abatement is not in this instance. For additional information refer to EA Section 3.7-Noise, and Appendix D-Traffic Noise Study.</p>
<p>18 Kearney Public Schools 2430 Cherry Street Kearney, Nebraska 68847 (308) 234-9486</p>	<p>Wanted to know the design details at the school.</p>	<p>See NDOR's previous response letter. Design was changed after Public Information Meeting 4-1-08 to allow right-out only egress onto Coal Chute Road, and Coal Chute Road's cross-section and alignment shifted south to not take additional right-of-way from parking on the south side of the property.</p>

Weinert, Gregory

From: Sand, Leonard
Sent: Monday, November 03, 2008 10:28 AM
To: Weinert, Gregory; Ataulah, Syed
Cc: Schroeder, Sarah; Linder, Delfs
Subject: 10-2(114), CN-42103, Kearney Interchg & East Bypass. Oct 30, 2008 meeting.

Verbal comments from the meeting:

1. Stone School representatives: two representatives of the school were looking for information on the current design in the area of the school property. These individuals were directed to Project Engineers.
2. Property owner located south of the planned I-80 interchange; what is the plan at the east-west county road south of I-80. Directed to Project Engineers.
3. Conservation Easements (CE): there were two specific questions about the CE related to what was covered. The CE was explained to the citizens and was pointed out that it is available in the appendix of the Environmental Assessment. The plan is to execute the CE as part of the right-of-way process.
4. Noise questions: Ronny Roberts – Property Owner, & Steve Voigt – Property Owner; Questions were forwarded to Mark Ottemann – Noise Study Engineer on 11-3-2008.

If there are any questions let me know.



Citizen Comments

District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

Return To: Greg Weinert
Public Hearings Officer
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

Email: greg.weinert@nebraska.gov
Phone: (402) 479-4871
Fax: (402) 479-3989

10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

THIS IS A "PORK BARREL" PROJECT
AT TAXPAYER EXPENSE. WHY
START SOMETHING IF YOU DON'T
HAVE FUNDING?

AN ARTICLE RAN IN SAT 11/08
HUB AND MY EMAIL RESPONSE
ATTACHED.

Thank you
letter

RECEIVED

NOV 03 2008

COMMUNICATION DIVISION

(Please print)

The Department of Roads and the
State Highway Commission
appreciate your input.
Your comments and questions
will be reviewed by appropriate
Department personnel.

Thank you for participating.

Name:

Neil Koster

PO Box:

2524

Address:

City, State, Zip Code:

Kearney, NE 68848

Phone:

308-237-5810

Email:

SATIS @ midplains online,
com

Mid-Plains Equipment

From: Mid-Plains Equipment
Sent: Saturday, November 01, 2008 9:15 AM
To: 'sara.giboney@kearneyhub.com'
Subject: Cherry Ave bypass

I read your article in the Saturday's Hub. The design of the bypass will create a lot of traffic problems. First, there are NO direct on and off ramps from the new bypass directly onto Highway 30. NDOR says there is not enough room. The new bypass will "dump" all the traffic onto 39th street. If a person is coming off the interstate and wants to go to Cabela's (our #1 tourist attraction), they will have to go to 39th street, then east to cherry street, then south to highway 30. Our city officials are more concerned with the archway (a failure) and the airport. There are 11,000 people a year using the airport at the most, that averages 30 people per day. What about the several hundred each day that stops at Cabela's?

In your article you mentioned the project is to start in 2010 and be completed in five years. The "first" phase of it will be completed in five years. NDOR said Thursday night that the total project will take 15 years.

When this project started, the city officials said it would cost \$20 - \$22 million, then it was \$36 million and now it is \$47 million and before it is finished it could cost a \$100 million. Why start the project if they don't have the funding.

Our city officials and politicians say that Kearney only has one exit. They do not want to accept the idea that the 279 exit also serves Kearney. It is seven miles east of Kearney and most of the traffic that exits I-80 are headed to Kearney. Along the interstate the signs read "Minden exit", also "Kearney Industrial Park", so why isn't it a Kearney exit. Our city officials cry that Grand Island now has three exits, but they are counting an exit that is located eight miles east.

Speaking of Grand Island, their new exit has not been finished due to funding. Why start more projects if the funding is not there to complete them.

This whole cherry ave bypass project is a "pork barrel" waste of taxpayers money. They could use less than \$18 million and improve highway 10 north of the interstate to four lanes, build an overpass at highway 30 and 10 junction, and expand highway 30 to four lanes into Kearney. This route would be more "friendly" to trucks and would not have the affect on the whooping cranes. At the airport, they could continue the new airport road north - northwest to Cherry Ave and then north to 78th road. This would provide excellent access to our industrial park without doubling up the traffic on 39th street and adding to traffic problems with workers headed to and from work.

Highway 10 from the interstate exit 279 north to highway 30 is a very important highway and should not be turned over to the county. This is one of very few highways in Nebraska that crosses the Platte River and the interstate and does not drop into a city. Wide and long semi-trucks use this section of highway several times a day. With more wind generators being built, many of these long loads extend over 120 ft long. How can these loads use the "roundabouts" the state wants to build?

Neil Koster
 Mid-Plains Equipment
 P.O. Box 2526
 Kearney, Ne 68848 (email at sales@midplainsonline.com)

Copies of this sent to several industrial businesses in Kearney.

RECEIVED

NOV 03 2008

COMMUNICATION DIVISION

Internal Virus Database is out-of-date.

Checked by AVG.

Version: 7.5.518 / Virus Database: 269.21.7/1322 - Release Date: 3/9/2008 12:17 PM

11/1/2008



Citizen Comments

District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

Return To: Greg Weinert
Public Hearings Officer
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

Email: greg.weinert@nebraska.gov
Phone: (402) 479-4871
Fax: (402) 479-3989

10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

I would like the County to place traffic counters on Sweetwater (south of Coal chute) and put a hard surface on Sweetwater and also connect to highway 10 (I-80 interchange)

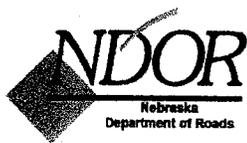
Currently Sweetwater S has more traffic than 11th street and the road base is terrible also the city of Kearney uses the road (Sweetwater) every day and that combined with the homeowners, youth camp, and businesses. many days there may be 50 to 80 plus vehicles per day.

The road also has a low elevation & poor ditches and with much rain the road can have up to two feet of water crossing over Sweetwater and Sweetwater is the ONLY Access Road to the homes & businesses

(Please print)

The Department of Roads and the State Highway Commission appreciate your input. Your comments and questions will be reviewed by appropriate Department personnel. Thank you for participating.

Name: Matt Waugh
PO Box: _____
Address: 78 Sweetwater Ave S
City, State, Zip Code: Kearney NE 68847
Phone: 308 338 1062
Email: mattsauto@RCOM-NE-Com



Citizen Comments

District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

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10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

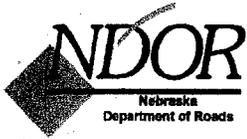
We need to visit with a design consultant about the station 320 area, and the 400 to 430 area. I visited with Syed Ataulah at the Oct. 30 meeting in Kearney. We can meet with somebody any time after the middle of December.

Thank you,
Tom Larsen

(Please print)

The Department of Roads and the State Highway Commission appreciate your input. Your comments and questions will be reviewed by appropriate Department personnel. Thank you for participating.

Name: THOMAS L. LARSEN
PO Box: _____
Address: 11 W. 49th St.
City, State, Zip Code: KEARNEY, NE. 68847
Phone: 308-237-3246
Email: _____



Citizen Comments

District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

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NDOR Communication Division
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Fax: (402) 479-3989

10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

As a Area Farmer I would like to have better access to our farm East of the Jct. of 78+H Schuyler Road I can directly turn and go to The East at that Intersection

David Fleming

RECEIVED

NOV 05 2008

COMMUNICATION DIVISION

The Department of Roads and the State Highway Commission appreciate your input. Your comments and questions will be reviewed by appropriate Department personnel. Thank you for participating.

Name: *David Fleming* (Please print)
PO Box:
Address: *4115 Ave*
City, State, Zip Code: *Kearney Ne 68847*
Phone: *627-7092*
Email:



Citizen Comments

District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

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Public Hearings Officer
NDOR Communication Division
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Lincoln NE 68509-4759

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Fax: (402) 479-3989

10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

See Attached

RECEIVED

NOV 10 2008

COMMUNICATION DIVISION

The Department of Roads and the State Highway Commission appreciate your input. Your comments and questions will be reviewed by appropriate Department personnel. Thank you for participating.

(Please print)
Name: Pat & Cheryl Winters
PO Box:
Address: 550 East 78th St
City, State, Zip Code: KEARNEY NE 68847
Phone: 308 237 7075
Email:

Listed are the objections I have to the state highway project:

Hand

1. The gravel surface proposed will cut through our orchard (which is over 40 years old, destroying part of it and separating the remaining portion. (on the map it's shown in blue)
2. It will dispose of our asphalt driveway and will replace it with a gravel drive placed to the east of the existing drive. This gravel road is proposed to continue north to the east of our house running in between our house and our well. Also in changing the location of our drive it would mean that the evergreen trees which are lining our drive may need to be cut down. (Shown in orange)
3. It will take the frontage away; by taking this frontage away it will depreciate our properties immensely, because it will generate wasted space. (Part of our front yard on the other side of the road would interfere with our privacy!)
4. Concerning the farm access , it would be very objectionable for the large farm equipment to come up our driveway! The area on the map marked **X** should be retained for the farm equipment. Due to the rotation of the crops it's necessary to have two entrances for planting, maintaining, harvesting farm crops.
5. Having our neighbor come through our drive to get to there pasture to the west.

Look into orchard design

*further investigate
in orchard
we will
provide drive
(Low)*

I hope that you will take these things into serious consideration. Thank you for allowing our in put.

Sincerely,

Patrick and Cheryl Winters



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NOV 10 2008

COMMUNICATION DIVISION



Citizen Comments

District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

Return To: Greg Weinert
Public Hearings Officer
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

Email: greg.weinert@nebraska.gov
Phone: (402) 479-4871
Fax: (402) 479-3989

10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

I own the property on the south side of this project. We went to every meeting on this project & was told that it would not effect our road or my property, just another lie by our public officials.

There is no reason to move the road, if you put fill in, its all tapered, so just drive over the hump. You don't have to move the power line, just two new poles to raise it up.

You can get all the fill you need from my place. It can be pumped to the north side & south side if you really want to save money.

(Please print)

Name: Dennis L. Clabaugh
PO Box:
Address: 3825 E. 1st. S. South
City, State, Zip Code: Kearney, Ne. 68847
Phone: 308-237-0598
Email:

The Department of Roads and the State Highway Commission appreciate your input. Your comments and questions will be reviewed by appropriate Department personnel.

Thank you for participating.

RECEIVED

NOV 10 2008

COMMUNICATIONS SECTION



Citizen Comments

District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

Return To: Greg Weinert
Public Hearings Officer
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

Email: greg.weinert@nebraska.gov
Phone: (402) 479-4871
Fax: (402) 479-3989

10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

Thank you for allowing Public input to Kearney East Bypass.

My main concern is with the design of the access to 78th Street from Cherry Ave or 78th Street to Cherry Ave. When harvesting our grain from our land (McKean Land & Cattle, Inc) which is delivered to the East. Without a jughead we will be forced to travel excess miles making our harvest very inefficient. Other slow farm equipment would be able to exit more quickly keeping it off a high speed hiway for greater safety.

RECEIVED

NOV 12 2008

COMMUNICATION DIVISION

Sincerely,

McKean Land & Cattle, Inc

Jerry McKean President

(Please print)

The Department of Roads and the State Highway Commission appreciate your input. Your comments and questions will be reviewed by appropriate Department personnel. Thank you for participating.

Name: Jerry McKean
PO Box: 2180 East 56th Street
Address:
City, State, Zip Code: Kearney, NE 68847
Phone: 308 237 5602 Cell 308 627 5510
Email:



Citizen Comments

District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

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NDOR Communication Division
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Lincoln NE 68509-4759

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Phone: (402) 479-4871
Fax: (402) 479-3989

10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

*Please consider an access road at
78th Street & Cherry Ave. We use those
roads for our farming business.*

Thank you.

McKean Land + Cattle, Inc.

Marlene McKean, Sec.

RECEIVED
NOV 12 2008
COMMUNICATION DIVISION

(Please print)

The Department of Roads and the
State Highway Commission
appreciate your input.
Your comments and questions
will be reviewed by appropriate
Department personnel.
Thank you for participating.

Name: Marlene McKean
PO Box: _____
Address: 2180 East 56th Street
City, State, Zip Code: Kearney NE 68847
Phone: 308-237-5602
Email: _____



Citizen Comments

District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

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PO Box 94759
Lincoln NE 68509-4759

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Phone: (402) 479-4871
Fax: (402) 479-3989

TO WHOME IT MAY CONCERN:

10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

On the proposed adjustment of 78th and Cherry, I am much opposed. People are disturbed in the area because the road has served us well as is. No doubt on the plan someone will have to sell some land. I am not in favor of any adjustment. The people who live there now are not benefited. Its those who want to change it.

I like to take the Glenwood Corner and 78th Street home. It eliminates the 2nd Avenue traffic, going down to 25th Street and then on to highway 30 which has a detour on it.

We have been detoured all summer with hiway 30 entrance into the Airbase and then Baldwins decided not to expand. Last year we put up with the 39th Street and Second Avenue detour. I can't see any improvement.

These are expensive adjustments for tax payers and usually few people get any advantages by the exchange.

Again I am opposed. Let well enough alone. There is a better place for the tax payers money.

I understand this change is requested by someone wanting to build houses.

Yours truly,

Patricia Lewis

7922 Keystone Road
Kearney, Ne. 68847
Phone 308-234-1725

The Department of Roads and the State Highway Commission appreciate your input. Your comments and questions will be reviewed by appropriate Department personnel.

Thank you for participating.

Name: _____

PO Box: _____

Address: _____

City, State, Zip Code: _____

Phone: _____

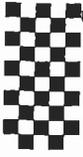
Email: _____

(Please print)

RECEIVED

NOV 14 2008

COMMUNICATION DIVISION



Citizen Comments District 4 Public Hearing Meeting

Please submit your written comments and questions by: November 13, 2008

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Public Hearings Officer
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

Email: greg.weinert@nebraska.gov
Phone: (402) 479-4871
Fax: (402) 479-3989

10-2(114) Kearney East Bypass; CN 42103
Archway Monument, Kearney; Oct. 30, 5:00 - 7:00 pm

Dear Mr Weinert,

I currently rent 300 acres of farm ground between 56th + 78th streets on Cherry Ave.

I am concerned that there is not enough access along both 78th and Cherry for semis of farm equipment. We need more Jug Heads! On any day during harvest there are, I suppose, hundreds of semis, grain ~~trucks~~ trucks, cattle trucks and farm equipment that cross the intersection of 78th and Cherry. 78th st is also a main artery for farms delivering grain to Cargill in Gibbon from points north of Kearney and Riverdale (via Hwy 40). 78th street dead ends @ 1 block north of Cargill Gibbon and is heavily use for that purpose. I think we need more access at the corner of 78th + Cherry. It may be nice for the bypass but would be a big negative to flow of com^(Please print) from the area!

The Department of Roads and the State Highway Commission appreciate your input. Your comments and questions will be reviewed by appropriate Department personnel. Thank you for participating.

Name: Kimble Lewis
PO Box:
Address: 7922 Keystone Rd
City, State, Zip Code: Kearney, Ne 68847
Phone: (308) 627-6386 cell (308) 237-3016 Home
Email:



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479-4325 • www.dor.state.ne.us

April 6, 2009



Kimble Lewis
7922 Keystone Rd
Kearney NE 68847

COPY

RE: Project 10-2(114), CN42103A
Kearney East Bypass

Dear Mr. Lewis

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

The access from 78th and Cherry Avenue to the Bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both 78th Street and Cherry Avenue, is being designed with ½ mile access points in order to maintain an efficient high speed bypass.

We will forward your concerns to the County for their response.

Sorry for the late response, your letter got misplaced and is the reason for the late reply, but again, thank you for your input.

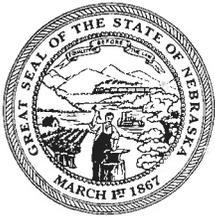
Sincerely,

Syed Atallah, P.E.

Project Manager

Roadway Design Division

Nebraska Department of Roads



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479-4325 • www.dor.state.ne.us

April 6, 2009

Marlene McKean
2180 East 56th Street
Kearney NE 68847

COPY

RE: Project 10-2(114), CN42103A
Kearney East Bypass

Dear Ms. McKean

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

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Sincerely,

A handwritten signature in cursive script that reads "Syed Atallah".

Syed Atallah, P.E.

Project Manager

Roadway Design Division

Nebraska Department of Roads



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

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April 6, 2009

Patricia Lewis
7922 Keystone Road
Kearney NE 68847

COPY

RE: Project 10-2(114), CN42103A
Kearney East Bypass

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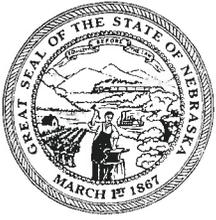
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Sincerely,

A handwritten signature in cursive script that reads "Syed Atallah".

Syed Atallah, P.E.
Project Manager
Roadway Design Division
Nebraska Department of Roads



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

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April 6, 2009

Jerry McKean
2180 East 56th Street
Kearney NE 68847

COPY

RE: Project 10-2(114), CN42103A
Kearney East Bypass

Dear Mr. McKean

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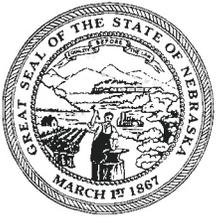
Sincerely,

Syed Atallah, P.E.

Project Manager

Roadway Design Division

Nebraska Department of Roads



Dave Heineman
Governor

STATE OF NEBRASKA

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John L. Craig, Director

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Phone (402)471-4567 • FAX (402)479-4325 • www.dor.state.ne.us

April 6, 2009

Lee Potter
6985 Antelope
Kearney NE 68847

COPY

RE: Project 10-2(114), CN42103A
Kearney East Bypass

Dear Mr. Potter

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

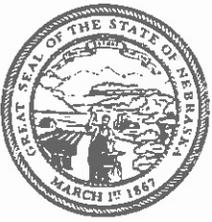
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We will forward your concerns to the County for their response.

Sorry for the late response, your letter got misplaced and is the reason for the late reply, but again, thank you for your input.

Sincerely,

Syed Atallah, P.E.
Project Manager
Roadway Design Division
Nebraska Department of Roads



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Monty W. Fredrickson, P.E., Director - State Engineer

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759

Phone (402)471-4567 • FAX (402)479-4325 • www.transportation.nebraska.gov

May 25, 2010

Mr. Neil Koster
PO Box 2529
Kearney NE 68848

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. Koster:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' (NDOR) responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions. To address your concerns, we offer the following information:

The project has been developed based on its purpose and need for the community, and specific federal funds were obtained to aid in financing the further development of the project. The cost estimates of the project have increased for several reasons, but mostly due to inflation in both land and construction materials.

The construction of the project will be accomplished in three phases, each having a functional terminus. The first is from the Interchange at I-80 north through 11th Street, the second from 11th Street through 56th Street, and the third from 56th to the N10/N40 intersection. The first phase is tentatively scheduled to begin in 2011. At this time we have secured funds for the first phase and are in the planning stages of the following phases.

Again, thank you for your input.

Sincerely,
ORIGINAL
Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW10

xc: Wes Wahlgren, NDOR District Engineer
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS
Monty W. Fredrickson, P.E., Director - State Engineer
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479-4325 • www.transportation.nebraska.gov

May 25, 2010

Mr. Kevin Matson
Plant Manager
Eaton Corporation
4200 Highway 30 East
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. Matson:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

Enclosed as requested is an aerial mosaic of the area around your company and the bypass.

Again, thank you for your input.

Sincerely,

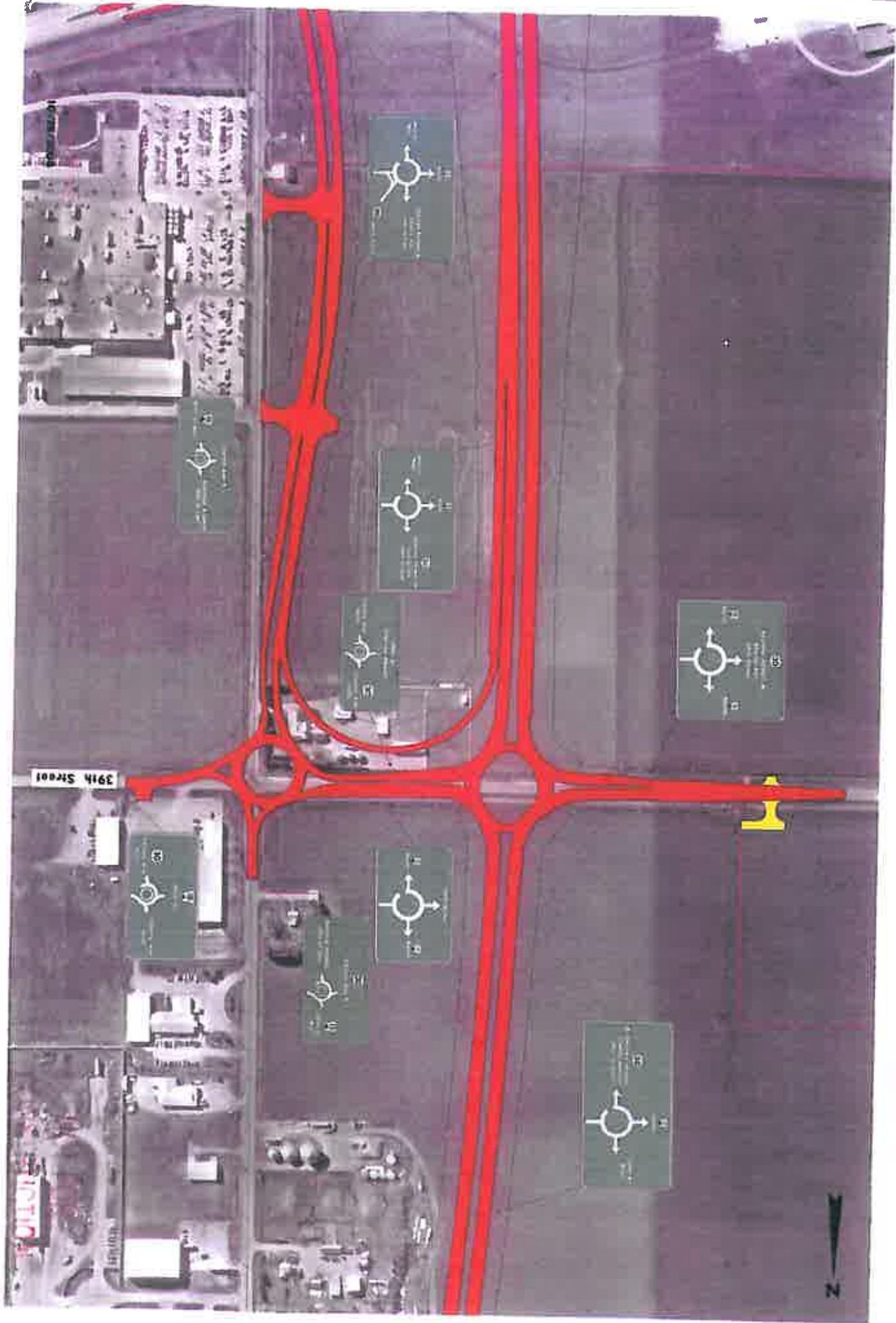
ORIGINAL
Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW8

Enclosure

xc: Wes Wahlgren, NDOR District Engineer
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



39th Street

12-11-08



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Monty W. Fredrickson, P.E., Director - State Engineer
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759

Phone (402)471-4567 • FAX (402)479-4325 • www.transportation.nebraska.gov

May 25, 2010

Ms. Sandy Peever
3975 E 1st St South
Kearney NE 68849

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Ms. Peever:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' (NDOR) responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

Enclosed as requested is an aerial mosaic of the area around the I-80 Interchange with the bypass.

Again, thank you for your input.

Sincerely,

ORIGINAL
Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW12

Enclosure

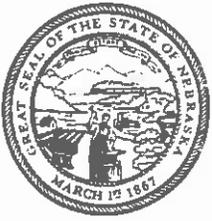
xc: Wes Wahlgren, NDOR District Engineer
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



NOT FOR
CONSTRUCTION

PRELIMINARY

12-11-08



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Monty W. Fredrickson, P.E., Director - State Engineer
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479-4325 • www.transportation.nebraska.gov

May 25, 2010

Mr. Harry Compton
7840 Avenue N
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. Compton:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' (NDOR) responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

The bypass is being designed with controlled access, which limits access to approximately ½-mile intervals. Controlling access points allows safer travel at higher speeds than facilities without control. Access is provided to your property off Avenue N. The alignment of the bypass was shifted to the south to minimize impacts to property on the north side of 78th Street. As designs are finalized, the exact location of your proposed drive off Avenue N will be determined with your input while meeting design standards. Impacts to your property will be minimized as much as possible.

The paved portion of 78th Street that the County built recently is being reviewed as to whether it is beneficial to use in-place. It will also be reviewed prior to construction of this segment.

Again, thank you for your input.

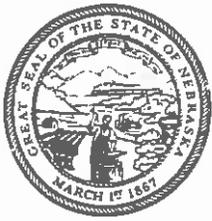
Sincerely,

ORIGINAL
Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW11

xc: Wes Wahlgren, NDOR District Engineer
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

Monty W. Fredrickson, P.E., Director - State Engineer
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479-4325 • www.transportation.nebraska.gov

May 25, 2010

Pat and Cheryl Winters
550 E 78th St
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. and Mrs. Winters:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' (NDOR) responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions. To address your concerns, we offer the following information:

NDOR will review the access design for alternatives and will contact you to meet in the future. We will modify the design of your driveway to be hard surfaced rather than gravel as shown at the public hearing.

While we may not be able to mitigate all impacts to your property, we will attempt to minimize the impacts to the extent possible.

Again, thank you for your input.

Sincerely,

ORIGINAL

Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW9

xc: Wes Wahlgren, NDOR District Engineer
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



Dave Heineman
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May 25, 2010

Mr. Tom Larsen
11 W 44th St
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. Larsen:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' (NDOR) responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions. We will be in contact during final design to discuss the project in more detail with you.

Again, thank you for your input.

Sincerely,

ORIGINAL

Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW13

xc: Wes Wahlgren, NDOR District Engineer
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



Dave Heineman
Governor

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May 25, 2010

Mr. Matt Waugh
78 Sweetwater Ave S
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. Waugh:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

Sweetwater Road is under Buffalo County's jurisdiction, and is approximately ½-mile from the bypass. It does not connect to the bypass. We have forwarded your concerns to the City and County for their response. Again, thank you for your input.

Sincerely,

ORIGINAL

Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW

xc: Wes Wahlgren, NDOR District Engineer
Ronald Sklenar, Buffalo County
Rod Wiederspan, City of Kearney
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



Dave Heineman
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May 25, 2010

Mr. Kimble Lewis
7922 Keystone Rd
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. Lewis:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

The access from 78th and Cherry Avenue to the bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both 78th Street and Cherry Avenue, is being designed with ½-mile access points in order to maintain an efficient and safe high-speed bypass.

We will forward your concerns to the County for their review and comment. Again, thank you for your input.

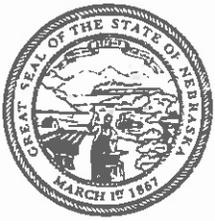
Sincerely,

ORIGINAL
Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW2

xc: Wes Wahlgren, NDOR District Engineer
Ronald Sklenar, Buffalo County
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



Dave Heineman
Governor

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May 25, 2010

Mr. Lee Potter
6985 Antelope
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. Potter:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

The access from 78th and Cherry Avenue to the bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both 78th Street and Cherry Avenue, is being designed with 1/2-mile access points in order to maintain an efficient and safe high-speed bypass.

We will forward your concerns to the County for their review and comment. Again, thank you for your input.

Sincerely,

ORIGINAL
Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW6

xc: Wes Wahlgren, NDOR District Engineer
Ronald Sklenar, Buffalo County
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



Dave Heineman
Governor

STATE OF NEBRASKA

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Phone (402)471-4567 • FAX (402)479-4325 • www.transportation.nebraska.gov

May 25, 2010

Mr. Jerry McKean
2180 E 56th St
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. McKean:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

The access from 78th and Cherry Avenue to the bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both 78th Street and Cherry Avenue, is being designed with ½-mile access points in order to maintain an efficient and safe high-speed bypass.

We will forward your concerns to the County for their review and comment. Again, thank you for your input.

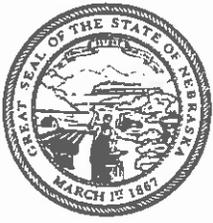
Sincerely,

ORIGINAL
Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW3

xc: Wes Wahlgren, NDOR District Engineer
Ronald Sklenar, Buffalo County
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



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1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479 4325 • www.transportation.nebraska.gov

May 25, 2010

Ms. Patricia Lewis
7922 Keystone Rd
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Ms. Lewis:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

The access from 78th and Cherry Avenue to the bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both 78th Street and Cherry Avenue, is being designed with ½-mile access points in order to maintain an efficient and safe high-speed bypass.

We will forward your concerns to the County for their review and comment. Again, thank you for your input.

Sincerely,

ORIGINAL
Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW4

xc: Wes Wahlgren, NDOR District Engineer
Ronald Sklenar, Buffalo County
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File



Dave Heineman
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STATE OF NEBRASKA

DEPARTMENT OF ROADS

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1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402)471-4567 • FAX (402)479-4325 • www.transportation.nebraska.gov

May 25, 2010

Mr. David Fleming
4115 Aulf
Kearney NE 68847

Re: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. Fleming:

This letter is in response to the concern you voiced at or following the Kearney East Bypass Design Public Hearing, held October 30, 2008. Shortly after the public hearing was held, the environmental clearance process caused some uncertainty in areas of the project. As a result, Nebraska Department of Roads' responses to citizen comments have been delayed.

Thank you for attending the public hearing and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

The access from 78th and Cherry Avenue to the bypass has been reviewed and accepted by Buffalo County. Access along the bypass, both 78th Street and Cherry Avenue, is being designed with ½-mile access points in order to maintain an efficient and safe high-speed bypass.

We will forward your concerns to the County for their review and comment. Again, thank you for your input.

Sincerely,

ORIGINAL,
Signed by:

Melissa Egelhoff, P.E.
Consultant Coordinator

ME/JJK/DES10-ZW5

xc: Wes Wahlgren, NDOR District Engineer
Ronald Sklenar, Buffalo County
Greg Weinert, NDOR
Len Sand, NDOR
✓ Mike Olson, Kirkham Michael
File

APRIL 2008

PUBLIC INFORMATION MEETING



Citizen Comments

Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

AFTER REVIEWING THE PLANS, I HAVE CONCERNS ABOUT TWO ASPECTS OF THE PROJECT.

THE FIRST IS WHY EXISTING HOUSE, FARM AND COUNTY ROAD (78TH & CHERRY) INTERSECTIONS NEED TO BE ON 1/4 MILE LINE. THESE COULD BE DONE AT A LATER DATE DEPENDING ON AREA GROWTH & TRAFFIC COUNTS. THEY LOOK INEFFICIENT. ARE THEY NECESSARY AT THIS TIME.

THE SECOND ITEM IS ALSO THE BENEFITS AND COSTS OF THE ROUNDABOUT AT 39TH STREET & CHERRY AND 10 & 40 HIGHWAYS.

THANKS

(Please print)

Name: ROBERT A ZUMBRUNN
PO Box: _____
Street Address: 4303 AVE E
City, State, Zip Code: KEARNEY, NE 68847
Phone: _____

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Kevin Dugan • Communication Division • (402) 479-4871

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APR 15 2008
COMMUNICATION DIVISION

COMMUNICATION DIVISION

Citizen Comments



Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us
Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

(SEE ATTACHED PRINTED PAGES)

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COMMUNICATION DIVISION

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Willis Keep
PO Box: _____
Street Address: 432 E. CARROLLS AVE
City, State, Zip Code: ELM CREEK NE 68836
Phone: 308-836-4288

Is this the BEST place for a by pass?

What are we bypassing and are we?

If it's the city traffic how long before more of this area is residential.

And what about the factory traffic on 39th street?

Circle: Who has to stop or yield for the other, will there be stop lights?

Will Hwy 10 traffic have to contend with shift changes/ "rush hour" traffic?

Following Hwy 10 from the north it looks like we are just dumping traffic onto I-80. Much of Hwy 10 traffic may not be suitable for I-80 traffic mix. For example semi trucks (grain trlrs, ethanol gluten) required to have overweight permits for I-80 but not State Hwy, and then farm / construction equipment, because of the size and mobility, it would be nice to be able to "by pass" Kearney and not contend with I-80. I realize there is still Hwy 30 and (?) would it still be Hwy 10 North at the Minden Exit. Farm Equipment seems to be getting bigger not smaller. How do we get a grain cart, disk, or implement trlr pulled by a pickup/truck from Minden to Pleasanton – safely cross the railroad tracks, Hwy 30, and get around Kearney on an all weather road without upsetting too many other drivers and causing "road rage" ? The *International Harvester* song comes to mind ... 3 miles of cars laying on their horns ... like a big parade ... flip'in me the bird.

I would really support extending 78th St. further East to Keystone, and then South to the existing Hwy 10, putting the Hwy 30 / Railroad viaduct there.

Has there been and study and a need for a Hwy 30 / Railroad viaduct at the Cherry Ave. location? Car/Train accidents? Traffic existing or entering Hwy 30? I know of numerous accidents at Hwy 10/Hwy30, let alone stopped trains or slow moving trains and then trying to get on Hwy 30 with all its traffic.

understand there maybe an obligation or trade required by the State for 2nd Ave Viaduct. I'm not sure this is the best use of \$36 million. How do we justify this to the rest of the residents of Nebraska, let alone the other museums in the state facing lower receipts than needed to keep going?

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COMMUNICATION DIVISION

Is it possible to move the rest area that's 1 – 2 miles west of Kearney to the Archway location? Let the west bound traffic exit I-80 and enter Kearney if they wish. This would obviously mean another entrance to the museum from the south for the east bound traffic to tour the Arch, they could then exit the museum on the north side take a trolley ride into town etc., etc.

With the proposed I-80 viaduct at Cherry Ave, wouldn't we then be blocking the view from the east of this beautiful Archway structure? I'm not sure that was the original intention of the designer or builders.

I've toured the Arch a couple of times, my kids have seen it several more times with various groups and school trips. I think it is masterpiece, unique not only in design but how it was placed there. It's fascinating to look at and tour. I get excited every time I drive under it. Are we doing it service by adding more obstacles with additional traffic entering I-80 from a Hwy 10 and city of Kearney by pass?

I realize that these ideas / suggestions come with a lot of other questions and logistic problems all their own. I just wonder what will be said of this by pass 10 – 15 years from now. Did we help the situation or was there something better we could have done?

Willie Keep
Elm Creek, NE

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COMMUNICATION DIVISION

I do not know who to send my comments to about this proposed exit. I'm in hopes that you can forward my comments to the right person or persons concerning this issue.

There is a public meeting coming up on the Kearney exit and not being able to attend I wanted to voice my thoughts. I know that money is tight all over the country and Nebraska and that the NDOR is cutting back on some projects. While I'm thinking about it I sure hope that you intend on finishing up the second avenue project that is 1/2 done in Kearney all ready. Now back to the exit. Why is it that this exit can not be located on 30th Ave? There is all ready an overpass over the interstate, all ready road improvements once you get to 11th street and all ready an overpass over th railrod ttracks and allready improved roads carrying you around the edge of Kearney both on the 30th North and then back over to 2nd avenue. It sems to me that this exit is getting pushed through to benefit the Arch and Cabela's. Changing the location would save millions of tax payer money. I would like someone to tell me why saving money and moving the exit west would not be a great plan. Yes yohave done some studies and advanced work on th east exit. Rather than spend money we don't , wouldn't it be better to you some good common sense and rethink this? There is so much money wasted in government this is one place we could save some money.

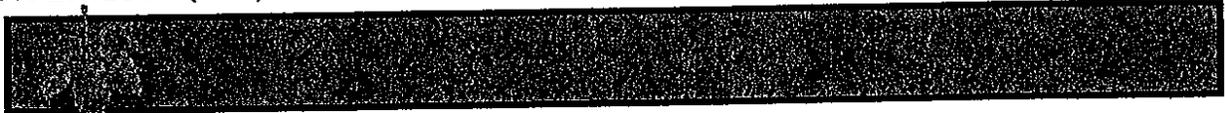
Thanks
Craig Peister
11o Huron Drive

Action log Homes
Featuring Neville Log Homes
www.actionloghomes.com
cpeister@kearney.net
308-237-LOGS (5647)

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APR 16 2008

COMMUNICATION DIVISION





Citizen Comments

Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

I farm ground S. of 78th + E. of Cherry.
 I am concerned about convenient access to these fields
 from where our farm hoodgourans are located
 we need to travel Antelope N. to 78th then E. to Cherry
 then S. to fields, with farm machinery & trucks
 Do not like the idea of having to back-track

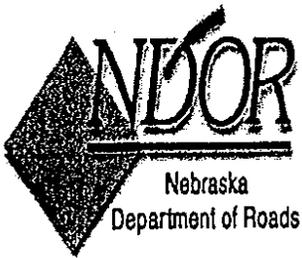
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COMMUNICATION DIVISION

APR 11 2008

COMMUNICATION DIVISION

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Lee Patter (Please print)
 PO Box: _____
 Street Address: 1985 Antelope
 City, State, Zip Code: Kearney NE 68847
 Phone: 308-234-1744 308-627-6150



Citizen Comments

Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

May I suggest AN exit ramp & on ramp At corner
of 92nd & Cherry.
I use Cherry as my primary road to and from
HWY 30. I would like to see a straight shot north
on Cherry. Or possibly an access point on 78th

(Please print)

We, at the Department of
Roads, appreciate your input.
Your comments and questions will
be reviewed by appropriate
department engineers and staff.
Thank you for participating in our
public involvement process.

Name: Ed Sweet (landowner)
PO Box:
Street Address: 100th & Cherry
City, State, Zip Code: Kearney, NE 68847
Phone: 308 548-8341

Kevin Dugan • Communication Division • (402) 479-4871

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APR 11 2008

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Citizen Comments

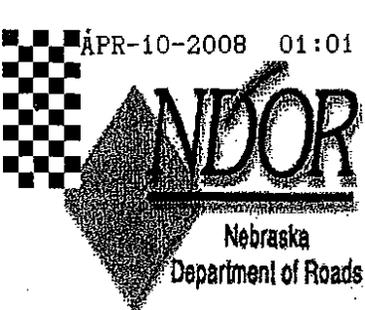
Please submit your written comments and questions by: April 11, 2008

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PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989



STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

The plan as outlined at the April 1, 2008 meeting provides a good alternative for traffic coming from the east on I-80 to access Hwy 30. Currently most of that traffic uses the Minden exit but turning left onto Hwy 30 from that corner is a problem because of the high amount of Hwy 30 traffic and the proximity of the railroad.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Theresa Holtzen

PO Box: _____

Street Address: 2908 East Highway 30

City, State, Zip Code Kearney NE 68847

Phone: 308-237-3126

Citizen Comments



Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

I would like to see a way to go straight north on Cherry Avenue, either a exit ramp for north bound traffic to continue north or possibly another access point like the one on 78th street to go both north & south. Traffic counts on Cherry should not be overlooked because it is a main, straight road north and there will be a lot of development in the future. Cherry Avenue is also one of the first roads that is bladed open in a snow storm to get people from the north to town.

This is a very needed project and I appreciate your willingness to listen to people who live around this area. I hope you will consider my suggestions.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Scott Sweet
PO Box: 4425 E. 100th
Street Address: 100th & Cherry
City, State, Zip Code: Kearney, NE 68847
Phone: 308-293-1206

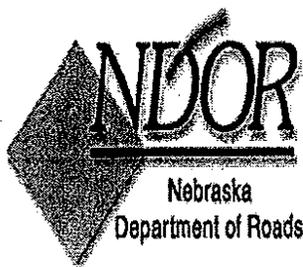
Kevin Dugan • Communication Division • (402) 479-4871

RECEIVED

APR 10 2008

COMMUNICATION DIVISION

Citizen Comments



Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

I would like to suggest an exit from Cherry (HWY 10) and 92nd St. that would enable traffic to head straight north to our neighborhood. To follow the curve and backtrack is very inconvenient, especially with all the trips we take down Cherry to work, and using HWY 30.

We are very excited to have access to the interstate. It will eliminate a lot of time and miles.

thank you!

Theresa Sweet

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Theresa Sweet

PO Box:

Street Address:

City, State, Zip Code

Phone:

4425 E. 100th St.

Kearney, Ne. 68847

308-236-6447

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APR 10 2008

COMMUNICATION DIVISION

Citizen Comments



Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

I am severely impacted by the proposed 78th st. road project.

This is because I own the land on both the south and the north sides of the highway. I have approximately 950 to 1000 feet of 8in. underground irrigation pipe plus accompanying electric wire that will have to be relocated. I have, under the present road, an 8in. irrigation pipe that delivers water to the irrigation pivot that will also have to be relocated. The irrigation pipe that crosses the road is about 4 1/2 to 5 ft. below the present surface. I understand the hill will be cut down. This pipe needs to be about 5 ft. below the surface to prevent freezing.

Also, regarding closing my drives by the farmstead, we use semi trailer trucks, and I can't see how we can navigate them in the yard.

The right of way comes very close to our two houses- also my neighbor to the west. (Harry Compton) I was told that the road could be offset to the south. I own the land to the south.

I don't know why we can't have our driveways. Nebraska heavily travelled highways, No. 10, No. 30, and No. 6, all have driveways.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Robert L. Markus
PO Box: _____
Street Address: 1360 E 78th St.
City, State, Zip Code Kearney, NE 68847
Phone: (308) 234-9041

Kevin Dugan • Communication Division • (402) 479-4871

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

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APR 10 2008

COMMUNICATION DIVISION

Citizen Comments



Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us
Fax: (402) 479-3989

SIRS:

THESE ARE SOME OF THE CONCERNS WE HAVE.

1. THE TRAFFIC AND SAFETY ON 2ND AVE. WITH ONLY ONE ROAD OFF OF I-80 FOR EVERYONE.
2. THE INDUSTRIAL PARK WOULD GROW AND BE A BENEFIT TO THE COMMUNITY AND THE STATE.
3. THE AIRPORT WOULD BENEFIT WITH EVEN MORE GROWTH AND EASY TO REACH.
4. THE SECOND ACCESS AROUND KEARNEY WOULD TAKE A LOT OF TRAFFIC OFF OF 2ND AVE.
5. THE ARCH WOULD HAVE A BETTER ACCESS AND GROW EVEN MORE TO BE ONE OF NEBRASKA'S ATTRACTIONS FOR TOURIST.
6. THE NATIONAL GUARD WOULD HAVE BETTER ACCESS TO THE INTERSTATE.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Gerald Brandor SP
PO Box: _____
Street Address: 4711 Ave E
City, State, Zip Code: Kearney NE 68847
Phone: 308 237 2646

Kevin Dugan • Communication Division • (402) 479-4871

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

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COMMUNICATION DIVISION



Citizen Comments

Please submit your written comments and questions by: April 11, 2008

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Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

Kevin:

This concerning the Cherry Exit Project. I could not attend the April 1 meeting, but it was explained to me.

I would like to see the Lake connector road moved so a bigger radius could be put in so a better blend could be made into cherry road.

The Ponylake Road also needs to be blended with a better radius into the connector

Thank you

Also, the County does not take care of ^(maintain) Ponylake road, we do. And with the added traffic that your plan shows we would have a heck of a time keeping it up.

Thanks again for listening

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: LaDonna Ahrens
PO Box: 4835 Ponylake Rd.
Street Address:
City, State, Zip Code: Kearney Ne 68847
Phone: (308) 233-5723

Kevin Dugan • Communication Division • (402) 479-4871

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APR 09 2008

COMMUNICATION DIVISION

A FAX FROM:

Date: 4-9-08

To: NDOR communication Division / Kevin Deegan

From: Jerry Rogers

Phone: (308) 234-6809

Fax: (308) 236-7828

Comments: Please let me know if my facts are not correct. Thankyou!

Jerry Rogers



Citizen Comments

Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

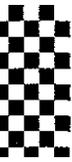
Thank you for allowing me to get my two cents worth in.
 First of all my wife and I are all for this by pass project. Not as a property owner on Cherry Ave., but as a citizen of Kearney who have to drive everyday in the area and who live in Kearney.
 I am disappointed that the NDOR are having trouble coming up with their share of funds for this project that was supposed to be secured and then pulled out. What I'm wrong, I read in the Kearney Herald that the walk bridge between Omaha and Council Bluffs, Ia. had Nebraska's part of funding come from the NDOR. I am sure that a lot more people and traffic would use this Kearney by pass to keep from traveling three towns, because it is much faster, use less fuel, and above a much safer route, than the number of people will use the walk bridge for what ever reason. I do not understand how this by pass project should ever have to compete with Omaha's walk-bike bridge for funding from NDOR's budget.
 We do not like the idea of Kearney having to come up with the 3 million dollars that the NDOR had secured for this by pass, but I'm OK with it, just to get this much needed project started. This 3 million dollar decision has put a lot of unpopular unpopular decision on the Kearney city council, but I am satisfied with they had to do.
 With this extra funding we will have to come up with, we sure hope the NDOR will get into this project now to get it done.
 P.S. No stop light at Cherry Ave. and 39th. St. A second roundabout seems better to me.

Thank you!

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

(Please print)
 Name: Jerry Rogers
 PO Box: 3061
 Street Address: 4307 Cherry Ave.
 City, State, Zip Code: Kearney, Ne 68847
 Phone: (308) 234-6809

Kevin Dugan • Communication Division • (402) 479-4871



Citizen Comments



Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

We would like to see easier access on and off of the Kearney Bypass from Cherry Ave.

My husband and children and I all drive across on 160th Rd and south on Cherry Avenue to get to school and work. Since we come in from the east, it complicates things to have no access from 78th & Cherry from the east, forcing everyone to go over a half mile further to the west just to go back a half mile to be back where you started from.

Driving across this intersection at 78th & Cherry daily, there are several families from our area of town (Blue Sky Estates) that travel this exact same route to avoid the dangerous Ravenna Road.

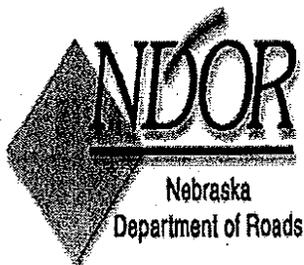
Please don't make it more complicated for young & old drivers to gain access to Kearney's great new road.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Christy Cronin
PO Box: _____
Street Address: 250 Rainbow Lane
City, State, Zip Code: Gibbon, NE 68840
Phone: 308-468-6370

Citizen Comments



Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

#1 - From 39th St. north and west to highway 10 & 40 finding irrigation wells with yield enough for proper watering of crops is difficult. Example: (18 test holes netted two small wells to irrigate 148 acres through a pivot system) please do not disturb existing wells.

#2 - At the corner of 78th Road & Cherry Ave the gravel road to enter the highway is too long.

#3 - We are concerned about access road into building site located in NE 1/4 20-9-15.

#4 - Be sure to improve drainage by keeping culverts and grade according to specifications

#5 - We favor this project but only have studied it from our property north to 78th Road.

Thank you,
Jerry McKeen President

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: McKEEN LAND & CATTLE INC
PO Box: _____
Street Address: 2180 E. 56th St
City, State, Zip Code: KEARNEY, NE 68847
Phone: 308 237 5602

Kevin Dugan • Communication Division • (402) 479-4871

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APR 04 2008

COMMUNICATION DIVISION

Citizen Comments



Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

I would like to see a way to go straight north on cherry avenue either a exit ramp for north bound traffic to continue north or possibly another access point like the one on 78th street to go both north & south. Traffic counts on cherry should not be overlooked because it is a main straight road north and there will be a lot of development in the future. Cherry avenue is also one of the first roads that is plowed in a snow storm to get people from the north to town.

This is a very needed project and I appreciate your willingness to listen to people who live around this area. I hope you will consider my suggestions.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Scott Sweet
PO Box: 4425 E. 100th
Street Address: 100th & Cherry
City, State, Zip Code: Kearney, NE 68847
Phone: 308-893-1206

Citizen Comments

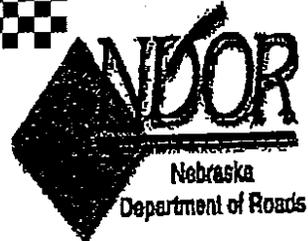
Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989



STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

May I suggest an exit ramp & on ramp at corner
of 92nd & Cherry.
I use Cherry as my primary road to and from
HWY 30. I would like to see a straight shot north
on Cherry, or possibly an access point on 78th

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

(Please print)
Name: Ed Sweet (landowner)
PO Box:
Street Address: 100th & Cherry
City, State, Zip Code: Kearney, Ne. 68847
Phone: 308 548-8341

Kevin Dugan • Communication Division • (402) 479-4874

Citizen Comments

Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989



Kevin,

I attended the meeting Tuesday, April 1st at the Archway in Kearney concerning the Cherry Exit Project.

I would like you to take into consideration the 3 following suggestions:

1. If possible, I would like to see the Lake connector road moved so that a bigger radius is put in to blend into Cherry Road.

2. I would like to see the Old Pony Lake road blended with a radius into the new Connector.

3. I would like you to consider putting up signs that prohibits engine braking. This happens frequently now that the Archway has been there, I'm afraid when the exit gets put in, trucks will use their engines to decelerate on the ramp. Or, change the speed limit to 65 MPH in that area.

Thank you for your consideration.
Property owner 4240 East 1st Street, and
Shareholder K.S.S. Inc.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Ronny Roberts
PO Box: _____
Street Address: 4240 East 1st Street
City, State, Zip Code: Kearney, NE 68847
Phone: (308) 236-8950

Kevin Dugan • Communication Division • (402) 479-4871

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

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COMMUNICATION DIVISION

COMM-PM

Sta. 14+26 Rt. 2 & 7
Build MSE Wall
Special Plan 10.

Sta. 18+50 Rt.
Build Concrete Flume,
Type VII. L=25.
Special Plan 25.

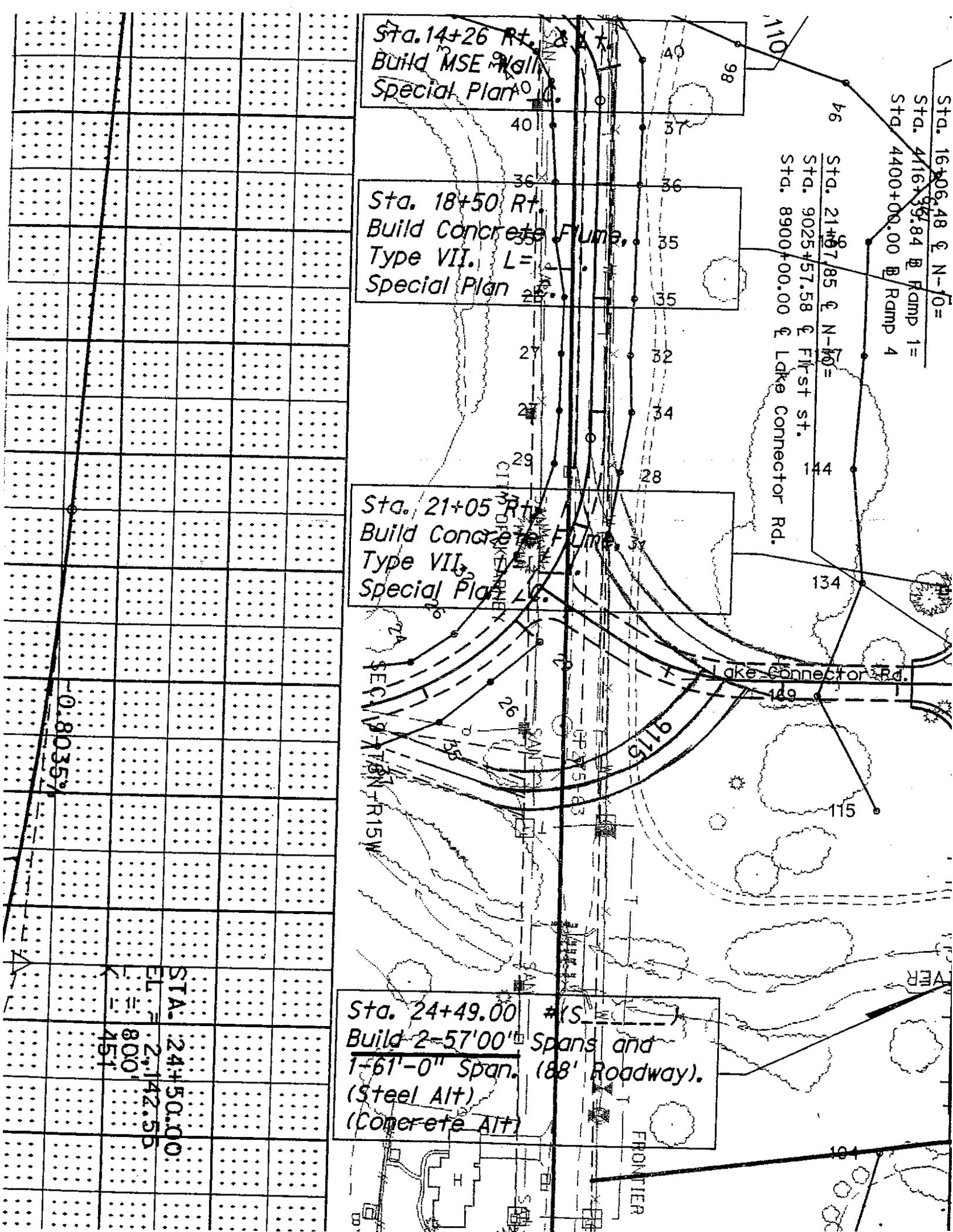
Sta. 21+05 Rt. 11
Build Concrete Flume,
Type VII. L=20.
Special Plan 20.

