



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

CE Review Level: *(Check boxes that apply)*

1 2 3 Re-evaluation

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

Appendix: C

Paragraph:

Project Name:

Central City South
In Central City

Project Number:

STP-14-2(128)
STP-14-2(126)

Control Number:

42691a
42691

Location Map Attached:

Location and Study Area:

42691a, Central City South:

This project is located on Nebraska Highway 14 (N-14) in Hamilton and Merrick Counties, starting 1.61 miles south of junction with Nebraska Highway 66 (N-66), at mile marker (MM) 77.29, and extending north to MM 80.99, just north of the 26th Street and N-14 intersection.

Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement for N-14.

42691, In Central City:

This project is located in Merrick County on N-14, starting .55 miles south of the junction with US-30, at MM 80.99, and extending north to MM 81.57, just north of the junction of US-30 and N-14. In addition, this project would resurface 0.5 miles of US-30 located in Merrick County, starting 0.24 miles west of junction with N-14, at mile marker (MM) 337.32, and extending east to MM 337.82, 0.26 miles east of the junction of US-30 and N-14.

Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement for either N-14 or US-30.

The Environmental Study Area for both CN 42691a and CN 42691 projects are defined as the length of this project (4.28 miles) plus an additional 200 feet on either end along N-14 including the existing right-of-way (ROW), plus 50 feet beyond ROW for most of the project length. For water quality and Section 4(f) resources, the study area extends to a 0.25 mile buffer of N-14 within the project limits. For regulated materials, the study area extends 0.10 mile beyond ROW. For wetlands and water resources, the study area consists of 50 feet beyond the limits of construction with an additional 150 feet at culvert locations for the entire project alignment.



Begin Point(s):

42691a:
MM 77.29

42691:
N-14 at MM 80.99, US-30
at MM 337.32

End Point(s):

42691a: MM 80.99

42691:
N-14 at MM 81.57, US-30 at
MM 337.82

Highway Number, Street, etc.:

42691a:
N-14

42691:
N-14 and US-30

Project Description:

42691a:

This project would resurface 3.7 miles of N-14 located in either Hamilton or Merrick Counties, starting 1.61 miles south of junction with N-66, at mile marker (MM) 77.29, and extending north to MM 80.99, just north of the 26th Street and N-14 intersection.

Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement for N-14.

The existing roadway on this segment of N-14 consists of the following:

- MM 77.29 – MM 80.55: The segment consists of two 12 foot wide concrete lanes and 10 foot wide shoulders, of which 2 feet is paved with concrete.
- MM 80.55 – MM 80.99: The segment consists of a 42 foot wide curbed, concrete section, with two 12 foot wide concrete driving lanes and a center left turn lane.

The improvements on the rural segment of N-14 for this project consist of resurfacing with asphalt and constructing surfaced shoulders on a prepared subgrade. Structure Number S014 07891 would be repaired and the guardrail would be removed and replaced. Surfacing would be placed underneath the guardrail. The North Bound right turn lane at Hwy 66 would be improved to an offset.

Scope details include:

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

- Guardrail
- Drives and intersections
- Turn lanes
- Mailbox turnouts

- Grading beyond the back of curb would be required for the following work:

- Drives and intersections
- Curb inlets and storm sewer
- Utility reconstruction

- The scope of work for the storm sewer system has been determined. Storm sewer in the N-14 urban pavement replacement area would include new storm sewer system to improve existing drainage. Only a small section of the storm sewer would be placed in this project.

- There are a total of 6 culverts, any of which may be impacted by the project. As-built plans indicate that existing culverts are outside of the Lateral Obstacle Clear Zone and no impacts would occur.

- Guardrail

- Remove and replace guardrail with grading outside the hinge point

- The bridge (Structure Number S014 7891) would undergo the following repairs; replace expansion joints, repair girder seats, partial depth deck repairs, asphalt overlay with membrane end of paving to end of paving, and seal concrete bridge rails. The guardrail would be removed and replaced along with surfacing underneath the guardrail.

- Concrete pavement repairs would be made prior to resurfacing.

- The existing asphalt would be milled prior to resurfacing.

- Asphalt patching operations would be performed prior to resurfacing.

- Existing surfaced driveways and intersections would be resurfaced.

- Rock or gravel would be placed behind driveways and intersections to match the new asphalt.

- Additional width for mailbox turnouts would not be required due to full width surfaced shoulders.

- Surfacing would be placed under the guardrail.
- The existing earth shoulders would be surfaced with asphalt on prepared subgrade.
- The existing earth shoulders would be brought up to match the new asphalt.
- Relocation of utilities, including water main and sanitary sewer main, may be required due to conflicts with the storm sewer system.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Rumble strips would be constructed on the resurfaced shoulders.
- The pavement work on N-14 from 80.55 to 80.99 is considered to result in an alteration of the pavement in crosswalks, the NDOR would eliminate barriers to access by building curb ramps where required.
- Permanent pavement markings would be applied to all new surfacing.
- Acquisition of additional property rights would be required to build this project.
- Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
- This project would be constructed under traffic with lane closures controlled with approved temporary traffic control.

42691:

This project would resurface .16 miles and reconstruct 0.42 miles of N-14 located in Merrick County, starting .55 miles south of the junction with US-30, at mile marker (MM) 80.99, and extending north to MM 81.57, just north of the junction of US-30 and N-14. In addition, this project would resurface 0.5 miles of US-30 located in Merrick County, starting 0.24 miles west of junction with N-14, at mile marker (MM) 337.32, and extending east to MM 337.82, 0.26 miles east of the junction of US-30 and N-14.

Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement for either N-14 or US-30.

The existing roadway on this segment of N-14 consists of the following:

- MM 80.99 – MM 81.45: The segment consists of a 29-foot wide asphalt (31 foot wide back-to-back) curbed section, with two thru driving lanes.
 - MM 81.45 – MM 81.50: The segment consists of a 47 foot wide asphalt (50 foot wide back-to-back) curbed section, with two thru driving lanes and parallel parking in the southbound direction only.
 - MM 81.50– MM 81.54: The segment consists of a 47 foot wide asphalt (50 foot wide back-to-back) curbed section, with two thru driving lanes and parallel in both directions.
 - MM 81.54-MM81.57: The segment consists of a 47' wide asphalt (50' wide back-to-back) curbed section, with two thru driving lanes and parallel in both directions.
- The existing roadway on this segment of US-30 consists of the following:
- MM 337.32 – MM 337.40: The segment consists of a 66 foot wide curbed, concrete section, with two thru driving lanes.
 - MM 337.40 – MM 337.56: The segment consists of a 66 foot wide curbed, concrete section, with two thru driving lanes and parallel parking in both directions.
 - MM 337.56: The segment consists of a 66 foot wide concrete signalized intersection, with a thru lane in each direction and a left turn lane in the westbound direction.
 - MM 337.56 – MM 337.64: The segment consists of a 66 foot wide curbed, concrete section, with two thru

driving lanes, a westbound left turn lane, and parallel parking in both directions.

- MM 337.64 – MM 337.71: The segment consists of a 66 foot wide curbed, concrete section, with two thru driving lanes, left turn lanes at intersections, and parallel parking in both directions.
- MM 337.71 – MM 337.82: The segment consists of a 66 foot wide curbed, concrete section, with 2 thru driving lanes, left turn lanes at intersections, and parallel parking in the eastbound direction.

The urban segment of N-14 would be reconstructed with 9 inch doweled concrete pavement with integral curb and gutter on foundation course with prepared subgrade. The urban reconstruction would include concrete repairs as needed, pavement replacement, replacement or installation of storm sewer, underdrains, sidewalks, curb ramps, lighting, traffic signals, and permanent pavement markings. The improvement on this project for US-30 also consists of making concrete repairs as needed, milling, and resurfacing the urban segment with asphalt and upgrading ADA crossings, to the extent possible, to meet applicable state and federal accessibility guidelines.

Scope details include:

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

- Drives and intersections

- Grading beyond the back of curb would be required for the following work:

- Drives and intersections
- Lighting, Signals, and/or ITS elements
- Sidewalks and curb ramps
- Curb inlets, storm sewer, and box culvert
- Utility reconstruction
- Tree Removal

- The scope of work for the storm sewer system has been determined. Storm sewer in the N-14 urban pavement replacement area would include new storm sewer system to improve existing drainage. A hydraulic analysis was conducted for the area of reconstruction. The existing 2'x6' reinforced concrete box at MM 81.20 would be replaced with the storm sewer system.
- New pipe underdrains to drain the foundation course would be constructed between MM 81.41 to MM 81.45. The underdrains would be located at the back of the proposed curb to drain the proposed foundation course connecting to the new storm sewer system.
- The existing concrete and asphalt, including the curbs and sidewalk, would be removed in the reconstruction area.
- Concrete pavement repairs would be made prior to resurfacing.
- The existing asphalt would be milled prior to resurfacing.
- Asphalt patching operations would be performed prior to resurfacing.
- Existing surfaced driveways and intersections would be resurfaced.
- Rock or gravel would be placed behind driveways and intersections to match the new asphalt.
- Relocation of utilities, including water main and sanitary sewer main, may be required due to conflicts with the storm sewer system.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Due to the pavement work on US-30 from MM 337.32 to MM 337.82 is considered to result in an alteration of the pavement in crosswalks, the NDOR would eliminate barriers to access by building curb ramps where required.
- Because the pavement work on N-14 from MM 80.99 to MM 81.54 is a reconstruction project, the NDOR would comply with the requirements in the Public Rights of Way Accessibility Guidelines (PROWAG), to include curb ramps as necessary.

- Permanent pavement markings would be applied to all new surfacing.
- Street lighting and/or traffic signals would be built, replaced, repaired, or updated, as necessary.
- Acquisition of 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.
- The majority of this project would be constructed under traffic with lane closures controlled with approved temporary traffic control. A detour would be required for the reconstruction section along N-14.
- Work would not be required on the designated detour route to make it acceptable for state highway traffic.

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

CN - 42691a, Central City South:

The purpose of this project is to preserve the transportation asset, improve the reliability of the transportation system and perpetuate the mobility of the traveling public. The need for this project is based on information from the NDOR's Pavement Management System, Materials & Research Pavement Design section and District 4. These entities have determined that the pavement distresses present on this section of N-14 are significant enough to warrant rehabilitation.

N-14 MM 77.29 – MM 80.99: The existing concrete is 21 years old and would be 24 years old at the time of construction, and therefore, at or beyond the end of its anticipated service life. The existing concrete pavement is experiencing Alkali Silica Reaction and joint deterioration. The pavement must be resurfaced to eliminate further infiltration of water, one of three necessary components for continued reaction and deterioration. This project would address pavement on N-14 with a Nebraska Serviceability Index (NSI) of 68, which is a "Fair" condition rating. The existing shoulders do not meet minimum design standards for surfaced shoulder width. An average daily travel (ADT) greater than 4,000 vehicles per day requires 6 foot surfaced shoulders.

S014 07891: The need for bridge work is from NDOR's Bridge Division, Bridge Information System, and District 4. The Pre-stressed Concrete Girder Bridge was originally built in 1991 and has not been reconstructed or had contract maintenance. The expansion joints need sealed. The most recent biannual inspections from November 2010 and 2012 indicated longitudinal and transverse cracks in the deck and spalling on abutment pedestals. The FHWA and NDOR have identified upgrading roadside safety hardware to a crashworthy appurtenance as a part of 3R (Resurfacing, Restoration and Rehabilitation) projects as one of the emphasis areas to mitigate the severity of roadway departure crashes. Pursuant to this emphasis, guardrail would be upgraded as necessary.

CN - 42691, In Central City

The purpose of this project is to preserve the transportation asset, improve the reliability of the transportation system and perpetuate the mobility of the traveling public. The need for this project is based on information from the NDOR's Pavement Management System, Materials & Research Pavement Design section and District 4. These entities have determined that the pavement distresses present on this section of N-14 and US-30 are significant enough to warrant rehabilitation.

N-14 MM 80.99 –MM 81.57: The existing asphalt is 7 years old, and would be 10 years old at the time of construction, and therefore, at or beyond the end of its anticipated service life. In the most recent five years, an average of \$ 3,022 per lane per mile has been spent annually on maintenance activities, including patching, road profiling, and joint and crack filling. This expenditure is indicative of a roadway in "Poor" condition. The existing roadway has visual evidence of large areas of patching and wide and depressed thermal cracks. This project would address pavement on N-14 with an International Roughness Index (IRI) of 2.93, or a "Fair" condition rating. The existing surfacing is deteriorating rapidly and is on a weak base. The pavement has effectively reached the end of its life, and overlays are no longer a viable, long-term option. Improvements to the existing storm sewer system are needed due to its age and changes in hydraulic standards. New pipe underdrains to drain the foundation course would be constructed. The existing shoulders from MM 77.29 to MM 80.69 do not meet minimum design standards for surfaced shoulder width. An average daily travel (ADT) greater than 4,000 vehicles per day requires 6 foot surfaced shoulders.

US-30: The existing concrete is 63 years old and would be 66 years old at the time of construction, and therefore, beyond the end of its anticipated service life. In the most recent five years, an average of \$1,633 per lane per mile has been spent annually on maintenance activities and patching. This project would address pavement on US-30 with a Nebraska Serviceability Index (NSI) of 31, a Present Serviceability Index (PSI) of

0.8, and an International Roughness Index (IRI) of 5.65, which are “Poor,” “Poor,” and “Very Poor” condition ratings respectively. The need for bridge work is from NDOR’s Bridge Division, Bridge Information System, and District 4.

Action is identified in the Current STIP Date:

December 23, 2015

Subsequent Phase:

Construction

Estimated Cost (\$):

CN - 42691a:
4,233,000
CN - 42691:
3,397,000

If the action qualifies for (c)(23), identify the federal portion (\$):

N/A

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

BLACK text indicates an all level question, **BLUE** text indicates a Level 2 threshold question, and **GREEN** text indicates the question is required for Level 2 and 3 reviews but does not constitute a threshold.

If a Level 1 threshold is exceeded, answer the corresponding Level 2 questions (**BLUE**) within the subject section, as well as all **GREEN** questions. If any Level 2 threshold is exceeded, the project shall be processed as a Level 3 review requiring approval by FHWA.

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

Right of Way and Property Impacts

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

Yes (2) No (1) N/A

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

Yes (3) No (2) N/A

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

CN - 42691a: Land required for ROW outside of the City of Central City corporate limits land is primarily used for agricultural. The temporary easement for this project would be required for drive reconstruction.

CN - 42691: Acquired land within the city limits of Central City is primarily residential and commercial. ROW would be needed for drive reconstruction, sidewalk improvements, and ADA ramp installation.

1.4 Estimated Acres of Permanent ROW/Easements:

42691a: 0.003
42691: 0.24

1.5 Estimated Acres of Temporary ROW/Easements

42691a: 0.14
42691: 0.19

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

Yes (3) No (2) N/A

1.7 If Yes, describe the displacements.

N/A

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

Yes (2) No (1) N/A

2.2 Will the action result in an Individual Section 4(f) Evaluation?

Yes (3) No (2) N/A

2.3 Describe resources, impacts, and the coordination conducted with officials/agencies (including FHWA approval date(s)):

CN - 42691:

There were four Section 4(f) resources (historic properties) that would experience de minimis impacts from the project: MK02-165 (2204 17th Avenue), MK02-175 (1525 16th Street), MK02-210 (1627 22nd Street) and MK02-223 (1706 24th Street). MK02-165 2204 17th Avenue (House) was previously recommended NRHP eligible for the house's Local Level Significance under Criteria C (Foursquare Architecture). MK02-175 1525 16th Street (Lincoln Hotel), is recommended NRHP eligible under Criterion A for Commerce and Criterion C (Italianate Commercial Building). MK02-210 1627 22nd Street (House) was previously recommended NRHP Eligible, Local Level Significance under Criterion A (Community Development) and Criteria C (Prairie/Craftsman Architecture). Three are currently single family homes and the fourth, formerly a hotel, most recently served as a restaurant. A use of these properties would result due to the addition of ADA compliant ramps with the project. The Official with Jurisdiction (OWJ), NESHPO, concurred with the finding of "No Adverse Effect" to the properties on November 9, 2015 and FHWA approved the de Minimis use on February 4, 2016.

The historic Presbyterian Church (MK02-059) is located on N-14 and 17th Avenue. The property is recommended eligible for listing on the National Register of Historic Places (NRHP) due to its Local Level Significance and Criteria A and C of the NRHP. The project would require a temporary easement for sidewalk reconstruction. The OWJ, NESHPO, concurred with the finding of "No Adverse Effect" to the property on November 9, 2015 and FHWA approved the Section 4(f) Exception for Temporary Occupancy on February 4, 2016.

South Park is located on N-14 at MM 80.79 and is approximately 15 acres in size. The park offers three ball fields, walking paths, playground equipment, a picnic shelter, and concession facilities. The project would require a temporary easement for sidewalk and drive reconstruction. The Central City city administrator, OWJ, concurred that the project would not have an adverse effect on the protected activities, features, or attributes of the park on January 18, 2016. The Section 4(f) Exception for Temporary Occupancy was approved by FHWA on February 4, 2016.

Additional information, including mitigation measures, regarding the four historic properties and Presbyterian Church can be found in Section 10 of this document (Human and Social Resources).

2.4 Section 4(f) Mitigation:

CN - 42691, In Central City:

South Park in Central City, NE:

The South Park property shall be fully restored upon completion of the project. After the drive replacement and sidewalk reconstruction, the adjacent parkland shall be returned to a condition as good as, if not better, than it was prior to construction. The ground disturbed during construction shall be graded to match the lay of the adjacent land and re-seeded to restore the existing grassy landscape. (District Construction, Contractor)

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

Yes (1) No (1) N/A

3.2 Will the action result in a conversion of a Section 6(f) property?

Yes (2) No (1) N/A

3.3 Describe resources, impacts, replacement lands (*if applicable*), and the coordination conducted with officials/agencies (*including FHWA*):

South Park was identified as a 6(f) property by the Nebraska Game and Parks Commission (NGPC). On 3/1/2016, it was determined that as long as the area used for the temporary easement is replaced to its previous condition and the driveway and sidewalk are replaced in a timely manner, there is no reason for the project to have a temporary non-conforming use for this project.

3.4 Section 6(f) Mitigation::

N/A

Other Non-Threshold Property Impacts

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

Yes No

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

Yes No Unknown

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

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

Yes No

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

Yes No

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

Yes No N/A

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

Anticipated impacts to prime or unique farmland would be temporary.

4.7 Describe Mitigation for Above Non-Threshold Resources:

CN - 42691a, Central City South & CN - 42691, In Central City:

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

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

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

Water and Ecological Resources

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

Yes* No N/A

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

5.2 For actions processed under Appendix B categories (26), (27), or (28), a Level 3 review will be required.

Level 3 Required

5.3 Is the action considered an impact to the National System of Wild and Scenic Rivers by the Agency of Jurisdiction?

Yes (3) No N/A

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

N/A

5.5 Wild and Scenic River Mitigation:

N/A

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

Yes (1) No (1) N/A

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

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

Yes (3) No (1) N/A

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

Yes (3) No N/A

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

CN - 42691a, Central City South:
The project encounters two floodplains. The Platte River Zone AE floodplain at bridge (Structure Number S014 7891). Work at this location would include: replace expansion joints, repair girder seats, partial depth deck repairs, asphalt overlay with membrane end of paving to end of paving, and seal concrete bridge rails. The guardrail would be removed and replaced along with surfacing underneath the guardrail.

The second Zone A floodplain is located at Structure Number S014 07976. This structure would be used in place, no work would occur that would potentially impact the Floodplain.

All work at the two floodplains would be functionally dependant.

CN - 42691, In Central City:
No floodplains are present along this project.

6.5 Floodplain/Floodway Mitigation

N/A

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

Yes (1) No (1)

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

Yes (1) No (1) N/A

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

Yes (2) No (1) N/A

7.4 Estimated Permanent Wetlands Impacts:

N/A

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

Yes (2) No (1) N/A

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

Yes (3) No (2) N/A

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

CN - 42691a & CN - 42691:

Both projects were reviewed on 2/1/2016; NDOR determined that based on the scope of the project, impacts to these resources are not anticipated. A field wetlands and water resources delineation was conducted 9/28/2016. Based on the scope of the Projects, no impacts to these resources are anticipated.

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

CN - 42691a, Central City South & CN - 42691, In Central City:

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

No wetland impacts are anticipated for this project; however, if impacts are found during design, the required permits shall be obtained prior to letting. NDOR Environmental shall reevaluate the project for the change in impacts. All wetlands within the project area shall be marked on the project plans and on the Green Sheet for the Contractor as avoidance areas. (NDOR Design, NDOR Environmental)

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

Yes No

8.2 Does the project occur within a MS4 community?

Yes No

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

Yes No

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

8.4 Describe resources, potential impacts, and any coordination conducted with officials/agencies:

Both projects would require a NPDES storm water permit.

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

CN - 42691a & CN - 42691:

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

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

Yes (2) No (1) N/A

9.2 Will the action result in a “may affect, likely to adversely affect” determination for threatened or endangered species or designated critical habitat?

Yes (3) No (2) N/A

9.3 Will the action require the use of unique conservation conditions that are not included within the *Matrix* PA, requiring resource agency concurrence?

Yes (3) No (2) N/A

NDOR PQS Determination Date:

2/9/2016

USFWS Concurrence Date:

N/A

NGPC Concurrence Date:

N/A

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

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

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

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

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

Coordination Required N/A

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

A "May Affect, Not Likely to Adversely Affect" determination was made for CN - 42691a and 42691, the following species/critical habitat: Interior Least Tern, Northern Long-Eared Bat, Piping Plover, River Otter, Whooping Crane.

9.8 Species Mitigation:

The following species conditions apply to the Central City South, CN 42691A Project Only:

Interior Least Tern and Piping Plover:

ILT-1, PP-1 For construction activities that begin prior to April 15 and continue beyond April 15, surveys will be conducted starting April 8 and continue through the end of construction or August 15 whichever comes first. NDOR Environmental, NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: Platte River and visible associated sandpit lakes with bare sand shores (location of suitable habitat). If species are present the District will notify the Contractor to stop work within ¼ mile of nesting activities and follow the protocol to determine when work can resume. (NDOR Environmental, District, Contractor)

ILT-2, PP-2 When initiating construction activities between April 15 and August 15, surveys will start one week prior to construction activities and will continue through the end of construction or August 15th, whichever comes first. NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: Platte River and visible associated sandpit lakes with bare sand shores (location of suitable habitat). If species are present the District will notify the Contractor to stop work within ¼ mile of nesting activities and follow the protocol to determine when work can resume. (NDOR Environmental, District, Contractor)

ILT-4, PP-4 Herbaceous species used for re-seeding within ¼-mile of the following location: Platte River (location of suitable habitat) will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design)

R-4 For the interior least tern and piping plover, nighttime work with lights from April 15 – August 15 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Surveys may be required to determine if nesting birds are present within ½ mile of the nighttime activity. Approval from these agencies is required (NDOR Environmental, District Construction, Contractor).

Northern Long-Eared Bat:

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

OR

NLEB-2 If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge or >5-ft box-culvert structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: from the south end of the Platte River bridge near mile marker 78.87, north to the end of the wooded area along the north bank of the Platte River approximately at mile marker 79.37. 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)

River Otter:

RO-1 A qualified biologist will survey according to protocol no more than 10 days prior to construction. If no active den sites are found, then the project can proceed. If active den sites are found, NDOR Environmental Section will notify the District and will consult with the USFWS, NGPC, and FHWA. If species are present the District will notify the Contractor to stop work within 1/2 mile of the active den until NDOR Environmental completes consultation. (NDOR Environmental, District Construction, Contractor)

Whooping Crane:

WC-1 Construction activities will not occur during Whooping Crane migration periods. (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16). (NDOR Environmental, Construction, Contractor)

OR

WC-2 If construction activities occur during Whooping Crane migration periods (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16), NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: Platte River (location of suitable habitat). (prior to the start of daily construction activities). If species are present the District will notify the Contractor to stop work within 1/2 mile of the whooping crane and follow the protocol to determine when work can resume (also not initiate work if species is found in the morning survey). Options for resuming work may include but are not limited to (NDOR Environmental, Construction, Contractor):

- Construction activities are limited to the hours from 10:00 a.m. to 4:00 p.m. (CST) during the migration period, unless morning survey indicates Whooping Cranes are not present.
- If a whooping crane is observed during the survey within ½ mile of the project, but departs the area (further than ½ mile from the project) then work can resume. Document this departure according to protocol.

AND

WC-3 Herbaceous species used for re-seeding within ¼ mile of the following location: Platte River (location of suitable habitat) will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design, NDOR Environmental).

R-11 For the whooping crane, nighttime work with lights from March 10 - May 10 and September 16 - November 16 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required (NDOR Environmental, District Construction, Contractor).

Bald Eagle:

- Suitable bald eagle nesting and/or roosting 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 bald eagles are nesting in the area, consultation with

NGPC and USFWS will be required.

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

Human and Social Resources

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

Yes (1) No (1)

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

Yes (2) No (1) N/A

10.3 Will the project result in an “adverse effect” to any historic property?

Yes (3) No (*No adverse effect*) (2) N/A

10.4 Historic Property Determination

NDOR PQS Determination Date:

No Adverse Effect

10/12/2015

SHPO Concurrence Date:

11/9/2015

THPO Concurrence Date:

N/A

CLG Concurrence Date:

N/A

10.5 List Eligible Resources, Impacts, and Coordination:

CN - 42691a: No properties were located in this project's study area that were listed or eligible for the NRHP.

CN - 42691:

Thirteen properties that are eligible for or listed on the NRHP are present within the Area of Potential Effects (APE), MK02-007, MK02-008, Presbyterian Church (MK02-059), MK02-165, MK02-175, MK02-176, MK02-177, MK02-178, MK02-210, MK02-223, FN50, FN54, FN55.

Of these properties, five would be impacted by the project, the Presbyterian Church (MK02-059), MK02-165, MK02-175, MK02-210, and MK02-223.

The Presbyterian Church (17th Avenue) is recommended NRHP eligible for the buildings Local Level Significance, the Neo-Classical Architecture (Criteria C) and the history being a religious property (Criteria Consideration A).

MK02-165 2204, 17th Avenue house was previously recommended NRHP eligible for its local level significance under Criteria C (Foursquare Architecture).

MK02-175 1525, 16th Street Lincoln Hotel is a three story hotel of Italianate style, circa 1900. This property is recommended NRHP eligible under Criterion A (Commerce), and Criterion C (Italianate Commercial Building).

MK02-210 1627, 22nd Street House, circa 1925, was previously recommended NRHP eligible for Local Level Significance, Criterion A (Community Development) and Criteria C (Prairie/Craftsman Architecture).

MK02-223 1706, 24th Street House, circa 1910, This two-story house has an asphalt shingle front gable roof with side gable dormers. There is recommended NRHP eligible under Criterion C for Gable Front Architecture.

Impacts would result from ROW and temporary easement acquisition associated with ADA ramp construction and sidewalk reconstruction.

10.6 Historic Properties Mitigation:

CN - 42691:

Presbyterian Church in Central City, NE:

After sidewalk reconstruction, the adjacent lawn shall be returned to a condition as good as, if not better, than it was prior to construction. The ground shall be graded to match the lay of the adjacent land and re-seeded to restore the existing grassy landscape. (District Construction, Contractor)

Four properties located at the following street addresses in Central City, NE: (2204 17th Avenue, 1525 16th Street, 1627 22nd Street and 1706 24th Street):

Any land disturbed shall be mitigated by fully restoring it upon completion of the reconstruction of the sidewalk. The ground shall be graded to match the lay of the adjacent land and re-seeded to restore the existing grassy landscape. (District Construction, Contractor)

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

Yes (1) No (1)

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

Yes (2) No (1) N/A

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

Yes N/A

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

Yes N/A

11.3 Will the action result in a High Potential for encountering hazardous materials during construction?

Yes (3) No (2) N/A

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

Yes (3) No (2) N/A

NDOR PQS Determination Date:

1/4/2016

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

The HMR identified several facilities adjacent to proposed construction where past releases have occurred. All the releases were associated with leaking underground storage tanks (LST) and consisted of petroleum products. The facilities were all very similar in the nature and extent of the release and the way the sites were evaluated for the HMR. In general, based on the shallow depths of excavation and the location of the release in relation to soil disturbance, all sites evaluated were considered a low potential to impact the project. In addition, no Superfund sites were identified near the project. Site maps and aerials for the adjacent facilities and areas of soil disturbance are attached.

The average depth to groundwater is approximately 7 feet in below ground surface (bgs) and the shallowest depth is approximately 5 feet bgs. The maximum depth of excavation for the installation of light poles will be 6 feet at the intersection of Ave E and US-30 and between 17th Street and 24th Street along N-14. There are no facilities where releases have occurred adjacent to the proposed lighting on N-14. The proposed lighting at Ave E is near the Dairy Queen Brazier site (519 G St.) and the Mustard Motor Company (510 G St.) where petroleum releases have occurred and remediation is in progress. Excavation for the construction of ADA ramps is also occurring adjacent to these sites. After file review it was determined that the excavation for the lighting is not likely to encounter groundwater (2015 data indicates static water level is 7 feet bgs or greater) and contamination from the referenced sites has not migrated to the areas where the installation of lighting is located. The excavations for ADA are shallow and soil contamination at the Mustard Motor site was excavated and removed with the purchase of the property by Archer Credit Union. The Tier I Site Investigation for the Dairy Queen facility stated that surface soils were not impacted. Based on the information above, there is a low potential of encountering contamination originating from these site during construction.

There were several LST facilities located east of N-14 on US-30. No excavations for storm sewer or lighting will occur on this portion of the project. Only milling and resurfacing an ADA ramps are proposed. The Pump and Pantry #9 (1310 16th St.), Trinity Car Care (1403 16th St.), the Central City Mall (1414 16th St.) and the Central City Public Library (1604 15th Ave) are all adjacent to construction. Because soil disturbance in this area is limited to construction for ADA ramps, the sites were evaluated to determine the potential of encountering soil contamination at ADA ramps locations. After regulatory file review it was determined that the locations of the releases were greater than 50 feet away from the proposed ADA ramp locations. All facilities with the exception of Central City Mall were closed with No Further Remedial Action (NFA) status. Central City Mall is undergoing remediation for groundwater contamination and contamination levels and the plume extent have been reduced significantly in recent years. Based on the shallow excavations and the distance from the releases to construction, there is a low potential of encountering contamination originating from the above referenced facilities during construction.

The Litzenburg Memorial County Hospital (1715 26th St.) was the only facility on N-14 adjacent to areas where soil disturbance would occur. The scope of work adjacent to the hospital includes storm sewer construction, inlet replacement and construction of ADA ramps. 3 tanks consisting of heating oil and diesel were removed in 1996. The closest tank to construction was located near the hospital boiler room approximately 230 feet from the inlet and storm sewer construction. Based on the distance from the tanks to the project excavations, the NFA status and excavation not being deep enough to reach groundwater, the potential to encounter contamination is low.

There is one construction location on N-14 where groundwater may be encountered. The concrete box culvert replacement at 21st St will include excavations of up to 7.5 feet. However, there are no facilities where releases have occurred within the hazardous materials study area and no known groundwater plumes that have migrated into the project footprint. There is a low potential of encountering contamination at this location. In addition, no Superfund sites were identified near the project.

No Superfund sites were identified near the project.

The scope of bridge work does not require an asbestos survey or lead commitments. No asbestos or lead mitigation is required.

11.6 Hazardous Materials Mitigation:

CN - 42691a, Central City South & CN - 42691, In Central City:

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

There are several monitoring wells located along US-30 in Central City. Some wells may be located within the NDOR right-of-way. The monitoring wells shall be located and marked as Do Not Disturb. Construction activities near the wells will be performed with care to avoid damaging any wells. In the event that a monitoring well manhole is damaged, the Contractor shall notify the Engineer immediately. NDOR will coordinate with the Nebraska Department of Environmental Quality (NDEQ) as directed by the Engineer. The contractor shall replace any damaged manholes at the Engineer's direction. If the well casing or seal was damaged, NDOR would contact the NDEQ to discuss further necessary actions. The Contractor shall comply with NDEQ direction concerning repair and/or replacement of damaged monitoring wells. Repair and/or replacement of damage wells may require assistance by a certified Water Well Monitoring Supervisor and/or a licensed well driller. All work to repair and/or replace the damaged wells shall be the contractor's responsibility. (NDOR Environmental, Contractor)

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

Yes (3) No (1) N/A

12.2 Based on the noise analysis, does the project qualify for abatement?

Yes No N/A

12.3 Summarize the results of the noise analysis:

N/A

12.4 Noise Mitigation:

N/A

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

Yes (3) No N/A

13.2 Air Quality Comments:

N/A

13.3 Air Quality Mitigation:

N/A

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

Yes (3) No (1) N/A

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

Yes (2) No (1) N/A

15.2 Will the action result in major traffic disruption requiring detours, temporary roads, or ramp closures that are greater than 135 working days?

Yes (3) No (2) N/A

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

Yes (3) No (1) N/A

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

Yes (3) No (1) N/A

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

Yes (3) No (1) N/A

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

Yes (3) No (1) N/A

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

Yes (3) No (1) N/A

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

15.8 Traffic Disruption Comments:

CN - 42691, In Central City:

A designated detour would be provided during the pavement replacement section of N-14. However, local traffic would still be able to take local traffic routes through Central City to reach their residence and business destinations as access would be maintained throughout construction. The designated detour would follow state highways and utilize US-30, Nebraska Highway 92 (N-92), U.S. Highway 81 (US-81), and N-66. The detour would be in place for approximately 75 working days. The project would not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 135 working days. Out of direction travel along the detour route would be approximately 49 miles. No improvements would be required along the designated detour route.

Coordination with the affected public and emergency services has occurred, following the requirements of the approved public involvement plan. No adverse effects to businesses or emergency services were identified during the outreach.

The Merrick County Fair is held during the first week in August. The fair grounds are located west of Central City at 1765 Fairgrounds Road. Access to the grounds would not be impacted by the project or the proposed detour route as local traffic would still be able to take local traffic routes through Central City to reach their destination.

CN - 42691a, Central City South: This project would not require a detour.

15.9 Traffic Disruption Mitigation:

CN - 42691, In Central City:

A designated detour will be provided during the pavement replacement section of N-14. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 135 working days. (Contractor)

CN - 42691a, Central City South:

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 135 working days (Contractor).

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

Yes (1) No (1) N/A

16.2 Will the action result in complete closure to residential properties for greater than 5 working days?

Yes (2) No (1) N/A

16.3 Will the action result in complete closure to residential properties for greater than 10 working days?

Yes (3) No (2) N/A

16.4 Will the action result in closure of business access during operational hours?

Yes (3) No (1) N/A

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

Yes (3) No (1) N/A

16.6 Will the action change the functionality of adjacent properties?

Yes (3) No (2) N/A

16.7 Access Disruption Comments:

CN - 42691, In Central City:

A designated detour would be provided during the pavement replacement section of N-14. However, local traffic would still be able to take local traffic routes through Central City to reach their residence and business destinations as access would be maintained throughout construction.

Access to adjacent properties would be maintained at all times during construction but may be disrupted temporarily at times due to construction. During these temporary access restrictions, residents residing along the project corridor would be able to either park on a side street or in an ally while construction occurs in front of their properties.

16.8 Substantial Access Disruption Mitigation:

CN - 42691a & CN - 42691:

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)

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

Yes (1) No (1) N/A

17.2 Will the project have an adverse impact to minority or low income populations per NDOR's Environmental Justice Policy?

Yes (2) No (1) N/A

17.3 Will the action result in a potential for disproportionately high and adverse impacts to minority or low income populations?

Yes (3) No (2) N/A

NDOR Highway Civil Rights Specialist Determination Date:

11/13/2014

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

Both CN - 42691, In Central City and CN - 42691a, Central City South were reviewed together by NDOR on 11/13/2015.

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

17.5 Protected Population Mitigation:

N/A

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

Based on an analysis of the project scope and a civil rights analysis, a public information open house meeting, targeted mailer in the form of a public notification, legal notice, news release, temporary highway signs, website, and a 30-day comment period were used as outreach tools for public involvement on this project. A public information open house meeting was held at the Central City City Hall in Central City, Nebraska on Tuesday, April 7, 2015 from 4:00 PM to 6:00 PM, with approximately 89 citizens in attendance. The public notification involved mailing a project notification to a compiled distribution list of 148 citizens and businesses adjacent to Nebraska Highway 14, from mile marker (MM) 77.29 to MM 81.57, as well as a small portion of U.S. Highway 30, from MM 337.32 to MM 337.82. Additionally, 85 public and private agencies with potential interest in the project were also included in the distribution list, including the Nebraska Truck Association. Legal notices were placed in two Nebraska Press Association (NPA) recognized newspapers, including Grand Island Independent on March 11, 2015 and March 25, 2015, and Central City Republican Nonpareil on March 12, 2015 and March 26, 2015. A news release was published on March 24, 2015. Temporary highway signs advertising the meeting were placed near the project. Project information was placed on the NDOR website. NDOR Public Involvement received 13 comments during the specified comment period (March 11, 2015 – April 22, 2015), outlined below. A petition was received after the close of the comment period, received June 19, 2015, also outlined below.

Comment 1: City Administrator stated support for the project and believes project will result in lower long term costs for operating the highway. Inconvenience will be worth it. Mentioned trees identified for removal are already bad and falling down.

Response 1: Appreciates input and will be taken into consideration.

Comment 2: Property owner adjacent to project sent three different emails regarding the following inquiries: incorporation of a left turn lane, installation of permanent sound barriers and cost to homeowners, incorporation of quality trees and landscape if trees were removed and cost to homeowners, obtainment of areas on either side of N-14, rebuilding of sidewalks on both side of N-14 if one side is taken for widening, location of sidewalks in proximity to curbs and greenspace, reparation and/or relocation of homeowner irrigation systems, cost and funding, enforcement of speed control, speed limit, reparation of problem/damaged areas on converging streets, correction of poor drainage at the corner of J Street and N-14 and along N-14, permanent traffic lights, voting/registering, right-of-way boundaries in proximity to curbs/sidewalks, clarification of "back", effects of storm drain updates to residents east of N-14, and width of sidewalks. Property owner also mentioned her favor of reviving the bypass project, possibly outside the city limits and to the west.

Response 2: Thanked citizen for comments received from email and participation at the public meeting, and reiterated that the though the citizen had spoken to representatives at the public meeting, this was to document the answers provided at the public information meeting.

Explained that the community has had drainage concerns for several years, and the city has conducted many studies to find a feasible solution. Since the solution has not been determined, the department must drain the roadway, which would be done by replacing the existing drainage system, in order to continue with the proposed project. Explained that the proposed drainage system and concrete pavement replacement is due to the age, and that while replacing the full pavement, it would be advantageous and an accessible time to install the underground drainage system. Elaborated that the widening of the roadway would add a negligible amount of water to the east side of town, which currently has a drain backing up during storms. Explained the reasoning behind the water back up, and that the drainage issue is not within the state's right-of-way. Addressed citizen's questions about sidewalk reconstruction by stating that the sidewalk reconstruction is proposed on both sides of the

reconstructed section of Nebraska Highway 14 (N-14) (approximately from 18th Street to 24th Street), and that they would have a width of 5 feet to meet applicable local, state, and federal standards. Stated that the funding for the project is a combination of federal, state, and city funds, and touched upon funding issues for asset preservation projects and capital improvement projects. Addressed question about public input and the public involvement process explaining that there is a comment period after the public information meeting to voice opinions, which will become part of the public involvement process records, and that previously received comments have been registered through the receipt of emails and comments during the current public involvement process. Also stated that opposition may also be voiced to local public officials as well as representatives. Explained where the existing right-of-way line is in regards to sidewalks, and how the project would only take areas as needed to construct the project in order to meet current design standards and meet ADA standards. Also mentioned that landowners would be compensated for any impacts outside of the state right-of-way. Addressed additional questions in regards to left turn lanes by saying there were none proposed with the project. Noise abatement concerns were addressed by explaining that 1' widening would not increase the noise level; therefore not proposed for this project. Traffic lights would not be included with the project, greenspace and tree removal were not proposed for this sidewalk and would not be planted between the sidewalk and the street as part of the project, but all disturbed areas would be sodded. Speed control initiatives and any changes to the speed limit would not be included with the proposed project, and funding dedicated to the state highway pavement not include local converging streets.

Comment 3: Property owner adjacent to project commented that increased traffic on Hord Lake Road from the ethanol plant, to the Prairie Island Bridge; current asphalt will not hold up. State should at minimum cost share with Merrick County to upgrade Hord Lake Road. Local traffic and additional grain trucks would use route as their means of north/south route across the river.

Response 3: Explained that the river bridge would remain open during construction. Work would be phased and done under traffic.

*NOTE: Since local traffic and truck traffic would not use the route citizen mentioned, as their means of north/south route across the river (because the bridge would not be closed), an upgrade to Hord Lake Road would not be considered a part of the proposed project.

Comment 4: Representative from Nebraska school submitted concern about students and staff who commute to school daily from south of the Platte River. Concerned about increase travel times, students with only school permits, and after school activities. Preferred flagging operations done when school not in session.

Response 4: Explained that the river bridge would remain open during construction. Work would be phased and done under traffic.

Comment 5: Property owner adjacent to project had no issue with resurfacing the highway, but strongly opposed widening of the highway through residential areas; provided reasoning being that traffic load in the area does not merit widening, no traffic accidents of note in area, already existing turning lanes for all major businesses on route, speed through area is excessive and would only increase with time and widening, two major organizations along the highway are planning on moving – potentially lessening the traffic load, widening of highway at present location does not address the problem of US-30/N-14 where an overpass is needed both over the railroad and US-30, and money could be better spent on making US-30 safer.

Response 5: Explained widening the section of N-14 due to the poor existing pavement condition. Included explanation of how the 1 foot of roadway width is proposed to allow more efficient access to maintain the storm sewer system; which would be placed in the center of the road to minimize impacts

to adjacent properties.

*NOTE: This project is a 3R (Resurfacing, Restoration & Rehabilitation) preservation project; The purpose of the proposed project is to preserve the transportation asset, improve the reliability of the transportation system, and perpetuate the mobility of the traveling public. The need for the proposed project is based on the condition of the roadways and bridge, as well as an emphasis to mitigate the frequency and severity of roadway departure crashes, and improve the existing storm sewer system.

The main objective of the proposed project is to maintain the existing roadway. An overpass would be considered a capital improvement project. A capital improvement project would require additional funding which is currently not available for a project of that magnitude and scope. A separate viaduct project is currently being planned and would potentially alleviate the concerns outlined regarding US-30.

Comment 6: Property owner adjacent to project commented that it looked like a good project and long overdue. Mentioned that Platte River Bridge must stay open for traffic and finished as soon as possible.

Response 6: Explained that the traffic on the Platte River Bridge would remain open with restrictions during the project.

Comment 7: Property owner adjacent to project does not want to lose the trees along N-14, does not want mail to be stopped from delivery to her house, does not think it is a good idea to put money into resurfacing N-14 and thinks it would be better to the bypass to keep noise and problems of truck traffic away from intertown area, and does not think it is right that citizens have to pay to have sprinkler systems, grass, and trees replaced in the right-of-way.

Response 7: Explained that the removal of some trees along N-14 would be necessary to reconstruct the roadway, explained that the post office would be notified prior to construction, explained investment of funding into the project is needed to maintain the current highway and local road system, and explained that the project would replace existing sod within the highway right-of-way.

Comment 8: Property owner adjacent to project stated a turning lane is needed on southbound lane on N-14 at N-66 intersection. Trucks heading south on N-14 are coming at fast speed when crossing the Platte River Bridge just before the N-14 and N-66 intersection. Have witnessed several occasions where trucks take the right side of road on dirt to get by someone turning left on N-66.

Response 8: Comment would be taken into consideration.

*NOTE: As part of the design phase of the "In Central City & South" project, the Nebraska Department of Road (NDOR) reviewed the intersection of highways N-14 & N-66. Any time NDOR reviews strategies that are intended to improve highway operations or safety, it must first consider design standards and legal requirements. If a strategy satisfies these requirements, the NDOR must then consider the cost of such strategies against their intended benefits. For example, the proposed mitigating strategy of auxiliary turn bays may improve conditions at an intersection, but they are expensive to build and maintain, so guidance for when turn lanes are warranted is used. In order to understand these relationships better, various criteria and methodologies have been established to compare the cost associated with the improvement against the expected benefits. Based on the existing and future volumes at this intersection, the documented crash history, the existing and future design of the intersection, and other factors such as sight distance, a left-turn lane at this location was not recommended to be constructed with this upcoming project. The northbound right-turn lane would be re-built with the project.

Comment 9: Property owner adjacent to project agrees that N-14 needs to be repaired, but implied disagreement with tree removal. Also mentioned that they would hate to put out money to replace underground sprinkler system just put in last summer. Citizen inquired how people who live on 17th Avenue would be able to back out on to same street, and was concerned about parking. Also inquired about process of removing underground sprinkler system – wants it back in use as soon as possible. Commented on saving money for bypass east of Central City for truck use.

Response 9: Explained some trees would need to be removed to allow reconstruction of the highway, explained that impacts to property outside of the existing State right-of-way would be compensated to owner, explained contractor would be required to maintain local access in regards to parking and would be worked out individually during construction, explained that sprinklers are recommended to be removed prior to underground construction, and explained that the current project is needed to maintain the current daily use of the highway system.

Comment 10: Property owner adjacent to project stated support for project.

Response 10: Appreciates input and will be taken into consideration.

Comment 11: Property owner adjacent to project commented that 12-inch widening is not so bad – but more would be devastating and diminish property value. Mentioned loss of part of a sprinkler system and a tree was a cost to them. Stated that no one can guarantee property values will increase due to the new road, as well as implying that heavy truck traffic would be closer to their homes and their windows would rattle more. Asked if they can leave or place an underground sprinkler in the new-right-of-way; gave an answer of yes, asked if little tree saved; gave an answer of no.

Response 11: Explained that the sprinkler systems placed within State right-of-way is done at the owner's risk and are subject to the maintenance of the highway.

*NOTE: NDOR is not aware of any definitive studies available, either in Nebraska or any other state, which demonstrates valuation impacts (either positive or negative) as a result of roadway projects to properties.

Heavy truck traffic is not anticipated to increase due to the proposed project. The proposed project currently has no noise abatement proposed, as the project scope does not warrant a noise study. The 1' widening would not increase the noise level from the level it is currently at.

Regarding the removal of trees along Nebraska Highway 14 (N-14), some trees would need to be removed in order to allow reconstruction of the highway in the sections identified. To maintain the character of the existing 31' roadway, N-14, NDOR has minimized the footprint of the pavement to be replaced. Standards require, as a minimum, 11 foot (ft.) wide lanes in each direction. In order to reduce our impacts to the trees along either side of the highway, a storm sewer line would be placed down the center of the highway. As a result, an 8' wide maintenance zone is required for this storm sewer line. With the two curbs, this means the roadway width would now be 32'.

Comment 12: Property owner commented on the Highway 14 reconstruction to take place in Central City in 2016. Stated realization that there is a necessity for making the highway smooth for traffic; but wonders if a by-pass around the edge of Central City might be a better choice, since there is talk of an over-pass in the coming years on the east side of town. Believes it makes logical and fiscal sense to re-route traffic, especially truck traffic, around the city near the Ethanol Plant. States would alleviate the congestion of the Highway 14/30 interchange. Commented that truck traffic causes great damage to the

roads and even though we use “state of the art” materials to make the new highway, asks in how many years it will need to be redone and to look at our interstate or other highways and the frequency of repair. Citizen emphasis five main reasons for re-routing the traffic, which includes: children frequently crossing highway 14 (to get to school, the softball fields, the swimming pool, the child development center, and the fitness center), truck traffic is through a very residential area, truck traffic shakes the homes along highway 14 potentially causing structural damage, traffic congestion of the Highway 14/30 intersection is dangerous to motorists and pedestrians when trucks are turning east or west on Highway 14 to 30 and traffic is backed up for several blocks both east and west on Highway 30, and the new Highway 14 would destroy the uniqueness of Central City (in reference to the trees lining Highway 14). Trees influenced citizen to consider Central City as future home, and citizen states the people remember the trees when they pass through, as well as is an aesthetic beauty that is irreplaceable and a vital part of our ecosystem. The length of time it takes trees to mature plus the quality of trees should be taken into consideration (in reference to the “mature” trees lining the highway). States those residents along the highway not only lose the trees and will have the expense of replanting young immature trees, but will need to dig up and replace their sprinkler systems – additional expense for the homeowner. Inquired about how mail would be received and how would individuals with health problems have driving access without a backyard alley. States that they understand the sidewalk will be 5’ wide, with the highway a foot wider on each side – which places pedestrians, bikers, and children closer to the busy highway traffic.

Response 12: *NOTE: Comment was received May 6, 2015 – after comment period deadline.

The purpose of the proposed project is to preserve the transportation asset, improve the reliability of the transportation system, and perpetuate the mobility of the traveling public. The need for the proposed project is based on the condition of the roadways and bridge, as well as an emphasis to mitigate the severity of roadway departure crashes and improve the existing storm sewer system.

Since 2008, under the direction of the Nebraska State Highway Commission and the State Legislature, NDOR’s primary focus is to maintain our current highway system by utilizing what we refer to as asset preservation projects or maintenance projects. Projects that include the building of new roadways or the reconstruction of existing roadways are referred to as capital improvement projects. The bypass in question would be considered a capital improvement project, which would require additional funding which is not available for a project of that magnitude and scope. Additionally, the bypass suggestion goes beyond the purpose and need for this project, as the main objective of this project is to maintain the existing roadway, Nebraska Highway 14 (N-14), which is both essential and beneficial for Central City’s community and businesses in the region. A separate viaduct project is currently being planned and would potentially alleviate the concerns outlined regarding US-30.

The portions of N-14 and US-30 requiring concrete repairs and asphalt overlay would have a service life of approximately 12-15 years, along with regular maintenance. The portion of N-14 where NDOR is constructing new concrete pavement would have a service life of approximately 35 years.

Regarding the removal of trees along Nebraska Highway 14 (N-14), some trees would need to be removed in order to allow reconstruction of the highway in the sections identified. To maintain the character of the existing 31’ roadway, N-14, NDOR has minimized the footprint of the pavement to be replaced. Standards require, as a minimum, 11 foot (ft.) wide lanes in each direction. In order to reduce our impacts to the trees along either side of the highway, a storm sewer line would be placed down the center of the highway. As a result, an 8’ wide maintenance zone is required for this storm sewer line. With the two curbs, this means the roadway width would now be 32’.

Sprinkler systems placed within State right-of-way (ROW) are done at the owner’s risk and are subject to the maintenance of the highway. Impacts to property outside of the existing State ROW would be compensated to the owner.

The post office would be notified and coordinated with prior to construction to assure mail delivery does not get disrupted.

Where construction would occur in front of properties, parking would need to be either on a side street or on an alley. With construction, an inconvenience would occur, but should be temporary. Citizens with special circumstances would need to talk to the contractor, or the NDOR Project Manager, to discuss the details of parking.

In regards to safety of pedestrians on sidewalks; the proposed project is being built to federal and state standards. In altering the dimensions of the roadway, with the proposed project, it is in the interest of NDOR to follow New & Reconstruction standards. This means a minimum of 6' of distance between proposed edge of through driving lane and proposed sidewalk. This is a typical section and is a common standard for proposed projects.

Comment 13: Property owner adjacent to project commented that he would like to see curb and gutter on corner and concrete and grass put in.

Response 13: Appreciates input and will be taken into consideration.

*NOTE: Current final design plans include removing the return and replacing it with new curb and gutter, 9' concrete pavement, as well as replacing the sidewalk with 5' panels and standard 4" depth concrete sidewalk behind the back of the curb, and building 2 curb ramps. Grass is not anticipated to be put in at this time.

Comment 14: 3/31/2015 Phone Log taken by Tony Kessler: Property owner said water ponds at the corner of his property and wanted to know if anything could be done to resolve the issue. Would be going to the public meeting, but wanted NDOR to be aware prior to discussing at open house.

Comment 15: Property owner adjacent to project commented that this project was a great idea; trees are already going down and traffic needs to move out of town. Commented that US-30 should be looked at also. Mentioned that US-30 on the west side needs to be slowed down – 50 mph is too fast.

Response 15: Appreciates input and will be taken into consideration.

*NOTE: Citizen's comment about US-30, as well as the 50 MPH speed zone, is beyond the project limits of the proposed project. A separate request for a speed study along US Highway 30 (US-30) should be sent to NDOR. It is recommended that the request come from The City. A separate viaduct project is currently being planned and would potentially alleviate the concerns outlined regarding US-30.

Comment 16: (Received June 19, 2015)

Petition with 186 local signatures was received stating concerns regarding the drainage system and flooding. The petition requested considering that the addition of more water to existing system would cause issues for homeowners. The petition further elaborated upon a request to revise the project and explore a bypass outside the city limits of Central City, possibly to the west, stating that an additional 2 feet of width on N-14 within Central City, increasing sidewalk width to 5 feet, and overtaxing the existing storm drain system is a gross misuse of taxpayer funds with environmental impacts. It also stated that the current project would impact business along N-14, homeowner's yards would be damaged by equipment and cause significant costs to homeowners and businesses. The petition elaborated on

replacement of green space with concrete would cause environmental effects, such as increased pollution, allergies, asthma, dust, heat and noise levels, energy costs, water run-off and erosion. It would also decrease area for groundwater recharge and harmful chemical filtration from the water, property values, humidity and oxygen levels. Last but not least, it would cause destruction of wind breaks and aesthetic value of tree-lined streets. The petition stated that the proposed drain would exacerbate issues with the inadequate recently installed drain at 20th Street near 12th Avenue, which currently has water backup – which promotes mosquito breeding and mosquito-borne and other diseases. The signees indicated they would like NDOR to resurface/repair the highway and converging streets at current width and replace only damaged sidewalks, as well as remove the storm drain segment, as drained must be corrected in eastern Central City first.

Response 16: Thanked for the interest in the In Central City and South project, stated that we received the petition, valued the input, reviewed the concerns and discussed the petition with Central City officials.

Stated the purpose and need of the project, explained the primary focus of maintaining our current highway system and the difference between asset preservation and capital improvement projects, and how those differences affects the bypass suggestion.

Explained minimization of the project footprint to maintain the character of the existing roadway, what our standards require, and how the storm sewer placement would reduce our impacts to the trees along the highway, as well as how that would affect the current width, in regards to the maintenance zone requirement.

Elaborated on how drainage has been a concern for the community due to the underground drainage system needing replacement. Explained how NDOR would take advantage of the pavement replacement opportunity and replace a portion of the aging drainage system, and how the existing culvert would be replaced with the same dimensions to prevent excess water from entering into the city's drainage system. Addressed comment about the drainage ditch on the east side of town; illustrating that the current water back up is due to the lack of elevation drop seen along the drainage path, not within the state's right-of-way and that the widening of the roadway would add a negligible amount of water (an approximate 1.4%) increase to the east side of Central City.

Explained the pavement replacement section of N-14 would require a detour that the state has provided, however local traffic would still be able to take local traffic routes through Central City to reach their residence and business destinations as access would be maintained throughout construction.

Addressed the replacement of green space and how the issues and concerns for things such as pollution and allergens would be assessed and mitigated as appropriate during the project development process and any commitments for mitigation measures would be included in the project environmental document.

Discussed the potential impacts to private property from the construction process and how it would be evaluated during the right-of-way appraisal process, and that any property acquisition for right-of-way would need to conform to the requirements set forth in the Uniform Relocation Assistance and Real Property Acquisitions Policy of 1970.

Stated that the department and city officials are in agreement that this project would benefit taxpayers, and touched upon the benefits of a new roadway, greatly reduced maintenance costs, and an updated drainage system.

Stated that the comments would be taken into consideration and addressed during the design process.

*NOTE: In regards to citizens' concerns with property values; NDOR is not aware of any definitive studies available, either in Nebraska or any other state, which demonstrates valuation impacts (either positive or negative) as a result of roadway projects to properties.

18.2 Public Involvement Mitigation:

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

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

Yes No N/A

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

19.2 Unresolved Controversy Comments:

N/A

Contract Provisions Required

20.1 Wellhead Protection Special Provisions

Yes No

20.2 General Conditions for Nationwide Permit

Yes No

Nationwide Permit: N/A

20.3 Federal Aviation Administration (FAA) Form 7460-1

Yes No

20.4 General Conservation Conditions from the Matrix PA

Yes No

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

21.1 No Indirect or Cumulative Impacts



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

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

21.2 Indirect Impacts and Mitigation:

N/A

21.3 Cumulative Impacts:

42013_RRZ-TMT-14-2(123)_Central City Viaduct is programmed to be let in fiscal year 2021. 42013 is a viaduct project, and would include a separate pedestrian overpass. There are no anticipated cumulative impacts due to the Central City South and In Central City projects in conjunction with the additional project referenced above. Construction for the individual projects has been scheduled such that there would be adequate time between projects to prevent interference with local traffic patterns, including the proposed detour route for In Central City.

22.1 **Additional Comments:**

N/A

23.1 Project Mitigation:

Borrow, Debris Disposal and Staging:

Any material needed shall be provided by the Contractor. The Contractor shall try to obtain borrow from an upland site to prevent depletion issues. If the borrow site is within a depletion area of concern, the Contractor shall coordinate with the appropriate agencies and NDOR to offset or minimize impacts. The Contractor shall obtain all environmental clearances and permits required for the borrow site prior to obtaining borrow material for the project. The Contractor shall have a staging area for the project where material and equipment for the project is stored (e.g. re-steel, forms, etc.). The Contractor shall dispose of material removed as part of the project described above and miscellaneous obstructions encountered and removed along the project. The disposal is the responsibility of the Contractor. A waste site may be needed. The Contractor shall obtain all permits and clearances and all conditions of those permits shall be followed. (Contractor)

Section 4(f):

CN - 42691, In Central City:

South Park in Central City, NE:

The South Park property shall be fully restored upon completion of the project. After the drive replacement and sidewalk reconstruction, the adjacent parkland shall be returned to a condition as good as, if not better, than it was prior to construction. The ground disturbed during construction shall be graded to match the lay of the adjacent land and re-seeded to restore the existing grassy landscape. (District Construction, Contractor)

Utilities:

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

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

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

Wetlands and 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, NDOR District)

No wetland impacts are anticipated for this project; however, if impacts are found during design, the required permits shall be obtained prior to letting. NDOR Environmental shall reevaluate the project for the change in impacts. All wetlands within the project area shall be marked on the project plans and on

the Green Sheet for the Contractor as avoidance areas. (NDOR Design, NDOR Environmental)

NPDES:

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

Threatened & Endangered Species:

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)

S-2 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.

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

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

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

The following species conditions apply to the Central City South, CN 42691A Project Only:

Interior Least Tern and Piping Plover:

ILT-1, PP-1 For construction activities that begin prior to April 15 and continue beyond April 15, surveys

will be conducted starting April 8 and continue through the end of construction or August 15 whichever comes first. NDOR Environmental, NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: Platte River and visible associated sandpit lakes with bare sand shores (location of suitable habitat). If species are present the District will notify the Contractor to stop work within ¼ mile of nesting activities and follow the protocol to determine when work can resume. (NDOR Environmental, District, Contractor)

ILT-2, PP-2 When initiating construction activities between April 15 and August 15, surveys will start one week prior to construction activities and will continue through the end of construction or August 15th, whichever comes first. NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: Platte River and visible associated sandpit lakes with bare sand shores (location of suitable habitat). If species are present the District will notify the Contractor to stop work within ¼ mile of nesting activities and follow the protocol to determine when work can resume. (NDOR Environmental, District, Contractor)

ILT-4, PP-4 Herbaceous species used for re-seeding within ¼-mile of the following location: Platte River (location of suitable habitat) will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design)

R-4 For the interior least tern and piping plover, nighttime work with lights from April 15 – August 15 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Surveys may be required to determine if nesting birds are present within ½ mile of the nighttime activity. Approval from these agencies is required (NDOR Environmental, District Construction, Contractor).

Northern Long-Eared Bat:

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

OR

NLEB-2 If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge or >5-ft box-culvert structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: from the south end of the Platte River bridge near mile marker 78.87, north to the end of the wooded area along the north bank of the Platte River approximately at mile marker 79.37. 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)

River Otter:

RO-1 A qualified biologist will survey according to protocol no more than 10 days prior to construction. If no active den sites are found, then the project can proceed. If active den sites are found, NDOR Environmental Section will notify the District and will consult with the USFWS, NGPC, and FHWA. If species are present the District will notify the Contractor to stop work within 1/2 mile of the active den until NDOR Environmental completes consultation. (NDOR Environmental, District Construction, Contractor)

Whooping Crane:

WC-1 Construction activities will not occur during Whooping Crane migration periods. (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16). (NDOR Environmental, Construction, Contractor)

OR

WC-2 If construction activities occur during Whooping Crane migration periods (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16), NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: Platte River (location of suitable habitat). (prior to the start of daily construction activities). If species are present the District will notify the Contractor to stop work within 1/2 mile of the whooping crane and follow the protocol to determine when work can resume (also not initiate work if species is found in the morning survey). Options for resuming work may include but are not limited to (NDOR Environmental, Construction, Contractor):

- Construction activities are limited to the hours from 10:00 a.m. to 4:00 p.m. (CST) during the migration period, unless morning survey indicates Whooping Cranes are not present.
- If a whooping crane is observed during the survey within ½ mile of the project, but departs the area (further than ½ mile from the project) then work can resume. Document this departure according to protocol.

AND

WC-3 Herbaceous species used for re-seeding within ¼ mile of the following location: Platte River (location of suitable habitat) will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design, NDOR Environmental).

R-11 For the whooping crane, nighttime work with lights from March 10 - May 10 and September 16 - November 16 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required (NDOR Environmental, District Construction, Contractor).

Bald Eagle:

- Suitable bald eagle nesting and/or roosting 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 bald eagles are nesting in the area, consultation with NGPC and USFWS will be required.

Historic Properties:

CN - 42691, In Central City:

Four properties located at the following street addresses in Central City, NE: (2204 17th Avenue, 1525 16th Street, 1627 22nd Street and 1706 24th Street):

Any land disturbed shall be mitigated by fully restoring it upon completion of the reconstruction of the sidewalk. The ground shall be graded to match the lay of the adjacent land and re-seeded to restore the existing grassy landscape. (District Construction, Contractor)

Presbyterian Church in Central City, NE:

After sidewalk reconstruction, the adjacent lawn shall be returned to a condition as good as, if not better, than it was prior to construction. The ground shall be graded to match the lay of the adjacent land and re-seeded to restore the existing grassy landscape. (District Construction, Contractor)

Hazardous Materials:

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

There are several monitoring wells located along US-30 in Central City. Some wells may be located within the NDOR right-of-way. The monitoring wells shall be located and marked as Do Not Disturb. Construction activities near the wells will be performed with care to avoid damaging any wells. In the event that a monitoring well manhole is damaged, the Contractor shall notify the Engineer immediately. NDOR will coordinate with the Nebraska Department of Environmental Quality (NDEQ) as directed by the Engineer. The contractor shall replace any damaged manholes at the Engineer's direction. If the well casing or seal was damaged, NDOR would contact the NDEQ to discuss further necessary actions. The Contractor shall comply with NDEQ direction concerning repair and/or replacement of damaged monitoring wells. Repair and/or replacement of damage wells may require assistance by a certified Water Well Monitoring Supervisor and/or a licensed well driller. All work to repair and/or replace the damaged wells shall be the contractor's responsibility. (NDOR Environmental, Contractor)

Traffic Disruption:

CN - 42691, In Central City:

A designated detour will be provided during the pavement replacement section of N-14. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 135 working days. (Contractor)

CN - 42691a, Central City South:

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 135 working days (Contractor).

Access Disruption:

Access to adjacent properties shall be maintained at all time during construction but may be disrupted

temporarily at times due to construction activities, but will not be closed. (Contractor)

Public Involvement:

The post office will be notified and coordinated with prior to construction to assure mail delivery will not be disrupted. (NDOR District, Contractor)

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 Communication)

Wellhead Protection:

A portion of the project has been identified as being located within or adjacent to a Wellhead Protection Area. NDOR's Standard Specifications 107.01, 107.09 and 107.16 address the Contractor's responsibility to keep fully informed of, observe and comply with all federal, state and local laws and ordinances that affect the conduct of the work. (Contractor)

Airport:

Because of the proximity to the Central City Municipal Airport (within a 4-mile radius), the height of any equipment used in the construction of the project (or any antennae installed on the equipment) shall not exceed the local airport's Height Restriction Zoning. Any Contractor involved in the project shall use the Notice Criteria Tool available at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>. If required, the Contractor shall file a 7460-1 Form with the Federal Aviation Administration (FAA). The form shall be required if the Contractor uses any equipment over 200' tall, or the equipment breaks a 100:1 slope from a public-use airport. This includes any trucks or equipment used during the construction of the project. (Contractor)

The proposed project qualifies as a Categorical Exclusion under the following activity found in [23 CFR 771.117](#):

Paragraph: (d)

Activity: 13

Prepared by:

Carrie Wencel

Organization:

NDOR- Environmental

Phone:

402-479-4836

Email:

carrie.wencel@nebraska.gov

Signature:

Date:

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

NDOR Environmental NEPA Specialist Signature:

Date:

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

Date:

[FHWA Environmental Specialist](#) (*Level 3 Requirement*):

Date:

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

Reevaluation Approval (*if necessary*):

Date: