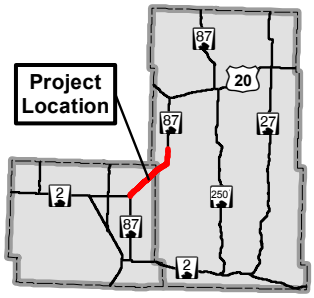
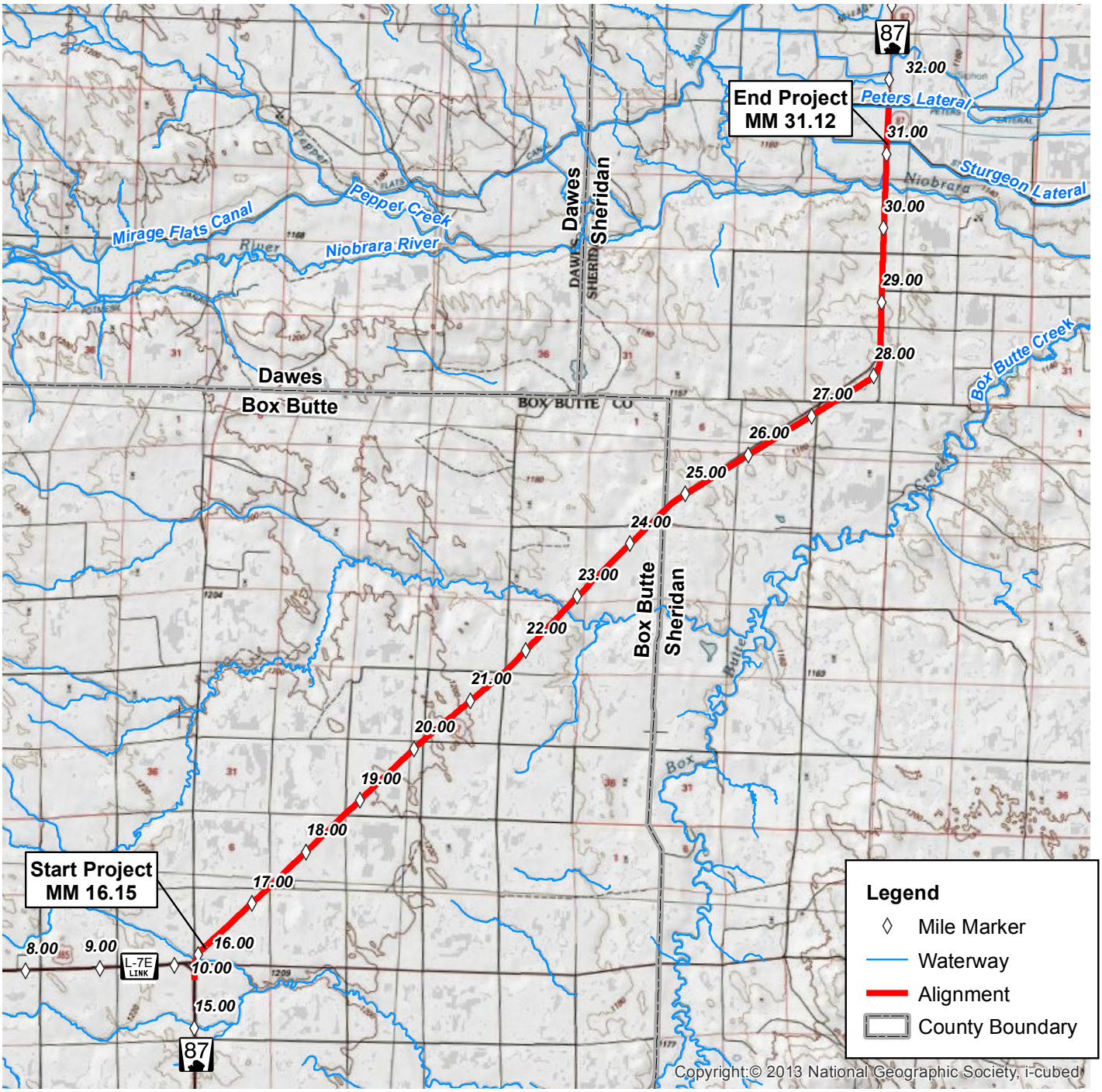
Box Butte and Sheridan Counties, NE




Box Butte and Sheridan Counties

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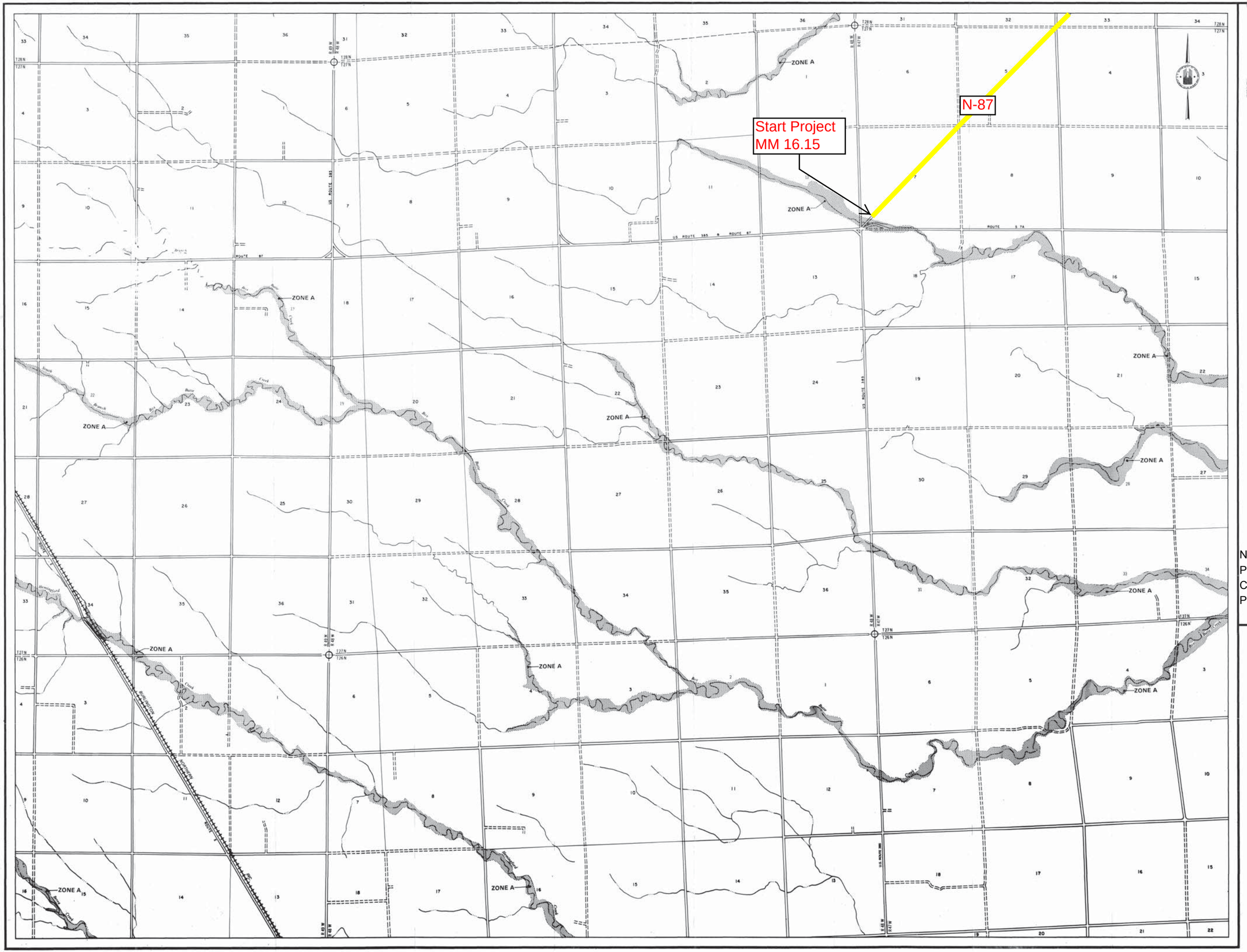
NDOR
Nebraska Department of Roads

# Project Location

Niobrara River South
Project Number: STP-87-4(118)
Control Number: 51508

DATE
April 2016

FIGURE
1




## LEGEND

SPECIAL FLOOD HAZARD AREA — ZONE A

Note: These maps may not include all Special Flood Hazard Areas in the community. After a more detailed study, the Special Flood Hazard Areas shown on these maps may be modified, and other areas added.

**CONSULT NFIA SERVICING COMPANY OR LOCAL INSURANCE AGENT OR BROKER TO DETERMINE IF PROPERTIES IN THIS COMMUNITY ARE ELIGIBLE FOR FLOOD INSURANCE.**

APPROXIMATE SCALE IN FEET: 2000 0 2000

Niobrara River South
Project No. STP-87-4(118)
Control No. 51508
Page 1 of 4

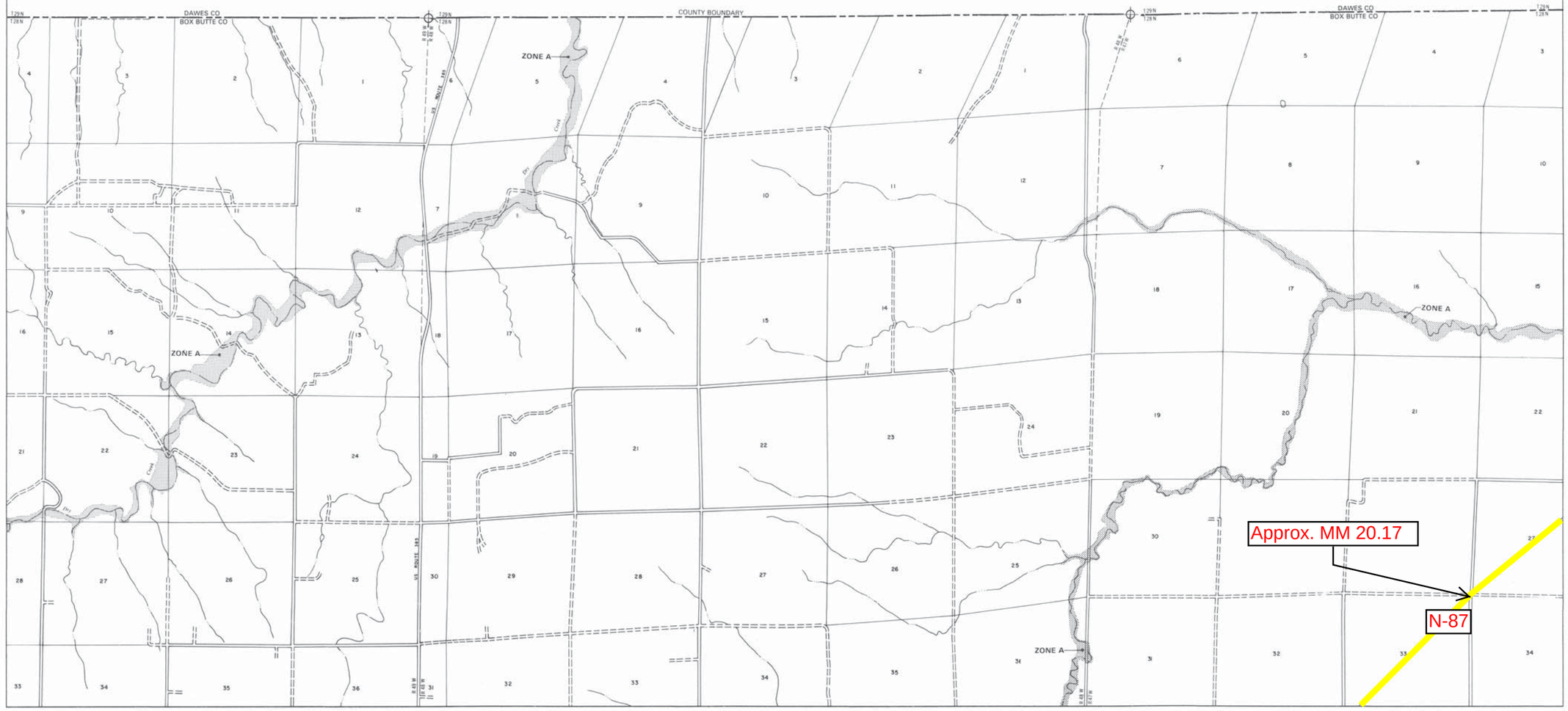
FLOOD HAZARD BOUNDARY MAP

**BOX BUTTE COUNTY, NEBRASKA**
UNINCORPORATED AREA
PAGE 7 OF 16
(SEE MAP INDEX FOR PAGES NOT PRINTED)

**EFFECTIVE DATE:**
AUGUST 23, 1977

COMMUNITY-PANEL NO
310416 0007 A

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION

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APPROXIMATE SCALE IN FEET
2000 0 2000

Niobrara River South
Project No. STP-87-4(118)
Control No. 51508
Page 3 of 4

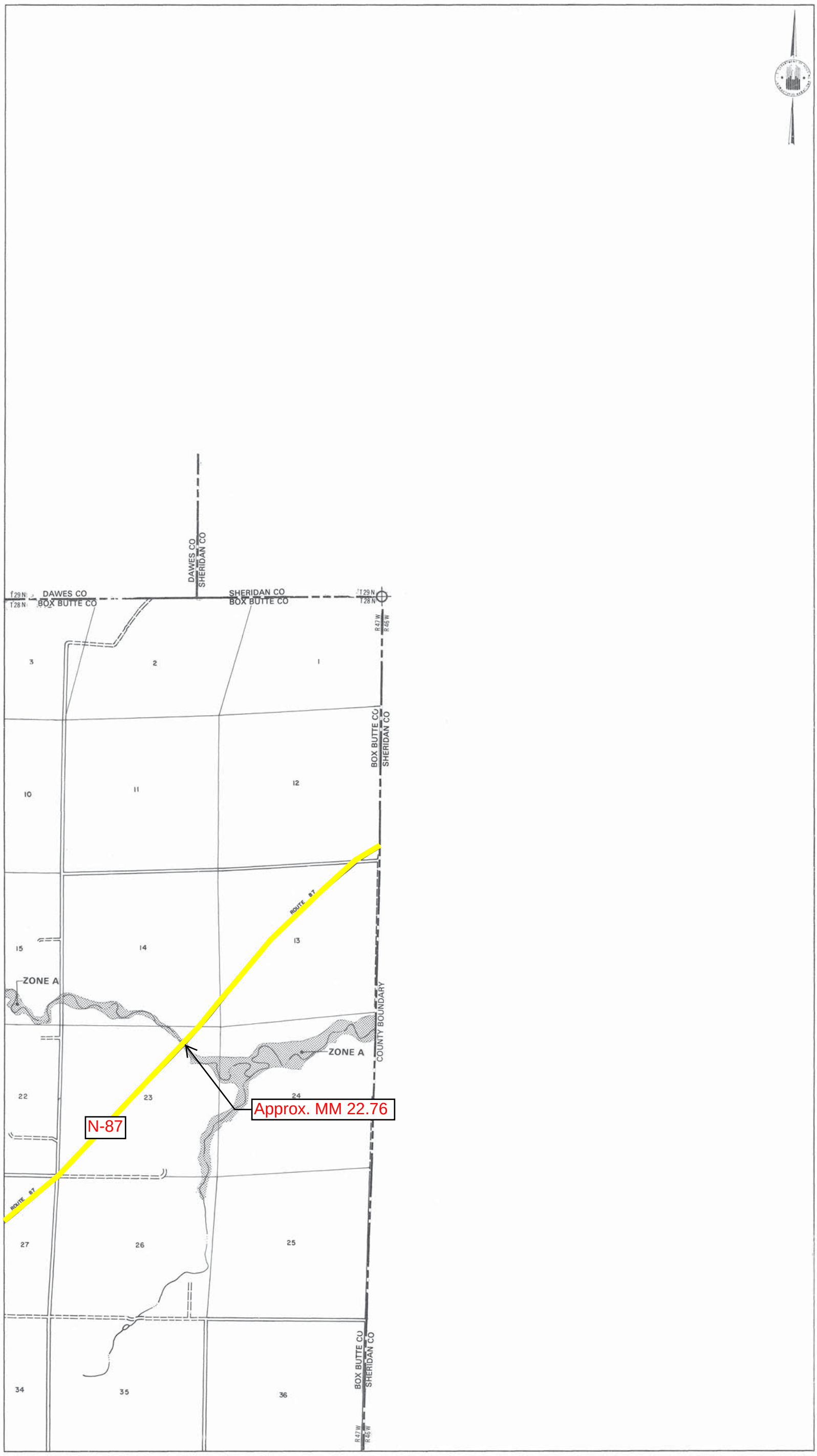
FLOOD HAZARD BOUNDARY MAP

**BOX BUTTE COUNTY, NEBRASKA**
UNINCORPORATED AREA
PAGE 3 OF 16
(SEE MAP INDEX FOR PAGES NOT PRINTED)

**EFFECTIVE DATE:**
AUGUST 23, 1977

COMMUNITY-PANEL NO.
310416 0003 A

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION

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APPROXIMATE SCALE IN FEET

2000 0 2000

Niobrara River South
Project No. STP-87-4(118)
Control No. 51508
Page 2 of 4

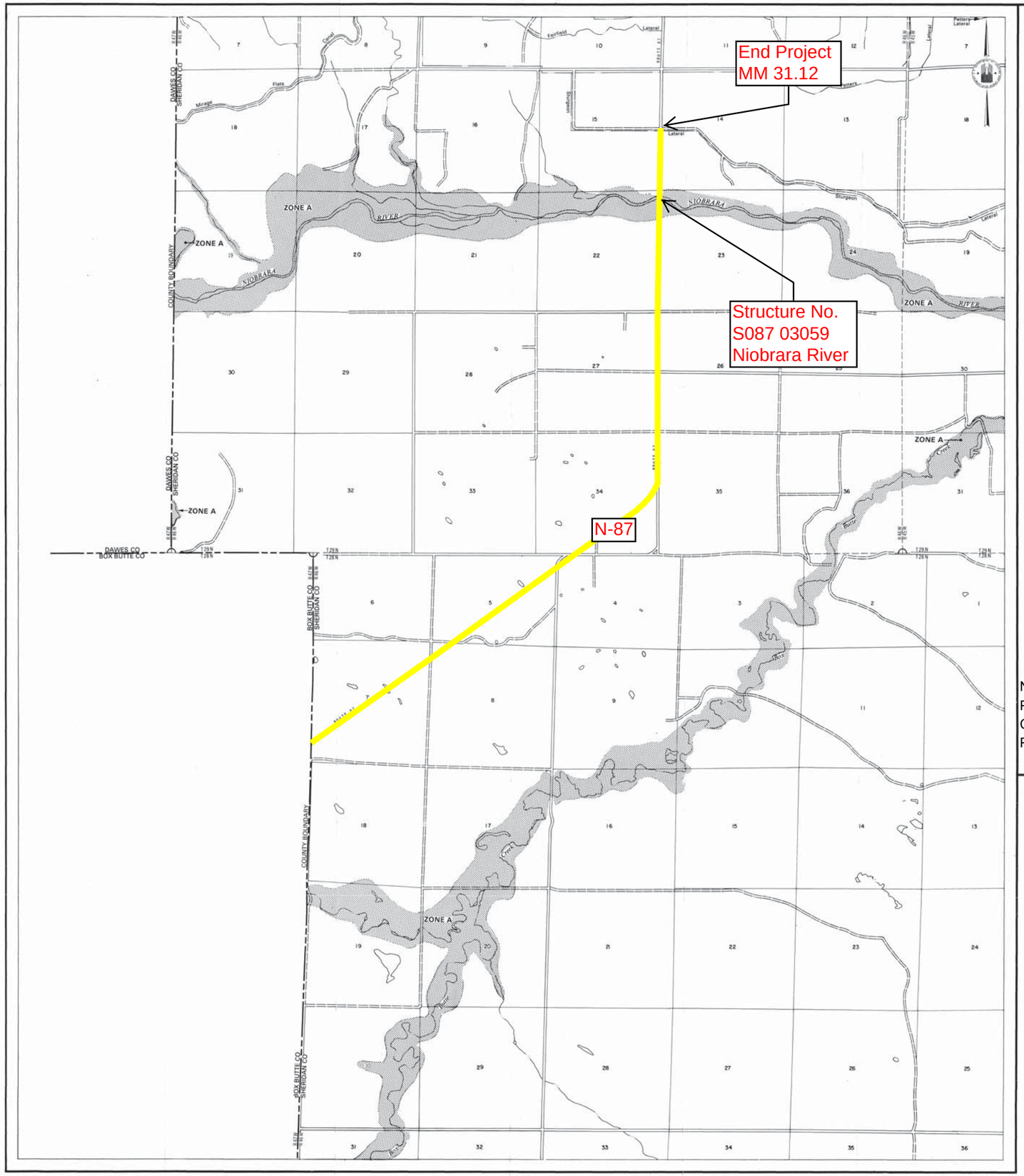
FLOOD HAZARD BOUNDARY MAP

**BOX BUTTE COUNTY, NEBRASKA**
UNINCORPORATED AREA
PAGE 4 OF 16
(SEE MAP INDEX FOR PAGES NOT PRINTED)

**EFFECTIVE DATE:**
AUGUST 23, 1977

COMMUNITY-PANEL NO.
310416 0004 A

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION




LEGEND

SPECIAL FLOOD HAZARD AREA — ZONE A

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CONSULT NFIA SERVICING COMPANY OR LOCAL INSURANCE AGENT OR BROKER TO DETERMINE IF PROPERTIES IN THIS COMMUNITY ARE ELIGIBLE FOR FLOOD INSURANCE.

APPROXIMATE SCALE IN FEET
2000 0 2000

Niobrara River South
Project No. STP-87-4(118)
Control No. 51508
Page 4 of 4

FLOOD HAZARD BOUNDARY MAP

**SHERIDAN COUNTY, NEBRASKA**
UNINCORPORATED AREA
PAGE 17 OF 32
(SEE MAP INDEX FOR PAGES NOT PRINTED)

**EFFECTIVE DATE:**
NOVEMBER 22, 1977

CONVERTED BY LETTER
EFFECTIVE 12/1/08

COMMUNITY-PANEL NO.
310475 0017 A

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
FEDERAL INSURANCE ADMINISTRATION

# Wetlands PQS Memorandum

**DATE** 3/3/2016

**TO** Carmen Pellish, NDOR EDU

**FROM** Kimberly Baker, NDOR EPU

**SUBJECT** Wetlands PQS Memo
Project No: STP-87-4(118)
Control No: 51508
Project Name: Niobrara River South

☒A wetland delineation was completed April 25-27, 2014
Or
☐A desktop review was completed on

**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.*): Not applicable

**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)*: Not applicable

**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 one of the following:**

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

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

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

***Project Description:***

This project will resurface 14.97 miles of N-87 located in Box Butte and Sheridan Counties, starting 0.29 miles northeast of the intersection of N-87 and L-7E at mile marker (MM) 16+15, and extending northeast to MM 31+12, 0.53 miles north of the Niobrara River. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-87 consists of two 12-foot-wide asphalt lanes and 6-foot-wide shoulders, of which 2 feet is paved with asphalt.

The improvements on this project consist of milling of existing pavement, resurfacing the roadway and surfaced shoulders with asphalt, constructing granular subdrains, and constructing earth shoulders. The bridge (S087 03059) will undergo repairs including partial depth deck repairs, asphalt overlay with membrane and piles will be painted.

Scope details include:

- Trench widening for the incorporation of beveled edges on the surfacing for enhanced safety.
- Rumble Strip construction.
- Clearing and Grubbing of non-woody vegetation.
- Grading within the hinge point will be required for the following work:
    - Mailbox turnouts
    - Earth shoulder construction
    - Drives and intersections
    - Granular Subdrains
- There are 39 culverts along this roadway segment. As-built plans indicate that existing culverts meet the lateral obstacle clear zone for this segment and no impacts are anticipated.
- One bridge (Structure Number S087 03059) will undergo repairs including partial depth deck repair, asphalt overlay with membrane, and the piles will be painted.
- Guardrail
    - Remove and replace guardrail
    - Surfacing under guardrail

- The existing asphalt will undergo cold milling and then be resurfaced with asphalt.
- Asphalt patching operations will be performed prior to resurfacing.
- Existing surfaced driveways and intersections will be resurfaced.
- Rock or gravel will be placed behind driveways and intersections to match the new asphalt.
- Mailbox turnouts will be constructed.
- The existing earth shoulders will be brought up to match the new asphalt.
- Project surveying and staking will be required.
- Areas disturbed during construction will be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Permanent pavement markings will be applied to all new surfacing and existing sign and posts will be replaced.
- No additional property rights will be required to build this project.
- Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements.
- This project will be constructed under traffic with lane closures controlled with approved temporary traffic control.

Roadway Design Division

11/11/2015

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200.0000 sf / in.

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W1 |

C.N. 51508

# NIOBRARA RIVER SOUTH

## BOX BUTTE/SHERIDAN COUNTY

LEGEND

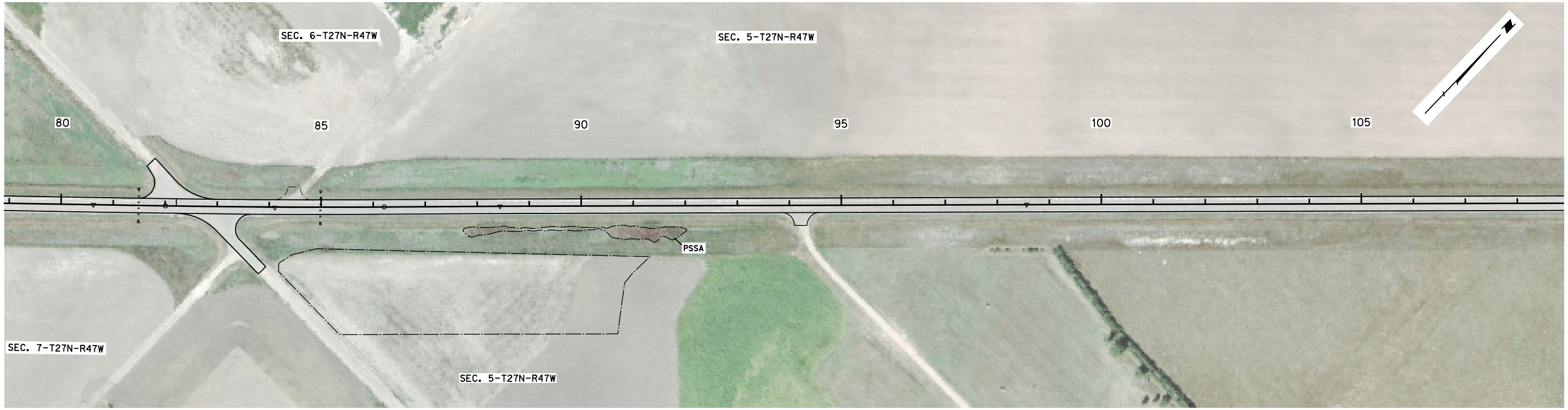
- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB
- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

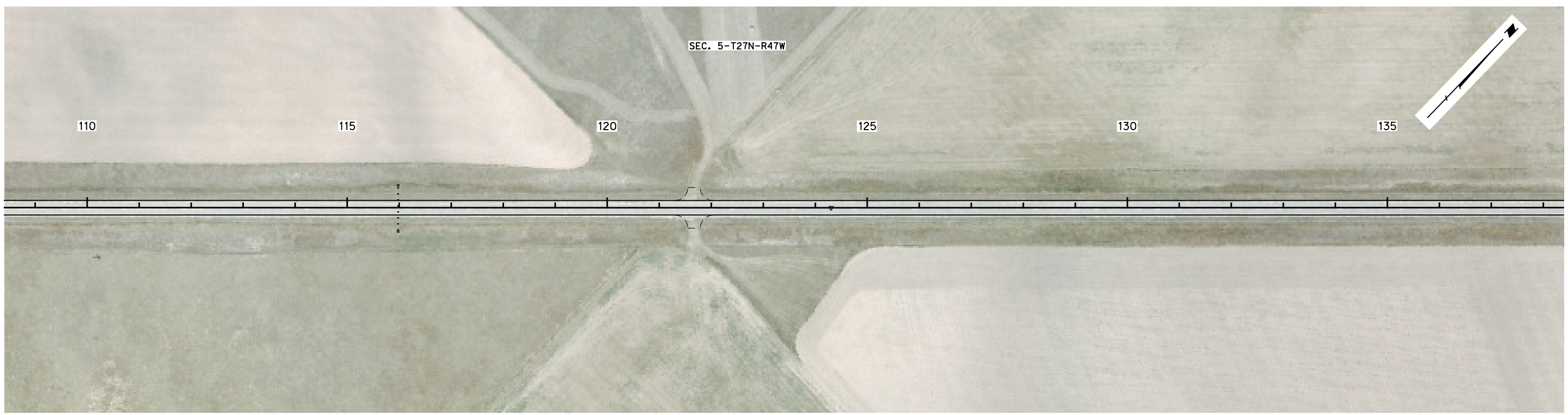
DATE:
FLIGHT:
SCALE: 1"=100'

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W2 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE




LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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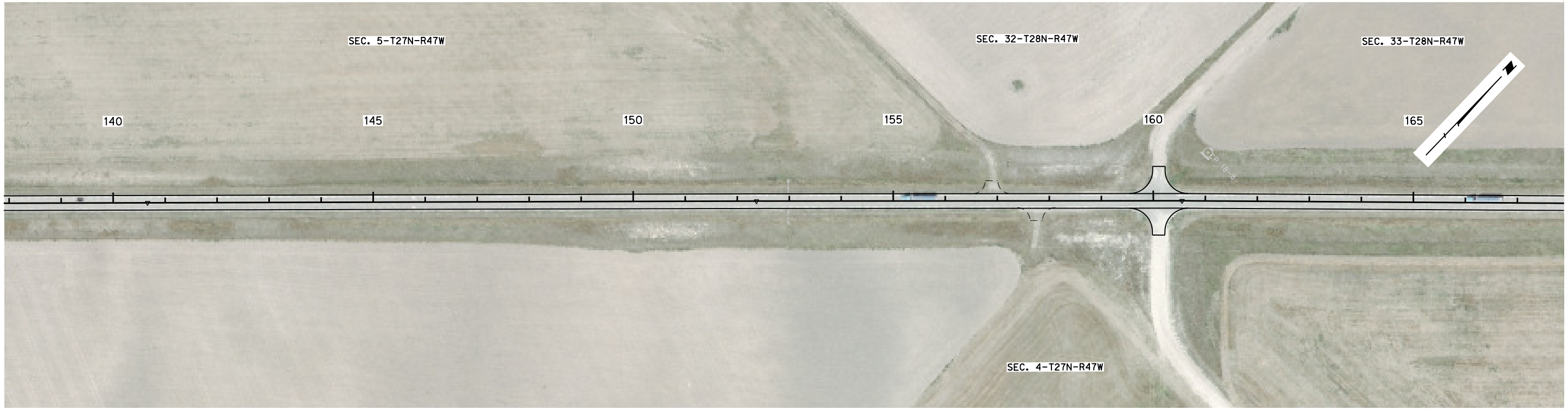
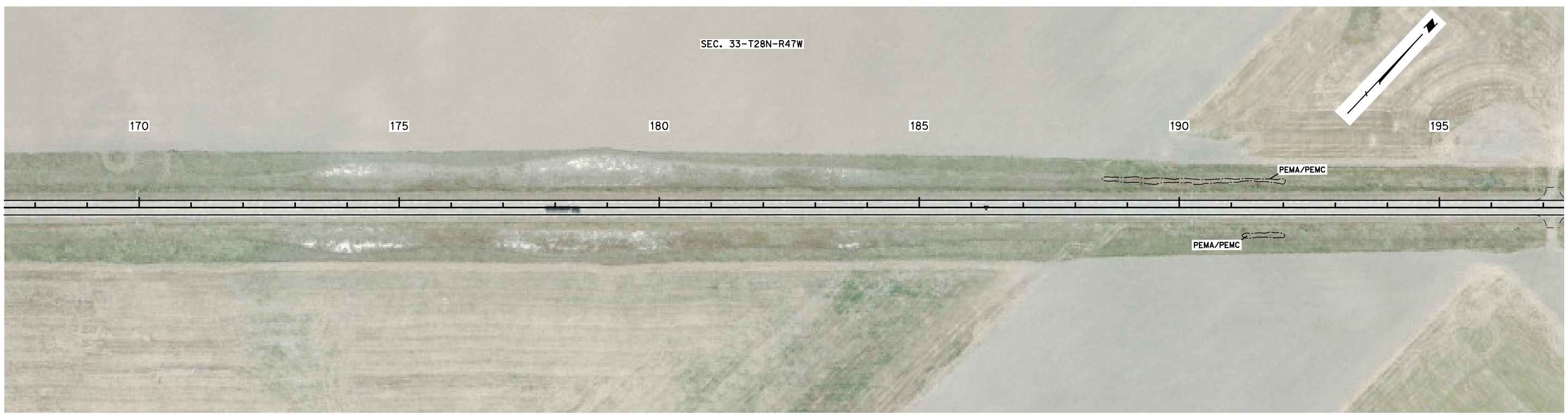
| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W3 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE




LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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200.0000 sf / in.

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W4 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE

## LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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200.0000 sf / in.

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W5 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE

LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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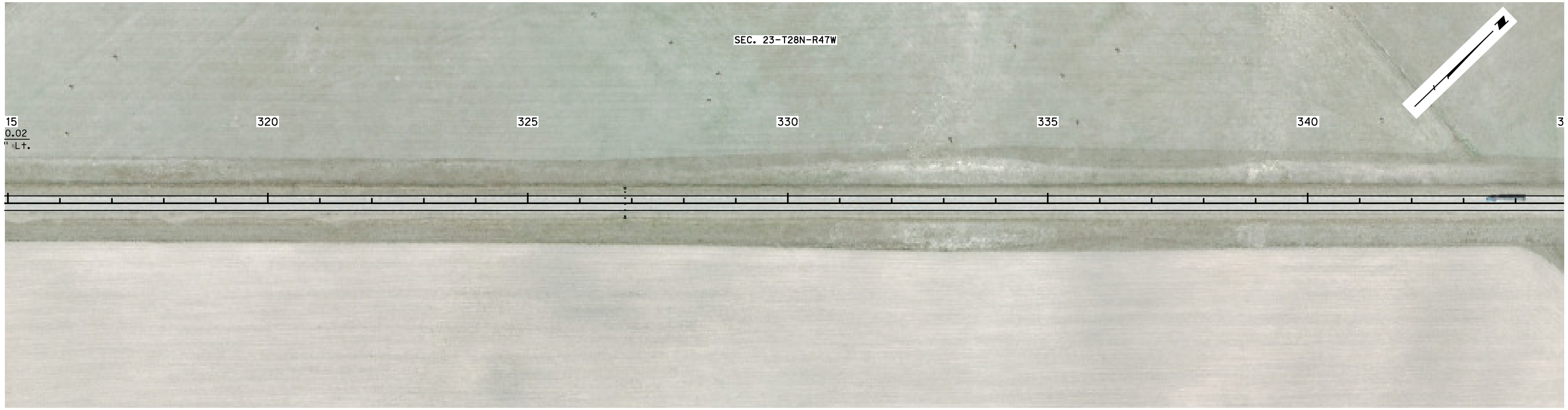
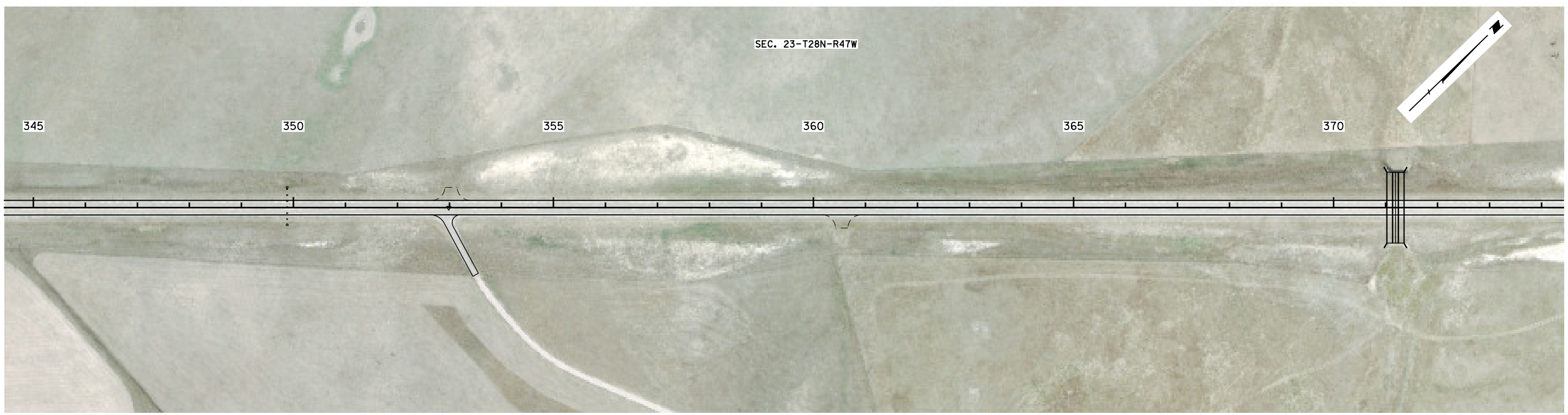
200.0000 sf / in.

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W6 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE




LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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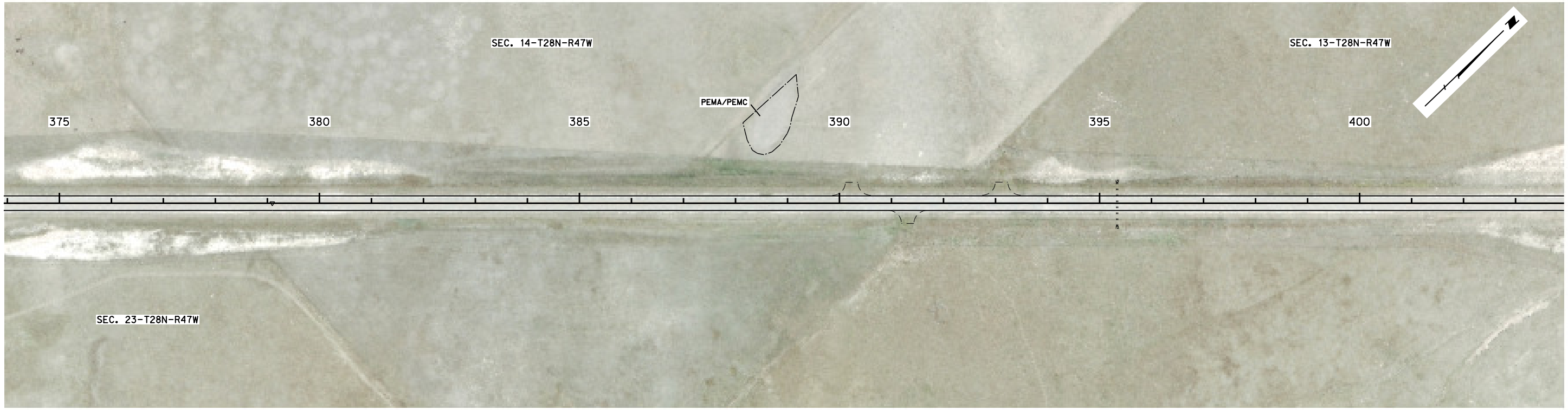
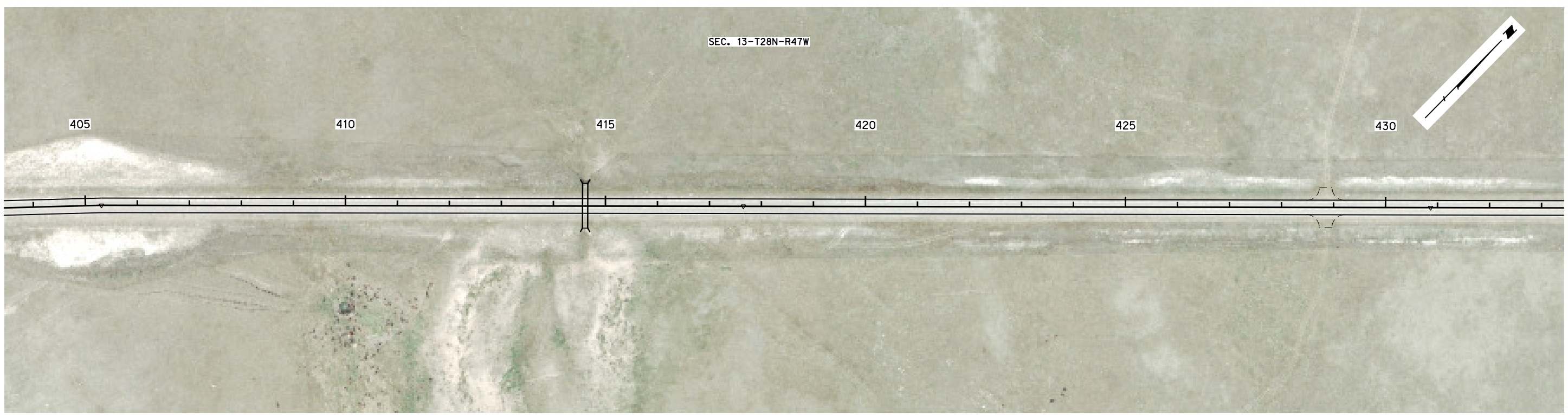
| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W7 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE




LEGEND

- LIMITS OF CONSTRUCTION
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- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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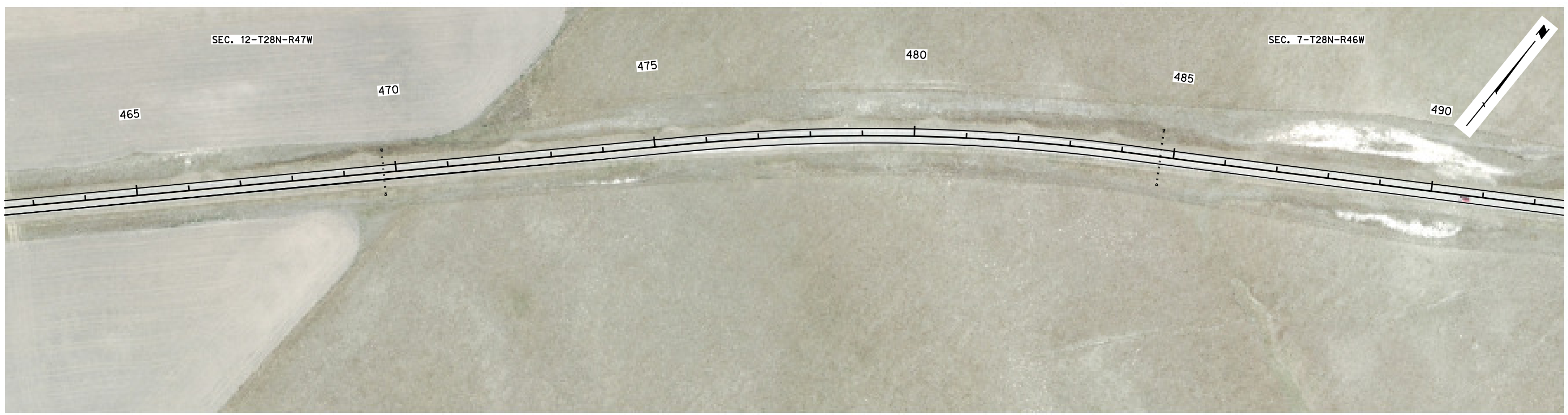
200.0000 sf / in.

# PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W8 |

C.N. 51508




## LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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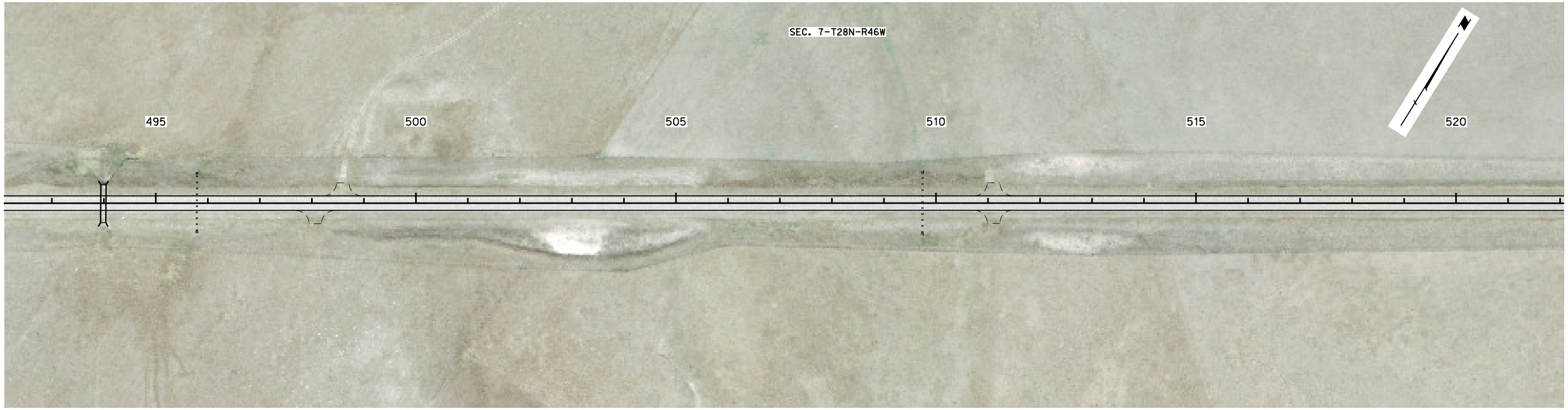
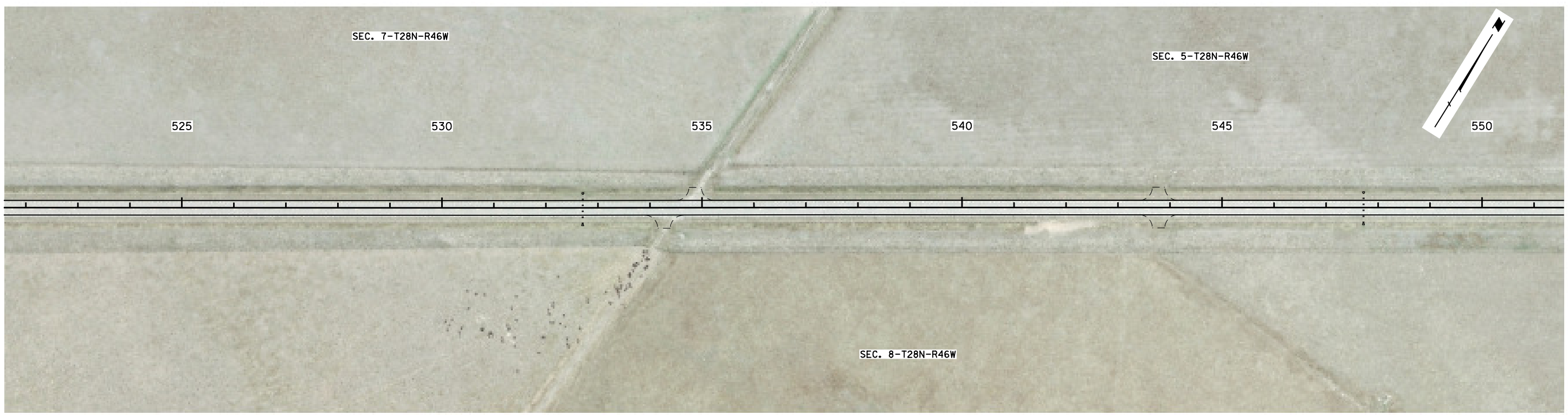
200.0000 sf / in.

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W9 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE




## LEGEND

- LIMITS OF CONSTRUCTION
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- IMPACTED WETLANDS
- TEMPORARY IMPACTED WETLANDS

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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200.0000 sf / in.

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W10 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE

LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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200.0000 sf / in.

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W11 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE

LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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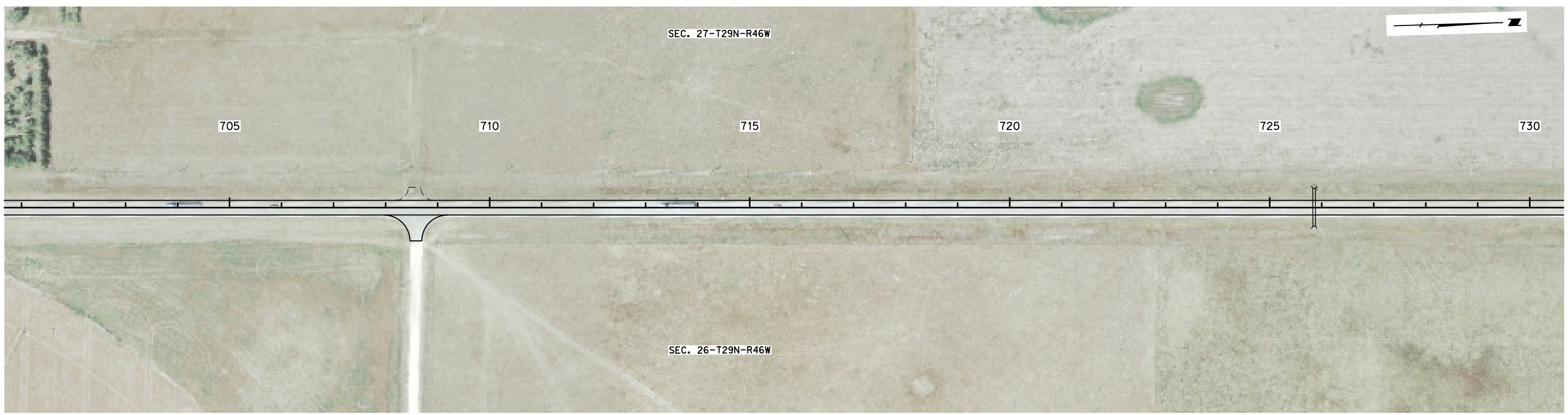
200.0000 sf / in.

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W12 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE




LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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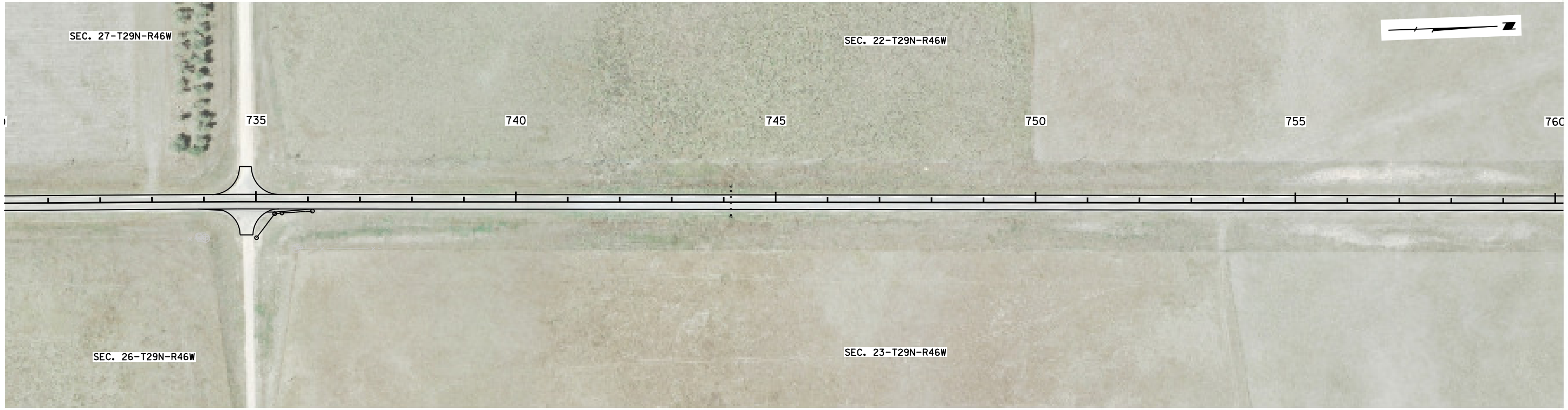
200.0000 sf / in.

| PROJECT NO. | SHEET NO. |
|---|---|
| STP-87-4(118) | 2-W13 |

C.N. 51508

**PRELIMINARY PLAN**
NOT FINAL - SUBJECT TO CHANGE



LEGEND

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

DATE:
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

11/11/2015

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...\plan_number.tbl

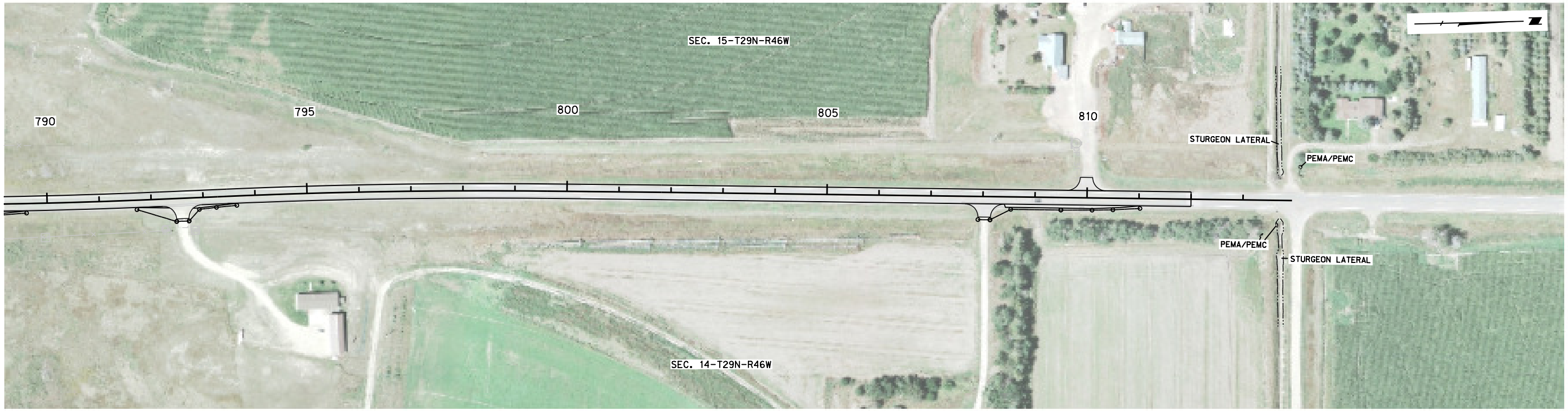
...\ROADWAY\PLANS\51508cw13.dgn
200.0000 sf / in.

| PROJECT NO. | SHEET NO. |
| --- | --- |
| STP-87-4(118) | 2-W14 |

C.N. 51508

# PRELIMINARY PLAN

NOT FINAL - SUBJECT TO CHANGE




## LEGEND

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

DATE:

FLIGHT:

SCALE: 1"=100'

Roadway Design Division

11/11/2015

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# Biological Assessment PQS Memorandum

| | |
|---|---|
| DATE | 11/13/2015 |
| TO | Carmen Pellish, NEPA Project Manager |
| Cc | Kimberly Baker, EPU Project Manager |
| FROM | Melissa Marinovich, T&E Species Biologist |
| SUBJECT | Niobrara River South; STP-87-4(118); CN 51508<br>Threatened & Endangered Species Concurrence |

The biological assessment final approval on: **11/13/2015**

**Threatened and Endangered Species Effect Determination**:

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

☒ A "May Affect, Not Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: **Finescale Dace, Northern Redbelly Dace, Swift Fox**

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

**Migratory Bird Treaty Act:**

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

**Fish and Wildlife Coordination Act:**

A wetland delineation was completed by HDR in the field on August 25 through 27, 2014; however, impacts are not yet available. Based on current project design, this project may require a NPDES permit and Section 404 permit from the Corps of Engineers.

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

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

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

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

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

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

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

**A-6** **Restricted Activities**. The following project activities shall, to the extent possible, be restricted to between the beginning and ending points (stationing, reference posts, mile markers, and/or section-

township-range references) of the project, within the right-of-way designated on the project plans: borrow sites, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage sites.

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

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

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

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

**S-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)*

**Finescale Dace & Northern Redbelly Dace:**

**FSD,NRBD-2** Bridge deck debris will be captured and/or contained to prevent material from entering the channel. *(District, Contractor)*

**FSD,NRBD-4** Woody vegetation and shrub plantings within 100 feet of the Niobrara channel shall be limited to the same native shrub species as occurs in adjacent habitat. No tree species that will reach a height over 6 feet shall be used in the re-vegetation plan within 100 feet of the channel. *(NDOR Environmental, District, Contractor)*

**FSD,NRBD-5** Any upland soil disturbances will be designed to avoid or minimize sedimentation. *(Design, Contractor)*

**Swift Fox:**

**SF-1** Up to a year prior to construction, NDOR or a qualified contractor may survey for potential swift fox den sites within the project's environmental study area. Any potential den sites that are not in use by any species may be covered with 2" by 4" weld-wire fencing and adequately secured to the ground. Two weeks prior to the start of construction, a qualified biologist shall survey the environmental study area according to protocol to determine if active swift fox den sites are present. If an active den with young is located and it is outside the project limits, then a buffer zone shall be established around the den and all construction activities shall avoid the buffer until the den is abandoned. If an occupied den with or without young is identified within the project limits or staging areas, NDOR shall immediately coordinate with the NGPC and notify FHWA (if applicable) to determine how to proceed. A buffer zone shall be established around the den and all construction activities shall avoid the buffer until NDOR gives approval to enter the buffer area. Between April 1 and August 31 the buffer zone shall be 250 yards around the active den site; other times of the year, the buffer shall be 100 yards around the active den site. *(NDOR Environmental)*

**Bald and Golden Eagle Protection Act:**

- Suitable **Golden Eagle** nesting and/or roosting habitat exists within 0.5 miles of the Environmental Study Area. If construction will begin between February 1 and April 15, a nest survey must be completed at least 1 but not more than 14 days prior to construction. If construction will begin between April 15 and October 1, a nest survey completed in March is sufficient, as nests will likely already be constructed if nesting will occur that year. However, a nest survey may be completed anytime during this timeframe, as long as it is completed prior to construction. If golden eagles are nesting in the area, consultation with NGPC and USFWS will be required.

Nebraska Department of Roads

Planning and Project Development

# Hazardous Materials Memorandum

**Date:** March 31, 2016

**To:** Carmen Pellish, Highway Environmental/NEPA Specialist, Planning and Project Development

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

**Subject:** Hazardous Materials Review Memo for the NDOR Project Niobrara River South (C.N. 51508).

## Overview

A hazardous materials review (HMR) was completed by HDR for Niobrara River South project and approved by NDOR on March 31, 2016. A HMR was required for this project because the scope of work exceeds the project exemptions. The purpose of the HMR is to identify environmental concerns associated with hazardous materials and petroleum products which could potentially be encountered during the construction project. This memo summarizes the conclusions and applicable mitigation measures found in the HMR and assists the Environmental Documents manager in completing the Hazardous Materials section of the CE Determination Form for Federal-Aid Projects. The HMR can be found in the NDOR project file.

The project description updated on February 5, 2016 was used to for the HMR.

## Hazardous Material Site Discussion

The HMR did not identify any facilities where past releases have occurred within the hazardous materials study area. In addition, no Superfund sites were identified near the project.

## Asbestos

The scope of bridge work does not require an asbestos survey. No asbestos mitigation is required.

## Lead

The bridge structure (Structure Number S087 03059) would be repaired and include partial depth deck repairs, asphalt overlay with membrane, and piles would be painted. There is potential for lead based paint to be found on the bridges metal components. If the method of

removal of the components generates paint debris, the waste shall be handled in accordance with NDOR's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128, Nebraska Hazardous Waste Regulations. Extreme caution shall be taken to minimize the amount of potential lead based painted material or debris from causing or threatening to cause pollution of the air, land and waters of the State. The Contractors implementation plan efforts shall be documented in Environmental Compliance and Oversight Database (ECOD). (Contractor)

**Unexpected Waste Commitment**

If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material shall stop until NDOR/FHWA is notified and a plan to dispose of the Hazardous Materials has been developed. Then NDEQ shall be consulted and a remediation plan shall be developed for this project. The potential exists to have contaminants present resulting from minor spillage during fueling and service associated with construction equipment. Should contamination be found on the project during construction, the NDEQ shall be contacted for consultation and appropriate actions to be taken. The Contractor is required by NDOR's Standard Specification section 107 (legal relations and responsibilities to the public) to handle and dispose of contaminated material in accordance with applicable laws (NDOR District, Contractor).

Sincerely,

Will Packard 3/31/16

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

Nebraska Department of Roads

Planning and Project Development

# Noise Study Determination Memo

**Date:** March 31, 2016

**To:** Carmen Pellish, Highway Environmental/NEPA Specialist, Planning and Project Development

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

**Subject:** Noise Study Determination Memo for the NDOR Project Niobrara River South (C.N. 51508)

The NDOR Noise Section staff has reviewed the project description for the Niobrara River South project to determine if a noise study is warranted. Based on the materials reviewed, this project does not fit the definition of a Type I project and is therefore exempt from a noise study.

Sincerely,

Will Packard 3/31/16

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)* |
|---|---|---|
| 6/5/14 | 51508 | 87-4(118) |

Project Name: Niobrara River South

☐ LPA Project ☒ State Project

Local Public Agency or NDOR District and County Project Located In: District 5, Box Butte and Sheridan counties

| **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.*

| Tom Plattner | Tom Plattner | 6-5-2014 |
|---|---|---|
| *(Print Name)* | *(Signature)* | *(Date)* |

NDOR Highway Environmental/NEPA Specialist

*(Organization and Title)*

| 402-479-3548 | tom.plattner @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 Hassler | Hwy Civil Rights Specialist | 6-9-14 |
|---|---|---|
| *(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 ~~Sean Schulz~~ | Environmental specialist | 6/13/14 |
|---|---|---|
| *(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 Involvement Coordinator | 6/18/14 |
|---|---|---|
| *(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

| Shannon Sjolie | Hwy Env Biologist | 6/19/14 |
|---|---|---|
| *(Print Name)* | *(Signature and Title)* | *(Date)* |

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

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

| Molly Lamrouex | Digitally signed by Molly Lamrouex<br>DN: cn=Molly Lamrouex, o=FHWA, ou=Nebraska Division, email=molly.lamrouex@dot.gov, c=US<br>Date: 2014.06.23 09:20:59 -05'00' | |
|---|---|---|
| *(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.

Conduct coordination with NPS if project limits are within the Niobrara wild and scenic river management area. Conduct appropriate outreach to river outfitters if bridge work will be conducted within areas frequently utilized for recreation.