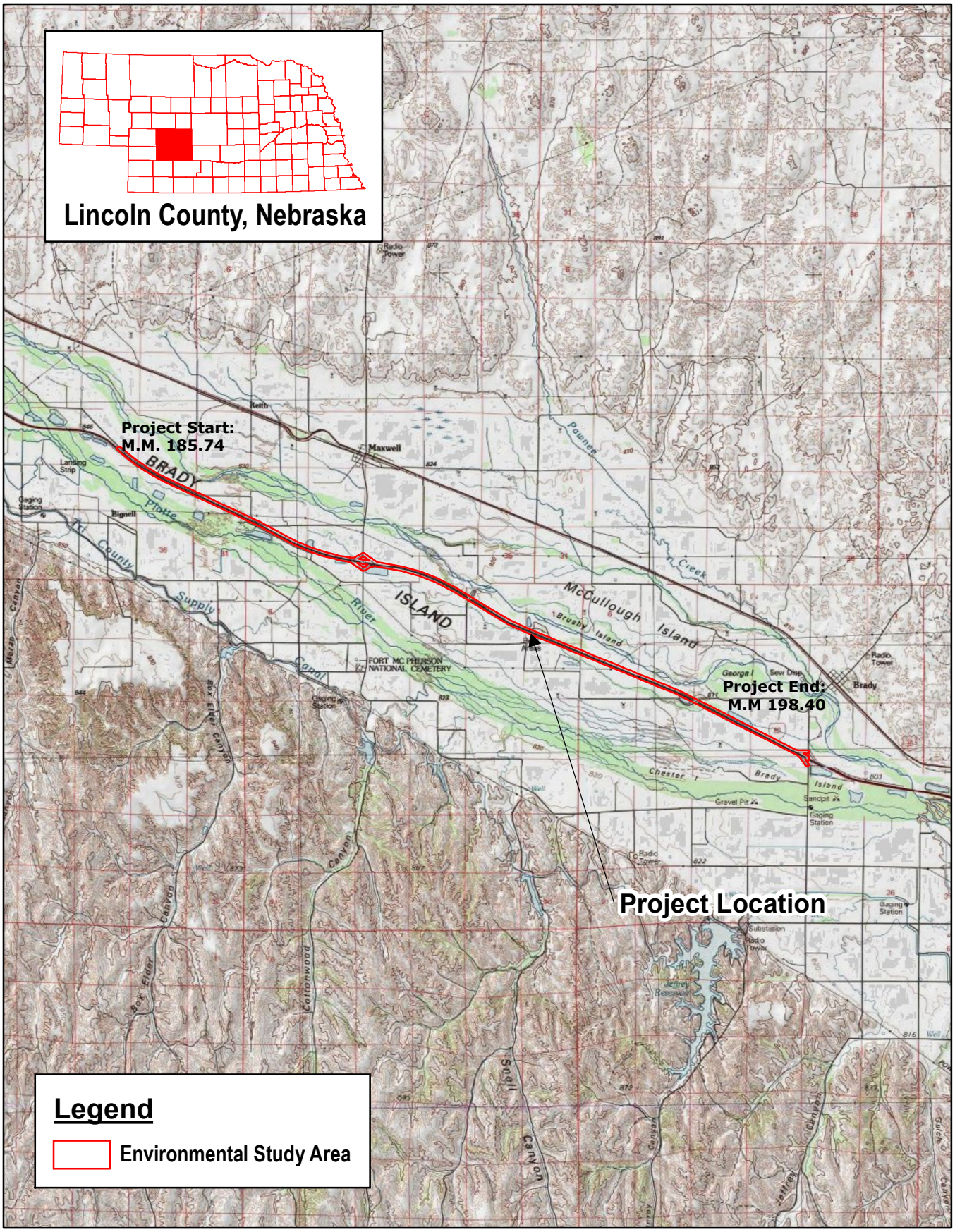
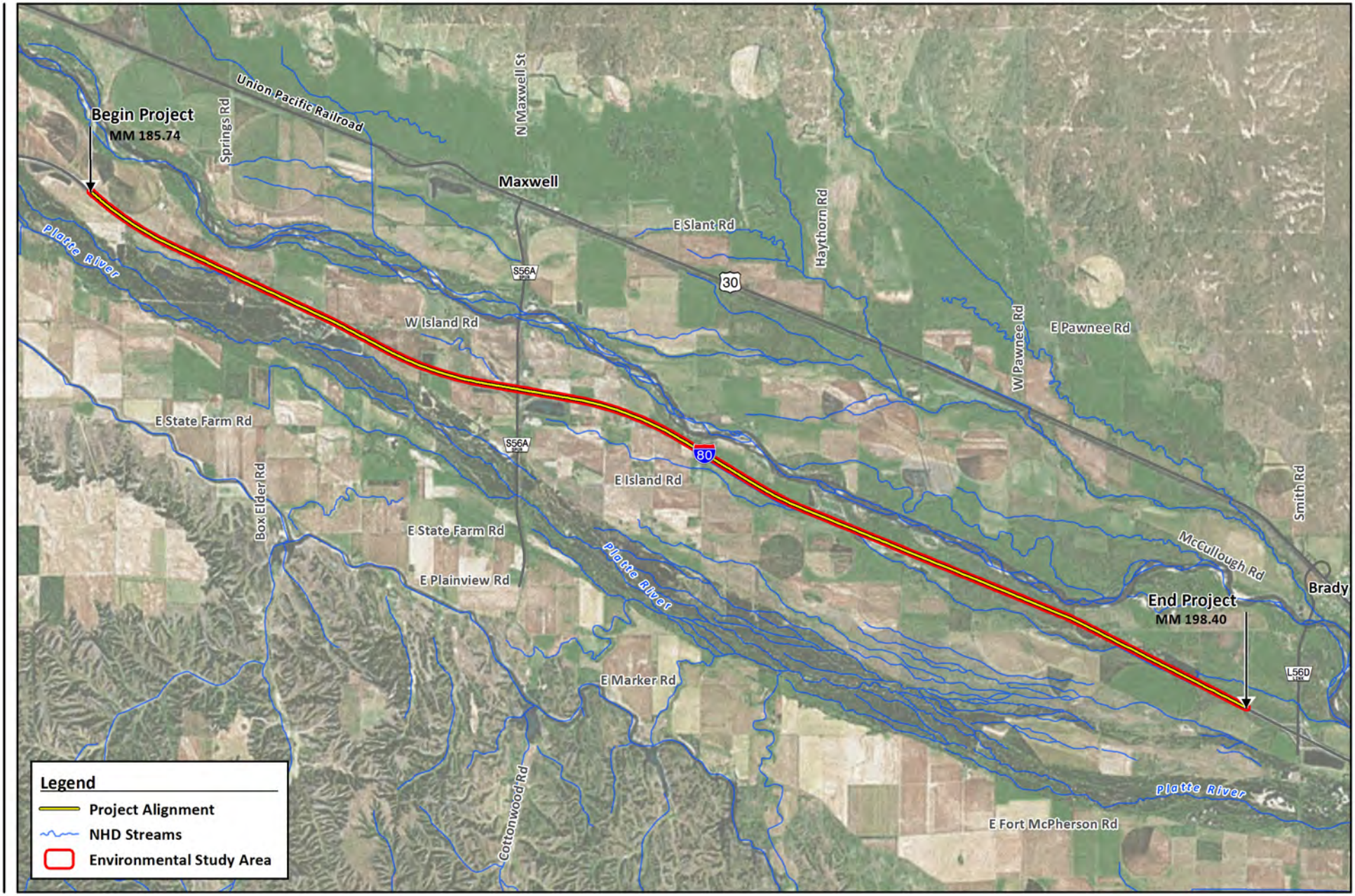
Project Number: NH-80-4(139)
Control Number: 61429



0 1.5 3 Miles

Figure 1
Vicinity Map
Maxwell-Brady
Lincoln County, NE

Project Number: NH-80-4(139)
Control Number: 61429



North

0 0.75 1.5 Miles

Source:
I-cubed Nationwide Prime 1m or better resolution imagery for the contiguous United States. I-cubed Nationwide Prime is a seamless, color mosaic of various commercial and government imagery sources.
(Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, and the GIS User Community)

Figure 2
Project Location Map
Maxwell - Brady
Lincoln County, NE

Nebraska Department of Roads

Memorandum

DATE April 13, 2016

TO Jason Jurgens, Jon Barber, Caitlin Fitzpatrick

FROM Jodi Kocher, Julie Wells, Kevin Donahoo

SUBJECT CN 61429 Maxwell - Brady – §650.111 Location and Hydraulic Design of Encroachments –Potential NEPA Language

The following is suggested as possible text within the NEPA Document to meet §650.111 (b), (c) and (d) for the subject project:

(b) Location studies shall include evaluation and discussion of the practicability of alternatives to any longitudinal encroachments:

There are three possible longitudinal encroachments along this project. The work in these locations is consistent with the rest of the project, involving milling and resurfacing the existing roadway and surfaced shoulders, and widening the outside shoulders from 12 feet (10 feet surfaced) to 14 feet (12 feet surfaced). The change in the roadway section at these longitudinal encroachment locations is minimal and grading generally ties in at or before the limits of the existing embankment, with the exception of one location where it ties in within five feet of the existing toe. The effect of these possible encroachments was considered in the analysis. The Platte River floodplain at these locations is between 7,700 feet and 9,400 feet wide. The thin layer of grading which ties in five feet or less from the existing toe of slope represents 0.06% or less of the entire floodplain width. The change to the floodplain is negligible and would have no impact on the base flood elevation or conveyance of floodwater.

The alternative of not maintaining the roadway and widening the shoulders would not meet the need of the project or the transportation system.

(c) Location studies shall include discussion of the following items, commensurate with the significance of the risk or environmental impact, for all alternatives containing encroachments and for those actions which would support base floodplain development:

(1) The risks associated with implementation of the action are as follows:

According to the hydraulic investigation and analysis completed for the floodplain certifications on this Project, there will be no impact to the base flood elevation at any of the encroachment locations. This will not increase the potential for loss of life or property, and therefore would not be considered a significant risk.

(2) The impacts on natural and beneficial flood-plain values,

Natural and beneficial floodplain values include, but are not limited to, fish, wildlife, plants, open space, natural beauty, scientific study, outdoor recreation, agriculture, forestry, natural moderation of floods, water quality maintenance, and groundwater. There are no significant encroachments associated with this Project and no change to the base flood elevation; therefore this project will not have a substantial adverse impact on the natural and beneficial floodplain values. There will be temporary soil disturbance during construction activities.

(3) The support of probable incompatible flood-plain development,

As defined by the FHWA, the support of incompatible base floodplain development will encourage, allow, serve, or otherwise facilitate incompatible base floodplain development, such as commercial development or urban growth. The proposed improvements on this Project would maintain local and regional access to existing areas and would not create new access to undeveloped lands. Therefore, this highway improvement Project would not support any incompatible floodplain development.

(4) The measures to minimize flood-plain impacts associated with the action,

The floodplain analysis and certifications have been completed to comply with floodplain regulations and show no impacts to the floodplains along this Project. The effect on the floodplains as a result of this project, as well as the certification that shows it meets floodplain regulations, has been communicated to the local floodplain Administrators and permits have been obtained. Other measures employed to minimize floodplain impacts associated with this action include widening shoulders only to the minimum standard and minimizing grading by tying in the foreslopes as soon as possible from the edge of widening. The roadway pavement work with this overlay achieves the pavement depth necessary to support the traffic using this highway and it has been minimized without compromising the structural integrity of the pavement. These measures have minimized floodplain impacts while still meeting the need of the project.

(5) The measures to restore and preserve the natural and beneficial flood-plain values impacted by the action.

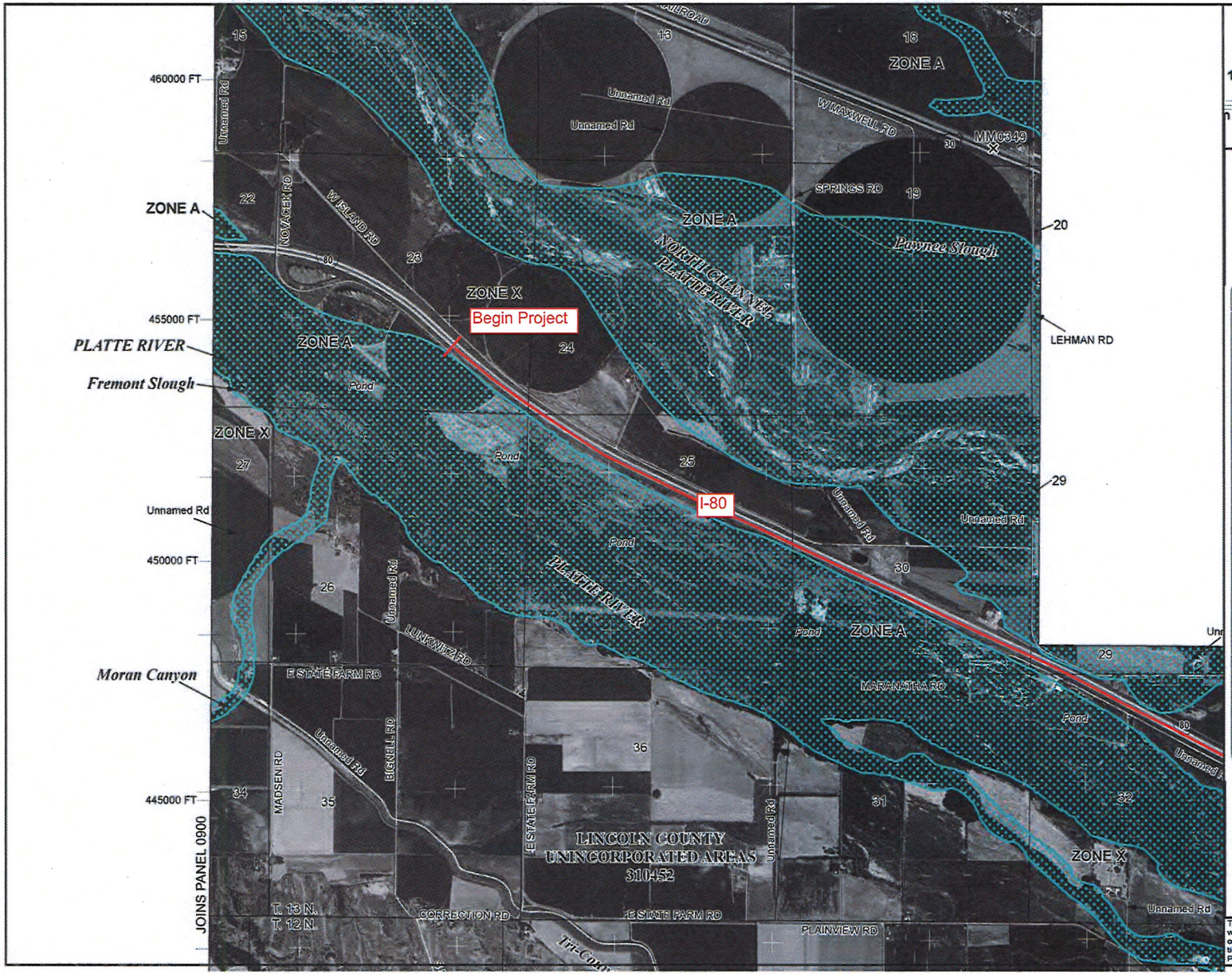
There will be limited impacts to the natural and beneficial flood-plain values of the floodplains along this Project. Since there will be temporary soil disturbance during construction activities, sediment and erosion control best management practices will be utilized during construction and disturbed areas will be seeded following construction.

(d) Location studies shall include evaluation and discussion of the practicability of alternatives to any significant encroachments or any support of incompatible flood-plain development.

As defined in 650.105, a significant encroachment involves a significant potential for interruption or termination of a transportation facility which is needed for emergency vehicles or provides a community's only evacuation route, a significant risk meaning potential for loss of life or property, or a significant adverse impact on natural and beneficial flood-plain values.

This project does not result in a significant potential for interruption or termination of this transportation facility which is needed for emergency vehicles or a community's only evacuation route. It also does not result in a significant risk or potential for loss of life or property. This project does not result in a substantial adverse impact on natural and beneficial flood-plain values. This highway improvement Project would maintain local and regional access to existing areas and so would not support any incompatible floodplain development.

There are no significant encroachments as a result of this Project and it does not support incompatible floodplain development.



MAP SCALE 1" = 2000'

1000 0 2000 4000 FEET

0 600 1200 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0925C

FIRM

FLOOD INSURANCE RATE MAP

LINCOLN COUNTY, NEBRASKA AND INCORPORATED AREAS

PANEL 925 OF 1675

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LINCOLN COUNTY, UNINCORPORATED AREAS	310452	0925	C

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

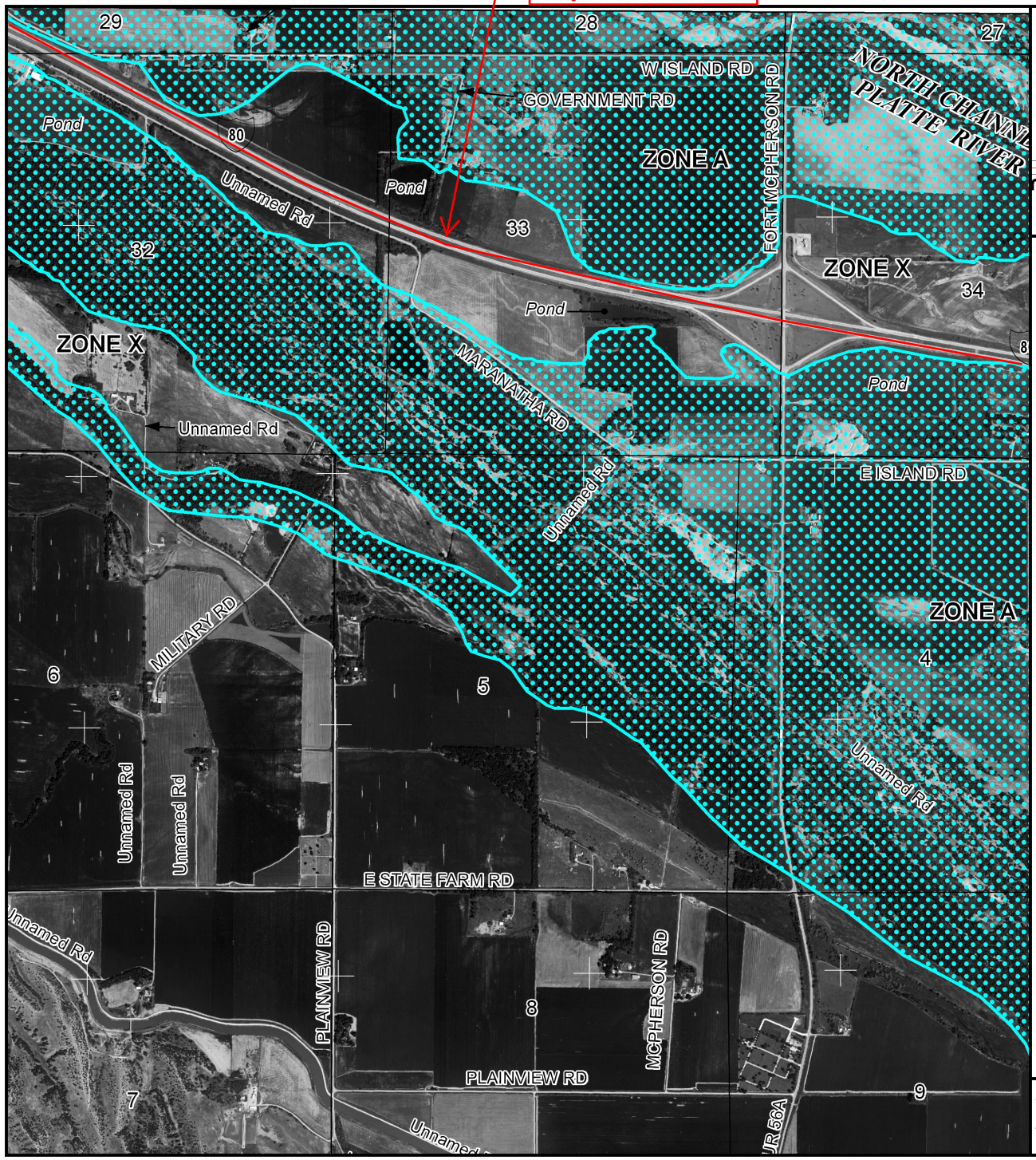
MAP NUMBER 31111C0925C

EFFECTIVE DATE JANUARY 2, 2009

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Maxwell - Brady
Project Location



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NFIP

NATIONAL FLOOD INSURANCE PROGRAM

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FIRM

FLOOD INSURANCE RATE MAP

LINCOLN COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 925 OF 1675

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

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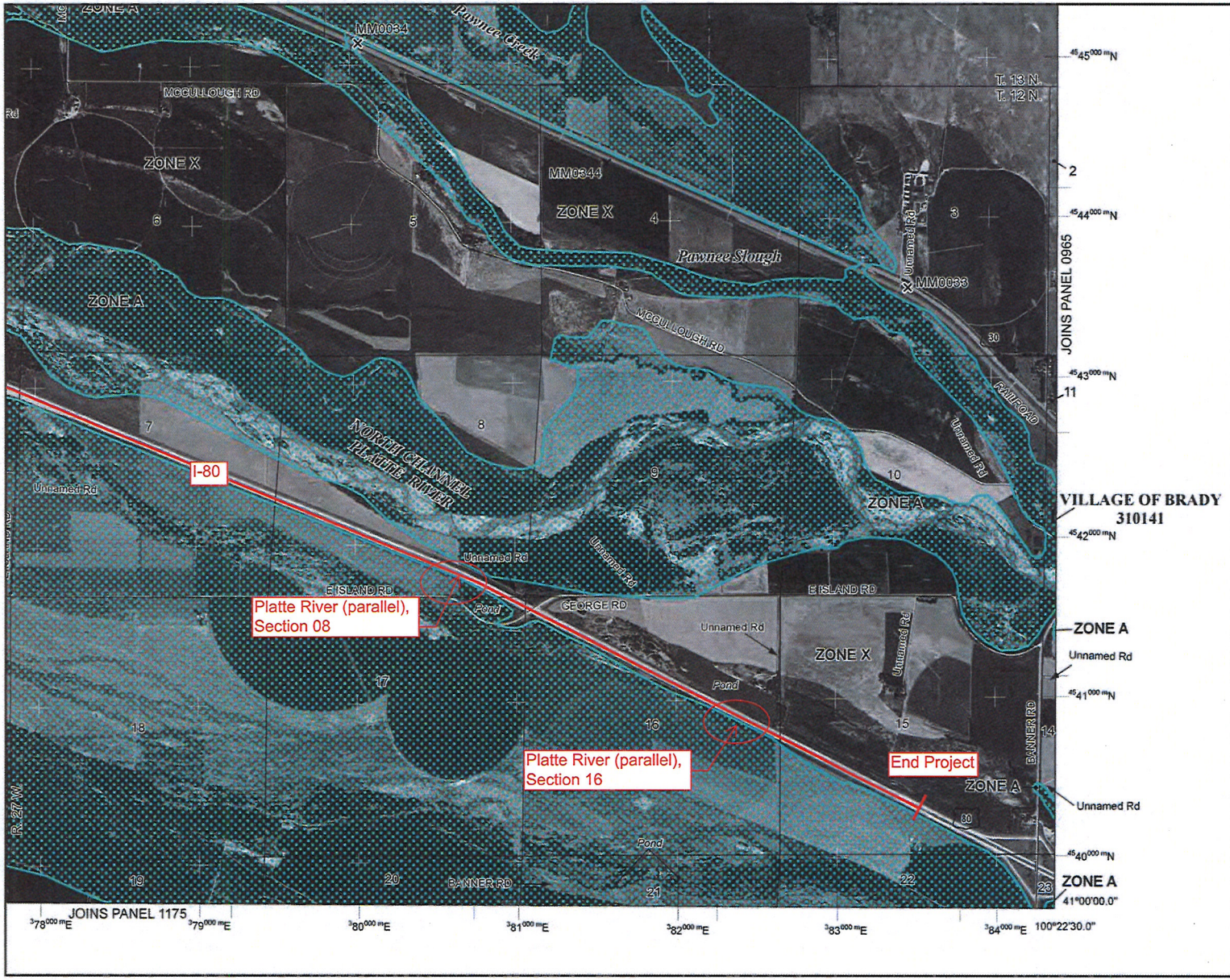

MAP SCALE 1" = 2000'

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NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0950C

FIRM

FLOOD INSURANCE RATE MAP

LINCOLN COUNTY, NEBRASKA AND INCORPORATED AREAS

PANEL 950 OF 1675

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LINCOLN COUNTY, UNINCORPORATED AREAS	310452	0950	C
BRADY, VILLAGE OF	310141	0950	C

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
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EFFECTIVE DATE
JANUARY 2, 2009

Federal Emergency Management Agency

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Nebraska Department of Roads

Floodplain/Floodway Development Permit/Application

RECEIVED
DEC 10 2014
ENVIRONMENTAL SECTION

Permit Application No.
Date: 10/30/14

This form is used for any man-made change to improved or unimproved transportation facility, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Nebraska Department of Roads will obtain all other necessary federal, state, or local permits *(e.g., Corps of Engineers 404 Permit, Local Levee District, etc.)*

1.	Name of Applicant:	Nebraska Department of Roads PO Box 94759 Lincoln NE 68509-4759
2.	Type and Use of Development:	Mill and Overlay
3.	Specific Location of Development:	I-80 - M.M. 185+74 to 198+40
4.	Complete this section if the proposed development involves the improvement of a structure *(i.e., walled and roofed building).*	Pre-improvement Value of Structure: $ _____ Cost of Improvement: $ _____

The following section is to be completed by the community official:

5. Is the development Substantial Improvement? *(see #4)* ☐ Yes ☐ No

6. Is the development in an identified floodplain? ☐ Yes ☐ No

If Yes, complete the following:

a. Elevation of the Base *(100-Year)* Flood _____ Ft. MSL/NGVD 29 or NAVD 88

b. Elevation/Floodproofing Requirement *(if applicable)* _____ Ft. MSL/NGVD 29 or NAVD 88

c. Is the development in a designed Floodway?

☐ Yes New structures for human habitation are prohibited. For any other Floodway development, the NDOR must provide certification by a registered professional engineer that the development would result in no increase along the floodway water surface profile.

☐ No If a floodway has not been designated, the NDOR may be required to submit hydraulic data demonstrating that the proposed development will not increase flood heights more than one foot at any location.

If the development is in a floodplain, the following shall apply:

This permit is issued with the condition that the lowest floor *(including basement)* of a new or substantially improved nonresidential building will be elevated or floodproofed at least one foot above the base flood elevation. NDOR will provide certification by a registered Engineer, Architect, or Land Surveyor that these provisions are met.

All provisions of the Lincoln (County or City) Floodplain Management Resolution/Ordinance (Number _____) shall be complied with.

Lori Edwards Admin. Floodplain — 12/8/2014
Local Authorizing Official (Name & Title) *Date*

sign for Tony Ringenberg — 10/31/14
NDOR Environmental Permits Manager *Date*

Project Name: Maxwell - Brady	
Project No.: IM-80-4(139)	
Control No.: 61429	Structure No.: NONE

Wetlands PQS Memorandum

DATE 10/15/2015

TO Caitlin Fitzpatrick, NDOR EDU

FROM Mary Schroer, NDOR EPU

SUBJECT Wetlands PQS Memo
Project No: IM-80-4(139)
Control No: 61429
Project Name: Maxwell - Brady

☒A wetland delineation was completed on 6/1/2013
Or
☐A desktop review was completed on Click here to enter a date.

Are there wetlands, stream channels, or other waters within the study area?
☒ Yes ☐ No

Will the action result in wetland impacts in accordance with Section 404 of the Clean Water Act and/or Nebraska State Title 117?
☒ Yes ☐ No ☐ Not Applicable

If the project is processed with a Nationwide Permit, is a Pre-construction Notification required?
☒ Yes NWP- 23 ☐ No ☐ Not Applicable

Describe resources, potential impacts and anticipated permit type: Project activities will result in approximately 3.2 acres of permanent impacts to roadside ditch emergent wetlands (PEMA/C). Permanent impacts to these resources are due to culvert extensions and will exceed 0.10 acres. Impacts will be mitigated for at the NDOR Maxwell Wetland Mitigation Bank. The Maxwell – Brady project will be permitted by the USACE as a NWP-23 and will include an FHWA approved CE.

Describe any coordination conducted to date with officials/agencies: A preapplication meeting was held with the USACE 11/4/2014.

Wetlands/Waters of the U.S. Mitigation: NDOR Maxwell Wetland Mitigation Bank
☐ On-Site/Permittee Responsible ☒ USACE Approved Mitigation Bank Site ☐ Not Applicable

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.

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

Project Description

This 3R (Resurfacing, Restoration and Rehabilitation), project will resurface 12.66 miles of the westbound (WB) and eastbound (EB) lanes on I-80 located in Lincoln County, starting 4.71 miles west of the S56A Maxwell Spur, at mile marker (MM) 185+74, and extending east to MM 198+40, 0.58 miles west of the L56D Brady Link. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of I-80 consists of the following:

- MM 185+74 – MM 189+98: The existing roadway on this segment of I-80 consists of four 12 foot wide concrete lanes separated by a depressed grass median, 6 foot wide inside shoulders, of which 4 feet is paved with concrete, and 12 foot wide outside shoulders, of which 10 feet is paved with concrete.
- MM 189+98 – MM 198+40: The existing roadway on this segment of I-80 consists of four 12 foot wide composite lanes separated by a depressed grass median, 6 foot wide inside shoulders, of which 4 feet is paved with asphalt overtop of concrete, and 12 foot wide outside shoulders, of which 10 feet is paved with asphalt overtop of concrete.

The improvements on this project consist of milling and resurfacing the existing roadway and surfaced shoulders with asphalt. The outside shoulders will be widened from 12 feet, of which 10 feet is surfaced, to 14 feet, of which 12 feet is surfaced. There will be a grade raise at the new inside and outside edge of pavement along the entire segment. Ramps at S56A and the Rest Areas will be milled and resurfaced.

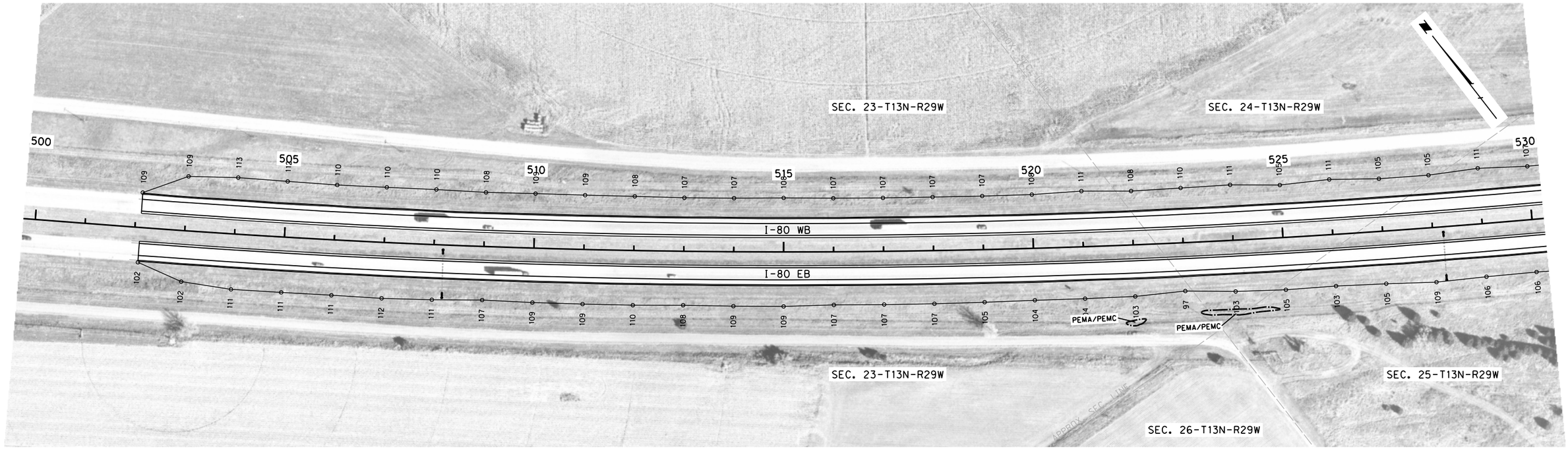
Scope details include:

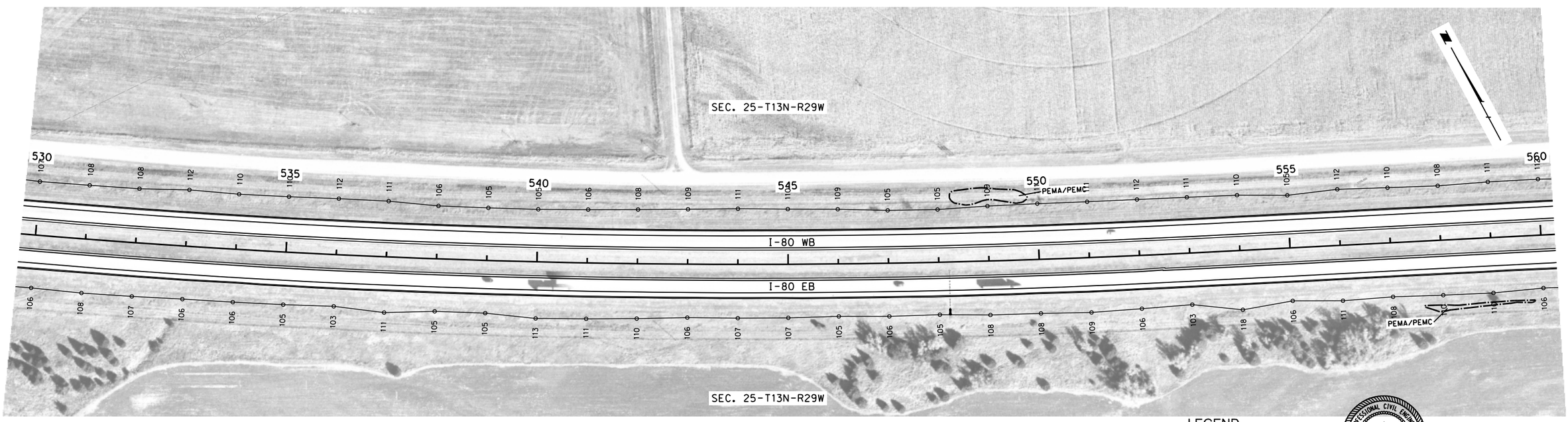
- Grading beyond the hinge point will be required for the following work:
    - Guardrail
    - Shoulder widening and surfacing
    - Earth shoulder construction
    - Flattening foreslopes
- There are 52 culverts along this segment, of which 38 will require being extended with the project.
- Guardrail
    - Remove and replace guardrail with grading beyond the hinge point
- The deck on the bridge over the Interstate (Structure Number S080 19045) will be repaired.
- Concrete pavement repairs will be made prior to resurfacing.
- The existing asphalt will be milled prior to resurfacing.
- Asphalt patching operations will be performed prior to resurfacing.
- Surfacing will be placed under the guardrail.
- The existing earth shoulders will be brought up to match the new asphalt.
- Short segments of the existing surface shoulders south and north of the ramp terminals will be removed and replaced with asphalt.
- Project surveying and staking will be required.

- Areas disturbed during construction will be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Rumble strips will be constructed on the resurfaced shoulders.
- Permanent pavement markings will be applied to all new surfacing.
- No additional property rights will be required to build this project.
- This project will be constructed under traffic with lane closures controlled with approved temporary traffic control.
- Traffic signs will be removed and replaced.
- Turnarounds in the median will be resurfaced.

PROJECT NO.	SHEET NO.
80-4(139)	2-W1

C.N. 61429





MAXWELL-BRADY

LINCOLN COUNTY

LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division

1/22/2015

Dan
FHU

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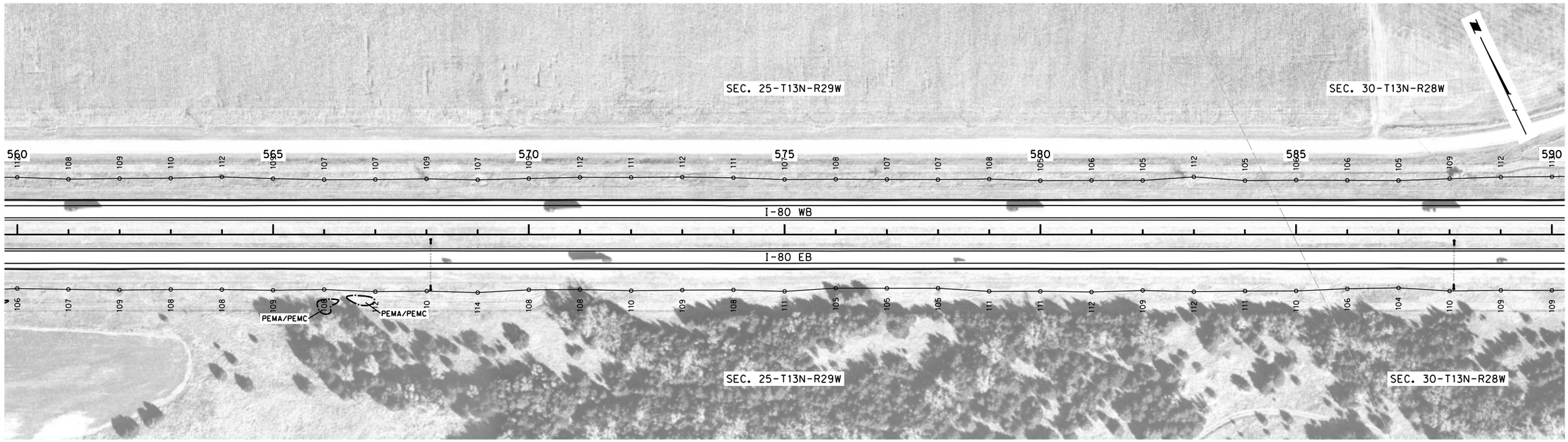
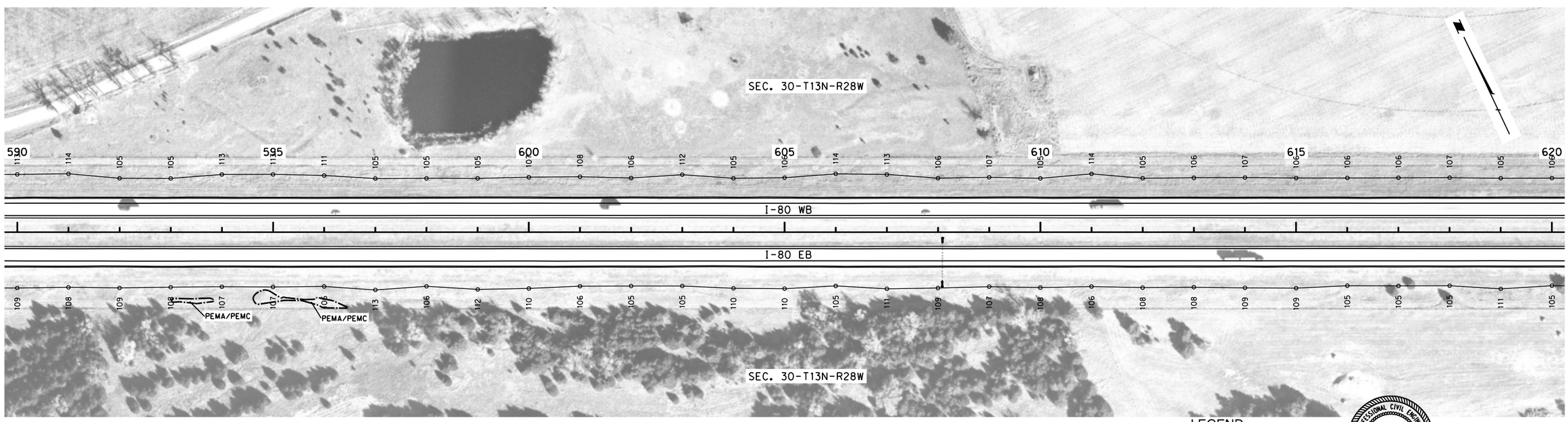
PROJECT NO.	SHEET NO.
80-4(139)	2-W2

C.N. 61429





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PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
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Roadway Design Division
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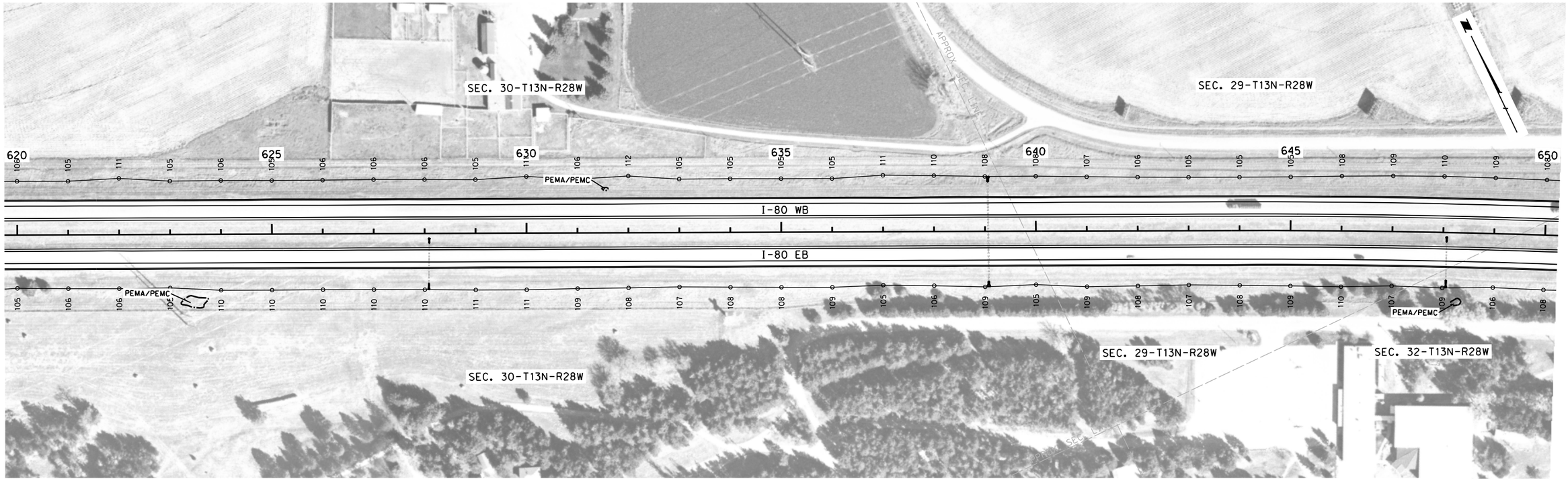
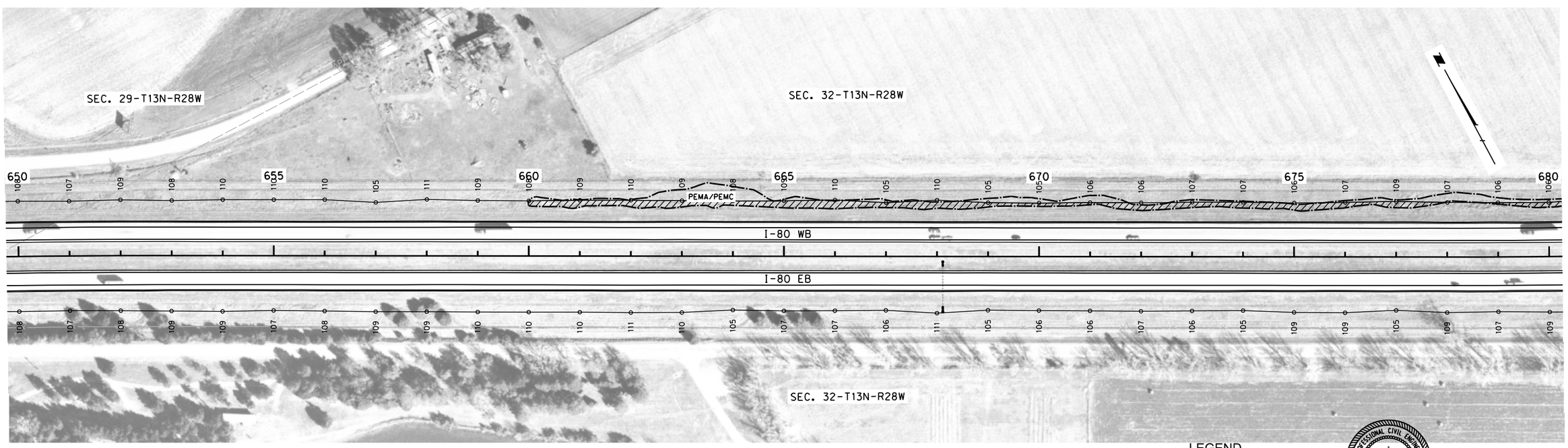
PROJECT NO.	SHEET NO.
80-4(139)	2-W3

C.N. 61429





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E-8581
STATE OF NEBRASKA

DATE: 12/12/12
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SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
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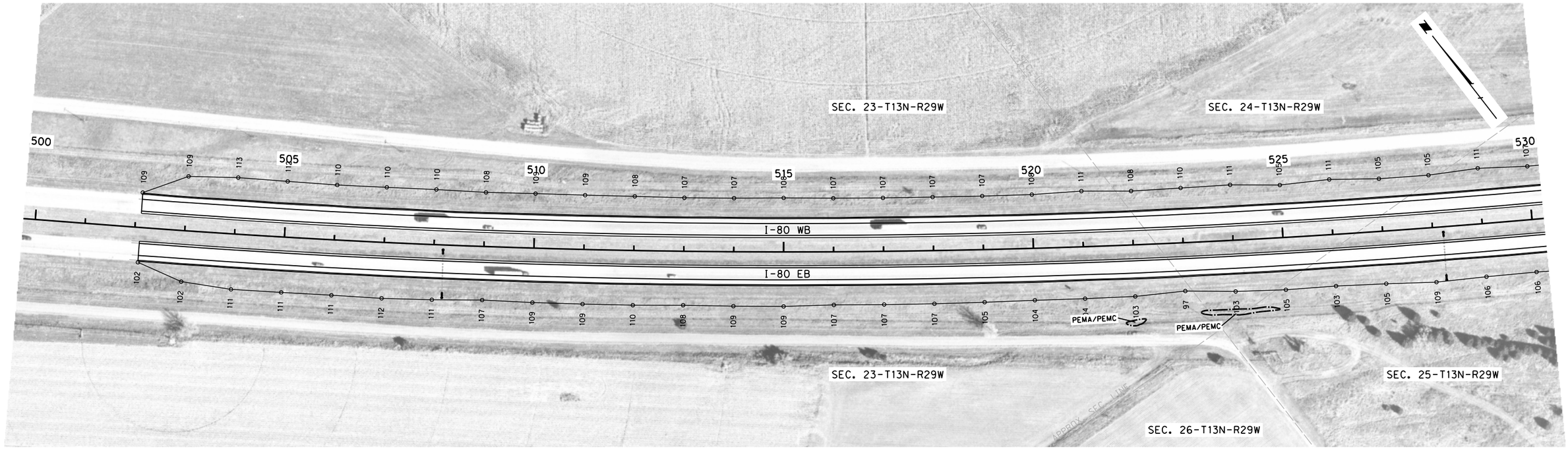
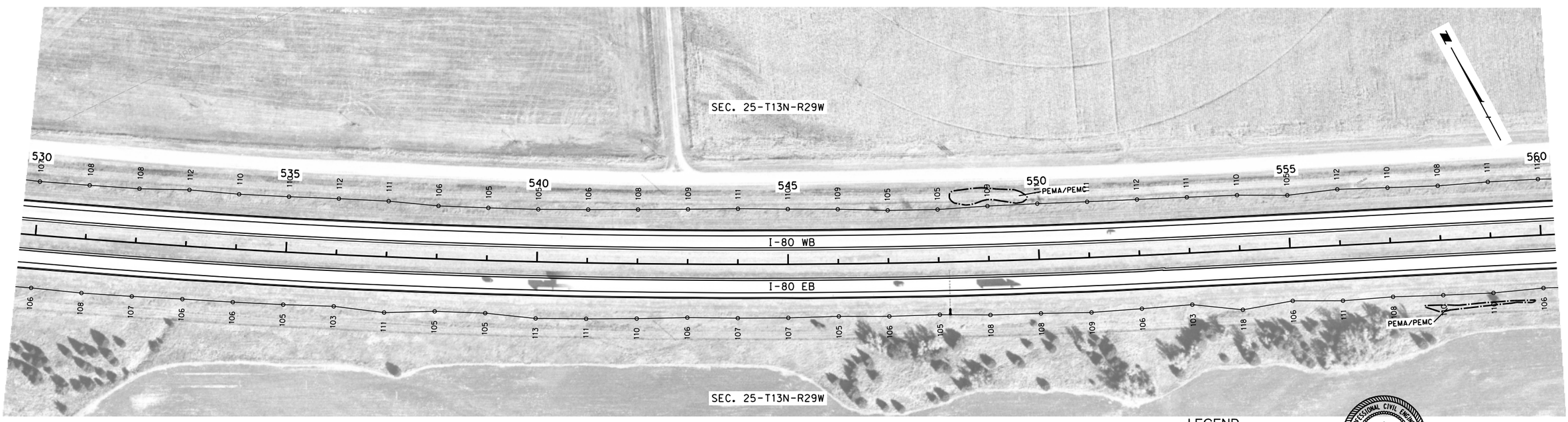
PROJECT NO.	SHEET NO.
80-4(139)	2-W1

C.N. 61429





MAXWELL-BRADY

LINCOLN COUNTY

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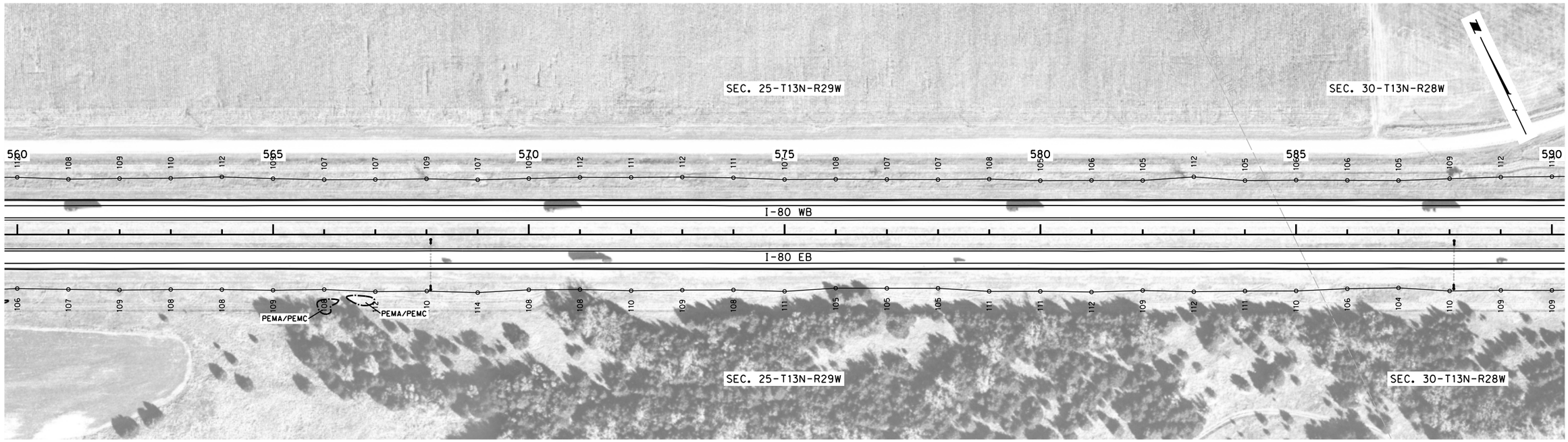

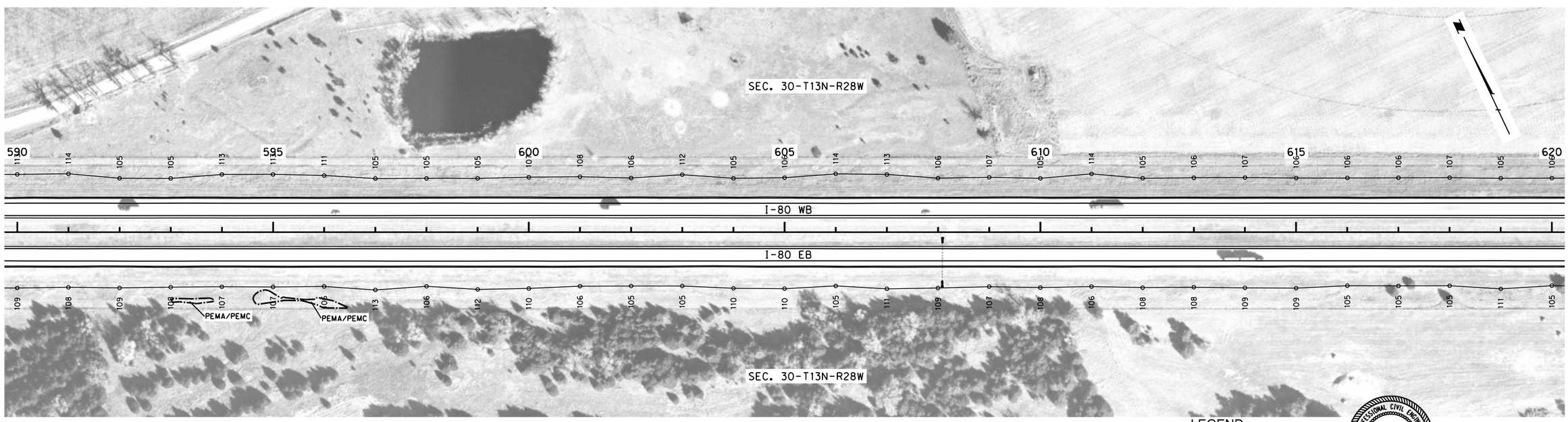

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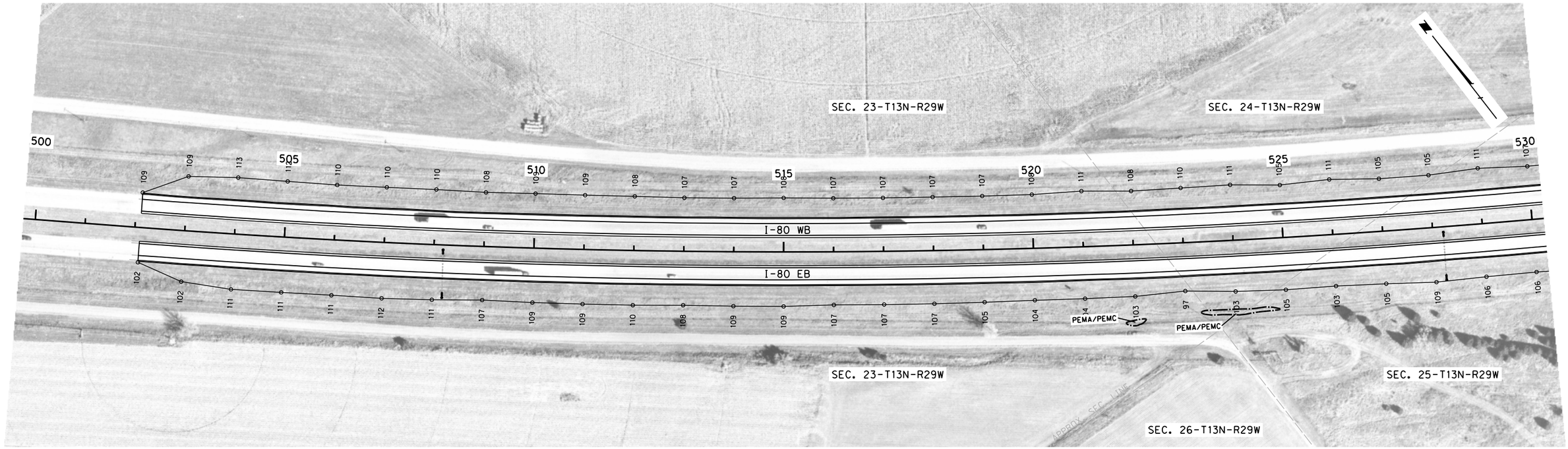

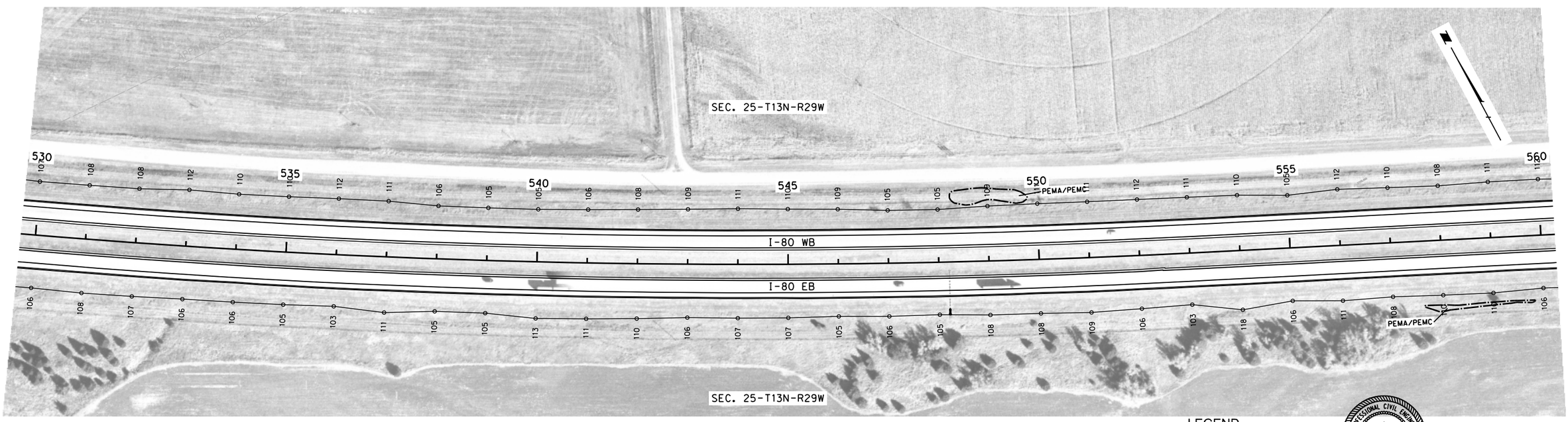

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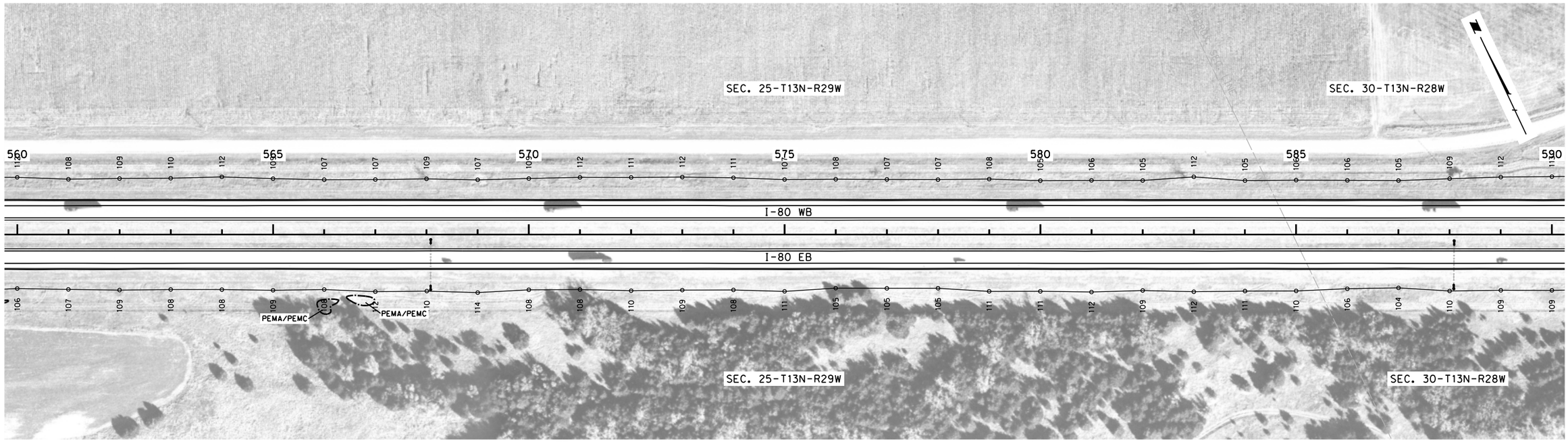
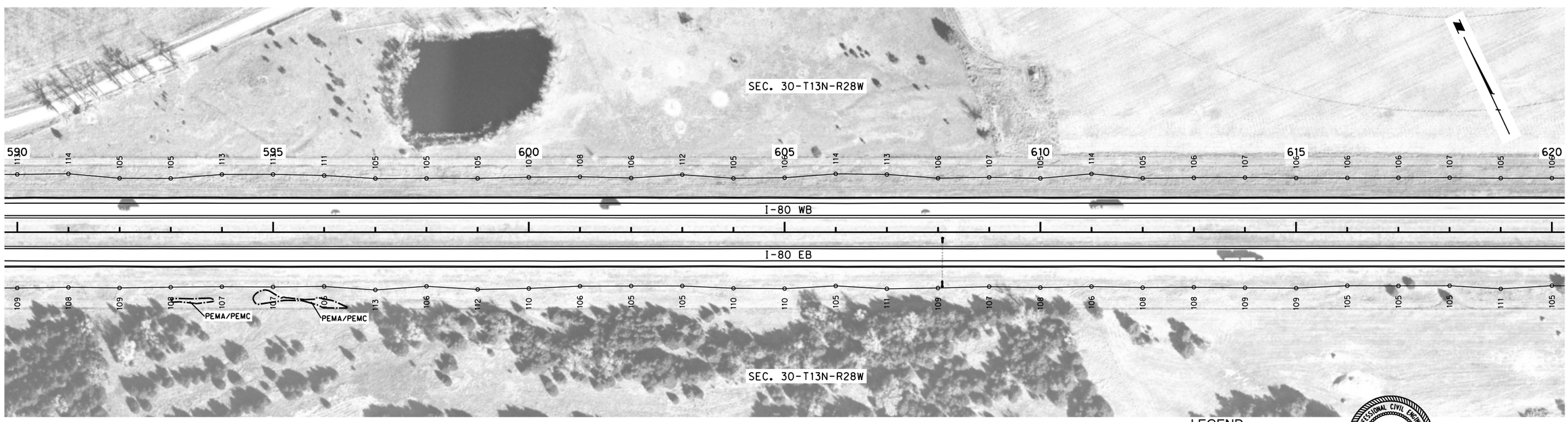




LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

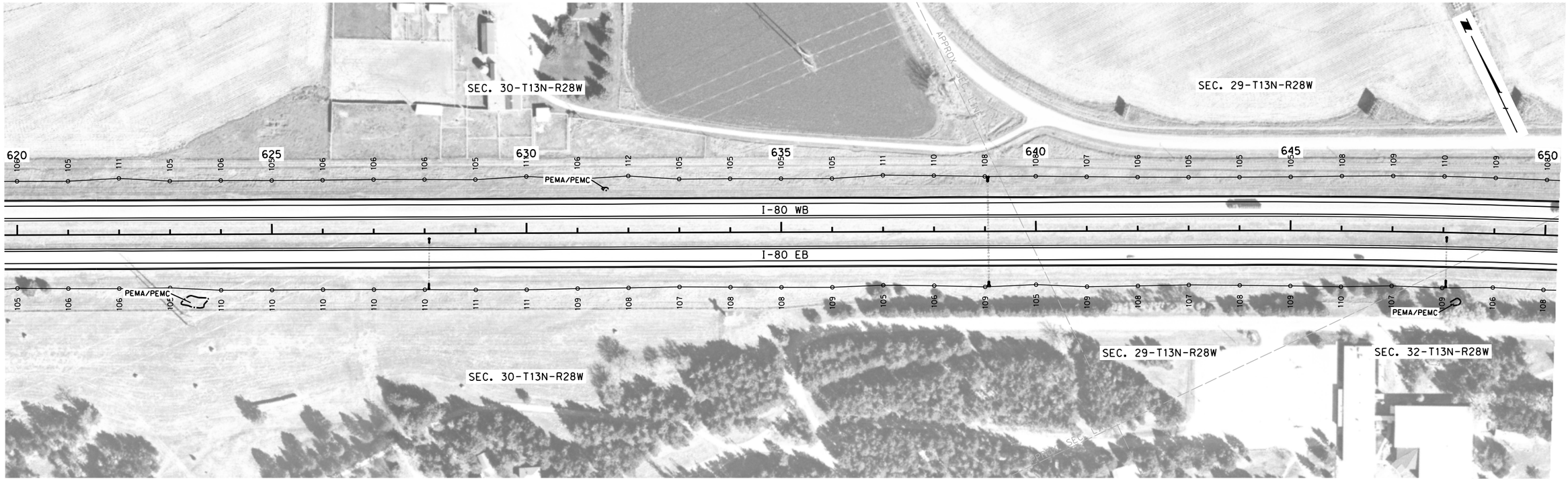
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

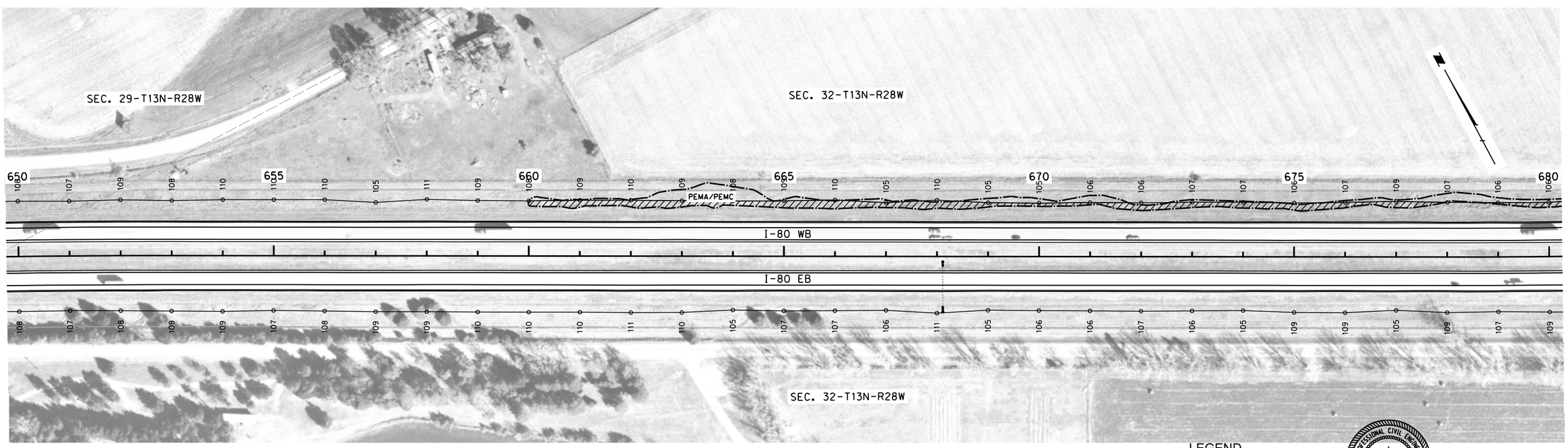
DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
614290da02.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W3

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
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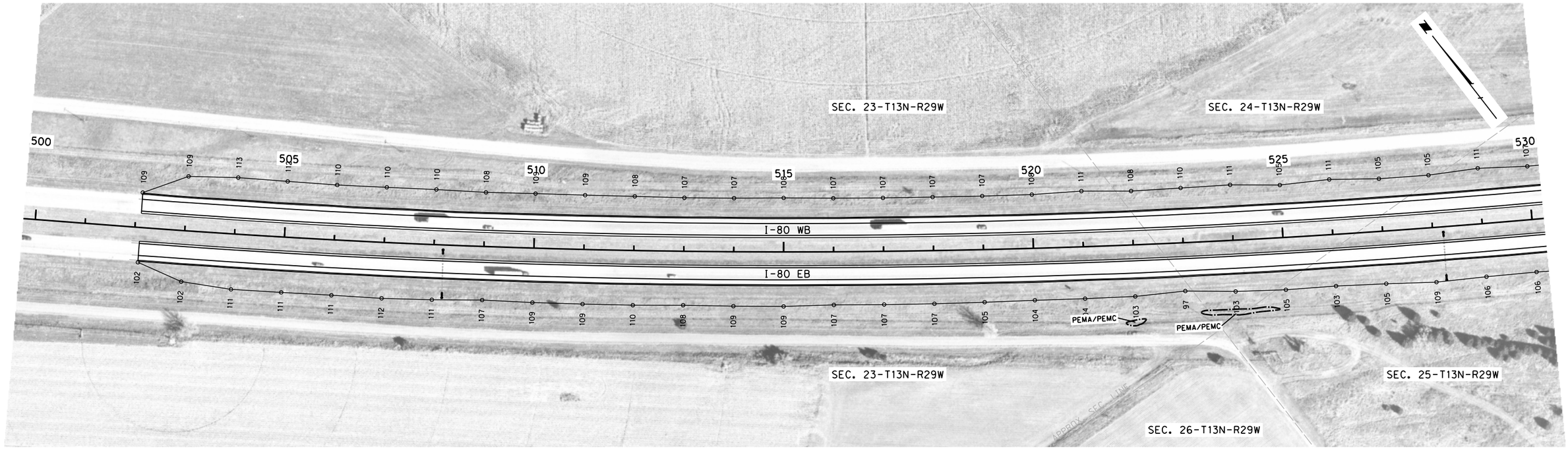
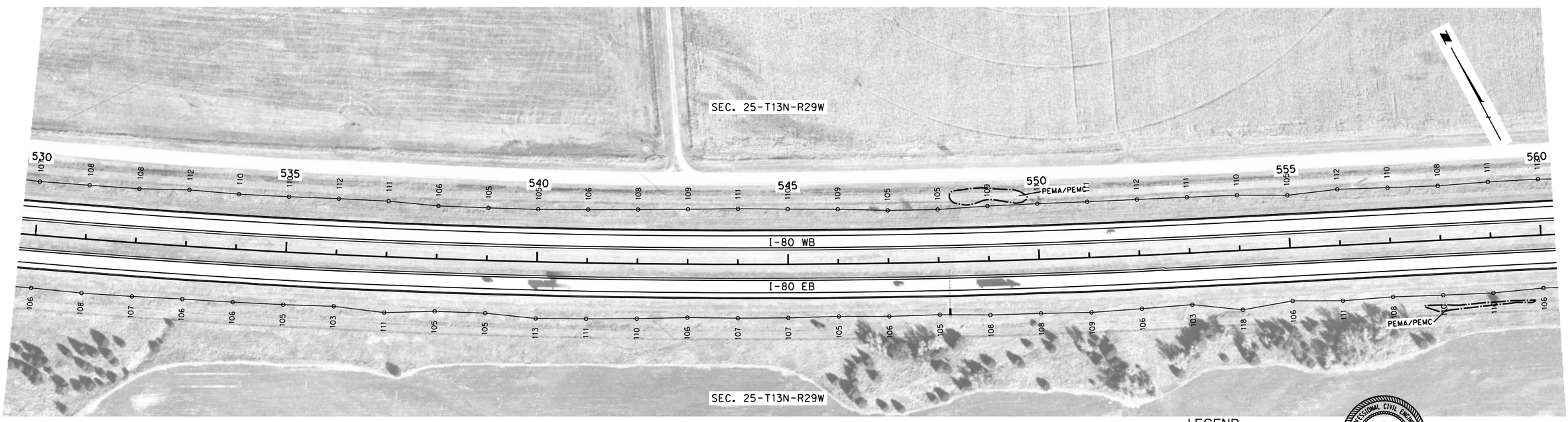
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W1

C.N. 61429





MAXWELL-BRADY

LINCOLN COUNTY

LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division

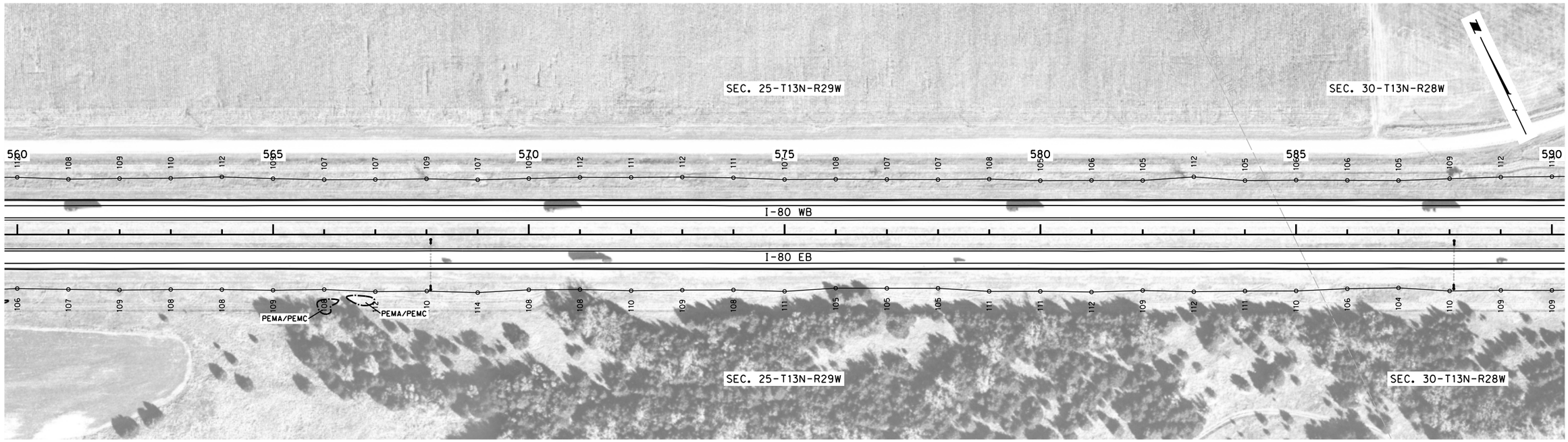
1/22/2015

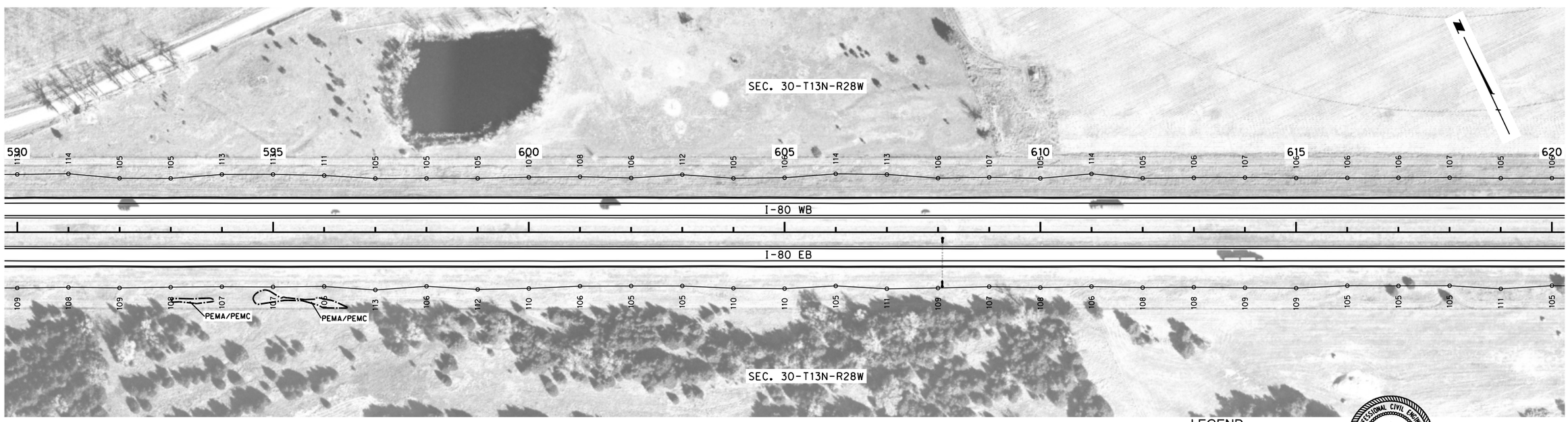
Dan
FHU

614290da01.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W2

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

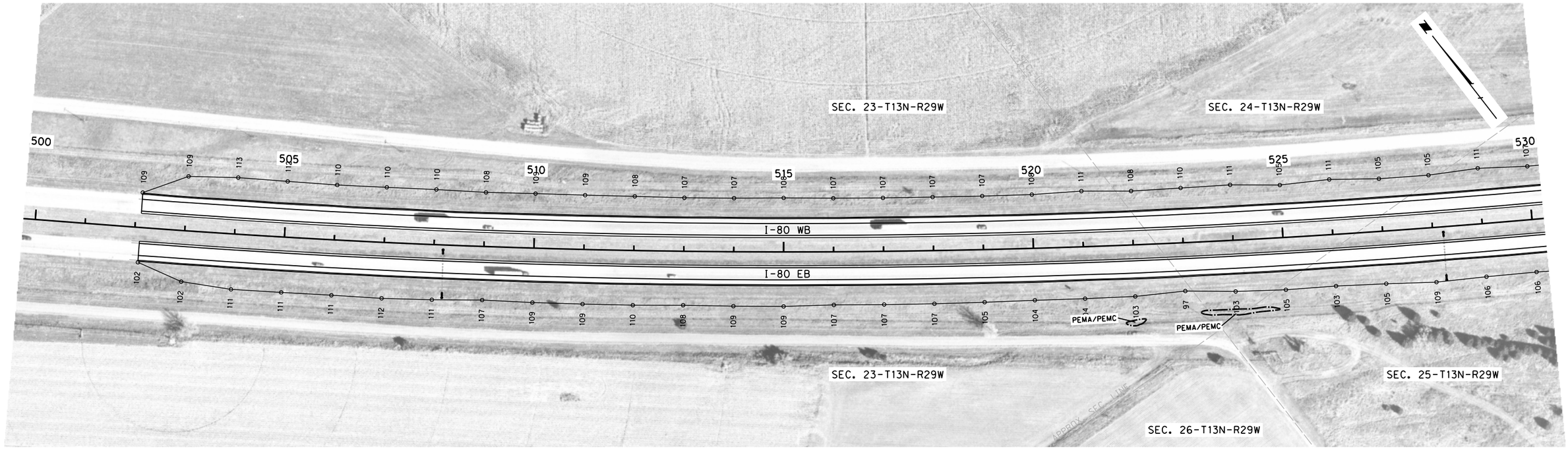
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

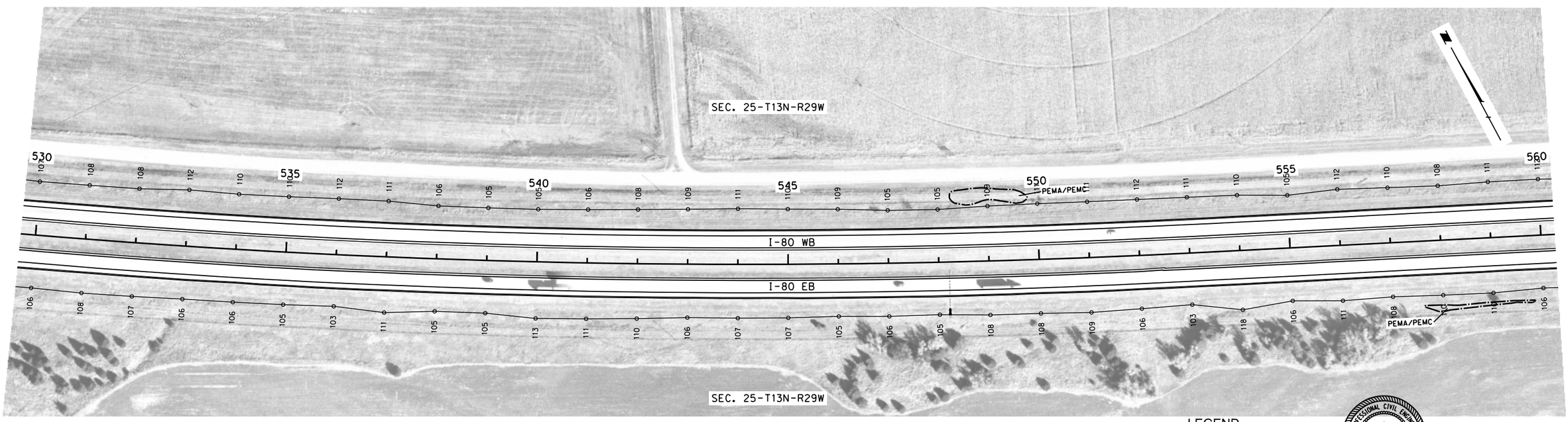
DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
614290da02.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W1

C.N. 61429





MAXWELL-BRADY

LINCOLN COUNTY

LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
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PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
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STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division

1/22/2015

Dan
FHU

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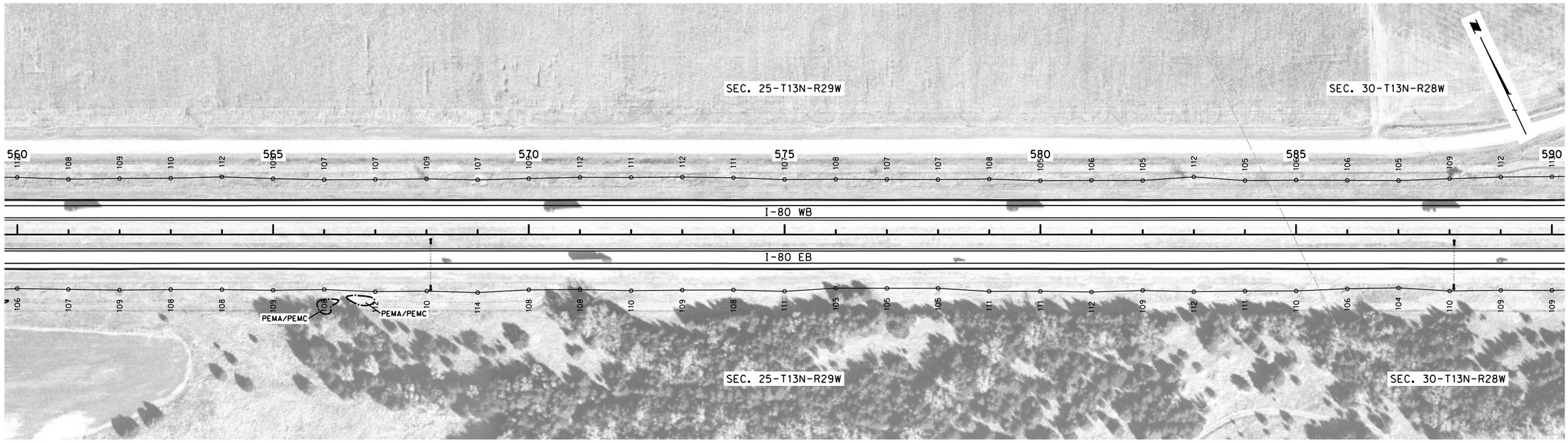
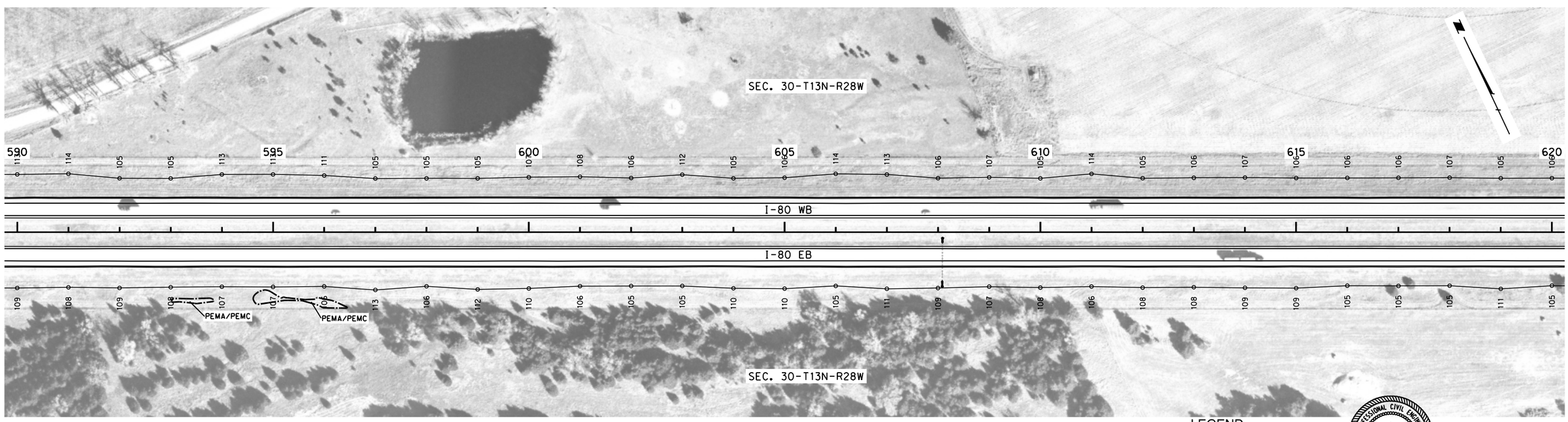
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W2

C.N. 61429





LEGEND

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DATE: 12/12/12
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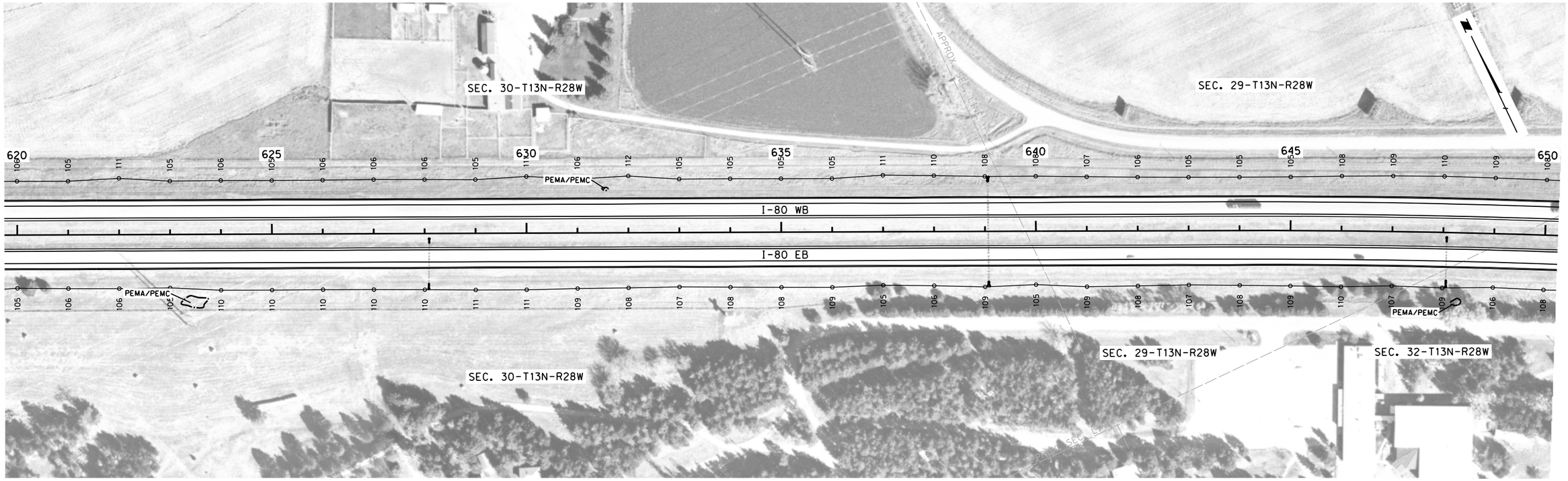
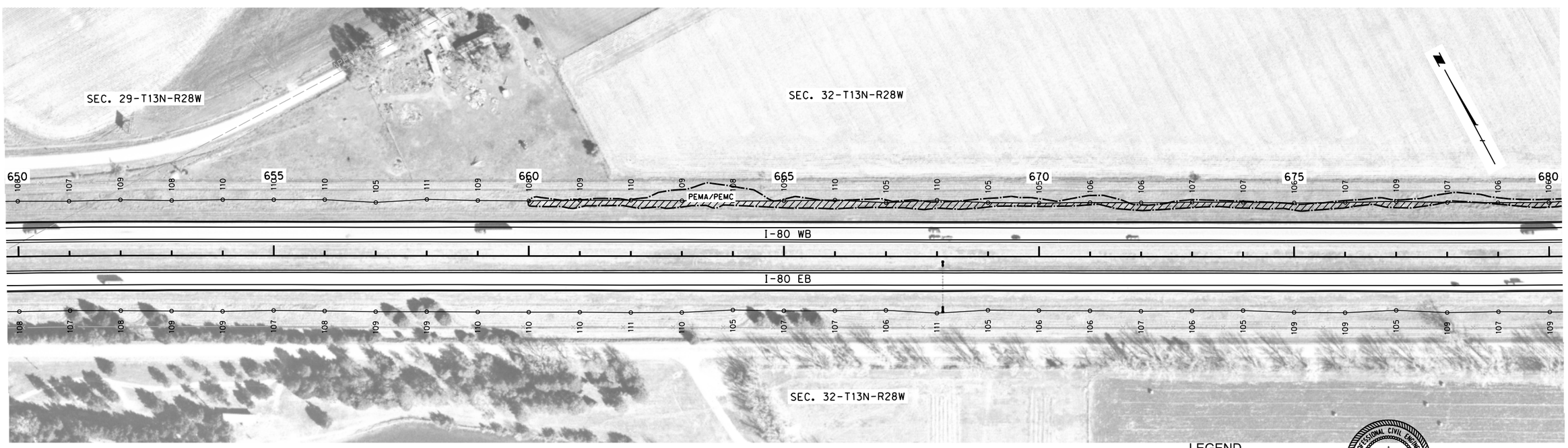
Roadway Design Division
1/22/2015
Dan
FHU
614290da02.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W3

C.N. 61429





LEGEND

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E-8581
STATE OF NEBRASKA

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SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
614290da03.dgn
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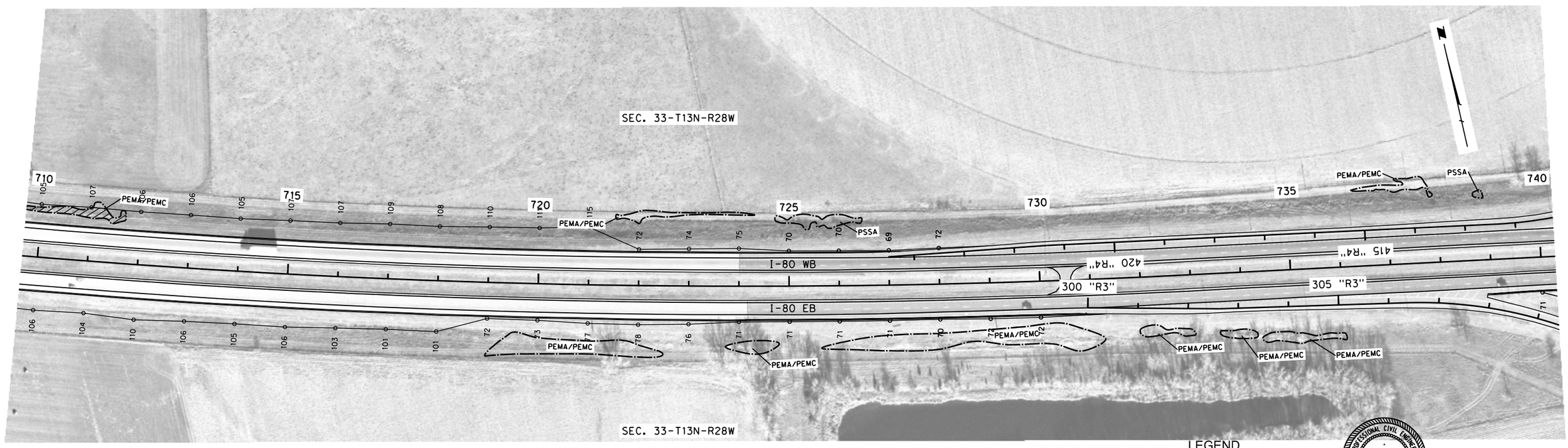
PROJECT NO.	SHEET NO.
80-4(139)	2-W4

C.N. 61429



LEGEND

- LIMITS OF CONSTRUCTION
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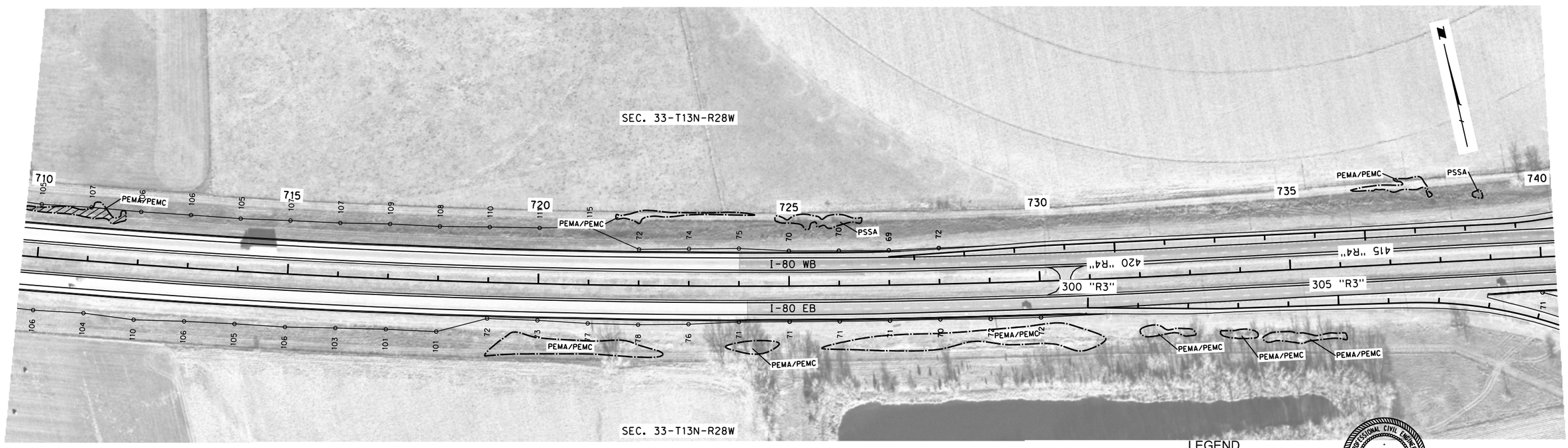
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan FHU
614290da04.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W4

C.N. 61429



LEGEND

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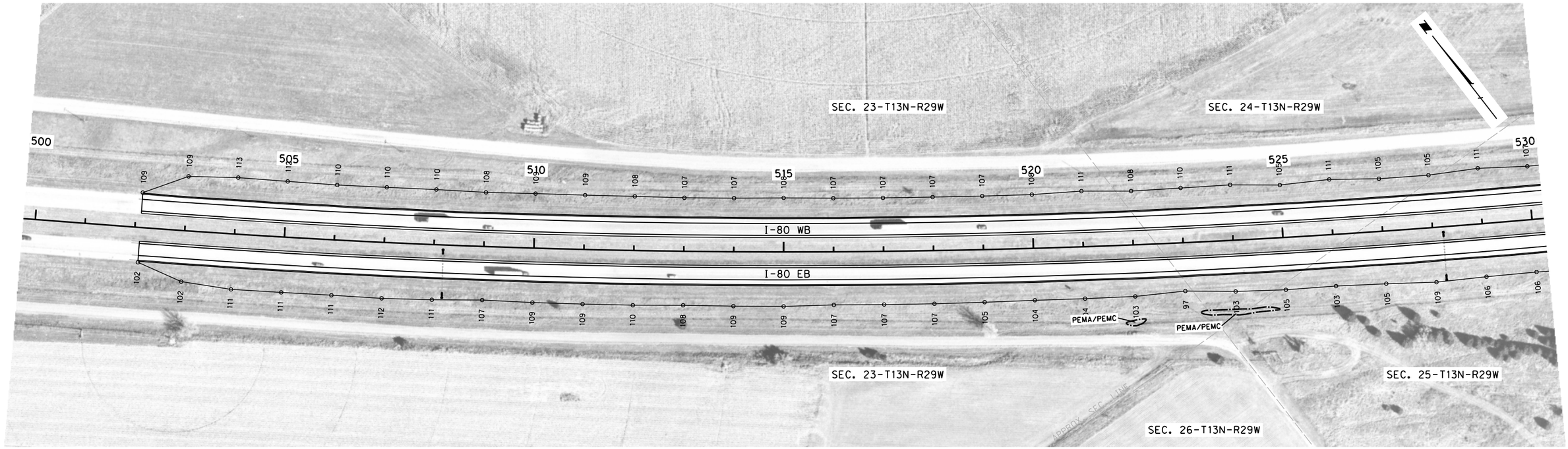
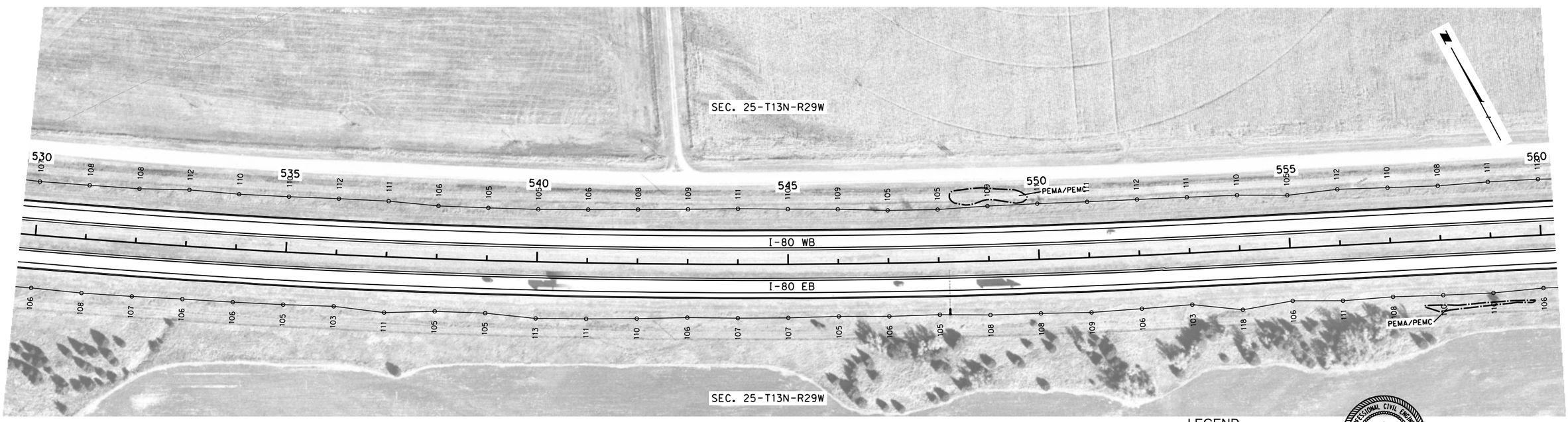
Roadway Design Division
1/22/2015
Dan FHU
614290da04.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W1

C.N. 61429





MAXWELL-BRADY

LINCOLN COUNTY

LEGEND

- LIMITS OF CONSTRUCTION
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PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division

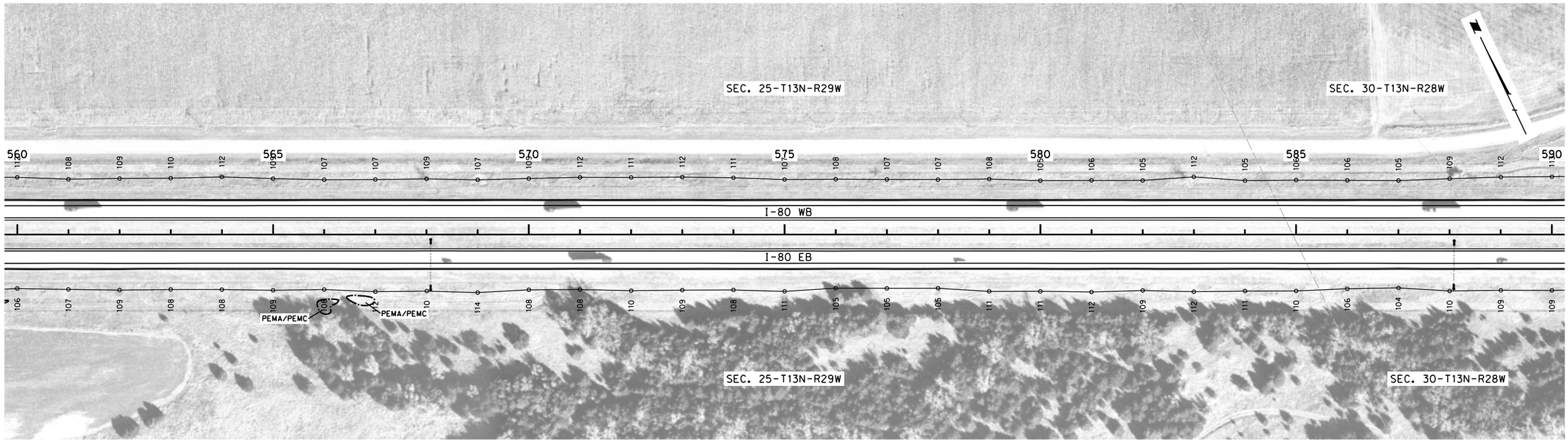
1/22/2015

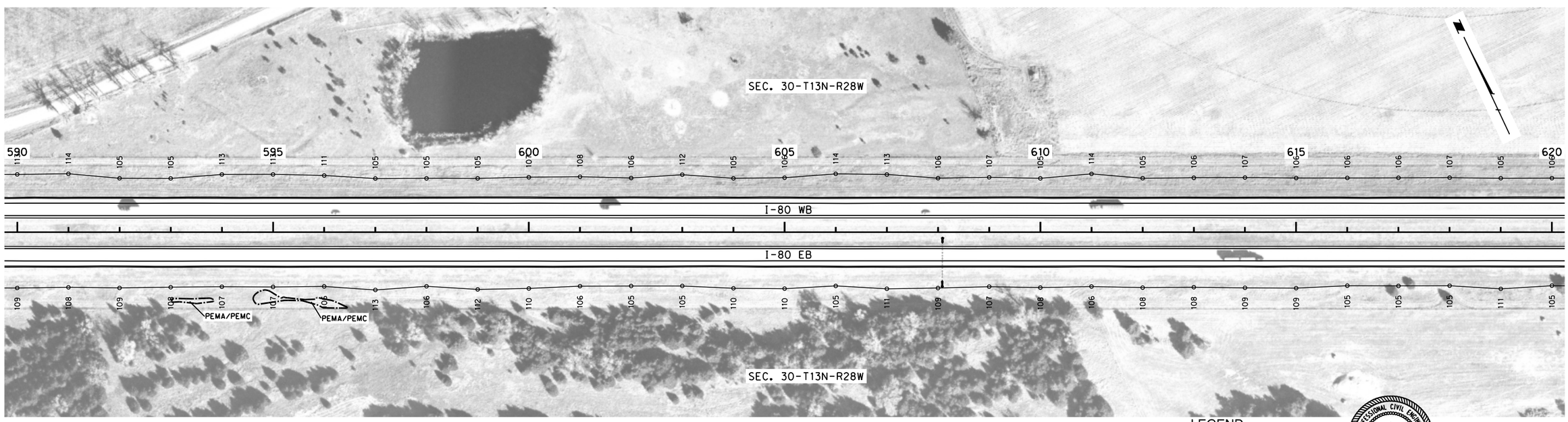
Dan
FHU

614290da01.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W2

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

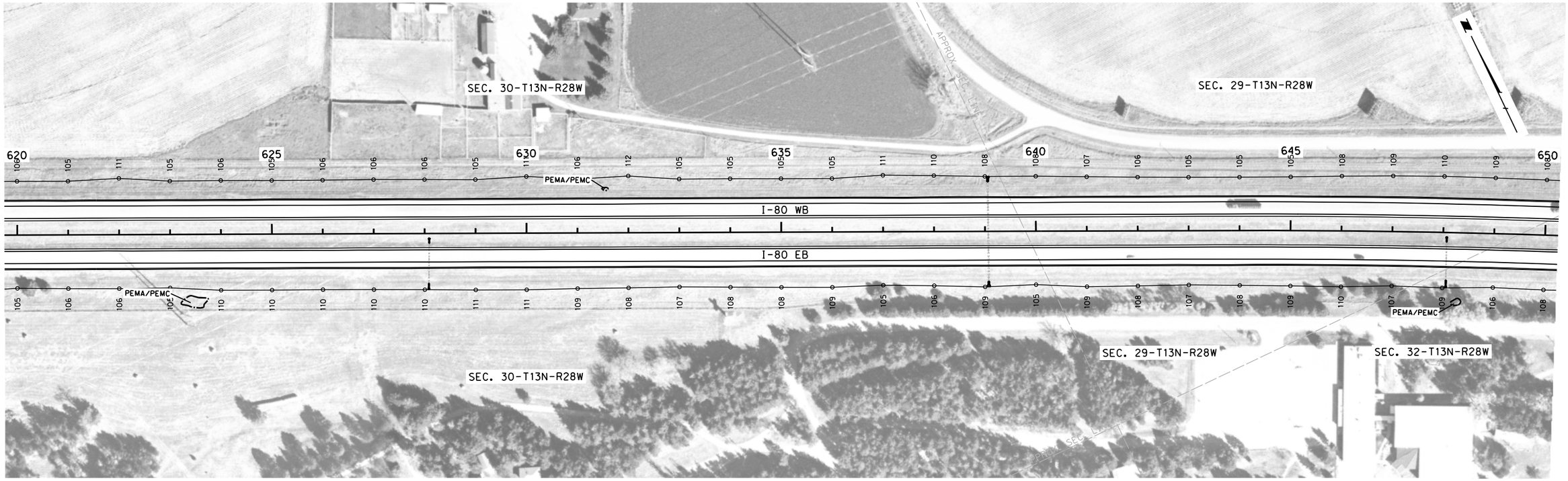
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

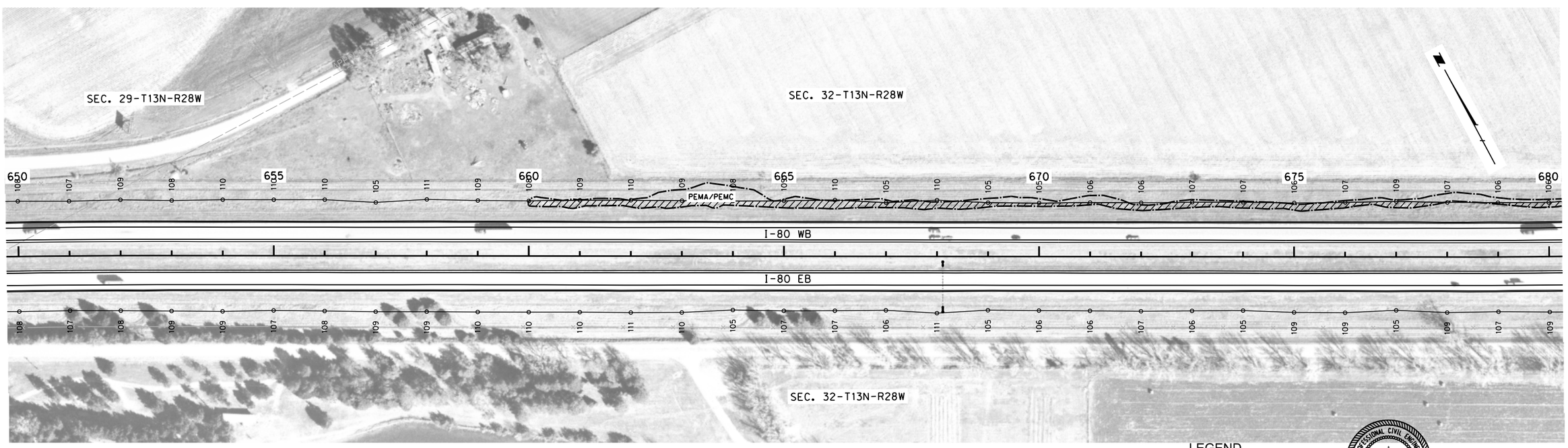
DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
614290da02.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W3

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
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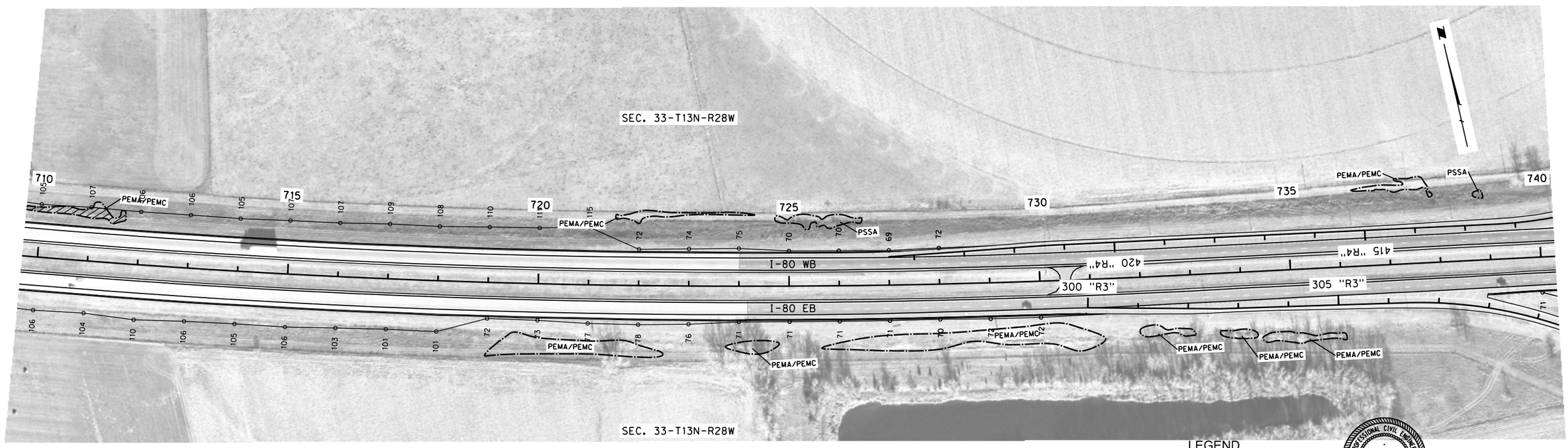
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
614290da03.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W4

C.N. 61429



LEGEND

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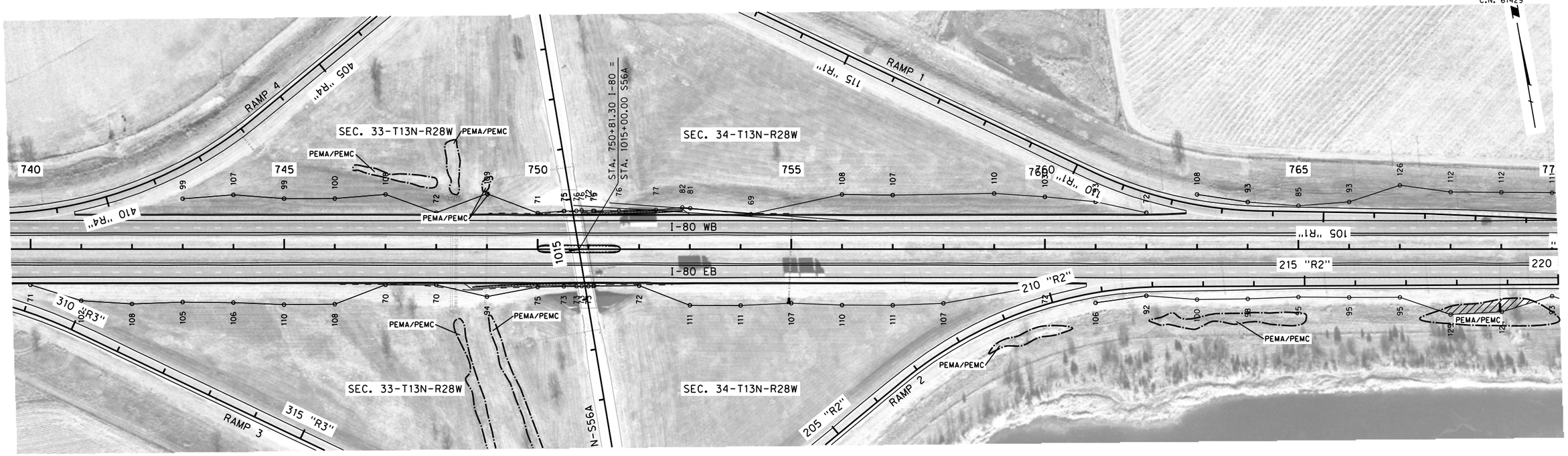
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

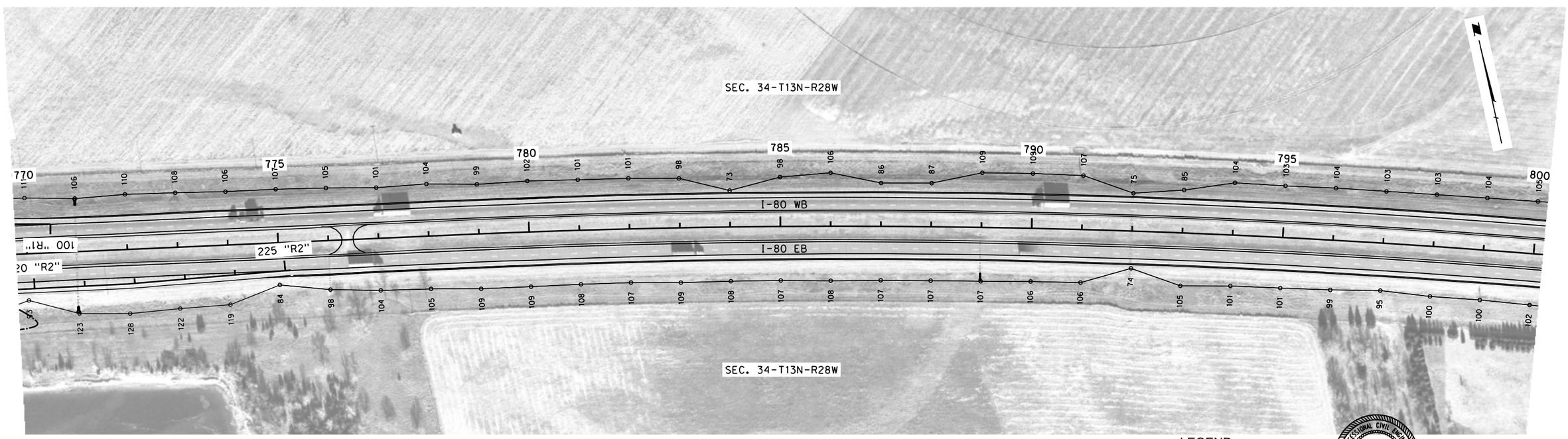
DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan FHU
614290da04.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W5

C.N. 61429





LEGEND

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- WETLANDS - DO NOT DISTURB
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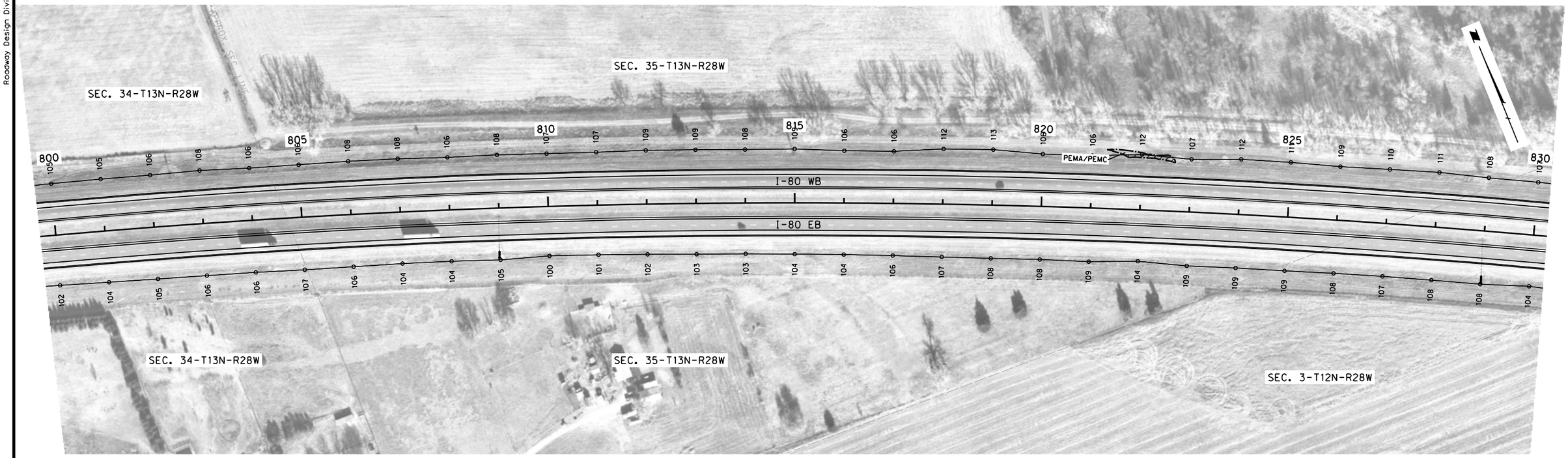
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

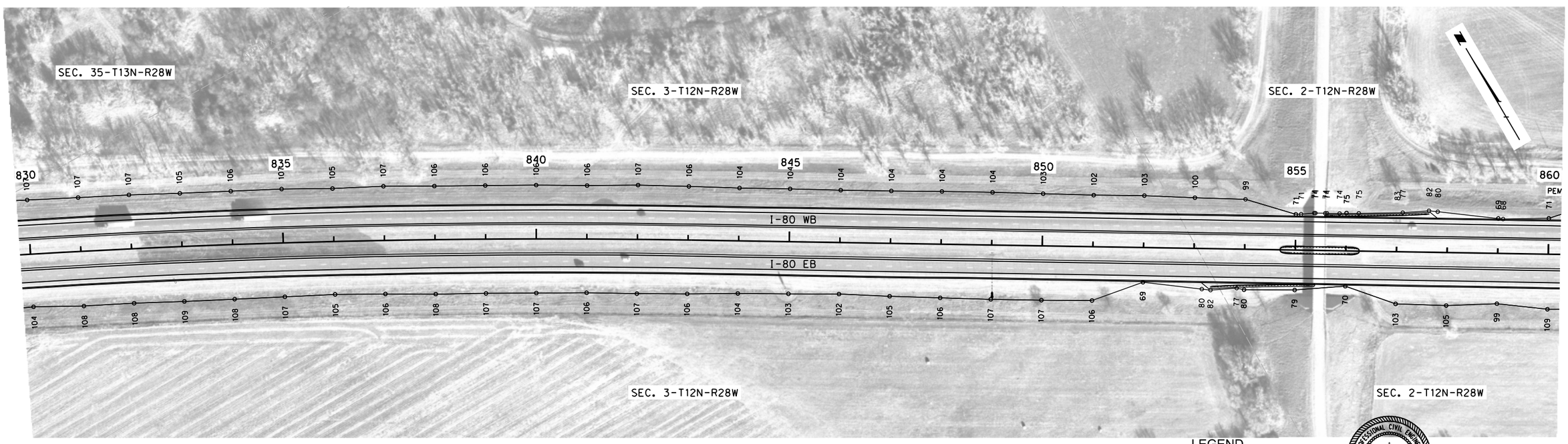
DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
614290da05.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W6

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

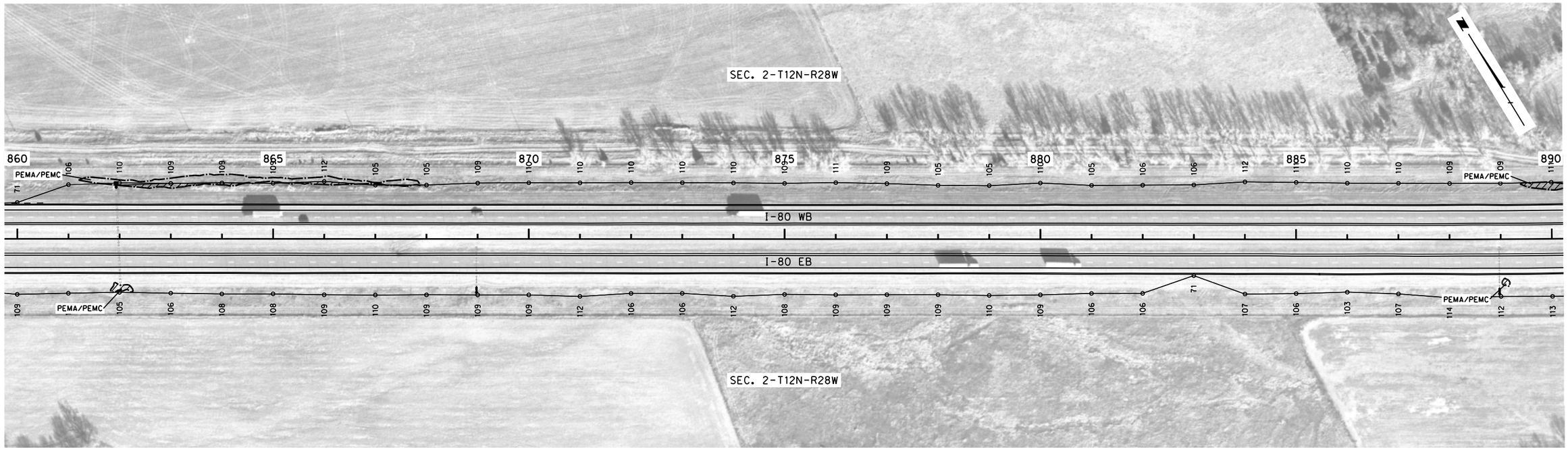
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

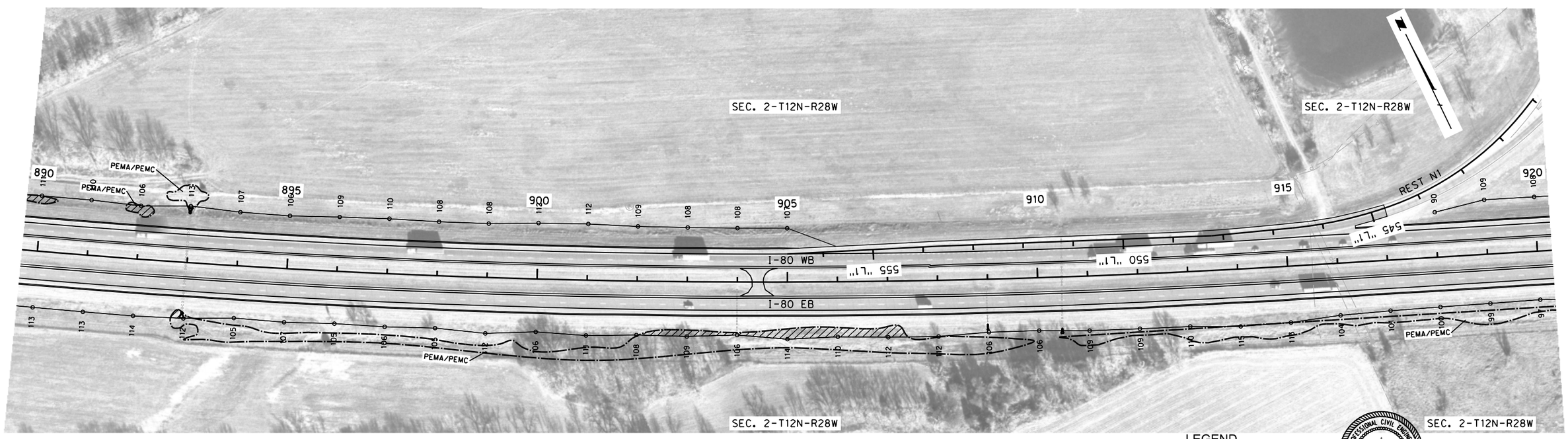
DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
614290da06.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W7

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
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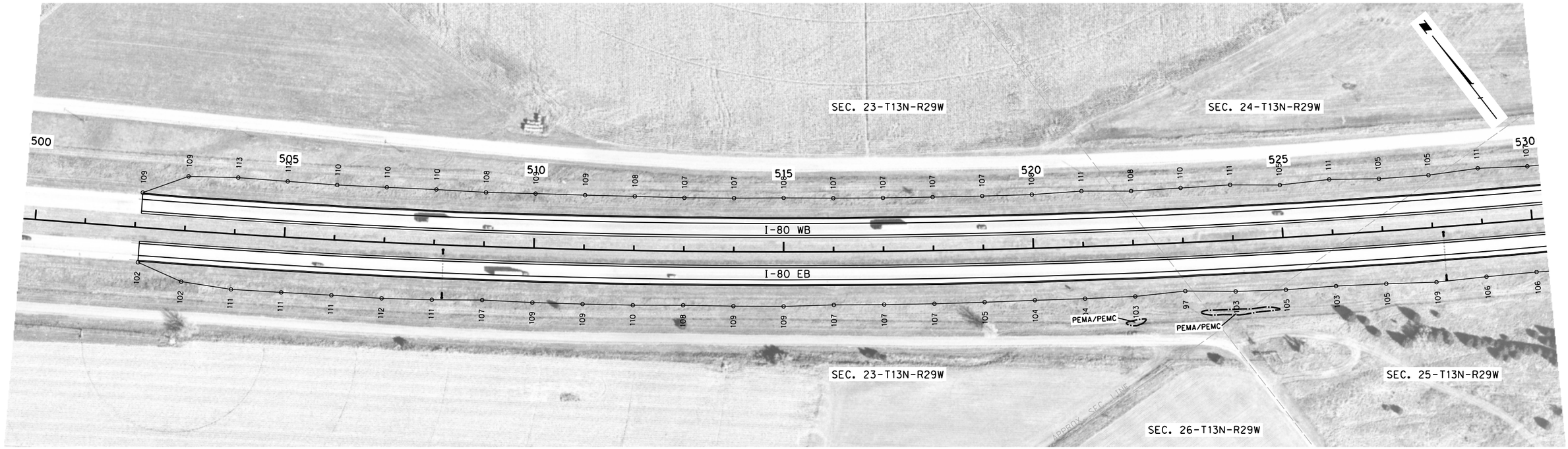
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

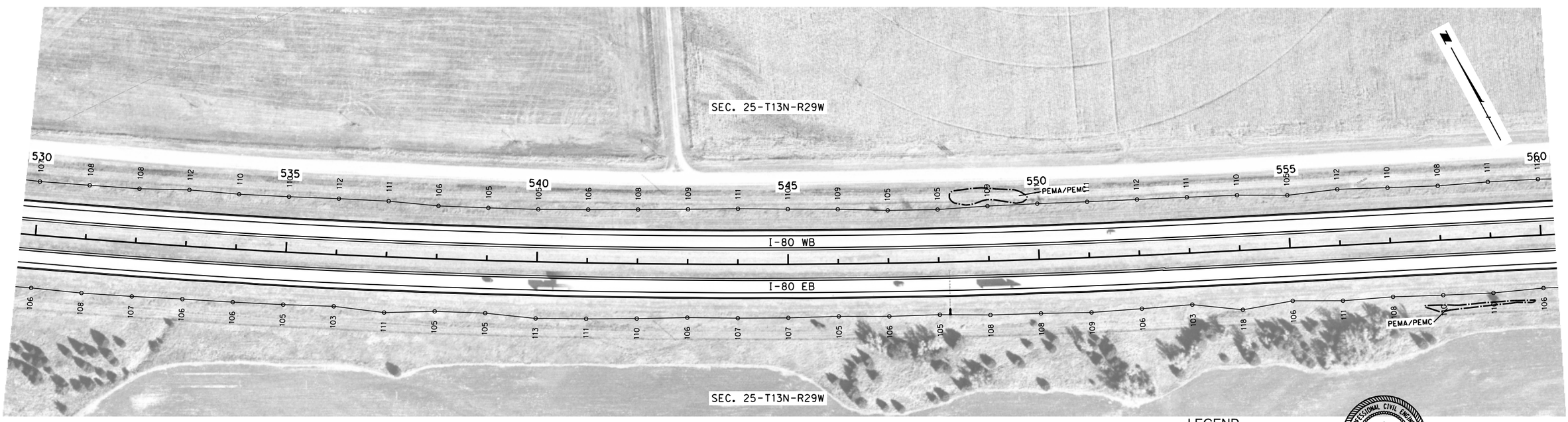
DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
614290da07.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W1

C.N. 61429





MAXWELL-BRADY

LINCOLN COUNTY

LEGEND

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PROFESSIONAL CIVIL ENGINEER
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E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division

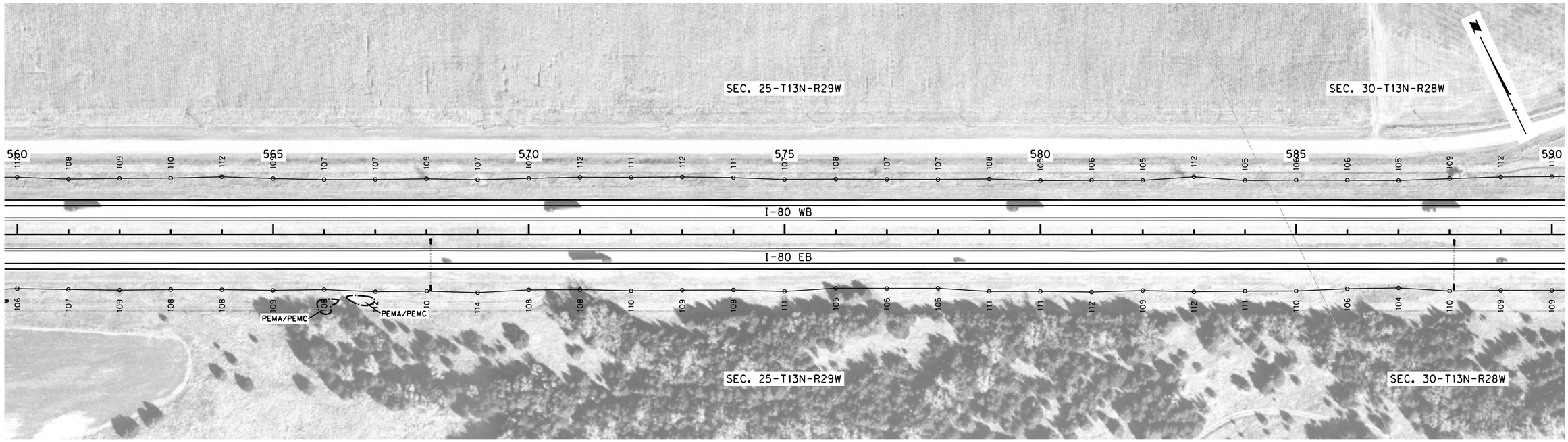
1/22/2015

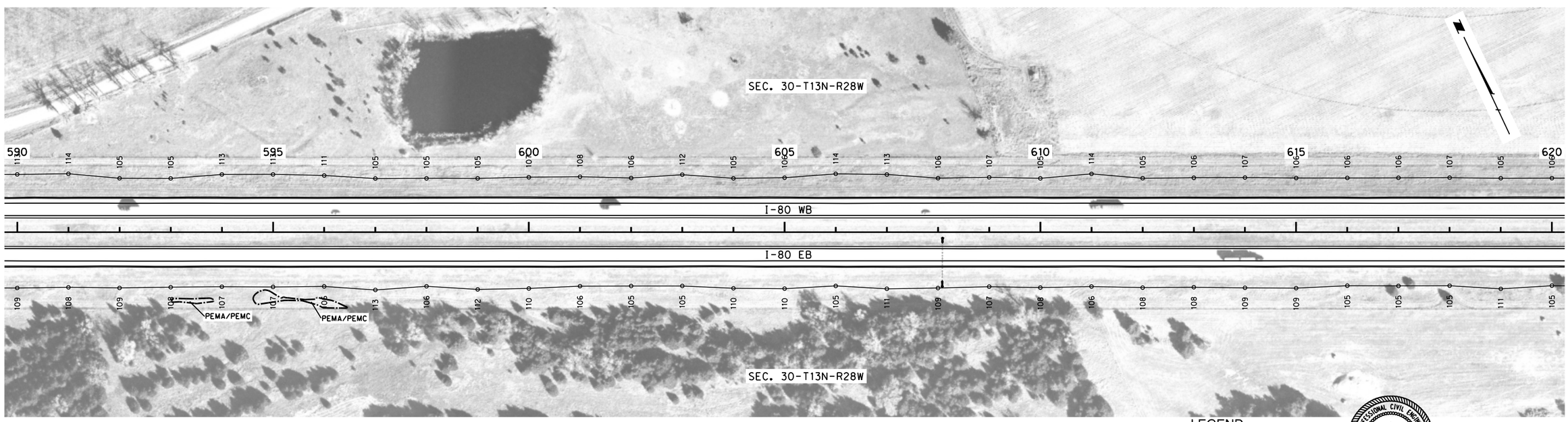
Dan
FHU

614290da01.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W2

C.N. 61429





LEGEND

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PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
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STATE OF NEBRASKA

DATE: 12/12/12
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SCALE: 1" = 100'

Roadway Design Division
1/22/2015
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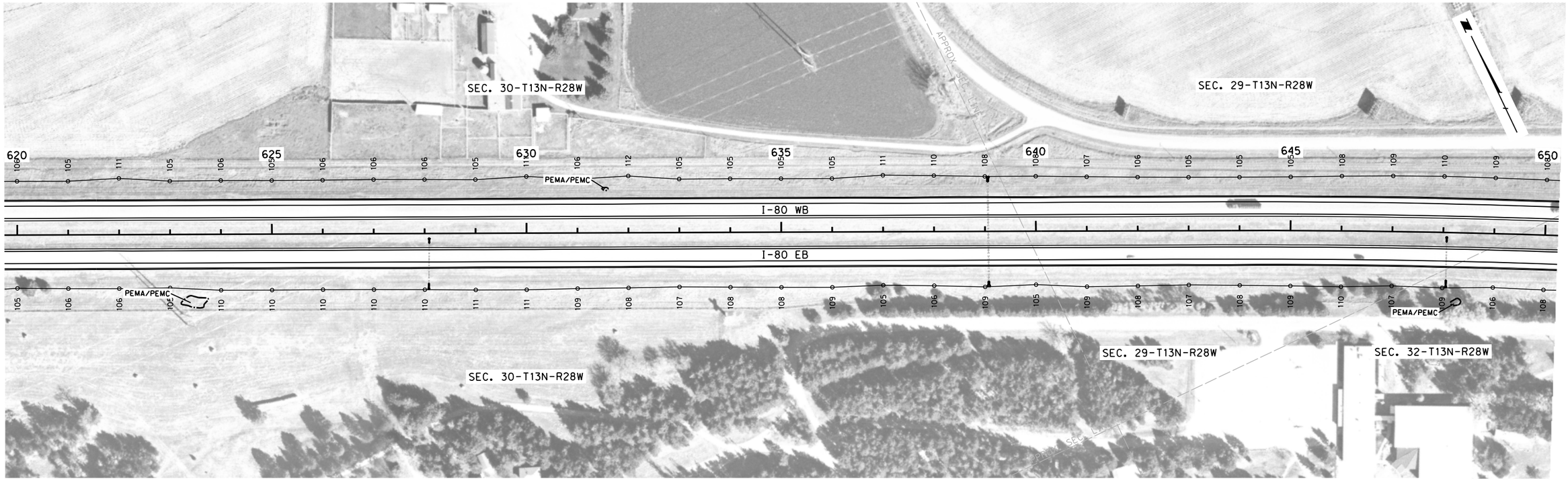
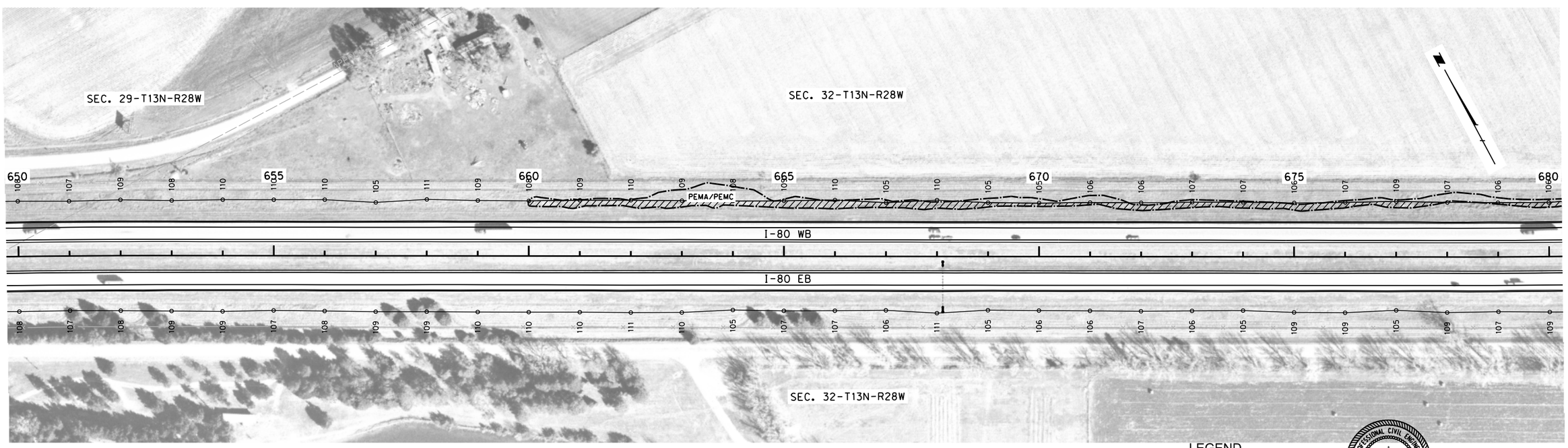
FHU
614290da02.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W3

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

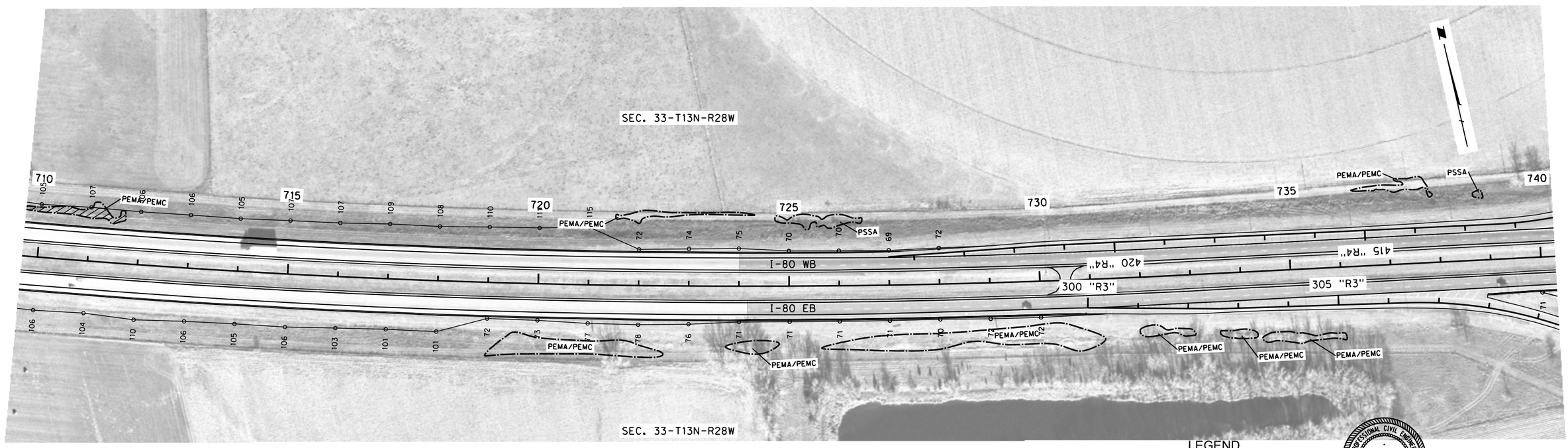
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
614290da03.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W4

C.N. 61429



LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

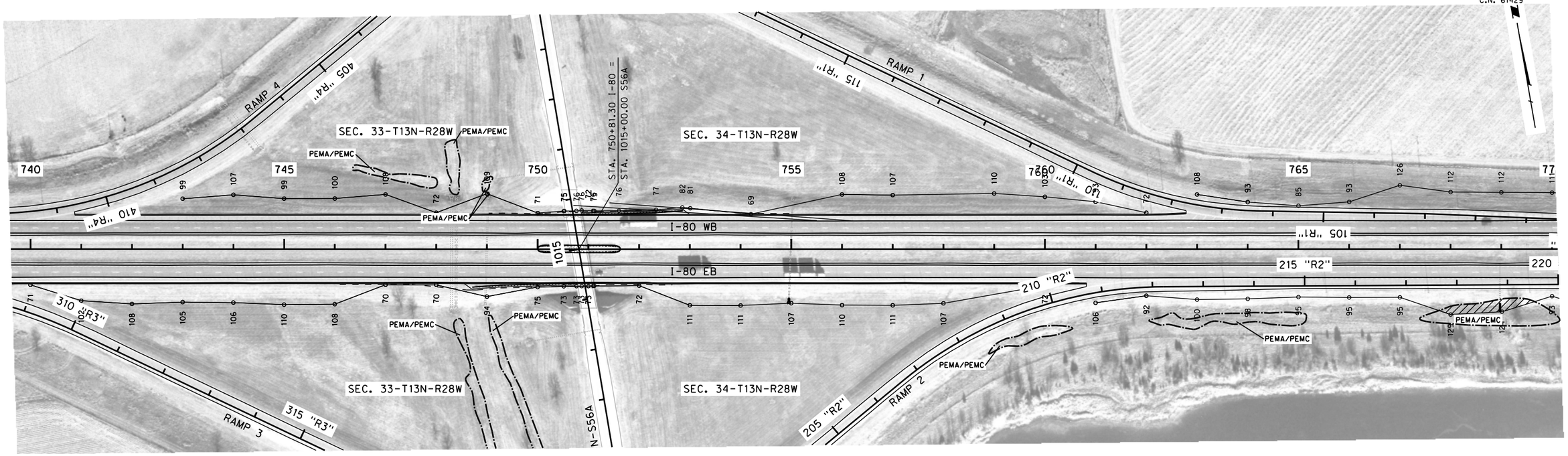
PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

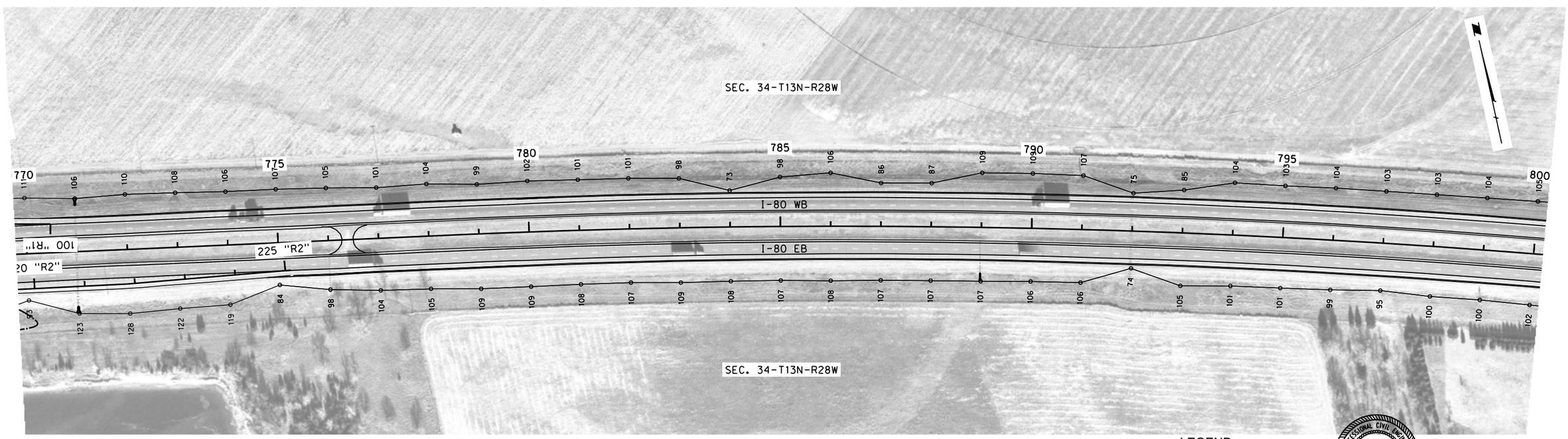
DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan FHU
614290da04.dgn
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W5

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
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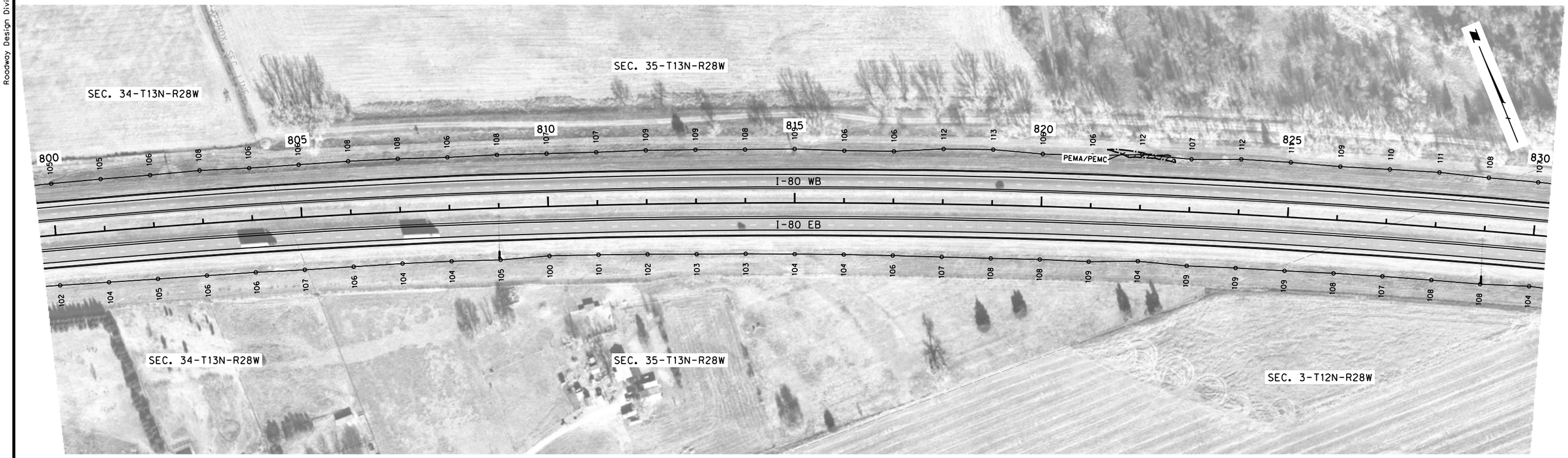
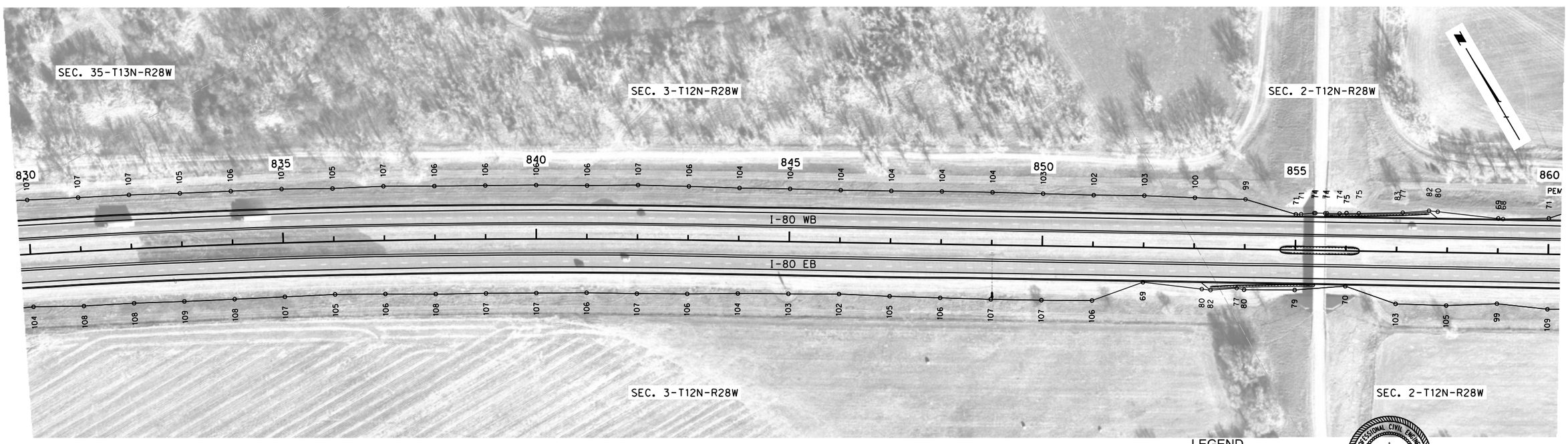
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W6

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
FHU
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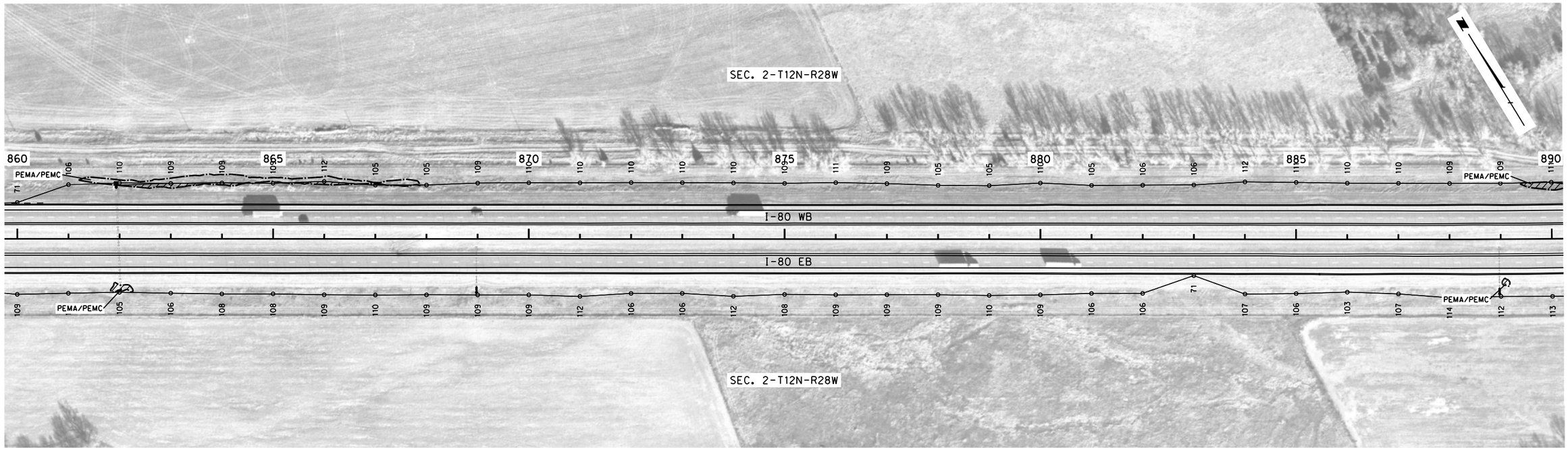
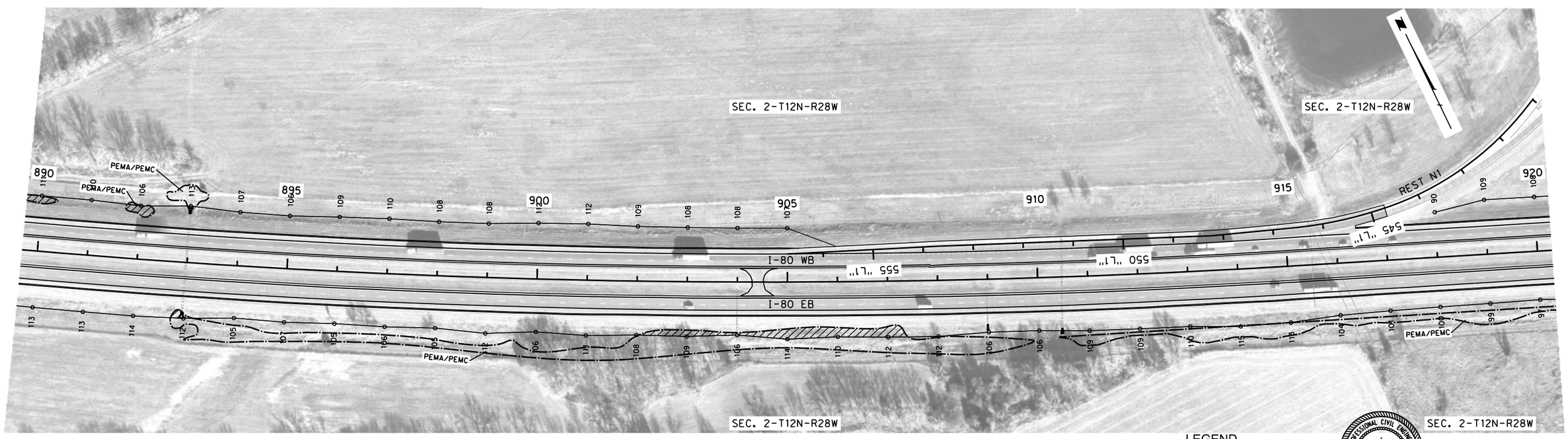
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W7

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
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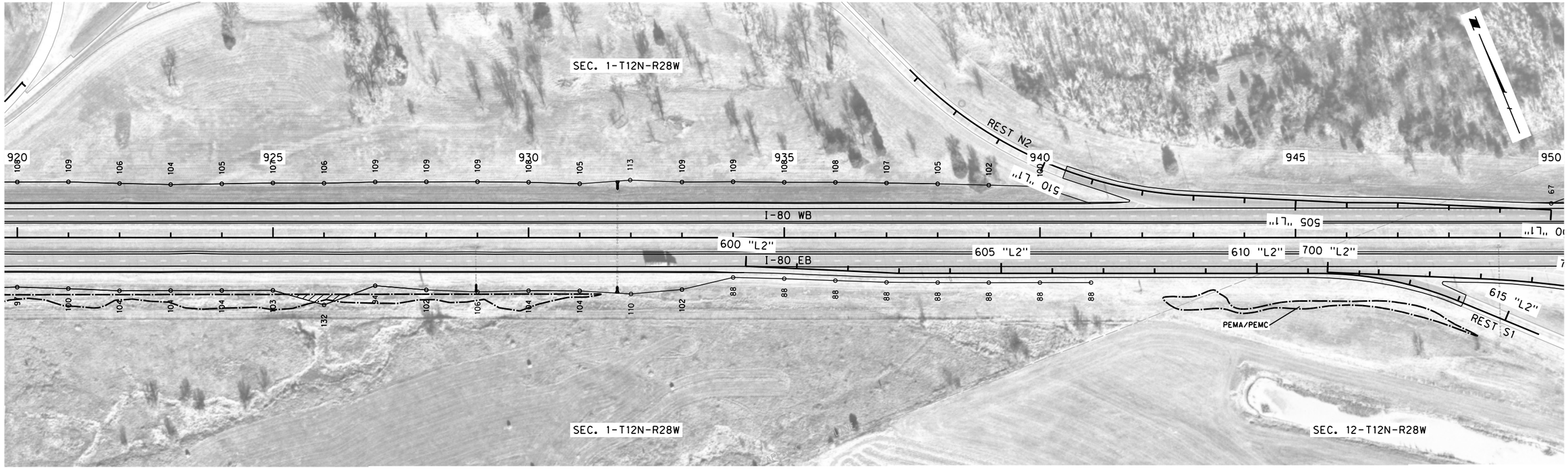
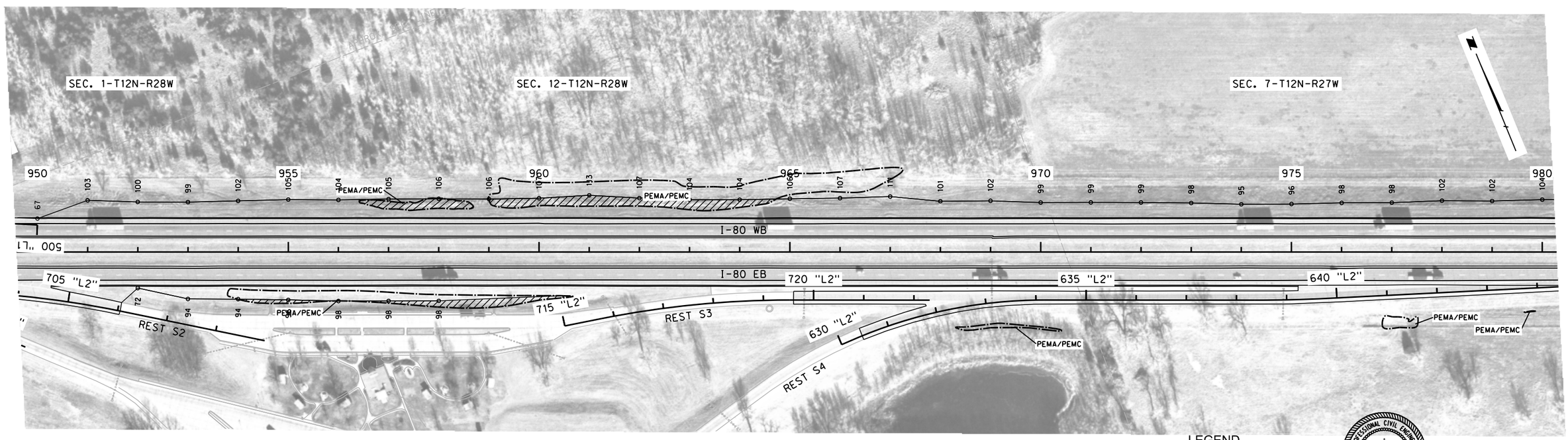
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W8

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
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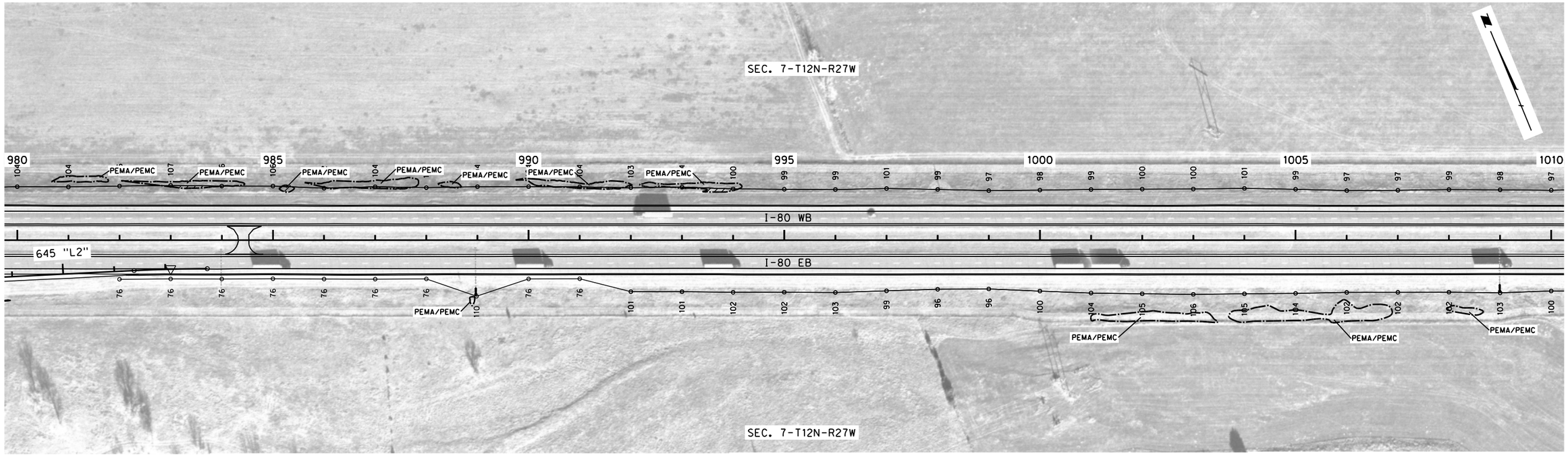
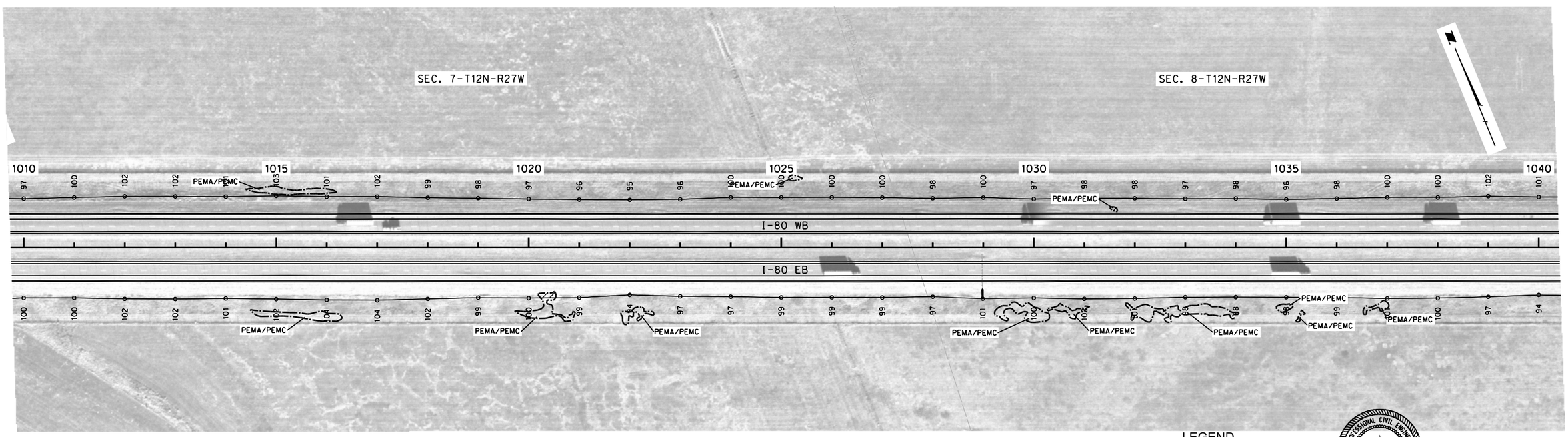
PROJECT NO.	SHEET NO.
80-4(139)	2-W9

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
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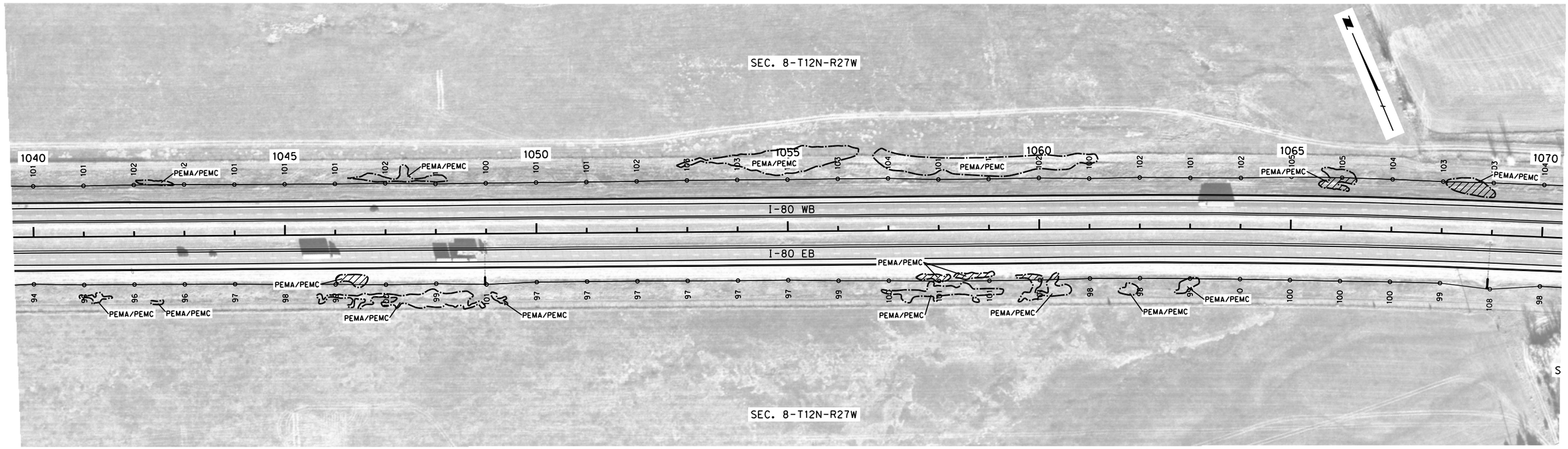
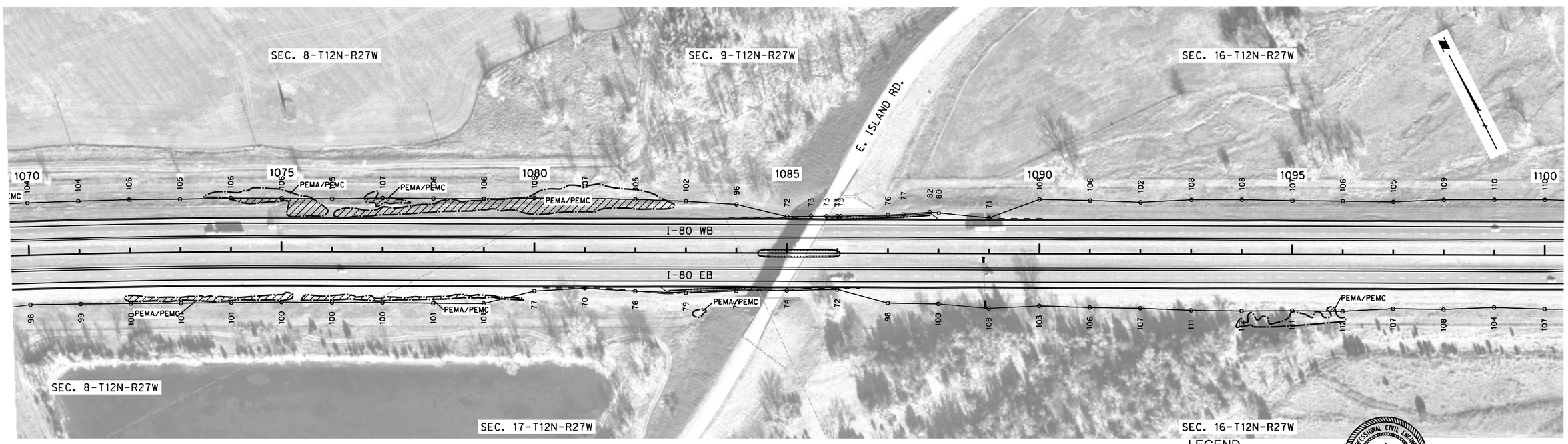
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W10

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division

1/22/2015

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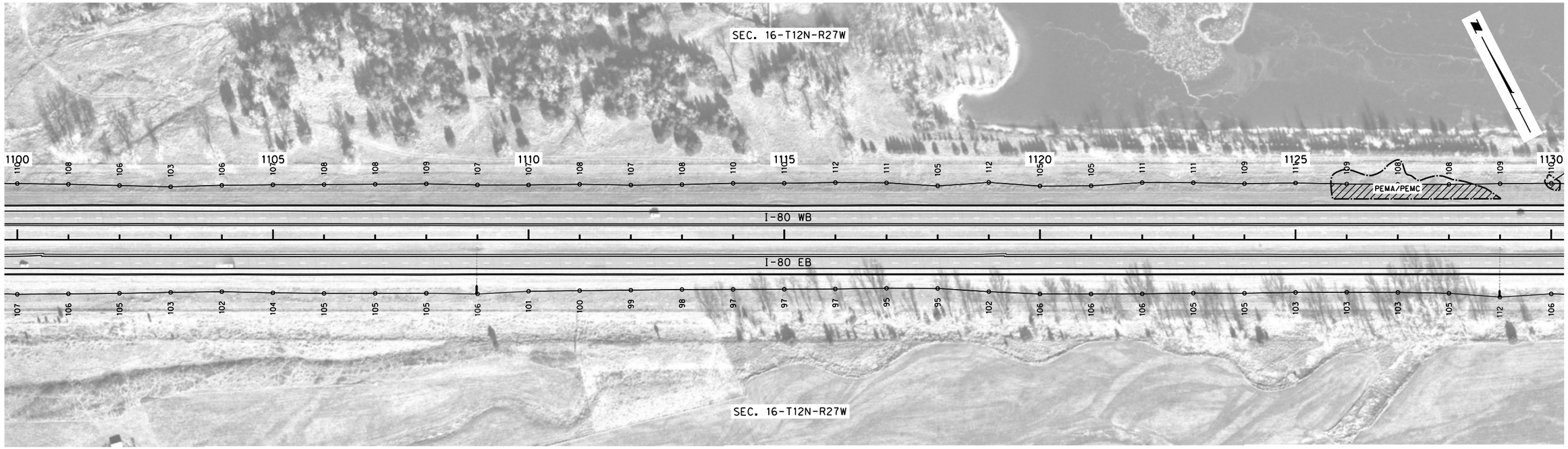
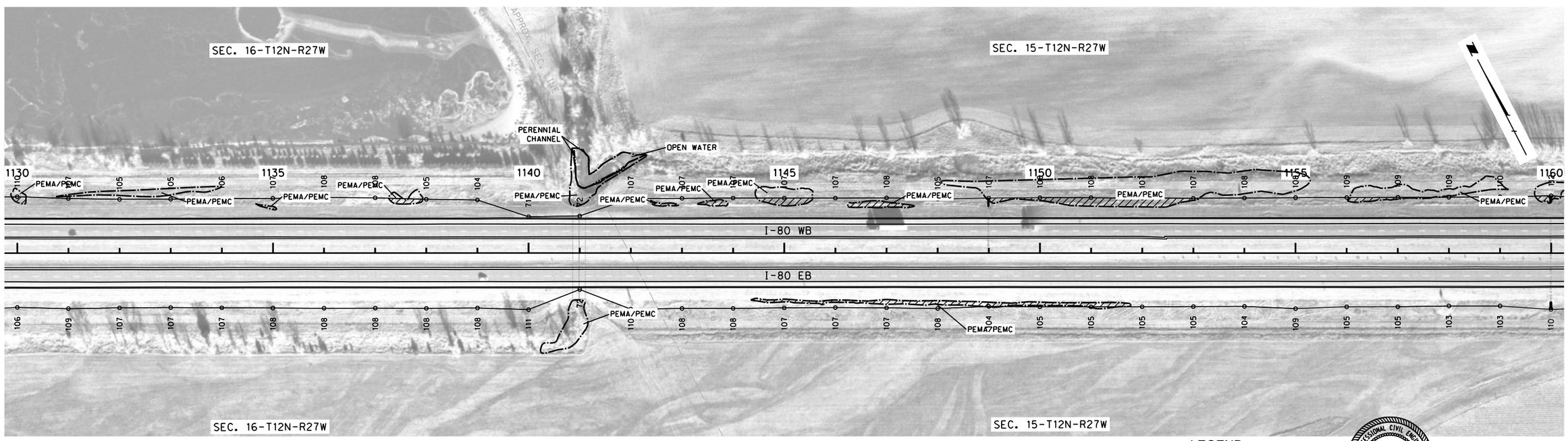
1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W11

C.N. 61429





LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
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1:200

PROJECT NO.	SHEET NO.
80-4(139)	2-W12

C.N. 61429

LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

PROFESSIONAL CIVIL ENGINEER
MATTHEW B. McFADDEN
E-8581
STATE OF NEBRASKA

DATE: 12/12/12
FLIGHT: 11985, 11986, 11987, 11988
SCALE: 1" = 100'

Roadway Design Division
1/22/2015
Dan
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1:200

Memorandum

DATE 3/2/2015

TO Caitlin Fitzpatrick, NEPA Project Manager

FROM Melissa Marinovich, HWY Environmental Biologist

SUBJECT Maxwell - Brady; NH-HSIP-80-4(139); 61429
Threatened & Endangered Species Concurrence

The attached concurrence document signed on 1/23/15 by Melissa Maiefski, FHWA, and concurrence letters from the USFWS signed on 1/30/15 and NGPC signed on 2/25/15 is the documentation required for threatened & endangered species concurrence in the NEPA document.

The project, as proposed has been determined to **"may affect, not likely to adversely affect"** the following listed species with the implementation of conservation conditions: **American Burying Beetle, Interior Least Tern, Piping Plover, River Otter, Whooping Crane.** The project will have "no effect" to all other state or federally listed species or their designated critical habitat.

Below are the Conservation Conditions and survey protocol (if applicable) that will be required for this project. They must be included verbatim in the "green sheet" **and** NEPA document.

(Responsible Party for the measure is found in parentheses)

General Conservation Conditions for All Projects:

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*)

American Burying Beetle:

ABB-2 Mowing/vegetation removal and carrion (roadkill carcasses) removal must be done according to American Burying Beetle Conservation Measures Protocol and must be implemented at the following locations: the length of the project (MM 185.74 to MM 198.40). This work will be conducted by *either the District or the Contractor, as determined by the District during contracting*.

R-1 For the **American burying beetle**, nighttime work with lights from June 1 – July 1 and August 7 – September 1 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).

R-2 Request for early construction starts in the range of the **American burying beetle** must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start (District Construction, Contractor).

Interior Least Tern and **Piping Plover:**

ILT,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: MM 195.0 to MM 196.7. 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,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: MM 195.0 to MM 196.7. 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,PP-4 Herbaceous species used for re-seeding within ¼ mile of the following location: MM 195.0 to MM 196.7 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).

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: the length of the project (MM 185.74 to MM 198.40) **(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: the length of the project (MM 185.74 to MM 198.40) 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 and Golden Eagle Protection Act:

- 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. Eagle roosting surveys will be conducted if construction occurs between October 1 and January 31.

Project Name: Maxwell to Brady *Updated 4/10/14*
Federal-aid Number: NH-HSIP-80-4(139)
Control Number: 61429

Overview of Effects and Required Conservation Conditions

Threatened and Endangered Species Effect Determination:

☐ This project will have "no effect" to all listed species and their habitats.
**If an IPLE was written to justify the no effect determination, the BA is sent to FHWA for concurrence.*

☒ A "may affect, not likely to adversely affect" determination is made for the following species/critical habitat with the conservation conditions listed below *(and will have "no effect" on all other listed species, except for any listed in the 3rd check box)*: **American Burying Beetle, Interior Least Tern, Piping Plover, River Otter, and Whooping Crane**

☐ A "may affect, likely to adversely affect" determination is made for the following species/critical habitat with the conservation conditions listed below *(and will have "no effect" on all other listed species, except for any listed above)*:

Platte River Flow Depletions and Borrow:

If the excavation of borrow sites will occur within the Platte River Basin and result in open water that could constitute a depletion to the Platte River system, upstream of the Loup confluence, the Nebraska Department of Natural Resources will be contacted. If a borrow site will result in a depletion to the Platte River system, downstream of the Loup confluence, NDOR will coordinate with the Nebraska Game and Parks Commission.

Migratory Bird Treaty Act:

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

Bald and Golden Eagle Protection Act:

This project was also reviewed for potential impacts to bald and golden eagles. It has been determined that suitable habitat does exist within 0.5 miles of the Environmental Study Area. NDOR will utilize the Bald Eagle Survey Protocol to determine when a survey for nests and/ or roosts should be conducted. If nest(s) are present within 0.5 miles of the project area, NDOR will notify the Federal Highway Administration as well as the Nebraska Game and Parks Commission and United States Fish and Wildlife Service, and construction will not commence prior to their approval.

Fish and Wildlife Coordination Act:

A wetland delineation was completed; however, impacts are not yet available, as roadway design is working on minimizing impacts. Based on current project design, this project will require a NPDES permit and Section 404 permit from the Corps of Engineers.

Conservation Conditions: *Responsible Party for conservation condition shown in parentheses.*

Listed below are the required Conservation Conditions that apply to this project. These measures are not subject to change without the prior written approval of the Federal Highway Administration. **Copy and paste the conditions listed below verbatim in the NEPA document, the Green Sheet, and in the contract documents:**

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*)

American Burying Beetle:

ABB-2 Mowing/vegetation removal and carrion (roadkill carcasses) removal must be done according to American Burying Beetle Conservation Measures Protocol and must be implemented at the following locations: <u>the length of the project (MM</u>

185.74 to MM 198.40). This work will be conducted by *either the District or the Contractor, as determined by the District during contracting*.

R-1 For the **American burying beetle**, nighttime work with lights from June 1 – July 1 and August 7 – September 1 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).

R-2 Request for early construction starts in the range of the **American burying beetle** must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start (District Construction, Contractor).

Interior Least Tern and **Piping Plover:**

ILT,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: MM 195.0 to MM 196.7. 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,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: MM 195.0 to MM 196.7. 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,PP-4 Herbaceous species used for re-seeding within ¼ mile of the following location: MM 195.0 to MM 196.7 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).

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: the length of the project (MM 185.74 to MM 198.40) **(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: the length of the project (MM 185.74 to MM 198.40) 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).

Project Name: Maxwell to Brady
Federal-aid Number: NH-HSIP-80-4(139)
Control Number: 61429

Updated 4/10/14

The overall Biological Assessment package was prepared by:

Signature	Printed Name	Title and Agency/Firm	Date
	Kody Unstad	Felsburg, Holt & Ullevig	12/03/2014

Approved by the following qualified NDOR biologist:

Signature	Printed Name	Date
	Melissa Marinovich	12/12/14

☒ Check if FHWA signature required *(NDOR Environmental use only).*
Approved by FHWA Environmental *(FHWA signature only needed when an Individual Project Level Evaluation, modified Conservation Conditions, or Individual BA is required.):*

Signature	Printed Name	Date
	Digitally signed by MELISSA G MAIEFSKI DN: c=US, o=U.S. Government, ou=DOT FHWALincolnNE, ou=FHWA FHWALincolnNE, cn=MELISSA G MAIEFSKI Date: 2015.01.23 15:51:59 -06'00'	

☒ Check if USFWS and/or NGPC concurrence is required *(NDOR Environmental use only).*

☐ Check if the project occurs on federal or tribal land *(NDOR Environmental use only).*
If yes, provide federal or tribal agency name: _____

06E22000-2015-I-0051
06E22000-2015-CPA-0043

United States Department of the Interior

PLEASE NOTE NEW ADDRESS AS OF 11/1/2014

FISH AND WILDLIFE SERVICE
Ecological Services
Nebraska Field Office
9325 South Alda Road
Wood River, Nebraska 68883

January 30, 2015

FWS-NE: 2015-125

Ms. Melissa Maiefski
Program Delivery Team Lead
Federal Highway Administration
100 Centennial Mall
Room 220
Lincoln, NE 68508

RE: Biological Assessment, Maxwell to Brady, Project Number: HSIP-80-4(139), Control Number: 61429, Lincoln County, Nebraska

Dear Ms. Maiefski:

This responds to the January 26, 2015, e-mailed request for comments and concurrence from the U.S. Fish and Wildlife Service (Service) for the subject project. The Service has responsibility for conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act of 1973 (ESA); 2) Fish and Wildlife Coordination Act (FWCA); 3) Bald and Golden Eagle Protection Act; and 4) Migratory Bird Treaty Act. The National Environmental Policy Act requires compliance with all of these statutes and regulations. This project was prioritized by the Nebraska Department of Roads (NDOR) and the Federal Highway Administration (FHWA) on January 26, 2015.

The Service has special concerns for endangered and threatened species, migratory birds, and other fish and wildlife and their habitats. Habitats frequently used by fish and wildlife species are wetlands, streams, riparian (streamside) woodlands, and grasslands. Special attention is given to proposed developments that include modification of wetlands, stream alteration, loss of riparian habitat, or contamination of habitats. When this occurs, the Service recommends ways to avoid, minimize, or compensate for adverse effects to fish and wildlife and their habitats.

ENDANGERED SPECIES ACT

Pursuant to section 7(a)(2) of ESA, every federal agency, shall in consultation with the Service, insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. If a proposed project may affect federally listed species or designated critical habitat, section 7 consultation is required with the Service. It is the responsibility of the federal action agency to fully evaluate all potential effects (direct and indirect) that may occur to a listed species and critical habitat in the action area. The federal agency provides their effects determination to us for concurrence. If federally listed species and/or designated/proposed critical habitat would be adversely affected by implementation of the project, the federal agency will need to formally request further section 7 consultation with the Service prior to making any irretrievable or irreversible commitment of federal funds (section 7(d) of ESA), or issuing any federal permits or licenses.

This 3R (Resurfacing, Restoration and Rehabilitation) project proposes to resurface approximately 12.66- miles of the westbound (WB) and eastbound (EB) lanes on Interstate 80 located in Lincoln County. The project begins approximately 5 miles west of the S56A Maxwell Spur (mile marker 185.74) and extends east to mile marker 198.40, approximately 0.5-mile west of the L56D Brady Link. Construction activities identified in this assessment include the following: asphalt patching, clearing and grubbing non-woody vegetation/trees/shrubs, concrete pavement repair, culverts—ephemeral, earth shoulder construction, erosion control (barriers, inlet/outlet protection, mulching, rolled, and vegetation), grading within/outside the hingepoint, guardrail with soil disturbance, milling, overpass, pavement marking, resurfacing, trenched widening, survey and staking. The proposed project will need a 404 Permit and also obtain borrow material for the construction. As of January 29, 2015, total wetland impacts were unknown. NDOR has estimated that 3 acres of "ditch wetlands" could be impacted but the project design is not finalized. It is *anticipated* that the Maxwell Mitigation Bank site will be used to offset any unavoidable impacts at the appropriate ratios. However, if the need for an Individual Permit arises and/or additional mitigation for unavoidable wetland impacts is necessary, the Service recommends further coordination. For the project, FHWA/NDOR has proposed to implement conservation conditions for the federally and state endangered Whooping crane (*Grus americana*), the American burying beetle (*Nicrophorus americanus*), the Interior least tern (*Sternula antillarum athalassos*), the federally and state threatened Piping plover (*Charadrius melodus*), and the state listed threatened River otter (*Lutra canadensis*). In addition, FHWA/NDOR has proposed to implement conservation measures for bald eagles, and they have developed an Avian Protection Plan for ways to avoid and minimize a project's potential impacts to migratory birds that will be implemented into projects when applicable.

Based on the information that was submitted, the Service concurs that the proposed project may affect but is not likely to adversely affect federally listed species and/or critical habitat within the limits-of-construction (LOCs). However, should changes to the proposed project occur (i.e. direct/indirect effects are identified, off-site contractor activities such as borrow, staging, or waste sites are identified), Platte River depletions are identified, or new information regarding federally listed species and/or critical habitat become available, this determination is no longer valid. Further section 7 consultation with the Service will be necessary. The species sited in the

project's biological assessment could be impacted by off-site construction activities within or outside of the 5-mile action area surrounding the LOCs (July 31, 2009, letter to FHWA). If such contractor activities as haul roads, staging, borrow or waste are identified as necessary for the proposed project, the Service should be contacted and the following information should be submitted to the Service for further section 7 consultation:

1) an aerial photo showing the proposed activity site
2) a soil survey map with the location of the activity site
3) a plan-sheet or drawing showing the location and dimensions of the activity site, identify the depth to ground water and depth of the pit
4) at a minimum, four different ground photo views showing the existing conditions at the proposed site
5) evaluation of the proposed impacts to federally listed species from the offsite construction activities
6) post-construction restoration plan for the disturbed site
7) pre/post construction report

Additionally, the contractor should be made aware that potential species surveys (prior to the actual use of the site) may be necessary for any off site activities.

All federally listed species under ESA are also State-listed under the Nebraska Nongame and Endangered Species Conservation Act. However, there are also State-listed species that are not federally listed. To determine if the proposed project may affect State-listed species, the Service recommends that the project proponent contact Michelle Koch (michelle.koch@nebraska.gov) or Carey Grell (carey.grell@nebraska.gov), Nebraska Game and Parks Commission, 2200 N. 33rd Street, Lincoln, NE 68503-0370.

REVIEW, COMMENTS, AND RECOMMENDATIONS ON THE PROPOSED PROJECT ACTION UNDER OTHER FISH AND WILDLIFE STATUTES

Fish and Wildlife Coordination Act

The FWCA requires consultation with the Service and State fish and wildlife agency for the purpose of preventing loss of and damage to fish and wildlife resources in the planning, implementation, and operation of federal and federally funded, permitted, or licensed water resource development projects. This statute requires that federal agencies take into consideration the effect that the water related project would have on fish and wildlife resources, to take action to prevent loss or damage to these resources, and to provide for the development and improvement of these resources. The comments in this letter are provided as technical assistance only and is not the document required of the Secretary of the Interior pursuant to Section 2(b) of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 *et seq.*) on any required federal environmental review or permit. This technical assistance is valid only for the described conditions and will have to be revised if significant environmental changes or changes in the proposed project take place. In order to determine whether the effects to fish and wildlife resources from the proposed project are being considered under FWCA, lead federal agency

must notify the Service in writing of how the comments and recommendations in this technical assistance letter are being considered into the proposed project.

To determine if the proposed project may affect fish and wildlife resources of the State of Nebraska under the FWCA, the Service recommends that the project proponent contact Carey Grell, Nebraska Game and Parks Commission, 2200 N. 33rd Street, Lincoln, NE 68503-0370.

Wetlands, Streams, and Riparian Habitats

If wetlands or streams will be impacted by the proposed project, a Department of the Army permit from the U.S. Corps of Engineers may be needed. The Service recommends that impacts to wetlands, streams, and riparian areas be avoided or minimized. In accordance with the Section 404(B)(1) Guidelines (Guidelines) of the Clean Water Act, the Guidelines emphasize that avoidance and minimization precede compensation, which is to be considered solely for unavoidable adverse impacts on fish and wildlife resources and supporting ecosystems. For projects that do not require access or proximity to, or location within aquatic environments (i.e., non-water dependant project) to fulfill its basic project purpose, it is assumed that practicable alternatives exist that would cause less damage to aquatic resources than projects that are located in aquatic ecosystems. In addition to determining the least environmentally damaging practicable alternative, 40 CFR Part 230.10(a) of the Guidelines also states,... no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences.

If after an alternatives analysis has been completed in accordance with the Guideline, and unavoidable impacts are to occur to aquatic habitats, the Service recommends that compensation (i.e., restoration of a degraded wetland or creation) occur for like wetland type at a ratio of 2:1 (acres of wetlands restored/created to acres of wetlands impacted). For unavoidable impacts to streams, the Service recommends that stream pattern, profile, and dimension be mitigated at a ratio of no less that 1:1 (stream length and number, pattern, and length of meanders created/restored versus stream length and number, pattern, and length of meanders impacted; sequence and number of pools and riffles created/restored versus sequence and number of pools and riffles impacted). Additionally, compensation for impacts to riparian habitats should occur at a minimum ratio of 3:1 (i.e., acres of riparian habitat replaces for acres of riparian habitat impacted). The 3:1 ratio is based on the loss of the habitat and the amount of time that will be required for planted trees to reach maturity.

Animal Passage and Aquatic Biota

Land use practices that allow soil to runoff into waterways following rainfall events cause the siltation of streams, and increase turbidity which can result in a lowering of water quality and thus, a loss in the diversity of natural aquatic systems. The Service recommends that the project proponent incorporate rigorous soil erosion control practices both during and after the proposed construction, including temporary construction activities or any other alignment procedures in order to avoid impacts to fish and other aquatic organisms. Bridge placement and any culverts should also be constructed at appropriate sizes and elevations so as to not impede animal/fish

movement (i.e. either new culvert installation or culverts used in a temporary crossing). The Service further recommends that the project proponent not alter or install culverts in any way that would result in reductions in current channel width. See these websites for structure design considerations: http://www.wildlifeandroads.org/, http://www.elkhornsloughctp.org/uploads/1182793716carnivoresafepassage.pdf, http://wdfw.wa.gov/hab/engineer/cm/culvert_manual_final.pdf, http://www.fhwa.dot.gov/engineering/hydraulics/policymemo/20071219.cfm.

Additionally, the Service has enclosed recommended best management practices to minimize potential impacts to native fish and other aquatic resources, including spawning timeframes for Nebraska fish species.

The Service appreciates the opportunity to provide comments on this proposed project. Should you have any questions regarding these comments, please contact Ms. Brooke Stansberry within our office at Brooke_Stansberry@fws.gov or at (308) 382-6468, extension 207.

Sincerely,

Eliza Hines
Acting Nebraska Field Supervisor

Enclosure

cc: NGPC; Lincoln, NE (Attn: Michelle Koch)
NGPC; Lincoln, NE (Attn: Carey Grell)
NDOR; Lincoln, NE (Attn: Melissa Marinovich)
NDOR; Lincoln, NE (Attn: Zach Cunningham)
USACE; Omaha, NE (Attn: Phil Rezac)
USACE; Omaha, NE (Attn: Adam Nebel)
NDEQ; Lincoln, NE (Attn: Jason Garber)

ENCLOSURE

Recommended Best Management Practices for Proposed Construction Activities Associated with Streams/Rivers

- Avoid earth moving activities or fill/bank armoring during native fish spawning periods from May 15 – July 31, construct stream crossings or other associated temporary embankments during low flow periods (usually August – October).

- Minimize work area at stream locations. The majority of the work (including heavy equipment and storage sites) should occur above the high bank line. Avoid driving equipment through the streambed.

- Implement comprehensive and effective erosion and sediment controls. These methods should be implemented and maintained for the duration of the project and considered at all stages of the project planning and design. Close attention is warranted for the placement and maintenance of temporary erosion control measures at the construction site to minimize sediment loading. These erosion/sediment control techniques should keep sediments from entering the stream and remain in place until work areas become re-vegetated and stable. Such erosion control measures may include properly placed sediment/silt screens or curtains and hay bales. Proper techniques are important to the placement of these types of structures and include trenching, staking and backfilling as well as using the appropriate number of bales. These techniques are best used in combination with each other rather than separately.

- Erosion and sediment controls should be monitored daily during construction to ensure effectiveness, particularly after storm events, and only the most effect techniques should be utilized. Clean, repair and replace structures as necessary.

- Exposed stream banks must be stabilized immediately after construction activity. Eroded surfaces should not be left exposed for greater than one day. If rain is predicted, no construction should commence unless eroded surfaces are immediately treated with geotextile fabric, mulch, seeding or some techniques that would stabilize the bank or exposed areas from eroding.

- Erosion repair and stream bank restoration should use appropriate bioengineering solutions.

- Develop and implement a hazardous materials safety protocol. This would include that all temporary storage facilities for petroleum products, other fuels and chemicals must be located and protected to prevent accidental spills from entering streams within the project area.

FISRWG. 1998. Stream Corridor Restoration: Principles, Processes, and Practices. By the Federal Interagency Stream Restoration Working Group (FISRWG) (15 Federal agencies of the U. S. Government). GPO item No. 0120–A; SuDocs No. A 57.6/2:EN 3/PT.653. ISBN-0-934213-59-3.

NEBRASKA GAME PARKS

Nebraska Game and Parks Commission
2200 N. 33rd St. • P.O. Box 30370 • Lincoln, NE 68503-0370 • Phone: 402-471-0641 • Fax: 402-471-5528

February 25, 2015

Melissa Maiefski
Federal Highway Administration
100 Centennial Mall North, Room 220
Lincoln, NE 68508-3803

Re: Maxwell-Brady, Project No. HSIP-80-4(139), CN 61429, Lincoln County, NE

Dear Ms. Maiefski:

Please make reference to your letter dated January 26, 2015. This letter is in response to your request for concurrence regarding this project's potential impacts to endangered and threatened species in Lincoln County, Nebraska. As we understand it, the project involves milling, resurfacing, and other associated activities as outlined in the documents attached to your letter. We have completed our review of the proposed project under Neb. Rev. Stat. § 37-807 (3) of the Nongame and Endangered Species Conservation Act (NESCA) and we offer the following comments.

This project is within or near the range of the state and federally listed endangered whooping crane (*Grus americana*), interior least tern (*Sternula antillarum athalassos*), and American burying beetle (*Nicrophorus americanus*); the state and federally listed threatened piping plover (*Charadrius melodus*); the state-listed endangered swift fox (*Vulpes velox*); and the state-listed threatened northern redbelly dace (*Phoxinus eos*), finescale dace (*Phoxinus neogaeus*), and river otter (*Lontra canadensis*). Suitable habitat for swift fox, northern redbelly dace, and finescale dace will not be impacted by this project, but habitat for whooping crane, interior least tern, piping plover, American burying beetle, and river otter exists within or near the project area.

The Nebraska Department of Roads (NDOR) has agreed to implement standard and species-specific conservation conditions in order to avoid impacts to American burying beetle, interior least tern, piping plover, river otter, and whooping crane. In the event a borrow site associated with this project results in a depletion to the Platte River, NDOR will contact the appropriate agency, depending on which river basin the borrow site is located in, to address offsetting the depletion.

Based on this information, we concur the proposed project "May Affect but is Not Likely to Adversely Affect" American burying beetle, interior least tern, piping plover, river otter, and

whooping crane, and will have “no effect” on all other state-listed endangered or threatened species. This concurrence is based on a review of the material you sent, aerial photographs, and our Nebraska Natural Heritage Database. If the proposed project is changed or new information regarding endangered and threatened species becomes available, then this concurrence is no longer valid and further consultation with the Nebraska Game and Parks Commission (Commission) will be necessary.

NDOR has reviewed the proposed project pursuant to the federal Fish and Wildlife Coordination Act (FWCA) and the federal Bald and Golden Eagle Protection Act (BGEPA). A wetland delineation was conducted pursuant to FWCA. Based on current project design, a National Pollutant Discharge Elimination System permit from the Nebraska Department of Environmental Quality and a Section 404 permit from the U.S. Army Corps of Engineers will be required. All impacts will be mitigated as required by these permits. Additionally, NDOR has identified bald eagle nesting habitat within ½ mile of the project area. NDOR has determined it will use the Bald Eagle Survey Protocol to avoid adverse impacts to bald eagles. NDOR will also use its Avian Protection Plan in order to reduce conflicts with migratory birds and comply with the federal Migratory Bird Treaty Act. The Commission acknowledges and supports these actions and this review process in order to avoid impacts to other state trust resources which do not receive legal protection under NESCA, but are still considered valuable for maintaining the ecological diversity within our state and are protected under federal laws.

For an assessment of potential impacts to habitats and species protected under federal wildlife laws, including federally listed, candidate or proposed endangered or threatened species, please contact John Cochnar, Nebraska Field Office, U.S. Fish and Wildlife Service, 9325 South Alda Road, Wood River, Nebraska. 68883.

Thank you for the opportunity to comment. If you have any questions or need additional information, please feel free to contact me at (402) 471-5438 or michelle.koch@nebraska.gov.

Sincerely,

Michelle R Koch

Michelle R. Koch
Environmental Analyst Supervisor
Planning & Programming Division

ec: USFWS (John Cochnar, Brooke Stansberry)
NDOR (Melissa Marinovich)
FHWA (Scott Stapp, Sue Petracek)

Nebraska
Department of Roads

Planning & Project Development

DATE: **June 11, 2015**

TO: **Caitlin Fitzpatrick, NDOR Highway Environmental/NEPA Specialist**

FROM: **Stacy Stupka-Burda, NDOR Highway Environmental/Section 106 Specialist**

RE: **61429_IM-80-4(139)_Maxwell – Brady, Supplemental Section 106 evaluation**

NESHPO concurred with an effect determination of no historic properties affected on 4/2/13. Since that concurrence, the project description was amended to include widening existing shoulders, removing and replacing traffic signs, resurfacing turnarounds, clarifying that culverts would be extended and that concrete repairs would be completed in existing rest areas.

I have reviewed the Section 106 materials and have determined that work described above is located within the APE considered for this project.

The project effects determination of no historic properties affected remains appropriate and re-initiation of Section 106 consultation is not necessary.

U.S. Department of Transportation
Federal Highway Administration

NEBRASKA DIVISION

100 Centennial Mall North
Room 220
Lincoln, NE 68508
(402)742-8460

RECEIVED
MAR 21 2013
BY

NEBRASKA STATE HISTORIC PRESERVATION OFFICE
MAR 1 2013
NSHS

March 15, 2013

In Reply Refer To:
HDA-NE

L. Robert Puschendorf
Deputy State Historic Preservation Officer
Nebraska State Historical Society
P.O. Box 82554
Lincoln, NE 68508

HP# 1303-094-01
County LN
STR. X ARCHCO. X
Resp. NP Date 20130327

Dear Mr. Puschendorf:

Project IM-80-4(139), CN 61429
Maxwell – Brady
Lincoln County
Cultural Resources Evaluation

Please review this document on historic resources for the subject project as required under Section 106 of the National Historic Preservation Act of 1966 as amended and implementing regulations at 36 CFR Part 800.

An evaluation of the potential for cultural resources, both archeology and standing structures, is included below and in enclosures.

Project Description:
This 3R (Resurfacing, Restoration and Rehabilitation), project would resurface 12.66 miles of the westbound (WB) and eastbound (EB) lanes on Interstate 80 (I-80) located in Lincoln County, starting 4.71 miles west of the S56A Maxwell Spur, at mile marker (MM) 185.74, and extending east to MM 198.40, 0.58 miles west of the L56D Brady Link. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement (See Enclosure 1).

The existing roadway on this segment of I-80 consists of the following:

- MM 185.74 – MM 189.98: The existing roadway on this segment of I-80 consists of four 12-foot wide concrete lanes separated by a depressed grass median, 6-foot wide inside shoulders, of which 4 feet is paved with concrete, and 12-foot wide outside shoulders, of which 10 feet is paved with concrete.
- MM 189.98 – MM 198.40: The existing roadway on this segment of I-80 consists of four 12-foot wide composite lanes separated by a depressed grass median, 6-foot wide inside shoulders, of which 4 feet is paved with asphalt overtop of concrete, and 12-foot wide outside shoulders, of which 10 feet is paved with asphalt overtop of concrete.

The improvements on this project consist of milling and resurfacing the existing roadway and surfaced shoulders with asphalt. Ramps at S56A and the Rest Areas would be milled and resurfaced.

Scope details include:

- Grading beyond the hinge point would be required for the following work:
  - Guardrail
  - Earth shoulder construction
- Grading beyond the hinge point may be required for the following work (Roadway Design would make a determination at Plan-in-Hand):
  - Lighting
  - Fill slopes
- There are 52 culverts along this segment, 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 are anticipated at this time; however, a final determination would be made at Plan-in-Hand. The following work may be required:
  - Culvert ends require extension beyond the lateral obstacle clear zone.
  - Existing culvert headwalls within the lateral obstacle clear zone would be removed and replaced with flared end sections.
- Guardrail
  - Remove and replace guardrail with grading beyond the hinge point
- The deck on the bridge over the Interstate (Structure Number S080 19045) would be repaired prior to resurfacing with asphalt.
- 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.
- Surfacing would be placed under the guardrail.
- The existing earth shoulders would be brought up to match the new asphalt.
- Short segments of the existing surface shoulders south and north of the ramp terminals would be removed and replaced with asphalt.
- 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.
- Permanent pavement markings would be applied to all new surfacing.
- Existing street lighting may be removed and replaced.
- No additional property rights would be required to build this project.
- This project would be constructed under traffic with lane closures controlled with approved temporary traffic control.

Area of Potential Effects (APE):

The APE for archeological properties and standing structures was chosen to adequately identify any historic properties that may be potentially altered by this undertaking (see Enclosure 2). 3R (Resurfacing, Restoration, and Rehabilitation) projects, such as this one, focus primarily on the

preservation and extension of the service life of existing facilities and on safety enhancements. Anticipated 3R project activities can include: resurfacing pavement, structural and joint repair, minor lane or shoulder widening, and minor alterations to vertical grades that do not require substantial ground disturbance, bridge repair, removal or protection of roadside obstacles, and installation of ADA compliant curb ramps. Project activities occur within existing rights-of-way or within minimal new rights-of-way and do not introduce new structural or visual elements.

To accommodate any potential minor changes in the above project descriptions that might occur during continued project development, the APE for *direct* effects includes the Interstate-80 roadway and shoulders to be resurfaced as well as areas immediately surrounding all shoulders, ditches, bridges, guardrail, and culverts locations. No detour routes are required. Definition of a broader *indirect* APE for secondary or cumulative impacts is not required in this instance.

Archeology:
This proposed undertaking was evaluated by NSHS archeologist, Amy Koch on February 21, 2013. Consultation with the NSHS cultural resources GIS database and General Land Office Survey maps revealed no archeological sites within the project APE.

This project primarily involves resurfacing the existing roadway and shoulders. No additional right-of-way is anticipated. Consultation with recent (2012) Google Earth images of the project area revealed grading within the existing right-of-way for guardrail replacement, earth shoulder construction and asphalt match, lighting, fill slopes, and culvert work would occur in soils heavily disturbed by previous roadway/shoulder construction. Given the scale and scope of the undertaking, no further archeological evaluation is recommended. The project would not impact archeological historic properties.

Standing Structures:
Consultation with recent (2012) Google Earth images of the project area revealed no standing structures within the project APE with the exception of four bridges. These bridges (S080 19045, S080 19243, S080 19679, and S080 19784) are not identified as eligible structures in the Nebraska inventories of bridges before 1947 or of those from 1947 to 1965. These inventories, which were a joint effort between the Nebraska Department of Roads and the NeSHPO, evaluated the National Register eligibility of all bridges in the state. The bridges are not listed in the inventories as eligible for inclusion on the National Register of Historic Places because they do not possess the necessary engineering/design significance to be considered eligible.

It is recommended that the Maxwell-Brady undertaking would have no effect to historic or architectural properties.

Recommended Effects:
The proposed undertaking, Maxwell-Brady would not affect historic properties and the Federal Highway Administration recommends a finding of "no historic properties affected" and respectfully requests NeSHPO concurrence with this determination.

If you have any questions regarding this information, please do not hesitate to contact me at your earliest convenience.

Sincerely yours,

for Melissa Maiefski
Program Delivery Team Lead

Enclosures

CONCUR:

L. Robert Puschendorf, Deputy State Historic Preservation Officer Date 4/2/13

Nebraska Department of Roads

Planning and Project Development

Hazardous Materials Memorandum

Date: September 18, 2015

To: Caitlin Fitzpatrick, Highway Environmental/NEPA Specialist, Planning and Project Development

From: Will Packard, Highway Environmental Specialist, Planning and Project Development

Subject: Hazardous Materials Review Memo for the NDOR Project Maxwell to Brady (C.N. 61429).

Overview

A hazardous materials review (HMR) was completed by FHU for the Maxwell to Brady project and approved by NDOR on April 28, 2015. A HMR was required for this project because the scope of work exceeds the project exemptions. The purpose of the HMR is to identify environmental concerns associated with hazardous materials and petroleum products which could potentially be encountered during the construction project. This memo summarizes the conclusions and applicable mitigation measures found in the HMR and assists the Environmental Documents manager in completing the Hazardous Materials section of the CE Determination Form for Federal-Aid Projects.

Hazardous Material Sites and Impacts

The HMR identified two facilities where releases have occurred within the hazardous materials study area. The I-80 Westbound Rest Area (M.M. 194) and Ranchland C-Store (8894 S Spur 56A) both had small releases (75-150 gallon) of diesel fuel from trucks. In addition, UST tanks were removed from the Ranchland C-Store property in 1996. All programs were granted a no further remedial action (NFA) status. Based on the minimal extent of the releases, the distance from construction activities to the releases and the NFA status for each site, there is a low potential of encountering contamination during the construction of the project.

Asbestos

The scope of bridge work on structure S080 19045 does not require an asbestos survey or lead mitigation. No lead or asbestos commitments are required.

Unexpected Waste Commitment

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).

Sincerely,

Will Packard 9/18/15

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

NDOR

Nebraska Department of Roads

Planning and Project Development

Memorandum

Date: June 5, 2014

To: Caitlin Fitzpatrick, Highway Environmental/NEPA Specialist, Planning and Project Development

From: Will Packard, Highway Environmental Specialist, Planning and Project Development

Subject: Noise study determination memo for the NDOR project Maxwell to Brady (C.N. 61429) in Lincoln County, NE

The NDOR Noise Section staff has reviewed the DR-73 form and project description for Maxwell to Brady project to determine if a noise study is warranted. The proposed shoulder widening of two feet would not halve the distance between the noise source and nearest receptor. This project does not fit the definition of a Type I project and is therefore exempt from a noise study.

Sincerely,

Will Packard — 6/5/14

Name — Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

To: Carla Ahlschwede, Highway Environmental Biologist/NEPA Specialist, NDOR
From: Chris Hassler, Highway Civil Rights Specialist, NDOR
Date: 3 February 2014
RE: Civil Rights Analysis, CN 61429, IM-80-4-(139), Maxwell to Brady

Civil Rights Analysis for CN 61429

This project will perform resurfacing on I-80 in Lincoln County. There will be no detour for this project.

Limited English Proficiency Analysis:

The Limited English Proficiency data for the relevant project area is as follows:

Area	% of Population that Speaks ONLY English	Languages Other Than English Spoken by 5% or Greater of the Total Population*	Population of Area
Lincoln County	96%	None	About 34,000

* These figures reflect the population of an area that speaks a language other than English, and also speaks English "Less than Very Well."

These figures do not indicate the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. No LEP outreach is recommended for this project.

Environmental Justice Analysis:

For Environmental Justice purposes, it's not accurate or helpful to consider the surrounding population for these project areas. These projects are not on residential streets, likely to be used primarily by the immediately surrounding community. This length of roadway is used overwhelmingly by the trucking industry and the travelling American public. There are no small, neighborhood streets that have immediate access to this roadway; there are occasional on-ramps, as with any Interstate highway. It's misleading to discuss the surrounding population, as if this roadway is a residential thoroughfare rather than an arterial roadway that provides an autonomous, insulated channel through the areas it traverses.

Regardless of the roadway's relationship to the surrounding population, there will be no disproportionately high and adverse human health or environmental effects visited upon minority and low-income populations, as defined in USDOT Order 5610.2(a), for the following reasons:

> There will be no detours or permanent road closures. Traffic will continue to flow throughout the project.
>
> No Right-of-Way is being acquired.
>
> Access to adjacent businesses and residences will remain unimpeded.

There will be no isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community

There will be no restrictions of access to essential services.

There will be no relocations or building removal.

To: NDOR Environmental
From: Sarah Kugler, Public Involvement Manager, NDOR
Date: 18 May, 2016
RE: Public Involvement Summary Report, IM-80-4(139) Maxwell-Brady; C.N. 61429

Public Involvement Outreach Requirements for Public Involvement: C.N. 61429, IM-80-4(139), Maxwell-Brady

To address FHWA's concern in the reviewed CE document previously submitted, in regard to the previous recommendation to notify the trucking industry, as well as Lincoln County Tourism, of temporary closures of the Brady Rest Areas adjacent to the proposed Maxwell-Brady project, NDOR Public Involvement and Roadway Design reached out to the two entities via phone call on 5/18/16, at approximately 1:00 PM. NDOR was not able to get in touch with the Nebraska Trucking Association. NDOR was able to speak with Muriel Clark, assistant Director of Lincoln County Tourism, who received information of the overall project scope, schedule, impacts, and additional design details. Both entities will receive follow-up letters with general project information and contact information.

May 18, 2016

Larry Johnson
1701 K St
PO Box 81010
Lincoln NE 68501

Re: Project No. IM-80-4(139)
Also Known As: Maxwell-Brady
Control No. 61429

Dear Mr. Johnson:

The Nebraska Department of Roads (NDOR) is proposing a project located along Interstate 80 (I-80) in Lincoln County. The proposed project would begin approximately 4.71 miles west of S-56A Maxwell Spur at mile marker (MM) 185.74, and extend east 12.66 miles to MM 198.40, approximately 0.58 miles west of the L-56D Brady Link.

This project is a 3R (Resurfacing, Restoration, Rehabilitation) project. Construction would involve resurfacing 12.66 miles of the westbound (WB) and eastbound (EB) lanes on I-80, with an asphalt concrete overlay. The proposed project would include grading a safety section, culvert, ramp, and guardrail work. Additional work would include work within the two Brady Rest Areas adjacent to the project near MM 194.00.

The proposed project would be constructed under traffic with lane closures approved with temporary traffic control. This project would not require the acquisition of additional property rights. The proposed project is tentatively scheduled to begin in summer of 2017 and complete by fall of 2018. The rest areas may be closed up to a maximum of 45 days in the 2017 construction season to repair pavement. Limited restrictions to access may occur following the closures; however, additional closures beyond those scheduled are not anticipated.

Please feel free to contact me with any questions or concerns regarding this project.

NDOR understands that roadway construction may cause temporary inconvenience and hardships, but we are dedicated to improving Nebraska's highway system. With your help, we can achieve this goal.

Sincerely,

Mike Owen, PE
Roadway Design Engineer
Nebraska Department of Roads
(402) 479-4601
mike.owen@nebraska.gov

MO:DES8-DY

May 18, 2016

Muriel Clark
101 Halligan Dr
North Platte NE 69101

Re: Project No. IM-80-4(139)
Also Known As: Maxwell-Brady
Control No. 61429

Dear Mrs. Clark:

The Nebraska Department of Roads (NDOR) is proposing a project located along Interstate 80 (I-80) in Lincoln County. The proposed project would begin approximately 4.71 miles west of S-56A Maxwell Spur at mile marker (MM) 185.74, and extend east 12.66 miles to MM 198.40, approximately 0.58 miles west of the L-56D Brady Link.

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Sincerely,

Mike Owen, PE
Roadway Design Engineer
Nebraska Department of Roads
(402) 479-4601
mike.owen@nebraska.gov

MO:DES8-DZ