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

CE Review Level:

[X] 1 [ ] 2 [ ] 3 [ ] Re-evaluation

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

Appendix: A

Paragraph: 21

Project Name:

D1 Automated Gates

Project Number:

ITS-NH-D1(106)

Control Number:

13280

Location and Study Area:

Various interchange locations along Interstate 80 (I-80) in Seward, Lancaster, Cass and Sarpy Counties, and United States Highway 77 (US-77) in Saunders County. Locations on I-80 are as follows: mile marker (MM) 366.16, 369.15, 373.12, 379.11, 382.11, 388.14, 395.62, 399.04, 420.94, 426.26, 432.97 and 439.22. Locations on US-77 are as follows: MM 92.33 and 95.09.

The Environmental Study Area is confined to the locations of the project plus 0.25 mile around each location, including the existing right-of-way (ROW) plus 50 feet beyond ROW for the project locations, and extending to 150 feet beyond ROW at bridges and culverts for wetlands and most other resources. For regulated materials, the study area extended to 0.1 mile, and for Section 4(f) resources, 0.25 mile beyond ROW. Logical termini are based on information from NDOR's Operation Division, as well as the Strategic Safety Infrastructure Projects Team.

Begin Point(s):	End Point(s):	Highway Number, Street, etc.:
various locations	N/A	I-80/US-77

Project Description:

This project would deploy automated gates and CCTV cameras on I-80 entrance ramps at the following 12 locations within Seward, Lancaster, Cass and Sarpy Counties: Utica Interchange 366 at mile marker (MM) 366.16, Beaver Crossing Interchange 369 at MM 369.15, Goehner Interchange 373 at MM 373.12, Seward Interchange 379 at MM 379.11, Milford Interchange 382 at MM 382.11, Pleasant Dale Interchange 388 at MM 388.14, NW 48th Street Interchange 395 at MM 395.62, Lincoln Airport Interchange 399 at MM 399.04, Greenwood – Ashland Interchange 420 at MM 420.94, Mahoney State Park Interchange 426 at MM 426.26, Gretna Interchange 432 at MM 432.97 and N-370 Interchange 439 at MM 439.22.

There are typically two automated gates and one CCTV camera per location. The following four locations would receive 4 automated gates due to two lanes separated by a triangle median: Seward Interchange 379, NW 48th Street Interchange 395, Greenwood – Ashland Interchange 420 and Gretna Interchange 432. The following locations would not receive CCTV cameras due to existing units, or units to be installed prior to this project: Seward Interchange 379, Milford Interchange 382, Pleasant Dale Interchange 388, Gretna Interchange 432 and N-370 Interchange 439.
This project would also deploy CCTV cameras on US-77 within Saunders County at MM 92.33, the west US-77/Nebraska Highway 92 (N-92) Junction, and MM 95.09, 0.04 miles north of the south US-77/N-92/Nebraska Highway 109 (N-109) Junction.

Scope details include:
- Installation of automated gates, post mounted signs, climbable truss towers, and control cabinets all with ground rods.
- Trenching or jacking of electrical conduit and installation of pull boxes.
- Cameras would be installed at various locations.
- Construction activities may result in minor soil disturbance beyond the hinge point.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control.
- This project is located within a Municipal Separate Storm Sewer System (MS4) community (Lincoln). Post construction storm water management best management practices may be necessary.
- No additional property rights would be required to build this project.
- This project would be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

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	$1,759,000

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)*?

☐ Yes (2) ☒ No (1) ☐ N/A

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

☐ Yes (2) ☒ No (1) ☐ N/A

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

Three potential Section 4(f) properties are located within the study area: Eugene T. Mahoney State Park, Chalco Hills State Recreation Area and Lake Wanahoo State Recreation Area. Given the scope of this project, and since this project would not require additional right-of-way and would be constructed under traffic with appropriate traffic control measures, the three potential Section 4(f) properties above would not be impacted by a permanent/temporary/constructive use or access restriction.

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

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

4.7 Describe Mitigation for Above Non-Threshold Resources:

Utility relocation or replacement is not anticipated for the project. If utility relocation or replacement is required in a later phase of the project, a reevaluation shall be required if: (1) federal funds will be used for the utility work; or (2) the project construction contractor will be responsible for the work. If this utility work is identified during final design, the project sponsor shall initiate the reevaluation prior to project letting. If the work is identified during construction, the project sponsor shall initiate the reevaluation prior to commencing utility work. (NDOR Environmental, NDOR District)

If either one of the above two conditions does not apply, later relocation or replacement of utilities shall be coordinated through NDOR and the Contractor per NDOR's Standard Specifications for Highway Construction, Subsection 105.06. Any environmental permits required for these utility relocations or replacements shall be the responsibility of the Utility. (NDOR District, 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.

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

☐ Yes (3) ☒ No (1) ☐ N/A

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

☐ Yes (3) ☐ No ☒ N/A

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

The camera tower at the intersection of US-77 and US-92 in Wahoo falls within a regulated floodway. Based on the nature of the work, NDOR has determined that there is minimal or no potential for impact to the floodway crossed, and that this project does not constitute development within the floodplain. A letter of "No Potential Impact" was written by NDOR on 6/14/2016, and sent to the City of Wahoo Floodplain Administrator for notification.

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:

N/A

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

☐ Yes (2) ☐ No (1) ☒ N/A

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

☐ Yes (3) ☐ No (2) ☒ N/A

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

An NDOR biologist completed a desktop review of the project alignment on 4/20/2016. Potential Waters of the US were located within the project study area, but based on the scope of work, no impacts are anticipated to any of these waters.

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

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

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

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

☒ Yes ☐ No

8.2 Does the project occur within a MS4 community?

☒ Yes ☐ No

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

☐ Yes ☒ No

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

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

LP2-10210: Cottonwood Creek (Saunders County, MM 92.33), Impairments: Aquatic Life-Impaired Aquatic Community, Pollutants of Concern: Unknown, Comments/Actions: Aquatic community assessment. Highways that have stormwater outfalls discharging into receiving waters for which TMDLs or other water quality requirements have been established, and where NDOR has been assigned a waste load allocation in the TMDL, may be subject to additional water quality treatment requirements. In addition, receiving water bodies that have a treatment standard based on TMDLs may require more stringent analysis and treatment regimens. Additional information on the TMDL program and 303(d) list is provided on the NDEQ Website: (http://www.deq.state.ne.us/SurfaceW.nsf/Pages/TMDL).

The following are MS4 communities: Lincoln, Omaha.
Stormwater Treatment consideration is a condition of NDOR's Municipal Separate Storm Sewer System (MS4) permit. Stormwater treatment requirements will 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 will be made during the design process.

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

There are Category 5 impaired waters in the project study area; BMPs shall be reviewed and developed as necessary during the erosion control review process. If mitigation is required for impaired waters, it shall be captured in the project erosion control plan sheets and special provisions. (NDOR Roadside Stabilization Unit)

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:

11/9/2015

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.

[X]

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 [X] N/A

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

This project will have "No Effect" to all state or federally listed species or their designated critical habitat.

* 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) [X] No (1)

10.4 Historic Property Determination

No Historic Properties Affected

NDOR PQS Determination Date:

5/19/2016

Has coordination occurred with SHPO?

[ ] Yes [X] No

Has coordination occurred with THPO?

[X] Yes [ ] No

THPO Concurrence Date:

5/19/2016

Has coordination occurred with CLG?

[X] Yes [ ] No

CLG Concurrence Date:

3/16/2016

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) ☒ 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.

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

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

☐ Yes (3) ☒ No (1)

NDOR PQS Determination Date:

6/9/2016

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. Areas of trenching or boring for electrical conduit and pull box installation would occur outside the pre-existing roadway fill with an anticipated depth of excavation of up to 3 feet. The excavations for the installation of truss towers would be 4 to 8 feet deep but would occur at the center of the interchanges and within the pre-existing roadway fill. Groundwater is not anticipated to be encountered during construction. A majority of the facilities were existing or former gas stations where leaking underground storage tank investigations and remediation have occurred or are ongoing. All these sites were considered to be a low potential to impact the project given the distance from the location of the releases in relation to our project and excavations occurring beyond the pre-existing roadway fill are shallow.

One Superfund site (non-NPL) was identified approximately 850 feet north of the Lincoln Airport Interchange. The NW 12th St. Superfund Site was one of 221 sites taken off the EPA Superfund List in 1995. Analysis of groundwater samples conducted in 1987 indicate groundwater contaminated with carbon tetrachloride, chloroform, tetrachloroethylene, and toluene. The groundwater flow direction at the site is southwest. Due to the distance of the site from the project area and the shallow depths of excavation proposed for the project which are not anticipated to encounter groundwater, there is a low potential for the release reported at the NW 12th St SF Site to be encountered during construction.

11.6 Hazardous Materials Mitigation:

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)

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:

The project would be completed under traffic in one construction season.

15.9 Traffic Disruption Mitigation:

This project would be constructed under traffic with lane closures controlled by approved temporary traffic control devices. 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)

16.7 Access Disruption Comments:

Access to adjacent properties would be maintained throughout construction of the project.

16.8 Substantial Access Disruption Mitigation:

Access to adjacent properties shall be maintained at all times 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:

12/15/2015

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

There would be no disproportionately high and adverse human health or environmental effects visited upon minority and low-income populations, as defined in FHWA Order 6640.23A, because the scope of the project is so minor as to preclude the possibility of adverse effects.

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

Due to the nature of the work, additional public outreach during the NEPA phase is not needed. This project has been disclosed in the District Program Hearings as well as through the public involvement efforts in conjunction with the development of the STIP. No LEP outreach is required for this project because there will be no further public involvement activities for the LEP outreach to enhance.

18.2 Public Involvement Mitigation:

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

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

☐ Yes ☒ No

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: N/A

☐ 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."*

21.3 Cumulative Impacts:

This project is scheduled for construction in FY 2016. The following projects coincide with locations in this project:

Near MM 366.16: 13301_STP-L80F(117)_Utica South [FY 2022] - mill and fill maintenance project; 13109_RD-80-8(1038)_Utica-Goehner [FY 2017] - crack seal
Near MM 369.15: 13109_RD-80-8(1038)_Utica-Goehner [FY 2017] - crack seal
Near MM 373.12: 13300_STP-L80G(116)_Goehner North [FY 2022] - mill and fill maintenance project
Near MM 379.11: 12979_RD-15-2(1026)_Seward South [FY 2016] - mill, resurface and bridge repair
Near MM 382.11: 13273_STP-6-6(162)_In Milford and North [FY 2020] - concrete repair, mill and overlay
Near MM 388.14: 13142_STP-103-2(103)_Pleasant Dale North and South [FY 2016] - mill, resurface, bridge repair/rehab
Near MM 399.04, 420.94: 13281_ITS-MISC-D1(1031)_District 1-Districtwide Fiber [FY 2016] - connect DMS to fiber optics
Near MM 432.97: 22624_NH-80-9(91)_I-80/N-31, N-370 and N-50 Ramps [FY 2018] - concrete repair, joint repair and grinding; 22567_STP-31-2(112)_Schramm Park-US-6 [FY 2018] - concrete repair, shoulder widening and bridge repair
Near MM 439.22: 22623_NH-80-9(90)_I-80/480/680 Barrier, Omaha [FY 2018] - barrier seal; 22648_HSIP-370-7(127)_I-80-Bellevue [FY 2020] - traffic signals

All of the projects listed above would be constructed under traffic, with the exception of 13142 - Pleasant Dale North and South, which would require a detour. However due to the nature of this automated gates project (no right-of-way acquisitions or detour requirements), no cumulative impacts are anticipated.

22.1 **Additional Comments**:

Wellhead Protection Area: The Seward Interchange at MM 379.11 lies within the Glenhaven Village Subdivision Wellhead Protection Area.

Airport: The following project locations are within 4 miles of an airport:
- I-80, MM 366.16 (Flying V Airport)
- I-80, MM 379.11 (Seward Municipal Airport)
- I-80, MM 395.62 (Lincoln Airport)
- I-80, MM 399.04 (Lincoln Airport)
- I-80, MM 439.22 (Millard Airport)
- US-77, MM 92.33 (Wahoo Municipal Airport)
- US-77, MM 95.09 (Wahoo Municipal Airport)

It is not anticipated that the height of any equipment used in the construction of the project would exceed the local airport's Height Restriction Zoning.

23.1 **Project Mitigation**:

Mitigation for Above Non-Threshold Resources:
Utility relocation or replacement is not anticipated for the project. If utility relocation or replacement is required in a later phase of the project, a reevaluation shall be required if: (1) federal funds will be used for the utility work; or (2) the project construction contractor will be responsible for the work. If this utility work is identified during final design, the project sponsor shall initiate the reevaluation prior to project letting. If the work is identified during construction, the project sponsor shall initiate the reevaluation prior to commencing utility work. (NDOR Environmental, NDOR District)

If either one of the above two conditions does not apply, later relocation or replacement of utilities shall be coordinated through NDOR and the Contractor per NDOR's Standard Specifications for Highway Construction, Subsection 105.06. Any environmental permits required for these utility relocations or replacements shall be the responsibility of the Utility. (NDOR District, Utility Provider(s))

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

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

Impaired Waters, Section 402, and MS4 Mitigation:
There are Category 5 impaired waters in the project study area; BMPs shall be reviewed and developed as necessary during the erosion control review process. If mitigation is required for impaired waters, it shall be captured in the project erosion control plan sheets and special provisions. (NDOR Roadside Stabilization Unit)

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)

Hazardous Materials Mitigation:
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)

Traffic Disruption Mitigation:
This project would be constructed under traffic with lane closures controlled by approved temporary traffic control devices. 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 times during construction but may be disrupted temporarily at times due to construction activities, but shall not be closed. (Contractor)

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

Additional Mitigation:
Borrow Site:
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 shall be followed. (Contractor)

Wellhead Protection:
A portion of this project (Seward Interchange at MM 379.11) has been identified as being located within the Glenhaven Village Subdivision Wellhead Protection Area. NDOR's Standard Specifications 107.01, 107.09 and 107.16 address the Contractor's responsibility to keep fully informed of, observe and comply with all federal, state and local laws and ordinances that affect the conduct of the work. (Contractor)

Airport:
Because of the proximity to the airports listed below (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 following project locations are within 4 miles of an airport:
- I-80, MM 366.16 (Flying V Airport)
- I-80, MM 379.11 (Seward Municipal Airport)
- I-80, MM 395.62 (Lincoln Airport)
- I-80, MM 399.04 (Lincoln Airport)
- I-80, MM 439.22 (Millard Airport)
- US-77, MM 92.33 (Wahoo Municipal Airport)
- US-77, MM 95.09 (Wahoo Municipal Airport)

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

Paragraph: (c)

Activity: 21

Prepared by: Wendy Austin

Organization: NDOR

Phone: (402) 479-3632

Email: wendy.austin@nebraska.gov

Signature: Wendy J. Austin
Digitally signed by Wendy J. Austin
DN: cn=Wendy J. Austin, o=Nebraska Dept. of Roads, ou=EDU - NEPA Specialist, email=wendy.austin@nebraska.gov, c=US
Date: 2016.06.16 12:51:35 -05'00'

Date:

Reviewed by Project Sponsor:

Name: Alicea Mc Cluskey

Organization: NDOR

Title: (402) 479-3737

Signature: Alicea M. Cluskey
Digitally signed by Alicea Mc Cluskey
Date: 2016.06.16 16:09:26 -05'00'

Date:

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

NDOR Environmental NEPA Specialist Signature:

Digitally signed by Carmen Modrcin
DN: cn=Carmen Modrcin, o=NDOR Environmental, ou=NEPA Specialist, email=carmen.modrcin@nebraska.gov, c=US
Date: 2016.06.17 08:55:24 -05'00'

Date:

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

Date:

FHWA Environmental Specialist *(Level 3 Requirement)*:

Date:

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

Reevaluation Approval *(if necessary)*:

Date: