

Planning and Project Development Division

**DATE:** April 12, 2017

**TO:** Melissa Maiefski, FHWA; Scott Stapp, FHWA

**FROM:** Jon Barber, Environmental Documents Unit Manager

**SUBJECT:** US-75 / US-34 Murray to Plattsmouth, CN 21209,  
S-75-2(1072)

Re-evaluation Approval Request

NDOR has re-evaluated the following project to determine whether the scope and environmental documentation remains valid under current policies and regulations. This re-evaluation process is in accordance with the Federal Highway Administration (FHWA) National Environmental Policy Act (NEPA) regulation 23 CFR 771.129 and is subject to review and approval by FHWA.

**I. PROJECT INFORMATION**

**Project Name:** United States Highway US-75/US-34 Murray to Plattsmouth (a sub-project of the “1979 Final Environmental Impact Statement (EIS) for US 73-75, N-2 Omaha to Nebraska City; Otoe, Cass, Sarpy and Douglas Counties, Nebraska”). The highway at the time of the 1979 EIS was labeled US 73-75, N-2. However, since then, the segment from Murray to Plattsmouth is now labeled US-75/US-34. Nebraska Highway 2 (N-2) joins US-75 south of Murray and is not part of this segment.

**Project Location:** The project begins 0.12 miles south of the US-75/US-34 and Nebraska Highway 1 (N-1) intersection, at US-34 mile marker (MM) 373.33, and extends north to US-34 MM 380.16, roughly 400 feet south of the junction of US-75/US-34 and Oak Hill Road/Ave B, Plattsmouth, Nebraska (Figure 1).

**Project Description:**

This project would reconstruct 6.83 miles of US-75/US-34 located in Cass County. Construction may begin and/or end approximately 1,400 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement and temporary traffic phasing.

The existing roadway on this segment of US-75/US-34 from US-34 MM 373.33 to US-34 MM 376.84 consists of two 12-foot-wide concrete lanes and 10-foot-wide shoulders, of which 8-feet are paved with either asphalt or concrete. The roadway segment from US-34 MM 376.84 to US-34 MM 377.79 consists of four 12-foot-wide concrete lanes, a depressed median, and 10-foot-wide shoulders, of which 8 feet are paved with either asphalt or concrete. The roadway segment from US-34 MM 377.79 to US-34 MM 379.98 consists of two 12-foot-wide asphalt lanes and 10-foot-wide shoulders, of which 8 feet are paved with asphalt. The

roadway segment from US-34 MM 379.98 to US-34 MM 380.16 consists of four 12-foot-wide concrete lanes and 10-foot-wide shoulders, of which 8 feet are paved with concrete.

The improvements on this project consist of replacing the existing 2-lane or 4-lane roadway, depending on location, with a 4-lane expressway including a raised 22-foot-wide median, 3-foot-wide inside and 8-foot-wide outside surfaced shoulders. Other improvements include: removing and replacing pavement, grading, culvert extension, bridge replacement, and removing and replacing guardrail.

Scope details include:

- Existing mainline culverts that did not meet current “D + 1 foot” hydraulic requirements were evaluated and none needed upsizing. Therefore, existing culverts would be used in place and extended as needed.
- Bridge number S034 37969, viaduct over the Union Pacific Railroad (UPRR), would be replaced with a single 4-lane structure.
- Bridge number S034 37742, Unnamed Tributary to Fourmile Creek, would extend a triple Concrete Box Culvert (CBC).
- The following Access changes would be made:
  - Chicago Avenue Access at US-75/US-34 would be eliminated to allow Horning Road to become the primary access.
  - 1st Avenue/Westside Drive intersection would be converted to  $\frac{3}{4}$  Access so no side-road cross-traffic or left turns would be allowed.
  - Cindy Lane would be connected directly to US-75/US-34, and Chicago Avenue removed.
  - Wiles Road would have new Control of Access for 660 feet on both sides of the highway.
- Five future signalized intersections at US-75/US-34 (N-1/Murray Road, Waverly Road/Rock Bluff Road, Mynard/Horning Road, Wiles Road, and Osage Ranch Boulevard) would receive conduit as a part of this project and be designed to meet the posted speed on each road.
- Relocation of utilities, including fiber optic, water main and sanitary sewer, may be required due to conflicts with the new lanes and mainline road profile adjustments.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Because the pavement work is a reconstruction project, the NDOR would comply with the requirements in the Public Rights of Way Accessibility Guidelines.
- Street lighting would be built and updated at existing locations.
- 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 by appropriate traffic control devices and practices. Temporary surfacing may be required at intersections and other locations to accommodate phased construction.
- This project would require the construction of a permanent roadway transition from two lanes to four lanes, divided on the south end of the project. This work would take place immediately prior to the project limits stated above and may extend as far south as the north end of the bridge over Rock Creek (S034 37299).

For purposes of this NEPA Re-evaluation, the Environmental Study Area (ESA) is considered to be the area within the proposed project's Right of Way (ROW) with approximately a ¼ mile buffer from the project centerline. The area along Horning Road and the Chicago Avenue closure is included within the ESA for resource evaluation purposes. For some resources or topics the ESA has been expanded to consider potential impacts due to proximity. Those resources with expanded study areas are noted as applicable in their discussion. The Re-evaluation would assess new impacts, issues or concerns which may now exist.

**Portion of Project Currently Being Advanced** (*identify if more than one construction phase*):  N/A

Reconstruction of US-75/US-34 from Murray to Plattsmouth is part of the larger Project from Nebraska City to Bellevue, Nebraska, evaluated in the 1979 Final EIS. In the 1979 EIS, the preferred alternative included the following design segments, as shown in Figure 2010-2 (taken from the 2010 Re-evaluation document completed for the Plattsmouth to Bellevue segments):

*Segment A* – A two-lane highway (with acquisition of ROW for two additional lanes) from 8 miles south of Nebraska City to US-75/US-34 junction south of Murray, including a west bypass of Nebraska City.

*Segment B* – A four-lane divided highway with at-grade access from the US-75/US-34 junction south of Murray to south of the Platte River.

*Segment C* – A four-lane expressway (with full access control) from the Platte River north to the southern terminus of the existing Kennedy freeway, at the intersection of W Street and Railroad Avenue in Omaha, Nebraska.

The FHWA determined that re-evaluation of Segments A3 and B1, from Nebraska City to Murray, Nebraska, met the requirements for a Categorical Exclusion prior to advancing to construction (April, 1994).

A Supplemental EIS (SEIS) was published on October 26, 2000 (Final Supplemental EIS – FHWA-NE-EIS-73-11-F-FS), with a Record of Decision (ROD) signed on May 25, 2001. The SEIS evaluated Segments B1, B2, B3, and C1.

Re-evaluations of the EIS and SEIS were prepared and approved, in order to advance the expressway/freeway Segments B3 (2010) and C1 (2015) to the next level of federal approval. Segment B3, starting 0.2 mile south of Oak Hill Road/Avenue B (near Plattsmouth) to the north side of the Platte River bridges, is completely constructed. Segment C1, from the north side of the Platte River bridges to 0.5 miles north of Fairview Road, is currently under construction as a State-funded Project.

Construction of Segment B2 is the project now being considered, from Murray to just south of Plattsmouth, using available State funds. The project is included in the February 2, 2017 Statewide Transportation Improvement Program for FY 2017 Thru FY 2020.

## II. REASON FOR RE-EVALUATION

- Three Years has Elapsed *(for an Environmental Impact Statement (EIS) only)*

*In accordance with 23 CFR 771.129(a) and (b) and Technical Advisory T6640.8A, a written Re-evaluation of a draft EIS is required if the final EIS has not been submitted to FHWA within three years of the circulation of the draft EIS. Furthermore, a written evaluation of the final EIS will be required before further approvals may be granted if major steps to advance the action (e.g., authority to undertake final design, authority to acquire a significant portion of the right-of-way, or approval of the plans, specifications and estimates) have not occurred within three years after the approval of the final EIS, final EIS supplement or the last major FHWA approval or grant.*

**\*\* Although it is NDOR's intent to use State funds for its construction, it is understood that the Project remains federalized under NEPA, as part of the 1979 EIS and 2000 Supplement federal approvals.**

- Project is Proceeding to the Next Major Federal Approval

*Following the approval of a CE determination, an EA or an EIS, 23 CFR 771.129(c) provides that NDOR must consult with FHWA (to ensure that the original environmental document/determination is still valid) prior to requesting any major approvals from FHWA (e.g. right-of-way acquisition, final design, etc.).*

- Project Changes

*Project changes can occur at any time in the project development process. Examples of project changes include: changes in project engineering/design; changes to the environmental setting/circumstances, including changes in laws and regulations; changes in nature and severity of environmental impacts; changes to environmental commitments - avoidance, minimization, and/or mitigation.*

## III. CURRENT DOCUMENT TYPE:

- Level I Categorical Exclusion
- Level II Categorical Exclusion
- Level III Categorical Exclusion
- EA (Circle One: EA, Revised EA, FONSI)
- EIS (Circle One: DEIS, FEIS, ROD) **RE-EVALUATION**

Date of Original NEPA Approval: FEIS/ROD 06/06/1979, Final SEIS/ROD 05/25/2001

## IV. EVALUATION

**Describe Any Changes to Design and/or Revised Design Criteria:**.....  N/A  
US-75/US-34 Murray to Plattsmouth has been designed to meet NDOR DR-2 freeway/expressway design standards. Since publication of the 2000 SEIS, the DR-2 standards have changed and the design has been updated in response to the changes. The only change that would affect the Project footprint or the environmental analysis would be the change to guardrail standards, resulting in minor amounts (5 to 10 feet) of additional guardrail length at some locations. The change in standards did not result in a change to the project description. Some elements of the project description did change however, and are summarized in Table 1.

The overall concept of a controlled-access freeway for this project, from Murray to Plattsmouth, is consistent with the 2000 SEIS. There have been no substantive changes in design or the typical section since publication of the 2000 SEIS.

**Table 1. Design Changes from 2000 SEIS to Present**

<b><i>Project Description Details</i></b>	<b><i>2000 Supplement to 1979 FEIS – Proposed Project Details</i></b>	<b><i>2016 Re-evaluation– Proposed Project Details</i></b>
<b><i>Design Criteria: Number of Lanes</i></b>	Construct 2 new lanes east of existing US-75/US-34 to complete a 4-lane expressway.	Replace the existing 2-lane or 4-lane roadway, depending upon location, with a 4-lane expressway including four 12-foot-wide lanes and 3-foot-wide inside and 8-foot-wide outside surfaced shoulders.
<b><i>Design Criteria: Median</i></b>	40-foot-wide depressed median (rural section) south of Chicago Avenue. North of Chicago Avenue a 16-foot-wide raised median (urban section).	A 22-foot-wide raised median (back of curb to back of curb) is planned along the entire project, except at turn lane locations and intersections.
<b><i>Design Criteria: Bridges over UPRR</i></b>	Two viaducts north of the Nebraska Highway 66 (N-66) junction, to accommodate the 4 lanes over the UPRR.	A single 4-lane-wide viaduct north of the N-66 junction over the UPRR.
<b><i>Design Criteria: Access Changes</i></b>	<p>Access along the Murray to Plattsmouth section of Segment 2 will be at-grade intersections. In order to accommodate spacing requirements, there will be some minor relocation of driveways and field accesses. Access to US-75/US-34 from the rural community of Murray to the residential community of Beaver Lake will not change.</p> <p>Use existing Chicago Avenue and Cindy Lane in place.</p>	<p>Chicago Avenue is being eliminated from US-75/US-34 to 9<sup>th</sup> Avenue so that Horning Road becomes the primary access to the highway. Access to US-75/US-34 from the rural community of Murray to the residential community of Beaver Lake will not change.</p> <p>Cindy Lane would be realigned to tie directly to US-75/US-34, approximately 1000 feet south of Horning Road and the remainder of Cindy Lane would be eliminated (See Figure 4).</p>

**Describe Any Changes to Environmental Setting/Circumstances:.....**  N/A

All segments of US-75/US-34 north of Plattsmouth leading to Bellevue, have been constructed or are under construction and the Murray to Plattsmouth segment would tie in to the new 4-lane construction north of Plattsmouth at Oak Hill Road. The environmental setting along the Murray to Plattsmouth segment remains essentially the same as shown/described in the 2000 SEIS. Land use remains primarily agricultural, transportation (Plattsmouth airport and the US-75/US-34 highway) and scattered single-family residential.

The north end of the project near Plattsmouth contains some commercial development, as well as a NDOR Maintenance Facility.

**Describe Any Changes to Laws and Regulations:** .....  N/A

Since publication of the 2000 SEIS, many changes have been made to laws, regulations, or guidance for subjects to be considered under NEPA. These changes are provided below. Additional individual resource discussions relating to any of these changes as they affect the project, are discussed in the major section entitled “Determination of Additional Resource Impacts”.

**Clean Water Act Section 404 Permits**

The U.S. Army Corps of Engineers (USACE) reissued its Section 404 nationwide permits (NWP), effective March 19, 2017. NDOR has been communicating with the USACE regarding questions related to the new NWPs and the project’s pending Section 404 application. None of the changes would affect the design of the project.

Regulations revising and clarifying requirements for compensatory mitigation released in the *Compensatory Mitigation for Losses of Aquatic Resources; Final Rule*. (EPA and USACE, 2008a)

Release of the Environmental Protection Agency’s (EPAs) and USACE joint memorandums regarding Supreme Court decisions and guidance relating to jurisdiction of the Clean Water Act (EPA and USACE, 2003; EPA and USACE, 2008b)

Release of the USACE’s *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region* (USACE, 2010)

Multiple updates to the *National Wetlands Plant List* (USACE, 2016).

Implementation of the *Nebraska Stream Condition Assessment Procedure* (NeSCAP) (USACE,2012)

USACE Nebraska Regulatory Office implementation of the Hydrogeomorphic Wetland Subclass system to classify wetlands

**Section 4(f)**

Section 6009(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), Pub. L. 109-59, amended existing Section 4(f) legislation at 23 United States Code (USC) 138 and 49 US 303 to simplify the processing and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). A final rule addressing *de minimis* as part of Section 4(f) requirements at 23 Code of Federal Regulations (CFR) 774 was published on March 12, 2008.

Updates to FHWA’s *Section 4(f) Policy Paper* (FHWA, 2012a) and release of NDOR’s *Guidance for Completing the Section 4(f) Review Process in Nebraska for Federal Aid Projects* (NDOR, 2015c) were also considered.

**Threatened and Endangered Species**

The bald eagle (*Haliaeetus leucocephalus*) was removed from the Federal list of threatened and endangered species on August 9, 2007, and from the state list on October 30, 2008. However, the bald eagle is still protected under the Bald and Golden Eagle Protection Act. The peregrine falcon (*Falco peregrinus*) was removed from the Federal list of threatened and endangered species on August 20, 1999. Sturgeon chub (*Macrhybopsis gelida*) was not included in the 2000 SEIS; it was state-listed as endangered in March 2000. The Nebraska Game and Parks Commission (NGPC) includes the Platte River between Cass and Sarpy Counties and the Missouri River in the sturgeon chub’s range (NGPC, 2009).

NDOR, FHWA, United States Fish and Wildlife Service (USFWS) and the Nebraska Game and Parks Commission (NGPC) signed the Nebraska Biological Evaluation Programmatic Agreement (PA) on January 20, 2012. The PA is entitled the “*Nebraska Biological Evaluation Process for the Federal Aid Transportation Program*”. The PA covers process and procedure for review of project impacts on threatened and endangered species under the Federal Endangered Species Act and the Nebraska Non-game and Endangered Species Conservation Act.

Both the *Rufa* Red Knot and the Northern Long-Eared Bat were federally-listed as threatened in 2015.

New concurrences from the above-mentioned agencies have been obtained for the Project and are discussed in the Threatened and Endangered Species/Migratory Bird Treaty Act section of this document.

### **Invasive Species**

The State of Nebraska Department of Agriculture lists and regulates noxious weeds. Regulations and guidelines that pertain to noxious weeds and invasive species include: Executive Order 13112 (1999); Invasive Species (64 FR 6183); the Nebraska Noxious Weed Control Act (Nebraska Department of Agriculture, June 2008); and the Nebraska Noxious Weeds Regulations (Nebraska Department of Agriculture, December 2008). Four species have been added to the list of noxious weeds of Nebraska since 2008. The list now includes the following noxious weeds that occur statewide (Nebraska Weed Control Association, 2015):

- Japanese knotweed (*Fallopia japonica*);
- Giant knotweed (*Fallopia sachalinensis*);
- Bohemian knotweed (*Fallopia bohemica*);
- Sericea lespedeza (*Lespedeza cuneata*).

NDOR’s *Plan for the Roadside Environment* (NDOR, 2008) and *NDOR Roadside Vegetation Establishment and Management* guidance manual (NDOR, 2017b) was developed to guide vegetation and weed planning and management.

### **Airport Proximity**

An Airport Proximity regulation (CFR Title 14 Part 77.9) was instituted on July 21, 2010, by the Federal Aviation Administration (FAA). The regulation stipulates that a project contractor, who uses equipment over 200 feet tall, or whose equipment breaks a 100:1 slope from a public-use airport, shall file a 7460-1 Form with the FAA. The Contractor shall use the Notice Criteria Tool available at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. This includes any trucks or equipment used during construction of the project. NDOR’s Roadway Design Division would verify clearance for permanent construction in the controlled zone from the Nebraska Department of Aeronautics (NDOA) and FAA. Consultation with NDOA has occurred for the project, as discussed in the “Other” environmental impacts section of this review.

### **Platte River Water Depletions**

The Final Platte River Recovery Implementation Program (PRRIP) document regarding depletion of flows in the Platte River was signed in 2006 by the governors of Colorado, Nebraska, and Wyoming and by the Secretary of the Interior with a January 1, 2007, effective date. Habitat of the interior least tern (*Sterna antillarum athalassos*), piping plover (*Charadrius melodus*), and pallid sturgeon (*Scaphirhynchus albus*) 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 (PRRIP, October 24, 2006).

### **Floodplain**

Since publication of the 2000 SEIS, the USACE has submitted revised floodplain mapping of the Missouri River and Platte River to the Federal Emergency Management Agency (FEMA). This mapping was the basis for the Flood Insurance Study for Cass County effective in November 2010. This information included revised definitions of the floodway and 100-year floodplain on both the Missouri and Platte rivers. Use of the new information has been applied to this project.

### **Air Quality**

In 2004, NDOR, Nebraska Department of Environmental Quality (NDEQ), and FHWA updated their Memorandum of Understanding (MOU) regarding Air Quality Analysis for Environmental Documents regarding the need for project-level air analyses. The updated MOU raised the traffic volume threshold requiring air quality analysis from 30,000 vehicles per day (vpd) to 100,000 vpd in the 20<sup>th</sup> year following project construction (NDOR, NDEQ, and FHWA, November 1, 2004).

FHWA issued a Memorandum on December 6, 2012 (*Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents* (FHWA, 2016a)) that advised FHWA offices on when and how to analyze Mobile Source Air Toxics (MSAT) under the NEPA review process for highway projects. The Memo update reflected recent changes in methodology for conducting emissions analysis and updates of research in the MSAT arena. FHWA updated the 2009 guidance in 2014, in order to incorporate the analysis conducted using U.S. Environmental Protection Agency's (EPA) latest emission model, the Motor Vehicle Emissions Simulator (*MOVES2014*).

New "hot spot" requirements established by the EPA for modeling of air quality conformity for particulate matter (PM), and new air quality technical guidance for modeling carbon monoxide and PM hot spots (EPA, 2010b; EPA, 2015a)

EPA updates to the National Ambient Air Quality Standards (NAAQS) for various pollutants with more stringent standards for criteria pollutants (EPA, 2015b).

Release of final guidance on the consideration of greenhouse gases in NEPA documents for all federal actions (Council on Environmental Quality, 2016).

### **NPDES / Storm Water Permit**

Phase II of National Pollutant Discharge Elimination System (NPDES) Program initiated by EPA in 2003.

NDEQ published a General NPDES Permit for Storm Water Discharges from Construction Sites, effective on January 1, 2008 (NDEQ, April 2008). Changes to this permit were related to preparation of the Storm Water Pollution Prevention Plan (SWPPP) by a qualified professional and requirements related to construction activities (inspections and final stabilization).

The Statewide Nebraska Construction General Stormwater Permit (NER110000) which includes coverage for NDOR projects, expired on December 31, 2012, and was reissued on September 30, 2016.

The EPA published effluent limitations guidelines (ELGs) and new source performance standards (NSPS) to control the discharge of pollutants from construction sites, effective on February 1, 2010. Beginning on August 1, 2011, for all construction sites that disturb 20 or more acres of land at one time, the owners and operators are required to comply with the turbidity limitation of 280 nephelometric turbidity units (NTU). The owners and operators must sample stormwater discharges and illustrate compliance with the limitation for turbidity. In addition, EPA requires all construction site owners and operators to implement a range of erosion and sediment control best management practices (BMPs) to reduce pollutants in stormwater discharges. For construction sites disturbing 10 or more acres at a time, the owners and operators would also be required to install sediment basins to treat their stormwater discharges (EPA, March 10, 2010). As of



2016, the turbidity standards have not been implemented and enforced. These rules would be adhered to, a permit obtained, and a SWPPP would be developed.

Updates to Nebraska Administrative Code, Nebraska Department of Environmental Quality, Title 117 – Nebraska Surface Water Quality Standards (Title 117) list of beneficial uses and the Clean Water Act Section 303(d) list of impaired waters

NDOR developed its Stormwater Management Program in 2006 to comply with municipal separate storm sewer system (MS4) permit application requirements

### **Environmental Justice**

On June 14, 2012, FHWA issued Order 6640.23A – ‘Actions to Address Environmental Justice in Minority Populations and Low-Income Populations’, which established policies and procedures for the FHWA to use in complying with Executive Order 12898 (issued on February 11, 1994). As defined in FHWA Order 6640.23A, a “disproportionately high and adverse effect” on minority and low-income populations means “an adverse effect that: (1) is predominantly borne by a minority population and/or a low-income population; or (2) will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the non-minority population and/or non-low-income population.

NDOR developed a *Limited English Proficiency Plan* in 2013, and a *Title VI Implementation Plan* in 2014.

### **Migratory Bird Treaty Act - Avian Protection Plan**

The Migratory Bird Treaty Act (MBTA) (16 USC 703), originally passed in 1918, makes it illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid Federal Permit. NDOR has worked to reduce avian mortality through changes in project scheduling to avoid avian conflicts, increased migratory bird surveys, and changes in project construction timelines. These changes have resulted in the development of an Avian Protection Plan (APP) by NDOR, updated in December of 2014. NDOR’s APP provides guidance to the Project Manager and Construction Contractor to avoid migratory bird conflicts during the construction phase of projects. The APP also offers guidance regarding the removal of trees, culvert work and Threatened and Endangered Species protection. In the unlikely event that there is migratory bird take, the APP details the course of action for reporting and coordination with the USFWS Law Enforcement.

### **Noise**

Adoption of NDOR’s revised *Noise Analysis and Abatement Policy* in accordance with 23 CFR 772 in July 2011 (NDOR, 2011b); additional guidance issued in March 2014. The policy includes the feasibility and reasonableness requirements for noise abatement to qualify for construction in Nebraska.

Final rule and additional guidance published by FHWA updating 23 *Code of Federal Regulations* (CFR) 772, *Procedures for Abatement of Highway Traffic Noise and Construction Noise* (FHWA, 2010)

### **Farmlands**

The United States Department of Agriculture – Natural Resources Conservation Service (USDA-NRCS) CPA-106 Farmland Conversion Impact Rating for Corridor Type Projects Form released by the USDA-NRCS, replacing Form AD-1006 for corridor type projects. This Form was used in preparing the Farmland impact analysis.

**Historic Properties**

Implementation of a Programmatic Agreement among FHWA, the Nebraska State Historic Preservation Office (NeSHPO), the Advisory Council on Historic Preservation (ACHP), and NDOR in 2015, to satisfy the requirements of Section 106 for the Federal-Aid Highway Program in the State of Nebraska.

**Hazardous Materials**

Updates to the National Phase I Environmental Site Assessment standards for hazardous waste investigations; modifications implemented in American Society for Testing and Materials (ASTM) International (ASTM) E1527 with subsequent revisions.

Updates to State of Nebraska regulations pertaining to hazardous materials, including NDEQ Title 178, Chapters 22 and 23.

**Visual Resources** Release of FHWA’s *Guidelines for the Visual Impact Assessment of Highway Projects* (FHWA, 2015b).

**Utilities**

Updates to NDOR’s *Policy for Accommodating Utilities on State Highway Right-of-Way* in 2001.

2007 Update to NDOR’s *Standard Specifications for Highway Construction*.

Development of NDOR’s *Buy America Policy for Utility Relocations – Guidelines for Utility Conformance with Buy America Provisions* (NDOR, 2014d) – currently under revision

**IV. Determination of Additional Resource Impacts**

*(If applicable, include agency coordination, permit status, new issues/concerns, benefits, etc. and list any new commitments arising from subsequent agency negotiations and/or permit requirements, along with any commitments or considerations arising from public involvement)*

Right-of-Way (ROW).....  Y /  N

*Discuss:*

The 2000 SEIS stated that 171 acres of ROW would be required in the segment from Murray to Bellevue (page 65). The acres of ROW required for the Murray to Plattsmouth Project were combined with those required for the Plattsmouth to Bellevue project in the 2000 SEIS, thus there was not an individual estimate for Murray to Plattsmouth. Additionally, the 2000 SEIS identified 4 businesses, 14 individual homes, 3 mobile homes, and a mobile home park containing 26 mobile homes (three lots were vacant at the time of the 2000 SEIS) that would need to be relocated for project construction. All of those relocations were located north of the Murray to Plattsmouth project.

The majority of ROW needed for the Murray to Plattsmouth project was purchased by NDOR after approval of the 2000 SEIS. Acquisition of approximately 47 additional acres of ROW would need to be purchased for the Murray to Plattsmouth project. Approximately 4.5 acres of temporary easement would also be needed. No relocations of residences or businesses would be required.

Section 4(f) .....  Y /  N

*Discuss:*

There are 2 publicly-owned recreation facilities located within a ¼ mile buffer of the centerline (Figure 2A and 2B):

- 1. Two Rivers Water Park opened May, 2016 (contains pool, covered picnic area, concession stand, sand volleyball court, soccer field, lots of green space); and

[https://www.plattsmouth.org/index.php?option=com\\_content&view=article&id=183&Itemid=213](https://www.plattsmouth.org/index.php?option=com_content&view=article&id=183&Itemid=213)),

2. Plattsmouth high school sports fields.

There would be no temporary, permanent or constructive use of these facilities by the project. They are located outside of the project limits and the project would have no access restrictions relative to their use.

There are 2 historic properties located within the Area of Potential Effect which was reevaluated in 2016 for this project; the Eagles FOE 365 building and the Perry Farmhouse. Details of those resources are discussed in the Historic Resources section of this document. Neither of the historic properties would be affected by the project. An environmental commitment listed under Historic Resources in the Environmental Commitment section alerts the contractor to not disturb the brick gates that are located on the two driveways of the historic farmstead.

Section 6(f).....  Y /  N

*Discuss:*

There would be no Section 4(f) properties impacted by the project, thus no Section 6(f) properties would be impacted.

Tribal/Federal Land.....  Y /  N

*Discuss:*

There are no tribal or federal lands located within the Environmental Study Area.

Farmland.....  Y /  N

*Discuss:*

As reported in the 2000 SEIS, land use in the project area was primarily highway ROW and farming. It was stated that approximately 171 acres of land would be impacted by ROW extension (page 65) within Segment 2 (which included both of the Murray to Plattsmouth and Plattsmouth to Bellevue projects). Of that amount, approximately 47 acres of prime farmland would be impacted through conversion to highway ROW within Segment 2 (Murray to Bellevue).

Currently, land use in the project area has changed little from 2000. Land use is still primarily highway ROW and farming. An estimated 47 acres of land would need to be acquired for the project. Approximately 4.5 acres of temporary easement would be required and no permanent easements are anticipated. Approximately 13 acres of prime farmland would be impacted by the project. In accordance with the Federal Farmland Policy Protection Act (FPPA), Form CPA-106 was drafted for review of impacts to prime or unique farmland. The District Conservationist of the Natural Resources Conservation Service (NRCS) assisted in evaluation of prime farmland impacts, through review of a draft CPA-106 Form, submitted by NDOR. In an email from the NRCS District Conservationist (10/6/2016), it was determined that: "...a Farmland Conversion Impact Rating For Corridor Type Projects form (NRCS-CPA-106) will not be needed on this project since the point totals for Part IV [of the CPA-106 Form] is less than 60, the project is within already established right-of-ways (ROW), and no or very little additional cropland will be taken out of production, thus, **NRCS has determined that your project was found to be cleared of FPPA significant concerns.**"

Wild and Scenic Rivers/National Rivers Inventory.....  Y /  N

*Discuss:*

There are no Wild and Scenic Rivers or National Recreational Rivers within the Environmental Study Area.

Floodplain/Floodway..... Y / N

*Discuss:*

2000 SEIS: Discussion of project impacts to the unnamed tributary to Fourmile Creek were limited to the US-75 four-lane-highway crossing. The SEIS stated that “Fourmile Creek will not be altered and therefore should not realize a rise in flood levels due to this project.” The SEIS also stated that “The proposed construction will not create a significant encroachment upon the floodplain nor will it create a substantial risk to human life. Property damage that is substantial in cost or extent will not increase as a result of the project, nor will there be adverse impacts on the natural and beneficial floodplain values.” (SEIS, 2000, page 61)

Re-evaluation: Construction of the Murray to Plattsmouth project would require a floodplain permit. Floodplain certifications were developed for project floodplain impacts to an unnamed tributary to Fourmile Creek in Cass County. Work at this location would include extension of a triple concrete box culvert at approximately MM 377.4 to accommodate the tributary under the four-lane highway. The impacted area falls within the Zone A Floodplain regulation’s allowance of up to one-foot cumulative increase in the 100-year Base Flood elevations for changes in a floodplain. The floodplain encroachment would be considered a functionally dependent use (meaning that the culvert is designed to convey floodwaters under the highway at that location). A floodplain permit would be obtained prior to project letting. NDOR and the Contractor would meet the provisions of the floodplain permit.

Wetlands/Waters of the US/Waters of the State..... Y / N

*Discuss:*

Project Segments B1, B2, B3, and C1: were discussed in the 2000 SEIS (Figure 2010-2 (SEIS) – Study Area from the 2000 SEIS). A Section 404 permit was issued in October of 2011 for construction of Segment C1.

The 2000 SEIS anticipated a total of 25 acres to be unavoidably impacted in Segments B1, B2, B3 and C1, combined. In 2015, a total of only 6.40 acres of wetland impacts and 5,679 linear feet of channel impacts were permitted under Section 404 for construction of Segment C1. A total of 1.98 acres of wetlands and 1,033 feet of channel impacts have been calculated for permitting of the Murray to Plattsmouth project (Figure 3). This amount is substantially less than the anticipated 25 acres discussed in the 2000 SEIS, due to impact avoidance and minimization during project design, as well as the elimination of Segment C1. The calculated impacts included USACE jurisdictional wetlands as well as isolated and roadside ditch wetlands protected under Nebraska Administrative Code Title 117, Nebraska Surface Water Quality Standards, Chapter 3, Anti-degradation Clause.

This project would qualify for either a Nationwide 14 – Linear Transportation Permit, or an Individual Permit. It is anticipated that any required impact mitigation would be at the Oreapolis wetland mitigation site, located approximately 1/3 mile south of the Platte River and 1 mile east of US-75/US-34, along East Bay Road (Figure 2010-1). Mitigation of wetland impacts was discussed in the 2000 SEIS in the following manner: “Wetlands will be mitigated at a ratio of 1:1 on site (adjacent to the corridor). Should it be determined that these wetlands could be mitigated at an established wetland mitigation bank, the mitigation ratio would still be 1:1.” Page 63. The Oreapolis Mitigation Bank (located northeast of Plattsmouth) was built to accommodate any wetland impacts from the Murray to Bellevue projects. Mitigation for impacts would be at the ratio specified by the USACE in the Section 404 permit. A Section 404 permit would be required for this project, as well as a Title 117 Letter of Opinion from NDEQ. NDOR and the Contractor shall follow all conditions of the permit(s), as well as the commitment noted in the Environmental Commitments section of this document.

Impaired Waters.....  Y /  N

*Discuss:*

Surface Water Quality

Surface water quality in the 2000 SEIS was discussed primarily as it related to the major river and creek systems in Sarpy and Cass Counties (Platte River, Weeping Water Creek and the Missouri River watersheds). An impact assessment was discussed only as it related to construction stormwater runoff. Stormwater is addressed under its own section later in this document.

An unnamed tributary to Fourmile Creek crosses under US-75/US-34 through a triple CBC (S034 37742). The CBC would be extended by the project as allowed under a Section 404 Nationwide Permit. As noted in the “NDEQ 2016, *Water Quality Integrated Report*”, the NDEQ-assigned beneficial uses for Fourmile Creek include aesthetics, aquatic life and agricultural water supply. Extension of the culvert in the unnamed tributary would not change the beneficial uses identified for Fourmile Creek.

Groundwater Quality

The Nebraska Wellhead Protection Program is a voluntary program that assists communities and other public water suppliers to prevent contamination of their water supplies. The City of Plattsmouth’s Wellhead Protection Area is located north and east of the project, more than a mile outside the project study area. No Wellhead Protection Areas are located within or adjacent to the project.

Locations of private groundwater wells were compared to the proposed project study area, using the Nebraska Department of Natural Resources “Interactive Map of Registered Groundwater Wells (March 27, 2015), which includes all registered wells from 1957 to March 2015. Based on this review, no registered wells are located within the project study area (Figure 34), adjacent to the highway.

If any registered or unregistered (undocumented) wells are impacted by the project, they would be decommissioned by a licensed water well contractor or pump installation contractor as specified in the Nebraska Department of Health and Human Services regulations under Nebraska Administrative Code Title 178, Water Well Standards, Chapter 12, Water Well Construction, Pump Installation, and Water Well Decommissioning Standards. Proper decommissioning of affected wells would not impact groundwater quality.

Stormwater

A minor and temporary increase in stormwater runoff, soil loss, sedimentation and turbidity in the local drainages due to construction and land clearing activities for the proposed project, was identified in the 2000 SEIS. Minimization of these impacts would occur through implementation of erosion and sediment control best management practices (BMP) during construction.

Since the 2000 SEIS, the construction stormwater permit program has been established in an effort to decrease water pollution from construction project sites, including roadways. A National Pollution Discharge Elimination System (NPDES) Construction Stormwater General Permit would be required for this project. Erosion control plans and Storm Water Pollution Prevention Plans (SWPPP) are required on all projects that have one acre or more of disturbed soil or cross major waterways with potential for direct discharge. At the time of project completion, the Notice of Termination for the General Construction Storm Water Permit and completion of the SWPPP responsibilities would be filed with the Nebraska Department of Environmental Quality. Actions to be taken under the Construction Stormwater Permit and SWPPP measures would control sediments and erosion.

Threatened and Endangered Species..... Y / N

*Discuss:*

NDOR has reviewed the current lists of state and federally protected species in Nebraska and compared it to the list of species found in the 2000 supplemental EIS. Bald eagle (*Haliaeetus leucocephalus*) was removed from the Federal list of threatened and endangered species on August 9, 2007, and from the state list on October 30, 2008. However, the bald eagle is still protected under the Bald and Golden Eagle Protection Act. No suitable nesting habitat for bald eagles exists within the project study area. Peregrine falcon (*Falco peregrinus*) was removed from the Federal list of threatened and endangered species on August 20, 1999. Sturgeon chub (*Macrhybopsis gelida*) was not included in the 2000 SEIS; it was state-listed as endangered in March 2000. American burying beetle (*Nicrophorus americanus*) is not found in this portion of the state with the listed range of this species found further west and north and was eliminated from this Re-evaluation. American ginseng, interior least tern, piping plover, pallid sturgeon, lake sturgeon, sturgeon chub, river otter, southern flying squirrel, and western prairie fringed orchid remain listed species in this area of Nebraska. Two species, the rufa Red Knot (*Calidris canutus rufa*) and the Northern Long-Eared Bat (*Myotis septentrionalis*) were federally-listed as threatened in 2015 and have been added to the review.

**Table 2. Complete Species List**

<u>Common Name</u>	<u>Scientific Name</u>	<u>Federal Status</u>	<u>State Status</u>
American Ginseng	<i>Panax quinquefolium</i>		Threatened
Interior Least Tern	<i>Sterna antillarum athalassos</i>	Endangered	Endangered
Lake Sturgeon	<i>Acipenser fulvescens</i>		Threatened
Northern Long-Eared Bat	<i>Myotis septentrionalis</i>	Threatened	Threatened
Pallid Sturgeon	<i>Scaphirhynchus albus</i>	Endangered	Endangered
Piping Plover	<i>Charadrius melodus</i>	Threatened	Threatened
River Otter	<i>Lutra canadensis</i>		Threatened
Rufa Red Knot	<i>Calidris canutus rufa</i>	Threatened	Threatened
Southern Flying Squirrel	<i>Glaucomys volans</i>		Threatened
Sturgeon Chub	<i>Macrhybopsis gelida</i>		Endangered
Western Prairie-fringed Orchid	<i>Platanthera praeclara</i>	Threatened	Threatened

Analysis of Effects :

The Nebraska Natural Heritage Database (NNHD) confirmed no records within 5-miles of the Segment B2 for the species listed below:

- American Ginseng
- Rufa Red Knot
- Southern Flying Squirrel
- Western Prairie Fringed Orchid

A review of habitat resources including aerial photos, a site visit habitat survey, and site visit photos shows no evidence of suitable habitat in the area for any of these species.

Interior Least Tern and Piping Plover:

The 2000 Supplement to the 1979 EIS required any construction occurring within the Platte River during nesting season for these species (mid-April to mid-August), to complete surveys for nesting birds. However, that requirement applied to the Plattsmouth to Bellevue segment also re-evaluated in the SEIS. The project study area does not contain and is not adjacent to suitable nesting habitat for interior least terns and piping plovers. Therefore, because no suitable habitat exists along the project, conservation conditions for interior least terns and piping plovers would not apply. The effect determination for interior least tern and piping plover has not changed from “May Affect, Not Likely to Adversely Affect;” however, the implementation of conservation conditions would not be needed for the project, due to lack of suitable habitat.

Pallid Sturgeon, Lake Sturgeon, and Sturgeon Chub:

The 2000 Supplement to the EIS recommended disturbing as little area within the Platte River as possible, scheduling construction to avoid spawning season when sturgeon may migrate (May – late June). The project study area does not include any work that would occur within or adjacent to suitable habitat for these species (large, turbid sandy bottom rivers). Therefore, the implementation of conservation conditions for these species would not be needed. The effect determination for pallid sturgeon, lake sturgeon, and sturgeon chub has not changed from “May Affect, Not Likely to Adversely Affect;” however, the implementation of conservation conditions would not be needed for the project.

River Otter:

The 2000 Supplement to the 1979 EIS found that this project would not adversely affect river otters. After reviewing the project study area, no work would be occurring within or adjacent to suitable habitat for this species (wooded river corridors, ponds, and lakes within the species range). Therefore, the implementation of conservation conditions would not be needed. The effect determination for river otter has not changed from “May Affect, Not Likely to Adversely Affect;” however, the implementation of conservation conditions would not be needed for the project.

Northern Long-Eared Bat:

The northern long-eared bat was listed as federally threatened on April 2, 2015 (80 FR 17973-18033). Within Nebraska, the suspected range of northern long-eared bat includes the eastern and northern ¼ of the state. The range generally follows areas with riparian deciduous forests, such as the Niobrara River in the north of the state, the Republican River in the south, and the Missouri River and its tributaries in the east. During the winter, northern long-eared bats hibernate in humid caves and mines. Some of these locations may be used year-round for summer roosting. Spring staging and fall swarming are transitional periods where the bats may be foraging along their migration route to or from summer roosting habitat. During the summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities or in crevices of both live and dead trees. Man-made structures, such as bridges, barns, and buildings that provide protection from weather may be used opportunistically for roosting. In late spring, female northern long-eared bats will form small maternity colonies and each birth a single pup in June or early July. Summer roosting habitat for northern long-eared bat (live or dead trees with loose or peeling bark, possibly bridges and manmade structures) may exist within and adjacent to the project area along drainages and farmsteads. No known hibernacula or maternal roosts exist within ¼ mile of the project study area.

To avoid impacts to this species, NDOR would, to the extent practicable, clear vegetation (trees and shrubs) and conduct any bridge removal work outside of the timeframe when pup-rearing and

maternal roosting northern long-eared bats may be present within the Project limits. If this work is unable to be scheduled outside of the maternal roosting season (June 1 – July 31), surveys would be conducted prior to allowing clearing or construction to begin to ensure no bats would be impacted by these activities. With the implementation of conservation conditions, which have been agreed upon by the Matrix signatories, this Project “May Affect, but is Not Likely to Adversely Affect” northern long-eared bat. See conservation conditions in the Environmental Commitments section of this document.

**Effect Determination**

There are a total of 11 state and federally listed species whose range includes Cass County in Nebraska in which this Project would take place. According to a search of designated critical habitat on the USFWS website, no designated critical habitat exists within the Project vicinity.

No Effect:

NDOR has determined that due to lack of suitable habitat within the project study area, the project would have **no effect** to:

- American Ginseng
- *Rufa* Red Knot
- Southern Flying Squirrel
- Western Prairie-fringed Orchid

May Affect, Not Likely to Adversely Affect:

NDOR has determined that suitable habitat exists within or adjacent to the overall Project limits for the following species. With the implementation of the conservation conditions, as updated in February 2016 Matrix Meetings, listed below, NDOR has determined the Project, including the construction of US-75/US-34 from Murray to Plattsmouth, **may affect, but is not likely to adversely affect:**

- Interior Least Tern
- Lake Sturgeon
- Northern Long-Eared Bat
- Pallid Sturgeon
- Piping Plover
- River Otter
- Sturgeon Chub

Concurrence from the NGPC was received on November 17, 2016 and the USFWS on November 18, 2016. FHWA concurrence for the above evaluation was received on October 20, 2016.

Historic Resources.....  Y /  N

*Discuss:*

The Nebraska State Historic Preservation Office (NESHPO) concurred upon the Section 106 historic analysis in the 2000 SEIS on October 13, 1998. The Area of Potential Effect (APE) evaluated for the SEIS encompassed the US-75/US-34 project from Murray to Bellevue. All historic and cultural resources properties evaluated were determined not eligible for the National Register of Historic Places (NRHP), with the exception of one (Site 25CC272 – Oreopolis), which is located north of Plattsmouth and outside the limits of the Murray to Plattsmouth project.

A supplemental review of the identification and evaluation of historic properties was completed on May 6, 2016 for the Murray to Plattsmouth project. Within the APE evaluated relative to this



segment, 7 archeological sites were recorded (25CC203, 204, 205, 206, 207, 243, and 258). All of these sites are not eligible for the NRHP due to compromised physical integrity or inherent lack of significance and research potential. Four historic properties were also identified for survey and evaluation within the APE. Of the four properties identified, two are not recommended NRHP eligible due to a lack of physical integrity and/or historic significance. The Perry Farmhouse was listed on the NRHP in 2006 and the supplemental review investigation recommended that the Eagles FOE 365 building is eligible for NRHP listing under Criteria A and C. The Perry Farmhouse property contains two driveways that exit out onto the existing highway. As a result of this project, the southern driveway would be closed and the grade of the northern driveway would be decreased to allow the property owner easier access. These activities would not affect this property or the characteristics which make it a historic property, as long as the commitment specified in the Environmental Commitments section is followed. The Eagles FOE 365 building would not be affected by the project as proposed. No new property rights acquisition is required from either historic property.

No historic structural or architectural historic properties would be affected by the project as proposed. In addition to NESHPO, three consulting parties were identified to participate in consultation; City of Plattsmouth Certified Local Government (CLG), the Ponca Tribe of Nebraska and the Iowa Tribe of Kansas and Nebraska. NESHPO concurred on the “no historic properties affected” determination on September 12, 2016, the CLG concurred on September 13, 2016, and no response was received from the Iowa Tribe of Kansas and Nebraska or the Ponca Tribe, to FHWA’s request for review-initiated September 12, 2016 (Attachment D).

Hazardous Materials.....  Y /  N

*Discuss:*

A records search of potentially contaminated sites was conducted for the 2000 SEIS along the alignment. Two reported sites were identified, both of which were located north of the proposed project for this evaluation and would not affect nor be affected by the project.

In a 2016 hazardous materials review, several facilities were identified where past releases have occurred within the hazardous materials study area. All of the facilities are considered to be a low potential to impact the project. The following table presents the facility information and type of release that occurred if applicable.

Facility	Address	Regulatory Database and Facility Status	Distance Relative to Project
75 Mart	114 Rock Bluff Rd	LUST - petroleum	adjoining
Plattsmouth Municipal Airport	411 Church Rd	LUST – petroleum RA – heating oil, TL3	Between 0.1 and 0.25 miles
NDOR Maintenance Yard	15616 2nd Ave, Plattsmouth	LUST – petroleum RA – petroleum, TL3	adjoining
Plattsmouth Terminal	13909 Chicago Ave	RCRA – CESQG TL3	0.1 miles
Beaver Lake Amoco	109 Rock Bluff Rd	UST - petroleum , no release	adjoining

Notes:  
 LUST - Leaking Underground Storage Tank  
 UST - Underground Storage Tank  
 TL3 = Sara Title III, storage of hazardous materials  
 RCRA = Resource Conservation and Recovery Act  
 CESQG = Conditional Exempt Small Quantity Generator  
 RA = Release Assessment

Groundwater depth ranges from 15 feet below ground surface (bgs) to 60 feet bgs along the project corridor. Project excavations are not anticipated to encounter groundwater except where pier placement would occur for the replacement of the viaduct over the UPRR (S034 37969). No hazardous material release or sites were identified in this area; therefore, there is a low potential of encountering contaminated soils or groundwater during construction associated with the replacement of the viaduct.

Beaver Lake Amoco and the Plattsmouth Terminal did not have any documentation of a release. Based on the scope of work near these facilities and no documentation of a release, these two sites are considered a low potential to impact the project. Sites where releases have occurred are discussed in further detail below.

#### 75 Mart

This current gas station is located on the north side of Rock Bluff Road just east of the proposed project on US-75. The scope of work near 75 Mart includes resurfacing Rock Bluff Road and replacing a culvert at the back of the property. In 2004 soil contamination was discovered during replacement of the dispensers and piping and the site was placed on the leaking underground storage tank trust fund priority list for several years. In 2009, A Tier I Site Investigation (which is a limited investigation conducted as a step under the NDEQ's Risk-Based Corrective Action process), was completed. The Tier I Site Investigation included historical information, site information (including soil and water sampling), and description of contamination and aquifer characteristics. This information was used to determine if contamination is present and if so, whether additional investigation and cleanup is warranted. Only minor amounts of soil and groundwater contamination were present, but were below risk based screening levels for ingestion of groundwater and dermal contact with soils. Field vapor readings completed at the location of the culvert showed less than 1 ppm volatile organic compounds. The boring logs of the closest monitoring well (MW-1) to the culvert did not indicate any discolored soils or petroleum odors. NDEQ determined that no further remedial action was necessary. Based on this information, there is a low potential of encountering contamination originating from this site during construction.

#### Plattsmouth Municipal Airport

This facility is located south of Church Road and West of US-75. A release of gasoline related to an underground storage tank and a release of heating oil are documented at this site. The location of the releases are approximately 1/4 mile from the project footprint. Both releases were addressed and no further remedial action (NFA) was required. Based on the distance from the releases to the project footprint and the NFA status, there is a low potential of encountering contamination originating from this facility during construction.

#### NDOR Maintenance Yard

This facility is located at the southeast corner of the 8<sup>th</sup> Avenue and US-75 intersection and adjoins the project. A surface release of 600 gallons of diesel and a release of gasoline associated with the removal of two underground storage tanks are documented at this facility. The diesel release occurred in 1989 and was well contained to an area around the tank. The affected soils were excavated and hauled to an approved location and NDEQ determine that no further remedial action was necessary. Based on the completed remediation of impacted soils and the NFA status, there is a low potential for this release to impact construction.

The gasoline release occurred in 1992 and Tier I Site Assessment was completed. There were minor amounts of soil and groundwater contamination present but concentrations were below NDEQ's Tier I risk-based screening levels. NDEQ determined that no further remedial action was necessary. The boring log of the closest boring to the project did not indicate the presence of petroleum odors or staining. The distance from the release to construction activities is approximately 350 feet.

Based on the NFA status and the distance from the release to construction, there is a low potential for this release to impact construction.

Asbestos and Lead

Bridge structure S075 07234 would be replaced. An asbestos survey was completed on March 4, 2016. The results were negative for asbestos containing material in all samples. NDOR would submit the National Emission Standards for Hazardous Air Pollutants (NEHSAP) notification form to NDEQ. There is also potential for lead paint and lead bearing plates to be found on the structure. Commitments for the removal of painted components and handling lead plates are outlined in the Environmental Commitments section of this document. Although the potential for hazardous materials impacts to the project is low, the contractor and NDOR District would follow the commitments relating to the unexpected discovery of waste found in the Environmental Commitments section.

Traffic Noise..... Y / N

*Discuss:*

The 2000 SEIS contained a noise study report that identified noise-sensitive receptors along the Murray to Plattsmouth project segment. However, the comparison between the existing and the 2025 build situation showed the predicted noise level increases would range from zero to four decibels (2000 SEIS, page 38).

The relative impact of sound waves depends on the amount of pressure they generate. The unit of measure for sound pressure is the decibel (dB). In highway traffic noise analysis, the FHWA has specified that noise be predicted and evaluated in decibels weighted with the A-level frequency response. Measurements in dB(A) incorporate a human’s reduced sensitivity to both low frequency and very high frequency noises to better correlate with the subjective impression of loudness.

A noise study report was prepared in 2016 for the Murray to Plattsmouth project. Results of the noise study identified traffic noise impacts in the future (2045) build scenario. Six residential noise receivers would experience a traffic noise impact (approaching or exceeding the Noise Abatement Criteria identified in the 2011 Nebraska Noise Analysis and Abatement Policy) in the 2045 build condition. No other category of receptors would be impacted. The increase in noise levels ranged from 0 dB(A) to 5 dB(A). This noise increase would be due to the increased traffic volumes over time, in addition to the proposed US-75/US-34 northbound lanes being constructed closer to receptors on the east side of the highway. No receptors would experience a substantial increase in noise levels (15 dB(A)). Noise barriers were analyzed for the receptors that would be impacted by future traffic noise along the project corridor. Noise abatement was analyzed for 5 locations. All analyzed receivers are category B residences. All noise barriers analyzed met the engineering, acoustic feasibility and noise reduction design goals for reasonableness. However, no barrier met the cost effective criteria (<\$40,000/benefited receptor) and were therefore determined not reasonable. As is consistent with the conclusion of the 2000 SEIS, no noise barriers would be incorporated as part of construction of this project.

Air Quality..... Y / N

*Discuss:*

Air Quality considerations in the 2002 SEIS were considered to be minimal. Mitigation was discussed in the following terms: “Temporary particulate matter emissions, such as fugitive dust, are expected to be present during construction. Mitigation measures such as watering will be implemented during construction to reduce fugitive dust emissions.” Page 60. Dust suppression is now included as a requirement in NDOR’s Stormwater Pollution Prevention Plans (Section 1.11 – Non-storm Water Discharges), prepared in compliance with the project’s Construction Stormwater Permit, Part. C.11.

Therefore, no additional mitigation language is needed to address the temporary particulate matter emissions concern expressed in the 2000 SEIS.

The project does not require a detailed air quality analysis for the following reasons:

- By Memorandum of Agreement with NDEQ, air quality analysis would not be required until traffic would exceed 100,000 ADT. This project would not reach the 100,000 ADT in the future build scenario
- The project study area is located in an area that is considered 'In Attainment' by the NDEQ, meaning that air quality meets or exceeds the standards set by the EPA
- The project is categorized as a Level 2 MSAT analysis only requiring a qualitative review.

FHWA's October 18, 2016 memorandum entitled "Interim Guidance on Mobile Source Air Toxic (MSAT) Analysis" identifies three categories for analyzing MSATs in NEPA documents, depending on the potential for MSAT effects. The Murray to Plattsmouth project would be category 2, identified as "projects with low potential MSAT effects," therefore requiring only a qualitative review. Results of the air quality review (incorporating the 2016 Guidance referenced above) are summarized below, with details included in Attachment G.

The project is not anticipated to create a potential for meaningful increases of MSAT for the following reasons:

- As a widening project there would not be a substantial increase in vehicle miles traveled (VMT).
- This project would not serve any intermodal facilities.
- The projected design year traffic will not reach 140,000 average daily traffic (ADT).

The VMT estimated for the Build Condition (91,945) is slightly higher than that for the No Build Condition, because the additional capacity increases the efficiency of the roadway and attracts rerouted trips from elsewhere in the transportation network. This increase in VMT would lead to higher MSAT emissions for the preferred action alternative along the highway corridor. The emissions increase is offset somewhat by lower MSAT emission rates due to increased speeds; according to EPA's MOVES2010b model, emissions of all of the priority MSAT decrease as speed increases. Because the estimated VMT for the No-build and Build conditions are nearly the same, it is expected there would be no appreciable difference in overall MSAT emissions. Future MSAT emissions are expected to be lower than present levels as a result of the EPA national control programs that are projected to reduce annual MSAT emissions by over 80 percent by the year 2050. Although local conditions may differ from these national projections in terms of fleet mix and turnover, traffic growth rates, and local control measures, the magnitude of the EPA-projected reductions is so great that MSAT emissions are likely to be lower in the future in nearly all cases.

Traffic Management.....  Y /  N

*Discuss:*

Traffic Management was not specifically discussed in the 2000 SEIS. For the proposed project, mainline highway traffic would be carried through construction (head to head traffic) with some limited/short duration (< 30 days) closures of minor side roads. Traffic would be maintained on side roads and at driveways to the greatest extent possible by using phased construction and temporary pavement. The existing county road system would serve to provide alternative access to most side

roads. Temporary surfacing may be used at intersection locations to accommodate phased construction. Mitigation commitments relative to traffic management are located in the Environmental Commitments section of this document.

NDOR, with support from its Communication and Construction Divisions, provides notice to the public and emergency response agencies prior to and during any major construction projects, as specified in the Environmental Commitments section.

Access.....  Y /  N

*Discuss:*

The Impacts of Access Changes section of the 2000 SEIS, begins with “The design criteria used throughout Nebraska for the upgrade of the expressway system often results in the consolidation, combination or closure of driveways or streets. The purpose is to create a more efficient and safer roadway system.” (page 56). Discussion of access impacts in the SEIS centered on the projects north of Plattsmouth, with no specific discussion of access impacts between Murray and Plattsmouth. The only access-related commitment in the 2000 SEIS was on page 57. It was stated that: “US-75 will be built under traffic. Although construction activity in the area could result in a temporary impact to response times, the phasing plans for the area will be developed to minimize adverse response time impacts. Additionally the Nebraska Department of Roads will coordinate with Plattsmouth emergency response and law enforcement during construction to keep them abreast of route changes.” Access to all properties would be maintained at all times per the construction phasing plans.

For the proposed project, Chicago Avenue access to US-75/US-34 would be eliminated, allowing Horning Road to become the primary access to US-75/US-34 (Figure 4). Distance between the two roads is less than desirable in accordance with NDOR’s access control standards for expressway design, thus the through-road (Horning Road) access is perpetuated and the T-intersection with Chicago Avenue is eliminated. The configuration of Chicago Avenue east of the highway, with its skewed intersections and redundancy with Horning Road in terms of the area it serves, resulted in the decision to eliminate Chicago Avenue. Cindy Lane, previously connected to Chicago Avenue for access to US-75/US-34, would be connected directly to US-75/US-34. The Cindy Lane access to US-75/US-34 would be constructed prior to the removal of Chicago Avenue, in order to maintain access at all times to US-75/US-34. The First Avenue/Westside Drive intersection would also be converted to three-quarters -access so no side-road cross-traffic or left turns would be allowed.

Access to adjacent properties would be maintained during construction, but may be limited at times due to phasing requirements. Temporary access to driveways and field entrances may be accommodated using temporary earth connections graded through the median.

Environmental Justice.....  Y /  N

*Discuss:*

Discussion of Environmental Justice in the 2000 SEIS was primarily focused upon the low income and minority populations located along the Plattsmouth to Bellevue project area and very little was mentioned directly pertaining to the Murray to Plattsmouth area. However, the impact analysis determined that the project improvements would cause no relocations in the four census block groups within the project study area. Two of the block groups would have no physical impacts at all, and in the other two block group areas the only impacts would be some minor relocation of access roads and driveways.

On August 26, 2016 a Civil Rights Analysis Re-evaluation was completed for the Murray to Plattsmouth project. Following is a discussion of the Environmental Justice information for this project.

This project is located in several block groups of three census tracts in Cass County. The project is also located adjacent to the City of Plattsmouth and the Village of Murray. The Environmental Justice data for this project is as follows:

**Table 3. Summary of Environmental Justice Data**

Area	Minority Population*	Hispanic Population	Population Below the Poverty Level**
Tract 9656, Block Group 1	3.9%	2.1%	1.2%
Tract 9660, Block Group 1	5%	3.1%	5.3%
Tract 9660, Block Group 2	4.6%	2.6%	2.1%
Tract 9661, Block Group 1	4.3%	1.7%	10%
Tract 9661, Block Group 2	6.1%	3.3%	5.4%
Village of Murray	6.5%	4.1%	6.9%
City of Plattsmouth	7%	4%	9%
Cass County	4.6%	2.4%	5.8%

\*Data on minority and Hispanic persons collected from 2010 Decennial US Census, Summary File 1, Table P5.

\*\*Data on low-income persons collected from American Community Survey 2010-2014 5-Year Estimates, Tables S1701 and B17021

**Table 4. Limited English Proficiency (LEP) Data**

Area	% of Population that Speaks ONLY English*	Languages Other Than English Spoken by 5% or Greater of the Total Population**	Population of Area Age 5 or Greater
Tract 9656, Block Group 1	99.4%	None	1,572
Tract 9660, Block Group 1	100%	None	515
Tract 9660, Block Group 2	91%	None	2,386
Tract 9661, Block Group 1	95.3%	None	1,289
Tract 9661, Block Group 2	98.8%	None	1,121
Village of Murray	100%	None	401
City of Plattsmouth	95.8%	None	6,055

\*All data from American Community Survey 2010-2014 5-Year Estimates, Tables B16001 and B16004.

In general, the areas in which this project is located have lower or consistent populations of minority, Hispanic, and low-income persons when compared to the county (as shown in Table 3). The census data does not indicate percentages of minority, Hispanic, or low-income persons that are meaningfully greater than the corresponding figures for Cass County.

Tract 9661, Block Group 1 contains the Plattsmouth Manufactured Home Community, a mobile home park located at the intersection of Chicago Avenue and East Wiles Road. The mobile home community is located about 3/4 mile east of the project site. The Plattsmouth Manufactured Home Community is a readily identifiable group of low-income persons who live in geographic proximity, and is therefore recognized as a low-income population for the purposes of this analysis. The location of this mobile home community within Census Tract 9661, Block Group 1 likely accounts for the slightly elevated percentage of low-income persons within that block group. No other residences, businesses, or organizations likely to be predominately used by minority or low-income populations were identified in the vicinity of this project.

The areas in which this project is located are mostly English-speaking (as shown in Table 4). In the areas surveyed, none of the data indicates the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons.

There is anticipated right-of-way acquisition for this project. There would be right-of-way acquisitions along the entire length of this project. Much of the right-of-way acquisition would be from unpopulated agricultural land. Nearer to Plattsmouth, the businesses from which right-of-way is likely to be acquired are not businesses that predominantly serve minority, Hispanic, or low-income persons. Plattsmouth Manufactured Home Community is far enough outside the project area that it would be unaffected by property acquisitions.

Some permanent access changes are expected as a result of this project. These permanent access changes are not anticipated to adversely affect the identified low-income population. Chicago Avenue between 9th Avenue and US-75/US-34 is redundant and its elimination would be only a minor change in travel times or traffic congestion because of the availability of 9th Avenue and Horning Road. Wiles Road would undergo changes in the vicinity of US-75, but would remain a fast and open access point to US-75 for the residents of the Plattsmouth Manufactured Home Community. Lastly, the proposed changes to the 1st Avenue/Westside Drive intersection are approximately 2.5 miles distant from the identified low-income population, within the City of Plattsmouth, and are therefore not anticipated to affect the population whatsoever.

Access to properties adjacent to the project site would be maintained. There would be no isolation, exclusion, or separation of minority or low-income individuals within a given community or from the broader community. There would be no restrictions of access to essential services. Based on these project considerations, there are no anticipated adverse effects to the identified low-income population in Census Tract 9661, Block Group 1.

Although a low-income population was identified in the vicinity of this project, there are no anticipated disproportionately high and adverse human health or environmental effects to minority and low-income populations, as defined in FHWA Order 6640.23A.

Public Involvement..... Y / N

*Discuss:*

Since the public hearing for the 2000 SEIS there has not been any public outreach after approval of the SEIS to discuss the proposed project.

A design public information meeting is planned for early May of 2017. Currently, there are no civil rights issues identified as present within the project study area. No LEP outreach is required for this project because, in the areas surveyed, none of the data indicates the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. Thus project materials would be prepared in English only.

The NDOR also follows a notification practice in each District, with support from the Communication and Construction Divisions, during and prior to a major construction schedule. See Environmental Commitments section for planned mitigation.

Unresolved Controversy..... Y / N

*Discuss:*

N/A There has been no substantial controversy identified as associated with this project.

Other.....  Y /  N

*Discuss:*

*Invasive Species:*

The following noxious weed species have been documented in Cass County, Nebraska (2014 NE Dept. of Agriculture, and Cass County Weed Board email dated 10/20/2016):

- Canada thistle
- Plumsless thistle
- Common reed
- Japanese knotweed
- Spotted diffuse knapweed
- Leafy spurge
- Musk thistle
- Purple loosestrife
- Salt cedar
- Sericea lespedeza
- Phragmites

According to NDOR’s Standard Specifications, the contractor would be responsible for disposal of all vegetation removed from NDOR ROW and limits of construction [Subsection 202.01(4)(d)]. Disturbed areas would be seeded per NDOR Standard Specifications [Subsection 803.02] (NDOR, 2007b). Revegetation of the area following construction would use the “NDOR Roadside Vegetation Establishment and Management” guide (2014). This is an online guide to stabilization, seeding, sodding, planting trees and managing vegetation (including weed control). It is located at: <http://www.transportation.nebraska.gov/environment/guides/veg-manual.pdf>. Invasive Species precautions to minimize impacts are also included in the NDOR Standard Specifications. With implementation of the Standard Specifications (shown below) impacts from invasive species would be minimal.

“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 [Subsection 107.01(6) as amended A-43-0210]. The contractor shall inspect all construction equipment and remove all attached vegetation and animals prior to leaving the construction site [Subsection 107.01(6), as amended in A-43-0210] (NDOR, 2007b).”

“Appropriate mulching materials, as defined in Subsection 805.02(1) of NDOR’s Standard Specifications and “NDOR Roadside Vegetation Establishment and Management” guide (2014), shall be applied and shall not include brome hay. All sod, if required to be applied, shall be free from noxious weeds and all other weeds [Subsection 806.02(4)(c)] (NDOR, 2007b).”

*Airport Proximity:*

The Plattsmouth Municipal Airport is located directly adjacent to the highway at approximately MM 375.00 to 376.00. Because of this close proximity, the Nebraska Department of Aeronautics was contacted and project plans and height calculations were sent to them at their request, for analysis of potential for impact. After review of the information and NDOR’s plan to use the DR-2 Standard (70mph) for the rural portion of the project (next to the airport), the Engineering Division of the Nebraska Department of Aeronautics stated in an email on January 13, 2015, that they would have no objection to the changes in the grade raises for the project. Conditions for this decision included the following:

- 1.) “Due to construction proximity, prior to & during the construction, the airport manager **MUST** be notified **daily** of the progress while you are in the immediate area of the airport for safety



requirements.” This means the NDOR Project Manager and the Construction Contractor’s Project Manager have the responsibility to notify the airport manager whenever their staff would be working in the immediate area of the airport.

- 2.) “...any contractor involved in the project would file a 7460-1 Form with the FAA for all structures over 200’ tall, **or that break a 100:1 slope from a public-use airport.**  
*This includes any trucks or equipment used during the project, especially pile drivers or cranes that may be used for guardrail and/or bridge work.”*

Following the instructions of the Department of Aeronautics directions, along with mitigation commitments in the Environmental Commitments Section of this document, the project would not negatively impact the airport.

Cumulative Impacts:

The primary cumulative impacts addressed in the 2000 SEIS for the Murray to Bellevue portion of the overall project (from Nebraska City north to Omaha), included: consideration of the influence of Kennedy Freeway’s development; and the US-34 Corridor and bridge over the Missouri River that would tie to US-75. The Kennedy Freeway was identified as growth-inducing to southern Sarpy County, and the location of the US-34 bridge and corridor (now built) were described as having no impact on the US-75 project. Cumulatively, impacts from the Murray to Bellevue segment were not expected to be significant. However, it was recognized that the combination of the Kennedy Freeway, US-34 Bridge and the US-75/US-34 project segment from Murray to Bellevue may increase development in southern Sarpy and Cass Counties due to additional and easier access.

The State Transportation Implementation Plan (2017-2020) shows two projects near Murray on Nebraska Highway 1 (N-1). Project Control Number 22467A (STP-1-7(107) Murray – US-34 and 75) would reconstruct 1.02 miles of N-1 beginning within the corporate limits of Murray at MM 25.85 and extending east to MM 26.88, at the junction of N-1 and US-75/US-34. The project includes replacement of the Murray Viaduct with a grade raise and pavement reconstruction through Murray. The pavement work and bridge replacement would be constructed under traffic with lane closures controlled with approved temporary traffic control. This project is scheduled to let in August of 2018.

The second State project is CN 22467B (STP-1-7(108) Murray West). This project would resurface 5.44 miles of N-1 located in Cass County, starting 0.51 miles east of the intersection of N-1 and 84<sup>th</sup> Street at MM 20.41, and extending east to MM 25.85, just west of the 12<sup>th</sup> Street intersection in Murray, Nebraska. This project would widen the roadway from the existing 24-foot-wide surface to a 28-foot-wide driving surface. This project would also be constructed under traffic with lane closures controlled with approved temporary traffic control. This project is scheduled to let in August of 2017, at approximately the same time as the US-75/US-34 Murray to Plattsmouth project.

Since construction for all three projects would be done under traffic, disruption to travel patterns and emergency vehicle access would be minor. The Murray-Plattsmouth project is anticipated to have impacts for wetlands/waters of the US, which would be mitigated. No impacts are anticipated for threatened and endangered species or Section 4(f) properties. Negative long-term socioeconomic impacts are not anticipated as access to residences or businesses would only be limited during construction, and ROW taking would be minimal. Therefore there are no anticipated cumulative impacts due to the projects discussed above in conjunction with the Murray to Plattsmouth project. Traffic control coordination would occur between the projects where construction timing overlaps due to them being located in close proximity.

A 2016 check of the Cass County Transportation Plan did not reveal any major projects planned along the project’s corridor which, when combined with the proposed project, would result in cumulative effects. There are two projects planned in the area on both the north and south sides of Beaver

Lake, designed to improve the roadway and replace a bridge. These projects do not add capacity, but do continue the ability of homeowners at the Lake to have easy and direct access to US-75/US-34. The comprehensive plan includes discussion of the realignment of Chicago Avenue as is proposed with the project. The City of Plattsmouth's Comprehensive Plan (January, 2015) refers to the completion of improvements to US Highway 75 as supporting a quicker commute to Omaha's major employment centers (page 15). The Plan states that "With the completion of work on US Highway 75 between Omaha and Plattsmouth, the city may begin to attract additional residents and visitors as a result of the new ease of travel." (page 17).

While the Highway improvements may begin to attract additional residents, the Plan's policies are geared to "Encourage compact, contiguous, and fiscally responsible development", as well as to "Promote infill development" (page 21). The plan acknowledges that there has been some "limited 'suburban' style development in and around the outskirts of Plattsmouth's city limits" (page 20), future development policies encourage location within the city. The improvements to US-75/US-34 are not anticipated to add substantially to development of the area, when considered with the approved development plans for the study area.

To verify that no cumulative impacts would result from the work of CN 22467A (STP-1-7(107) Murray – US-34 and 75), 22467B (STP-1-7(108) Murray West) and CN 21209 ( S-75-2(1072) Murray to Plattsmouth), the Murray to Plattsmouth project would be reviewed for changes in traffic control plans prior to the Green Sheet and construction of the other two projects. If a detour is added to any of the projects, a re-evaluation of cumulative impacts would occur.

Based upon the available information, the conclusion from the 2000 SEIS remains valid that cumulative impacts from the Murray to Plattsmouth segment are not expected to be significant.

## **Environmental Commitments**

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*(list ALL mitigation measures/commitments for the Project)*

### Floodplains

Floodplain permits will be required for the project action. Floodplain permits shall be acquired from the appropriate local Floodplain Administrator(s), in accordance with Nebraska Floodplain regulations, prior to the construction obligation phase. (NDOR Environmental)

### Wetlands/Waters of the U.S.

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)

All wetlands/waters within the project area that are not permitted for impacts will be marked on the 2W aerial sheets for the contractor as avoidance areas. (NDOR Environmental)

The project will require a Section 404 Permit for impacts to waters of the U.S. The permit shall be obtained prior to project letting. The contractor shall adhere to all permit conditions, including regional and general conditions, during construction. (NDOR Environmental, Contractor)

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

### Historic Resources

The pair of brick gate posts at the driveway near MM 375.74 (west side) shall be marked "do not disturb"; the pair of brick gate posts at the driveway near MM 375.87 (west side) shall be marked "do not disturb"; the evergreen windbreak near MM 375.79 through MM 375.87 (west side) shall be marked "do not disturb" (NDOR District, Contractor).

### Unexpected Waste

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. (Contractor)

### Lead Commitments

There is potential for lead based paint to be found on the painted components of bridge structure S075 07234. If the method of removal of the components generates paint debris, the waste shall be handled in accordance with NDOR's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128, Nebraska Hazardous Waste Regulations. Extreme caution shall be taken to minimize the amount of potential lead

based painted material or debris from causing or threatening to cause pollution of the air, land and waters of the State. The Contractor shall recycle any lead-bearing plates and/or lead shims at a legitimate recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations . The Contractors implementation plan efforts shall be documented in ECOD. (Contractor)

### Stormwater

NDOR inspects all erosion and sediment control 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 Construction Stormwater General 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. (NDOR District)

### Threatened and Endangered Species

General and Species-Specific Conservation 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)

Conservation Condition for Migratory Bird Treaty Act:

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

Conservation Conditions for Northern Long-Eared Bat:

**NLEB-1** Tree clearing, bridge deck joint replacements over the bridge deck, bridge removal activities will not occur between June 1st – July 31st to avoid impacts to the northern long-eared bat maternity roosting period. (NDOR Environmental, Construction, Contractor)

**OR**

**NLEB-2** If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge structures occurs during the northern long-eared bat maternity roosting period (June 1st –July 31st), NDOR personnel will perform surveys prior to the start of these activities at the following locations: **Any locations that require tree clearing or bridge removal** (*location of suitable habitat*). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

Traffic Management

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)

Access

Nebraska Department of Roads will coordinate with Plattsmouth emergency response and law enforcement during construction to keep them abreast of route changes. (NDOR District)

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

### Public Involvement

Because this highway improvement project would have special traffic control, 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).

### Cumulative Impacts

To verify that no cumulative impacts result from the work of CN 22467A (STP-1-7(107) Murray – US-34 and 75), 22467B (STP-1-7(108) Murray West) and CN 21209 ( S-75-2(1072) Murray to Plattsmouth), the Murray to Plattsmouth project shall be reviewed for changes in traffic control plans prior to the Green Sheet and construction of the other two projects. If a detour is added to any of the projects, a re-evaluation of cumulative impacts shall occur. (NDOR Environmental, NDOR District)

### Airport Proximity

Due to construction proximity, prior to & during the construction, the Plattsmouth Municipal Airport manager **MUST** be notified **daily** of the progress while you are in the immediate area of the airport for safety requirements. This means the NDOR Project Manager and the Construction Contractor's Project Manager have the responsibility to notify the airport manager whenever their staff would be working in the immediate area of the airport. (NDOR District, Contractor)

Any contractor involved in the project would file a 7460-1 Form with the FAA for all structures over 200' tall, **or that break a 100:1 slope from a public-use airport.** *This includes any trucks or equipment used during the project, especially pile drivers or cranes that may be used for guardrail and/or bridge work.*" (Contractor)  
Contact Kandice Bremer, Nebraska Department of Aeronautics Engineering Division, at 402-471-7925 or kandice.bremer@nebraska.gov.

NDOR Plans, Specification & Estimates (PS&E) / Contracts Section shall include the airports special provision in the appropriate project contracts. (NDOR Construction)

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## VI. CONCLUSION AND RECOMMENDATION

The above environmental document has been reevaluated as required by 23 CFR 771.129, and it was determined:

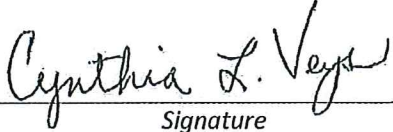
- 1) The original determination is still valid, and the project may proceed without further modification to the NEPA documentation or decision. It is recommended that the project identified herein be advanced to the next phase of project development.
- 2) Additional documentation is needed to maintain the validity of the original NEPA determination due to changes in project scope, circumstances or environmental requirements but does not require the preparation of a new or higher level document. The additional analysis is provided in discussions above and further supported by the attached technical studies and correspondence. It is recommended that the project identified herein be advanced to the next phase of project development.
- 3) The original environmental document/determination is no longer the appropriate document



or determination and NDOR recommends to FHWA that some other document must be prepared.

NDOR recommends the following NEPA documentation be prepared: \_\_\_\_\_

**Project Sponsor Staff or Consultant Signature:**

Cynthia L. Veys  04/04/2017  
-----  
*Prepared by – PLEASE PRINT* *Signature* *Date*  
NEPA Specialist, NDOR Environmental Section  
-----  
*Organization and Title*  
402-479-3858 *cindy.veys@nebraska.gov*  
-----  
*Phone* *Email*

**Project Sponsor Signature:**

This document represents current project concepts.

Tony Kessler, P.E.  4-4-17  
-----  
*Prepared by – PLEASE PRINT* *Signature* *Date*  
NDOR, Roadway Design, Consultant Coordination Unit Manager  
-----  
*Organization and Title*

**NDOR Signature:**

Jon Barber  4/14/17  
-----  
*Prepared by – PLEASE PRINT* *Signature* *Date*  
NDOR, Environmental Documents Unit Manager  
-----  
*Title*

**FHWA Concurrence:**

-----  
*Prepared by – PLEASE PRINT* *Signature* *Date*  
-----  
*Title*