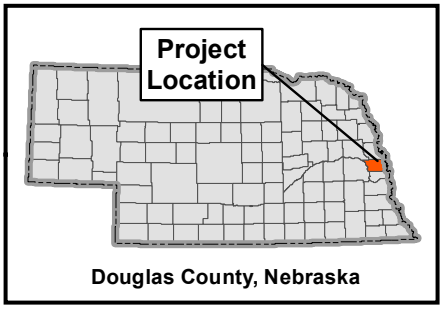

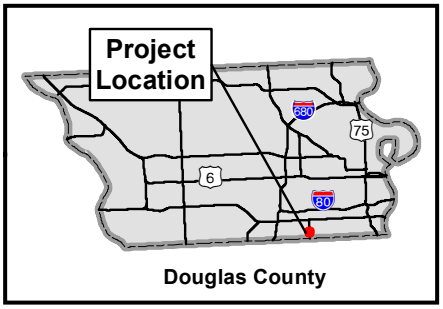

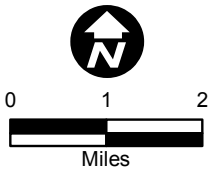

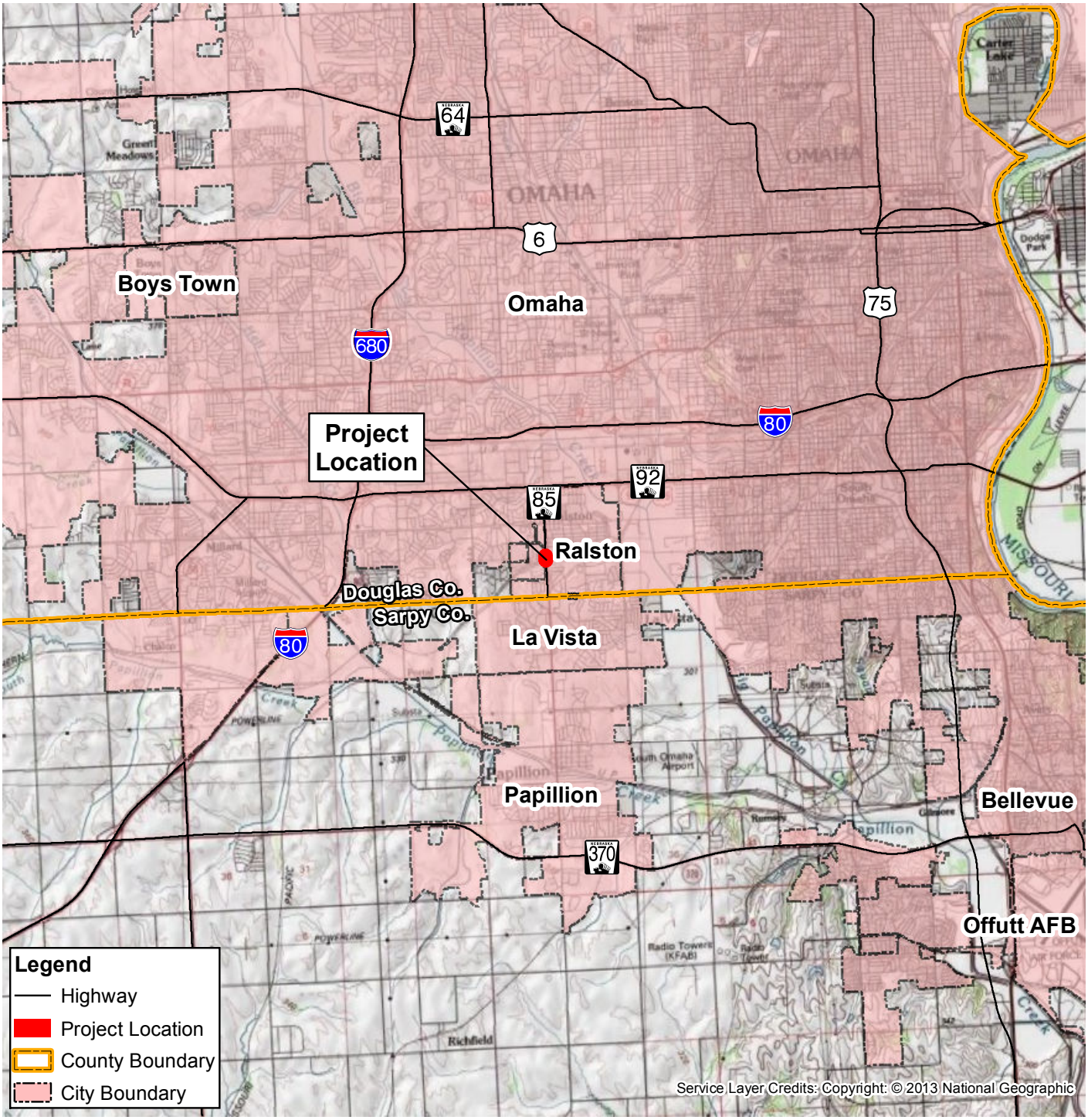

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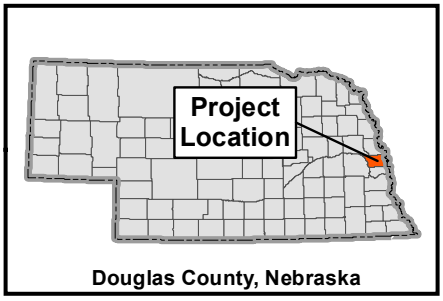
NDOR
Nebraska Department of Roads

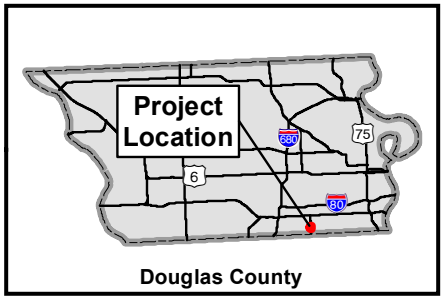
Project Location

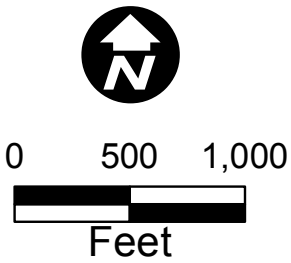
Ralston Viaduct
Project Number: NH-85-2(111)
Control Number: 22203

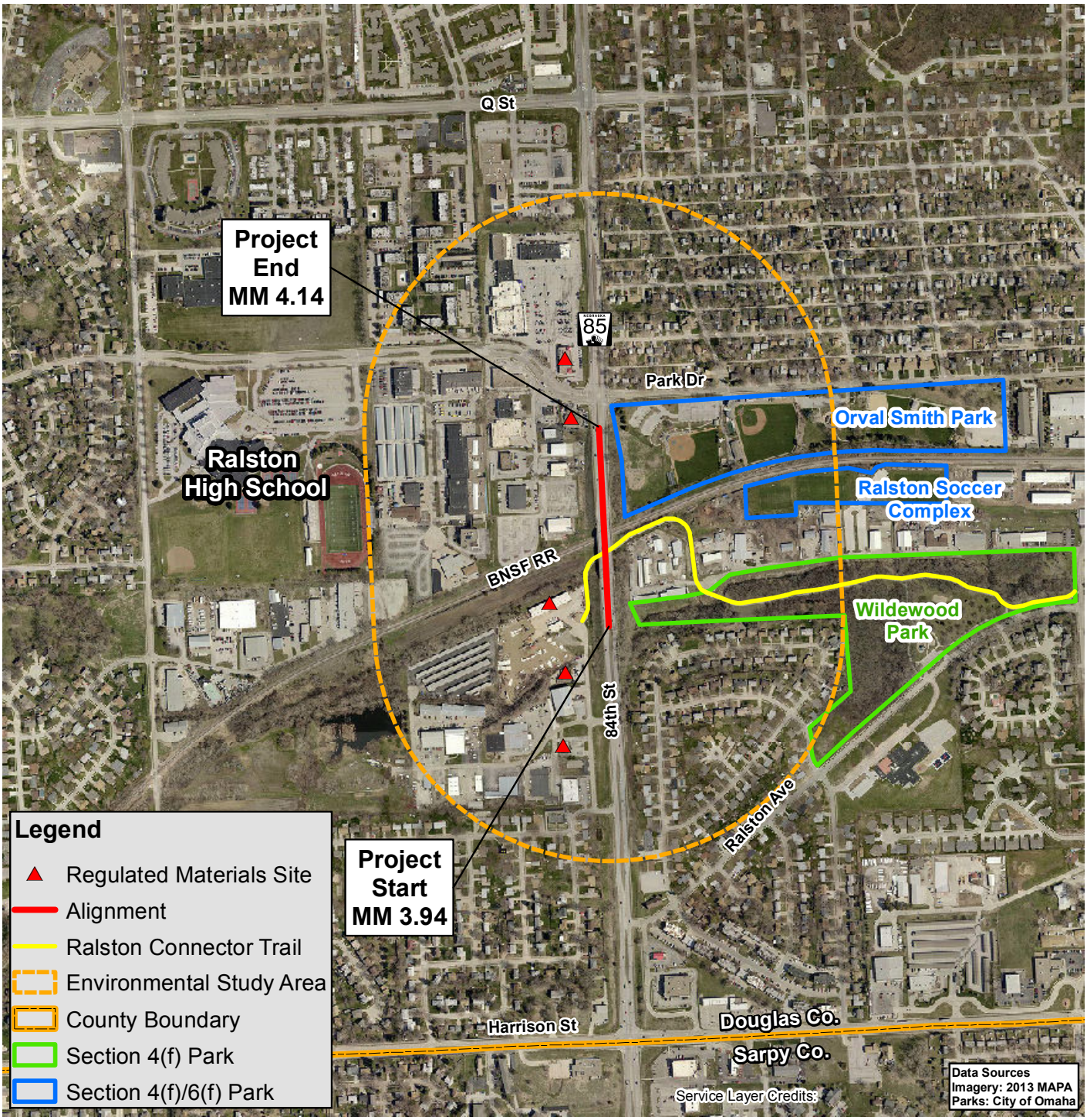
DATE
May 2016

FIGURE
1









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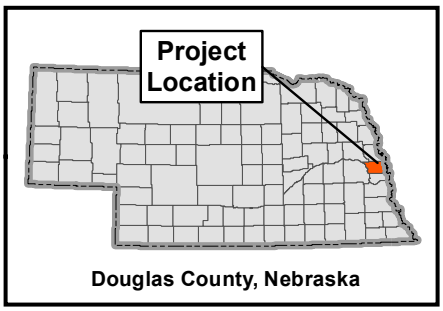
NDOR
Nebraska Department of Roads

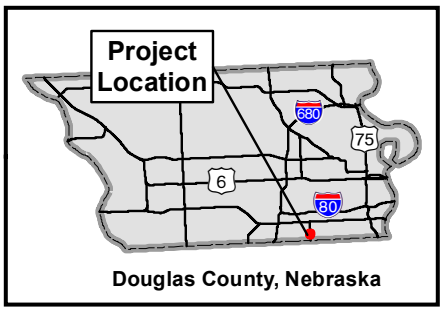
Environmental Study Area

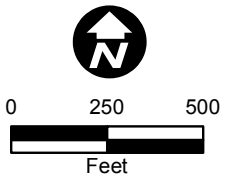
Ralston Viaduct
Project Number: NH-85-2(111)
Control Number: 22203

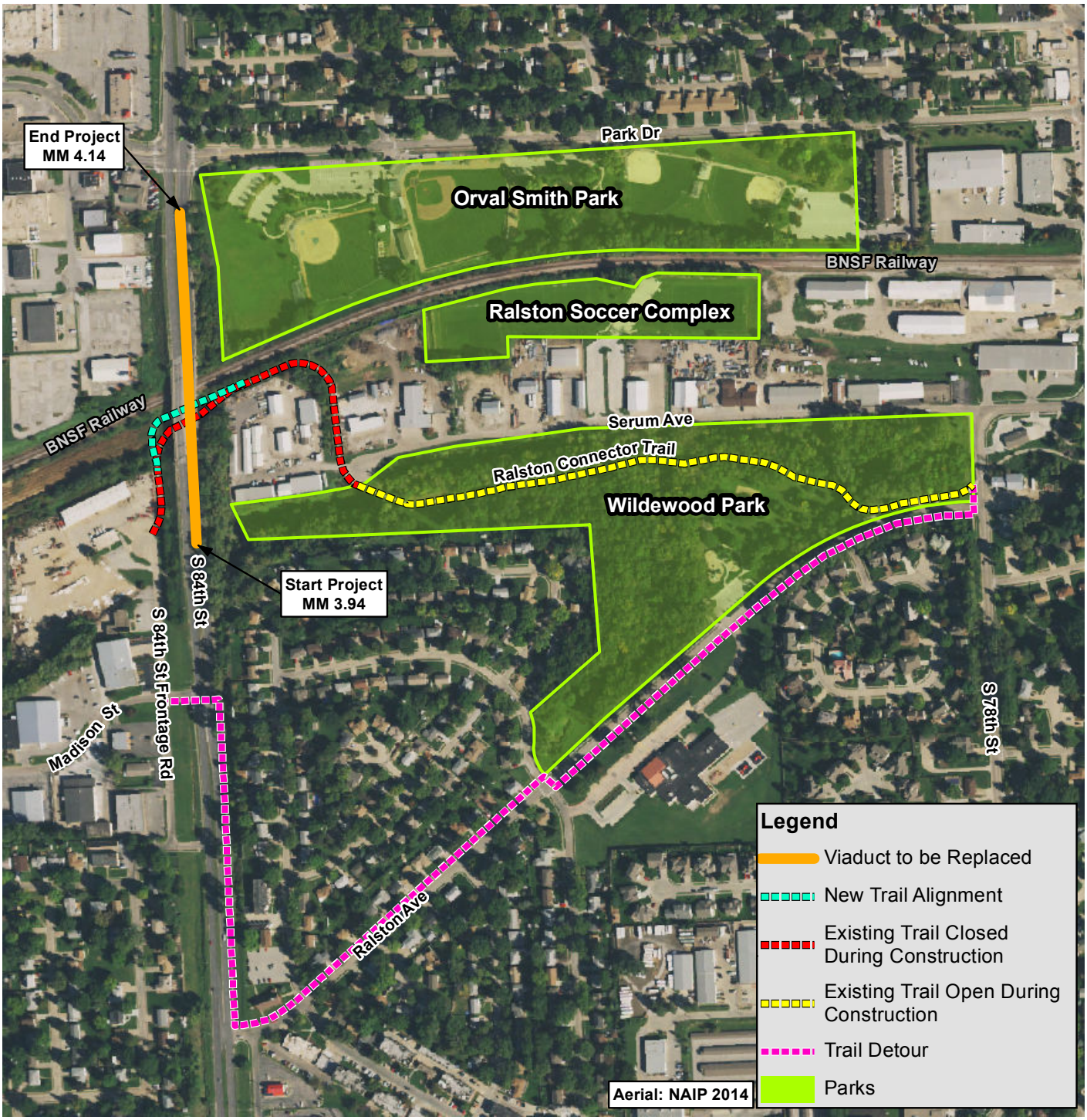
DATE
May 2016

FIGURE
2









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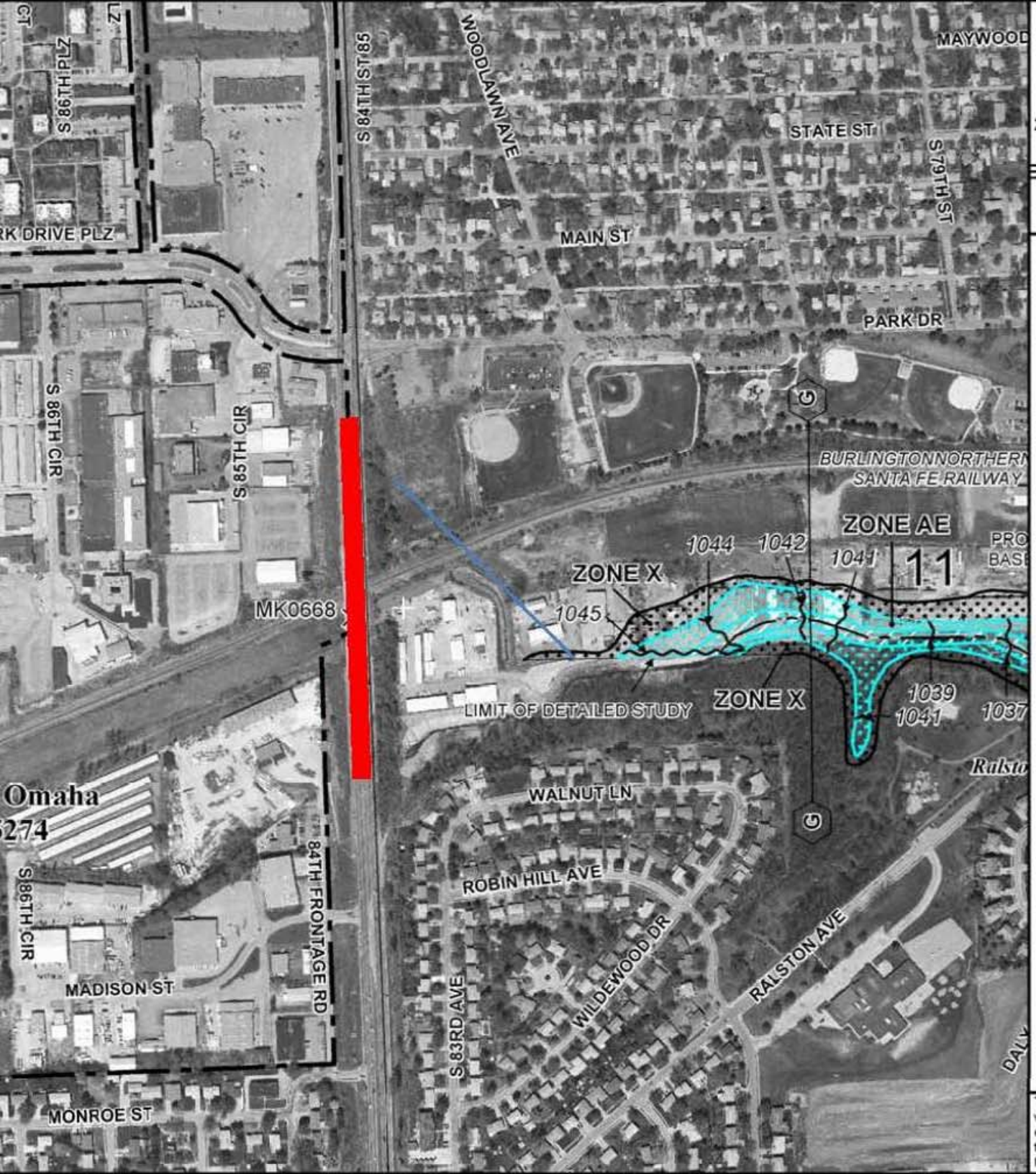
NDOR
Nebraska Department of Roads

Ralston Connector Trail Detour and New Alignment

Ralston Viaduct
Project Number: NH-85-2(111)
Control Number: 22203

DATE
May 2016

FIGURE
3



MAP SCALE 1" = 500'

250 0 500 1000 FEET

METE

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0333H

FIRM

FLOOD INSURANCE RATE MAP

DOUGLAS COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 333 OF 360

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
OMAHA, CITY OF	315274	0333	H
RALSTON, CITY OF	310077	0333	H

Ralston Viaduct
NH-85-2(111)
CN 22203

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
31055C0333H

EFFECTIVE DATE
DECEMBER 2, 2005

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.g

From:	Wacker, Craig
To:	Franco, Jeffrey
Cc:	Sampson, Schuyler
Subject:	RE: NDOR Roadway Project CN 22203, Ralston Viaduct 6(f) Avoidance Measure Concurrence
Date:	Thursday, December 03, 2015 3:13:47 PM

Jeff,
I've reviewed the new plan for the Ralston Viaduct and since it will no longer require an encroachment into the 6(f) protected park this project will not have a significant impact on the protected property. If you would like a hard copy concurrence please let me know and I'll get one sent out to you.
Thank You

Craig Wacker AICP
Nebraska Game and Parks Commission
402-471-5424

From: Franco, Jeffrey [mailto:Jeffrey.Franco@hdrinc.com]
Sent: Thursday, December 03, 2015 2:23 PM
To: Wacker, Craig
Cc: Sampson, Schuyler
Subject: NDOR Roadway Project CN 22203, Ralston Viaduct 6(f) Avoidance Measure Concurrence

Hi Craig,

Back in July, Carrie Wencel of the Nebraska Department of Roads (NDOR) exchanged correspondence with you regarding a potential impact on Orval Smith Park (the Park), a Section 6(f) encumbered property (see below). At that time, the subject project held the potential to impact approximately 4,000 square feet of the Park; however, since that time, NDOR has adjusted project plans to avoid impacts on the Park. Plan adjustments include the installation of a retaining wall located entirely within NDOR right-of-way and outside of park boundaries in place of an expanded embankment footprint. The attached pdf is a project plan set sheet depicting the approximate location of the retaining wall in relation to the park's eastern boundary (the previous location of potential Park impact). NDOR is of the opinion that the installation of the proposed retaining wall would successfully avoid any impacts on the Park. After review of the attached figure, if you agree that the proposed retaining wall would successfully avoid any impact on the Park, would you please provide your written concurrence? Please feel free to contact me by email or phone with any questions.

Thanks again,

Jeff

Jeff Franco
D 402-399-1317 **M** 402-312-5951

hdrinc.com/follow-us

From: Wacker, Craig [mailto:craig.wacker@nebraska.gov]
Sent: Friday, July 17, 2015 9:19 AM
To: Wencel, Carrie
Cc: Franco, Jeffrey; Sampson, Schuyler
Subject: RE: Ralston Viaduct, 85-2(111), C.N. 22203

Carrie,
Attached is the 6(f) map for the encumbered area. The way the Land and Water Conservation Fund program works is once a park has utilized a LWCF grant the entire park boundary is protected into perpetuity. So regardless of where the funds were spent if additional ROW is required that takes land away from the park boundary we will have to complete a conversion.
A conversion requires that we replace the land being removed from protection with land of equal or greater monetary and recreational value. In the case of this project the park will lose minimal recreation value so the emphasis will be on monetary value. The City will need to purchase and protect new park land to replace what is being lost, and we will need to do an appraisal and environmental analysis on both parcels. If you have questions it would probably be best to talk on the phone or have a meeting to talk about the process and what all is required.
Thanks

Craig Wacker AICP
Nebraska Game and Parks Commission
402-471-5424

From: Wencel, Carrie
Sent: Monday, July 13, 2015 4:17 PM
To: Wacker, Craig
Cc: Franco, Jeffrey
Subject: Ralston Viaduct, 85-2(111), C.N. 22203

Hi Craig,

Jeff Franco with HDR called me last week regarding a project that could now be impacting 6(f). The Ralston Viaduct Project is anticipating a need for ROW. This ROW would be acquired from the Orval Smith Park (which I believe you have identified as at least having 6(f) features). Approximately 4000 sq. ft. would be needed to accommodate additional embankment for the height increase of the new viaduct. I have attached the preliminary ROW plans. The orange dashed double lines are the existing ROW lines and the blue solid line is the designed new ROW line.

Would you be able to tell us specifically where the 6(f) funds were spent in regards to the park? And if the attached image of the preliminary ROW needed would be impacting anything that 6(f) funds may have helped purchase?

Thanks in advance,

Carrie Wencel
Highway Environmental Biologist/NEPA Specialist
Planning & Project Development
Nebraska Department of Roads
1400 Highway 2, PO Box 94759 | Lincoln, NE 68509
Office: 402.479.4836
carrie.wencel@nebraska.gov

Wetlands PQS Memorandum

DATE 3/29/2016

TO Carrie Wencel, NDOR EDU

FROM Roger Yerdon, NDOR EPU

SUBJECT Wetlands PQS Memo
Project No: NH-85-2(111)
Control No: 22203
Project Name: Ralston Viaduct

☒A wetland delineation was completed 9/23/2013
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 ☐ No ☐ Not Applicable

Describe resources, <u>potential</u> impacts and anticipated permit type (*Include estimated permanent wetland impacts (acres). If known, also provide estimated temporary wetland impacts (acres), estimated channel impacts (linear feet/acres), special wetland areas, cause of impacts, and any Nationwide Permit information.*): Permanent impacts to PEMA/PEMC wetlands are anticipated to be approximately 0.102 acres and impacts due to filled stream channel are anticipated to be approximately 0.0036 ac (41 ft). No temporary impacts are anticipated with this project. The project will require a NWP 14 – Linear Transportation Projects. The impacts will be debited from the Lincoln Bend Wetland Mitigation Bank.

Cowardin Class Impacted (*Select all that apply*)
☒ Palustrine ☐ Riverine ☐ Lacustrine ☐ Not Applicable

Describe any coordination conducted to date with officials/agencies (*Include: Any coordination with USACE*): Coordination was conducted with USACE and NDEQ to obtain a Section 404 permit and a Section 401 permit.

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

Wetlands/Waters of the U.S. Commitments:
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.

Select one of the following:
☐ No wetland impacts are anticipated for this project; however, if impacts are found during design, the required permits shall be obtained prior to letting. NDOR Environmental shall reevaluate the project for the change in impacts. All wetlands within the project area shall be marked on the project plans or listed on Attachment 1of the Environmental Commitment for the Contractor as avoidance areas. (NDOR Design, NDOR Environmental)

☐ The project qualifies under Nationwide Permit # Non-notifying Nationwide Permit Number. The contractor shall adhere to the permit conditions, including regional and general conditions, during construction. (Contractor)

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

Project Description:
This project will reconstruct the viaduct over the Burlington Northern Santa Fe Railroad, on N-85 located in Douglas County, from mile marker (MM) 3+94 to 4+14, 0.52 miles north of the south corporate limits of Ralston.

The existing roadway on this segment of N-85 consists of four 12 foot wide asphalt thru lanes (72 foot B-B, raised median, divided). There is also a sidewalk. The structure has a 28 foot clear roadway width in both the northbound and southbound direction.

The improvements on this project consist of removing and reconstructing Structure Number S085 00402. There will be a grade raise. The approaches and grade beams on pile will be replaced. There will be a raised median and sidewalks. A portion of the existing south spans will be replaced with embankment material. The adjacent pavement will be removed and reconstructed as necessary to accommodate the bridge construction. There will be grading for a new vertical alignment. There will be work on the storm sewer system to match the new grades. Guardrail will be removed and replaced with impact attenuators with surfacing underneath. Fencing will be built to shield roadway embankments for pedestrians. Retaining walls will be constructed.

Scope details include:

- Grading beyond the back of curb will be required for the following work:
    - Bridges
    - Guardrail
    - Earth shoulder construction
    - Removal of old substructure
    - Roadway embankment
    - Roadway grading for vertical alignment to accommodate bridge construction

    - Bikeway realignment
    - Lighting
    - Storm sewer system
- The storm sewer system will be removed and replaced. Pipe underdrains will be built where required and connected to the storm sewer. Storm water management best management practices will be integrated into the storm sewer system.
- The viaduct over the Burlington Northern Santa Fe Railroad tracks (Structure Number S085 00402) will be replaced with a 144 ft. x 88.33 ft. out-to-out width bridge. The approaches and grade beams on pile will be replaced. There will be a raised median and sidewalks. A portion of the south spans will be replaced with embankment material. The existing guardrail will be removed and replaced with impact attenuators.
- Surfacing will be placed under the impact attenuators.
- The existing pavement structure (concrete and foundation course) on the mainline will be removed prior to placement of new concrete pavement and foundation course. The limits of pavement replacement adjacent to the structure will extend from MM 3+94 to 4+14 on the east side and MM 3+94 to 4+13 on the west side.
- The existing sidewalk on the east side of the viaduct will be replaced to the limits of the roadway replacement. A temporary sidewalk will be added on the west side of the viaduct from Park Drive to Madison Street.
- The bikeway under the viaduct will be replaced where it is being impacted by viaduct construction.
- Fencing will be placed at the top of steep embankments and retaining walls.
- 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).
- Because the pavement work is a reconstruction project, the NDOR will comply with the requirements in the Public Rights of Way Accessibility Guidelines (PROWAG) to the maximum extent practicable.
- This project is located within a Municipal Separate Storm Sewer System (MS4) community. Post construction storm water management best management practices will be necessary.
- Permanent pavement markings will be applied to all new surfacing.
- Existing street lighting will be removed and replaced.
- Additional property rights will be required to build this project.
- Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements.
- This project will be constructed under traffic with crossovers and head to head traffic controlled with approved temporary traffic control.
- A radar-based vehicle detector will be added to the existing signal at the intersection of N-85 and Park Drive to detect vehicles in the northbound left-turn lane.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE
8901 SOUTH 154TH STREET, SUITE 1
OMAHA, NEBRASKA 68138-3635

http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx

RECEIVED
NOV 30 2015
ENVIRONMENTAL SECTION

November 23, 2015

DEPARTMENT OF THE ARMY NATIONWIDE PERMIT VERIFICATION

Permittee:
Mr. Tim Weander
District 2 Engineer
Nebraska Department of Roads
4425 South 108th Street
Omaha, Nebraska 68154

Permit No: NWO-2015-01917-WEH

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the U.S. Army Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions of Department of the Army Nationwide Permit No. **14** found in the February 21, 2012 Federal Register (77 FR 10184), Reissuance of Nationwide Permits. You must comply with all special, regional and general conditions attached herein.

Project Waterway and Location:
Ralston Creek, unnamed tributary and wetlands
Section 10, Township 14 North, Range 12 East
41.198730°, -96.042949°
Douglas County, Nebraska

Project Name: Ralston Viaduct, NH-85-2(111), CN 22203

Date of Receipt: September 25, 2015

Additional Information Received: November 4, 2015

Project Description:
The project will reconstruct a viaduct over the Burlington Northern Santa Fe Railway tracks on Nebraska Highway 85 (South 84th Street) located in Douglas County, between mile marker (MM) 3.94 and MM 4.14. The total area of wetlands to be permanently impacted by this project is 0.102 acre. The total area of channel below Ordinary High Water Mark (OHWM) to be permanently impacted by this project is 0.004 acre (41 linear feet). No riprap, temporary impacts, or temporary structures are proposed. Permanent wetland impacts for this project will be mitigated at the Lincoln Bend Wetland Mitigation Bank.

Impacts will occur at the following location:

Site 1 (Sta. 20+99 to 24+08): The existing 312-foot steel girder bridge (S085 00402) will be removed and replaced with a 144-foot by 88-foot bridge with sidewalks and 14-foot raised median. A portion of the existing south viaduct spans will be replaced with 172 feet of embankment. Permanent impacts to 0.102 acre of PEMA/C floodplain depressional wetlands will occur due to the bridge replacement and

associated grading for embankment widening. Permanent impacts to 0.004 acre (41 linear feet) of channel below OHWM will occur due to the bridge replacement and associated grading for embankment widening. This site is located in the vicinity of 41.1989°, -96.0434°, in Section 10, Township 14 North, Range 12 East in Douglas County, Nebraska.

Special Conditions:

1. The permittee shall notify the Nebraska Regulatory Office of any design changes to the proposed project. Notification must be received in our office for review a minimum of 14 days prior to construction.

2. Prior to the commencement of construction activities the following shall be provided to the above Regulatory Office address: project manager or point of contact's name, telephone number and construction start date.

3. Concurrent with construction, silt curtains or other sediment control measures will be employed to reduce soil erosion and sedimentation into waters of the U.S. The amount of sediment entering waters of the U.S. and leaving the site shall be reduced to the maximum extent practicable. If the permittee fails to institute all appropriate measures, the U.S. Army Corps of Engineers (Corps) reserves the option to halt all earthmoving operations until the erosion/ sedimentation problems are corrected.

4. Construction mats or timber mats must be used to minimize heavy machinery impacting any wetlands or waters of the U.S. All mats will be removed upon completion of construction and any disturbance of wetlands or waters of the U.S. will be restored by minor grading to preconstruction conditions. Disturbed areas will be seeded and erosion control measures will be implemented as appropriate.

5. Any temporary fill (i.e. bridge debris, construction debris, etc.) discharged below the OHWM shall be removed on a daily basis. All debris shall be disposed of upland in such a manner that it cannot enter any wetlands or waters the U.S.

6. The FHWA, as the lead federal agency for this project, is responsible for ensuring the project complies with the requirements of Section 106 of the National Historic Preservation Act. FHWA, or its agent, NDOR, has provided the USACE Nebraska Regulatory Office documentation to demonstrate compliance with this requirement and shall provide any additional documentation received to the USACE as part of this requirement.

7. The FHWA, as the lead federal agency for this project, is responsible for ensuring the project complies with the requirements of the Endangered Species Act. FHWA, or its agent, NDOR, has provided the USACE Nebraska Regulatory Office documentation to demonstrate compliance with this requirement and shall provide any additional documentation received (protocol surveys) to the USACE as part of this requirement.

8. The attached Section 401 Water Quality Certification must be adhered to for this authorization to remain valid.

9. The proposed project would result in the unavoidable discharge of fill material into wetlands permanently impacting a total of 0.102 acre of PEMA/C floodplain depressional wetlands. Permanent wetland impacts will be mitigated at the Lincoln Bend Wetland Mitigation Bank. NDOR will debit 0.31 acres of PEMA/C wetland credits from the bank site ledger for this project. The Lincoln Bend Wetland

Mitigation Bank is located in Sections 25 and 36, Township 4 North, Range 16 East, Nemaha County, Nebraska.

Wetland Impacts and Mitigation are as follows:

Wetland ID	Impacted Wetland Type	Subclass	Impact Area (ac.)	Mitigation Wetland Type	Subclass	Ratio	Mitigation Debits (ac.)
Site 1 Wetlands 9	PEMA/C	Floodplain Depression	0.009	PEMA/C	Floodplain Depression	3:1	0.027
Site 1 Wetland 14	PEMA/C	Floodplain Depression	0.093	PEMA/C	Floodplain Depression	3:1	0.279
Total Wetland Impacted			**0.102**	**Total Allocated Mitigation**			**0.31**

10. An updated Lincoln Bend Wetland Mitigation Bank ledger must be received prior to the commencement of filling activities.

Regional Conditions:

1. All areas adjacent (contiguous, bordering, neighboring) to jurisdictional waters disturbed by construction shall be revegetated with appropriate perennial, native grasses and forbs and maintained in this condition. *Phalaris arundinacea* (Reed Canary Grass), *Lythrum salicaria* (Purple Loosestrife), *Bromus inermus* (Smooth Brome), *Phragmites, sp.* (Common Reed, River Reed) and *Tamarix, sp.* (Salt Cedar), are *NOT* appropriate choices of vegetation. A cover crop may be planted to aid in the establishment of native vegetation. The disturbed areas shall be reseeded concurrent with the project or immediately upon completion. Revegetation shall be acceptable when ground cover of desirable species reaches 75%. If this seeding cannot be accomplished by September 15 the year of project completion, then an erosion blanket shall be placed on the disturbed areas. The erosion blanket shall remain in place until ground cover of desirable species reaches 75%. If the seeding can be accomplished by September 15, all seeded areas shall be properly mulched to prevent additional erosion.

2. When the vegetation has become established, all temporary erosion control materials shall be removed from the project site. Biodegradable or photodegradable materials need not be removed.

3. Temporary Structures/Work/Fill
   a. The use of dredged material in the construction of temporary structures or used for temporary work or used as temporary fill shall not be allowed. The term "dredged material" means material that is excavated or dredged from waters of the U.S. All temporary fill material shall be obtained from an upland source.

   b. Plans for the temporary structure/work/fill shall be submitted to and approved by the Nebraska Regulatory Office prior to the commencement of construction.

   c. At the completion of the construction activity, all temporary fill material shall be removed in its entirety from the water of the U.S. to an upland area and the affected area shall be restored to its pre-construction condition.

   d. The Nebraska Regulatory Office shall be notified with documentation (i.e. photos) when the site has been restored to its pre-project condition.

4. The permittee is responsible for ensuring that the Corps is notified of the location of any borrow site that will be used in conjunction with the construction of the authorized activity so that the Corps may evaluate the site for potential impacts to aquatic resources, historic properties, and endangered species. For projects where there is another lead federal agency, the permittee shall provide the Corps documentation indicating that the lead federal agency has complied with the National Historic Preservation Act and Endangered Species Act for the borrow site. The permittee shall not initiate work at the borrow site in conjunction with the authorized activity until approval is received from the Corps.

General Conditions:
See attached NWP #14 Fact Sheet.

Further Information:
1. We have prepared a preliminary jurisdictional determination (JD) for the site which is a written indication that waterways within your project area may be a water of the U.S. Such waters have been treated as jurisdictional waters of the U.S. for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the findings of the enclosed preliminary JD, please sign it and return it to the above address within two weeks.

2. If you believe the preliminary JD is inaccurate, you may request this office complete an approved JD prior to your commencement of any work in a water of the U.S. An approved JD is an official determination regarding the presence or absence of waters of the U.S. Completion of an approved JD may require coordination with the U.S. Environmental Protection Agency.

3. Upon completion of the authorized work and any required mitigation, please sign and return the attached Compliance Certification form to the address listed.

4. This verification will be valid until **March 18, 2017.**

5. Although an individual Department of the Army permit will not be required for the project, this does not eliminate the requirement that you obtain any other applicable federal, state, tribal or local permits as required. Please note that deviations from the original plans and specifications of your project could require additional authorization from this office.

6. You are responsible for all work accomplished in accordance with the terms and conditions of the Nationwide Permit. If a contractor or other authorized representative will be accomplishing the work authorized by the Nationwide Permit in your behalf, it is strongly recommended that they be provided a copy of this letter and the attached conditions so that they are aware of the limitations of the applicable Nationwide Permit. Any activity that fails to comply with all of the terms and conditions of the Nationwide Permit will be considered unauthorized and subject to appropriate enforcement action.

7. The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey on our website at http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey. If you do not have internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

8. If you have any questions concerning this verification or JD, please contact Mr. Adam Nebel at the above address, by phone at (402) 896-0896, or by email at adam.r.nebel@usace.army.mil and refer to file number **2015-01917-WEH.**

Signed John Moeschen

John L. Moeschen
Nebraska State Program Manager

Enclosures

cc:
NDEQ (Garber)
NDOR (Yerdon)
NDOR (Ringenberg)

Nationwide Permit 14

Linear Transportation Projects

Activities required for the construction, expansion, modification, or improvement of linear transportation projects (e.g., roads, highways, railways, trails, airport runways, and taxiways) in waters of the United States. For linear transportation projects in non-tidal waters, the discharge cannot cause the loss of greater than 1/2-acre of waters of the United States. For linear transportation projects in tidal waters, the discharge cannot cause the loss of greater than 1/3-acre of waters of the United States. Any stream channel modification, including bank stabilization, is limited to the minimum necessary to construct or protect the linear transportation project; such modifications must be in the immediate vicinity of the project.

This NWP also authorizes temporary structures, fills, and work necessary to construct the linear transportation project. Appropriate measures must be taken to maintain normal downstream flows and minimize flooding to the maximum extent practicable, when temporary structures, work, and discharges, including cofferdams, are necessary for construction activities, access fills, or dewatering of construction sites. Temporary fills must consist of materials, and be placed in a manner, that will not be eroded by expected high flows. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The areas affected by temporary fills must be revegetated, as appropriate.

This NWP cannot be used to authorize non-linear features commonly associated with transportation projects, such as vehicle maintenance or storage buildings, parking lots, train stations, or aircraft hangars. (Sections 10 and 404)

Note: Some discharges for the construction of farm roads or forest roads, or temporary roads for moving mining equipment, may qualify for an exemption under Section 404(f) of the Clean Water Act (see 33 CFR 323.4).

Nationwide Permit General Conditions

Note: To qualify for NWP authorization, the prospective permittee must comply with the following general conditions, as applicable, in addition to any regional or case-specific conditions imposed by the division engineer or district engineer.

1. Navigation. (a) No activity may cause more than a minimal adverse effect on navigation.

(b) Any safety lights and signals prescribed by the U.S. Coast Guard, through regulations or otherwise, must be installed and maintained at the permittee's expense on authorized facilities in navigable waters of the United States.

(c) The permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structure or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.

2. Aquatic Life Movements. No activity may substantially disrupt the necessary life cycle movements of those species of aquatic life indigenous to the waterbody, including those species that normally migrate through the area, unless the activity's primary purpose is to impound water. All permanent and temporary crossings of waterbodies shall be suitably culverted, bridged, or otherwise designed and constructed to maintain low flows to sustain the movement of those aquatic species.

3. Spawning Areas. Activities in spawning areas during spawning seasons must be avoided to the maximum extent practicable. Activities that result in the physical destruction (e.g., through excavation, fill, or downstream smothering by substantial turbidity) of an important spawning area are not authorized.

4. Migratory Bird Breeding Areas. Activities in waters of the United States that serve as breeding areas for migratory birds must be avoided to the maximum extent practicable.

5. Shellfish Beds. No activity may occur in areas of concentrated shellfish populations, unless the activity is directly related to a shellfish harvesting activity authorized by NWPs 4 and 48, or is a shellfish seeding or habitat restoration activity authorized by NWP 27.

6. Suitable Material. No activity may use unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.). Material used for construction or discharged must be free from toxic pollutants in toxic amounts (see Section 307 of the Clean Water Act).

7. Water Supply Intakes. No activity may occur in the proximity of a public water supply intake, except where the activity is for the repair or improvement of public water supply intake structures or adjacent bank stabilization.

8. Adverse Effects From Impoundments. If the activity creates an impoundment of water, adverse effects to the aquatic system due to accelerating the passage of water, and/or restricting its flow must be minimized to the maximum extent practicable.

9. Management of Water Flows. To the maximum extent practicable, the pre-construction course, condition, capacity, and location of open waters must be maintained for each activity, including stream channelization and storm water management activities, except as provided below. The activity must be constructed to withstand expected high flows. The activity must not restrict or impede the passage of normal or high flows, unless the primary purpose of the activity is to impound water or manage high flows. The activity may alter the pre-

construction course, condition, capacity, and location of open waters if it benefits the aquatic environment (e.g., stream restoration or relocation activities).

10. Fills Within 100-Year Floodplains. The activity must comply with applicable FEMA-approved state or local floodplain management requirements.

11. Equipment. Heavy equipment working in wetlands or mudflats must be placed on mats, or other measures must be taken to minimize soil disturbance.

12. Soil Erosion and Sediment Controls. Appropriate soil erosion and sediment controls must be used and maintained in effective operating condition during construction, and all exposed soil and other fills, as well as any work below the ordinary high water mark or high tide line, must be permanently stabilized at the earliest practicable date. Permittees are encouraged to perform work within waters of the United States during periods of low-flow or no-flow.

13. Removal of Temporary Fills. Temporary fills must be removed in their entirety and the affected areas returned to pre-construction elevations. The affected areas must be revegetated, as appropriate.

14. Proper Maintenance. Any authorized structure or fill shall be properly maintained, including maintenance to ensure public safety and compliance with applicable NWP general conditions, as well as any activity-specific conditions added by the district engineer to an NWP authorization.

15. Single and Complete Project. The activity must be a single and complete project. The same NWP cannot be used more than once for the same single and complete project.

16. Wild and Scenic Rivers. No activity may occur in a component of the National Wild and Scenic River System, or in a river officially designated by Congress as a "study river" for possible inclusion in the system while the river is in an official study status, unless the appropriate Federal agency with direct management responsibility for such river, has determined in writing that the proposed activity will not adversely affect the Wild and Scenic River designation or study status. Information on Wild and Scenic Rivers may be obtained from the appropriate Federal land management agency responsible for the designated Wild and Scenic River or study river (e.g., National Park Service, U.S. Forest Service, Bureau of Land Management, U.S. Fish and Wildlife Service).

17. Tribal Rights. No activity or its operation may impair reserved tribal rights, including, but not limited to, reserved water rights and treaty fishing and hunting rights.

18. Endangered Species. (a) No activity is authorized under any NWP which is likely to directly or indirectly jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act (ESA), or which will directly or indirectly destroy or adversely modify the critical habitat of such species. No activity is authorized under any NWP which "may affect" a listed species or critical

habitat, unless Section 7 consultation addressing the effects of the proposed activity has been completed.

(b) Federal agencies should follow their own procedures for complying with the requirements of the ESA. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address ESA compliance for the NWP activity, or whether additional ESA consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if any listed species or designated critical habitat might be affected or is in the vicinity of the project, or if the project is located in designated critical habitat, and shall not begin work on the activity until notified by the district engineer that the requirements of the ESA have been satisfied and that the activity is authorized. For activities that might affect Federally-listed endangered or threatened species or designated critical habitat, the pre-construction notification must include the name(s) of the endangered or threatened species that might be affected by the proposed work or that utilize the designated critical habitat that might be affected by the proposed work. The district engineer will determine whether the proposed activity "may affect" or will have "no effect" to listed species and designated critical habitat and will notify the non-Federal applicant of the Corps' determination within 45 days of receipt of a complete pre-construction notification. In cases where the non-Federal applicant has identified listed species or critical habitat that might be affected or is in the vicinity of the project, and has so notified the Corps, the applicant shall not begin work until the Corps has provided notification the proposed activities will have "no effect" on listed species or critical habitat, or until Section 7 consultation has been completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(d) As a result of formal or informal consultation with the FWS or NMFS the district engineer may add species-specific regional endangered species conditions to the NWPs.

(e) Authorization of an activity by a NWP does not authorize the "take" of a threatened or endangered species as defined under the ESA. In the absence of separate authorization (e.g., an ESA Section 10 Permit, a Biological Opinion with "incidental take" provisions, etc.) from the U.S. FWS or the NMFS, The Endangered Species Act prohibits any person subject to the jurisdiction of the United States to take a listed species, where "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. The word "harm" in the definition of "take" means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

(f) Information on the location of threatened and endangered species and their critical habitat can be obtained directly from the offices of the U.S. FWS and NMFS or their world wide web pages at http://www.fws.gov/ or http://www.fws.gov/ipac and http://www.noaa.gov/fisheries.html respectively.

19. Migratory Birds and Bald and Golden Eagles. The permittee is responsible for obtaining any "take" permits required under the U.S. Fish and Wildlife Service's regulations governing compliance with the Migratory Bird Treaty Act or the Bald and Golden Eagle Protection Act. The permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such "take" permits are required for a particular activity.

20. <u>Historic Properties</u>. (a) In cases where the district engineer determines that the activity may affect properties listed, or eligible for listing, in the National Register of Historic Places, the activity is not authorized, until the requirements of Section 106 of the National Historic Preservation Act (NHPA) have been satisfied.

(b) Federal permittees should follow their own procedures for complying with the requirements of Section 106 of the National Historic Preservation Act. Federal permittees must provide the district engineer with the appropriate documentation to demonstrate compliance with those requirements. The district engineer will review the documentation and determine whether it is sufficient to address section 106 compliance for the NWP activity, or whether additional section 106 consultation is necessary.

(c) Non-federal permittees must submit a pre-construction notification to the district engineer if the authorized activity may have the potential to cause effects to any historic properties listed on, determined to be eligible for listing on, or potentially eligible for listing on the National Register of Historic Places, including previously unidentified properties. For such activities, the pre-construction notification must state which historic properties may be affected by the proposed work or include a vicinity map indicating the location of the historic properties or the potential for the presence of historic properties. Assistance regarding information on the location of or potential for the presence of historic resources can be sought from the State Historic Preservation Officer or Tribal Historic Preservation Officer, as appropriate, and the National Register of Historic Places (see 33 CFR 330.4(g)). When reviewing pre-construction notifications, district engineers will comply with the current procedures for addressing the requirements of Section 106 of the National Historic Preservation Act. The district engineer shall make a reasonable and good faith effort to carry out appropriate identification efforts, which may include background research, consultation, oral history interviews, sample field investigation, and field survey. Based on the information submitted and these efforts, the district engineer shall determine whether the proposed activity has the potential to cause an effect on the historic properties. Where the non-Federal applicant has identified historic properties on which the activity may have the potential to cause effects and so notified the Corps, the non-Federal applicant shall not begin the activity until notified by the district engineer either that the activity has no potential to cause effects or that consultation under Section 106 of the NHPA has been completed.

(d) The district engineer will notify the prospective permittee within 45 days of receipt of a complete pre-construction notification whether NHPA Section 106 consultation is required. Section 106 consultation is not required when the Corps determines that the activity does not have the potential to cause effects on historic properties (see 36 CFR §800.3(a)). If NHPA section 106 consultation is required and will occur, the district engineer will notify the non-Federal applicant that he or she cannot begin work until Section 106 consultation is completed. If the non-Federal applicant has not heard back from the Corps within 45 days, the applicant must still wait for notification from the Corps.

(e) Prospective permittees should be aware that section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances

justify granting such assistance despite the adverse effect created or permitted by the applicant. If circumstances justify granting the assistance, the Corps is required to notify the ACHP and provide documentation specifying the circumstances, the degree of damage to the integrity of any historic properties affected, and proposed mitigation. This documentation must include any views obtained from the applicant, SHPO/THPO, appropriate Indian tribes if the undertaking occurs on or affects historic properties on tribal lands or affects properties of interest to those tribes, and other parties known to have a legitimate interest in the impacts to the permitted activity on historic properties.

21. Discovery of Previously Unknown Remains and Artifacts. If you discover any previously unknown historic, cultural or archeological remains and artifacts while accomplishing the activity authorized by this permit, you must immediately notify the district engineer of what you have found, and to the maximum extent practicable, avoid construction activities that may affect the remains and artifacts until the required coordination has been completed. The district engineer will initiate the Federal, Tribal and state coordination required to determine if the items or remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

22. Designated Critical Resource Waters. Critical resource waters include, NOAA-managed marine sanctuaries and marine monuments, and National Estuarine Research Reserves. The district engineer may designate, after notice and opportunity for public comment, additional waters officially designated by a state as having particular environmental or ecological significance, such as outstanding national resource waters or state natural heritage sites. The district engineer may also designate additional critical resource waters after notice and opportunity for public comment.

(a) Discharges of dredged or fill material into waters of the United States are not authorized by NWPs 7, 12, 14, 16, 17, 21, 29, 31, 35, 39, 40, 42, 43, 44, 49, 50, 51, and 52 for any activity within, or directly affecting, critical resource waters, including wetlands adjacent to such waters.

(b) For NWPs 3, 8, 10, 13, 15, 18, 19, 22, 23, 25, 27, 28, 30, 33, 34, 36, 37, and 38, notification is required in accordance with general condition 31, for any activity proposed in the designated critical resource waters including wetlands adjacent to those waters. The district engineer may authorize activities under these NWPs only after it is determined that the impacts to the critical resource waters will be no more than minimal.

23. Mitigation. The district engineer will consider the following factors when determining appropriate and practicable mitigation necessary to ensure that adverse effects on the aquatic environment are minimal:

(a) The activity must be designed and constructed to avoid and minimize adverse effects, both temporary and permanent, to waters of the United States to the maximum extent practicable at the project site (i.e., on site).

(b) Mitigation in all its forms (avoiding, minimizing, rectifying, reducing, or compensating for resource losses) will be required to the extent necessary to ensure that the adverse effects to the aquatic environment are minimal.

(c) Compensatory mitigation at a minimum one-for-one ratio will be required for all wetland losses that exceed 1/10-acre and require pre-construction notification, unless the district

engineer determines in writing that either some other form of mitigation would be more environmentally appropriate or the adverse effects of the proposed activity are minimal, and provides a project-specific waiver of this requirement. For wetland losses of 1/10-acre or less that require pre-construction notification, the district engineer may determine on a case-by-case basis that compensatory mitigation is required to ensure that the activity results in minimal adverse effects on the aquatic environment. Compensatory mitigation projects provided to offset losses of aquatic resources must comply with the applicable provisions of 33 CFR part 332.

(1) The prospective permittee is responsible for proposing an appropriate compensatory mitigation option if compensatory mitigation is necessary to ensure that the activity results in minimal adverse effects on the aquatic environment.

(2) Since the likelihood of success is greater and the impacts to potentially valuable uplands are reduced, wetland restoration should be the first compensatory mitigation option considered.

(3) If permittee-responsible mitigation is the proposed option, the prospective permittee is responsible for submitting a mitigation plan. A conceptual or detailed mitigation plan may be used by the district engineer to make the decision on the NWP verification request, but a final mitigation plan that addresses the applicable requirements of 33 CFR 332.4(c)(2) – (14) must be approved by the district engineer before the permittee begins work in waters of the United States, unless the district engineer determines that prior approval of the final mitigation plan is not practicable or not necessary to ensure timely completion of the required compensatory mitigation (see 33 CFR 332.3(k)(3)).

(4) If mitigation bank or in-lieu fee program credits are the proposed option, the mitigation plan only needs to address the baseline conditions at the impact site and the number of credits to be provided.

(5) Compensatory mitigation requirements (e.g., resource type and amount to be provided as compensatory mitigation, site protection, ecological performance standards, monitoring requirements) may be addressed through conditions added to the NWP authorization, instead of components of a compensatory mitigation plan.

(d) For losses of streams or other open waters that require pre-construction notification, the district engineer may require compensatory mitigation, such as stream rehabilitation, enhancement, or preservation, to ensure that the activity results in minimal adverse effects on the aquatic environment.

(e) Compensatory mitigation will not be used to increase the acreage losses allowed by the acreage limits of the NWPs. For example, if an NWP has an acreage limit of 1/2-acre, it cannot be used to authorize any project resulting in the loss of greater than 1/2-acre of waters of the United States, even if compensatory mitigation is provided that replaces or restores some of the lost waters. However, compensatory mitigation can and should be used, as necessary, to ensure that a project already meeting the established acreage limits also satisfies the minimal impact requirement associated with the NWPs.

(f) Compensatory mitigation plans for projects in or near streams or other open waters will normally include a requirement for the restoration or establishment, maintenance, and legal protection (e.g., conservation easements) of riparian areas next to open waters. In some cases, riparian areas may be the only compensatory mitigation required. Riparian areas should consist of native species. The width of the required riparian area will address documented water quality or aquatic habitat loss concerns. Normally, the riparian area will be 25 to 50 feet wide on each side of the stream, but the district engineer may require slightly wider riparian areas to address

documented water quality or habitat loss concerns. If it is not possible to establish a riparian area on both sides of a stream, or if the waterbody is a lake or coastal waters, then restoring or establishing a riparian area along a single bank or shoreline may be sufficient. Where both wetlands and open waters exist on the project site, the district engineer will determine the appropriate compensatory mitigation (e.g., riparian areas and/or wetlands compensation) based on what is best for the aquatic environment on a watershed basis. In cases where riparian areas are determined to be the most appropriate form of compensatory mitigation, the district engineer may waive or reduce the requirement to provide wetland compensatory mitigation for wetland losses.

(g) Permittees may propose the use of mitigation banks, in-lieu fee programs, or separate permittee-responsible mitigation. For activities resulting in the loss of marine or estuarine resources, permittee-responsible compensatory mitigation may be environmentally preferable if there are no mitigation banks or in-lieu fee programs in the area that have marine or estuarine credits available for sale or transfer to the permittee. For permittee-responsible mitigation, the special conditions of the NWP verification must clearly indicate the party or parties responsible for the implementation and performance of the compensatory mitigation project, and, if required, its long-term management.

(h) Where certain functions and services of waters of the United States are permanently adversely affected, such as the conversion of a forested or scrub-shrub wetland to a herbaceous wetland in a permanently maintained utility line right-of-way, mitigation may be required to reduce the adverse effects of the project to the minimal level.

24. Safety of Impoundment Structures. To ensure that all impoundment structures are safely designed, the district engineer may require non-Federal applicants to demonstrate that the structures comply with established state dam safety criteria or have been designed by qualified persons. The district engineer may also require documentation that the design has been independently reviewed by similarly qualified persons, and appropriate modifications made to ensure safety.

25. Water Quality. Where States and authorized Tribes, or EPA where applicable, have not previously certified compliance of an NWP with CWA Section 401, individual 401 Water Quality Certification must be obtained or waived (see 33 CFR 330.4(c)). The district engineer or State or Tribe may require additional water quality management measures to ensure that the authorized activity does not result in more than minimal degradation of water quality.

26. Coastal Zone Management. In coastal states where an NWP has not previously received a state coastal zone management consistency concurrence, an individual state coastal zone management consistency concurrence must be obtained, or a presumption of concurrence must occur (see 33 CFR 330.4(d)). The district engineer or a State may require additional measures to ensure that the authorized activity is consistent with state coastal zone management requirements.

27. Regional and Case-By-Case Conditions. The activity must comply with any regional conditions that may have been added by the Division Engineer (see 33 CFR 330.4(e)) and with any case specific conditions added by the Corps or by the state, Indian Tribe, or U.S.

EPA in its section 401 Water Quality Certification, or by the state in its Coastal Zone Management Act consistency determination.

28. <u>Use of Multiple Nationwide Permits</u>. The use of more than one NWP for a single and complete project is prohibited, except when the acreage loss of waters of the United States authorized by the NWPs does not exceed the acreage limit of the NWP with the highest specified acreage limit. For example, if a road crossing over tidal waters is constructed under NWP 14, with associated bank stabilization authorized by NWP 13, the maximum acreage loss of waters of the United States for the total project cannot exceed 1/3-acre.

29. <u>Transfer of Nationwide Permit Verifications</u>. If the permittee sells the property associated with a nationwide permit verification, the permittee may transfer the nationwide permit verification to the new owner by submitting a letter to the appropriate Corps district office to validate the transfer. A copy of the nationwide permit verification must be attached to the letter, and the letter must contain the following statement and signature:

"When the structures or work authorized by this nationwide permit are still in existence at the time the property is transferred, the terms and conditions of this nationwide permit, including any special conditions, will continue to be binding on the new owner(s) of the property. To validate the transfer of this nationwide permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below."

_____

(Transferee)

_____

(Date)

30. <u>Compliance Certification</u>. Each permittee who receives an NWP verification letter from the Corps must provide a signed certification documenting completion of the authorized activity and any required compensatory mitigation. The success of any required permittee-responsible mitigation, including the achievement of ecological performance standards, will be addressed separately by the district engineer. The Corps will provide the permittee the certification document with the NWP verification letter. The certification document will include:

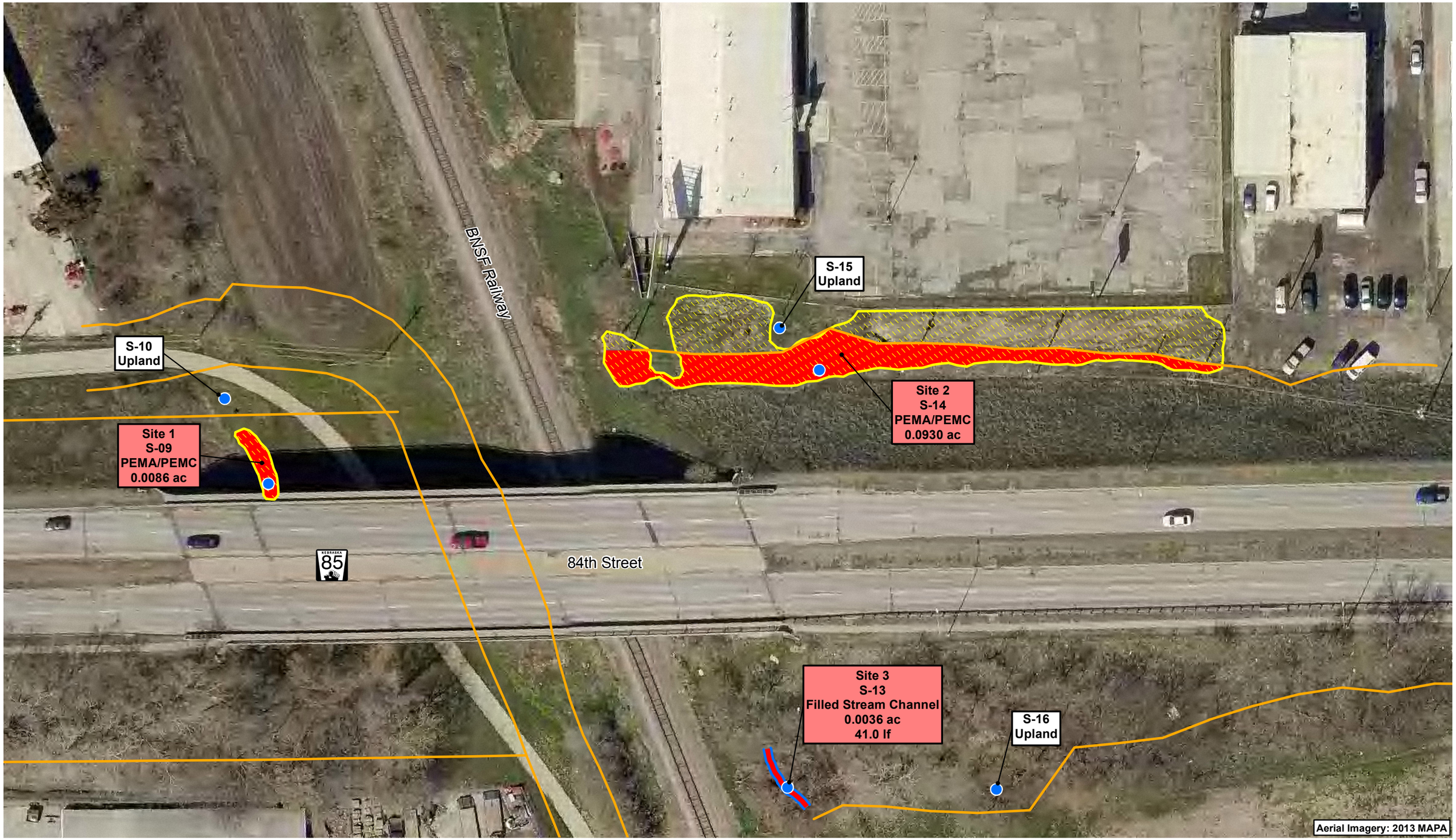
(a) A statement that the authorized work was done in accordance with the NWP authorization, including any general, regional, or activity-specific conditions;

(b) A statement that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions. If credits from a mitigation bank or in-lieu fee program are used to satisfy the compensatory mitigation requirements, the certification must include the documentation required by 33 CFR 332.3(l)(3) to confirm that the permittee secured the appropriate number and resource type of credits; and

(c) The signature of the permittee certifying the completion of the work and mitigation.

Further Information

1. District Engineers have authority to determine if an activity complies with the terms and conditions of an NWP.
2. NWPs do not obviate the need to obtain other federal, state, or local permits, approvals, or authorizations required by law.
3. NWPs do not grant any property rights or exclusive privileges.
4. NWPs do not authorize any injury to the property or rights of others.
5. NWPs do not authorize interference with any existing or proposed Federal project.



Sample Point
Channel
Limits of Construction

Wetland Type
PEMA/PEMC
Wetland Impacts

0 25 50
Feet

NDOR
Nebraska Department of Roads

Aquatic Resource Impacts

Ralston Viaduct
Project Number: NH-85-2(111)
Control Number: 22203

FIGURE
B-1

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Biological Assessment Memorandum

DATE 11/3/2015

TO Carrie Wencel, NEPA Project Manager

Cc Roger Yerdon, EPU Project Manager

FROM Melissa Marinovich, T&E Species Biologist

SUBJECT Ralston Viaduct; NH-85-2(111); CN 22203
Threatened & Endangered Species Concurrence

The biological assessment final approval on: **11/3/2015**

Threatened and Endangered Species Effect Determination:

☐ The Project(s) will have "No Effect" to all state or federally listed species or their designated critical habitat (Level 1).

☒ A "May Affect, Not Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: **Northern Long-Eared Bat**.

☐ This BA required FHWA Review and Approval.

FHWA Concurrence Date:

☐ This BA required further consultation with the resource agencies (Level 2).

USFWS Concurrence Date:

NGPC Concurrence Date:

☐ Unique conservation conditions were developed and are included below (Level 3).

☐ A "May Affect, Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: (Level 3).

Additional Coordination with Other Tribal or Federal Agencies:

Description of Coordination:

Bald and Golden Eagle Protection Act:

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

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.

Fish and Wildlife Coordination Act:

A wetland delineation was completed. Based on current project design, there would be 0.102 acres of wetland impacts and 41 linear feet of channel impacts on this project. This project will require a NPDES permit and Section 404 permit from the Corps of Engineers. The impacts to fish and wildlife based on the size and nature of these impacts is considered to be negligible.

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-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)

Northern Long-Eared Bat:

NLEB-1 Tree clearing and bridge removal activities will be scheduled to occur between October 1st – March 31st to avoid impacts to the northern long-eared bat roosting period. (NDOR Environmental, Construction, Contractor)

OR

NLEB-2 If tree clearing or removal of bridge structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: ***Structure S085 00402 and locations of tree clearing*** (*location of suitable habitat*). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

U.S. Department of Transportation
Federal Highway Administration

NEBRASKA DIVISION

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

February 11, 2014

RECEIVED
FEB 21 2014
BY:

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

HP# 1402-073-01
County DO
STR. ✓ ARCHEO. X
Resp SPN Date 20140226

Nebraska State Historic Preservation Office
Received
FEB 14 2014
NSHS

Dear Mr. Puschendorf:

Project NH-85-2(111), CN 22203
Ralston Viaduct, Douglas 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. The Iowa Tribe of Kansas and Nebraska is also a consulting party.

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

Project Description
This project would reconstruct the viaduct over the Burlington Northern Santa Fe Railroad, on N-85 located in Douglas County, at mile marker (MM) 4.02, 0.52 miles north of the south corporate limits of Ralston.

The existing roadway on this segment of N-85 consists of four 12 foot wide asphalt thru lanes (72 foot B-B, raised median, divided). There is also a sidewalk. The structure has a 28 foot clear roadway width in both the northbound and southbound direction.

The improvements on this project consist of removing and reconstructing Structure Number S085 00402. There would be a grade raise. The approaches and grade beams on pile would be replaced. There would be a raised median and sidewalk(s). A portion of the existing south spans would be replaced with embankment material. The adjacent pavement would be removed and reconstructed as necessary to accommodate the bridge construction. There would be grading for a new vertical alignment. There would be work on the storm sewer system to match the new grades. Guardrail would be removed and replaced with surfacing underneath. Fencing may be built to shield roadway embankments for pedestrians. All of which would require additional review and final determination by Roadway Design.

Scope details include:

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

  - Bridges
  - Guardrail
  - Earth shoulder construction
  - Removal of old substructure
  - Roadway embankment
  - Roadway grading for vertical alignment to accommodate bridge construction
- Grading beyond the back of curb may be required for the following work (Roadway Design would make a determination at Plan-in-Hand):
  - Bikeway realignment
  - Flattening foreslopes
  - Lighting, Signals, and/or ITS elements
  - Roadway grading for culvert extensions
  - Storm sewer system
- The scope of work at culvert sites on this project has not been determined, however, there are six culverts, any of which may be impacted by the project. Roadway Design would make a determination at Plan-in-Hand. The following work may be required:
  - Culvert ends require extension to match the new foreslopes.
- The scope of work for the storm sewer system has not been determined. Pipe underdrains would be built where required and connected to the storm sewer. A hydraulic analysis would be conducted on the storm sewer system for this new and reconstruction project. A final determination for the scope of work would be made by the Roadway Design Division.
- Guardrail
  - Remove and replace guardrail with grading beyond the back of curb.
- The viaduct over the Burlington Northern Santa Fe Railroad tracks (Structure Number S085 00402) would be replaced with a 140 ft. x 88.33 ft. out-to-out width bridge. The approaches and grade beams on pile would be replaced. There would be a raised median and sidewalk(s). A portion of the south spans would be replaced with embankment material. The existing guardrail would be removed and replaced.
- Surfacing would be placed under the guardrail.
- The existing pavement structure (concrete and foundation course) on the mainline would be removed prior to placement of new concrete pavement, foundation course and stabilized subgrade. The limits of pavement replacement adjacent to the structure would be determined by Roadway Design.
- The limits of sidewalk replacement adjacent to the structure would be determined by Roadway Design.
- The limits of bikeway replacement adjacent to the structure would be determined by Roadway Design.
- The limits of fencing to shield roadway embankments would determined by Roadway Design.
- 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).
- Because the pavement work is a reconstruction project, the NDOR would comply with the requirements in the Public Rights of Way Accessibility Guidelines (PROWAG) to the maximum extent practicable.

- This project is located within a Municipal Separate Storm Sewer System (MS4) community. Post construction storm water management best management practices may be necessary. Additional consultation with the Roadside Stabilization Unit may be required.
- Permanent pavement markings would be applied to all new surfacing.
- Existing street lighting would be removed and replaced as determined by Roadway Design.
- Additional property rights may be required to build this project.
- Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
- This project would be constructed under traffic with crossovers and head to head traffic controlled with approved temporary traffic control.

Enclosure 1 depicts the project location.

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 (Enclosure 2). The APE for *direct* effects includes all *potential* construction areas along the entire length of the project as described above. In general, this includes an area about 200 feet beyond the existing center line although it is understood that upon design, the area of impacts may be smaller. The undertaking may involve acquisition of new right-of-way and may change the character of the project area. Accordingly, the APE is expanded to also include all adjacent standing structures. Definition of a broader APE for secondary or cumulative impacts is not required in this instance.

Archeology
An archeological assessment for this undertaking was completed by Highway Archeology Program Manager Rob Bozell on January 19, 2014. A review of the Nebraska Cultural Resources Geographic Information System and archeological site files indicated that there are no previously recorded archeological sites located within the APE. The entire APE was the subject of an intensive archeological survey with negative results (see Enclosure 3).

There are no archeological historic properties in the expanded APE.

Standing Structures
An assessment of architectural properties was completed during the course of the archeological survey. All standing structures in the APE were constructed from the 1970s through the present and the area is a mixed residential/ commercial suburban neighborhood. There are no buildings over 50 years in age and an investigation by an architectural historian is not required.

The viaduct to be replaced (Structure # S085-0042) is not identified as an eligible structure in the Nebraska inventories of bridges before 1947 or of those from 1947 to 1965. These inventories were a joint effort between the Nebraska Department of Roads and the Nebraska State Historic Preservation Office and evaluated the National Register eligibility of all bridges in the state. The viaduct is not listed in the inventories as eligible for inclusion on the National Register of Historic Places because it does not possess the necessary engineering/design significance to be considered eligible. The viaduct is also not on the list of structures excluded from the November

2012 Advisory Council on Historic Preservation Program Comment issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges.
There are no architectural or structural historic properties in the APE.

Recommended Effects
The proposed undertaking would not affect historic properties and the Federal Highway Administration has made a determination of "no historic properties affected" and respectfully requests NeSHPO concurrence with this finding.

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:

Jill Dolberg for BP 3-3-14

Deputy State Historic Preservation Officer Date

NDOR
Nebraska
Department of Roads

Memorandum

DATE April 14, 2014

TO Carla Ahlschwede, Environmental Specialist, Planning and Project Development

FROM Stacy Stupka-Burda, Section 106 Specialist, Planning and Project Development

SUBJECT Tribal Consultation CN 22203_NH-85-2(111)_Ralston Viaduct SSB

A Section 106 consultation letter was sent to the Iowa Tribe of Kansas and Nebraska by FHWA on 2/11/2014. To date, a response from the Iowa Tribe of Kansas and Nebraska has not been received.

An email from FHWA dated 06/05/2012 provides guidance regarding the Section 106 Tribal Coordination process. Item 1 indicates that "if, based on the nature of the work, there is no potential to effect Native American sites (archaeological/historic/TCP), but the project is on tribal lands or within a known tribal affiliated area, then tribal coordination would consist of one letter with a 30-comment period asking for their concurrence. If they do not respond within 30 days, the FHWA would assume the tribe has no concerns for the project and no further coordination is required, keeping in mind that a tribe may voice concerns at any time in the life of the project."

The 30-day comment period for the letter sent to the Iowa Tribe of Kansas and Nebraska has passed without receiving their response. Therefore, this project may proceed as planned.

Nebraska Department of Roads

Planning and Project Development

Hazardous Materials Memorandum

Date: December 4, 2015

To: Carrie Wencel, 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 Ralston Viaduct (C.N. 22203).

Overview

A hazardous materials review (HMR) was completed by HDR for the Ralston Viaduct project and approved by NDOR on December 4, 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. The HMR can be found in the NDOR project file.

Hazardous Material Sites and Impacts

The HMR identified several facilities where past releases have occurred within the hazardous materials study area. The releases associated with the Freeway Muffler, Griffin Remediation Services, Ralston Pet Grooming, CJ's Barbecue, and Kwik Shop and Brakes were all related to leaking underground storage tanks. Freeway Muffler, Griffin Remediation Services and CJ's Barbecue were granted no further remedial action (NFA) status. Investigations are backlogged for Ralston Pet Grooming and the Kwik Shop. However, Ralston Pet grooming is 1300 feet away from construction activities and the scope of work adjacent to the Kwik shop is minimal (sidewalk construction) and above the grade of the release. These sites were judged to have a low potential to impact the construction project based on depth of excavations, distance from the facilities to construction activities and NFA status. In addition, no Superfund sites were identified near the project.

Asbestos

NDOR tested bridge structure S085 00402 for asbestos containing material (ACM). The results revealed that 1.3% asbestos was found in the adhesive for under base of posts for the steel

handrail after point counting. 1.3% is can be rounded down per DHHS regulations and is not considered an ACM material. No contractor commitments are required. NDOR will submit the NESHAP notification to NDEQ.

Lead

Painted components have been identified on the bridge structure. There is also potential for lead bearing plates and/or lead shims to be found on the bridge structure. The contractor shall adhere to the following lead commitment:

There is potential for lead based paint to be found on the bridges painted components. If the method of removal of the components generates paint debris, the waste shall be handled in accordance with NDOR's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128, Nebraska Hazardous Waste Regulations. Extreme caution shall be taken to minimize the amount of potential lead based painted material or debris from causing or threatening to cause pollution of the air, land and waters of the State. The Contractor shall recycle any lead bearing plates and/or lead shims at a legitimate recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations. The Contractors implementation plan efforts shall be documented in ECOD. (NDOR District, Contractor)

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,

12/4/15

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

Nebraska Department of Roads

Planning and Project Development

Noise Study Determination Memo

Date: December 4, 2015

To: Carrie Wencel, 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 Ralston Viaduct (C.N. 13184)

The NDOR Noise Section staff has reviewed the project description for the Ralston Viaduct project to determine if a noise study is warranted. Based on the materials reviewed, the grade raise will not remove shielding between any receptors and the traffic noise source. This project does not fit the definition of a Type I project and is therefore exempt from a noise study.

Sincerely,

Will Packard 12/4/15

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

To: Carla Ahlschwede, Highway Environmental/NEPA Specialist, NDOR
From: Chris Hassler, Highway Civil Rights Specialist, NDOR
Date: 20 December 2013
RE: Civil Rights Analysis, CN 22203, NH-85-2(111), Ralston Viaduct

Civil Rights Analysis for CN 22203

This project is located in Douglas County, and is directly adjacent to the City of Ralston. There will be no detour for this project.

Limited English Proficiency Analysis:

The Limited English Proficiency data for this project 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
Tract 74.59	94.4%	None	About 2,600
Tract 74.67	82.5%	Spanish – 5.9%	About 4,700
Tract 74.68	92.8%	None	About 2,100
City of Ralston	88%	None	About 2,600

* 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 indicate the presence of an LEP population in the project area which reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. The following LEP outreach is required for this project:

1. Any written information that is dispersed to the community regarding this project must be translated into Spanish.

2. If a public meeting is held regarding this project, the written info at the meeting must be translated into Spanish and there must be a Spanish/English interpreter present. There should be sign-in sheets at the entrance in order to collect data, including racial/demographic data, on meeting participants, though signing in or giving information at public meetings is always optional, and is not a requirement to participate. Finally, there must be clear notice posted in Spanish that the interpreter is available.

Environmental Justice Analysis:

The Environmental Justice data for this project is as follows:

Area	Minority Population	Hispanic Population	Population Below the Poverty Level
Tract 74.59	12.5%	8.6%	8.5%
Tract 74.67	21%	11.7%	8%
Tract 74.68	17.9%	11.9%	7.6%
City of Ralston	14.6%	10%	6.9%
Douglas County	28.1%	11.2%	13.3%

In general, the areas bordering this project have low populations of minority, Hispanic, and low-income persons when compared to the larger surrounding areas. In no instance are the minority, Hispanic, or low-income populations of the tracts or city meaningfully greater than the corresponding figure for Douglas County. Block level US Census data does not indicate any concentrations or populations of minority persons on the project site.

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), because these protected populations are not present in the project area.

To: NDOR Environmental
From: Sarah Kugler, Public Involvement Manager, NDOR
Date: 4 December 2015
RE: Public Involvement Summary Report, NH-85-2(111), Ralston Viaduct, CN 22203

Public Involvement Summary Report for Public Information Open House Meeting: NH-85-2(111), Ralston Viaduct, CN 22203

Based on an analysis of the project scope and a civil rights analysis, a public information open house meeting, targeted mailer in the form of a public notification, legal notice, news release, fliers, temporary highway signs, website, and a 30-day comment period were used as outreach tools for public involvement on this project. A public information open house meeting was held at the Baright Public Library in Ralston, Nebraska on Tuesday, November 3, 2015 from 4:00 to 6:00 PM. Per the civil rights analysis, LEP outreach was required. A Spanish translator was present at the meeting. All materials disseminated at the meeting were translated to Spanish, and a Spanish sign in sheet was provided. The public notification involved mailing both English and Spanish versions of a project notification. The distribution list included citizens and businesses adjacent to Nebraska Highway 85 from MM 3+93 to MM 4+13. Public and private agencies with potential interest in the project were also included in the distribution list, including the Omaha Peddlers Bike Club and the Latino Commission. In addition, Spanish project notifications, along with English and Spanish cover letters requesting the items be dispersed, were mailed to the Baright Public Library, El Perico Bilingual Newspaper, and El Caribe Food and Grocery. An English legal notice was placed in *Omaha World-Herald*, a Nebraska Press Association (NPA) recognized newspaper, on October 19, 2015. A Spanish legal notice was placed in The Daily Record, an NPA recognized newspaper, on October 19, 2015. A news release was published in both English and Spanish. Fliers were distributed around the district. Temporary highway signs advertising the meeting were placed near the project. Project information was placed on the NDOR website.

NDOR Public Involvement received 3 comments during the specified comment period (October 19, 2015 – November 18, 2015), outlined below.

COMMENT	RESPONSE
Public agency listed possible requirements for permits.	Will be sure to coordinate with the public agency through Environmental Permits Unit.
Business owner adjacent to project said meeting was informative for company. Suggests flashing light before Madison. Have had company vehicles impacted due to people running light. Advance warning would help trucks be able to stop.	Appreciates input and will take into consideration.
Business owner near project inquired how 84th Street vehicular traffic would be affected during proposed work.	Project would be constructed under traffic with phased construction. Northbound bridge would be replaced first, will traffic reduced to a single lane in each direction utilizing the southbound bridge. Northbound traffic would be diverted to

	southbound lanes via crossovers in the median on either side of bridge. Southboud bridge would be replaced after northbound bridge, and traffic would be handled accordingly on the northbound bridge.

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., *Director*
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

October 16, 2015

Address line 1
Address line 2
Address line 3

Re: Project No. NH-85-2 (111)
Also Known As: Ralston Viaduct
Control No. 22203

Please find enclosed a copy of the official notice regarding an upcoming public information open house meeting.

This proposed project is in the design stage. Public input is being sought. Please refer to the accompanying notice and location map for details.

Sincerely,

Sarah R. Kugler
Public Involvement Manager
Nebraska Department of Roads
(402) 479-4871
sarah.kugler@nebraska.gov

Enclosure

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., *Director*
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

16 de octubre del 2015

Dirección línea 1
Dirección línea 2
Dirección línea 3

Ref.: Número de Proyecto NH-85-2 (111)
También Conocida Como: Viaducto Ralston
Número de Control 22203

Favor se encuentra una copia adjunta de la notificación oficial en respecto a la próxima sesión de información abierta al público.

Este proyecto propuesto está en la fase de diseño. Se está buscando la opinión del público. Por favor, consulte el aviso acompañado y mapa de ubicación para los detalles.

Atentamente,

Sarah R. Kugler
Coordinador de Participación Pública
Departamento de Carreteras de Nebraska
(402) 479-4871
sarah.kugler@nebraska.gov

Documento Adjunto

NEBRASKA DEPARTMENT OF ROADS

NOTICE OF HIGHWAY PUBLIC MEETING

4:00 – 6:00 PM; Tues., November 3, 2015

Public Information Open House Meeting

Baright Public Library

5555 South 77th Street, Ralston, NE

NH-85-2(111) *RALSTON VIADUCT*; CN 22203

The Nebraska Department of Roads (NDOR) will hold a public information open house regarding a proposed improvement of Nebraska Highway 85 (N-85) in Douglas County. The meeting will be held at the Baright Public Library, 5555 South 77th Street in Ralston on Tuesday, November 3rd from 4:00 to 6:00 P.M.

Identified as ***Ralston Viaduct***, the proposed project would involve approximately 0.2 mile of N-85 for the replacement of the viaduct over the Burlington Northern Santa Fe Railroad, about 0.52 mile north of the south corporate limits of Ralston.

The purpose of this proposed project is to preserve the N-85 transportation asset, improve the reliability of the transportation system and perpetuate the mobility of the traveling public. The need for this proposed project is based on the current conditions of the roadway and bridge.

The planned construction would consist of removing and replacing the current bridge structure with a grade raise. A raised median and sidewalks would be constructed. The bridge would be shortened and pedestrian fencing built adjacent to steep slopes. The adjacent pavement would be removed and reconstructed as necessary to accommodate the viaduct construction. There would be grading for a new vertical alignment and work on the storm sewer system to match the new grades. Additional improvements would include removing and replacing the guardrail and construction of retaining walls.

This project would require the acquisition of additional property rights throughout the area for construction, including new right-of-way (ROW) and temporary easements (TE). Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.

The bikeway under the viaduct would be realigned where it would be impacted by viaduct construction. An approximately 0.26 mile section of the Ralston Connector Trail, located beneath the 84th Street viaduct, would be closed through the duration of the proposed construction. To accommodate pedestrian/bicycle traffic across South 84th Street, a detour would be provided, utilizing 84th Street Frontage Road, Madison Street, South 84th Street, Ralston Avenue, and South 78th Street. Impacts to wetlands are anticipated and would be mitigated off-site.

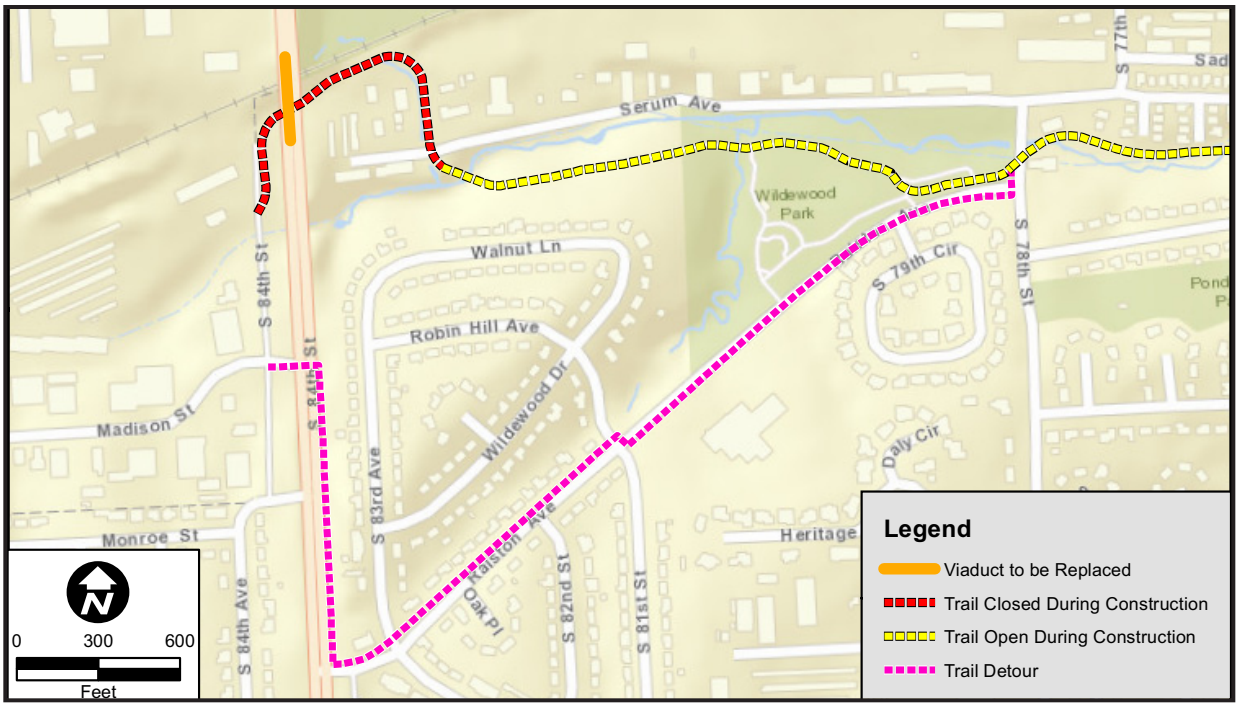
Construction is tentatively scheduled to begin as early as spring 2017 with completion by the winter of the following year. This proposed project would be constructed under traffic with crossovers and head to head traffic controlled with approved temporary traffic control. Details will be available at the public meeting.

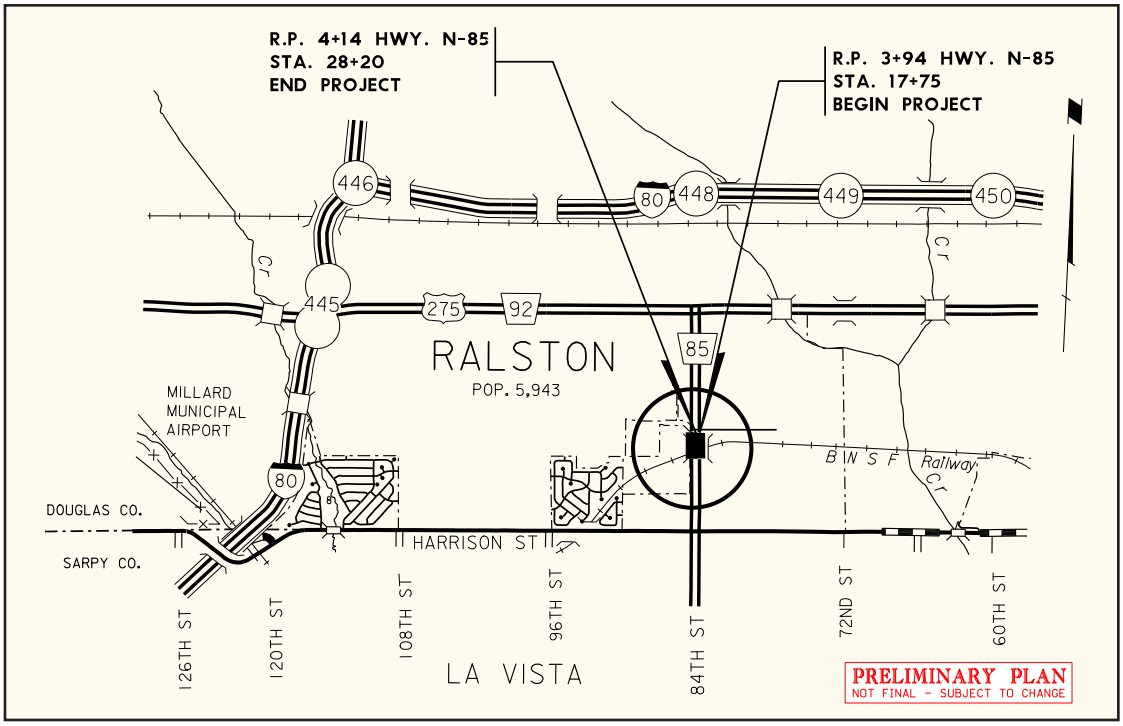
This public open house meeting is being held to provide information regarding the project, currently in the design phase, and to receive the public's input. All interested persons are invited to attend and present relevant comments and questions. Design information will be displayed and personnel from NDOR will be present to answer questions and receive comments. The information "open house" format allows the public to come at any time during the advertised hours, gather pertinent information about the project, speak one-on-one with project personnel and leave as they wish.

NDOR will make every reasonable accommodation to provide an accessible meeting facility for all persons. Appropriate provisions for the hearing and visually challenged or persons with Limited English Proficiency (LEP) will be made if the Department is notified by October 26, 2015. The public is being encouraged to make suggestions or express concerns regarding this proposed project. Comments will be collected through November 18, 2015. Written comments or requests should be submitted to: Sarah Kugler, Public Involvement Coordinator, Nebraska Department of Roads, P.O. Box 94759, Lincoln, NE 68509-4759; sarah.kugler@nebraska.gov; voice telephone (402)479-4871; fax (402)479-3989. Information regarding the proposed project will be made available on the NDOR website at http://www.transportation.nebraska.gov/projects/ by clicking on the "Ralston Viaduct" link. For those without internet access, information may be obtained through the contact above or at NDOR Headquarters, 1500 Hwy 2, Lincoln, NE. For further information, contact Tim Weander, NDOR District Two Engineer, (402)595-2534, tim.weander@nebraska.gov.

Ralston Viaduct

NH-85-2(111); C.N. 22203





U.S. Department of Transportation
Federal Highway Administration

NDOR
Nebraska Department of Roads

RALSTON NEBRASKA
INDEPENDENCE CITY

Send comments to:

NDOR Public Involvement
Sarah Kugler
P.O. Box 94759; 1500 Hwy. 2
Lincoln, NE 68509-4759
402-479-4871
sarah.kugler@nebraska.gov

For more information:

NDOR District 2 Engineer
Tim Weander
P.O. Box 45461; 4425 S. 108th St.
Omaha, NE 68145-0461
402-595-2534
tim.weander@nebraska.gov

www.roads.nebraska.gov

DEPARTAMENTO DE NEBRASKA DE CARRETERAS

AVISO DE REUNIÓN PÚBLICA SOBRE LA AUTOPISTA

4:00-6:00 PM; Martes, 3 de Noviembre del 2015

Sesión de Información Abierta al Publico

Biblioteca Pública Baright
5555 South 77th Street, Ralston, NE

NH-85-2(111) *VIADUCTO RALSTON*; CN 22203

El Departamento de Carreteras de Nebraska (NDOR) realizará una reunión de información abierta al público en relación a la propuesta de mejoras a la Autopista de Nebraska 85 (N-85) en el Condado de Douglas. La reunión se llevará a cabo en la Biblioteca Pública Baright, 5555 South 77th Street (Calle 77 Sur) en Ralston el día Martes, 3 de noviembre de 4:00 a 6:00 P.M.

Identificado como Viaducto Ralston, el proyecto propuesto implicaría la sustitución de aproximadamente 0.2 millas de la N-85 del viaducto sobre la Vía Ferroviaria Burlington Northern Santa Fe, localizado a 0.52 millas al norte de los límites corporativos sur de Ralston.

El propósito de este proyecto es preservar los activos de transporte de la N-85, mejorar la fiabilidad funcional del sistema de transporte y perpetuar la movilidad del público viajero. La necesidad de este proyecto propuesto está basada en las condiciones actuales de la carretera y el puente.

Los planes de construcción consistirían en la remoción y sustitución de la estructura del puente actual con un cambio positivo del valor en la elevación de la gradiente del eje. También se prevé la construcción de una mediana elevada y aceras peatonales. La longitud del puente será acortada y se proveerá de barreras peatonales adyacentes a las laderas empinadas. El pavimento adyacente sería eliminado y reconstruido según sea necesario para acomodar la construcción del viaducto. Trabajos de nivelación serán necesarias para acomodar un nuevo perfil longitudinal vertical, además de trabajos adicionales en el sistema de alcantarillado pluvial que coincidan con la nueva gradiente. Mejoras adicionales incluirían la remoción y remplazo de los guarda-railes (barreras de protección) y la construcción de muros de contención.

Este proyecto requeriría la adquisición de derechos de propiedad adicionales en el área de construcción, incluyendo nuevos derecho-de-vía (ROW) y servidumbres temporales (TE). El acceso a las propiedades adyacentes se mantendría durante la construcción, pero podrá limitarse a veces debido a los requerimientos en las diferentes fases de construcción.

La vía ciclística debajo el viaducto se realineara en ciertos segmentos afectados por la construcción. Una sección de aproximadamente 0.26 millas de la Senda Conector Ralston, localizada debajo el viaducto de la 84th Street, seria cerrada en los lapsos de duración de la construcción propuesta. Para acomodar el tráfico peatonal / ciclístico a través del South 84th Street, se proporcionaría un desvío, utilizando la vía adyacente a la 84th Street “Frontage Road”, Madison Street, South 84th Street, Ralston Avenue, y la South 78th Street. Se anticipan impactos en los humedales los cuales serán mitigados en áreas alternas.

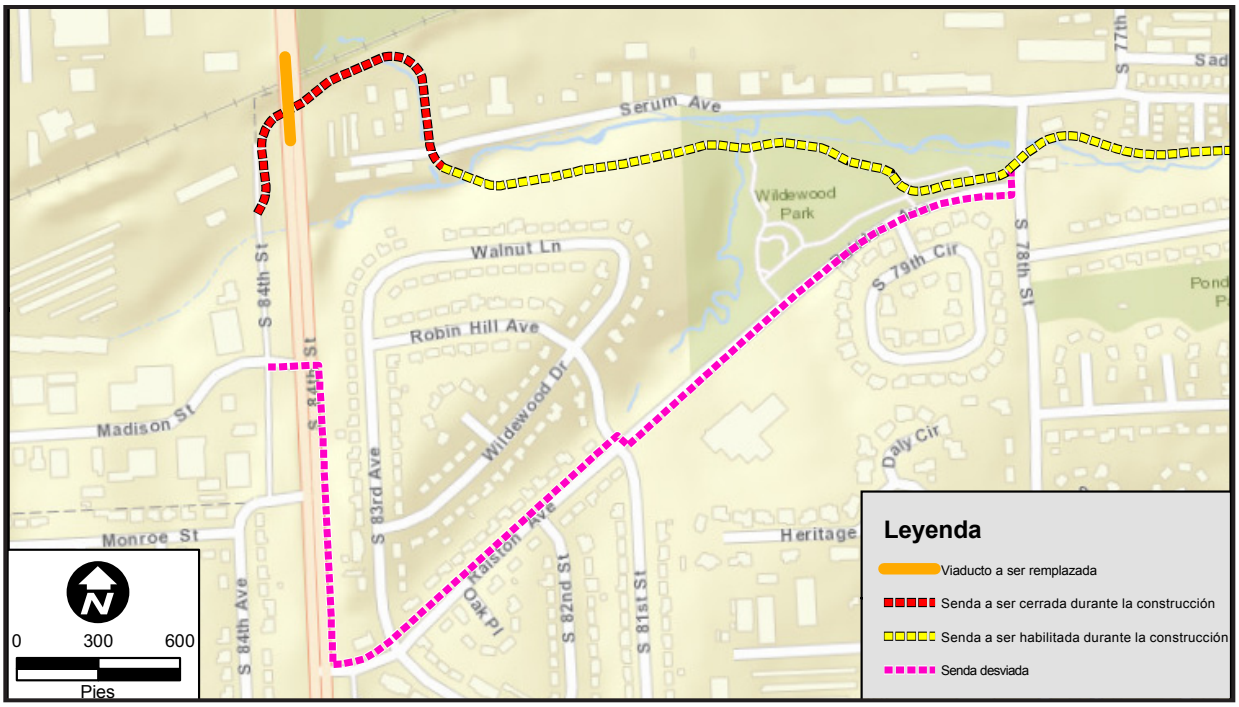
La construcción está programada tentativamente para comenzar en la primavera del 2017 con su conclusión en el invierno del año siguiente. Este proyecto propuesto se construiría bajo condiciones de tráfico en ambas direcciones además de los cruces a nivel, bajo control de tráfico temporal aprobado. Más detalles serán expuestos en la reunión pública.

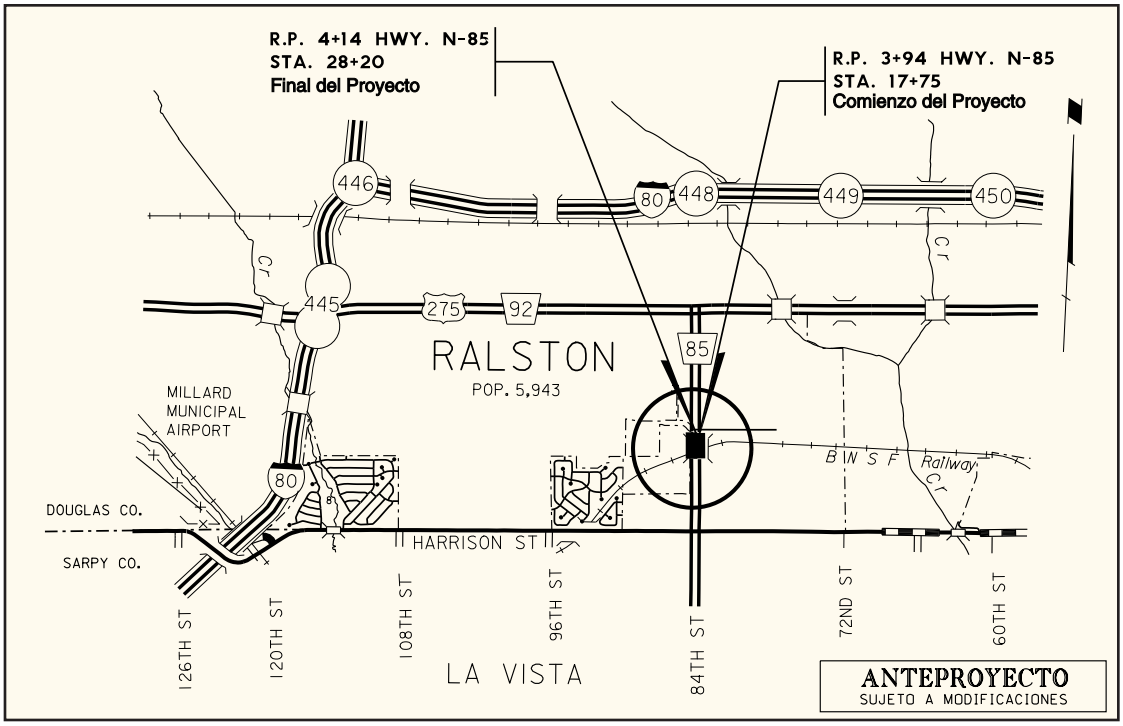
La reunión pública se llevará a cabo para proporcionar información sobre el proyecto, actualmente en fase de diseño, y recibir opiniones del público con relación al mismo. Se invita a todas las personas interesadas a asistir, presentar sus comentarios y preguntas pertinentes. Información sobre el diseño será exhibido y el personal de NDOR estará presente para responder preguntas y recibir comentarios. La información será en formato "abierto al público" permitiendo al visitante acercarse en cualquier momento durante las horas anunciadas, reunir información pertinente sobre el proyecto, mantener conversación personal con los responsables del proyecto, y dejando al ciudadano con la libre disponibilidad de su tiempo.

NDOR hará posible dentro de lo razonable la utilización de un espacio de reunión accesible para todas las personas. Se tomarán medidas apropiadas para aquellas personas con incapacidades auditivas y visuales o con Dominio Limitado del Inglés (Limited English Proficiency, LEP) si el Departamento es notificado con anterioridad hasta el 26 de octubre, del 2015. Se invita al público a hacer sugerencias o expresar inquietudes con respecto a este proyecto propuesto. Los comentarios serán recolectados hasta el 18 de noviembre del 2015. Observaciones y comentarios o peticiones por escrito deberán remitirse a: Sarah Kugler, Coordinador de Participación Pública, Departamento de Carreteras de Nebraska, P.O. Box 94759, Lincoln, NE 68509-4759; sarah.kugler@nebraska.gov; teléfono de voz (402) 479-4871, Fax (402) 479-3989. La información sobre el proyecto propuesto estará disponible en el sitio web de NDOR en http://www.transportation.nebraska.gov/projects/ haciendo clic en el link "Ralston Viaducto". Para aquellos que no tienen acceso a Internet, la información puede ser obtenida a través del contacto arriba o en la Sede NDOR, 1500 Hwy 2, Lincoln, NE. Para más información, póngase en contacto con Tim Weander, NDOR Distrito Dos Ingeniero, (402) 595-2534, tim.weander@nebraska.gov.

Viaducto Ralston

NH-85-2(111); C.N. 22203





U.S. Department of Transportation
Federal Highway Administration

NDOR
Nebraska Department of Roads

RALSTON NEBRASKA INDEPENDENCE CITY

Enviarse comentarios a:
Participación Pública de NDOR
Sarah Kugler
P.O. Box 94759; 1500 Hwy. 2
Lincoln, NE 68509-4759
402-479-4871
sarah.kugler@nebraska.gov

Para más información:
Ingeniero del Distrito 2 de NDOR
Tim Weander
P.O. Box 45461; 4425 S. 108th St.
Omaha, NE 68145-0461
402-595-2534
tim.weander@nebraska.gov

www.roads.nebraska.gov

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., Director
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

October 16, 2015

Baright Public Library
5555 South 77th Street
Ralston, NE 68127

Re: Project No. NH-85-2 (111)
Also Known As: Ralston Viaduct
Control No. 22203

Please find enclosed a copy of the official notice regarding an upcoming public information open house meeting. In an effort to increase public awareness about this upcoming meeting, the Nebraska Department of Roads respectfully requests that this information be posted in your establishment in view of the patrons.

This proposed project is in the design stage. Public input is being sought. Please refer to the accompanying notice and location map for details.

Sincerely,

Sarah R. Kugler
Public Involvement Manager
Nebraska Department of Roads
(402) 479-4871
sarah.kugler@nebraska.gov

Enclosure

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., Director
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

16 de octubre del 2015

Baright Public Library
5555 South 77th Street
Ralston, NE 68127

Ref.: Número de Proyecto NH-85-2 (111)
También Conocido Como: Viaducto Ralston
Número de Control 22203

Se envía adjunta a esta una copia de la notificación oficial respecto a la próxima sesión de información abierta al público. En un esfuerzo por ampliar la conciencia pública acerca de esta próxima reunión, el Departamento de Carreteras de Nebraska solicita respetuosamente, por favor que esta información sea publicada en su establecimiento a la vista de los clientes.

Este proyecto propuesto se encuentra en fase de diseño. Se busca la opinión del público. Favor, consultar la notificación mencionada y mapa de ubicación para los detalles.

Atentamente,

Sarah R. Kugler
Participación Pública Administrador
Departamento de Carreteras de Nebraska
(402) 479-4871
sarah.kugler@nebraska.gov

Documento Adjunto

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., Director
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

October 16, 2015

El Caribe Food and Grocery
7711 "L" Street
Ralston, NE 68127

Re: Project No. NH-85-2 (111)
Also Known As: Ralston Viaduct
Control No. 22203

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Nebraska Department of Roads
(402) 479-4871
sarah.kugler@nebraska.gov

Enclosure

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., Director
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

16 de octubre del 2015

El Caribe Food and Grocery
7711 "L" Street
Ralston, NE 68127

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También Conocido Como: Viaducto Ralston
Número de Control 22203

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Participación Pública Administrador
Departamento de Carreteras de Nebraska
(402) 479-4871
sarah.kugler@nebraska.gov

Documento Adjunto

Pete Ricketts
Governor

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DEPARTMENT OF ROADS
Kyle Schneweis, P.E., Director
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

October 16, 2015

El Perico Bilingual Newspaper
2314 M St
PO Box 7360
Omaha, NE 68107

Re: Project No. NH-85-2 (111)
Also Known As: Ralston Viaduct
Control No. 22203

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Sincerely,

Sarah R. Kugler
Public Involvement Manager
Nebraska Department of Roads
(402) 479-4871
sarah.kugler@nebraska.gov

Enclosure

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., Director
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

16 de octubre del 2015

El Perico Bilingual Newspaper
2314 M St
PO Box 7360
Omaha, NE 68107

Ref.: Número de Proyecto NH-85-2 (111)
También Conocido Como: Viaducto Ralston
Número de Control 22203

Se envía adjunta a esta una copia de la notificación oficial respecto a la próxima sesión de información abierta al público. En un esfuerzo por ampliar la conciencia pública acerca de esta próxima reunión, el Departamento de Carreteras de Nebraska solicita respetuosamente, por favor que esta información sea publicada en su establecimiento a la vista de los clientes.

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Atentamente,

Sarah R. Kugler
Participación Pública Administrador
Departamento de Carreteras de Nebraska
(402) 479-4871
sarah.kugler@nebraska.gov

Documento Adjunto

From:	Kugler, Sarah
To:	Matulka, Denise
Cc:	Erickson, Grace
Subject:	FW: Ralston Viaduct
Date:	Thursday, November 05, 2015 10:21:25 AM

From: Scott, Tricia
Sent: Wednesday, November 4, 2015 1:26 PM
To: Kugler, Sarah <sarah.kugler@nebraska.gov>
Subject: Ralston Viaduct

4 November, 2015

Department of Roads
ATTN: Ms. Sarah Kugler

RE: Ralston Viaduct

Dear Ms. Kugler:

The Nebraska Department of Environmental Quality (NDEQ) has reviewed the above referenced project. As with any project, permits may be required prior to beginning construction or operation. At a minimum, you should be aware of the possible requirements or permits:

	Contact	Phone
Fugitive Dust Regulations	Ken Almquist	(402) 471-3387
Construction Storm Water – General Permit	Reuel Anderson	(402) 471-8330
Wastewater	Charles Duerschner	(402) 471-4206
Water Quality Section 404 Permitting	Jason Garber	(402) 471-2875
Waste Disposal	Erik Waiss	(402) 471-8308

Nebraska Title 129, Chapter 32 fugitive dust regulations apply to all excavation and land grading activities.

If more than 1 acre of land is disturbed, you will need to apply for CSW coverage.

An Individual Water Quality certification for wetland impacts greater than 200 feet in association with a Nationwide Section 404 Permit has been registered by NDEQ. The public notice period will expire 11-20-2015.

Any solid or hazardous wastes generated or discovered during project operations must be properly handled, contained, disposed, and (if necessary) characterized, and follow all applicable regulations in Nebraska Title 128 and Title 132.

If you have questions about the permitting process, or any other questions, feel free to contact me at (402) 471-6974, or the individual listed above. For more information, please visit our website at deq.ne.gov.

Sincerely,

Tricia Scott
Field Services and Assistance
NE Department of Environmental Quality
1200 "N" Street, The Atrium, Suite 400
P.O. Box 98922, Lincoln, NE 68509-8922
Phone: 402.471.6974 | E-mail: tricia.scott@nebraska.gov

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., *Director*
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

November 23, 2015

Tricia Scott
Field Services and Assistance
Nebraska Department of Environmental Quality
1200 "N" St, Ste 400
PO Box 98922
Lincoln NE 68509-8922

Re: NDOR Project:
NH-85-2(111) Ralston Viaduct; C.N. 22203

Dear Ms. Scott:

The Federal Highway Administration and the Nebraska Department of Roads (NDOR) appreciate your input in regards to the Ralston Viaduct project. NDOR will be sure to coordinate with your agency through our Environmental Permits Unit.

Thank you for your participation.

Sincerely,

Chris Lutz

Chris Lutz, P.E.
Nebraska Department of Roads
(402) 479-3893
chris.lutz@nebraska.gov

U.S. Department of Transportation
Federal Highway Administration

NDOR
Nebraska Department of Roads

PUBLIC COMMENT SHEET

NDOR District Two Public Information Meeting

NH-85-2(111) Ralston Viaduct; C.N. 22203

November 3, 2015; 4:00 – 6:00 PM

Baright Public Library, 5555 South 77th Street, Ralston, Nebraska

Please submit your written comments by November 18, 2015.

RECEIVED
NOV 12 2015
COMMUNICATION DIVISION

Return to:

Sarah Kugler
NDOR Public Involvement Manager
Nebraska Department of Roads
P.O. Box 94759
Lincoln, NE 68509-9983

sarah.kugler@nebraska.gov
(402) 479-4871 Office
(402) 479-3989 Fax

This was informative for my company to know, what, if any impact there would be on our location.

I have one suggestion for this project - it would be to install a flashing light on the hills (both N & S of light) before the stoplight at Madison to let people know that the light is about to change, similar to those along 370 before 96th, 48th st, etc. We see many accidents and have had one of our company vehicles impacted because of people running this light. Also advance warning would help trucks coming down the hill to have the ability to stop or anticipate the light change better; not only trucks but passenger vehicles aswell. Thank you for your consideration.

The Nebraska Department of Roads (NDOR) and the Federal Highway Administration (FHWA) appreciate your input. Your comments, questions, and suggestions will be reviewed by appropriate personnel. Thank you for your participation.

(Please Print)

Name: Laura Herbotsheimer
Address: 6430 S. 84th St.
City, State, Zip: Omaha NE 68127
Phone: 402-895-5777
Email: laurah@omahait.com

Written comments submitted to NDOR are considered public information and may be shared with appropriate local, state, or federal agencies, as well as the general public, as part of the project development process.

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., Director
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

November 23, 2015

Laura Herbolsheimer
6430 South 84th St
Omaha NE 68127

Re: NDOR Project:
NH-85-2(111) Ralston Viaduct; C.N. 22203

Dear Ms. Herbolsheimer:

The Federal Highway Administration and the Nebraska Department of Roads appreciate your input in regards to the Ralston Viaduct project. Your comments have been received, reviewed by appropriate personnel, and will be taken into consideration on the future development of this project.

Thank you for your participation.

Sincerely,

Sarah Kugler
Public Involvement Manager
Nebraska Department of Roads
(402) 479-4871
sarah.kugler@nebraska.gov

From:	Kugler, Sarah
To:	Erickson, Grace
Subject:	FW: Ralston Viaduct N-85
Date:	Tuesday, October 27, 2015 3:18:49 PM

From: Weander, Tim
Sent: Tuesday, October 27, 2015 3:16 PM
To: Mark Sweet
Cc: Legg, Lorraine; Kugler, Sarah
Subject: RE: Ralston Viaduct N-85

Mr. Sweet

This project will be constructed under traffic with phased construction. The northbound bridge will be replaced first, with traffic reduced to a single lane in each direction utilizing the southbound bridge. The northbound traffic will be diverted to the southbound lanes via cross overs in the median on either side of the bridge.

Upon completion of the northbound bridge we will them replace the southbound bridge and traffic handled accordingly on the northbound bridge.

Please attend the meeting on November 3rd for more information.

Timothy W. Weander, P.E.
District 2 Engineer
Nebraska Department of Roads
4425 S. 108th St.
Omaha, Nebraska
(402)-595-2534

Confidentiality Notice: This e-mail including all attachments is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited unless specifically provided under the Nebraska Public Records Act. If you are not the intended recipient, please contact the sender and destroy all copies of this message.

From: Mark Sweet [mailto:masweet813@gmail.com]
Sent: Tuesday, October 27, 2015 10:43 AM
To: Weander, Tim
Subject: Ralston Viaduct N-85

Tim,

I received a flyer regarding the proposed work for the Ralston Viaduct.

The flyer indicated that the connector trail beneath the viaduct would be closed for a period of time.

My question, however, is how 84th street vehicular traffic will be affected during this work.

We have businesses in close proximity to this site.

Please advise.

Thank you,

Mark Sweet
masweet813@gmail.com
402.334.1007

From:	Lutz, Chris
To:	Garbers, Brad; Hill, Todd
Subject:	Fwd: Ralston Viaduct 85-2(111)
Date:	Tuesday, August 05, 2014 2:20:21 PM

Begin forwarded message:

From: "Bremer, Kandi" <kandice.bremer@nebraska.gov>
Date: August 5, 2014 at 2:08:47 PM CDT
To: "Lutz, Chris" <chris.lutz@nebraska.gov>
Subject: Ralston Viaduct 85-2(111)

Dear Mr. Lutz,

Thank you for the Plan-In-Hand Plans regarding the proposed new reconstruction bridge project 85-2(111) in Ralston, NE.

The Nebraska Department of Aeronautics has no objection to the project, provided the height of any equipment used in the project (or any antennae installed on the equipment) does not exceed any local airport's Height Restriction Zoning.

The nearest public-use airports are Millard Airport, approximately 3.34 miles WNW and Eppley Airfield, Omaha, approximately 10.00 miles NE. Also Offutt Air Force Base is approximately 7.95 miles SW of the proposed project.

Millard Airport would be the nearest airport that would be affected by this project. Should any high-profile equipment be used (such as a crane or a pile-driver), there exists the potential for an airspace violation.

Please note that any contractor involved in the project should file a 7460-1 Form with the FAA for all structures over 200' tall, **or that break a 100:1 slope from a public-use airport**.

Should you have any questions or concerns, please feel free to contact me at 402-471-7925 or kandice.bremer@nebraska.gov.

Sincerely,

Kandi Bremer
Nebraska Department of Aeronautics
Engineering Divison
P.O. Box 82088
Lincoln NE 68501
kandice.bremer@nebraska.gov
402.471.7925
402.471.2906 - fax