Sta. 24+49.00 #1(S) ---
Build 2-57'00" Spans and
1-61'-0" Span. (88' Roadway).
(Steel Alt)
(Concrete Alt)

Std. 16+06.48 @ N-10 =
Std. 4161+36.84 @ Ramp 1 =
Std. 4400+00.00 @ Ramp 4
Std. 21+87.85 @ N-10 =
Std. 9025+57.58 @ Fil-st st.
Std. 8900+00.00 @ Lake Connector Rd.

STA. 24+50.00
EL. = 2,142.55
L = 800'
451'

-0.8035%





Citizen Comments

Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

Mr. Dugan,

I'm sorry I was unable to attend the public hearing held on April 1, 2008 in Kearney.

As a shareholder of K.S.S. Inc. (we own Pony Ranch Lake), I'm concerned about the affect the new exit will have on the lake.

I would like to see the State move the Lake Connector Road and the old Pony Lake road as indicated in yellow highlight on the enclosed photocopy of the plat.

The bigger radius would take both roads and thus, the traffic further away from the water's edge. It will also leave the present trees standing.

Your considerations are appreciated.

Thank You

Steven R. Voigt

(Please print)

Name:

Steven R. Voigt

PO Box:

1184

Street Address:

5207 Ave G Place

City, State, Zip Code

Kearney, NE 68847

Phone:

308-236-5045

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Kevin Dugan • Communication Division • (402) 479-4871

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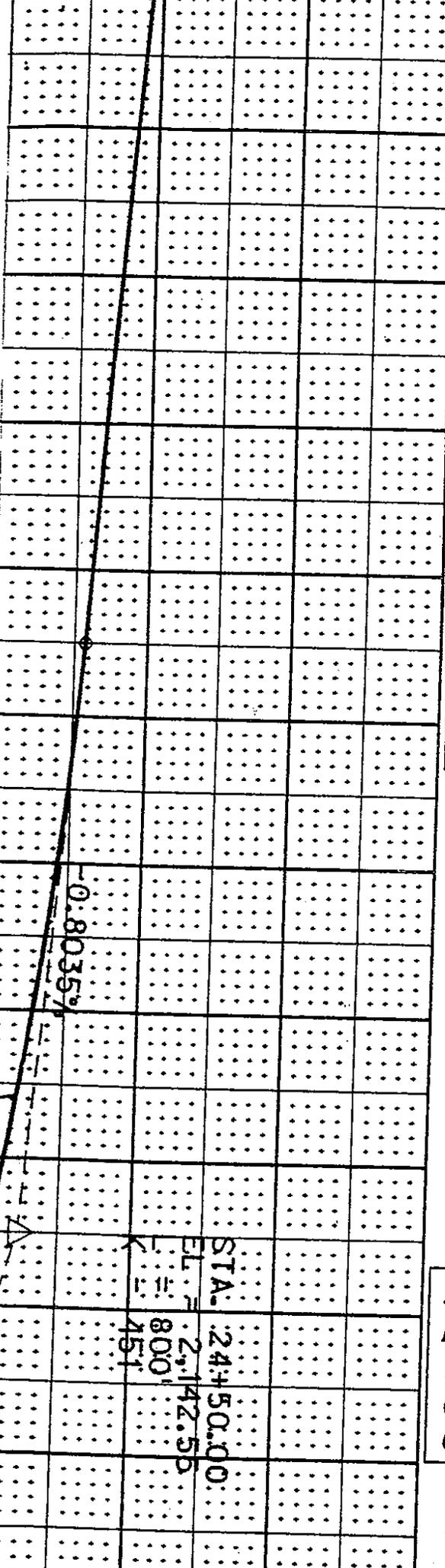
Sta. 14+26 Rt. 8
 Build MSE Wall
 Special Plan

Sta. 18+50 Rt.
 Build Concrete Flume,
 Type VII, L=
 Special Plan

Sta. 21+05 Rt.
 Build Concrete Flume,
 Type VII,
 Special Plan

Sta. 24+49.00 #1(S)
 Build 2-57'00" Spans and
 1-61'-0" Span, (88' Roadway).
 (Steel Alt)
 (Concrete Alt)

Sta. 16+06.48 @ N-10 =
 Sta. 4116+39.84 @ Ramp 1 =
 Sta. 4400+00.00 @ Ramp 4
 Sta. 21+07.85 @ N-10 =
 Sta. 9025+57.58 @ Fil-st st.
 Sta. 8900+00.00 @ Lake Connector Rd.



STA. 24+50.00
 CL = 2,142.55
 K = 800
 L = 451

-0.80357

VER

FRONTIER



Citizen Comments

Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

Syed Atallah

NDOR - Roadway Design Division

Po Box 94759

Lincoln, Ne. 68509-4759

Dear Syed,

We would first like to thank you for your interest in our possible problems with roundabouts. We are also sending some copies of our loads and a note on some of our concerns.

We don't have a problem with the roundabouts as long as we can get through while the stopped traffic waits for the REAR of our loads to clear. Our loads will be going through in the morning when people are late for work. Our concern is that the stopped traffic will start to roll ahead after the cab passes the stopped car. They will not realize the REAR will be swinging outside of the driving radius. The truck driver will have no idea if the stopped car has moved ahead to the outside swing radius of the back of the load since it will be a blind spot.

As we approach the round about from the east on 39th street the road curves south and we have to turn north causing the back ends of our loads to swing into the oncoming traffic. (drawing #1) If we could drive more straight (with a small island) we would help eliminate turning north with the current design. (drawing #2).

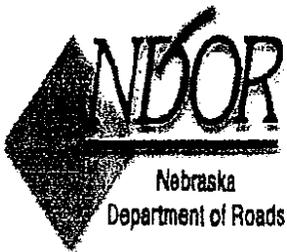
I understood you have templates that you can put on the plans to see if everything clears. We could have a problem if the cars start to roll ahead not realizing the rear of the load will be going outside the radius of the intersection. (drawing #4)

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. *Thank you for participating in our public involvement process.*

Name: Tom Bokenkamp
PO Box: _____
Street Address: 4740 East 39th Street
City, State, Zip Code: Kearney, Ne. 68847
Phone: (308) 237-5173

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103



Citizen Comments

Please submit your written comments and questions by: April 11, 2008

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

We are sending some pictures showing some of our trailers with the dimensions of the trailers. Please note the axles of the trailer are ahead of the center of the pipe.

The longest pipe we have made is 101' long. Many loads are up to 142" wide. We can now make up to 16' diameter. With pipe over 144" we are required to use a pilot car. We hope to ship longer lengths in the future because of the better project design, the lower cost and the request from our customers. We need to use this intersection to get to Highway 30, Interstate I-80 and Highway 10 north of town.

We will also have the same issues north of town as we go to the northern part of the state.

If you have any questions, please give us a call.

CC Kevin Dugan
CC Wes Wahlgren
CC Roger Peterson

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Tom Bokenkamp
PO Box: [Signature]
Street Address: 4740 East 39th Street
City, State, Zip Code: Kearney, Ne. 68847
Phone: (308) 237-5173



Kearney Public Schools

Department of Buildings and Grounds

May 28, 2008

Mr. Kevin Dugan
NDOR Communications Division
PO Box 94759
Lincoln, NE 68509-4759

Re: Kearney East Interchange and Bypass

Dear Mr. Dugan:

Kearney Public Schools has some concerns regarding the proposed changes to Coal Chute Road and Cherry Avenue which would be in conjunction with the Highway 10 Kearney East Interchange and Bypass.

The widening of Coal Chute Road necessary to permit the turning lanes for Highway 10 would move the right of way (ROW) to within a car's length of the south wall of Stone School. This is unacceptable in our view inasmuch as it eliminates the parking on the south side of the building as well as reducing the larger parking lot (southeast of the building) to not much more than a driveway. (See yellow highlight on attached drawing.) Considering that we have 30 to 50 vehicles plus a school bus all using this area for student delivery and pick-up twice a day, it would create a substantial back up of traffic onto Cherry Avenue. It also appears that the parking lot would not permit a school bus to turn around, presenting us with two undesirable options: 1) have the bus pull into the drive and back out into traffic on Cherry Avenue, or 2) have the bus stop on Cherry Avenue and the students load and unload there, which would involve stopping traffic in both directions.

We are also concerned that the proximity of high speed traffic so close to the south wall of the building presents a dangerous situation.

Following are a number of questions pertinent to this project and Stone School.

1. Could Kearney Public Schools be granted use of the property in the ROW south of the school building for parking purposes?
2. Could KPS be deeded the parcel of property east of the school property where Cherry Avenue will be vacated and extending eastward to the new Cherry Avenue ROW, to be used for a parking lot? (See green highlight on attached drawing.)
3. Could we engineer in an exit only drive way south of the building onto Coal Chute Road? (See blue highlight on attached drawing.)
4. Will the traffic on Coal Chute Road be slowed as it is presently (now 35 MPH zone)?

If you have any questions or need further information, please contact me at 308-698-8250.

Sincerely,

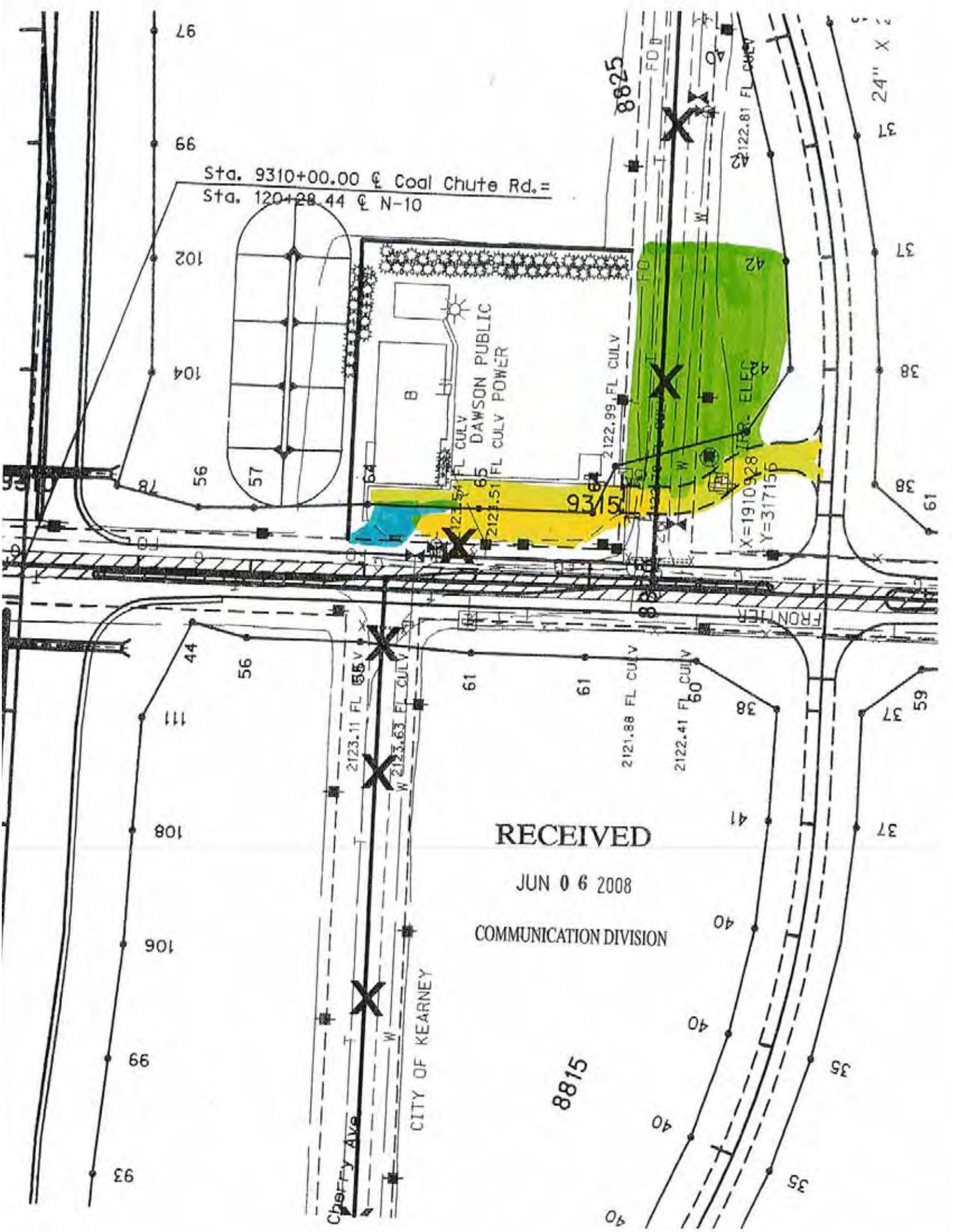


Art Hansen
Director of Buildings & Grounds
Kearney Public Schools

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JUN 06 2008

COMMUNICATION DIVISION



Sta. 9310+00.00 @ Coal Chute Rd. =
Sta. 120+28.44 @ N-10

B
DAWSON PUBLIC
DAWSON POWER

A22
ELEG
X=1910928
Y=317156

RECEIVED
JUN 09 2008
COMMUNICATION DIVISION

Cherry Ave

CITY OF KEARNEY

8815

FRONTIER



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

July 24, 2008

Mr. Art Hansen
Director of Buildings & Grounds
Kearney Public Schools
1007 West 20th Street
Kearney, NE 68845-5100

RE: Project 10-2(114), C.N. 42103A, Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Mr. Hansen:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

We are making every effort to minimize the impacts to the school parking. We will try to shift Coal Chutes alignment south as much as possible and with the use of curb rather than shoulders should help somewhat.

I offer the following responses to your four questions as mentioned in your letter respectively:

1. As a policy, State does not allow encroachments on State right-of-way for parking.
2. The acquisition of right-of-way can only be purchased for highway purposes. At the completion of the project, if any remnants, considered as excess right-of-way, may be negotiated.
3. NDOR has approved Schools' request to engineer the current drive way south of the building onto Coal Chute Road to exits only drive.
4. Buffalo County has a jurisdiction on posting a speed limit on county roads. NDOR will forward Schools' request to the county.

It is our intent to work with you to find solutions that will minimize changes to the school operations. As design progress we will be in touch to discuss our plans with the school.

The Department of Roads' goal is to provide safer and efficient highway for our public. Your concerns and inputs are appreciated and I hope your questions have been answered.

Sincerely,

Syed Atallah, Ph.D., P.E.
Project Manager
Roadway Design Division

Enclosure

CC: District 4, City of Kearney, Buffalo County, File

Sent all out

An Equal Opportunity/Affirmative Action Employer



Kearney Public Schools

Department of Buildings and Grounds

May 28, 2008

Mr. Kevin Dugan
NDOR Communications Division
PO Box 94759
Lincoln, NE 68509-4759

Re: Kearney East Interchange and Bypass

Dear Mr. Dugan:

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4. Will the traffic on Coal Chute Road be slowed as it is presently (now 35 MPH zone)?

If you have any questions or need further information, please contact me at 308-698-8250.

Sincerely,



Art Hansen
Director of Buildings & Grounds
Kearney Public Schools

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JUN 06 2008

COMMUNICATION DIVISION



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

July 22, 2008

Mr. Craig Peister
110 Huron Drive
Kearney, NE 68847

RE: Project 10-2(114), CN 42103A
Kearney East Bypass

Dear Mr. Peister:

Thank you for commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions. To address your concerns and questions I offer the following responses:

The preferred alignment was selected by the benefits it can bring and by minimizing impacts to property. A west side interchange is not part of this study; however, the City does indicate a plan for an additional interchange on 30th Avenue and I-80 in their comprehensive plan (<http://www.cityofkearney.org>). The City's Comprehensive Plan anticipates serving growth on the east side of Kearney this coupled with the congestion on 2nd Avenue make this connection a statewide need. Federal funding secured to be used on the bypass cannot be used on a west side interchange. I am not aware of the City's schedule for a 30th Avenue interchange.

While we have all heard of government waste, it is our intent to serve the citizens as efficiently as possible through proper study, design, and construction of the states transportation network. We believe this alignment serves a great need in the region.

Again, thank you for your input.

Sincerely,

A handwritten signature in cursive script that reads "Syed Atallah".

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

July 22, 2008

Mr. Lee Potter
6985 Antelope Avenue
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Mr. Potter:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

We are aware that the preferred alignment and the designs will have some negative impacts and your concern is one of them. It is our goal to minimize negative impacts while keeping good design standards. We need to keep in mind that the facility that is proposed is high speed and will carry a different mix of traffic than exists on the county system today. Safe design of this facility dictates we manage access points to limited locations and spacing.

Again, thank you for your input.

Sincerely,

A handwritten signature in cursive script that reads "Syed Atallah".

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

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July 22, 2008

Mr. Ed Sweet
100th and Cherry
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Mr. Sweet:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

The plan was reviewed with the City and Buffalo County Public Works Officials. They have indicated the majority of traffic is in an east/west direction. We have received comment that there should be access points for both east/west and north south and we will forward those to the County for their review.

An "off-ramp" would be higher speed departure onto a gravel road which would not be considered a safe design.

Thank you for your input.

Sincerely,

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

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July 22, 2008

Ms. Theresa Holtzen
2908 East Highway 30
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Ms. Holtzen:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

Sincerely,

A handwritten signature in cursive script that reads "Syed Atallah".

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

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July 22, 2008

Mr. Scott Sweet
4425 E 100th
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Mr. Sweet:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

A northbound/southbound access from the bypass was suggested by several who attended the meeting. We will forward those to the County for their review and comment. The east/west alignment shown at the meeting was to accommodate the majority of traffic moving through the existing intersection of 78th and Cherry Avenue. Having only one alignment does create a backtrack situation for those traveling north or south.

Thank you for your input.

Sincerely,

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

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July 22, 2008

Mr. Gerald Brandorff
4711 Avenue E
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Mr. Brandorff:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

We agree with your comments.

Thank you for your input.

Sincerely,

A handwritten signature in cursive script that reads "Syed Ataulah".

Syed Ataulah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

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Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

July 22, 2008

Ms. LaDonna Ahrens
4835 Pony Lake Road
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Ms. Ahrens:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

We received several similar comments regarding the alignment of Pony Lake Road. We are going to redesign the alignment to minimize impacts to the areas adjacent the lake.

Thank you for your input.

Sincerely,

A handwritten signature in cursive script that reads "Syed Atallah".

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

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July 22, 2008

Ms. Christy Cronin
250 Rainbow Lane
Gibbon, NE 68840

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Ms. Cronin:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

A northbound/southbound access from the bypass was suggested by several who attended the meeting. We will forward those to the County for their review and comment. The east/west alignment shown at the meeting was to accommodate the majority of traffic moving through the existing intersection of 78th and Cherry Avenue. Having only one alignment does create a backtrack situation for those traveling north or south.

Thank you for your input.

Sincerely,

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

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July 22, 2008

McKean Land and Cattle Co.
2180 East 56th Street
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alert us to unforeseen conditions. In response to your concerns I offer the following information:

In setting the alignments we are attempting to minimize impacts to irrigation equipment.

A northbound/southbound access from the bypass was suggested by several who attended the meeting. We will forward those to the County for their review and comment. The east/west alignment shown at the meeting was to accommodate the majority of traffic moving through the existing intersection of 78th and Cherry Avenue. Having only one alignment does create a backtrack situation for those traveling north or south. The distance (length) is due to maintaining access points to ½ mile.

We will work to provide the safest access within the design standards for the bypass to your property.

Our field staff will ensure the project is constructed in accordance with contract documents. Maintenance of the bypass will be performed by our district maintenance staff.

The project will bring about change to the area and we will attempt to minimize impacts to properties.

Thank you for your input.

Sincerely,

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

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July 22, 2008

Mr. Ronny Roberts
4240 East 1st Street
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Mr. Roberts:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alert us to unforeseen conditions. In response to your concerns I offer the following information:

We received several similar comments regarding the alignment of Pony Lake Road. We are going to redesign the alignment to minimize impacts to the areas adjacent the lake.

A prohibition on engine braking is a local ordinance and would be either the City or County in this case. I will forward your comments to both entities for their review.

The project will bring about change to the area and we will attempt to minimize impacts to properties.

Thank you for your input.

Sincerely,

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

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Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

July 22, 2008

Mr. Steven R. Voigt
5207 Avenue G Place
PO Box 1184
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Mr. Voigt:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alert us to unforeseen conditions. In response to your concerns I offer the following information:

We received several similar comments regarding the alignment of Pony Lake Road. We are going to redesign the alignment to minimize impacts to the areas adjacent the lake.

The project will bring about change to the area and we will attempt to minimize impacts to properties.

Thank you for your input.

Sincerely,

A handwritten signature in cursive script that reads "Syed Atallah".

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

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Phone (402) 471-4567 • FAX (402) 479-4325 • www.dor.state.ne.us

July 22, 2008

Mr. Robert L. Markus
1360 E 78th Street
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Mr. Markus:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

We are planning on shifting the alignment south from Cherry Avenue to as far west as practical to eliminate or reduce significantly impacts north of the existing county road right-of-way. This shift should address most of the impacts to the houses.

The facility design being used is a controlled access and high speed highway that is intended to function more as an expressway. This is a different function from the highways you mentioned, and necessitates the limitation on driveways.

Closer to the time of construction impacts to your property, including irrigation, will be appraised and compensation established for the impacts. Your property is in the third project so I would anticipate more than one year before this process would occur. In the meantime we are continuing design and will take into account your concerns as we move forward.

Thank you for your input.

Sincerely,

Syed Atallah
Project Manager
Roadway Design Division



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ROADS

John L. Craig, Director

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July 22, 2008

Theresa Sweet
4425 E 100th
Kearney, NE 68847

RE: Project 10-2(114), C.N. 42103A Kearney East Bypass
Public Information Meeting Citizen Comments Response

Dear Theresa Sweet:

Thank you for attending the public information meeting and commenting on the project. Citizen input aids us in improving roadway designs and alerting us to unforeseen conditions.

A northbound/southbound access from the bypass was suggested by several who attended the meeting. We will forward those to the County for their review and comment. The east/west alignment shown at the meeting was to accommodate the majority of traffic moving through the existing intersection of 78th and Cherry Avenue. Having only one alignment does create a backtrack situation for those traveling north or south.

Thank you for your input.

Sincerely,

A handwritten signature in cursive script that reads "Syed Atallah".

Syed Atallah
Project Manager
Roadway Design Division

JULY 2007

LOCATION PUBLIC HEARING



Wes
Wahlgren/DOR/NEBRLN
08/02/2007 08:45 AM

To Kevin Dugan/DOR/NEBRLN@NEBRLN
cc
bcc
Subject 10-2(114), CN 42103A, Kearney East Interchange and Bypass

I recieved a call from Mr Jay Lumbard (308-234-2779) from Kearney, NE with an additional comment on Cherry Avenue.

He does not like the roundabout on the 39th Ave and US-30 connector intersection. His reasons are it is on the industrial side of town and it will get a lot of heavy commercial traffic. He is also concerned about the traffic volume when the manufacturing plants change shifts. He said he prefered a signalized intersection for this location.

We discussed roundabouts, I told him how they are designed to operate, that they are more efficient and safer then a standard signalized intersection.

Wesley Wahlgren, P.E.
District 4 Engineer
(308) 385-6265
(308) 385-6269 FAX
wwahlgre@dor.state.ne.us

Citizen Comments



Please submit your written comments and questions by: July 27, 2007

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

RECEIVED
JUL 31 2007 STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

COMMUNICATION DIVISION

Kearney added a overpass (M-IV) only
2 blocks FROM ANOTHER one, THIS made
NO sense TO MOST people. THE new
INTERSTATE INTERCHANGE SHOULD BE AT
CHERRY AVE. Like A subdivision IT needs
TO Be seperate FROM existing TOWN
TO Be new AND NOT PART OF THE SAME
SYSTEM now in place. CHERRY would open
new AREAS FOR ~~growth~~ THE TOWN TO
grow AND A new INTERENCE TO THE
AIR PORT. THE FACTORY workers THAT
live NORTH-SOUTH-AND EAST could skip
2ND AVE TRAFFIC, THIS would make A
TRUCK ROUTE PAST KEARNEY ALSO.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: TONY OURADA
PO Box: 1123 5TH AVE
Street Address: #
City, State, Zip Code: KEARNEY NEBR 68845
Phone: 308-237-1099



Citizen Comments

Please submit your written comments and questions by: July 27, 2007

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

I am a landowner along both proposed routes of the Kearney Bypass. Cherry Ave corridor would be the right choice for efficiency to the airport and industrial parks. I feel 2 miles between interchanges is too close.

Thank you,

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: JERRY McKEAN
PO Box: _____
Street Address: 2180 East 56th
City, State, Zip Code: KEARNEY NE 68847
Phone: 308-237-5602

Kevin Dugan • Communication Division • (402) 479-4871

RECEIVED

JUL 31 2007

COMMUNICATION DIVISION

Citizen Comments



Please submit your written comments and questions by: July 27, 2007

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

Dear Mr. Dugan,

There are several issues that I would like to comment on concerning the Cherry Avenue Bypass:

I own the property that is north of the interchange and east of the Bypass. My concern is that there was an access road to my property in the original plan, however, in the latest proposal, this access road has been removed. The access road to the sewer plant, which is in the opposite direction, has not been changed. I have been making plans for some time to develop the property and the removal of this access road will force me to dramatically change those plans.

The current proposal will not offer any accessible services for travelers until they have driven at least a mile from the interchange. This extra distance is unreasonable and not "user friendly" for travelers.

I would like to have the access road reinstated as a full movement intersection. I feel that this is a reasonable request because the intersection would be spaced at a distance greater than a quarter of a mile from the interchange. Thank you for your attention.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: TOM KAPPAS
PO Box: _____
Street Address: 3618 FAIRWAY DRIVE
City, State, Zip Code PLATTSMOUTH, NE 68048
Phone: 402-298-8862 402-690-1643

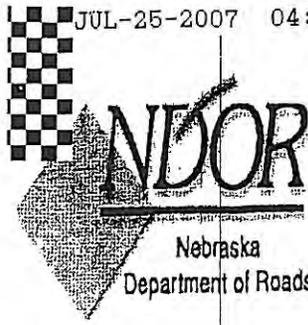
Kevin Dugan • Communication Division • (402) 479-4871

RECEIVED

JUL 27 2007

COMMUNICATION DIVISION

PM2-PM



Citizen Comments

Please submit your written comments and questions by: July 27, 2007

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

The Antelope Avenue alternative for the Kearney East Interchange and Bypass would create a negative impact for Kearney Crete + Block and Ready Mix of Kearney. The proposed exit off of the bypass would cut through the yard eliminating our access to our block and ready mix plants, stockpile areas, a rock conveyor, fuel island and truck parking. These are integral to our operation and can not be moved to another location. Also, Future expansion has been planned for the area encircled by the exit to Highway 30.

Ready Mix of Kearney
Kearney Crete + Block
(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Theresa Holtzen
PO Box: _____
Street Address: 2908 East Highway 30
City, State, Zip Code: Kearney, NE
Phone: 308-237-3126

Kevin Dugan • Communication Division • (402) 479-4871

Citizen Comments



Please submit your written comments and questions by: July 27, 2007

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

RECEIVED
JUL 25 2007
COMMUNICATION DIVISION
STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

There is only one logical choice and that is Cherry Avenue! The Alternate displaces to many residences and businesses. Local traffic uses Antelope Avenue a lot and putting interstate truck traffic on Antelope only shifts the congestion from 2nd Ave to Antelope. Cherry Avenue will take the traffic out around which will be better for both local and by pass traffic. Local traffic won't use cherry like they do Antelope.

The businesses on Antelope are strategically located for commercial use and it would be detrimental to the commercial customers as well as the business itself.

Also a block west of Antelope is a residential area that a 4 lane road could cause accidents to rise on a now safe road.

The majority of people I talk with say Cherry Avenue is the only choice. I live near the north end of the project and I agree that Cherry Avenue is the only choice!

Thank you.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Richard Stokes
PO Box: _____
Street Address: 8910 2nd Ave
City, State, Zip Code: Kearney, NE 68847
Phone: 308-440-2744



"taylor"
<tayksg@charter.net>
07/25/2007 07:45 PM

To <kdugan@dor.state.ne.us>
cc
bcc
Subject We vote for Cherry Avenue!

TO: Mr Kevin Dugan,

FROM: Gordon and Audrey Taylor, Kearney, NE

We attended the July 17th meeting of the Kearney East Bypass. We are excited about the idea of another interstate access into east Kearney, but we favor the Cherry Avenue alternative. Too many businesses and residences would be uprooted with the Antelope Bypass.

Our residence, business, and rental apartment at 2912 Antelope are marked for relocation. We were surprised as we had believed the Cherry Avenue bypass was the chosen route. We bought the building in 1994 and have come to love the location for several reasons:

- It is minutes from our employment. Audrey has worked at Morris Printing Group for sixteen years and plans to stay there until retirement. She is the only person there who walks regularly to and from work, weather permitting. Thank you Kearney Crete & Block for mowing her special walking path. She enjoys being able to go home every day for lunch. Our son, Chad is also glad to spend his half hour lunch at our house since he works at Baldwin Manufacturing. Gordon enjoys being able to be in his construction office in seconds whenever he wants. All his equipment and material can be housed in his 3600 square feet shop-vehicle-warehouse. There is even an extra 28' x 16' extra detached garage for more equipment or to rent out. The 1066 square feet apartment provides extra income and is privately located in the back and is separated by the shop area.

- Our residence area is approximately 2,000 square feet. It is very safe and soundproof as exterior and interior walls are mainly consist of concrete blocks. A little challenging for redecorating, but we have managed to update the kitchen, bathrooms (three), and have recently done some major work in the 18' x 38' office area. Because of roof leaks caused by the January ice storm, we replaced the main roof in April, 2007 at a cost of over

\$11,500. Because of the leaking roof, we also had to replace the ceiling in the office less than a month ago. We replaced the roof over the 3 guest bedrooms area at a cost of \$2,200.00 in 2003, and the living room roof was replaced in 1998. As with many homeowners, we always have projects going. New office entrance, new carpet, concrete, and paint projects are now on hold until we know what decision is made on the bypass location.

- We believe we are excellent neighbors and love our location. We try to look out for the businesses around us and try to keep the area clean and have worked hard to make the exterior more residence than business looking.

- We are looking forward to living at this location even into retirement. It is completely wheel chair accessible with large doorways and interior ramp from the office area to residence. The master bathroom is even set up disability friendly. The apartment could be used as a caretaker residence or as our apartment, if we decide to make this a part-time residence, renting out the main area.

Thanks for listening.



"Steve Stelling"
<cvik@citlink.net>
07/25/2007 05:50 PM

To <kdugan@dor.state.ne.us>
cc
bcc
Subject Kearney Bypass C.N. 42103

Kevin;

My name is Steve Stelling, I own and manage CVI Kearney, the center pivot irrigation business at 3111 Antelope ave.

My comments and or thoughts relating to the proposed East Kearney Bypass are as follows:

It appears by the definition of the term Bypass that indeed one should in fact Bypass the city on a Bypass. When one looks at the commercial development on the east side of Kearney in the past 10 years it becomes evident, to me at least, that Kearney has expanded or grown to include Antelope Ave. In reality it is in town, Cherry Ave is not. The proposed Antelope Ave. Bypass location just looks to be a logistical disaster at the Hiway 30 location and several blocks north.

The proposal providing an access from Antelope Ave to Hiway 30 seems to me to be a disaster for several business, myself included, even though it does not show my relocation. It would be an operational nightmare for our business. Same thing applies especially for Kearney Concrete and Block as well as Nebraska Crane Rental. Granted, we are not as location specific like a fast food restaurant, but we do have relatively easy access for heavy equipment and trucks now. The proposed interchange would ruin that, we may as well close our respective businesses. If that happens we will be at the mercy of the market place since we would not be included in the "buy out" anyway. I'm not really interested in selling my property at any price right now. I don't believe today's market value could come close to compensating me for my property, it's likely appreciation, its value as rental or operational business property for a reasonable time frame like 25-40 years. Commercial property in Kearney is very limited given the fact that the UP Right-of-way is just a stones throw south of Hiway 30. That effectively cuts commercial property with reasonable access to Hiway 30 in Kearney in half, only the north side is usable.

Antelope Ave. Bypass would require construction over the old Kearney City Landfill. That was abandoned way before any regulations regarding landfill operation was in effect. I can see that as an economic disaster. Not a good place to build a high-speed heavy traffic roadway, I would think.

Cherry Ave. would seem to me to be the logical location given the logistics involved. Granted, it will require one additional mile of roadway up on 78 th St, but that seems like a small consideration comparing the Antelope proposal to the Cherry proposal. The biggest issue would seem to be the residence at the intersection of Cherry and 39 th St. Sure it is a nice, well kept place. It is far easier to relocate a residence without having a disastrous financial effect on the landowner than it does to relocate or isolate businesses. The old saying in real estate relative to value being dependent on 3 things, Location, Location, and Location holds true for residences as well as businesses, but not nearly as much. Having a house at 39 th and Cherry and relocating a couple miles one way or the other really is no big deal economically. Moving or crippling a business by forcing them to relocate to some obscure location would have a catastrophic effect economically. I moved from an obscure location to where I am now 19 years ago, that had as much to do with our growth as anything we have done in the past 19 years.

I could go on ad nauseum on this topic, but I believe these considerations to be the ones of greatest impact.

To me it is a no-brainer, Cherry Ave. is the correct location for the Bypass, not Antelope.

Steve Stelling
CVI Kearney
Box 945
3111 Antelope Ave
Kearney, NE 68848-0945
308-237-2268



Citizen Comments

Please submit your written comments and questions by: July 27, 2007

Return To:

Nebraska
Department of Roads

ATTN: L. LENZEN
Roadway Design

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

1. PREFERRED KEARNEY BYPASS REF BUFFALO COUNTY MAP
START AT I-80 + Hwy 10. USE EXISTING HWY 10 NORTH TO HWY 30
BUILD AN OVERPASS OVER UPRR + HWY 30 AND INTERCHANGE FOR
HWY 30 TRAFFIC + HWY 10 TRAFFIC. HWY 10 BYPASS CONTINUES
NORTH TO 78TH ROAD + TURNS WEST ON 78TH RD TO INTERSECT (6TH
WITH EXISTING HWY 10 + 40 THIS WOULD USE EXISTING
ROADS. THEY MAY NEED TO BE WIDENED. INTERCHANGE
WOULD NEED TO BE BUILT NORTH OF HWY 30 SO TRAFFIC COULD
CHANGE DIRECTIONS. TRAFFIC LIGHTS COULD BE ADDED.
ROAD TO ARCHWAY FROM HWY 10 - HWY 10 COULD CONNECT TO
11TH ST (ABOUT 1 MILE) AND 11TH ST TO ARCHWAY PARK AT ANTELOPE
OR AVE N (ABOUT 1 MILE) ALTERNATE ROUTE HWY 10 GO WEST
ON COAL CHUTE ROAD OR 24TH RD TO ANTELOPE TURN + GO
SOUTH TO ARCHWAY PARK RD THE PREFERRED ROUTE
WOULD USE EXISTING ROAD + NOT INTERFERE WITH RIVERS +
SANDPITS ENVIRONMENT.
2. CHERRY AVE PLAN COULD BE THE 1ST ALTERNATE. THE USE
OF A CIRCLE AT 39TH ST + CHERRY SHOULD NOT BE USED DUE
TO TRUCKS + COMMERCIAL TRAFFIC. I WOULD USE
TRAFFIC LIGHTS AT ALL 39TH ST INTERSECTIONS. I DON'T
THINK I-80 + CHERRY IS A VERY GOOD CONSTRUCTION SITE DUE
TO SANDPITS + ENVIRONMENTAL ISSUES + CLOSE PROXIMITY
TO THE PLATTE RIVER
3. ANTELOPE AVE PLAN COULD BE 2ND ALTERNATE PLAN
THIS PLAN AFFECTS A JOHN DEPPE DEALER ON HWY 30
AND READY MIX CONCRETE PLANT AT HWY 30 + ANTELOPE
+ OTHER NEW BUSINESSES AT THIS INTERSECTION

(Please print)

Name: Way G. Lumbard
 PO Box: _____
 Street Address: 3607 ANTELOPE AVE
 City, State, Zip Code: KEARNEY NE 68847
 Phone: 1-308-234-2779

We, at the Department of
Roads, appreciate your input.
Your comments and questions will
be reviewed by appropriate
department engineers and staff.
Thank you for participating in our
public involvement process.

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Please submit your written comments and questions by: July 27, 2007

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PO Box 94759
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E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

C.N. 42103

STPD-IM-STPN-TMT-10-2(114), Kearney Bypa

I personally attended the presentation meeting 7/17/07 @ the Buffalo Extension building.

An enormous amount of input/information went into this project. Today, all areas scope were present and answered questions of concern.

I think the Cherry Exit is best. It needs to be farther out (EAST) because Kearney seems to be growing North + East with subdivisions and hopefully won't build houses too close to the Exit.

The comment was made in Wednesday that the turn Roundabout might not be the answer for large trucks. It's a real thought.

The Roundabout we have experience with is at Good Samaritan Hospital. One has to become familiar with it. It doesn't involve heavy traffic at all times like the Exit could.

We really do need another Exit in Kearney.

Thank you for all your involvement in the process.

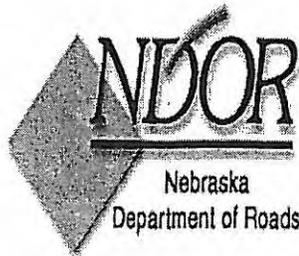
(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: THOMAS + JEAN LEIDY
PO Box: _____
Street Address: 414 E. 33rd St.
City, State, Zip Code: KEARNEY, NE 68847
Phone: _____

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STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

After viewing both plans it would appear that the Cherry Ave. site is still the best site for this project.

The Cherry Avenue route would give traffic straight access to the industrial area and the Airport.

The Cherry Ave route would disrupt the fewest residences + businesses.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Stan Zimbelman
PO Box: _____
Street Address: 124 W 46th St
City, State, Zip Code: Kearney NE 68847
Phone: 308-865-5404

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STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

this entire project was a dead horse from the start. the purpose of the exit is for the archway's benefit. Not Kearney business, or down town Kearney. I oppose the whole thing as a top 5 year, another waste of money.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: WAYNE MACOMBER

PO Box: _____

Street Address: 860 E 1ST

City, State, Zip Code KEARNEY NE 68847

Phone: 308-237-7411 308-289-0004

Kevin Dugan • Communication Division • (402) 479-4871

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STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

Re: Cherry Ave Alt.

My company is located in the Kearney Industrial Park right off of the existing Cherry Ave.

Our concern is that the existing Cherry Ave. will dead end just north of the industrial park.

We receive a great deal of traffic from the north. Our customers use 78th and 56th to get to us. We realize customers can get to us through the roundabout; however it will be hard to explain.

Could the NDOR connect the existing Cherry Ave to the new bypass north of the industrial park? Possibly connect the existing Cherry Ave to 56th St?

Thanks for the consideration, BTW, I like the roundabout idea.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: E.J. Webber, Triangle Metals
PO Box: 325
Street Address: 4211 E. 43rd St Place
City, State, Zip Code: Kearney NE 68848
Phone: 308-237-2194

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"Mid Plains Farm
Equipment - Neil Koster"
<sales@midplainsonline.co
m>

07/20/2007 07:29 AM

To <kdugan@dor.state.ne.us>

cc

bcc

Subject: Kearney bypass

I attended the public meeting Tuesday, July 17th for the new east by-pass and was very disappointed in the engineers plans. The aerial maps were "ten" years old and did not show all the development that has occurred in recent years east of Kearney. Being a 36 million dollar project, why didn't you use more current maps?

The maps did not show all the business development on Antelope Ave. I feel this location is a very poor location due to the development in place. A new by-pass should be on the outer skirts of a town so it will allow the city to grow out to the by-pass. It also would cost less to build in an open area.

I feel the Cherry Ave. plan is a very poor layout. It will not provide any direct access to or off of Highway 30. All the talk is how it will help the access to the archway (a big failure), airport and the national guard unit, it does not help the access to our largest tourist business - Cabela's. Cabela draws some 750,000 visitors per year, our airport is 10,000 annual, or less that 30 people per day. I mentioned Cabelas, but consideration should also be placed on all the other businesses/industries.

In the last five years, several businesses have built along highway 30 east of Kearney to the highway 10 junction. This is a prime location for development.

The state should of considered the Minden exit (279) to develop into a better east exit for Kearney. Buying 206 acres of prime farm land would not of been required and the cost would of been several million less. An overpass could of been built over the railroad and highway 30 with a clover leaf approach onto highway 30 and increasing highway 30 into a four lane highway into Kearney. The by-pass could of been built on north on Keystone road and then west on 78.

Neil Koster
P. O. Box 2526
Kearney, Ne. 68848-2526
Day (308) 237-5810



Citizen Comments

Please submit your written comments and questions by: July 27, 2007

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

It's a "no brainer" to use Cherry Avenue
 less congestion, less property acquisitions, serves as a better
 bypass to the community,
 serve growth of airport and National Guard Army better

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: Gene Freeze
 PO Box: _____
 Street Address: 17 Red Fox Lane
 City, State, Zip Code: Kearney Nebraska 68845
 Phone: 308-440-1430

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COM2-PM



Kathy L Morrow
<morrowkl@unk.edu>
07/18/2007 09:35 AM

To kdugan@dor.state.ne.us
cc
bcc
Subject Kearney East Interchange and Bypass Alternatives

Mr. Dugna:

7-17-07

I attended the meeting this evening regarding the Kearney East interchange. I found the meeting and the information interesting; however I still have some concerns and issues as to how the money and resources are being used for this project.

When the talk for a second exit was in the plans, I thought right away that this was and is a total waste of city, state and government taxes. If one would look not too far down the road, east of Kearney, there is an exit already that many people use, that being the Minden exit. As you drive around this state and observe the exits, there are many towns that "share" exits; El: Hastings and Grand Island, York and Geneva, Holdrege and Elm Creek, just to name a few. My guess is if you would "ask" these towns if sharing an exit is so bad, I'm sure they would have no problem with it.

I have lived in this town for almost 25 years. I do agree that there are traffic concerns on 2nd Ave and they need to be addressed, yet let's not think about the here and now and let's think about the 10 or even 15 years down the road. You and I both know that in time all Highway 30 will be become a four lane highway, maybe not in your or my lifetime, but it will happen.

Here are my ideas and suggestions to the issues:

Take the funds which are being denoted to the project, create and overpass over the Minden railroad Exit.

Make Highway 30 from Minden to Kearney four lanes and from there; go on with your project. This will also stay away from Stone School.

As far as assisting with the Archway Monument; I have seen in other States where they have "exits" off the interstate into such attractions. Florida is just one example one of those states. This exit then could be an off ramp only and people must come into town to re-enter the interstate, or have a ramp to re-enter the interstate there at the Monument. If people are really concerned in helping the Monument survive, I think they would be looking into doing such.

The crossings at highway 30 be it Antelope or Cherry will require a stoplight or you will have accidents and deaths that we don't need. The crossings at 39th Street be it Antelope or Cherry will require a stoplight or you will have accidents and deaths that we don't need. I live right near Antelope and 39th and I have seen more terrible awful accidents then I ever wanted to in my life. Someday, 39th Street will be four lines all the way out to the airport road and there will be more issues to deal with if there aren't lights put in now.

I think the project is on the right path; however using the resources wisely is important. Having the "overpass" at the Minden exit and closing the crossing will still make the railroad happy and they still should be willing to assist with some of the cost. I agree that crossings are dangerous, yet at the same time we need to have access to our town on both sides of it.

Thank you for your time.

Kathy Morrow
2403 E. 32nd 1-A
Kearney, NE 68847
308-237-3466
morrowkl@unk.edu

July 12, 2007

Dear Mr. Dugan,

Thank you very much for the invitation to the July 17th Hearing in Kearney regarding the "East Kearney Bypass". I have been very interested in this project since its inception and, as you well know, I am a landowner that will be greatly affected by this project. I have been in contact with Randy Eldorado throughout its development process and he has kept me informed of all its aspects, including the Conservation Easement that will impact my property.

This Bypass is very necessary for the economic growth and transportation options that Kearney needs to incorporate into its future. It will provide an easier access for visitors to the Arch and it will also relieve much of the traffic congestion that 2nd Avenue is now currently experiencing. I cannot think of any negative reasons why this Project should not be undertaken. It has the fullest support of my family and me. Again, thank you for this opportunity.

Sincerely yours,

Tom Kappas



Citizen Comments

Please submit your written comments and questions by: July 27, 2007

Return To:

Kevin Dugan
NDOR Communication Division
PO Box 94759
Lincoln NE 68509-4759

E-mail: kdugan@dor.state.ne.us

Fax: (402) 479-3989

Look like Cherry Ave. would be best route.

STPD-IM-STPN-TMT-10-2(114), Kearney Bypass, C.N. 42103

Lined area for handwritten comments.

(Please print)

We, at the Department of Roads, appreciate your input. Your comments and questions will be reviewed by appropriate department engineers and staff. Thank you for participating in our public involvement process.

Name: RICHARD ELLIOTT
PO Box: _____
Street Address: 5101 Ave N Place
City, State, Zip Code: Kearney NE 68847
Phone: 307 - 236 - 0745

Rod,

I've been a life-time resident of Buffalo Co. & moved into Kearney a few years back.

Since I work at Morris Press I've noticed an increase in traffic & sometimes it takes 15 minutes to leave the parking area since there is no left turn lane.

The businesses need a frontage road or another exit out of the plant.

Ever thought of a truck entrance from the northside that could access Cherry & Antelope roads.

Other smaller businesses could fill in the space.

Where is Walmart building?

I also wish speeds were 50mph all the way to airport road because of Cabela, Morris Press, Eatons,

Kearney East Bypass 10-2(114)

Comments from Location Public Hearing Lwn\ "39."4229

"

.....Uwo o ary of Citizen Votes

Name	Antelope	Cherry	Opposed to Both
Lumbard, Jay G. 3607 Antelope Avenue Kearney, NE 68847 308-234-2779			YES (Against roundabout)
Reidy, Thomas and Jean 414 E. 33 rd Street Kearney, NE 68847		YES	
Zimbelman, Stan 124 W. 46 th Street Kearney, NE 68847		YES	
McKean, Jerry 2180 East 56 th Kearney, NE 68847 308-237-5602		YES	
Ourada, Tony 1123 5 th Avenue Kearney, NE 68847 308-237-1099		YES	
Kappas, Tom 3618 Fairway Drive Plattsmouth, NE 68048			
Holtzen, Theresa 2908 East Highway 30 Kearney, NE 68847 308-237-3126	YES		
Taylor, Gordon and Audrey tayksg@charger.net		YES	
Stelling, Steve CVI Kearney, Box 945 3111 Antelope Avenue Kearney, NE 68848 308-237-2268		YES	
Stokes, Richard 8910 2 nd Avenue Kearney, NE 68847 308-440-2744		YES	
Webber, E.J. Triangle Metals 4211 E. 43 rd Street Place Kearney, NE 68848 308-237-2194		YES (Connect existing Cherry to bypass)	
MaComber, Wayne 860 E. 1 st Kearney, NE 68847 308-237-7411/308-289-0004			YES

Kearney East Bypass 10-2(114)
 Comments from Location Public Hearing Lwn "39."4229

*******Summary of Citizen Votes*******

Name	Antelope	Cherry	Opposed to Both
Freeze, Gene 17 Red Fox Lane Kearney, NE 68845 308-440-1430		YES	
Koster, Neil Mid Plains Farm Equipment PO Box 2526 Kearney, NE 68848-2526 308-237-5810 sales@midplainsonline.com			YES (Minden Exit)
Morrow, Kathy 2403 E. 32 nd 1-A Kearney, NE 68847 308-237-3466 morrowkl@unk.edu			YES (Minden Exit)
Elliott, Richard 5101 Avenue N Place Kearney, NE 68847 308-236-0745		YES	
Concerned Citizen		YES	

MEETING DOCUMENTATION

KMA will rely on these notes to represent the interpretation of the items discussed and the resolutions thereof during the meeting unless written notice to the contrary is received by the author within seven calendar days of the issuance of these notes.

*PROJECT: No. S-10 (51), CN-42103, Kearney East
Interchange and Bypass*

MEETING DATE: January 11, 2007

MEETING LOCATION: Kearney City Hall

ENGINEER: Kirkham Michael

SUBJECT: One-on-One Meetings

KM PROJECT NO.: 0203242

PRESENT: *Mike Morgan (except 4:00PM Meeting) and Rod Weiderspan, City of Kearney
Paul Wisneiski and Syed Ataullah, NDOR
Randy ELDorado and Rick Haden, Kirkham Michael*

11:00 AM- Greg Benson & Kevin Matson (Eaton), Cherry Avenue and Highway 30 (NE Corner)

1:00 PM- Roger & Connie Wakelin, 11th Street Cherry Avenue (NW Corner)

2:00 PM- Scott Madden (Monsanto), Antelope and Highway 30 (SE Corner)

3:00 PM- Dick, Steve & Chad Mercer and Dave Oldfather, west of Cherry Avenue and south of 11th Street

4:00 PM- Mr. & Mrs. Gene Willmes, 39th Street & Cherry Avenue (SW Corner)

DISCUSSION:

After self-introductions, Randy began each meeting by giving an overview of the project and presenting the concept plans for the two build alternatives, Antelope Avenue and Cherry Avenue. He indicated that the next steps in the project schedule include submitting a revised environmental document (EA) and holding a public hearing, tentatively scheduled for February. He indicated that the City and project team felt it was important to meet with the property owners and businesses most directly impacted by either build alternative and the alignment shift between the I-80 interchange and Coal Chute Road before the public hearing. Each landowner/business was provided a project aerial with both alternatives and the appropriate plan & profile sheet at their location.

Mike Morgan pointed that out that the funding for the entire \$36,000,000 project is committed with \$5,000,000 local match (dollar figures approximate). He also indicated that there would be no assessment to adjoining property owners for the improvements. Mike Morgan reviewed construction schedule; I-80 to 11th Street: 2009 – 2010, North of 11th Street: 2010 – 2012. He also advised that Buffalo County would be paving the following county roadways as part of the overall project:

- 11th Street from “M” Street to the Cherry Avenue Bypass
- 56th Street from “N” Street to Airport Road, including a new airport entrance
- “M” Street from 11th Street to 1st Street.

Randy and/or Mike Morgan closed each meeting by inviting the individuals to contact either Randy ELDorado or Rod Weiderspan if they have any questions or concerns, hear rumors or just want an update on the project.

11:00 AM Meeting

***Eaton – Greg Benson (Materials Manager) and Kevin Matson (Plant Manager)
Cherry Avenue and Highway 30, Northeast Corner***

- Randy showed revised 'Link Road' alignment connecting the bypass to US-30 with the alignment shifted west of lift station and telephone switching building.
- The plans for the existing Cherry Avenue roadway were discussed; one option includes leaving existing Cherry Avenue in place from Eaton's northern most drive to the US-30 ROW. This option benefits Eaton circulation and would require their maintenance of the roadway. The other option includes pavement removal if Eaton's would not be willing to take over maintenance.
- Greg and Kevin felt the shifted alignment was more desirable for their operation.
- Randy suggested that as part of Eaton's internal circulation, vehicles be allowed to exit the property on their drive that directly connects to US-30. This would require some modification to their security system.

1:00 PM Meeting

Roger and Connie Wakelin 11th & Cherry Avenue, Northwest Corner

- Randy explained the shifted alignment of the bypass approximately 400' west of existing Cherry Avenue between the I-80 interchange and Coal Chute Road, increases the ROW impacts to their property.
- Wakelin's pointed out that property lines are incorrectly shown on plans. Their property runs north to the old railroad right-of-way and west ½-mile from Cherry Avenue.
- Access to the remaining parcel between Cherry Avenue and the new roadway was discussed. Randy mentioned that the state would generally want 660 feet of access control on major crossroads. Therefore, access would be provided from existing Cherry Avenue.
- A traffic signal could be installed at 11th Street, but it would be deferred until traffic warrants are met.
- Irrigation wells for the property are approximately ½-mile west of Cherry Avenue.
- Wakelin's indicated that Cherry Avenue would be their preferred solution over Antelope Avenue.

2:00 PM Meeting

Monsanto - Scott Madden

- Randy pointed out that under either build alternative, Cherry Avenue or Antelope Avenue, both at-grade railroad crossings would be closed, with an overpass spanning both the UPRR and Highway 30.
- It was noted that access to Monsanto for the Antelope alternative would be limited to Coal Chute Road.
- Scott indicated that they have 150 trucks/day in peak harvest season (one month).
- Majority of trucks come in from east on Highway 10 (Minden exit) to Coal Chute Road. These trips would easily shift to the new I-80 interchange and bypass to access Coal Chute Road.
- Also have seed growing area at Holdrege and Elm Creek. Some trucks come in Highway 30 and would need to use link (thru roundabout) to get over UPRR to Coal Chute Road.
- All activity entering and leaving the plant is by truck (no rail service). They have safety concerns for the intersection of Antelope Avenue and Highway 30 due to the short stacking between the highway and UPRR and do not use this access point.
- The South access on Antelope Avenue is the main truck access to the plant.
- Monsanto would like to see Antelope Avenue paved between 11th Street and Coal Chute Road.
- There are 30 full-time employees, 60 employees typical, with a peak of 200.
- Monsanto has off-site storage on the north side of 39th Street east of Antelope Avenue.
- A concern for Monsanto will be access to Highway 30 east. Randy responded that signals will be added when warrants are met at the intersections of the link at Highway 30 and at the new bypass.
- Scott pointed out that some new features exist at the Monsanto plant that do not show on the aerials.