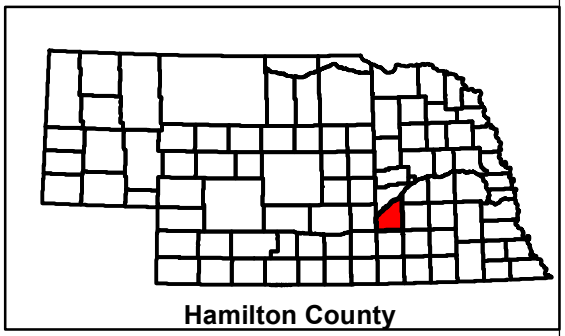
Miles
0 0.45 0.9 1.8

Giltner East
CN: 42755
Project No.: RD-80-7(1036)



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES
Brian P. Dunnigan, P.E.
Director

February 3, 2012

IN REPLY TO:

Robert A. Carnazzo, PE
Hydraulics Unit Head
Nebraska Department of Roads
P.O. Box 94759
1500 Highway 2
Lincoln, NE 68502

Dear Mr. Carnazzo:

This letter is in response to your January 31 inquiry regarding the possibility of local jurisdictions granting a variance of their floodplain development regulations for your department's crack-filling, striping, milling and topping projects. If all three conditions described in Section §006.05 of the state's Minimum Standards for Floodplain Management Programs (attached) are met, local communities may grant the variance.

As you indicated, crack-filling and striping will not have an impact on floodplains/floodways. These activities fall outside of the definition of development as defined by the National Flood Insurance Program and therefore a floodplain development permit is not required.

For projects involving milling and topping and other paving work, the "Certificate of Compliance" jointly developed between our departments in 2009 should continue to be used for meeting local communities' floodplain development regulations.

Thank you for your efforts in keeping the Department of Roads' projects in compliance with the Nebraska's floodplain management standards.

Sincerely,

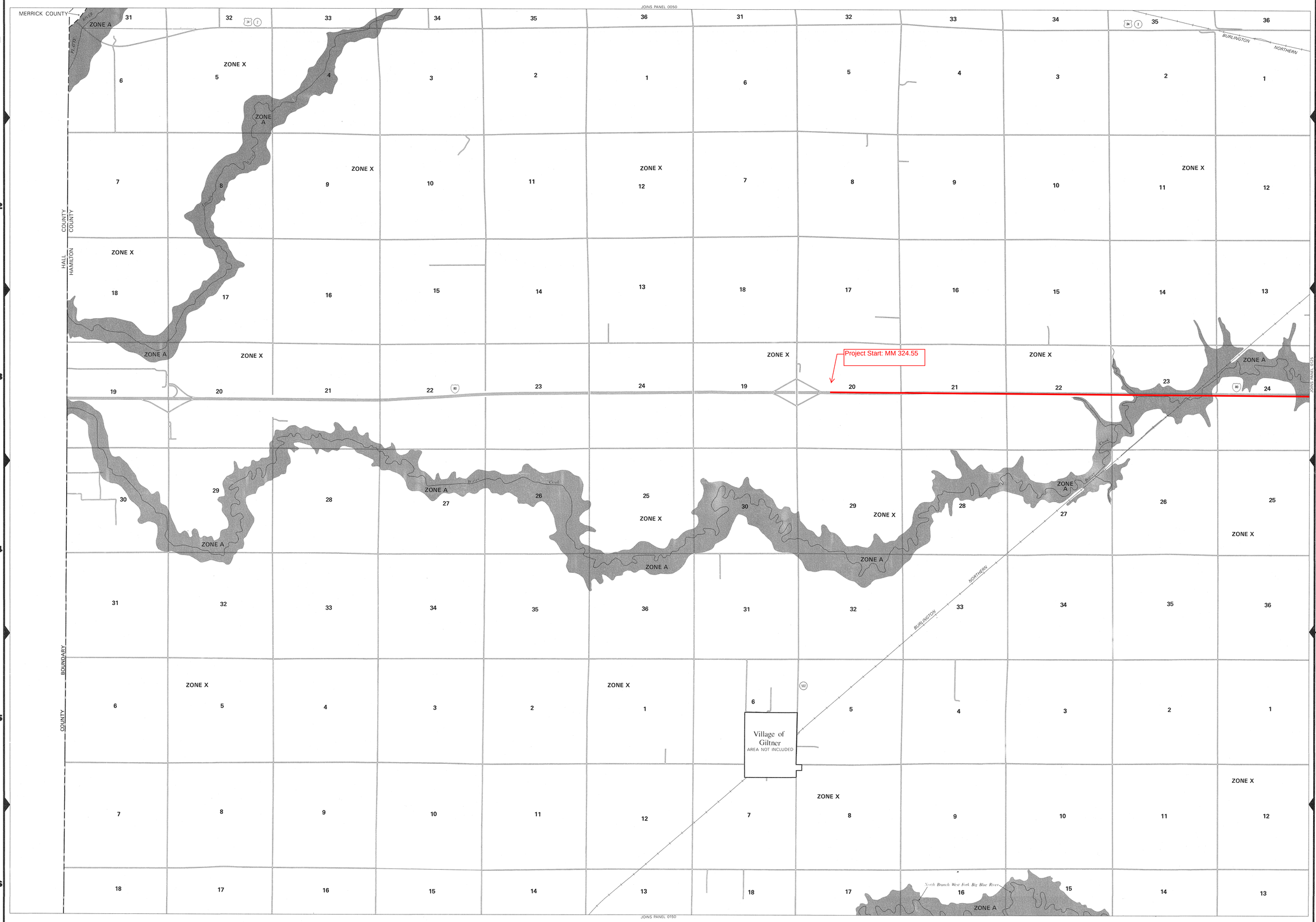
Shuhai Zheng, Ph.D., P.E., CFM
Head, Floodplain/Dam Safety/Survey Division

Enclosure

ds/fp/zheng/2012

NEBRASKA ADMINISTRATIVE CODE
TITLE 455, CHAPTER 1
RULES AND REGULATIONS CONCERNING MINIMUM STANDARDS FOR FLOODPLAIN MANAGEMENT PROGRAMS
June 27, 2008

006.05 Variances or exceptions may otherwise be granted upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant and (iii) a determination that the granting of a variance will not result in additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with other applicable laws or ordinances.



LEGEND

SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD

- **ZONE A** No base flood elevations determined.
- **ZONE AE** Base flood elevations determined.
- **ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
- **ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- **ZONE A99** To be protected from 100-year flood by Federal flood protection system under construction; no base elevations determined.
- **ZONE V** Coastal flood with velocity hazard (wave action); no base flood elevations determined.
- **ZONE VE** Coastal flood with velocity hazard (wave action); base flood elevations determined.

FLOODWAY AREAS IN ZONE AE

OTHER FLOOD AREAS

- **ZONE X** Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

OTHER AREAS

- **ZONE X** Areas determined to be outside 500-year flood plain.
- **ZONE D** Areas in which flood hazards are undetermined.

UNDEVELOPED COASTAL BARRIERS

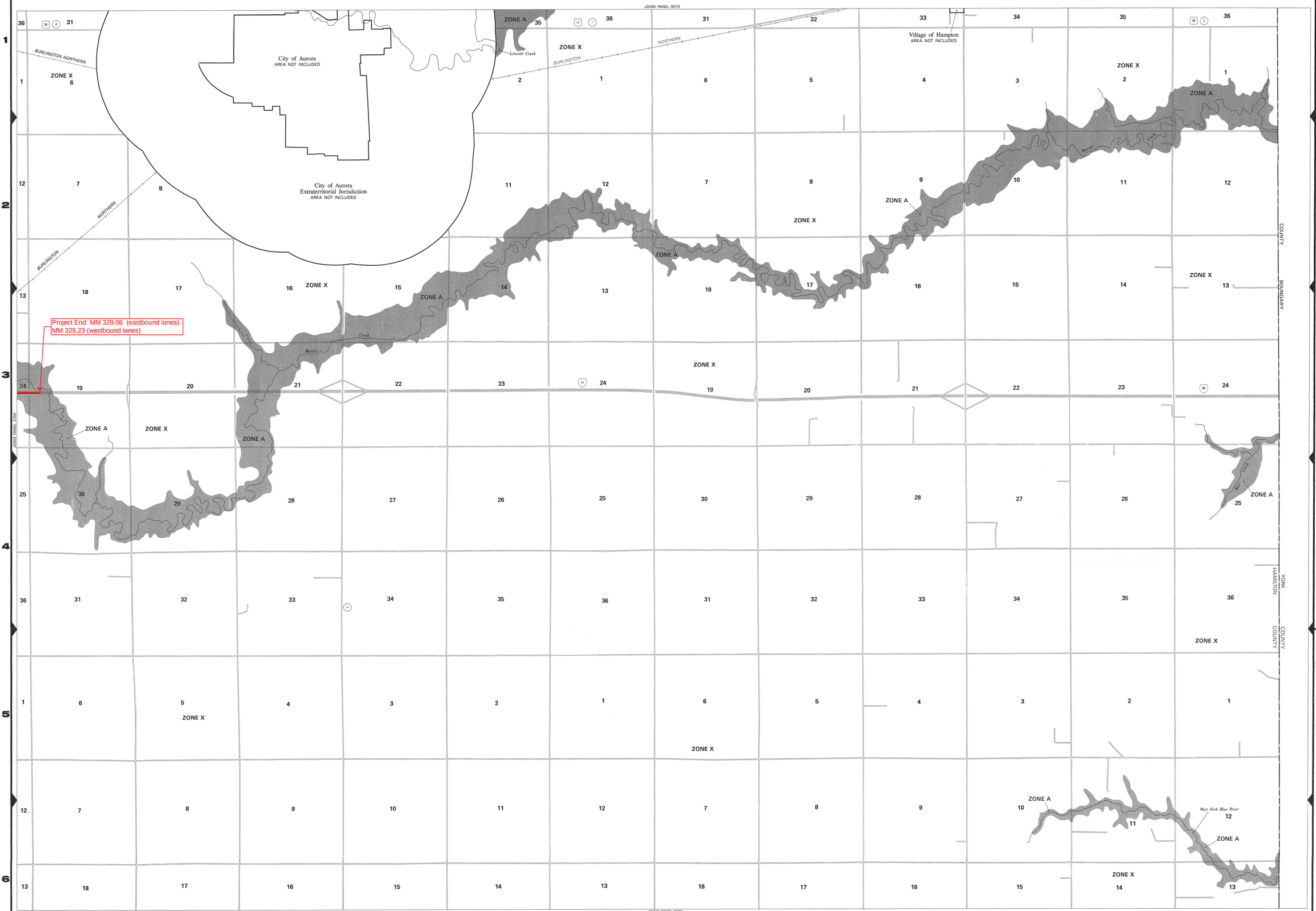
Flood Boundary

Floodway Boundary

Zone D Boundary

Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zone.

~~~567~~~ Base Flood Elevation Line; Elevation in Feet*

(A)———(A) Cross Section Line

(EL 19) Base Flood Elevation in Feet Where Uniform Within Zone*

RM5 × Elevation Reference Mark

M3.0 • Mile Mark

*Referenced to the National Geodetic Vertical Datum of 1929

NOTES

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all planimetric features outside Special Flood Hazard Area or all areas subject to flooding, particularly from local drainage sources of small size.

Areas of Special Flood Hazard (100-year flood) include zones, A, AE, A1–A30, AH, AO, A99, V, VE and V1–V30.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the Federal Emergency Management Agency.

Floodway widths in some areas may be too narrow to show to scale. Refer to Floodway Data Table where floodway width is shown at 1/20 inch.

Coastal base flood elevations apply only landward of the shoreline.

This map incorporates approximate boundaries of coastal barriers established under the Coastal Barrier Resources Act (P. 97–348).

Corporate limits shown are current as of the date of this map. The user should contact appropriate community officials to determine if corporate limits have changed subsequent to the issuance of this map.

For adjoining panels, see separately printed Map Index.

MAP REPOSITORY

Board of Commissioners, Hamilton County Courthouse, 12th and M Street, Aurora, Nebraska (Maps available for reference only, not for distribution.)

INITIAL IDENTIFICATION:
DECEMBER 2, 1992

FLOOD HAZARD BOUNDARY MAP REVISION:

FLOOD INSURANCE RATE MAP EFFECTIVE:
DECEMBER 2, 1992

FLOOD INSURANCE RATE MAP REVISIONS:

To determine if flood insurance is available, contact an insurance agent or call the National Flood Insurance Program at (800) 638-6620.

N

APPROXIMATE SCALE IN FEET

2000 0 2000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

HAMILTON COUNTY, NEBRASKA
(UNINCORPORATED AREAS)

PANEL 100 OF 175

COMMUNITY–PANEL NUMBER:
310441 0100 A

EFFECTIVE DATE:
DECEMBER 2, 1992

Federal Emergency Management Agency
~~~



LEGEND

SPECIAL FLOOD HAZARD AREAS INUNDATED BY 100-YEAR FLOOD

- **ZONE A** No base flood elevations determined.
- **ZONE AE** Base flood elevations determined.
- **ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); base flood elevations determined.
- **ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- **ZONE A99** To be protected from 100-year flood by Federal flood protection system under construction; no base elevations determined.
- **ZONE V** Coastal flood with velocity hazard (wave action); no base flood elevations determined.
- **ZONE VE** Coastal flood with velocity hazard (wave action); base flood elevations determined.

FLOODWAY AREAS IN ZONE AE

OTHER FLOOD AREAS

- **ZONE X** Areas of 500-year flood; areas of 100-year flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 100-year flood.

OTHER AREAS

- **ZONE X** Areas determined to be outside 500-year flood plain.
- **ZONE D** Areas in which flood hazards are undetermined.

UNDEVELOPED COASTAL BARRIERS

Flood Boundary

Floodway Boundary

Zone D Boundary

Boundary Dividing Special Flood Hazard Zones, and Boundary Dividing Areas of Different Coastal Base Flood Elevations Within Special Flood Hazard Zone.

~~~567~~~ Base Flood Elevation Line; Elevation in Feet*

(A)———(A) Cross Section Line

(EL 19) Base Flood Elevation in Feet Where Uniform Within Zone*

RM5× Elevation Reference Mark

M3.0• Mile Mark

*Referenced to the National Geodetic Vertical Datum of 1929

NOTES

This map is for use in administering the National Flood Insurance Program; it does not necessarily identify all planimetric features outside Special Flood Hazard Area or all areas subject to flooding, particularly from local drainage sources of small size.

Areas of Special Flood Hazard (100-year flood) include zones, A, AE, A1-A30, AH, AO, A99, V, VE and V1-V30.

Certain areas not in Special Flood Hazard Areas may be protected by flood control structures.

Boundaries of the floodways were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the Federal Emergency Management Agency.

Floodway widths in some areas may be too narrow to show to scale. Refer to Floodway Data Table where floodway width is shown at 1/20 inch.

Coastal base flood elevations apply only landward of the shoreline.

This map incorporates approximate boundaries of coastal barriers established under the Coastal Barrier Resources Act (PL 97-348).

Corporate limits shown are current as of the date of this map. The user should contact appropriate community officials to determine if corporate limits have changed subsequent to the issuance of this map.

For adjoining panels, see separately printed Map Index.

MAP REPOSITORY

Board of Commissioners, Hamilton County Courthouse, 12th and M Street, Aurora, Nebraska (Maps available for reference only, not for distribution.)

INITIAL IDENTIFICATION:
DECEMBER 2, 1992

FLOOD HAZARD BOUNDARY MAP REVISION:

FLOOD INSURANCE RATE MAP EFFECTIVE:
DECEMBER 2, 1992

FLOOD INSURANCE RATE MAP REVISIONS:

To determine if flood insurance is available, contact an insurance agent or call the National Flood Insurance Program at (800) 638-6620.

N

APPROXIMATE SCALE IN FEET

2000 0 2000

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
FLOOD INSURANCE RATE MAP

HAMILTON COUNTY, NEBRASKA
(UNINCORPORATED AREAS)

PANEL 125 OF 175

COMMUNITY—PANEL NUMBER:
310441 0125 A

EFFECTIVE DATE:
DECEMBER 2, 1992

Federal Emergency Management Agency
~~~

Wetlands PQS Memorandum

DATE 6/6/2016

TO Carrie Wencel, NDOR EDU

FROM Mary Schroer, NDOR EPU

SUBJECT Wetlands PQS Memo
Project No: RD-80-7(1036)
Control No: 42755
Project Name: Giltner East

☐A wetland delineation was completed Click here to enter a date.
Or
☒**A desktop review was completed on 7/8/2013**

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.*): Based on project description, there are no potential Section 404 impacts anticipated for this project. No application for permit is expected.

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)*: None

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

<u>Wetlands/Waters of the U.S. Commitments:</u>
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 the following that apply:

☒ 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 1 of 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)

☐ The project will require a Title 117 Opinion Letter for impacts to waters of the State. (NDOR Environmental, Contractor)

Project Description:

This project description was taken from the 6/13/14 Section 106 Historic PA memo.

This project will crack seal 4.68 miles of I-80 located in Hamilton County, starting at the east end of the Giltner Spur Interchange at mile marker (MM) 324+55 and ending west of the bridge over Beaver Creek at MM 329+06 for the eastbound (EB) lanes and at MM 329+23 for the westbound (WB) lanes.

The existing roadway on this segment of I-80 consists of four 12 foot wide composite driving lanes separated by a depressed grass median. The outside shoulders are 12 foot wide, of which 10 feet is surfaced. The inside shoulders are 5 foot wide, of which 3 feet is surfaced.

The improvements on this project consist of crack sealing the driving lanes and shoulders of the Interstate.

• No additional property rights will be required to build this project.
• This project will be constructed under traffic with lane closures controlled with approved temporary traffic control.

Biological Assessment PQS Memorandum

DATE	4/20/2016
TO	Carrie Wencel, NEPA Project Manager
Cc	Mary Schroer, EPU Project Manager
FROM	Melissa Marinovich, T&E Species Biologist
SUBJECT	Giltner East; NH-80-7(164); CN 42755 Threatened & Endangered Species Concurrence

The biological assessment final approval on: **4/20/2016**

Date of Project Description used for this review: 1/8/2014 (DR-73)

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: **Whooping Crane**

☐ 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 determination has been completed for this project. Based on current project design, there will be no wetland or stream channel impacts on this project. This project will not require a Section 404 permit from the Corps of Engineers; therefore, coordination under FWCA is not required.

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

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

A-1 **Changes in Project Scope**. If there is a change in the project scope, the project limits, or environmental commitments, the NDOR Environmental Section must be contacted to evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. *(District Construction, Contractor)*

A-2 **Conservation Conditions**. Conservation conditions are to be fully implemented within the project boundaries as shown on the plans. *(District Construction, Contractor)*

A-3 **Early Construction Starts**. Request for early construction starts must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start to ensure avoidance of listed species sensitive lifecycle timeframes. Work in these timeframes will require approval from the Federal Highway Administration and could require consultation with the USFWS and NGPC. *(District Construction, Contractor)*

A-4 **E&T Species**. If federal or state listed species are observed during construction, contact NDOR Environmental. Contact NDOR Environmental for a reference of federal and state listed species. *(NDOR Environmental, District Construction, Contractor)*

A-5 **Refueling**. Refueling will be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field. *(Contractor)*

A-6 **Restricted Activities**. The following project activities shall, to the extent possible, be restricted to between the beginning and ending points (stationing, reference posts, mile markers, and/or section-township-range references) of the project, within the right-of-way designated on the project plans:

borrow sites, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage sites.

For activities outside the project limits, the contractor should refer to the Nebraska Game and Park Commission website to determine which species ranges occur within the off-site area. The contractor should plan accordingly for any species surveys that may be required to approve the use of a borrow site, or other off-site activities. The contractor should review Chapter 11 of the Matrix (on NDOR's website), where species survey protocol can be found, to estimate the level of effort and timing requirements for surveys.

Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOR Environmental which will coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOR, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (NDOR Environmental, District Construction, Contractor).

A-7 **Waste/Debris**. Construction waste/debris will be disposed of in areas or a manner which will not adversely affect state and/or federally listed species and/or designated critical habitat. *(Contractor)*

A-8 **Post Construction Erosion Control.** Erosion control activities that may take place by NDOR Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere to any standard conservation conditions for species designated for the project area during construction. (NDOR Maintenance, District Construction, Contractor)

S-2 **Platte River Depletions**. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.

S-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)

Whooping Crane:

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

OR

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

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

AND

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

NDOR PQS Project Review Memo
Section 106 - Tier I Project
No Potential to Cause Effects to Historic Properties

Control Number 42755 Project Number NH-80-7(164) Review Date 06/07/16

Project Name Giltner East Project Location Hamilton County

Date of Project Description Reviewed 04/12/16 (from DR73) ☑ Project Description Attached ☑ Tier I Project

THPO/Tribal Consultation? ☑ No ☐ Yes

THPO/Tribes(s):

Date Correspondence Sent:

THPO/Tribal response date:

THPO/Tribal comment:

CLG Consultation? ☑ No ☐ Yes

CLG:

Date Correspondence Sent:

CLG response date:

CLG comment:

Please Note: For the criteria below to be valid, any an all ground disturbance would be limited to the depth of the existing fill material. Ground disturbance would not exceed the depth of the existing fill material.

Check all that apply:

☐ 1. Guardrail and bridge rail repair and replacement. Conditions: In kind repair/replacement.

☐ 2. Traffic Signals, intersection lighting, pedestrian signals, underpass lighting, or railroad lighting within existing right-of-way. Conditions: In kind repair/replacement.

☐ 3. Maintenance and replacement of highway signs on existing poles, new sign installation within existing fill material.

☑ 4. Crack sealing, pothole repair, overlaying, milling, resurfacing, installation of rumble strips, and pavement marking. Conditions: This activity does not include actions on brick streets or brick highways. The maintenance or rehabilitation is limited to the existing surfaced areas with only minimal surface expansion, is the same as the existing vertical and horizontal alignments of the roadway, no ditching or drainage work is included. All staging areas can be limited to existing paved or previously disturbed surfaces only (eg. surfaces with little to no vegetation due to previous disturbance). Any and all ground disturbance is limited to existing fill material and will not exceed the depth of the existing fill material.

☐ 5. Repair/Maintenance of right-of-way fencing, limited to repair/replacing fence wire and fence posts only on existing fence post locations. Condition: If any grading is required for access or installation of fencing, this authority does not apply.

☐ 6. Improving existing bicycle and pedistrian lanes and paths on their existing alignments. Conditions: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the fill material.

☐ 7. Acquisition of scenic easements.

☐ 8. Approvals for disposal of excess right-of-way or for joint or limited use of the right-of-way for right-of-way previoulsy purchased with federal funds, provided no properties over 50 years old are located on within the property.

☐ 9. Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels, as long as those parcels do not contain properties over 50 years old.

☐ 10. Improvements to existing maintenance facilities, rest areas (excludine I-80 rest areas), and truck weigh stations less than 50 years old. Condition: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the existing fill material.

☐ 11. Repair/Replacement of at-grade railroad crossing gates, lights, signs, and the rail crossing driving surface. Condition: work is limited to in kind replacement/repair with any and all ground disturbance limited to existing fill material locations only, not to exceed the depth of the existing fill material.

☐ 12. Grants for training, education and research programs which do not involve construction.

☐ 13. Purchase of equipment or materials which do not involve construction.

☐ 14. Visual Bridge Inspections.

Stacy L. Stupka

Digitally signed by Stacy L. Stupka
DN: cn=Stacy L. Stupka, o=NDOR Environmental, ou=Section 106 Specialist, email=stacy.stupka-burda@nebraska.gov, c=US
Date: 2016.06.07 12:54:21 -05'00'

NDOR PQS Review

Nebraska Department of Roads

Project Description

Project Name: Giltner East
Project No: NH-80-7(164)
Control No: 42755
Date of Last Revision: 4/12/16 (changed from SFO to federal aid)

This project would crack seal 4.68 miles of I-80 located in Hamilton County, starting at the east end of the Giltner Spur Interchange at mile marker (MM) 324.55 and ending west of the bridge over Beaver Creek at MM 329.06 for the eastbound (EB) lanes and at MM 329.23 for the westbound (WB) lanes.
The existing roadway on this segment of I-80 consists of four 12 foot wide composite driving lanes separated by a depressed grass median. The outside shoulders are 12 foot wide, of which 10 feet is surfaced. The inside shoulders are 5 foot wide, of which 3 feet is surfaced.

The improvements on this project consist of crack sealing the driving lanes and shoulders of the Interstate.
• No additional property rights would be required to build this project.
• This project would be constructed under traffic with lane closures controlled with approved temporary traffic control.

Nebraska Department of Roads

Planning and Project Development

Hazardous Materials Memorandum

Date: June 8, 2016

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 Exemption Memo for the NDOR project Giltner East (C.N. 42755).

NDOR has reviewed the project description for the Giltner East project to determine if a Hazardous Materials Review (HMR) is warranted. The scope of work consists of crack sealing the driving lanes and shoulders along I-80 in Hamilton County. Due to the lack of soil disturbance and work occurring within the pre-existing roadway fill material this project qualifies as an exempt project under the NDOR Hazardous Materials Review Guidance Manual approved by FHWA on August 31, 2015. No hazardous materials review is required. If the scope of work changes, the project would be re-evaluated to determine the need for a HMR.

Although no HMR is required, the contractor shall adhere to the following commitment for encountering unexpected waste during construction:

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).

Will Packard 6/8/16

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

Probable Class of NEPA Action Form

**Attach the DR 530 for an LPA project, DR-73 for a State project, and an aerial location map of the project which includes project start and end points.*

Date this DR-53 was Completed:	Control Number: *(NDOR Completes)*	Project No.: *(NDOR Completes)*
5/5/16	42755	RD-80-7(1036)

Project Name: Giltner East

☐ LPA Project ☒ State Project

Local Public Agency or NDOR District and County Project Located In: District 4, Hamilton County, Ne.

Answer the following questions: (*See Instructions*)	**Yes**	**No**
1. Would the project construct a new roadway on a new location?	☐	☒
a. If yes, would the new roadway have 4 or more lanes?	☐	☐
2. Would the project create a new access controlled freeway facility?	☐	☒
3. Would the project include a new interchange?	☐	☒
4. Is it likely the project would disturb any ground outside the existing paved roadway surface?	☐	☒
5. Is it likely the project would add capacity *(adding thru lanes to a road, fly-by lane, passing lane, auxiliary or turn lane that is > or = 1 mile in length)* to an existing roadway?	☐	☒
6. Is it likely the project would close a road, bridge, or access for more than 3 consecutive days?	☐	☒
7. Is it likely the project would disturb natural ground *(soil)* below or beyond existing fill material?	☐	☒
8. Is it likely the project would require the acquisition of right-of-way *(ROW)*, including permanent easements and/or temporary construction easements?	☐	☒
a. If yes, is it likely more than 1.5 acres per linear mile of ROW or easements would be needed?	☐	☐
b. If yes, is it likely farmland would be purchased?	☐	☐
c. Is it likely the project would require homes, businesses, or farms to be relocated?	☐	☐
9. Is it likely the project would change access control rights to an existing roadway?	☐	☒
10. Is there known public opposition or controversy related to this project or is it anticipated?	☐	☒
11. Is additional outreach proposed beyond the program hearing/meeting?	☐	☒
12. Are there any Section 4(f) properties *(including: publicly owned parkland, trail, wildlife refuge, or known historic properties)* present along or within 0.25 mile of the project?	☐	☒
a. If yes, is it likely the project would impact a Section 4(f) property?	☐	☐
13. Based on past experiences or to your knowledge, is the project adjacent to structures that are 50 years old or older, or are there any known historic structures in the project area?	☐	☒
14. Would the project affect an eligible historic bridge?	☐	☒
15. Based on past experiences or to the best of your knowledge, are there any State or Federally listed Threatened or Endangered Species or critical habitat within the project area?	☐	☒
16. Are any of the following water bodies located within the project limits? ☒ Creek or Stream Channel ☐ Lake ☐ River ☐ Drainage Ditch ☐ N/A		
a. If any water bodies are in the project limits, then how often is water present in them? ☒ Always present ☐ Sometimes present ☐ Rarely present ☐ N/A		
b. Is it likely the project would impact any of the following? *(Check all that apply)* ☐ Creek or Stream Channel ☐ Lake ☐ River ☐ Drainage Ditch ☒ N/A		

17. To your knowledge, do any of the following exist within or adjacent to the project limits? *(Check all that apply)*
    - ☐ Above or below ground storage tanks
    - ☐ Past chemical spills or releases
    - ☐ Operational and/or closed dump or landfill
    - ☐ Industrial or commercial areas
    - ☒ None known

18. Do any of the following statements describe areas within the project limits? *(Check all that apply)*
    - ☐ There is standing water in the project area.
    - ☐ There area areas that hold water longer after it rains and/or do not drain well.
    - ☒ There are areas that appear to be soggy or swampy.
    - ☐ There are known wetlands in the project area.
    - ☐ Wetland plants are located in the project area *(e.g., cattails, reed-canary grass)*

    a. If any boxes were checked in 18 above, is it likely any of those areas would be impacted by project construction? ☐ Yes ☒ No

19. I have attached an aerial location map to this form which shows the project location and contains enough detail for someone from the public to find the project site. ☒ Yes

Please add any additional comments to support the information in this form. *(*Include any public involvement that has occurred.)*

Document Preparer's Signature:

I certify the information in this form accurately reflects what I know about this project at this time.

Carrie Wencel		5.5.2016
(Print Name)	*(Signature)*	*(Date)*

NDOR - Hwy. Environmental Biologist

(Organization and Title)

402.479.4836	carrie.wencel@nebraska.gov
(Phone – include Area Code)	*(Email)*

The following is for NDOR Use Only

*Environmental Justice/Title VI/*LEP

Civil Rights Staff completes the following:

Does the study area contain high concentrations of low-income or minority populations when compared to the area surrounding the study area and/or the city/county as a whole? ☐ Yes ☒ No

Does 5% or greater, or 1,000 persons or greater, or the affected population primarily speak a language other than English and also speak English "less than very well"? ☐ Yes ☒ No

If yes to any of the questions above, please describe what kind of analysis is recommended for the project based on the project scope and project description. ☐ Yes ☐ No

Chris Hossler — Hwy Civil Rights Coordinator — 5/9/2016
(Print Name) (Signature and Title) (Date)

Civil Rights Staff Comments: *(Early Guidance for the Project Proponent)*

Noise and Air Study

Noise & Air Section completes the following:

Is a noise analysis warranted* *(Type I Project)*? ☐ Yes ☒ No

Is an air analysis warranted? ☐ Yes ☒ No

MSAT Analysis Level (Check one) ☒ 1 ☐ 2 ☐ 3

If yes, please identify the type(s) of analysis required.

* Note to Project Sponsor: If the vertical or horizontal alignment is changed, or if the design capacity is modified after DR-53 approval, reconsult with the Noise and Air staff.

Will Packard — HWY Env. Specialist — 5/12/16
(Print Name) (Signature and Title) (Date)

Noise and Air Staff Comments: *(Early Guidance for the Project Proponent)*

Public Involvement

Public Involvement Coordinator completes the following:

Based on the NDOR PIP, the DR-53 Guidelines, or characteristics of the project scope, location or community, is additional outreach required beyond the project's program meeting or what is proposed? ☐ Yes ☒ No

If yes, what type of additional public involvement is recommended:

- ☐ Public Involvement Campaigns *(i.e., targeted mailings, new release, etc.)*
- ☐ Public Meeting
- ☐ Other

Sarah Kugler — Pub. Inv. Mng — 5/12/2016
(Print Name) (Signature and Title) (Date)

Public Involvement Coordinator Comments: *(Early Guidance for the Project Proponent)*

Probable Class of NEPA Action

NDOR Environmental Section completes the following:

NDOR has reviewed this form and recommends the following Probable Class of NEPA Action for this project:

- [x] Programmatic Categorical Exclusion or Categorical Exclusion
- [ ] Environmental Assessment
- [ ] Environmental Impact Statement

Caroline Jezierski	NDOR: Highway Gov. Biologist	6/2/16
(Print Name)	*(Signature and Title)*	*(Date)*

NDOR Comments: *(Early Guidance for the Project Proponent)*
Water may not be present in some of the stream channels due to the intermittency of their flow.

FHWA Concurrence on NDOR's Recommended Probable Class of NEPA Action for this project:

(Print Name)	*(Signature and Title)*	*(Date)*

FHWA concurrence is based on the information known at the time of coordination. This is the probable class of NEPA action and is subject to change as the proposed project progresses and more information is learned about the project, surrounding area, and impacted resources.

FHWA Comments: *(Early Guidance for the Project Proponent)*