

2022 Responsible Charge Training Environmental Updates

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

Guidance, Manual, and Policy Updates

Seeding and Stormwater Update

Change Order Environmental Review

Updated Noise Policy

Environmental Potpourri



Seeding & Stormwater Updates



Well.....not much has changed

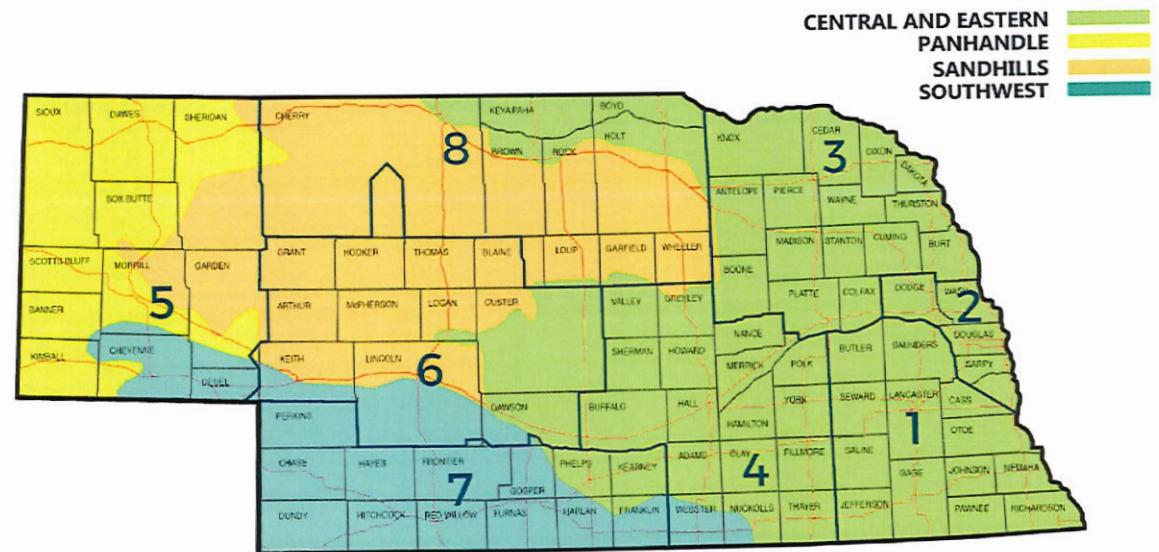
- Eliminated the Project Seeding Record (DR61 Form)
- LPA/RC responsible for their own 70% inspections
- Contact Ron Poe directly for any seeding questions concerning seeding or final project close out questions



Regional Seed Mixture Types

- Type A – Foreslopes, backslopes & ditches
- Type B – Edge of pavement to 16'
- Type C – Industrial
- Type D – Specialty Seeding
 - Trails
 - Wetlands and buffer
- Type Urban – Urban lawns
- Erosion Control – Use w/ ECBs

Nebraska Department of Transportation Seeding Regions



DATE CREATED: 12/27/2021

NDOT

Nebraska Department of Transportation
Inspection Tag

Seeding Region **SOUTHWEST**

Date Mixed 4/15/2022

Acres Per Bag 0.50

This seed was furnished from
tested and approved stock in accordance
with NDOT Specifications.

MILLER
SINCE 1939
SEED

1600 Cornhusker Hwy - Lincoln, NE 68521
Phone (402) 438-1232

TYPE B

Shoulder Mixture

SEEDING


Subsection 801.02 in the Standard Specifications is amended to include the following:

Type "B" (Southwest Region)	Minimum Purity (%)	Broadcast Application Rate in lb. of Pure Live Seed/Acre	Approved Mech. Drill Application Rate in lb. of Pure Live Seed/Acre
Perennial ryegrass - Linn, <u>Norlea</u> , Amazon	85		14
Western wheatgrass - Arriba, Barton	85		5.5
Slender wheatgrass	85		8
Kentucky fescue	85		10
Red fescue (<i>Festuca rubra</i>)	85		6
Inland <u>saltgrass</u> (<i>Distichlis spicata</i>)	70		0.75
<u>Buffalograss</u> - Bison, Cody, <u>Sundancer</u> , <u>Texoka</u>	80		4.5
<u>Sideoats grama</u> - Butte, El Reno, Trailway	75		4
Sand lovegrass - Nebraska-27, Bend native	90		0.5
Sand dropseed (<i>Sporobolus cryptandrus</i>)	90		0.4
Oats/wheat (Wheat in the fall)	90		16

All seed shall be origin Nebraska, adjoining states, or as specified. A Contractor proposing to use a substitute variety, or origin shall submit for the Engineer's consideration a seed tag representing the seed which shows the variety, origin, and analysis of the seed.

Regional Seed Mixtures

Key Specification Requirements

- The Contractor shall obtain from the seed vendor and furnish to the Engineer, a laboratory analysis of each type and lot of seed.
 - The analysis shall contain complete information pertaining to the seed as required by State and Federal law.
 - The Engineer will approve use of the seed if the information on the analysis is satisfactory and if the seed is not expired for use.
 - Seed shall be considered expired, 1 (one) year after the mixing date, as shown on the seed tag.
 - The seed mixtures shall be delivered to the project with seed tags attached to the bags. The Engineer will collect the tags from the bags immediately prior to use.
- 

Stormwater Inspection

On December 1, 2021, NDEE issued the new General Construction Stormwater Permit. There are 2 major changes from previous permits to be aware of.

A copy of the SWPPP is now required to be submitted with the Notice of Intent for permit coverage

Construction site inspection frequencies have changed.

- The permit allows for inspections every 7 days or every 14 days and after 0.25" rain events.
- For program consistency, NDOT has elected to inspect all projects every 14 days and after 0.25" rain events.



Change Order Environmental Review



Change Order Form (NDOT 194)

- The environmental review, consultation, and other actions required by applicable Federal environmental laws for the project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 5, 2018, and executed by FHWA and NDOT.

When to check the box:

- Most NEPA Categorical Exclusions (CEs)

When not to check the box

- Unassigned NEPA projects (mostly EAs & EISs)
- State funded projects

Green Sheet 1

Environmental Commitments Document

Control No. 31987
Project No. 56-5(108)
Project Name: Cedar Rapids West

		Reviewed and Approved by:	
		Dillon Dittmer	11/19/2021
		Environmental Project Manager	Date
404 Permit Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Reviewed and Approved	<input checked="" type="checkbox"/>
		BAH	11/19/2021
		meas	Date
Comments: No 404 permit required.			
Individual 401 Water Quality Certification Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
State Title 117 Waters (COE Non-Jurisdictional)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
Floodplain Permit Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Received: 8/5/2021	
Comments: Issued through Boone County.			
Historic Clearance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Tier II Approved 9/8/2020; Supplemental Evaluation Approved 10/28/2021	Reviewed and Approved <input checked="" type="checkbox"/>
			SLS
			meas
			Date
Comments: No historic properties affected.			
Threatened & Endangered Species Clearance Required	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Final Biological Assessment Approved - 9/24/2021 Approved: FHWA - 9/24/2021 NGPC - 7/21/2021 USFWS - 7/21/2021	Reviewed and Approved <input checked="" type="checkbox"/>
			JLS
			meas
			Date
Comments: May Affect, Not Likely to Adversely Affect			
Environmental Clearance	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A	<input checked="" type="checkbox"/> NDOT or <input type="checkbox"/> FHWA Level 2 CE Approved 11/3/2021	Reviewed and Approved <input checked="" type="checkbox"/>
			CMB
			meas
			Date
Hazardous Materials			
			Reviewed and Approved <input checked="" type="checkbox"/>

Change Order Form (NDOT 194)

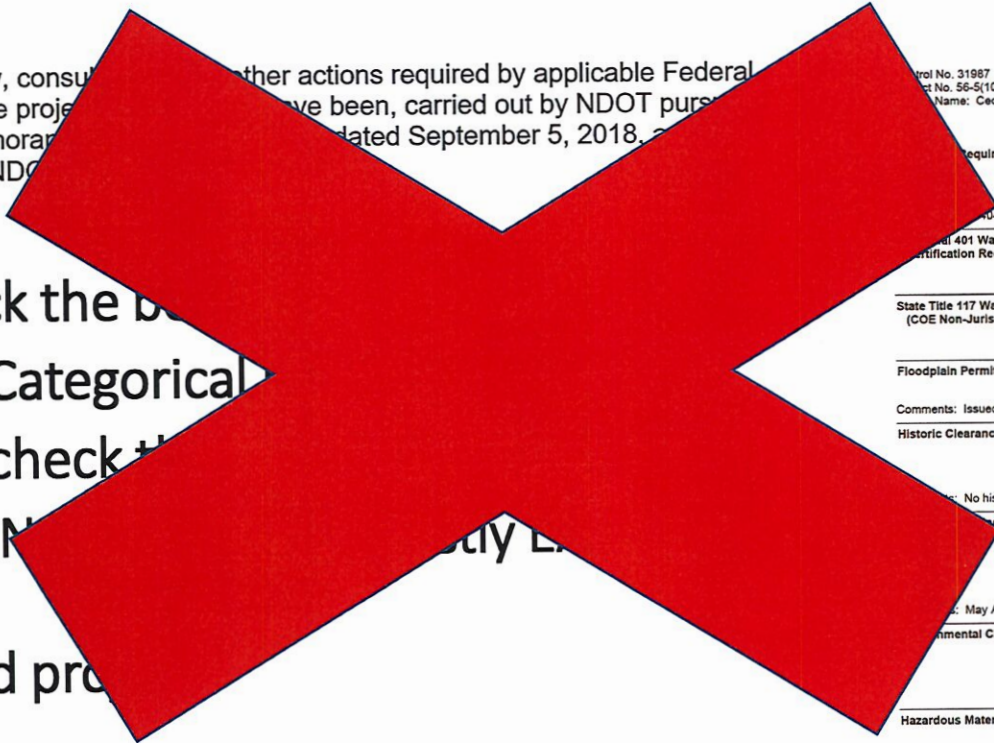
- The environmental review, consultation, and other actions required by applicable Federal environmental laws for the project have been carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 5, 2018, executed by FHWA and NDOT.

When to check the box

- Most NEPA Categorical Exclusions

When not to check the box

- Unassigned Major Roadway EISs
- State funded projects



Green Sheet 1

Environmental Commitments Document

Control No. 31987
 Permit No. 56-5(108)
 Name: Cedar Rapids West

Reviewed and Approved by:	
Dillon Dittmer	11/18/2021
<small>Environmental Project Manager Date</small>	
Permit Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
401 permit required.	
401 Water Quality Certification Required	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
State Title 17 Waters (COE Non-Jurisdictional)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Floodplain Permit Required	<input checked="" type="checkbox"/> Yes Received: 8/5/2021 <input type="checkbox"/> No
Comments: Issued through Boone County.	
Historic Clearance	<input checked="" type="checkbox"/> Yes Tier II Approved 9/8/2020; Supplemental Evaluation Approved 10/28/2021 <input type="checkbox"/> No
Comments: No historic properties affected.	
Hazardous Species Cleared	<input checked="" type="checkbox"/> Yes Final Biological Assessment Approved - 9/24/2021 Approved: FHWA - 9/24/2021 NGPC - 7/21/2021 USFWS - 7/21/2021 <input type="checkbox"/> No
Comments: May Affect, Not Likely to Adversely Affect	
Environmental Clearance	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> NDOT or <input type="checkbox"/> FHWA Level 2 CE Approved 11/3/2021 <input type="checkbox"/> N/A
Hazardous Materials	

Change Order Process (Changes)

Exemptions

- No longer will need to fill out an NDOT 194 form
 - Explain the exemption directly in the Change Order
 - Example: The Change Order meets the environmental review exemption for material being taken into stock.

- Review Changed Exemptions



Change Order Process (Changes)

- When submitting Change Orders to FHWA for review, include the COERF (NDOT 194 form)
- COERF (NDOT194) Form
 - Block B has been removed
 - PM & DEC review and sign
 - Expanded Questions
 - New Signature Block
- Review Form



Change Order Process (Changes)

- If you hit a “No”
- Fill in the text boxes for additional information
 - Perceived Impacts
 - Proposed Mitigations
- Environmental Section Review
 - EPM completes review
 - Determines level of re-evaluation



NDOT Noise Policy & Guidance

Revisions and Updates – January 2022



List of Current Revisions and Updates

- Defined Noise Study Area within the Acronyms and Terms.
 - Noise Guidance and Policy page iii.
- Clarified numerical data rounding protocol for reporting and model validation purposes.
 - Noise Guidance page 3-1 sec 3.1.2
 - Guidance better reflects policy verbiage.
 - Policy states, "For reporting purposes all noise level results should be rounded to the nearest whole number as part of both the impact analysis as well as the abatement analysis. For model validation purposes, modeled and field-measured noise levels will be reported to the 10th of a decibel."
 - Guidance now clearly notes that data used for model validation purposes will be rounded to the nearest 10th of a decibel, not whole number.



List of Current Revisions and Updates

- Revised and clarified noise study area parameters.
 - Noise Guidance page 3-2 sec 3.2
 - Noise Policy page 4-1 sec 4
 - Revised verbiage for limits of study area and receptor placement to be clear and concise.
 - Added placement for modeling receptors if none are physically located in the immediate study area.
- Updated cost per unit and per benefitted receptor to account for inflation since last revision.
 - Noise Guidance page 4-4 sec 4.3
 - Noise Policy page 6-1 sec 6.2
 - Material and construction costs were updated to reflect the current market.
 - See accompanying documentation for inflation calculations.



List of Current Revisions and Updates

- Revised and updated “reasonableness” parameters.
 - Noise Guidance page 4-5 sec 4.3.2
 - Noise Policy page 6-1 sec 6.2
 - Added cost tables that account for both barrier height categories
 - 0-16ft and 16-25ft cost tables.
 - Updated example calculation with current cost data.
 - Clarified categorization of costs per benefitted receptor regarding design year noise levels, barrier heights, and substantial increase in noise levels.
 - Clarified circumstances in which these adjustments would be used.



List of Current Revisions and Updates

- Updated report submitting formats to include PDF and NDOT Sharefile.
 - Noise Guidance page 6-1 sec 6.2
 - “Following approval of the final noise technical report, all final TNM files and other supporting documentation specific to the noise analysis should be submitted to the NDOT Noise PQS for inclusion in the project files. All information should be provided in electronic format (e.g., pdf, NDOT Sharefile).”
- Other minor clarifications and grammatical correction that did not result in significant changes in content.



Traffic Noise Model 3.1

- The FHWA has released Traffic Noise Model (TNM) 3.1 that includes the following features and updates:
 - GIS interface
 - Barrier analysis improvements
 - Improved runtimes and workflows
 - XML-based saving, importing, and exporting
- TNM 2.5 is still acceptable for use. TNM 3.1 is available for voluntary use until FHWA updates the noise regulations at 23 CFR 772.
- Before starting a noise study, please contact NDOT Noise PQS regarding which version is planned for use.



Noise Policy Questions?

NDOT Noise Professionally Qualified Staff:

- John Buhrmann
 - Phone: 402-479-4766
 - Email: john.buhrmann@nebraska.gov
- Aaron Bedea
 - Phone: 402-479-4312
 - Email: aaron.bedeaa@nebraska.gov



Environmental Potpourri



Section 404 - Wetlands

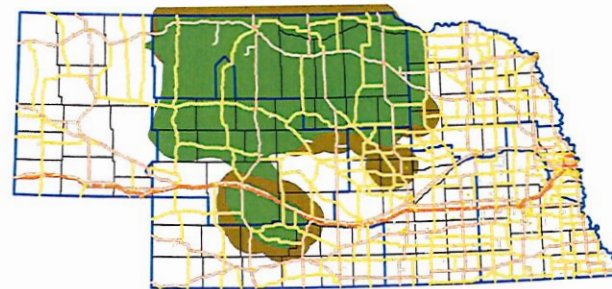
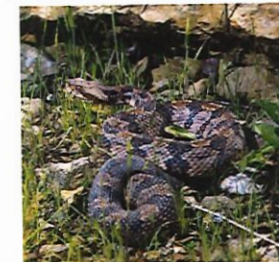
- EPA / USACE rescinded Navigable Waters Protection Rule - 8/30/21
 - Reverting back to pre-2105 regulatory regime
 - Revised definition of Waters of the U.S. ongoing
- Nationwide Permits
 - New 2021 permits -> went into effect on 2/25/2022
 - Old 2017 permit expired on 3/18/2022
 - New stream bed loss threshold: 0.03 acre
 - USACE could require stream mitigation if over threshold
 - Coordinate with USACE (pre-application) for options
 - NeSCAP may be required (additional stream assessment)



**US Army Corps
of Engineers®**
Omaha District

Threatened & Endangered Species

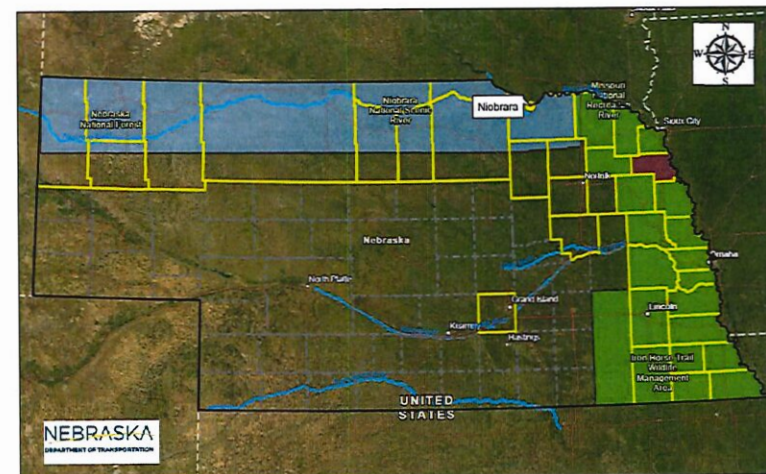
- New Species
 - Bird: Thick-billed Longspur (State – Threatened), western NE
 - **Bird: Eastern Black Rail (Federal, State - Threatened), statewide**
 - Snake: Timber Rattlesnake (State – Threatened), southeast NE
 - Being incorporated into T&E Matrix Programmatic Agreement
- Negotiating updated T&E Matrix Programmatic Agreement -> Fall 2022 completion
- American Burying Beetle
 - Early coordination with USFWS/NGPC for any soil disturbance within ABB habitat range



© New Blackland Canal with permission

Section 106 – Historic Properties

- Currently negotiating updated Section 106 Programmatic Agreement
 - Late summer completion
- Increased tribal consultation
 - Current Areas of Interest (AOI) ->
- 18 interested tribes going forward, NDOT working on AOI's



Tribal Areas of Interest (AOIs) in Nebraska

- Ponca Tribe of Nebraska
- Iowa Tribe of KS & NE
- Santee Sioux Nation
- Omaha Tribe of NE & Winnebago Tribe of NE
- Nebraska State Boundary

NEPA Assignment

Renewed CE Assignment

- Assigned CE's = c listed and d-listed categories.
- (c)(22) – Projects entirely within Operational ROW
- (c)(23) – Federally funded projects receiving less than \$5,679,276.66 (Nov. 2020)

Non-assigned project still require coordination through FHWA

- Unlisted CEs
 - Capacity additions?
- EA/EIS
 - New roadway on new alignment
 - Displacements

New NEPA Assignment Manager – Luke Pitts

Environmental Certifications – Completed by NDOT

- NDOT can not delegate this authority

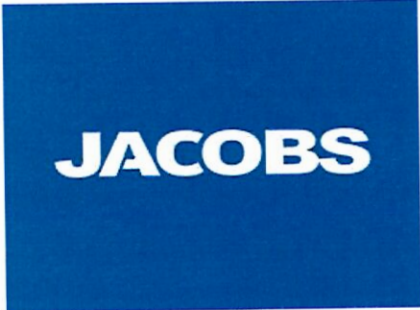


New Environmental On-Call List

Benesch



FHU



HDR

Jacobs

Olsson



SRF

