

6. MITIGATION MEASURES

A. Summary

To comply with all applicable Federal, State and local legislation, as well as any general or special conditions required by pending permits, the following mitigation measures/environmental commitments have been incorporated into the Preferred Alternative. These commitments would be implemented during the appropriate project phase. The mitigation measures are presented in association with the resource for which they most directly act to avoid or minimize impacts. Although some of the listed measures apply to multiple resources, they are listed only once, under the resource which they most directly benefit.

In addition to the mitigation measures, NDOR Standard Specifications and Special Provisions would be applied to the Preferred Alternative to provide specific methodology.

B. Land Ownership, Jurisdiction, and Land Use

Access to individual businesses, residences, and other facilities in the area will be maintained during construction (NDOR ROW Division, Contractor).

Property rights acquisition will be conducted by payment of fair market value for the property rights and damages that may occur as a result of the taking. Property rights acquisition will be completed in conformance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Uniform Act), as amended, (42 USC 4601 et seq.), and the Nebraska Relocation Assistance Act (Neb. Rev. Stat. Section 76-1214 et seq.).

C. Socioeconomic Considerations

Maintain or replace existing livestock crossings. Contractor would coordinate with landowners during construction to ensure timing of restrictions would not interfere with their operations (NDOR Environmental, District Construction, Contractor).

Per Standard Practice, NDOR shall notify the public at the start of construction by placing notices in the newspaper before construction, and electronic message boards may be used before the beginning of construction activities. NDOR shall also notify emergency services such as police and fire departments before construction activities begin, as well as maintain continued coordination throughout construction. Emergency services providers would be invited to the pre-construction meeting for this project (NDOR Communication, NDOR District 5).

Per standard specifications, the Contractor shall at all times, to the extent practicable, provide private dwellings, commercial properties, businesses, and public facilities access to and from the nearest intersecting public road or street (NDOR, 2007). Accommodations shall be made to ensure local traffic passing within the limits of the project has access to all private dwellings, commercial properties, businesses, agricultural properties, and public facilities. During those periods when a road is closed, even for a short duration, limited access must be maintained for authorized local traffic. If access is to be closed longer than one day, the Contractor would coordinate with the affected property owners (Contractor, NDOR District 5).

D. Cultural and Paleontological Resources

For cultural resources, no pre-construction mitigation is required because no resources were identified.

For paleontological resources, additional field surveys and test excavations should be conducted prior to construction. The Highway Paleontology Program should be informed throughout the planning process with regard to alignment choice, grading details, and borrow pit locations. On-site monitoring and the fossil mitigation plan mentioned above would be implemented throughout all phases of construction.

In the event of a discovery of archaeological or paleontological materials during construction, NDOR Standard Specifications for Highway Construction 107.10 (pg. 60, 2007) states, "The Engineer will be promptly notified when any such articles are uncovered and the Contractor shall suspend operations in the area involved until such time that arrangements are made for their removal and preservation" (NDOR District Construction, Contractor).

E. Utilities

The Contractor shall follow the guidelines of NDOR's Policy for Accommodating Utilities on State Highway ROW (NDOR, 2001). It is NDOR's responsibility to notify utility companies of the need for relocation during the design stage of the project. The NDOR Utility Section will coordinate utility agreements with the utility companies prior to construction. It is the Contractor's responsibility to notify utility companies of relocation needs during the construction phase of the project for utilities that were not relocated before construction (NDOR Communications, NDOR District 5, Utility Provider(s)).

F. Land Resources and Vegetation

Upland vegetation disturbed by road construction will be seeded with appropriate seed mixtures. Sandy soils will be protected from erosion by BMPs. NDOR Standard Specifications will be followed (NDOR Roadside Stabilization Unit, District Construction).

Those areas disturbed during construction will require revegetation to prevent future erosion, sedimentation, or blowout conditions. To reduce impacts on vegetation within the limits of construction and permanent ROW and to ensure successful revegetation, some or all of the following measures should be implemented:

- Develop seed mixtures, rates and seeding dates for project areas.
- Use manure as a topdressing to help establish vegetation in nutrient-poor sandy soils.
- Apply mulch on all slopes and ensure that mulch is adequately anchored to prevent wind and water erosion.
- Implement specific procedures to prevent introducing or spreading noxious weeds.
- Conduct follow-up inspections of all disturbed areas during the project establishment phase to determine vegetation success.
- Remediate seeded areas as necessary until revegetation is successful.

- The top 4 to 6 inches of soil should be saved and stockpiled during construction for re-spreading on disturbed areas.
- Standard Specification Division 800 – Roadside Development and Erosion Control
- Standard Specification Section 805 - Certified noxious weed free mulch.

G. Streams, Drainage, and Floodplain Considerations

A floodplain development permit will be obtained for the Snake Creek crossing (Project Sponsor).

H. Groundwater and Wellhead Protection Areas

NDOR ROW will coordinate with the owners of wells that will be directly impacted by the proposed project. If the well is actively used, NDOR ROW will get estimates to have the property owner hire their own contractor to replace the well. NDOR ROW will then have an independent contractor decommission the well after ROW negotiations and acquisitions are complete. If the well is not in use, the Contractor will decommission the well after negotiations with the owner (Contractor, NDOR ROW).

A licensed water well contractor will decommission any wells in accordance with 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 (12 February 2005) (Contractor, NDOR ROW).

I. Wetlands, Waters of the US, and Waters of the State

Before any construction work, NDOR will obtain a Section 404 permit from the USACE if impacts on Waters of the US are anticipated, as well as a Letter of Opinion of Non-Degradation from NDEQ for Impacts to Waters of the State (NDOR Environmental).

As the Corps of Engineers has determined that all the wetlands that occur on the project site are Waters of the State, permanently impacted wetlands will require mitigation as determined in coordination with NDEQ. The typical wetland creation ratio for replacement of impacted wetlands ratios is 1.5:1, thus requiring approximately 15 acres of mitigation wetlands to offset approximately 10 acres of wetland impacts. However, at the discretion of NDEQ, impacted wetlands occurring within roadside ditches may be mitigated on-site at a 1:1 ratio, if the project design allows for the creation of new ditch wetlands adjacent to the impacted areas. Appropriate mitigation sites will require adequate hydrology, and will be seeded with a mix of hydrophytic grasses and sedges appropriate for the region to create in-kind replacement. Monitoring the progress of vegetation establishment and evaluating hydrology will be required to ensure the success of the mitigation wetland areas (NDOR Environmental).

NDOR will obtain a Construction Storm Water (CSW) Permit from NDEQ under the NPDES and will produce an associated SWPPP before submitting the Notice of Intent (NOI). Additionally, NDOR is required as part of their MS4 permit to report annually to NDEQ on the status of post-construction activities. NPDES requirements include the evaluation of impaired and unique waters as part of the CSW NOI, SWPPP preparation, and MS4 permit (NDOR Roadside Stabilization Unit).

J. Platte River Depletions

The Contractor will be required to provide the needed borrow material and will identify a source of material that does not include dredging Platte River sediment. The Contractor shall try to obtain borrow material from an upland site to prevent depletion issues and will be required to submit a Materials Source Site Identification and Evaluation form to NDOR and USACE. After receiving the form, NDOR will forward the Material Source Form to the USFWS, NGPC, DNR, and HAP-NSHS (NDOR Environmental, District Construction, Contractor).

If the borrow site is located within a depletion area of concern and it is identified that it will pond water after excavation, NDOR will determine project-related impacts by calculating the evaporated loss of water at the borrow site, by using the Natural Resource Conservation Service (NRCS) – US Department of Agriculture (USDA) Consumptive Use Calculator. For borrow sites/detention basins that will result in the exposure of groundwater in the North Platte River Basin, NDOR will submit the borrow site request information to the NGPC and USFWS. This will be done to determine ways to avoid depletions or provide offsets if depletions are to occur. Requests for borrow sites that occur outside the Platte River watershed will be submitted to the DNR for tracking surface water depletions (NDOR Environmental, District Construction, Contractor).

Borrow sites that expose groundwater and are obtained outside the PRRIP areas will be offset according to the Biological Opinion prepared by NGPC in accordance with the Nebraska Nongame and Endangered Species Conservation Act. Borrow sites that pond water and occur outside the PRRIP area and the Platte River watershed will be calculated using the NRCS Consumptive Use Calculator and submitted to the DNR to be included in the report to the Governance Committee (NDOR Environmental, District Construction, Contractor).

K. Endangered Species Act, Bald and Golden Eagle Protection Act, Migratory Bird Treaty Act, and Fish and Wildlife Coordination Act

The concurrence package for the project includes the following conservation conditions and survey protocol that will be required for the project based on the Programmatic Agreement for Endangered and Threatened Species (and covering Bald and Golden Eagle Protection Act [BGEPA], and MBTA). The Responsible Party for the measure is found in parentheses.

K.1 General Conservation Conditions

- **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*)
- **Conservation Conditions.** Conservation conditions are to be fully implemented within the project boundaries as shown on the plans. (*District Construction, Contractor*)
- **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*)
- **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*)
 - **Refueling.** Refueling will be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field. (*Contractor*)
 - **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. Any project related activities that occur outside of these areas must be environmentally cleared/permitted with NGPC, as well as any other appropriate agencies by the Contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The Contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOR Environmental which will coordinate with FHWA for acceptance if needed. The Contractor must receive notice of acceptance from NDOR, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (*NDOR Environmental, District Construction, Contractor*)
 - **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*)
 - **Fencing.** When project-related fence construction/relocation work is required to be done prior to the start of construction and if the fence work occurs outside urban or cropland areas not within swift fox or mountain plover range, then fencing can be installed/relocated at any time using the following criteria:
 - a. the fencing is temporary in nature and/or consists of only hand-driven posts
 - b. the work does not compact the soils (ex. through the use of heavy equipment) or cause soil disturbance beyond the driving of posts
 - c. within the **whooping crane** migration corridor, work occurring within a half of a mile of wetlands or perennial waters will occur between the hours of 10:00

am to 4:00pm when the work is between March 10th to May 10th or
September 16th to November 16th

If the fencing work cannot meet these criteria, then NDOR Right-of-Way Division shall coordinate with NDOR environmental prior to the completion of Right-of-way negotiations.

- **Platte River Depletions.** All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet. (NDOR Environmental, District Construction)
- **Revegetation.** All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed **plants** were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. (NDOR Environmental)
- **Sensitive Areas.** Environmentally Sensitive Areas will be marked on the plans, in the field, or in the contract by NDOR Environmental for avoidance. (NDOR Environmental, District Construction)
- **Species Surveys.** If species surveys are required for this project, results will be sent by NDOR to the USFWS, NGPC, and if applicable COE. FHWA will be copied on submittals. (NDOR Environmental, District Construction)

K.2 Blowout Penstemon

- A qualified biologist will survey according to protocol during the growing season (June - July) prior to the completion of the Process. If the Natural Heritage Database identifies a known occurrence within 1.0 mile of the project, since the year 1975, there will be another survey according to protocol during the growing season immediately prior to construction. If species are not found during the survey, then the May Affect, Not Likely to Adversely Affect stands. If positive finding, then consultation is required.

The site was surveyed on June 13-15, 2011. No blowout penstemon were documented at the time of the survey. No Natural Heritage Database records exist within 1 mile of the project area. No further surveys are required.

K.3 Swift Fox

NOTE: The matrix identified both SF-1 and SF-2 conservation conditions; however, based on past conversations with NGPC and to reduce confusion, only SF-1, which is the more restrictive conservation condition, will be implemented.

- Up to a year prior to construction, NDOR or a qualified contractor may survey for potential swift fox den sites within the projects' environmental study area. Any potential den sites that are not in use by any species may be covered with 2" by 4" weld-wire fencing and adequately secured to the ground. Two weeks prior to the start of construction, a qualified biologist shall survey the environmental study area according to protocol to determine if active swift fox den sites are present. If an active den with young is located and it is outside the project limits, then a buffer zone shall be established around the den and all construction activities shall avoid the buffer until the den is abandoned. If an occupied den with or without young is identified within the project limits or staging areas, NDOR shall immediately coordinate with the NGPC and notify FHWA (if applicable) to determine how to proceed. A buffer zone shall be established around the den and all construction activities shall avoid the buffer until NDOR gives approval to enter the buffer area. Between April 1 and August 31 the buffer zone shall be 250 yards around the active den site; other times of the year, the buffer shall be 100 yards around the active den site. (NDOR Environmental)
- Within swift fox habitat (within the second and third construction projects, but not the first project in Alliance), NDOR will install fencing within the NDOR ROW using a 4-strand barbed wire, wildlife permeable, fencing (see example drawing in **Appendix G**). No woven or welded wire will be allowed. During final design coordination with USFWS and NGPC will occur to obtain concurrence on the fence locations. (NDOR Design, Construction, Contracting).
- Artificial escape dens will be installed along the project corridor in areas of suitable habitat as determined by NDOR or a qualified biologist. Escape den specifications and habitat suitability maps for the Junction L62A/US 385 to Alliance project can be found in the attached Swift Fox Escape Den Protocol (see **Appendix G**). (NDOR).
- If the speed limit is changed in the future, NDOR will coordinate with NGPC. (NDOR).

K.4 Bald and Golden Eagle Protection Act

Suitable **Golden Eagle** nesting habitat exists within 0.5 miles of the Environmental Study Area. If construction will begin between February 1 and April 15, a nest survey must be completed at least 1 but not more than 14 days prior to construction. If construction will begin between April 15 and October 1, a nest survey completed in March is sufficient, as nests will likely already be constructed if nesting will occur that year. However, a nest survey may be completed anytime during this timeframe, as long as it is completed prior to construction. If golden eagles are nesting in the area, consultation with NGPC and USFWS will be required. (NDOR Environmental, District Construction, Contractor)

K.5 Migratory Bird Treaty Act

If the proposed construction project is planned to occur during the primary nesting season or at any other time that may result in the take of nesting migratory birds, the USFWS recommends that the project proponent (or construction contractor) arrange to have a qualified biologist conduct a field survey of the affected habitats and structures to determine the absence or presence of nesting migratory birds. Surveys must be conducted during the nesting season. USFWS further recommends that field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) until such time as construction on the proposed project has been completed. (NDOR Environmental)

K.6 Fish and Wildlife Coordination Act

Any impacts to vegetated areas will be revegetated per BMPs included in the erosion control plan. A Temporary Erosion Control Plan shall be developed before beginning construction to avoid impacts to fish and other aquatic organisms. This plan will show the BMPs necessary at the beginning of the projects and will be updated as BMPs are added or modified throughout the construction process. When land disturbances are greater than or equal to one acre, the Temporary Erosion Control Plan would be a component of the NDOR's SWPPP. (NDOR Roadside Stabilization Unit)

Comprehensive and effective erosion and sediment control measures shall be implemented throughout the construction process to minimize the likelihood of sediment discharges. NDOR promotes the use of sediment and erosion control techniques in combination with each other, rather than as stand-alone BMPs to improve the effectiveness of these BMPs. Please refer to NDOR's "Construction Stormwater Best Management Practices" Pocket Field Guide for additional information concerning NDOR's recognized BMPs. (NDOR Roadside Stabilization Unit)

L. Hazardous Materials

Performance of the utility work set forth in the project plans and specifications will be conducted in accordance with any easement agreement among the utility companies, Box Butte and Morrill Counties, and/or private landowners, and whether or not federal funds will be used to reimburse for utility relocations. If federal funding is used, transformers will be reviewed for PCB content (the equipment can be identified by blue stickers that say either "PCB-free" or "No PCBs"). If PCB-containing transformers or other equipment are suspected to be present, NDOR requires that they be managed and disposed of according to the TSCA regulations in coordination with USEPA. Releases of PCBs to the environment at levels requiring action under TSCA are to be managed or remediated according to TSCA regulations and in coordination with USEPA. If present, the utility owner is responsible for transformer equipment, including those that are PCB-containing and will be responsible for maintaining and/or replacing equipment with PCB-free equipment. Any electrical equipment with no label or unknown concentration is assumed to be "PCB contaminated equipment" per EPA regulation and should be managed by the utility company accordingly. NDOR or their representative will contact the utilities to schedule

performance of the work and will coordinate the work with the project construction activities per NDOR's *Standard Specifications for Highway Construction*, Subsections 105.06 and 107.16 (NDOR, 2007). (Project Sponsor, Contractor)

Prior to the demolition/modification activities, structures must be thoroughly inspected for the presence of asbestos-containing material (ACM). All suspect ACM must be sampled and laboratory analyzed or is assumed to contain asbestos and must be handled as such. Suspect ACM associated with bridge structures may include, but are not limited to: utilities attached to the structure, joint compounds or sealers, and deck overlays. The inspector must be certified in accordance with the Nebraska Department of Health and Human Services (DHHS) Nebraska Asbestos Control Program Regulations, Title 178. A list of Licensed Asbestos Inspectors can be found at: <http://dhhs.ne.gov/publichealth/Documents/asbestosinspectors.pdf>. Documentation of inspection shall be provided to the NDOR project manager by the Contractor and shall be recorded in the ECOD system. If the bridge structure is compromised of only steel, concrete, brick or wood, an inspection by a certified inspection is not necessary. (Contractor)

If ACM is found to be present, removal and disposal of the ACM shall be in accordance with DHHS Nebraska Asbestos Control Program Regulations, Title 178 and will occur prior to any bridge demolition or renovation activities. The Contractor shall develop a removal and disposal plan in coordination with a licensed Asbestos Removal Contractor and NDOR. A list of Licensed Asbestos Inspectors can be found at: <http://dhhs.ne.gov/publichealth/Documents/asbestosinspectors.pdf>. (Contractor)

Demolition of structures will require the Contractor to submit a written NESHAP (National Emission Standards for Hazardous Air Pollutants) notification. If no asbestos is present, the notification is sent only to the Nebraska Department of Environmental Quality (NDEQ). If asbestos is present, in addition to the notification to NDEQ, the DHHS is also notified, using DHHS Form 5. The Contractor shall submit the NESHAP Notification of Demolitions and Renovation to NDEQ and DHHS (when required) at least 10 working days prior to commencement of any demolition activities or disturbance of any ACM. The ten day clock starts with the day the Notification is postmarked, hand delivered (includes submittals by email notification) or picked up by a commercial delivery service, such as UPS, FedEx, etc. Faxing documents is prohibited. The NDOR project manager shall be provided copies of said notifications and their submittal date, which shall be recorded in the ECOD system. (Contractor)

Currently, the Terry's Corner (WESTCO) service station at the intersection of US 385 and N-2 does not occur within the proposed construction areas. If project plans should change, a Soil Vapor Extraction (SVE) remediation system and several groundwater monitoring wells are located on the Terry's Corner (WESTCO) Leaking Underground Storage Tank (LUST) site. Although the SVE system is currently inactive and in the NDEQ site closure process, modifications to this system and any groundwater monitoring wells will require coordination with NDEQ and the owner of the system. The NDEQ contact is Quinn Krikac at (402) 472-0299. **Appendix J** includes the location of the SVE system and the monitoring wells. If the project plans should change, the location of the SVE system and associated wells should be included in all project specifications and plan drawings (NDOR Environmental, Designer, Contractor).

If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material will stop until NDOR/FHWA is notified and a plan to dispose of the hazardous materials has been developed. Then NDEQ will be consulted and a remediation plan will be developed for this project. The potential exists to have contaminants present resulting in minor spillage during fueling and service associated with construction equipment. Should contamination be found on the project during construction, the NDEQ will be contacted for consultation and appropriate actions 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)

If hazardous materials are encountered during construction, applicable requirements for actions to be taken are located in Section 107.01 of the Standard Specifications for Highway Construction (NDOR 2007). Prior to construction activities, a Preconstruction Meeting will be held as required by Section 103.01 of the 2002 NDOR Construction Manual. The purpose of the meeting is to discuss pertinent information to the project before construction begins, including hazardous materials reviews and health and safety issues. (District Construction, Contractor)

M. Material Sources and Waste Materials

The following project activities will, to the extent possible, be restricted to the beginning and ending points (stationing, reference posts, mile markers, and/or section-township-range references) of the project, within the ROW designated on the project plans: borrow, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage areas. Any project-related activities that occur outside these areas must be environmentally cleared/ permitted with the USFWS and NGPC, as well as any other appropriate agencies by the Contractor and those clearances/permits shall be submitted to the District Construction Project Manager before the start of the above listed Project activities. The Contractor will 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 four ground photos showing the existing conditions of the proposed activity site, depth to groundwater and depth of the planned 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, before starting the above listed project activities. (NDOR Environmental, District Construction, Contractor).

N. Temporary Construction Impacts

Access to residences, farms, and businesses located on county roads within this project would be maintained at all times via temporary roads, lane closings, phased construction, adjacent county roads, or other methods. Providing access at all times includes indirect access as well as direct access. Examples of indirect access include closing one county road intersection but leaving the adjacent ones open to maintain access. When the county road is done, it is opened and the next county road to be worked on is then closed. The goal is to maintain access from

some public road to the property owners. Public and emergency services would be notified of short-term road closures prior to them occurring. Message boards may be used to alert the public of road closures and detours. (District Construction, Contractor)

For each impacted county road, access would be constructed in phases to maintain access at all times. Methods to keep access open include: shoe-flies, constructing intersections half at a time, traffic management, and temporary access. A note would be included on the construction plans indicating that access is to be maintained. Furthermore, per NDOR's Standard Specifications, the Contractor shall at all times, to the extent practicable, provide private dwelling, commercial properties, businesses, and public facilities access to and from the nearest intersecting public road or street (NDOR, 2007). Accommodations shall be made to ensure local traffic passing within the limits of the project has access to all private dwellings, commercial properties, businesses, and public facilities. If a road is closed, limited access must be maintained for authorized local traffic. If access is closed longer than one day, the Contractor would meet with the property owners to address temporary access issues. Access details shall be coordinated among NDOR's Project Manager, the Contractor, and property owners. (District Construction, Contractor)

If a temporary access road or detour is determined necessary for portions of the phased construction outside of the study area, the impacts would be re-evaluated during final design. (NDOR Environmental)

The Contractor is required by NDOR's Standard Specification sections 309 and 312 for dust control during construction. (Contractor)

O. Public Involvement/Project Coordination

The south drive to the former rest area will remain in place to allow field access to the property owner. The remainder of the pavement within the former rest area will be removed. Future communication with the landowner in regarding ROW and access should occur during the ROW process (Project Sponsor).

Property rights acquisition will be completed in conformance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (Uniform Act), as amended, (42 USC 4601 et seq.), and the Nebraska Relocation Assistance Act (Neb. Rev. Stat. Section 76-1214 et seq.). (Project Sponsor)