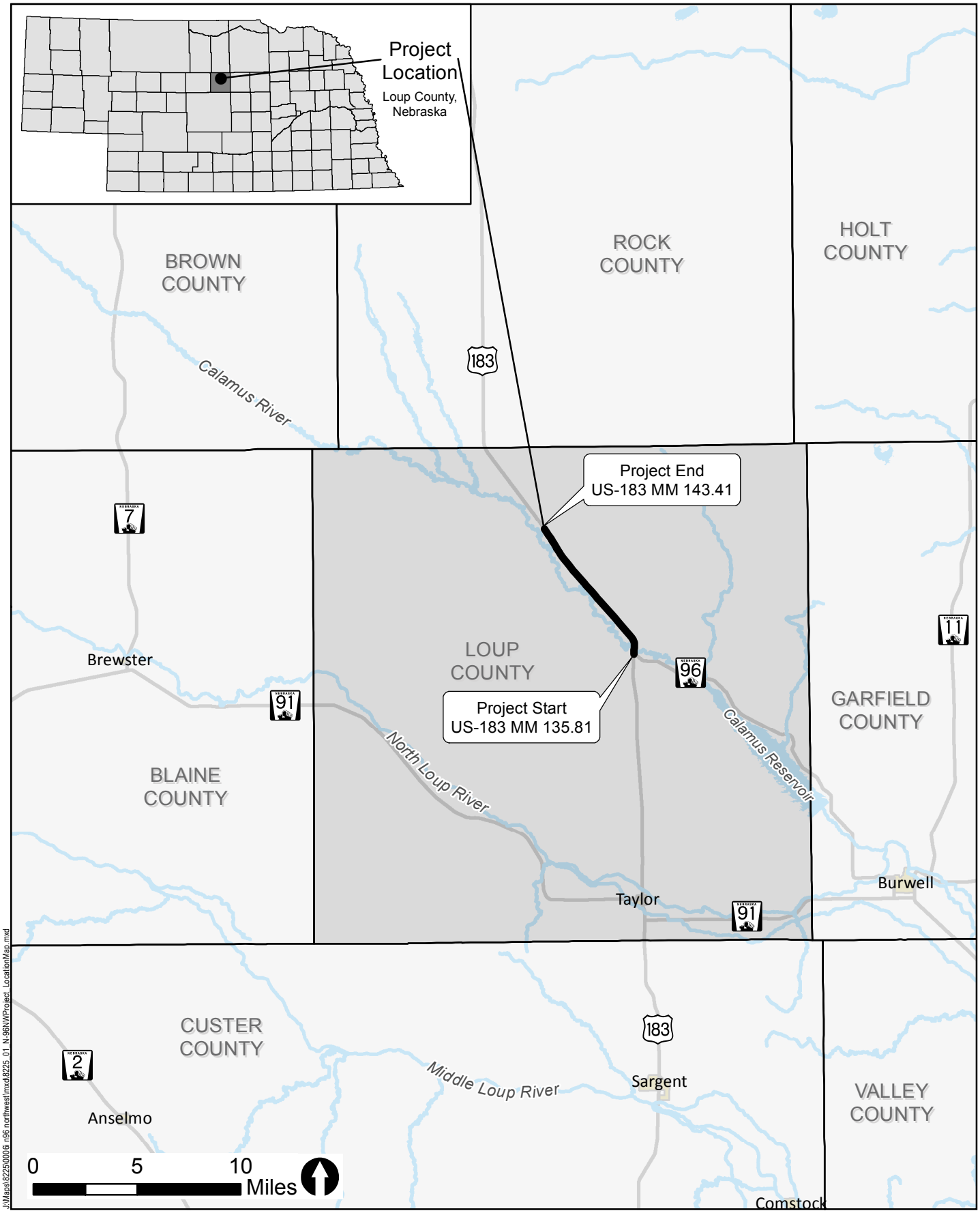
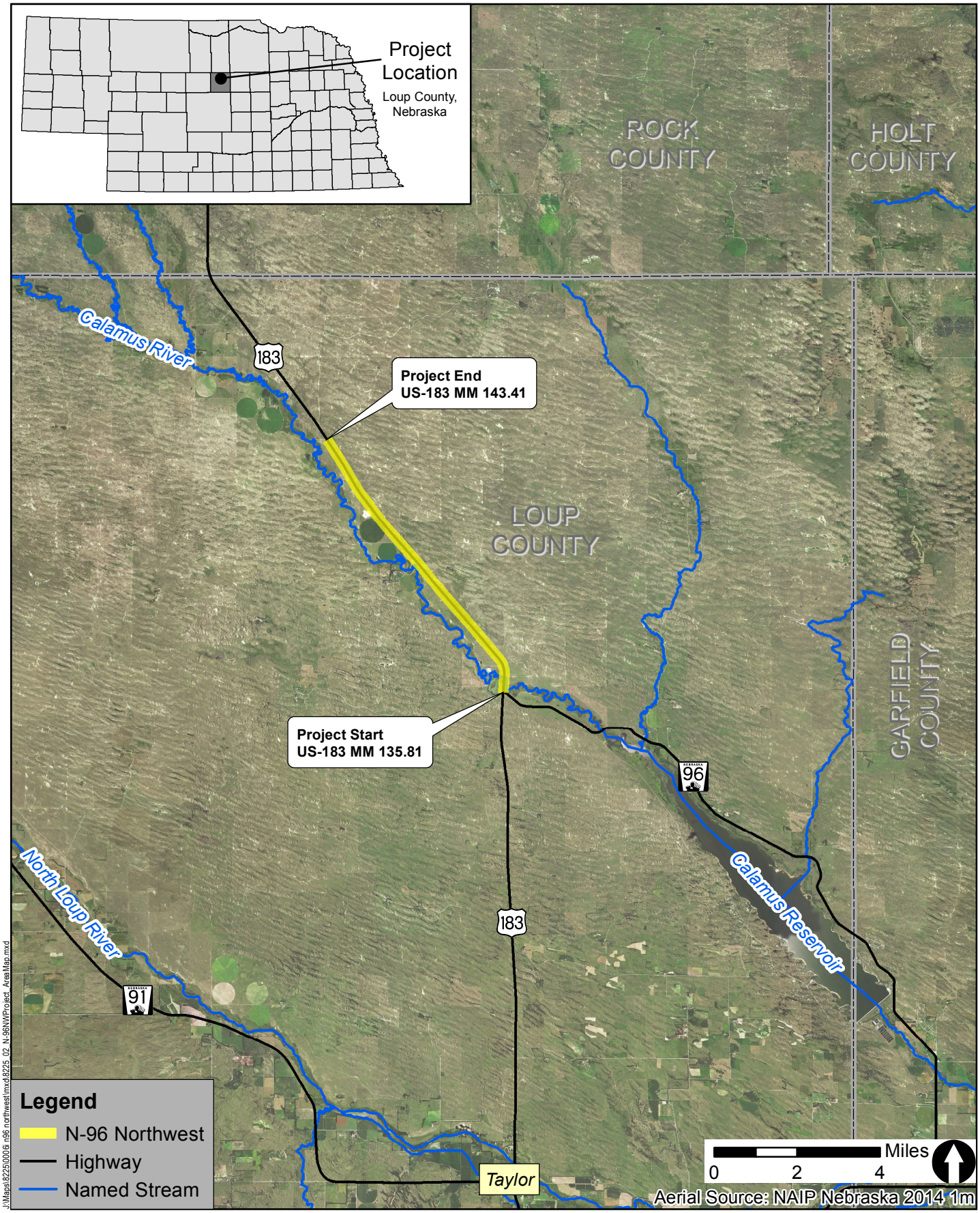


Project Location Map

N-96 Northwest (CN 80942 / STP-183-3(118))

Nebraska Department of Roads

Figure 1



Project Area Map

N-96 Northwest (CN 80942 / STP-183-3(118))

Nebraska Department of Roads

Figure 2

Section 4(f) Initial Assessment Form

May 29, 2015

Project Name	Project Number
N-96 Northwest	STP-183-3(118)
Control Number	**Date Completed**
80942	January 15, 2016
Project Location *(Town, County)*	**Name of Preparer**
U.S. Highway 183 (US-183): North of the Village of Taylor, Loup County	Nicole Zappetillo, Sr. Environmental Analyst, SRF Consulting Group, Inc.

The following form was developed as an initial assessment of potential Section 4(f) properties within a project area. The number of each question block corresponds directly to the NDOR Section 4(f) Guidance section with the same number. **One Initial Assessment Form per PROJECT must be included as an attachment to the CE Form or incorporated into the appropriate chapter in the EA/EIS.**

NOTE: At the time the Section 4(f) Initial Assessment Form is filled out, the Section 106 process must be sufficiently complete that historic properties have been identified. A Section 106 Finding of Effect *(No Adverse Effect, Adverse Effect)* must be completed prior to determining whether the project results in a 'use' of an historic property. All Section 106 determinations and findings must be made and documented by NDOR Professionally Qualified Staff (PQS).

1. Identification of Section 4(f) Properties

A. *For historic properties*, based on the NDOR Section 106 Tier Review Form, are there properties that are listed or eligible for listing on the National Register of Historic Places?

☐ Yes ☒ No ☐ N/A (Section 106 Tier I)

If Yes, provide the name, Finding of Effect, and any other pertinent information from the Section 106 review for each identified property.

Not applicable.

B. Are there existing or planned parks, recreation areas, or wildlife/waterfowl refuges present within a ¼ mile of the project area?

☒ Yes ☐ No

C. In consultation with the online resources identified in the Section 4(f) Guidance, list the **resources** used to determine if parks, recreation areas, or wildlife/waterfowl refuges are present.

Nebraska Game & Parks Commission interactive mapping; Taylor, NE website; Nebraska State Historical Society Website; Loup County, NE website; Google Maps

D. Identify all potential Section 4(f) parks, recreation areas, and wildlife/waterfowl refuges *(include property name(s)*, *location(s) along project, etc.)*.

If No parks, recreation areas, or wildlife/waterfowl refuges are present, AND no historic properties need consideration from 1.A., indicate in the box below that no potential Section 4(f) properties are present. DOCUMENTATION IS COMPLETE.

Calamus River Canoe Trail (under US-183 at MM 136.17, Calamus River Canoe Trail access located east of US-183 on the south bank of the Calamus River), Harrop Park (northeast side of US-183 at MM 142)

---

2. Applicability Criteria for Section 4(f) Parks, Recreation Areas, and Wildlife/Waterfowl Refuges (not Historic Properties)

A. List all properties from 1.D. that are (1) NOT publicly owned, or (2) NOT privately owned and leased to a public entity, for a Section 4(f) protected purpose, and how this was determined.

Not applicable.

B. List all properties from 1.D. that are NOT open to the public, and how this was determined. (This does NOT apply to wildlife/waterfowl refuges.)

Not applicable.

C. List all properties from 1.D. that are considered multiple-use properties, and what those uses are.

Not applicable.

D. List all properties from 1.D. that were NOT called-out in 2.A. or 2.B.; **these properties will be carried forward in the Section 4(f) process. Also be sure to carry forward any multiple-use properties from 2.C. or historic properties from 1.A. that have temporary or permanent right-of-way acquisition or vibratory effects.** If no properties are carried forward, note below and DOCUMENTATION IS COMPLETE.

Calamus River Canoe Trail, Harrop Park

---

3. Determination of Section 4(f) Use

A. Is there a potential *use* of the Section 4(f) applicable properties from 2.D. above? Will the properties be impacted by the project, including access restrictions? (See Guidance Section 3 for definition of *use*.)

☐ Yes ☒ No Is there a potential *permanent* use?

☐ Yes ☒ No Is there a potential *temporary* use (including exceptions)?

☐ Yes ☒ No Is there a potential *constructive* use?

Any Yes: complete the appropriate Section 4(f) analysis for each impacted property

No: state impact avoidance measures below, then DOCUMENTATION IS COMPLETE

B. List impact avoidance measures (for "No" answer only). If justification is needed to support a "No" answer in 3.A., describe below.

Work at the Calamus River would be limited to the deck of the bridge; Calamus River Canoe Trail users would be allowed to pass under the bridge during project construction. Access to the Calamus River and, by extension, the Calamus River Canoe Trail, would be maintained during construction (limited at times due to phasing). The project would not require any additional property rights that would impact the Calamus River Canoe Trail or Calamus River access. Therefore, the project would not result in the use of the Calamus River Canoe Trail.

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.

NDOR Reviewer Approval Signature: Date:

Digitally signed by Carrie Wencel
DN: cn=Carrie Wencel, o=Nebraska Department of Roads, ou=Highway Environmental Biologist/ NEPA Specialist, email=carrie.wencel@nebraska.gov, c=US
Date: 2016.03.16 13:16:37 -05'00'

FHWA Environmental Signature: Date:

FHWA signature is only required in the following circumstances:

- If the property is leased
- If the property is considered multiple-use
- If the Official(s) with Jurisdiction claims that the property is NOT significant

From: Wacker, Craig
To: Nicole Zappetillo
Subject: RE: NDOR Highway US-183 Improvement Project in Loup County, NE
Date: Thursday, May 08, 2014 9:47:00 AM
Attachments: image001.png

In answer to your questions:

1. Yes the access is within the NDOR right-of-way, the NGPC does not own any additional land.
2. No, not that I am aware of.
3. Nothing that is organized by the NGPC.
4. We don't have any counts of the users of the water trails because we don't have any good way to do so.
5. NGPC would put up on our website that the water trail is closed past our last access point before the Hwy 183 bridge. We would want to erect signage at that location to instruct people that further progress down river is not allowed due to the construction.

Let me know if you have any other questions.
Thanks

Craig Wacker AICP
Nebraska Game and Parks Commission
402-471-5424

From: Nicole Zappetillo [mailto:NZappetillo@srfconsulting.com]
Sent: Tuesday, April 15, 2014 11:41 AM
To: Wacker, Craig
Subject: NDOR Highway US-183 Improvement Project in Loup County, NE

Hi Craig,

I contacted Michelle Stryker last fall regarding a Nebraska Department of Roads (NDOR) project adjacent to the start of the Calamus River Canoe Trail, located south of Ainsworth in Brown County. Michelle forwarded the email to you because you work with water trails, so I am contacting you directly this time for a similar project.

SRF Consulting Group is also working on a project along US-183 north of Taylor in Loup County (see attached figures). The project crosses the Calamus River (and the Calamus River Canoe Trail), and is anticipated to include the following work in the vicinity of the river: resurfacing the bridge, resealing the bridge rails, removing and replacing guardrail, and scour mitigation measures.

According to information on the Nebraska Game and Parks Commission (NGPC) website, the public can access the canoe trail at the southeast, downstream side of the US-183 bridge. It is also implied that it is safe for trail users upstream of the US-183 bridge to continue downstream under the bridge (no portage). Similar to the questions I asked for the previous project, here's what we need to know about the canoe trail and access point in this area (I'm sure a number of answers will be the same/similar, but we still need to check):

1. Is the designated access to the canoe trail within NDOR right of way? Does NGPC own any land at the canoe access? Is the land ownership adjacent to NDOR right of way in private

use, or owned by a state or federal agency?

2. Is there an agreement in place with NGPC regarding the formal use of NDOR right of way for the canoe trail access?
3. Are there any special events, big events, and/or special usage of the canoe trail in this area (particularly during the summer months)?
4. Can you provide any information on public usage of the canoe trail in this area (e.g., number of visitors annually)?
5. If work at the US-183 bridge requires closing the canoe trail temporarily due to safety concerns for trail users, would that be noted on the NGPC website? Are there other upstream and downstream access points nearby that the public could use to portage around the construction zone?

Please let me know if you need additional information to answer these questions. We will use your responses, along with additional design information from NDOR staff (when it becomes available) to draft a formal letter to NGPC that will address potential Section 4(f) impacts as well as avoidance, minimization, and/or mitigation.

Thank you and have a great day!

-Nicole

Nicole Zappetillo
Senior Environmental Analyst
SRF Consulting Group, Inc.
nzappetillo@srfconsulting.com
Main: 763.475.0010 | *Direct*: 763.452.4824
One Carlson Parkway North, Suite 150
Minneapolis, MN 55447-4443
http://www.srfconsulting.com/

From: Wencel, Carrie
To: Yerdon, Roger
Subject: NRI Consultaion No Response: CN 80942, N-96 Northwest (STP-183-3(118))
Date: Friday, May 06, 2016 3:18:45 PM

Roger,

N-96 Northwest (Project No. STP-183-3(118) Control No. 80942) would occur in part on the Calamus River, which was listed in the Inventory in 1982 for the value of its scenery, wildlife, and culture (areas within the river corridor that contains archaeological sites or areas significant to traditional cultures). Under CEQ Guidance regarding projects on or adjacent to NRI Rivers we are instructed to consult with the Nation Park Service regarding NRI compliance issues.

The attached letter was sent to Hector Santiago at the National Park Service, Midwest Regional Office on March 8, 2016. According to the NRI consultation instructions (https://www.nps.gov/ncrc/programs/rtca/nri/consult.html) if the National Park Service does not respond in 30 days we may proceed.

We have now completed the 30 day response period with the National Park Service regarding the Calamus River. Please proceed with the 404 permit application.

Thank you,

Carrie Wencel
Highway Environmental Biologist/NEPA Specialist
Planning & Project Development
Nebraska Department of Roads
1400 Highway 2, PO Box 94759 | Lincoln, NE 68509
Office: 402.479.4836
carrie.wencel@nebraska.gov

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., *Director*
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

March 8, 2016

Hector Santiago
National Park Service, Midwest Regional Office
601 Riverside Drive
Omaha, Nebraska 68102

RE: **Nationwide River Inventory, Calamus River**
Nebraska Department of Roads (NDOR) Project - N-96 Northwest
Project No. STP-183-3(118) Control No. 80942

Dear Mr. Santiago,

This letter is in regards to the above referenced N-96 Northwest project which would resurface 7.60 miles of US-183 located in Loup County, (Figures 1 and 2).

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 mile marker (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 improvements on this project would consist of milling and resurfacing the existing 28 foot top roadway. 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, bridge rails would be sealed, and guardrail would be removed and replaced with surfacing underneath.

Nationwide River Inventory (NRI) Resource and CEQ Guidance

The Calamus River is 80 miles in length and flows through four counties in Nebraska, Garfield, Loup, Brown, and Rock County. The river was listed in the Inventory in 1982 for the value of its scenery, wildlife, and culture (areas within the river coridore that contains archaelogical sites or areas significant to traditional cultures).

Under CEQ Guidance regarding projects on or adjacent to NRI Rivers, the following must be considered:

1. Determine whether the proposed action could affect an NRI river.

2. Determine whether the proposed action could have an adverse effect on the natural, cultural, and recreational values of the NRI segment.

3. Determine whether the proposed action could foreclose options to classify any portion of the NRI segment as wild, scenic, or recreation river areas.

4. Incorporate mitigation/avoidance measures in the proposed action to the maximum extent feasible within the agency's authority.

The Calamus River flows under bridge structure, S183 13617, which would be resurfaced, bridge rails sealed, and guardrail removed and replaced with surfacing underneath. Work would be limited to the bridge decking. There are no anticipated impacts to any of the Outstandingly Remarkable Values that make the river eligible for listing on the NRI. Due to the scope of work, no mitigation/avoidance measures are proposed.

Determination
Nebraska Department of Roads (NDOR) recommends that the proposed action would have no effect to the Calamus River or any of the Outstandingly Remarkable Values that make it eligible for listing on the NRI and respectively requests National Park Service concurrence with the determination.

If you have any questions regarding this information, do not hesitate to contact me.

Sincerely,

Jon Barber
Nebraska Department of Roads
Highway Environemntal Program Manager
P.O. Box 94759
Lincoln, NE. 68509-4759
Jon.barber@nebraska.gov
(402) 479-4412

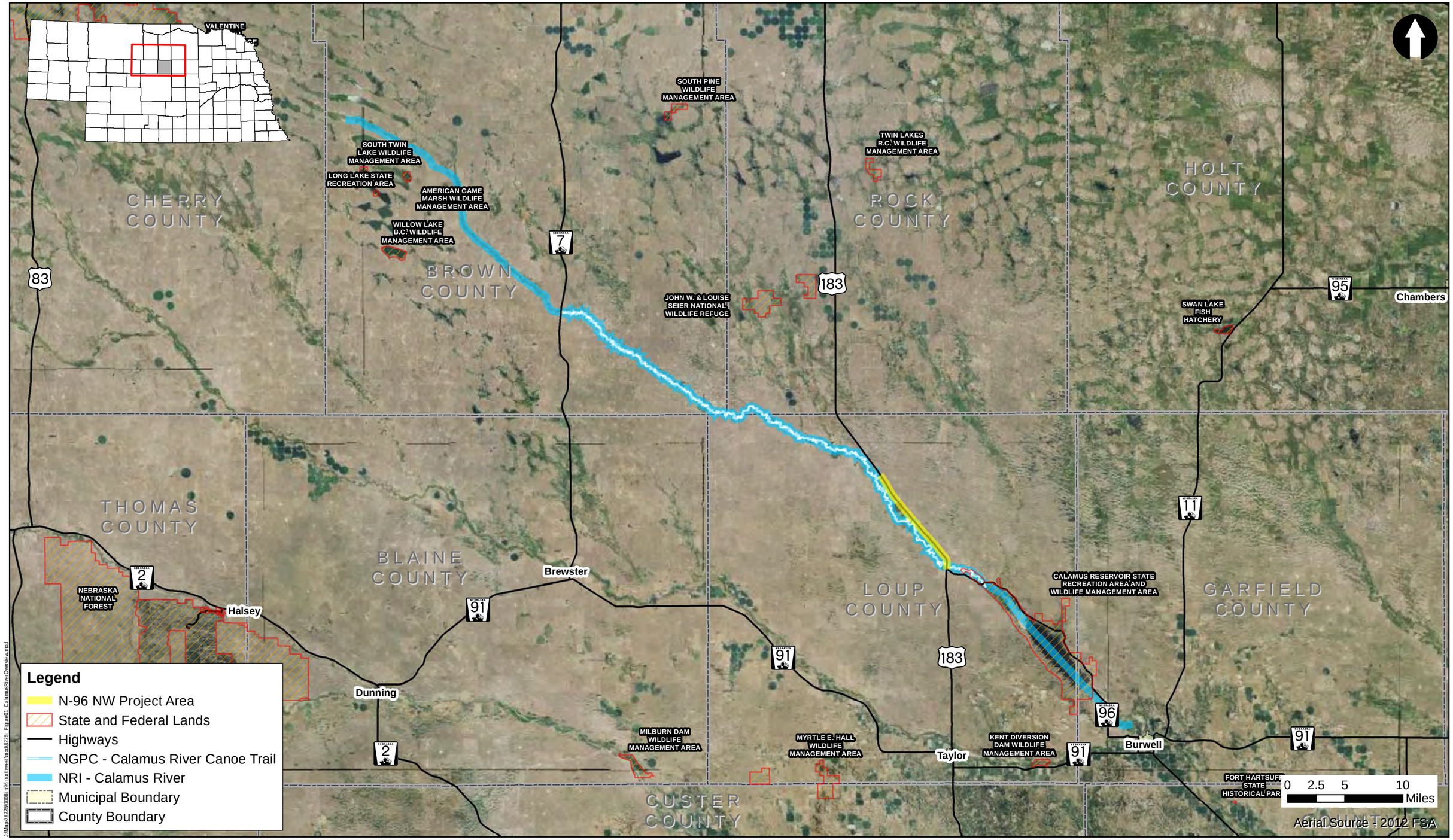
Attachments:
Project location maps

Concur:

_____ _____

Hector Santiago
National Park Service, Midwest Regional Office

Date

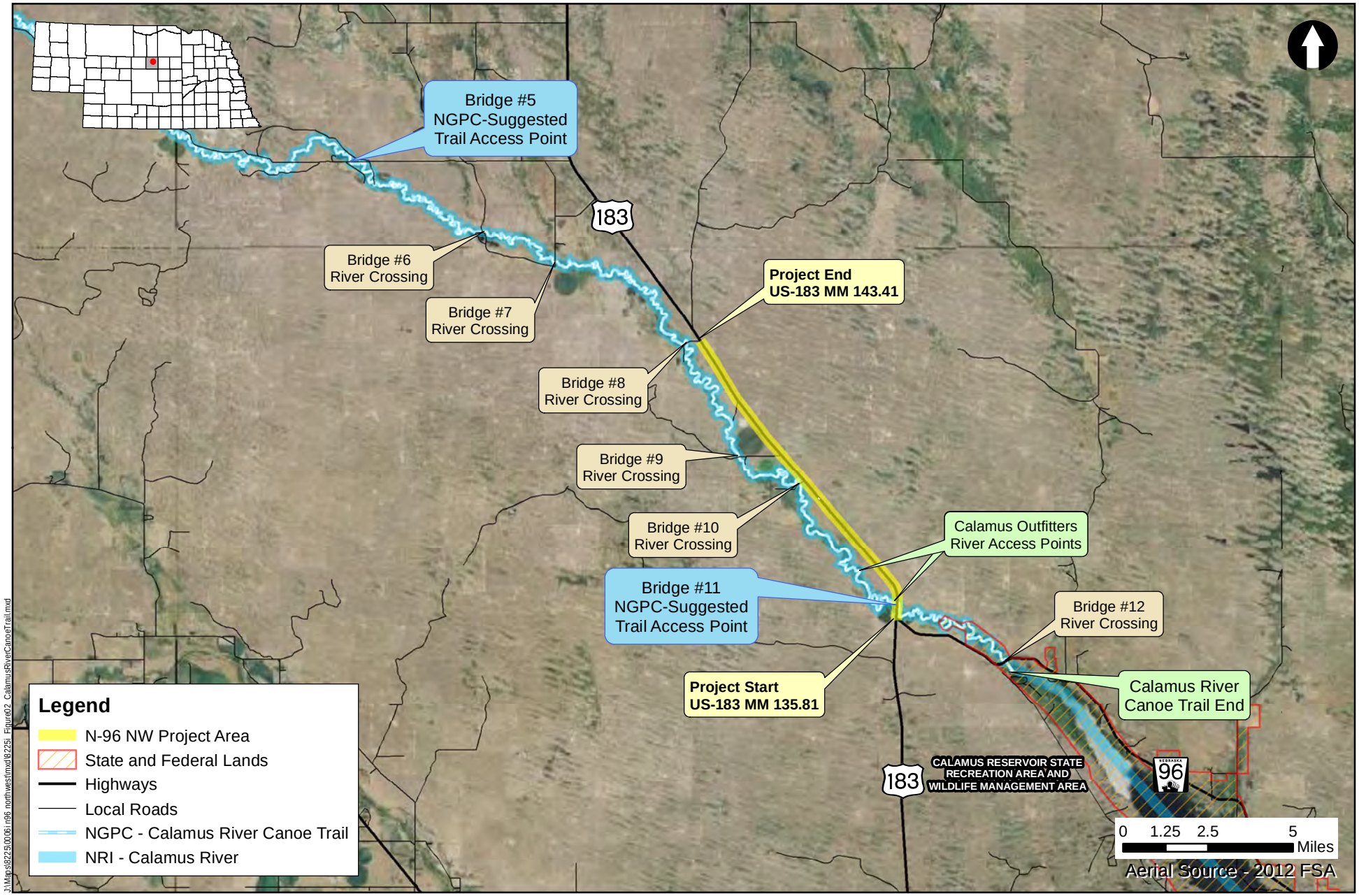


Calamus River Overview

Project No. STP-183-3(118)/CN 80942 N-96 Northwest

Nebraska Department of Roads

Figure 1



Calamus River Canoe Trail Bridge Crossings and Access Points

Project No. STP-183-3(118)/CN 80942 N-96 Northwest

Nebraska Department of Roads

Figure 2

Calamus River Canoe Trail at US-183

Project No. STP-183-3(118)/CN 80942 N-96 Northwest

Nebraska Department of Roads

Figure 3

Nebraska Department of Roads

Floodplain/Floodway Development Permit/Application

RECEIVED
MAR 24 2016
ENVIRONMENTAL SECTION

Permit Application No.

Date:
2/26/16

This form is used for any man-made change to improved or unimproved transportation facility, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, or storage of equipment or materials.

Nebraska Department of Roads will obtain all other necessary federal, state, or local permits *(e.g., Corps of Engineers 404 Permit, Local Levee District, etc.)*

1.	Name of Applicant: Nebraska Department of Roads PO Box 94759 Lincoln NE 68509-4759		
2.	Type and Use of Development: System Preservation	**3.**	Specific Location of Development: Section 22 T 23 N R 18 W

The following section is provided by NDOR for the community official's monitoring/tracking purposes:

4. Is the Development Substantial Improvement? ☐ Yes ☒ No

Complete this section if the proposed development involves the improvement of a structure *(i.e., walled and roofed building).*

Pre-improvement Value of Structure: $ _____

Cost of Improvement: $ _____

5. Is the development in an identified floodplain? ☒ Yes ☐ No

Please see attached documentation.

If Yes, complete the following:

a. Elevation of the Base *(100-Year)* Flood 2265.16 Ft. MSL/NGVD 29 or ~~NAVD 88~~

Or

Worst case impact _____ rise in the Base *(100-year)* Flood

* If project includes multiple floodplain crossings, this information is summarized in attached documentation.

b. Elevation/Floodproofing Requirement *(if applicable)* _____ Ft. MSL/NGVD 29 or NAVD 88

c. Is the development in a designated Floodway?

☐ Yes New structures for human habitation are prohibited. For any other Floodway development, the NDOR must provide certification by a registered professional engineer that the development would result in no increase along the floodway water surface profile.

☐ No If a floodway has not been designated, the NDOR may be required to submit hydraulic data demonstrating that the proposed development will not increase flood heights more than one foot at any location.

If the development is in a floodplain, the following shall apply:

If work includes a new or substantially improved nonresidential building, NDOR will provide certification by a Registered Engineer, Architect, or Land Surveyor that the building is elevated or flood proofed at least one foot above the base flood elevation.

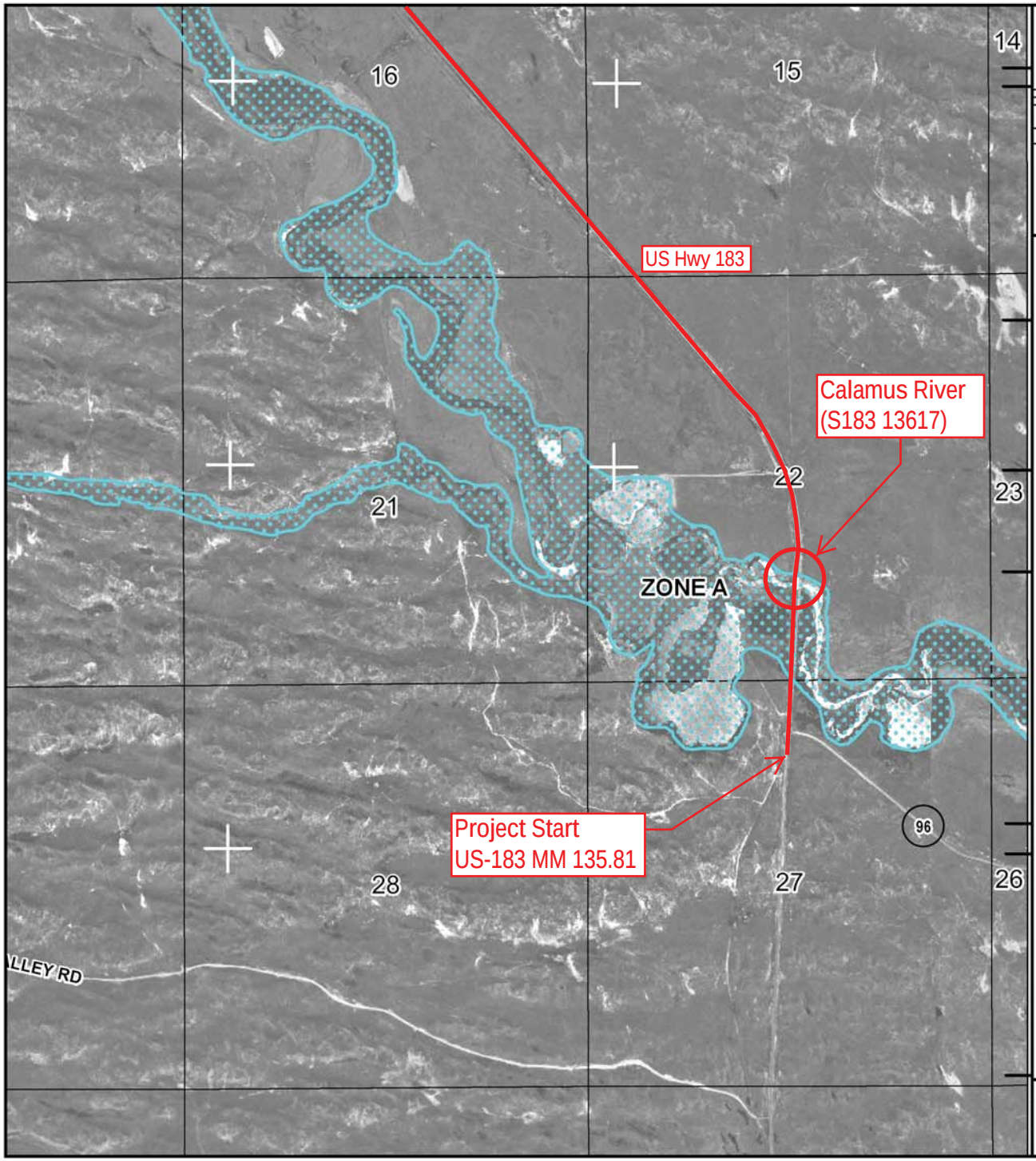
By signing below, the local authorizing official acknowledges the above and any floodplain information submitted with this permit application.

All provisions of the Loup (County or City) Floodplain Management Resolution/Ordinance (Number _____) shall be complied with.

Dixie Krause, Zoning Adm. 3-21-16
Local Authorizing Official (Name & Title) *Date*

Katie Krajicek 2-26-16
NDOR Environmental Permits Manager *Date*

Project Name: N-96 Northwest	
Project No.: 183-3(118)	
Control No.: 80942	Structure No.: S183 13617



MAP SCALE 1" = 2000'

0 1000 2000 4000 FEET

0 600 1200 METERS

Project Location (CN 80942/ STP-183-3(118))

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0200B

FIRM

FLOOD INSURANCE RATE MAP

LOUP COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 200 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LOUP COUNTY	310454	0200	B

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

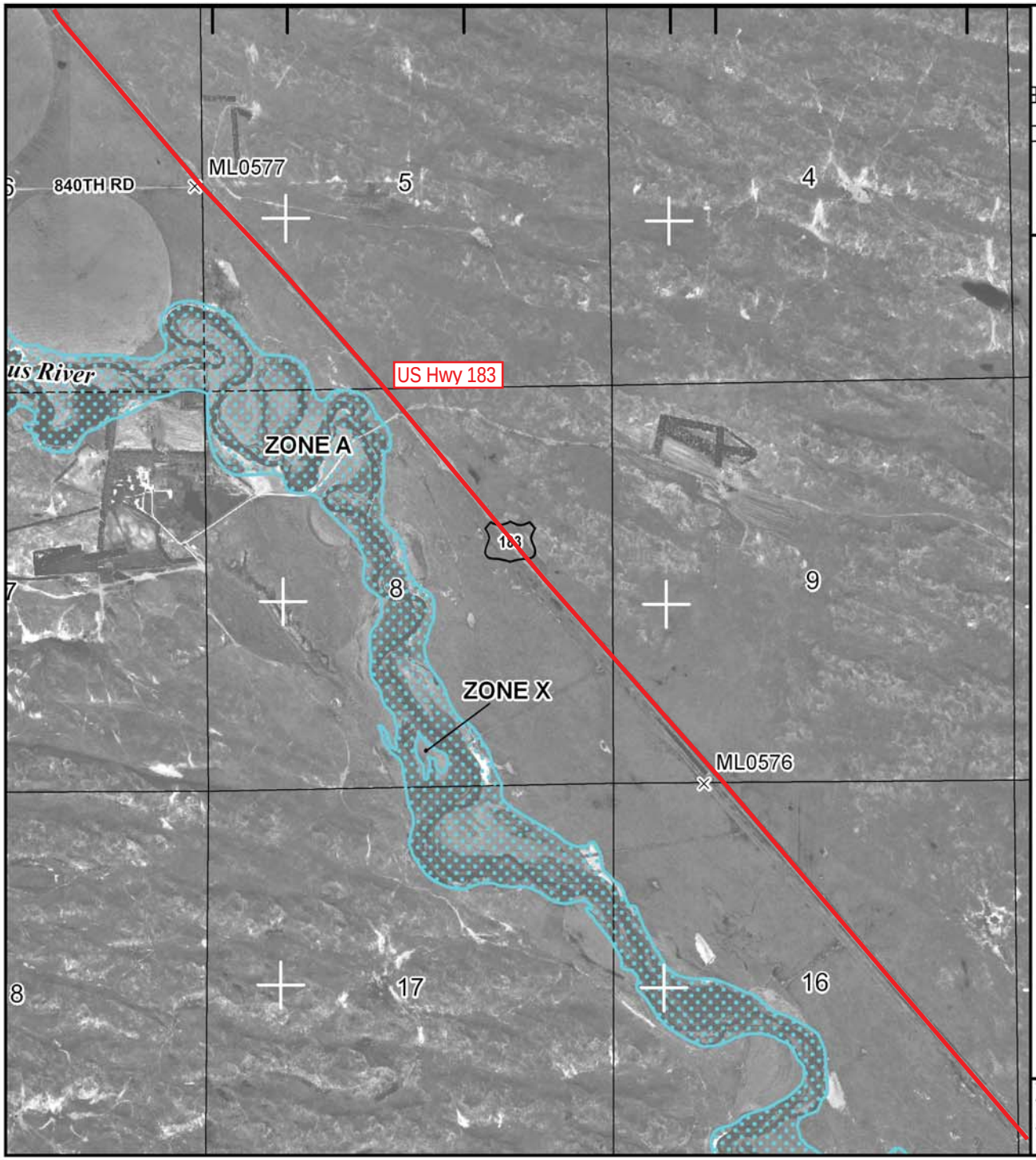
MAP NUMBER
31115C0200B

EFFECTIVE DATE
MAY 16, 2008

Federal Emergency Management Agency

1

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



MAP SCALE 1" = 2000'

0 1000 2000 4000 FEET

0 600 1200 METERS

Project Location (CN 80942/ STP-183-3(118))

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0200B

FIRM

FLOOD INSURANCE RATE MAP

LOUP COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 200 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LOUP COUNTY	310454	0200	B

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

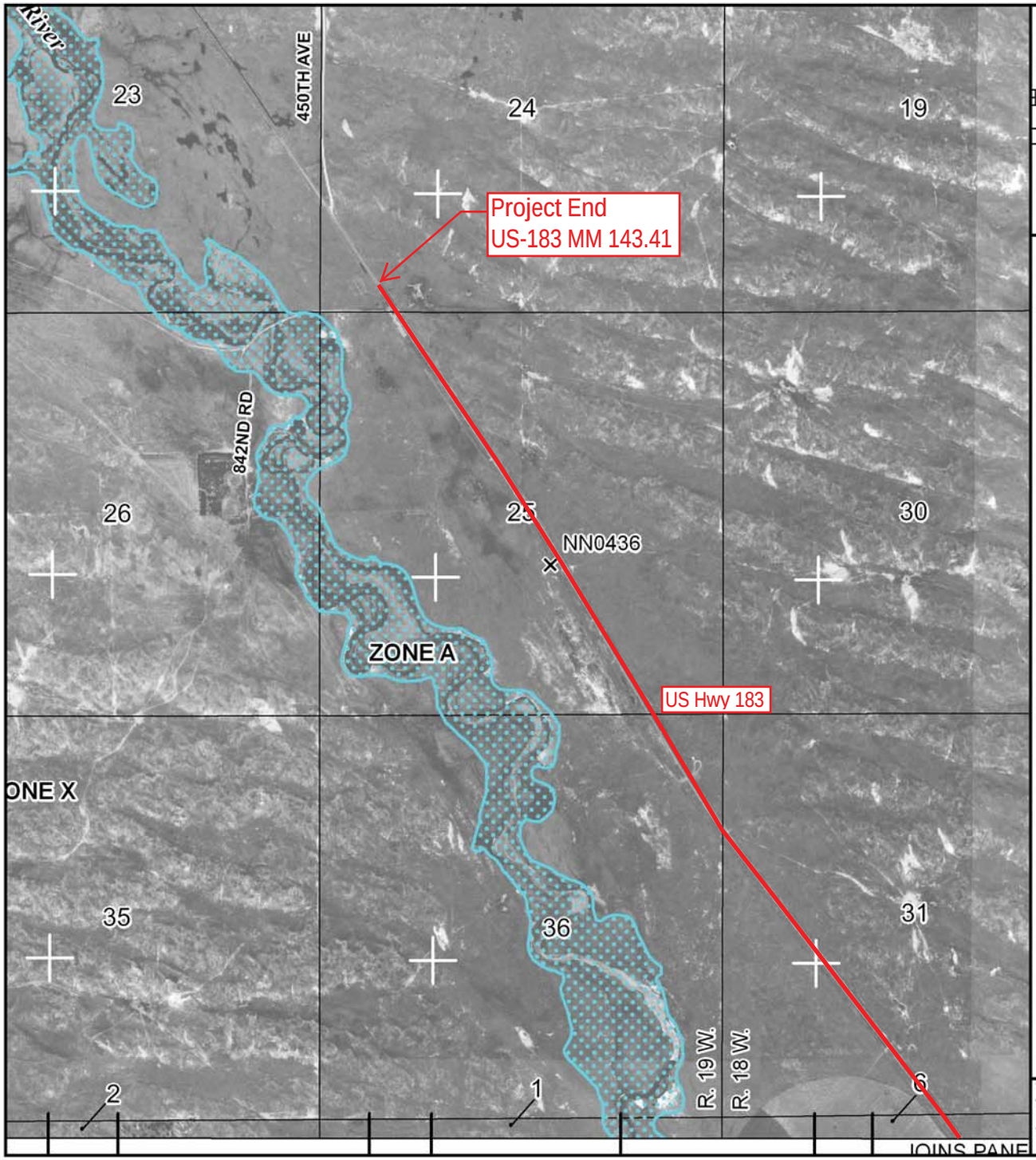
MAP NUMBER
31115C0200B

EFFECTIVE DATE
MAY 16, 2008

Federal Emergency Management Agency

2

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



MAP SCALE 1" = 2000'

0 1000 2000 4000 FEET

0 600 1200 METERS

Project Location (CN 80942/ STP-183-3(118))

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0075B

FIRM

FLOOD INSURANCE RATE MAP

LOUP COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 75 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LOUP COUNTY	310454	0075	B

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
31115C0075B

EFFECTIVE DATE
MAY 16, 2008

Federal Emergency Management Agency

3

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

Wetlands PQS Memorandum

DATE 1/7/2016

TO Carrie Wencel, NDOR EDU

FROM Roger Yerdon, NDOR EPU

SUBJECT Wetlands PQS Memo
Project No: STP-183-3(118)
Control No: 80942
Project Name: N-96 Northwest

☒A wetland delineation was completed on 9/21/2013
Or
☐A desktop review was completed on Click here to enter a date.

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.*): Impacts to PSSA Riverine Channel wetlands are anticipated to be approximately 0.0166 acres 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 acres, mitigation is not anticipated on this project.

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*): N/A

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

Wetlands/Waters of the U.S. Commitments:

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 #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)

Project Description:

This project will resurface 7.60 miles of US-183 located in Loup County, starting at the Junction of US-183 and N-96 at mile marker (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 consist of milling and resurfacing the existing 28 foot top roadway with asphalt. No grade raise. The existing surfaced shoulder for the curb and flumes will be rebuilt. Structure no. S183 13617 will be resurfaced, have the bridge rails sealed. Guardrail will be removed and replaced with surfacing underneath.

Scope details include:

- Grading beyond the hinge point will 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 Number S183 13617) over the Calamus River will have an epoxy polymer overlay from end to end of the paving and have the concrete bridge rails sealed.
- The existing asphalt will be milled prior to resurfacing.
- 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.
- Surfacing will be placed under the guardrail.
- The existing earth shoulders will be brought up to match the new asphalt.
- The existing shoulders and erosion control curb and flumes will be removed and rebuilt.
- 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.
- 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.
- Trenching for beveled edge construction

Biological Assessment PQS Memorandum

DATE	9/9/2015
TO	Carrie Wencel, NEPA Project Manager
Cc	Nick Burnham, EPU Project Manager
FROM	Melissa Marinovich, T&E Species Biologist
SUBJECT	N-96 Northwest; STP-183-3(118); CN 80942 Threatened & Endangered Species Concurrence

The biological assessment final approval on: **9/9/2015**

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: **American Burying Beetle, River Otter, Whooping Crane**.

☐ This BA required FHWA Review and Approval.

FHWA Concurrence Date:

☐ This BA required further consultation with the resource agencies (Level 2).

USFWS Concurrence Date:

NGPC Concurrence Date:

☐ Unique conservation conditions were developed and are included below (Level 3).

☐ A "May Affect, Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: (Level 3).

Additional Coordination with Other Tribal or Federal Agencies: Click here to enter text.

Description of Coordination:

Bald and Golden Eagle Protection Act:

This project was also 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. NDOR will utilize the Bald 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 Federal Highway Administration as well as 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; 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-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)*

NDOR PQS Project Review Memo
Section 106 - Tier II Project

Control Number 80942 Project Number STP-183-3(118) Review Date 09/14/15

Project Name N-96 Northwest Project Location Loup County

Date of Project Description Reviewed 08/25/15

Project Results in no historic properties affected ☐ No ☑ Yes ☑ Tier II Project

THPO/Tribal Consultation? ☑ No ☐ Yes

THPO/Tribes(s): _____

Date Correspondence Sent: _____

THPO/Tribal response date: _____

THPO/Tribal comment:

CLG Consultation? ☑ No ☐ Yes

CLG: _____

Date Correspondence Sent: _____

CLG response date: _____

CLG comment:

Other Consulting Parties Identified:

n/a

APE considered is consistent with 36 CFR 800.16(d): ☑ Yes

Archeological Resources	**Above Ground Resources**
Are NRHP listed or eligible properties present within the APE? ☑ **No** ☐ **Yes**	**Are NRHP listed or eligible properties present within the APE?** ☑ **No** ☐ **Yes**
Please list:	**Please list:**

Is Temporary Easement Required from ANY Historic Property Listed Above? ☑ **No** ☐ **Yes**

Is Permanent Easement Required from ANY Historic Property Listed Above? ☑ **No** ☐ **Yes**

Is Right of Way Required from ANY Historic Property Listed Above? ☑ **No** ☐ **Yes**

If Yes, describe:

Construction Commitments: ☑ No ☐ Yes

If Yes, detail here:

Project would result in no historic properties affected: ☐ No ☑ Yes

Tier II Project Evaluation Complete

Stacy Stupka-Burda

Digitally signed by Stacy Stupka-Burda
DN: cn=Stacy Stupka-Burda, o=NDOR, ou=Planning & Project Development, email=stacy.stupka-burda@nebraska.gov, c=US
Date: 2015.09.14 16:50:18 -05'00'

09/14/15

NDOR PQS Review

Date

Trenching for beveled edge added 08/25/15, would be within APE for both archeology and above ground resources; no concerns - SSB

Nebraska Department of Roads

Planning and Project Development

Hazardous Materials Memorandum

Date: June 21, 2015

To: Carrie Wencel, Highway Environmental/NEPA Specialist, Planning and Project Development

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

Subject: Hazardous Materials Review Memo for the NDOR project N-96 Northwest (C.N. 80942).

Overview

A hazardous materials review (HMR) was completed by SRF for the N-96 Northwest project and approved by NDOR on July 21, 2015. 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.

Hazardous Material Sites

The HMR did not identify any sites where releases have occurred with the hazardous materials study area. There is a low potential to encounter contamination during construction of the proposed project.

Asbestos and Lead

No bridge work or demolition of structures is proposed for the project; therefore, no asbestos or lead commitments are required.

Unexpected Waste Commitment

The contractor and the NDOR District will adhere to the following 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,

7/8/16

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: July 21, 2015

To: Carrie Wencel, 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 N-96 Northwest (C.N. 80942) in Loup County, NE

The NDOR Noise Section staff has reviewed project description for the N-96 Northwest 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 7/21/15

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

To: Shannon Sjolie, Highway Environmental/NEPA Specialist, NDOR
From: Chris Hassler, Highway Civil Rights Specialist, NDOR
Date: 31 March 2014
RE: Civil Rights Analysis, CN 80942, STP-183-3(118), N-96 Northwest

Civil Rights Analysis for CN 80942

This project is located in Loup County. There will be no detour for this project.

Limited English Proficiency Analysis:

English is the only language spoken by 99.8% of the population in Loup County. The population of the county over the age of five is about 510 people. This figure does not indicate the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. No LEP outreach is recommended for this project.

Environmental Justice Analysis:

The minority population in Loup County is about 2.4%. The Hispanic population is about 2.1%. For comparison, the minority population in the State of Nebraska is about 17.9% and the Hispanic population is about 9.2%. Block level US Census data does not indicate any concentrations or populations of minority persons on the project site. In fact, the project area is largely unpopulated.

The population below the poverty level in Loup County is about 23.4%. This figure is higher than the Nebraska average of 16.2%. However, the project area, being almost entirely unpopulated, does not contain a population or concentration of low-income persons.

In Loup County, the persons below the age of 18 make up about 22.3% of the population, and the persons aged 65 years and older make up about 21.7%. These figures are consistent with or a little higher than the State of Nebraska, which is at 25.1% and 13.5%, respectively.

There will 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.