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

CE Review Level:

☐ 1 ☒ 2 ☐ 3 ☐ Re-evaluation

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

Appendix: B

Paragraph: 22

Project Name:

N-96 Northwest

Project Number:

STP-183-3(118)

Control Number:

80942

Location and Study Area:

The project is located north of Taylor in Loup County, starting at the junction of US Highway183 (US-183) and Nebraska Highway 96 (N-96) and ending 4.82 miles south of the Loup and Rock County Line.

The Environmental Study Area is confined to the length of this project (7.60 miles) plus 200 feet on either end along US-183, including the existing right of way (ROW) plus 50 feet beyond ROW for most of the project length, and extending to 150 feet beyond the ROW at the bridge and culverts for wetlands and most other resources. The study area extended to 0.1 mile for regulated materials, and 0.25 mile beyond the ROW Section 4(f) resources.

Termini are based on limits identified by Nebraska Department of Roads (NDOR) pavement management system, District 8 and previous construction projects on this segment of highway.

Begin Point(s):

Mile Marker (MM) 135.81

End Point(s):

MM 143.41

Highway Number, Street, etc.:

US-183

Project Description:

This project would resurface 7.60 miles of US-183 located in Loup County, starting at the junction of US-183 and N-96 at MM 135.81, and extending north to MM 143.41, 4.82 miles south of the Loup and Rock County line. 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 US-183 consists of the following:
• MM 135.81 - MM 135.82: This roadway segment consists of two 12-foot wide asphalt driving lanes and 6-foot wide shoulders, of which 2 feet is paved with asphalt.
• MM 135.82 - MM 136.04: This roadway segment consists of two 12-foot wide asphalt driving lanes and 6-foot wide shoulders on the left, of which 2 feet is paved with asphalt, and 6-foot wide shoulders with curb on the right, all of which is paved with asphalt.
• MM 136.04 - MM 143.41: This roadway segment consists of two 12-foot wide asphalt driving lanes and 6-foot wide shoulders, of which 2 feet is paved with asphalt.

The improvements on this project would consist of milling and resurfacing the existing 28-foot top roadway with asphalt. There would be no grade raise. The existing surfaced shoulder for the curb and flumes would be rebuilt. Structure No. S183 13617 would be resurfaced and have the bridge rails sealed. Guardrail would be removed and replaced with surfacing underneath.

Scope details include:
• Grading beyond the hinge point would be required for the following work:
- Guardrail
- Mailbox turnouts
- Earth shoulder construction
- Bridge scour mitigation
• No foreslope correction was found to be needed at the Plan In Hand review.
• As-built plans indicate that the eight existing culverts are either outside of the fixed obstacle clear zone or are 36 inches or less in diameter with flared-end sections. This was confirmed on the plan-in-hand.
• Guardrail
- Remove and replace guardrail with grading beyond the hinge point.
• The bridge (Structure No. S183 13617) over the Calamus River would have an epoxy polymer overlay from end to end of the paving and have the concrete bridge rails sealed.
• The existing asphalt would be milled prior to resurfacing.
• Asphalt patching operations would be performed prior to resurfacing.
• Existing surfaced driveways and intersections would be resurfaced.
• Rock or gravel would be placed behind driveways and intersections to match the new asphalt.
• Mailbox turnouts would be constructed.
• Surfacing would be placed under the guardrail.
• The existing earth shoulders would be brought up to match the new asphalt.
• The existing shoulders and erosion control curb and flumes would be removed and rebuilt.
• Project surveying and staking would be required.
• Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
• Permanent pavement markings would be applied to all new surfacing.
• No additional property rights would be required to build this project.
• Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
• This project would be constructed under traffic with lane closures controlled with approved temporary traffic control.
• Trenching for beveled edge construction.

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	$3,188,000

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))*:

The Calamus River Canoe Trail is located under US-183 at MM 136.17. Access to the Calamus River Canoe Trail is located east of US-183 on the south bank of the Calamus River. Coordination with NGPC found that there is no formal access agreement or easement with NDOR that endorses the use of US-183 right of way to access the Calamus River Canoe Trail. The project would not require any additional property rights, and no work would occur within the Calamus River channel. Calamus River Canoe Trail users would be allowed to pass under the US-183 bridge (Structure No. S183 13617) during project construction. The work on the southeast side of US-183 would be approximately 10 feet out from the roadway shoulder. NDOR right of way is approximately 40 feet wide on the east side of US-183 just south of Structure No. S183 13617, which would allow access for the canoe trail to remain open during construction. Therefore, the project would not result in the use of the Calamus River Canoe Trail.

Harrop Park is located on the northeast side of US-183 at MM 142.00. Work adjacent to Harrop Park would be limited to existing right of way; the project would not require any additional property rights that would impact the park. Access to the park would be maintained during construction. Therefore, the project would not result in the use of Harrop Park.

2.4 Section 4(f) Mitigation:

Public access from US-183 by way of NDOR right of way on the southeast side of Structure No. S183 13617 shall be maintained at all times during construction. (Contractor)

Public navigation on the Calamus River under Structure No. S183 13617 by way of the Calamus River Canoe Trail shall be maintained at all times during construction. (Contractor)

Public access from US-183 to Harrop Park by way of NDOR right of way shall be maintained at all times during construction. (Contractor)

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

☐ Yes (1) ☐ No (1) ☒ N/A

Other Non-Threshold Property Impacts

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

☐ Yes ☒ No

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

☐ Yes ☒ No ☐ Unknown

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

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

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☐ Yes ☐ No ☒ N/A

4.7 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 will 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 will initiate the reevaluation prior to project letting. If the work is identified during construction, the project sponsor will initiate the reevaluation prior to the commencing utility work. (NDOR Environmental, NDOR District)

If any one of the above two conditions do 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?

[X] 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.

5.2 For actions processed under Appendix B categories (26), (27), or (28), a Level 3 review will be required.

[ ] Level 3 Required

5.3 Is the action considered an impact on the National System of Wild and Scenic Rivers by the Agency of jurisdiction?

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

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

The segment of the Calamus River that passes under US-183 at MM 136.17 is listed in the Nationwide Rivers Inventory (NRI). Proposed work on Structure No. S183 13617 at this location would consist of resurfacing, sealing the concrete bridge rails, and removing and replacing the guardrail with surfacing underneath. The proposed project would not involve work within the river channel; therefore, there would be no impacts to the Calamus River.

A coordination letter was transmitted to the National Park Service (NPS) on March 8, 2016 stating that the proposed action is not anticipated to result in impacts to any of the Outstandingly Remarkable Values that make the Calamus River eligible for listing on the NRI. The NPS did not respond to the NDOR request for assistance within 30 days. On May 6, 2016, as per NPS NRI consultation instructions, NDOR proceeded with completion of the CE.

5.5 Wild and Scenic River Mitigation:

Any construction debris that may incidentally enter the Calamus River channel shall be removed on a daily basis. Any debris recovered from the river channel shall be disposed of in accordance with NDOR specifications at an approved disposal site located in an upland location a minimum of 1,000 feet beyond the channel. (Contractor)

All temporarily placed and/or unused construction materials and equipment shall be removed upon project completion. (Contractor)

All fueling operations, lubricating, hydraulic topping off, fuel-tank purging, and equipment maintenance/repairs shall be performed at an upland site located outside of 1,000 feet from the Calamus River. (Contractor)

All construction equipment used or stored within 1,000 feet of the Calamus River shall be inspected for hydraulic and fuel leaks on days operated within 1,000 feet of the Calamus River; leaks shall be repaired prior to operation within 1,000 feet of the Calamus River. When not in use, fuel and hydraulic fluids shall be stored at an upland site located outside of 1,000 feet from the Calamus River. (Contractor)

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

[X] 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) [X] 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 [X] N/A

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

The project encounters a Zone A floodplain at one location. The Calamus River is crossed by Structure No. S183 13617 at MM 136.17. Proposed bridge work would include an epoxy polymer overlay from end to end of the paving and have the concrete bridge rails sealed. Based on the nature of this work, floodplain impacts are not anticipated.

Nebraska floodplain regulations require any project that crosses a mapped, regulated floodplain (100 year base floodplain) to obtain a floodplain permit. NDOR has acquired the proper floodplain permits from Loup County, and has certified that the construction activities would be in compliance with the State of Nebraska floodplain regulations.

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

[X] 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?

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

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

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

7.4 Estimated Permanent Wetlands Impacts:

0.02

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

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

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

☐ Yes (3) ☒ No (2) ☐ N/A

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

A wetland delineation was completed on 9/21/2013. Impacts to PSSA Riverine Channel wetlands are anticipated to be approximately 0.02 acre due to repair/replacement of a curb and flume structure. No temporary impacts or impacts to a channel are associated with this project. The project requires a NWP 3 including a PCN package due to the proximity of the wetland to the Calamus River, a NRI river. Since impacts are less than 0.1 acre, mitigation is not anticipated on this project.

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)

All wetlands within the project area that are not permitted for impacts will be marked on the 2W Aerial Sheets for the contractor as avoidance areas. (NDOR Design, NDOR Environmental)

The project will require a Nationwide Permit #3(a)(c) 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)

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:

The segment of the Calamus River (L02-11300) adjacent to the project and that crosses US-183 at MM 136.17 is a Category 5 impaired water for recreation (bacteria) and aquatic life (naturally high temperature). The pollutant of concern is E. coli.

No work would take place within the Calamus River, and areas disturbed during construction would be stabilized using methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).

Coordination with the Nebraska Department of Environmental Quality (NDEQ) and/or the U.S. Environmental Protection Agency (EPA) is not necessary for this project.

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's erosion control plan sheets and special provisions. (NDOR Roadside Stabilization Unit)

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

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

☐ Yes (2) ☒ No (1)

NDOR PQS Determination Date:

9/9/2015

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.

☒

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

☐ Coordination Required ☒ N/A

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

The project, as proposed, has been determined to "may affect, not likely to adversely affect" the following listed species with the implementation of conservation conditions: American Burying Beetle, River Otter, and Whooping Crane. The project would have "no effect" to all other state or federally listed species or their designated critical habitat.

9.8 Species Mitigation:

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-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)

American Burying Beetle:

ABB-2 Mowing/vegetation removal and carrion (roadkill carcasses) removal must be done according to American Burying Beetle Conservation Measures Protocol and must be implemented at the following locations: along the length of the Project at areas where soil disturbance, staging, or stockpiling would occur. This work will be conducted by either the District or the Contractor, as determined by the District during contracting.

R-1 For the American Burying Beetle, nighttime work with lights from June 1 - July 1 and August 7 - September 1 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)

R-2 Request for early construction starts in the range of the American burying beetle must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start. (District Construction, Contractor)

River Otter:

RO-1 A qualified biologist will survey according to protocol no more than 10 days prior to construction. If no active den sites are found, then the project can proceed. If active den sites are found, NDOR

Environmental Section will notify the District and will consult with the USFWS, NGPC, and FHWA. If species are present the District will notify the Contractor to stop work within 1/2 mile of the active den until NDOR Environmental completes consultation. (NDOR Environmental, District Construction, Contractor)

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: MM 136.17 (Calamus River bridge) and the length of the Project (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 1/2 mile of the project, but departs the area (further than 1/2 mile from the project) then work can resume. Document this departure according to protocol.

AND

WC-3 Herbaceous species used for re-seeding within 1/4 mile of the following locations: MM 136.17 (Calamus River bridge) will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design, NDOR Environmental)

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)

Bald and Golden Eagle Protection Act
Suitable bald 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 bald eagles are nesting in the area, consultation with NGPC and USFWS will be required. (NDOR Environmental, Construction, Contractor)

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

Human and Social Resources

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

☐ Yes (1) ☒ No (1)

10.4 Historic Property Determination

No Historic Properties Affected

NDOR PQS Determination Date:

9/14/2015

Has coordination occurred with SHPO?

☐ Yes ☒ No

Has coordination occurred with THPO?

☐ Yes ☒ No

Has coordination occurred with CLG?

☐ Yes ☒ No

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

☒ 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:

7/8/2016

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

The Hazardous Materials Report (HMR) did not identify any sites where releases have occurred with the hazardous materials study area. Therefore, based on shallow excavations for construction and distance from the facilities to the project there is a low potential of encountering contamination during construction. In addition, no Superfund sites were identified near the project.

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

11.6 Hazardous Materials Mitigation:

If contaminated soils and/or water are encountered, then all work within the immediate area of the discovered contamination will stop until NDOR/FHWA is notified and a plan to dispose of the contaminated media 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.

15.9 Traffic Disruption Mitigation:

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

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

☐ Yes (1) ☒ No (1)

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

☐ Yes (3) ☒ No (1)

16.6 Will the action change the functionality of adjacent properties?

☐ Yes (3) ☒ No (1)

16.8 Substantial Access Disruption Mitigation:

Access to adjacent properties shall be maintained at all times during construction but may be disrupted temporarily at times due to construction activities, but will 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:

3/31/2014

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 USDOT Order 5610.2(a), because these protected populations are not present in the project area.

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

This project has been disclosed in the District-wide Program Hearings as well as through the public involvement efforts in conjunction with the development of the STIP. Due to the nature of the work, additional public outreach will not occur during the NEPA phase.

The areas in which this project is located are mostly English-speaking. In the areas surveyed, none of the data indicates the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. No LEP outreach is required for this project.

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 District, 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: 3

☒ 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:

US-183 Southeast (CN 80866, STP-96-3(101)) is a 13.6-mile widening / resurfacing project on N-96, adjacent to the south end of the N-96 Northwest Project. This project is programmed to be let in Fiscal Year (FY) 2020.

Taylor North & South (CN 80992 / STP-183-3(120)) is a 13.9-mile microsurfacing project on US-183, adjacent to the south end of the N-96 Northwest Project. This project is listed in the Five-Year Program (FY 2017-2021), but it is not listed in the current 2016-2019 Statewide Transportation Improvement Program (STIP).

Loup/Rock County Line Southeast (CN 80951 / STP-183-3(119)) is a 4.8-mile milling and resurfacing project on US-183, adjacent to the north end of the N-96 Northwest Project. This project is listed in the Five-Year Program (FY 2017-2021), but it is not listed in the current 2016-2019 STIP.

There are no anticipated cumulative impacts due to the N-96 Northwest Project in conjunction with the projects referenced above. Construction for the individual projects has been scheduled such that there would be adequate time between projects to prevent interference with local traffic patterns. It is anticipated that the N-96 Northwest Project would result in only minor impacts for wetlands/waters and no impacts for threatened and endangered species or Section 4(f) properties. There are no negative long-term socioeconomic impacts anticipated as access to residences or businesses would only be limited during construction. There are however, long term benefits to motorists due to roadway improvements.

23.1 **Project Mitigation**:

Section 4(f) Migitation:
Public access from US-183 by way of NDOR right of way on the southeast side of Structure No. S183 13617 shall be maintained at all times during construction. (Contractor)

Public navigation on the Calamus River under Structure No. S183 13617 by way of the Calamus River Canoe Trail shall be maintained at all times during construction. (Contractor)

Public access from US-183 to Harrop Park by way of NDOR right of way shall be maintained at all times during construction. (Contractor)

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 will 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 will initiate the reevaluation prior to project letting. If the work is identified during construction, the project sponsor will initiate the reevaluation prior to the commencing utility work. (NDOR Environmental, NDOR District)

If any one of the above two conditions do 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))

Wild and Scenic River Mitigation:
Any construction debris that may incidentally enter the Calamus River channel shall be removed on a daily basis. Any debris recovered from the river channel shall be disposed of in accordance with NDOR specifications at an approved disposal site located in an upland location a minimum of 1,000 feet beyond the channel. (Contractor)

All temporarily placed and/or unused construction materials and equipment shall be removed upon project completion. (Contractor)

All fueling operations, lubricating, hydraulic topping off, fuel-tank purging, and equipment maintenance/repairs shall be performed at an upland site located outside of 1,000 feet from the Calamus River. (Contractor)

All construction equipment used or stored within 1,000 feet of the Calamus River shall be inspected for hydraulic and fuel leaks on days operated within 1,000 feet of the Calamus River; leaks shall be repaired prior to operation within 1,000 feet of the Calamus River. When not in use, fuel and hydraulic fluids shall be stored at an upland site located outside of 1,000 feet from the Calamus River. (Contractor)

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)

All wetlands within the project area that are not permitted for impacts will be marked on the 2W Aerial Sheets for the contractor as avoidance areas. (NDOR Design, NDOR Environmental)

The project will require a Nationwide Permit #3(a)(c) 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)

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's erosion control plan sheets and special provisions. (NDOR Roadside Stabilization Unit)

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

General Conservation Conditions from the Matrix PA:

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

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

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

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

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

A-6 Restricted Activities. The following project activities shall, to the extent possible, be restricted to between the beginning and ending points (stationing, reference posts, mile markers, and/or section-township-range references) of the project, within the right-of-way designated on the project plans: borrow sites, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage sites.

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

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

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

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

Species Mitigation:
S-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-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)

American Burying Beetle:

ABB-2 Mowing/vegetation removal and carrion (roadkill carcasses) removal must be done according to American Burying Beetle Conservation Measures Protocol and must be implemented at the following locations: along the length of the Project at areas where soil disturbance, staging, or stockpiling would occur. This work will be conducted by either the District or the Contractor, as determined by the District during contracting.

R-1 For the American Burying Beetle, nighttime work with lights from June 1 - July 1 and August 7 - September 1 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)

R-2 Request for early construction starts in the range of the American burying beetle must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start. (District Construction, Contractor)

River Otter:

RO-1 A qualified biologist will survey according to protocol no more than 10 days prior to construction. If no active den sites are found, then the project can proceed. If active den sites are found, NDOR Environmental Section will notify the District and will consult with the USFWS, NGPC, and FHWA. If species are present the District will notify the Contractor to stop work within 1/2 mile of the active den until NDOR Environmental completes consultation. (NDOR Environmental, District Construction, Contractor)

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: MM 136.17 (Calamus River bridge) and the length of the Project (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 1/2 mile of the project, but departs the area (further than 1/2 mile from the project) then work can resume. Document this departure according to protocol.

AND

WC-3 Herbaceous species used for re-seeding within 1/4 mile of the following locations: MM 136.17 (Calamus River bridge) will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity. (Design, NDOR Environmental)

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)

Bald and Golden Eagle Protection Act
Suitable bald 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 bald eagles are nesting in the area, consultation with NGPC and USFWS will be required. (NDOR Environmental, Construction, Contractor)

Hazardous Materials Mitigation:
If contaminated soils and/or water are encountered, then all work within the immediate area of the discovered contamination will stop until NDOR/FHWA is notified and a plan to dispose of the contaminated media 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 shall be constructed under traffic with lane closures controlled by approved temporary traffic control. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days. (Contractor)

Substantial Access Disruption Mitigation:
Access to adjacent properties shall be maintained at all times during construction but may be disrupted

temporarily at times due to construction activities, but will 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 District, NDOR Communication)

Additional Mitigation:
Borrow Mitigation:
Any material needed will 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.

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

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

Paragraph: (c)

Activity: 22

Prepared by: Nicole Zappetillo

Organization: SRF Consulting Group, Inc.

Phone: (763) 475-0010

Email: nzappetillo@srfconsulting.com

Signature: Brett Damm for Nicole Zappetillo

Date: 7/19/2016

Reviewed by Project Sponsor:

Name: Andrew Kingman

Organization: Nebraska Department of Roads

Title: Engineer I

Signature: 2:21 pm

Date: 7/20/16

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 Carrie Wencel
DN: cn=Carrie Wencel, o=NDOR - EDU, ou=NEPA Specialist, email=carrie.wencel@nebraska.gov, c=US
Date: 2016.07.21 08:24:13 -05'00'

Date:

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

Digitally signed by Jon Barber
Date: 2016.07.21 08:38:03 -05'00'

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: