



CE Determination Form for Federal-Aid Projects (June 2, 2015)

CE Review Level:

1 2 3 Re-evaluation

The proposed project qualifies as the Categorical Exclusion Level indicated above in accordance with the 2015 Programmatic Agreement.

Appendix: C

Project Name:

Ord South

Project Number:

STP-70-4(109)

Control Number:

42575

Location and Study Area:

Starting at the junction of Nebraska Highways 70 and 58 (N-70/N-58) the project would be along N-70 extending north 13.89 miles into the southwest corporate city limits of Ord near the junction of N-70 and Nebraska Highway 11 (N-11). The project would continue along N-58 from the junction of N-70 and N-58 for 0.02 miles.

The Environmental Study Area (ESA) is confined to the length of this project, 13.91 miles, plus half a mile on either end along N-70 including the existing right-of-way (ROW), plus 50 feet beyond ROW for most of the project length, and extending to 150 feet beyond the ROW at the bridges for wetlands and most other resources. For regulated materials the study area is extended 0.10 miles, and for Section 4(f) resources 0.25 miles beyond ROW.

Termini are based on limits identified by NDOR pavement management system, District 4 and previous construction projects on this segment of highway.

Begin Point(s):

MM 108.27 & 52.13

End Point(s):

MM 122.16 & 52.15

Highway Number, Street, etc.:

N-70 & N-58

Project Description:

This 3R (Resurfacing, Restoration and Rehabilitation) project would resurface 0.02 miles of N-58 and 13.89 miles of N-70 located in Valley County. The project would start on N-58 at MM 52.13 and extend north to MM 52.15 at the junction of N-70 and N-58. The project would continue on N-70 from MM 108.27, extending north to MM 122.16, ending at the N-70 and N-11 junction. The commemorative marker turnout located at MM 113.88 would also be resurfaced. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-70 consists of two 12 foot wide asphalt lanes and 6 foot earth shoulders.

The improvements on this project would consist of widening the roadway 2 foot 6 inches left and right with milling and resurfacing, resulting in a 28 foot wide surfaced top with beveled edges. There would be a grade raise at the new edge of pavement. Existing culvert ends within the Fixed Obstacle Clear Zone (FOC) would be extended, and existing headwalls within FOC would be removed and replaced with flared end sections. In addition, guardrail would be removed, replaced, and surfaced underneath.

Scope details would include:

• Grading beyond the hinge point would be required for the following work:

- Culverts
- Guardrail
- Mailbox turnouts
- Earth shoulder construction
- Drives and intersections
- Turn lanes
- Shoulder surfacing
- Roadway grading for culvert extensions
- Erosion curb and flumes
- Flattening fore slopes

Superelevation (maximum rise of 7 inches at centerline)

- Culvert ends would require extension beyond the FOC.
- Existing culvert headwalls within the FOC would be removed and replaced with flared end sections.
- Guardrail
 - - Guardrail would be removed with grading beyond the hinge point.
 - Guardrail would be removed and replaced with grading beyond the hinge point.
 - New guardrail would be installed with grading beyond the hinge point.
- Existing asphalt would be milled prior to resurfacing.
- Existing surfaced driveways and intersections would be resurfaced.
- Rock or gravel would be placed behind driveways and intersections to match the new asphalt.
- Mailbox turnouts would be constructed.
- Surfacing would be placed under the guardrail.
- The existing earth shoulders would be brought up to match the new asphalt.
- The widening operation would remove material adjacent to the existing surfacing. This trench would be filled with recycled material.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Permanent pavement markings would be applied to all new surfacing.
- Rumble strips would be constructed on the outside edge of travel lanes.
- Additional property rights would be required to build this project.
- Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
- This project would be constructed under traffic with lane closures controlled with approved temporary traffic control.
- Median on the approach (Nebraska Highway 22) would be built.

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

N/A

Action is identified in the
Current STIP Date:

Subsequent Phase:

Estimated Cost (\$):

10/14/2016

Construction

\$8,127,000

The numbers in the parentheses (x) indicate the level of CE review that will be required.

All technical assessment approvals shall be made by NDOR Professional Qualified Staff (PQS) responsible for the resource category and are indicated by "NDOR PQS Determination Date."

Right of Way and Property Impacts

1.1 **Easements/ROW** – Will the action require the acquisition of new temporary or permanent right-of-way (including easements)?

Yes (2) No (1) N/A

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

Yes (3) No (2)

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

ROW and temporary easements would be acquired predominantly from farmland; however, there would be no structures impacted and the land is not actively used for agriculture due to its proximity to the existing highway and related infrastructure.

1.4 Estimated Acres of Permanent ROW/Easements:

3.85

1.5 Estimated Acres of Temporary ROW/Easements

0.09

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

Yes (3) No (2) N/A

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

Yes (2) No (1) N/A

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

Yes (1) No (1) N/A

Other Non-Threshold Property Impacts

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

Yes No

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

Yes No Unknown

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

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

Yes No

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

Yes No

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

Yes No N/A

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

The NRCS-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) form shows that the Part VI section assessment point total is 40. 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 140. No further coordination would be required.

The following utilities have facilities within the project area and have been provided project plans: Black Hills Energy, Charter Communications, City of Ord, Frontier Communications, Loup Valley Rural Public Power District, Nebraska Central Telephone Company and Twin Loups Irrigation District. No federal funds would be used for any utility relocation necessary for the proposed project. All utility work would be performed by the utility company directly or by the utility company's independent contractor.

4.7 Describe Mitigation for Above Non-Threshold Resources:

If federal funds are used for any utility relocation deemed necessary later in the project, or if a determination is made that the construction contractor will relocate or remove utilities, a re-evaluation would be necessary. (NDOR Environmental)

All affected utilities shall be coordinated through NDOR and the Contractor as per NDOR's Standard environmental commitments, the NDOR Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

Any utility adjustments or interruption of service for the convenience of the Contractor shall be the sole responsibility of the Utility. Any environmental permits required for utility relocations shall be the responsibility of the Utility. (Utility Provider(s))

Water and Ecological Resources:

5.1 **Wild and Scenic/National Recreational Rivers** – Will the action cross or occur adjacent to a Wild and Scenic River, National Recreational River Segment, or a river listed on the nationwide rivers inventory, including its buffer area?

Yes* No N/A

Note: If Yes, the proposed action can be processed as a Level 1 [all Appendix A categories] or a Level 2 Action [Appendix B categories other than (26), (27), and (28)] if the Agency with Jurisdiction has determined the action will not result in an impact.

6.1 **Floodplain/Floodway** – Will the action occur within the boundaries of a mapped Zone A floodplain or a mapped floodway?

Yes (1) No (1) N/A

If Yes, attach permits to the CE document. If a floodplain permit has not been obtained, add commitment that one will be obtained prior to the start of construction.

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

Yes (3) No (1) N/A

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

Yes (3) No N/A

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

Four potential floodplains (greater than 640 of drainage) would be encountered by this project. The first three floodplains would be for Unnamed Drainages located between MM 113.93-MM 113.95, MM 119.80-MM 119.89, and MM 120.19-MM 120.25. The existing culverts would be used in place at these locations and work would consist of resurfacing. The project would not affect the conveyance of the flow through these box culverts and would not change the elevation of the highway within the limits of the mapped floodplain adjacent to the culvert.

This project would cross the Zone A Floodplain for Unnamed Drainage No. 2 that is located between MM 120.04 and MM 120.07 (Section 31, T19N, R14W). This location would have a longitudinal encroachment associated with superelevation correction at the horizontal curve and widening. This was evaluated in the floodplain analysis and would have no impact on the base flood elevation or conveyance of floodwater. The changes fall within the Zone A Floodplain regulation's allowance of up to a one-foot cumulative increase in the 100-year Base Flood Elevation for changes in a floodplain. All work within the other floodplain crossings would be functionally dependent. There are no significant encroachments as a result of this project and it does not support incompatible floodplain development.

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

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

Yes (1) No (1)

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

Yes (1) No (1)

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

Yes (2) No (1) N/A

7.4 Estimated Permanent Wetlands Impacts:

0.35

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

Yes (2) No (1) N/A

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

Yes (3) No (2) N/A

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

A wetland delineation was completed September 16th and 17th, 2013. Approximately 0.35 acres of PEMA/C wetlands would be permanently impacted as a result of culvert extensions, flattening foreslopes, guardrail and associated grading. Approximately 70 feet of channel would be impacted due to a culvert extension. Based on the project description, this project qualifies for a Nationwide Permit 3(a).

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

The Contractor shall not stage, store, waste or stockpile materials and equipment in undisturbed locations, or in known/potential wetlands and/or known/potential streams that exhibit a clear "Bed and Bank" channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation (at lower elevations) from the surrounding upland areas. (Contractor, NDOR District)

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

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

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

Yes No

8.2 Does the project occur within a MS4 community?

Yes No

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

Yes No

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

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

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

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

Yes (2) No (1)

NDOR PQS Determination Date:

10/29/2015

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

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

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

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

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

Coordination Required N/A

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

A "May Affect, Not Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: Northern Long-Eared Bat. A "No Effect" determination was made for all other state or federally listed species or their designated critical habitat.

9.8 Species Mitigation:

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

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

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

Northern Long-Eared Bat:

NLEB-1 Tree clearing and > 5-ft. box culvert removal activities will be scheduled to occur between October 1st – March 31st to avoid impacts to the northern long-eared bat roosting period. (NDOR Environmental, Construction, Contractor)

OR

NLEB-2 If tree clearing or removal of >5-ft box-culvert structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: the 10-foot x 6-foot concrete box culvert at Sta. 900+24. If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

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

Human and Social Resources

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

Yes (1) No (1)

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

Yes (2) No (1)

10.4 Historic Property Determination

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

Yes No

Has coordination occurred with THPO?

Yes No

Has coordination occurred with CLG?

Yes No

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

VY00-090, Abandoned Farmstead is located at the southwest corner of N-70 and 805th Road. However, the property would not be impacted by the project. No ROW or temporary/permanent easements would be required from the property and access would be maintained throughout construction.

10.6 Historic Property Mitigation:

Along N-70, the area beyond the existing right of way (ROW) from Mile Marker (MM) 115.60 to MM 115.85 will be identified on plans and on the Green Sheet as a Sensitive Area. No grading or project activities will occur beyond the existing ROW in this area. These activities may include, but are not limited to, staging, borrowing, stockpiling material and/or equipment storage and the acquisition of property rights. (Contractor)

11.1 **Hazardous Materials** – Will the project actions exceed the scope of the listed exemption identified in NDOR’s Hazardous Materials Assessment Guidance?

Yes (1) No (1)

11.2 Will the action result in more than a Low Potential for encountering hazardous materials during construction (excluding Lead Based Paint or Asbestos Containing Material)?

Yes (2) No (1)

11.2A There is potential for the project to encounter Lead Based Paint (LBP). LBP standard specifications shall apply to the proposed project.

Yes N/A

11.2B Asbestos Containing Materials (ACM) has been identified on bridge structures. ACM specifications will be included in the contract by special provisions.

Yes N/A

11.4 Will any soil disturbance occur below or beyond preexisting roadway fill within an active Superfund Site?

Yes (3) No (1)

NDOR PQS Determination Date:

7/28/2016

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

The hazardous materials review identified one facility where a past releases occurred within the hazardous materials study area. The Nebraska Machinery Company (aka Nebraska Sales and Service Inc.) is located at the northwest corner of the Highway 70 and 812th road. A release of petroleum was discovered in 1988 related to a leaking underground storage tank. Contamination was minimal and NDEQ determined that no further action (NFA) was required. Based on the distance from the facility to construction, the removal of the tank and the NFA status, there is a low potential of encountering contamination during construction. In addition, no Superfund sites were identified near the project.

11.6 Hazardous Materials Mitigation:

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

12.1 **Traffic Noise** – Does the project qualify as a Type I Project under NDOR's Noise Policy?

Yes (3) No (1) N/A

13.1 **Air Quality** – Will the action increase capacity in exceedance of 100,000 vehicles per day in the 20th year following construction; will it result in a high potential for Mobile Source Air Toxics (*MSAT Level III*) effects; or is it considered *Regionally Significant* within a designated non-attainment area?

Yes (3) No N/A

14.1 **Roadway** – Will the action result in the addition of through-lane capacity?

Yes (3) No (1) N/A

15.1 **Traffic Disruption** – Will the action result in minor traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days?

Yes (2) No (1)

15.3 Will temporary roads, detours, or ramp closures substantially change the environmental consequences of the action?

Yes (3) No (1)

15.4 Will the action result in adverse travel (*out-of-direction*) greater than 5 miles in urban areas or 25 miles in rural areas?

Yes (3) No (1)

15.5 Will the action result in temporary or permanent interference with local special events or festivals?

Yes (3) No (1)

15.6 Will the action result in temporary or permanent adverse effects to through-traffic dependent business?

Yes (3) No (1)

15.7 Will the action result in permanent traffic pattern changes or disruptions?

Yes (3) No (1)

If a detour is required for the project, attach a map to the CE document.

15.9 Traffic Disruption Mitigation:

This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days. (Contractor)

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

Yes (1) No (1)

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

Yes (3) No (1)

16.6 Will the action change the functionality of adjacent properties?

Yes (3) No (1)

16.8 Substantial Access Disruption Mitigation:

Access to adjacent properties shall be maintained at all time during construction but may be disrupted temporarily at times due to construction activities, but shall not be closed. (Contractor)

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

Yes (1) No (1)

NDOR Highway Civil Rights Specialist Determination Date:

5/8/2014

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

There would be no disproportionately high and adverse human health or environmental effects visited upon minority and low-income populations, as defined in FHWA Order 6640.23A, because these protected populations are not present in the project area. See attached DR-53.

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

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

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

18.2 Public Involvement Mitigation:

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

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

Yes No

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

Contract Provisions Required

20.1 Wellhead Protection Special Provisions

Yes No

20.2 General Conditions for Nationwide Permit

Nationwide
Permit:

3

Yes No

20.3 Federal Aviation Administration (FAA) Form 7460-1

Yes No

20.4 General Conservation Conditions from the Matrix PA

Yes No

T&E General Conditions:

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

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

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

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

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

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

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

Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed

activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOR Environmental which will coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOR, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (NDOR Environmental, District Construction, Contractor).

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

A-8 Post Construction Erosion Control. Erosion control activities that may take place by NDOR Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere to any standard conservation conditions for species designated for the project area during construction. (NDOR Maintenance, District Construction, Contractor)

The proposed action will be carried out in compliance with Executive Order 13112 (*Invasive Species*). The project contractor shall comply with Special Provision A-43-2010 amending NDOR Specification 107.01 to include the following: The Contractor shall prevent the transfer of invasive plant and animal species. The Contractor shall wash equipment at the Contractor's storage facility prior to entering the construction site. The Contractor shall inspect all construction equipment and remove all attached vegetation and animals prior to leaving the construction site.

21.1 No Indirect or Cumulative Impacts



This box can be checked if after careful consideration of the Indirect and Cumulative Impact analysis guidance in the CE instructions and the facts of the project, the following statement is determined to be true:

"Indirect effects from this project are not anticipated. This project will not induce growth, change land uses, substantially change travel patterns within a community, or substantially impact water quality, drainage patterns or other resources of concern. Since no substantial human, environmental or economic impacts have been identified for this project; no cumulative impacts are expected."

21.3 Cumulative Impacts:

The following planned projects in District 4 are located within proximity of this project (letting date 12/15/16): Ord North, CN 41914 (letting date 10/6/16); North Loup to Ord, CN 42089 (letting date 8/31/17); Ord Northeast, CN 42572 (letting date 8/30/18); North Jct N-92 to N-70, CN 42573 (letting date 8/29/19); and Acadia East & West, CN 42693 (letting date 8/31/17).

CN 41914 would involve N-70 on new alignment over the North Loup river in Ord. Both the Ord North and the Ord South projects would be constructed under traffic. Although construction times would overlap for one construction season there are no anticipated cumulative impacts from the projects as they are located approximately 1 mile apart on opposite sides of Ord.

CN 42089 would involve widening and resurfacing Nebraska Highway 11 from North Loup to 11th Street in Ord, including 2.5 miles on new alignment. CN 42572 would involve resurfacing N-70 and removing a railroad crossing just northeast of Ord to south of N-91. CN 42573 would involve resurfacing and some bridge repairs along N-58 from the junction with Nebraska Highway 92 to N-58. CN 42693 would involve widening and resurfacing N-70 from just east of the Custer/Valley County line to N-58, including some bridge repairs.

Based on the anticipated letting dates for CN 42089 (8/31/17), 42572 (8/30/18), 42573 (8/29/19), 42693 (8/21/17), the construction activities would not take place concurrently with Ord South.

There are no anticipated cumulative impacts due to the Ord South project in conjunction with the additional projects referenced above. Construction for the individual projects has been scheduled such that there would be adequate time between projects to prevent interference with local traffic patterns. There are minor impacts anticipated for wetlands/waters. There are no impacts anticipated for threatened and endangered species, or Section 4(f) properties for the Ord South project. There are no negative long-term socioeconomic impacts anticipated as access to residences or businesses would only be limited during construction. There are however, long term benefits to motorists due to roadway improvements.

22.1 Additional Comments:

Due to proximity of the Evelyn Sharp Field, airport coordination was completed on November 13, 2015 with both the Department of Aeronautics and Valley County Airport Authority. The Department of Aeronautics had no objections to the project provided the height of any equipment used during the rehabilitation does not exceed and local airports' Height Restriction Zoning.

23.1 Project Mitigation:

Mitigation for Above Non-Threshold Resources:

If federal funds are used for any utility relocation deemed necessary later in the project, or if a determination is made that the construction contractor will relocate or remove utilities, a re-evaluation would be necessary. (NDOR Environmental)

All affected utilities shall be coordinated through NDOR and the Contractor as per NDOR's Standard environmental commitments, the NDOR Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

Any utility adjustments or interruption of service for the convenience of the Contractor shall be the sole responsibility of the Utility. Any environmental permits required for utility relocations shall be the responsibility of the Utility. (Utility Provider(s))

Wetlands/Waters of the U.S. Mitigation:

The Contractor shall not stage, store, waste or stockpile materials and equipment in undisturbed locations, or in known/potential wetlands and/or known/potential streams that exhibit a clear "Bed and Bank" channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation

(at lower elevations) from the surrounding upland areas. (Contractor, NDOR District)

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

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

Impaired Waters, Section 402, and MS4 Mitigation:

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

General Conservation Conditions from the Matrix PA:

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

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

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

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

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

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

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

Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and

depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOR Environmental which will coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOR, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (NDOR Environmental, District Construction, Contractor).

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

A-8 Post Construction Erosion Control. Erosion control activities that may take place by NDOR Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere to any standard conservation conditions for species designated for the project area during construction. (NDOR Maintenance, District Construction, Contractor)

Species Mitigation:

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

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

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

Northern Long-Eared Bat:

NLEB-1 Tree clearing and > 5-ft. box culvert removal activities will be scheduled to occur between October 1st – March 31st to avoid impacts to the northern long-eared bat roosting period. (NDOR Environmental, Construction, Contractor)

OR

NLEB-2 If tree clearing or removal of >5-ft box-culvert structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: the 10-foot x 6-foot concrete box culvert at Sta. 900+24. If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

Historic Properties Mitigation:

Along N-70, the area beyond the existing right of way (ROW) from Mile Marker (MM) 115.60 to MM 115.85 will be identified on plans and on the Green Sheet as a Sensitive Area. No grading or project activities will occur beyond the existing ROW in this area. These activities may include, but are not limited to, staging, borrowing, stockpiling material and/or equipment storage and the acquisition of property rights. (Contractor)

Hazardous Materials Mitigation:

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

Traffic Disruption Mitigation:

This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days. (Contractor)

Substantial Access Disruption Mitigation:

Access to adjacent properties shall be maintained at all time during construction but may be disrupted temporarily at times due to construction activities, but shall not be closed. (Contractor)

Public Involvement Mitigation:

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

Additional Mitigation:

Borrow Site Mitigation:

Any material needed will be provided by the Contractor. The Contractor shall try to obtain borrow from an upland site to prevent depletion issues. If the borrow site is within a depletion area of concern, the Contractor shall coordinate with the appropriate agencies and NDOR to offset or minimize impacts. The Contractor shall obtain all environmental clearances and permits required for the borrow site prior to obtaining borrow material for the project.

The Contractor shall have a staging area for the project where material and equipment for the project is stored (e.g. re-steel, forms, etc.). The Contractor shall be required to dispose of material removed as part of the project described above and miscellaneous obstructions encountered and removed along the project. The disposal shall be the responsibility of the Contractor. A waste site may be needed. The Contractor shall be responsible to obtain all permits and clearances and all conditions of those permits. (Contractor)

Airport Mitigation:

Because of the proximity to the Evelyn Sharp Field near Ord, the height of any equipment used in the construction of the project (or any antennae installed on the equipment) shall not exceed the local airport's Height Restriction Zoning. Any Contractor involved in the project shall use the Notice Criteria Tool available at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp> . (Contractor)

If required, the Contractor shall file a 7460-1 Form with the Federal Aviation Administration (FAA). The form shall be required if the Contractor uses any equipment over 200' tall, or the equipment breaks a 100:1 slope from a public-use airport. This includes any trucks or equipment used during the construction of the project. NDOR's Roadway Design Division shall verify clearance for permanent construction in the controlled zone from the Nebraska Department of Aeronautics (NDOA) and FAA. NDOR's Roadway Design Division shall identify those contracts that shall require the special provision concerning the Contractor's responsibility to gain FAA and NDOA clearance for temporary encroachments due to construction operations. NDOR's Plans, Specification & Estimates (PS&E) / Contracts shall include the special provision in the appropriate project contracts. (Contractor)

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

Paragraph: (d)

Activity: 13

Prepared by:

Barbara G. Frost, PE

Organization:

TranSystems

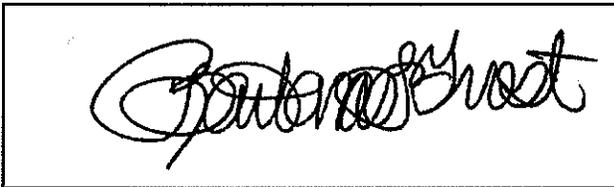
Phone:

(314) 296-6777

Email:

bgfrost@transystems.com

Signature:



Date:

10/25/2016

Reviewed by Project Sponsor:

Name:

Jacqueline Baird

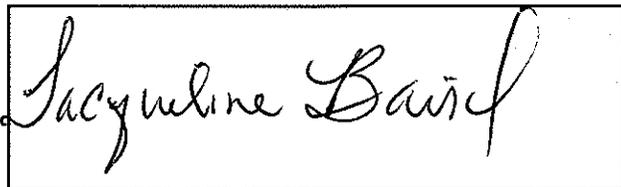
Organization:

NDOR

Title:

Engineer III, Roadway Design

Signature:



Date:

Oct. 25, 2016

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

NDOR Environmental NEPA Specialist Signature:

Date:

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

Date:

FHWA Environmental Specialist (*Level 3 Requirement*):

Date:

If the scope of work changes, existing conditions change, or applicable regulations change, NDOR shall reevaluate this determination in accordance with the *NDOR reevaluation procedures*.

Reevaluation Approval (*if necessary*):

Date: