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

CE Review Level:

☐ 1 ☒ 2 ☐ 3 ☐ Re-evaluation

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

Appendix: B

Paragraph: 26

Project Name:

Ralston Viaduct

Project Number:

NH-85-2(111)

Control Number:

22203

Location and Study Area:

This project would reconstruct the Nebraska Highway 85 (N-85 or South 84th Street) viaduct over BNSF Railway in Ralston (Douglas County) from mile marker (MM) 3.94 to 4.14. Viaduct approach improvement termini are tied to the grade raise of the replacement viaduct: pavement improvements along the approaches are of adequate distance to transition from existing grade to the replacement viaduct while meeting New and Reconstruction Minimum Design Standards.

The Environmental Study Area (ESA) is confined to the length of this project (approximately 0.2 mile) plus 250 feet beyond the north and south termini. For wetlands and most other resources, this includes the existing and any additional right-of-way (ROW), plus 50 feet beyond ROW for most of the project length, and extending to 150 feet beyond the ROW at the bridge and culverts. For regulated materials, the ESA extended 0.1 mile from N-85 centerline, and for Section 4(f) resources, the ESA extended 0.25 mile beyond ROW.

Begin Point(s): MM 3.94

End Point(s): MM 4.14

Highway Number, Street, etc.: N-85 (South 84th Street)

Project Description:

This project would reconstruct the N-85 viaduct over BNSF Railway in Ralston (Douglas County) from mile marker (MM) 3.94 to 4.14. The existing roadway on this segment of N-85 consists of four (4) 12-foot-wide asphalt thru lanes (72-foot back-of-curb to back-of-curb, 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 project would remove Structure Number S085 00402 (the Ralston Viaduct) and replace it with a 144 foot x 88.33 foot out-to-out width bridge. There would be a grade raise. The approaches and grade beams on pile would be replaced. There would be a raised median and sidewalks. 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 impact attenuators with surfacing underneath. Fencing would be built to shield roadway embankments for pedestrians. Retaining walls would be constructed.

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, bikeway realignment, lighting, storm sewer system.

The storm sewer system would be removed and replaced. Pipe underdrains would be built where required and connected to the storm sewer. Storm water management best management practices would be integrated into the storm sewer system.

The existing pavement structure (concrete and foundation course) on the mainline would be removed prior to placement of new concrete pavement and foundation course. The limits of pavement replacement adjacent to the structure would 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 would be replaced to the limits of the roadway replacement. A temporary sidewalk would be added on the west side of the viaduct from Park Drive to Madison Street.

The bikeway under the viaduct would be replaced where it is being impacted by viaduct construction.

Fencing would be placed at the top of steep embankments and retaining walls.

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 would be necessary.

Permanent pavement markings would be applied to all new surfacing.

Existing street lighting would be removed and replaced.

Additional property rights would be required to build this project.

Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.

This project would be constructed under traffic with crossovers and head-to-head traffic controlled with approved temporary traffic control.

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

N/A

Action is identified in the Current STIP Date:	Subsequent Phase:	Estimated Cost *($)*:
5/25/2016	Construction	$5,364,000

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

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

Right of Way and Property Impacts

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

[X] Yes (2) [ ] No (1) [ ] N/A

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

[ ] Yes (3) [X] No (2)

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

ROW would be permanently acquired from multiple industrial land holdings located immediately adjacent to the existing viaduct. Permanent ROW acquisition would also be required from BNSF Railway. Additionally, temporary easements would be acquired from the City of Ralston and BNSF Railway.

1.4 Estimated Acres of Permanent ROW/Easements:

1.68

1.5 Estimated Acres of Temporary ROW/Easements

0.25

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

[ ] Yes (3) [X] No (2) [ ] N/A

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

[X] Yes (2) [ ] No (1) [ ] N/A

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

☐ Yes (3) ☒ No (2)

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

The Ralston Connector Trail (the Trail) is an approximately 1.3 mile long, 10-foot-wide paved, multi-use path that connects the project area (western terminus) to the intersection of South 72nd Street and Main Street (located approximately 1 mile northwest of the project). The Trail is intended for use by pedestrian and bicycle traffic and connects the South 84th Street and South 72nd Street corridors, while passing through Wildewood Park. Users can access the Trail from: 84th Street Frontage Road, Serum Avenue, Wildewood Park, South 78th Street, and the intersection of South 72nd and Main Streets.

In order to accommodate project construction and to ensure the safety of the public, approximately 1,400 feet (0.27 mile) of the Ralston Connector Trail, located between the western edge of Wildewood Park and the northern terminus of the 84th Street Frontage Road, would be temporarily closed during construction. Trail closure is scheduled to begin in the spring of 2017 and would last for the duration of the project. In addition, a portion of the trail underneath the South 84th Street viaduct would be reconstructed a few feet north of its existing location (within existing ROW) to accommodate expanded viaduct embankment.

A public meeting was held on November 3, 2015 to provide the public the opportunity to comment on the Project, including temporary trail closure and slight alignment modifications. No comments regarding the trail were received. Dan Freshman (City of Ralston Public Works Director and Official with Jurisdiction over the Trail) was contacted on February 23, 2016 regarding the project and the potential for adverse impacts to the Trail or the attributes that qualify it for protection under Section 4(f). Mr. Freshman provided concurrence that the Project would have no adverse affect on the Trail on April 6, 2016. Subsequently, NDOR coordinated with the Federal Highway Administration (FHWA) regarding the intensity of use, as defined by Section 4(f). On May 5, 2016, FHWA confirmed that project-related use to the Trail would be de minimis.

2.4 Section 4(f) Mitigation:

The closed and relocated portions of the Ralston Connector Trail (0.27 mile of the 1.3 mile trail) shall be limited to those needed to accommodate construction and to ensure the safety of the public. Access to neighborhoods, businesses, and Wildewood Park shall be possible along the remaining mile of unaffected Trail. (Contractor)

In order to accommodate pedestrian/bicycle traffic across South 84th Street during construction, a 0.86 mile pedestrian/bicycle detour shall be marked by appropriate signage. The detour shall utilize (west to east): 1) 84th Street Frontage Road; 2) Signalized crosswalk of South 84th Street at Madison Street; 3) Sidewalk along the east side of South 84th Street; 4) Sidewalks along both the north and south sides of Ralston Avenue; and 5) Sidewalk along the west side of South 78th Street. (NDOR District, Contractor)

Construction-related best management practices (BMPs) shall be utilized both during and after construction and disturbed areas adjacent to the Trail shall be returned to pre-existing or better conditions. (Contractor)

The reconstructed portions of the Trail shall be built to match existing or new conditions. (NDOR District, Contractor)

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

☒ Yes (1) ☐ No (1) ☐ N/A

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

☐ Yes (2) ☒ No (1) ☐ N/A

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

Orval Smith Park (the Park), a Section 6(f) property, is easterly adjacent to the northern portion of the project. In order to minimize the embankment footprint along the north viaduct approach, and concurrently avoid park property conversion, a retaining wall was added to project plans. On December 3, 2015, the Nebraska Game and Parks Commission confirmed that the retaining wall inclusion would avoid any project-related conversion of Orval Smith Park. No temporary easements would be required from the park for the project.

3.4 Section 6(f) Mitigation:

A retaining wall shall be constructed on the east side of the north viaduct approach, in order to avoid conversion of Orval Smith Park property. (NDOR District, Contractor)

Other Non-Threshold Property Impacts

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

☐ Yes ☒ No

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

☐ Yes ☐ No ☒ Unknown

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☐ No ☒ N/A

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

The storm sewer system would be removed and replaced to match the new grades; pipe underdrains would be built where required and connected to the storm sewer. Existing street lighting would also be removed and replaced. No resource impacts unique to utility work are anticipated. No utility-specific coordination with resource agencies has been completed.

4.7 Describe Mitigation for Above Non-Threshold Resources:

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

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

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

Water and Ecological Resources:

5.1 Wild and Scenic/National Recreational Rivers – Will the action cross or occur adjacent to a Wild and Scenic River, National Recreational River Segment, or a river listed on the nationwide rivers inventory, including its buffer area?

☐ Yes* ☒ No ☐ N/A

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

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

☐ Yes (1) ☒ No (1) ☐ N/A

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

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

☒ Yes (1) ☐ No (1)

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

☒ Yes (1) ☐ No (1)

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

☐ Yes (2) ☒ No (1) ☐ N/A

7.4 Estimated Permanent Wetlands Impacts:

0.10

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

[X] Yes (2) [ ] No (1) [ ] N/A

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

[ ] Yes (3) [X] No (2) [ ] N/A

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

A wetland/water resource delineation was completed in September 2013. Both wetland and channel resources were identified within the study area. On November 23, 2015, the U.S. Army Corps of Engineers authorized the project, including 0.10 acre of wetland fill and 41 linear feet (0.0036 acre) of stream channel fill, via Nationwide Permit 14: Linear Transportation Projects. In order to mitigate unavoidable impacts to wetlands and waters of the U.S., project authorization is contingent upon NDOR's debit of 0.31 certified wetland mitigation credit from its Lincoln Bend Wetland Mitigation Bank ledger.

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

The project qualifies for authorization under Nationwide Permit 14: Linear Transportation Projects. The contractor shall adhere to all permit conditions, including regional and general conditions, during construction. (Contractor)

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

All wetlands/waters within the project area that are not permitted for impacts shall be marked on the 2W aerial sheets for the contractor as avoidance areas. (NDOR Environmental, Contractor)

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

[ ] Yes [X] No

8.2 Does the project occur within a MS4 community?

[X] Yes [ ] No

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

[X] Yes [ ] No

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

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

The project is located within the City of Ralston, an MS4 community. In addition, the project may result in at least one acre of ground disturbance.

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

Stormwater Treatment consideration is a condition of NDOR's Municipal Separate Storm Sewer System (MS4) permit. Stormwater treatment requirements shall be applied to this project if it meets the criteria outlined in Chapter Three (Stormwater Treatment within Municipal Separate Storm Sewer System MS4 Communities) of the NDOR Drainage Design and Erosion Control Manual. This determination and any necessary coordination with the MS4 community shall be made during the design process. (NDOR Design)

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

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

☐ Yes (2) ☒ No (1)

NDOR PQS Determination Date:

11/3/2015

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

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

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

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

☒

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

☐ Coordination Required ☒ N/A

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

The project was reviewed for potential impacts on threatened and endangered species with the biological assessment approved on 11/3/2015. A "May Affect, Not Likely to Adversely Affect" determination was made for northern long-eared bat; the project, as proposed has been determined to have "no effect" on all other state and federally listed species and their designated critical habitat.

9.8 Species Mitigation:

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)

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

Human and Social Resources

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

☐ Yes (1) ☒ No (1)

10.4 Historic Property Determination

No Historic Properties Affected

NDOR PQS Determination Date:

2/11/2014

Has coordination occurred with SHPO?

[X] Yes [ ] No

SHPO Concurrence Date:

3/3/2014

Has coordination occurred with THPO?

[X] Yes [ ] No

THPO Concurrence Date:

4/14/2014

Has coordination occurred with CLG?

[ ] Yes [X] No

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

[X] Yes (1) [ ] No (1)

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

[ ] Yes (2) [X] No (1)

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

[X] Yes [ ] N/A

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

[ ] Yes [X] N/A

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

[ ] Yes (3) [X] No (1)

NDOR PQS Determination Date:

12/4/2015

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

The HMR identified several facilities where past releases have occurred within the hazardous materials study area. The releases associated with Freeway Muffler and Brakes, Griffin Remediation Services, Ralston Pet Grooming, CJ's Barbecue, and Kwik Shop 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 Kwik Shop. However, Ralston Pet Grooming is 1,300 feet away from construction activities and the scope of work adjacent to 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.

NDOR tested the viaduct for asbestos containing material (ACM). The results revealed 1.3 percent asbestos in the adhesive under the steel handrail posts. 1.3 percent can be rounded down per Department of Health and Human Services (DHHS) regulations and is not considered an ACM.

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.

11.6 Hazardous Materials Mitigation:

NDOR shall submit a National Emission Standards for Hazardous Air Pollutants (NESHAP) notification to the Nebraska Department of Environmental Quality (NDEQ). (NDOR Environmental)

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 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 Contractor's implementation plan efforts shall be documented in ECOD. (NDOR District, Contractor)

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 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).

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

☐ Yes (3) ☒ No (1) ☐ N/A

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

☐ Yes (3) ☒ No ☐ N/A

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

☐ Yes (3) ☒ No (1) ☐ N/A

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

☐ Yes (2) ☒ No (1)

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

☐ Yes (3) ☒ No (1)

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

☐ Yes (3) ☒ No (1)

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

☐ Yes (3) ☒ No (1)

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

☐ Yes (3) ☒ No (1)

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

☐ Yes (3) ☒ No (1)

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

15.8 Traffic Disruption Comments:

This project would be constructed under traffic with phased construction, crossovers and head-to-head traffic controlled with approved temporary traffic control. The northbound bridge would be replaced first, with 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. The southbound bridge would be replaced after the northbound bridge, and traffic would be handled similarly on the northbound bridge.

15.9 Traffic Disruption Mitigation:

This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days. (Contractor)

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

☐ Yes (1) ☒ No (1)

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

☐ Yes (3) ☒ No (1)

16.6 Will the action change the functionality of adjacent properties?

☐ Yes (3) ☒ No (1)

16.8 Substantial Access Disruption Mitigation:

Access to adjacent properties shall be maintained at all time during construction but may be disrupted temporarily at times due to construction activities, but shall not be closed. (Contractor)

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

☐ Yes (1) ☒ No (1)

NDOR Highway Civil Rights Specialist Determination Date:

12/20/2013

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

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. There would 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.

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

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.

Because a limited English proficiency (LEP) population (which reaches the NDOR LEP outreach triggers of 5 percent or 1,000 persons) exists in the project area, 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 project notification. The distribution list included citizens and businesses adjacent to N-85 from MM 3.93 to MM 4.14. 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 received three comments during the specified comment period (October 19, 2015 – November 18, 2015), outlined below.

Comment 1: The Nebraska Department of Environmental Quality (NDEQ) listed possible requirements for permits.
Response 1: Appropriate staff from NDOR's Environmental Section shall coordinate with NDEQ regarding permitting requirements.

Comment 2: Business owner adjacent to the project said the meeting was informative for their company.The owner suggested installing and advanced warning flashing light before the South 84th Street and Madison Street intersection as their company has had vehicles impacted by people running this light. The owner also stated that the flashing light would help trucks be able to stop.
Response 2: NDOR appreciates the suggestion and plans to consider the suggestion for incorporation into the project.

Comment 3: A business owner near the project inquired how 84th Street traffic would be affected during project construction.
Response 3: The project would be constructed under traffic with phased construction. The northbound bridge would be replaced first, with 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. The southbound bridge would be replaced after the northbound bridge, and traffic would be handled similarly on the northbound bridge.

On August 5, 2014, The Nebraska Department of Aeronautics had no objections 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.

18.2 Public Involvement Mitigation:

Any written information that is dispersed to the community regarding this project shall be translated into Spanish. (NDOR Communications)

If another public meeting is held regarding this project, associated written meeting information shall be translated into Spanish and there shall be a Spanish/English interpreter present. There shall 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 shall be clear notice posted in Spanish that the interpreter is available. (NDOR Communications)

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

☐ Yes ☒ No

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

Contract Provisions Required

20.1 Wellhead Protection Special Provisions

☐ Yes ☒ No

20.2 General Conditions for Nationwide Permit

Nationwide Permit: 14

☒ Yes ☐ No

20.3 Federal Aviation Administration *(FAA)* Form 7460-1

☒ Yes ☐ No

20.4 General Conservation Conditions from the Matrix PA

☒ Yes ☐ No

T&E General Conditions:

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)

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

21.1 No Indirect or Cumulative Impacts

[X]

This box can be checked if after careful consideration of the Indirect and Cumulative Impact analysis guidance in the CE instructions and the facts of the project, the following statement is determined to be true:
"Indirect effects from this project are not anticipated. This project will not induce growth, change land uses, substantially change travel patterns within a community, or substantially impact water quality, drainage patterns or other resources of concern. Since no substantial human, environmental or economic impacts have been identified for this project; no cumulative impacts are expected."

23.1 **Project Mitigation**:

Section 4(f) Migitation:
The closed and relocated portions of the Ralston Connector Trail (0.27 mile of the 1.3 mile trail) shall be limited to those needed to accommodate construction and to ensure the safety of the public. Access to neighborhoods, businesses, and Wildewood Park shall be possible along the remaining mile of unaffected Trail. (Contractor)

In order to accommodate pedestrian/bicycle traffic across South 84th Street during construction, a 0.86 mile pedestrian/bicycle detour shall be marked by appropriate signage. The detour shall utilize (west to east): 1) 84th Street Frontage Road; 2) Signalized crosswalk of South 84th Street at Madison Street; 3) Sidewalk along the east side of South 84th Street; 4) Sidewalks along both the north and south sides of Ralston Avenue; and 5) Sidewalk along the west side of South 78th Street. (NDOR District, Contractor)

Construction-related best management practices (BMPs) shall be utilized both during and after construction and disturbed areas adjacent to the Trail shall be returned to pre-existing or better conditions. (Contractor)

The reconstructed portions of the Trail shall be built to match existing or new conditions. (NDOR District, Contractor)

Section 6(f) Mitigation:
A retaining wall shall be constructed on the east side of the north viaduct approach, in order to avoid conversion of Orval Smith Park property. (NDOR District, Contractor)

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

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

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

Wetlands/Waters of the U.S. Mitigation:
The project qualifies for authorization under Nationwide Permit 14: Linear Transportation Projects. The contractor shall adhere to all permit conditions, including regional and general conditions, during construction. (Contractor)

The Contractor shall not stage, store, waste or stockpile materials and equipment in undisturbed

locations, or in known/potential wetlands and/or known/potential streams that exhibit a clear “bed and Bank” channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation (at lower elevations) from the surrounding upland areas. (Contractor)

All wetlands/waters within the project area that are not permitted for impacts shall be marked on the 2W aerial sheets for the contractor as avoidance areas. (NDOR Environmental, Contractor)

Impaired Waters, Section 402, and MS4 Mitigation:
Stormwater Treatment consideration is a condition of NDOR’s Municipal Separate Storm Sewer System (MS4) permit. Stormwater treatment requirements shall be applied to this project if it meets the criteria outlined in Chapter Three (Stormwater Treatment within Municipal Separate Storm Sewer System MS4 Communities) of the NDOR Drainage Design and Erosion Control Manual. This determination and any necessary coordination with the MS4 community shall be made during the design process. (NDOR Design)

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

General Conservation Conditions from the Matrix PA:

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)

Species Mitigation:
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)

Hazardous Materials Mitigation:
NDOR shall submit a National Emission Standards for Hazardous Air Pollutants (NESHAP) notification to the Nebraska Department of Environmental Quality (NDEQ). (NDOR Environmental)

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 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 Contractor's implementation plan efforts shall be documented in ECOD. (NDOR District, Contractor)

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 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).

Traffic Disruption Mitigation:
This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days. (Contractor)

Substantial Access Disruption Mitigation:
Access to adjacent properties shall be maintained at all time during construction but may be disrupted temporarily at times due to construction activities, but shall not be closed. (Contractor)

Public Involvement Mitigation:
Any written information that is dispersed to the community regarding this project shall be translated into Spanish. (NDOR Communications)

If another public meeting is held regarding this project, associated written meeting information shall be translated into Spanish and there shall be a Spanish/English interpreter present. There shall 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 shall be clear notice posted in Spanish that the interpreter is available. (NDOR Communications)

Additional Mitigation:
Borrow:
Any material needed shall be provided by the Contractor. The Contractor shall try to obtain borrow from an upland site to prevent depletion issues. If the borrow site is within a depletion area of concern, the Contractor shall coordinate with the appropriate agencies and NDOR to offset or minimize impacts. The Contractor shall obtain all environmental clearances and permits required for the borrow site prior to obtaining borrow material for the project. (Contractor)

The Contractor shall have a staging area for the project where material and equipment for the project is stored (e.g. re-steel, forms, etc.). The Contractor shall be required to dispose of material removed as part of the project described above and miscellaneous obstructions encountered and removed along the project. The disposal shall be the responsibility of the Contractor. A waste site may be needed. The Contractor shall be responsible to obtain all permits and clearances and all conditions of those permits. (Contractor)

Airport:
Because of the proximity to the Millard Airport (within a 4-mile radius), the height of any equipment used in the construction of the project (or any antennae installed on the equipment) shall not exceed the local airport’s Height Restriction Zoning. Any Contractor involved in the project shall use the Notice Criteria Tool available at https://oeaaa.faa.gov/oeaaa/external/portal.jsp. If required, the Contractor shall file a 7460-1 Form with the Federal Aviation Administration (FAA). The form shall be required if the Contractor uses any equipment over 200’ tall, or the equipment breaks a 100:1 slope from a public-use airport. This includes any trucks or equipment used during the construction of the project. NDOR’s Roadway Design Division shall verify clearance for permanent construction in the controlled zone from the Nebraska Department of Aeronautics (NDOA) and FAA. NDOR’s Roadway Design Division shall identify those contracts that shall require the special provision concerning the Contractor’s responsibility to gain FAA and NDOA clearance for temporary encroachments due to construction operations. NDOR’s Plans, Specification & Estimates (PS&E) / Contracts shall include the special provision in the appropriate

project contracts. (Contractor)

The proposed project qualifies as a Categorical Exclusion under the following activity found in 23 CFR 771.117:

Paragraph: (c)

Activity: 26

Prepared by: Quinn Damgaard

Organization: HDR

Phone: (402) 399-1041

Email: Quinn.Damgaard@hdrinc.com

Signature:

Date: 6/1/2016

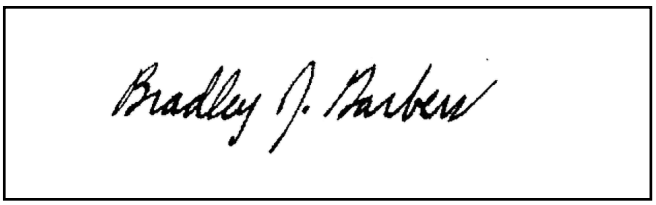
Reviewed by Project Sponsor:

Name: Brad Garbers

Organization: Nebraska Department of Roads

Title: Engineer III

Signature:



Date: June 2, 2016

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

NDOR Environmental NEPA Specialist Signature:

Date: 6.2.2016

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

Date:

Digitally signed by Jon Barber
Date: 2016.06.02 15:42:11 -05'00'

FHWA Environmental Specialist *(Level 3 Requirement)*:

Date:

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

Reevaluation Approval *(if necessary)*:

Date: