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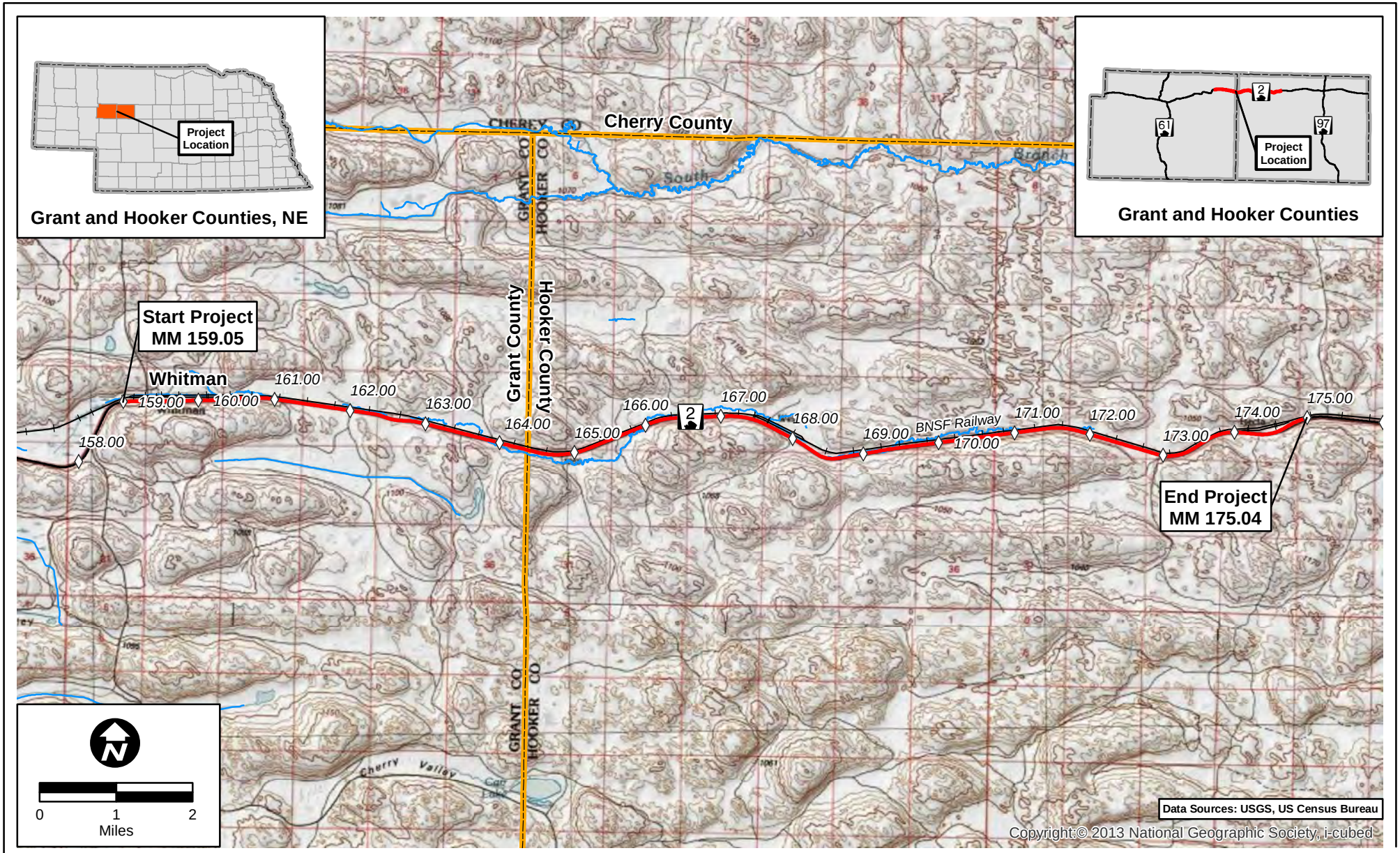


Legend

- Mile Marker
- County Boundary
- Alignment
- Railroad
- Stream

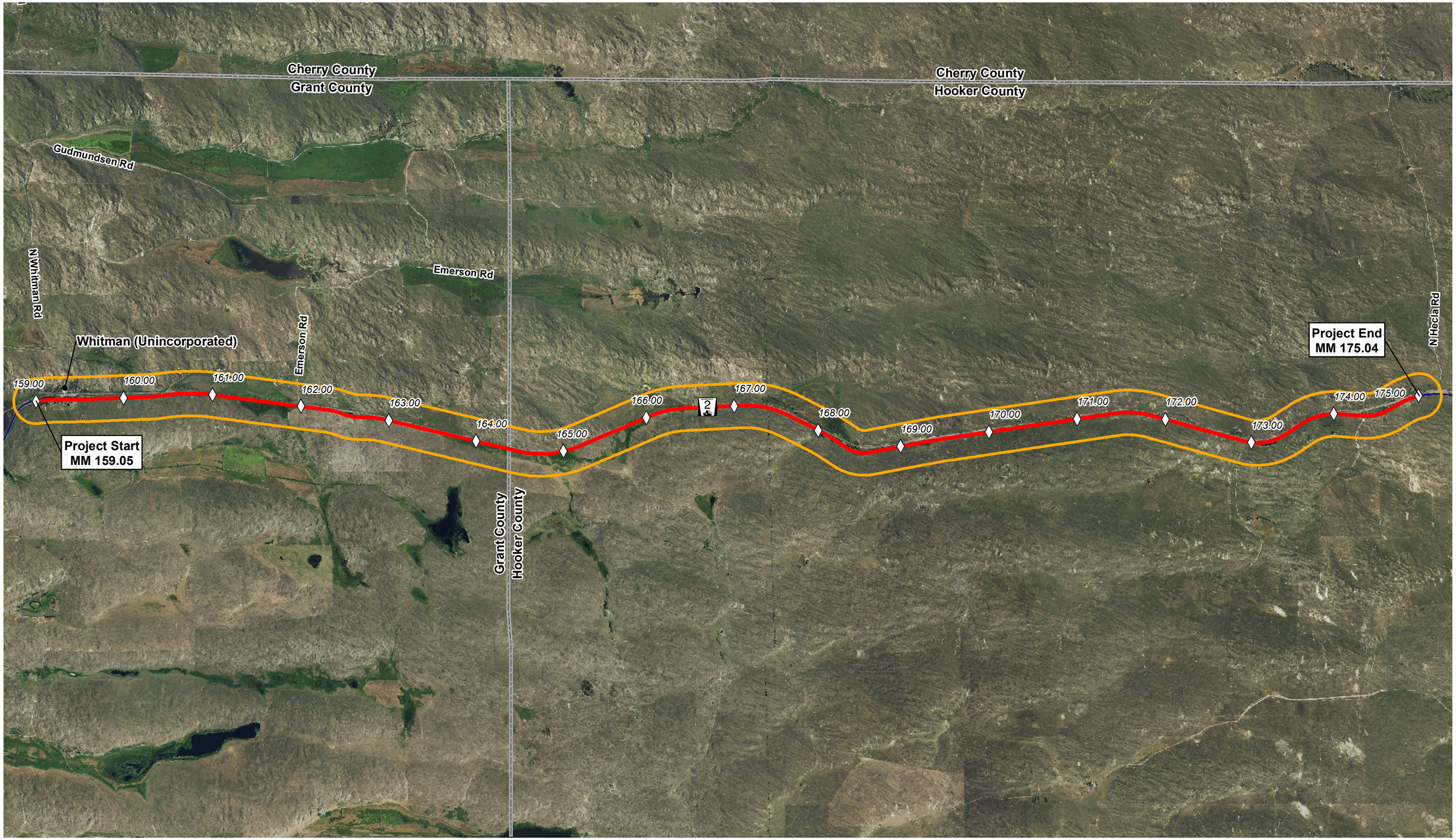
NDOR
Nebraska Department of Roads

Project Location

Whitman East
Project Number: NH-2-2(112)
Control Number: 61008

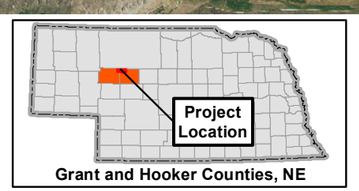
DATE
June 2016

FIGURE
1

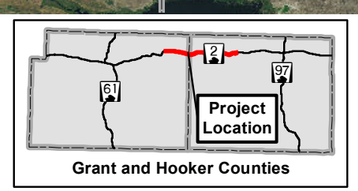


Legend

- Mile Marker
- Alignment
- Environmental Study Area
- County Boundary



Grant and Hooker Counties, NE



Grant and Hooker Counties

0 0.5 1
Miles

NDOR
Nebraska Department of Roads

Environmental Study Area

Whitman East
Project Number: NH-2-2(112)
Control Number: 61008

DATE
June 2016

FIGURE
2

Z:\Projects\NDOR\206995_NDOR_2013_NEPA_Bundle_1\61008_Whitman_East\Map_Docs\Draft\ESA.mxd\ nov15\jcm

From:	Wacker, Craig
To:	Franco, Jeffrey
Cc:	Schnoor, Meagan
Subject:	RE: NDOR Roadway Project CN 61008, Whitman East 6(f) Concurrence Request
Date:	Monday, September 15, 2014 9:21:57 AM

Sorry for my late response I've had a crazy couple of weeks and am now playing catchup. I have reviewed the proposed project and found no section 6(f) properties within the study area.
Thank You

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

From: Franco, Jeffrey [mailto:Jeffrey.Franco@hdrinc.com]
Sent: Monday, September 15, 2014 9:08 AM
To: Wacker, Craig
Cc: Schnoor, Meagan
Subject: FW: NDOR Roadway Project CN 61008, Whitman East 6(f) Concurrence Request

Hi Craig,

I was hoping you could provide a status update on the below concurrence request. Please let Meagan Schnoor or myself know should you have any further information needs or questions before providing a response. Thanks again.

Jeff

Jeff Franco
D 402-399-1317 **M** 402-312-5951

hdrinc.com/follow-us

From: Franco, Jeffrey
Sent: Tuesday, August 26, 2014 9:38 AM
To: craig.wacker@nebraska.gov
Cc: Schnoor, Meagan
Subject: NDOR Roadway Project CN 61008, Whitman East 6(f) Concurrence Request

Hi Craig,

The Nebraska Department of Roads is developing a Project on Nebraska Highway 2 east of the Village of Whitman in Grant and Hooker Counties, Nebraska (Whitman East, CN 61008). HDR, on behalf of our client, the Nebraska Department of Roads, asks that you provide information in accordance with Section 6(f), regarding whether properties located within 0.25 mile of the referenced project have received Land and Water Conservation Funds. If 6(f) properties are identified, please provide the 6(f) property name and boundary and (if appropriate) written concurrence that the project would not result in the conversion of public outdoor recreation use.

In order to facilitate your review, we're providing the below project description and attached Environmental Study Area Figures. The project is scheduled to receive Federal-aid and is therefore being evaluated in accordance with NEPA. It is anticipated that the project's NEPA obligation will be met via FHWA's approval of a Categorical Exclusion – your Section 6(f) concurrence is necessary to facilitate this approval.

Project Description:
This project would resurface 15.95 miles of Nebraska Highway 2 (N-2) located in Grant and Hooker Counties, starting just west of the unincorporated Village of Whitman, at mile marker (MM) 159.05, and extending east to MM 175.04, 9.24 miles west of the west corporate limits of Mullen. Construction may begin and/or end approximately 200-feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

With the exception of a short segment in the Village of Whitman (MM 159.26 to MM 159.47), as-built plans indicate the existing roadway on this segment of N-2 consists of two 12-foot-wide asphalt lanes and 6.5-foot-wide shoulders, of which 1.5-feet is paved with asphalt. However, completed survey shows that the surfaced shoulder width varies from 6-inches to 1.5-feet with most areas less than the stated as-built width.

From MM 159.26 to MM 159.34 the existing roadway consists of two 12-foot-wide asphalt lanes, a 6.5-foot-wide shoulder, of which 1.5 feet is paved with asphalt on the left, and a 5-foot-wide asphalt shoulder and 3.5-foot-wide concrete curb and gutter on the right.

From MM 159.34 to MM 159.40 the existing roadway consists of a 42-foot-wide curbed section with two 12-foot-wide asphalt lanes, 5-foot-wide asphalt shoulders and 3.5-foot-wide concrete curb and gutter.

From MM 159.40 to MM 159.47 the existing roadway consists of two 12-foot-wide asphalt lanes, an 8-foot-wide asphalt shoulder on the left and a 5-foot-wide asphalt shoulder and 3.5-foot-wide concrete curb and gutter on the right.

The improvements on the curbed sections of this project consist of milling the existing surfacing and resurfacing with asphalt.

In the rural non-curbed sections of this project, the improvements on the mainline would consist of milling the existing asphalt and resurfacing with asphalt. Full depth 4-feet-wide surfaced shoulders would be constructed. Some areas may require a center line shift to meet minimum design requirements, minimize wetland impacts, right of way acquisition, and to avoid impacts to the adjacent railroad. Curb and flume with asphalt surfaced shoulders would be constructed where warranted. The historical marker turnout at approximately MM 174.38 would be surfaced with asphalt.

Research on http://waso-lwcf.ncrc.nps.gov/public/index.cfm listed one 6(f) grant element in Grant County (swimming pool) and three 6(f) grant elements (swimming pool and wading pool) within the Village of Mullen in Hooker County. The village of Mullen is located approximately 9 miles east of the project's eastern terminus. One swimming pool was identified within the Village of Hyannis located approximately 12 miles west of the project's. No swimming pools were identified within 0.25 mile of project area. In addition, no potential 4(f) properties were identified within 0.25 mile of the project area.

Based on the listed 6(f) properties for Grant and Hooker Counties, their probable locations within the Villages of Hyannis and Mullen, and the project description above, it is assumed the project would have no impact on any 6(f) properties. We ask for your verification that the project would have no impact on the identified potential 6(f) properties given that the scope of work is limited to that identified in the project description.

Please respond with concurrence or additional information to supplement our findings, identifying any other Section 6(f) properties located within 0.25 miles of the project. Please also include meagan.schnoor@hdrinc.com as a recipient of your response/concurrence transmittal. If possible, we would like to have your response no later than September 12, 2014.

Thank you for your consideration,

Jeff Franco
Environmental Scientist

HDR
8404 Indian Hills Drive
Omaha, Nebraska 68114
D 402-399-1317 **M** 402-312-5951
Jeffrey.Franco@hdrinc.com

hdrinc.com/follow-us

Wetlands PQS Memorandum

DATE 5/18/2016

TO Carrie Wencel, NDOR EDU

FROM Patrick Sward, NDOR EPU

SUBJECT Wetlands PQS Memo
Project No: NH-2-2(112)
Control No: 61008
Project Name: Whitman East

☒A wetland delineation was completed 7/21/2014
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.*): Based on a wetlands delineation conducted by HDR on behalf of NDOR EPU, and the final DR-290 issued by NDOR design, 0.16-ac of permanent impacts to emergent wetlands and 28 linear feet of stream channel impacts are anticipated. As described further below, these impacts are to state waters only, not to Waters of the US.

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)*: An Approved Jurisdictional Determination (2005-11087-WEH) issued by the US Army Corps of Engineers was received by NDOR on 3/31/2016. The Corps determined that wetlands and water features identified in the Whitman East Wetland Delineation Report are federally non-jurisdictional isolated waters. A Title 117 Letter of Opinion issued by the Nebraska Dept. of Environmental Quality (NDEQ) was received by NDOR on 3/30/2016. The NDEQ determined that 0.16-ac of state waters (wetlands) will be impacted by the Whitman East roadway project, and will be mitigated at a 1.0:1.0 ratio at the Rose SE Wetland Mitigation Bank. Based on the Corps AJD and the proposed mitigation, the NDEQ opined that the Whitman East roadway project will not violate Title 117.

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

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

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

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

Project Description:
Project Description, Initial Draft 7/10/2013, last update 1/15/2015.

This project will resurface 15.95 miles of N-2 located in Grant and Hooker Counties, starting just west of the unincorporated village of Whitman, at mile marker (MM) 159+05, and extending east to MM 175+04, 9.24 miles west of the west corporate limits of Mullen. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

With the exception of a short segment in Whitman (MM 159+26 to MM 159+47), as built plans indicate the existing roadway on this segment of N-2 consists of two 12 foot wide asphalt lanes and 6½ foot wide shoulders, of which 1½ feet is paved with asphalt. However, completed survey shows that the surfaced shoulder width varies from 6 inches to 1½ feet with most areas less than the stated as-built width.

From MM 159+26 to MM 159+34 the existing roadway consists of two 12 foot wide asphalt lanes, a 6½ foot wide shoulder, of which 1½ feet is paved with asphalt on the left and a 5 foot wide asphalt shoulder and 3½ foot wide concrete curb and gutter on the right.

From MM 159+34 to MM 159+40 the existing roadway consists of a 42 foot wide curbed section with two 12 foot wide asphalt lanes, 5 foot wide asphalt shoulders and 3½ foot wide concrete curb and gutter.

From MM 159+40 to MM 159+47 the existing roadway consists of two 12 foot wide asphalt lanes, a 8 foot wide asphalt shoulder on the left and a 5 foot wide asphalt shoulder and 3½ foot wide concrete curb and gutter on the right.

The improvements on the curbed section of this project consist of performing fly ash slurry injection of bituminous thermal cracks, milling the existing surfacing, and resurfacing with asphalt.

In the rural non-curbed sections of this project, the improvements on the mainline will consist of performing fly ash slurry injection of bituminous thermal cracks, milling the existing asphalt, and resurfacing with asphalt. Full depth four feet wide surfaced shoulders will be constructed. Cable guardrail will be placed at fore slopes steeper than 3:1. The existing normal crown roadway will be converted to a reverse crown roadway at sections of the project where earthwork encroaches on the R.O.W. Right of way acquisition will occur as well as temporary easements to the adjacent railroad right of way. Curb and flume with asphalt surfaced shoulders will be constructed where warranted. The historical marker turnout at approximately MM 174+38 will be surfaced with asphalt.

Scope details include:

- Grading beyond the hinge point will be required for the following work:
    - Earth shoulder construction.
    - Shoulder widening and/or surfacing.
    - Construction of shoulders for curb and flume.
    - Correction of superelevation.
    - Roadway grading for plugged and sand-filled culverts.
    - Building culvert pipe with FES, and area inlet with grate at R.P 168+06.
    - Flumes at Stations 2060+00, 2063+38, 2070+00, and 2073+00 will be piped south under Highway 2 with special ditching on the south side to eliminate need for additional RR easements/ROW.
    - Flattening foreslopes.
    - Guardrail.
    - Curb and flume.
    - Ditch cleanout.
    - Construction of historical marker turnout.

- The scope of work at culvert sites on this project has been determined; there are sixteen culverts on the project, with four culverts being affected. Of the four culverts being affected, two will be plugged and sand filled, with the other two being extended to accommodate changing foreslopes. The remaining culverts will be UIP, due to being outside of the fixed obstacle clear zone.
- Erosion control curb and flume will be built to districts discretion on the low side of superelevated curves and where profile grades exceed 3.5%. Impacts beyond the hinge point are anticipated.
- The existing asphalt will be milled prior to resurfacing.
- Asphalt patching operations will be performed prior to resurfacing.
- A beveled edge and rumble strips will be included with the surfaced shoulder.
- Rock or Gravel surfacing will be added as necessary.
- Existing surfaced driveways and intersections will be resurfaced.
- The existing earth shoulders will be brought up to match the new asphalt.
- Material adjacent to the existing surfacing will be removed to define a consistent roadway width and provide a clean vertical face prior to widening and/or construction of surfaced shoulders.

- 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).

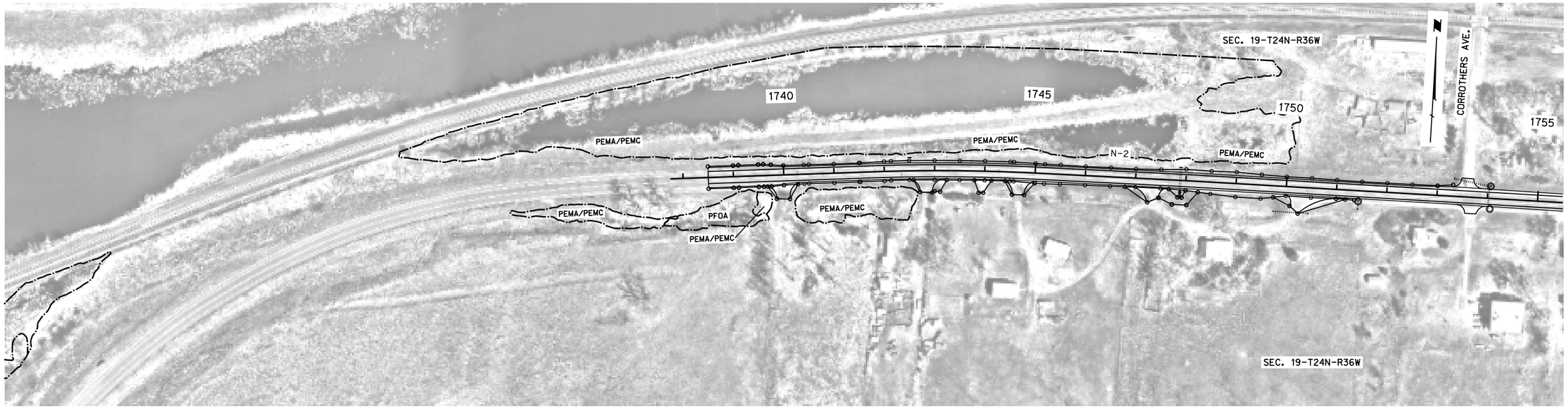
- Permanent pavement markings will be applied to all new surfacing.
- Additional property rights will be required to build this project.
- Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements.
- This project will be constructed under traffic with lane closures controlled with approved temporary traffic control.

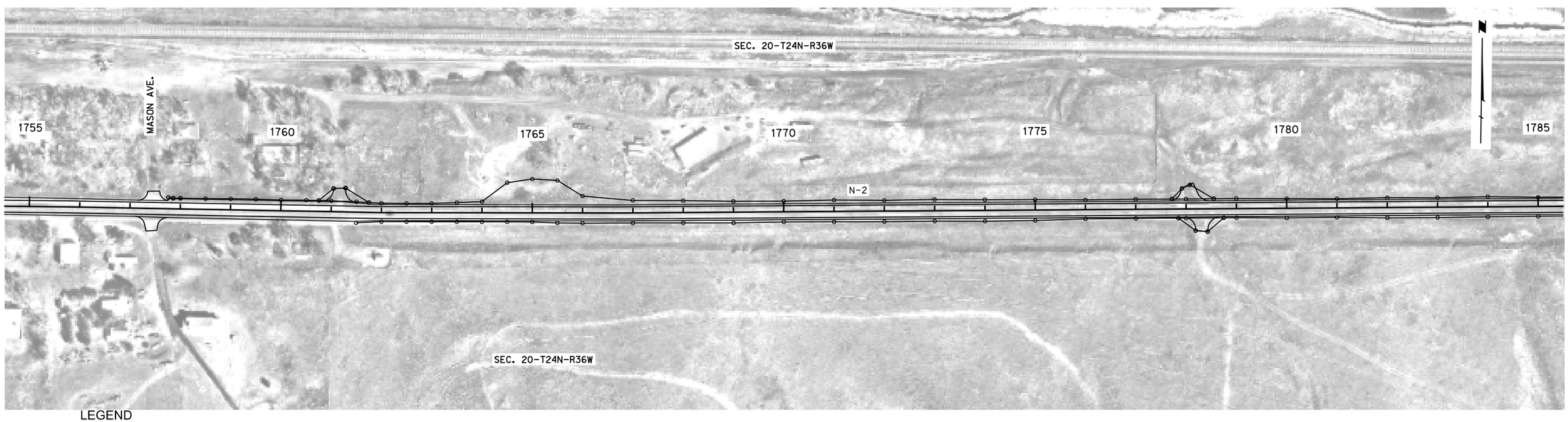
PROJECT NO.	SHEET NO.
N-2-2(112)	2-W1

C.N. 61008

PRELIMINARY PLAN

NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

WHITMAN EAST

GRANT & HOOKER COUNTIES

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

Date: 26-JAN-2016 09:01

User: sswope
Computer: SDMA07L6346B

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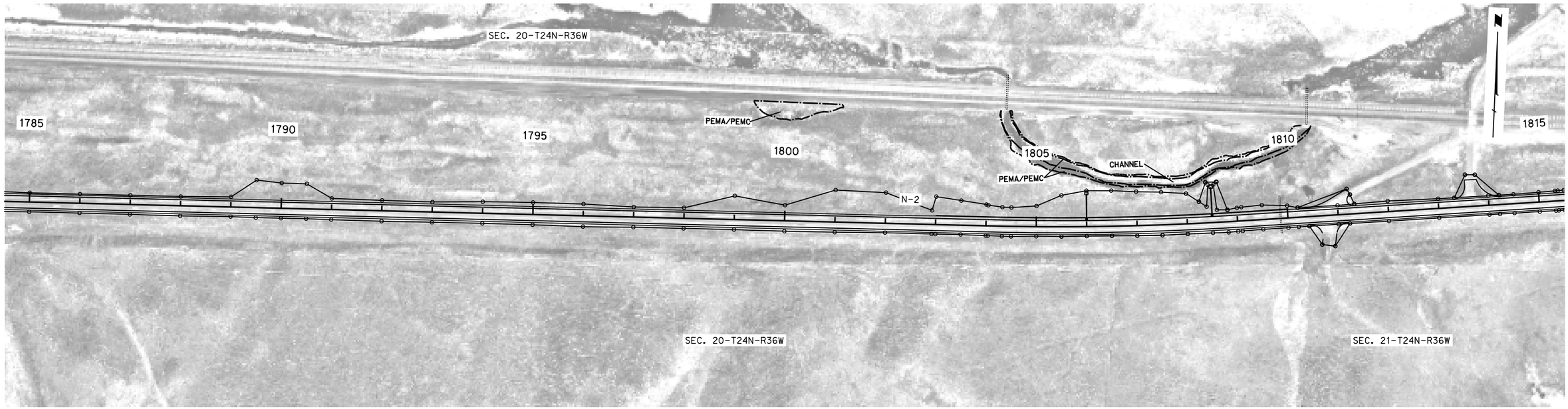
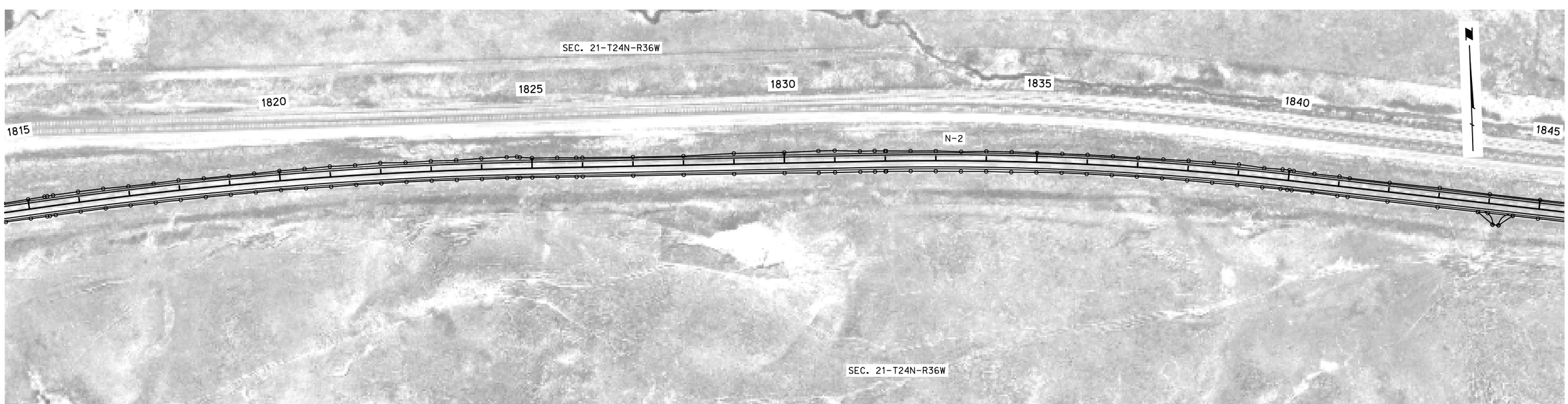
PROJECT NO.	SHEET NO.
N-2-2(112)	2-W2

C.N. 61008

PRELIMINARY PLAN

NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
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PROJECT NO.	SHEET NO.
N-2-2(112)	2-W3

C.N. 61008

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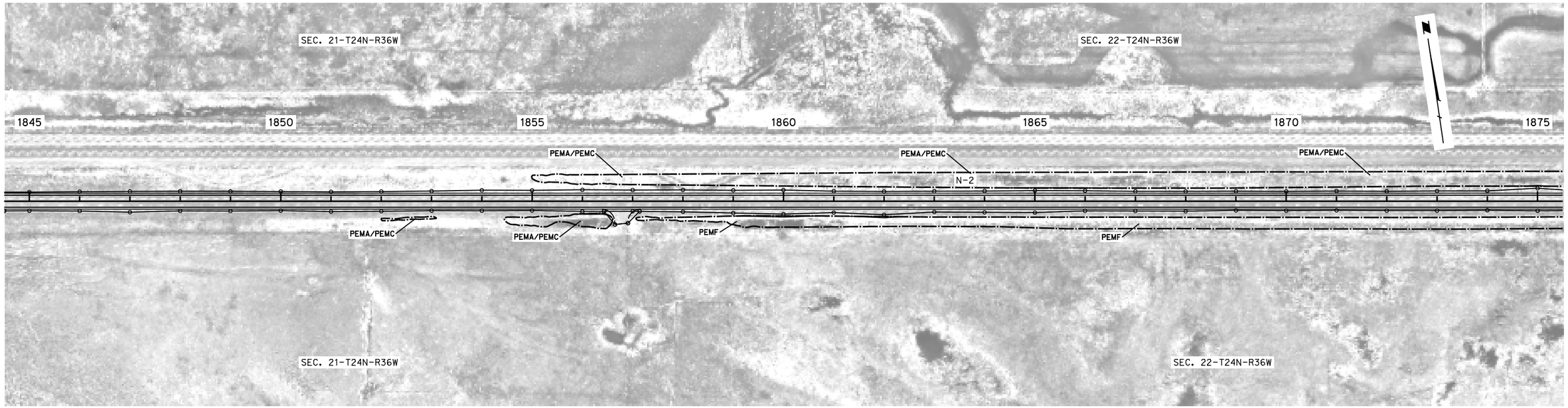

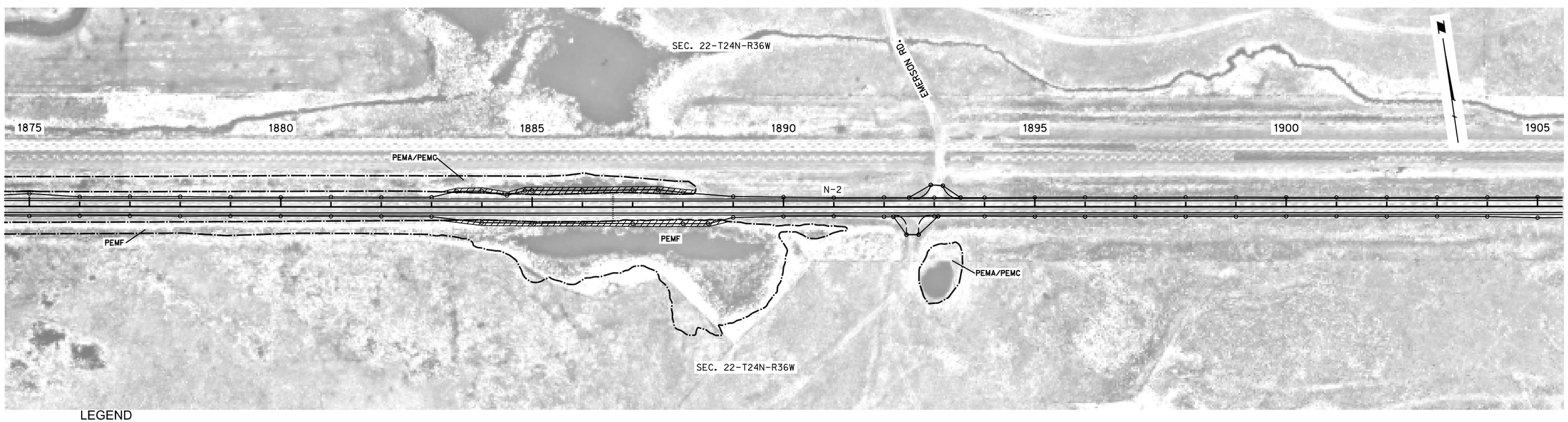

LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

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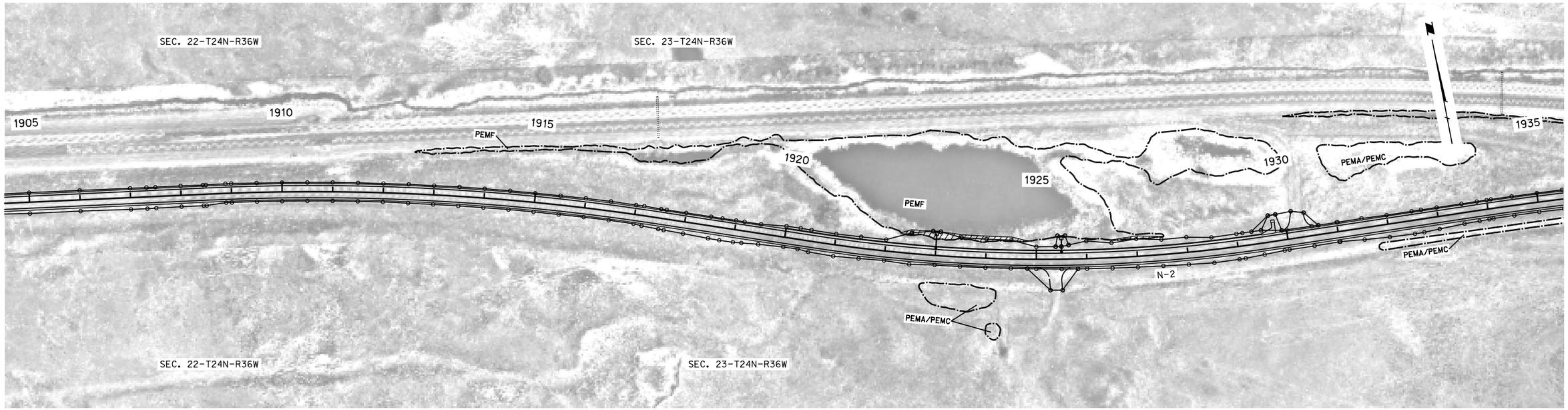
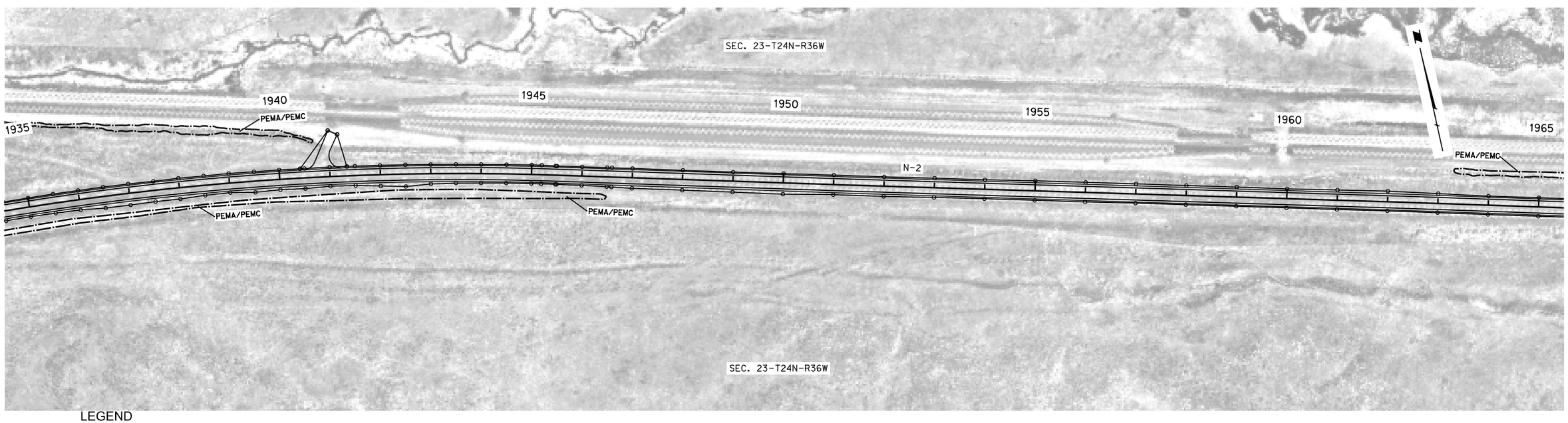
PROJECT NO.	SHEET NO.
N-2-2(112)	2-W4

C.N. 61008

PRELIMINARY PLAN

NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
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PROJECT NO.	SHEET NO.
N-2-2(112)	2-W5

C.N. 61008

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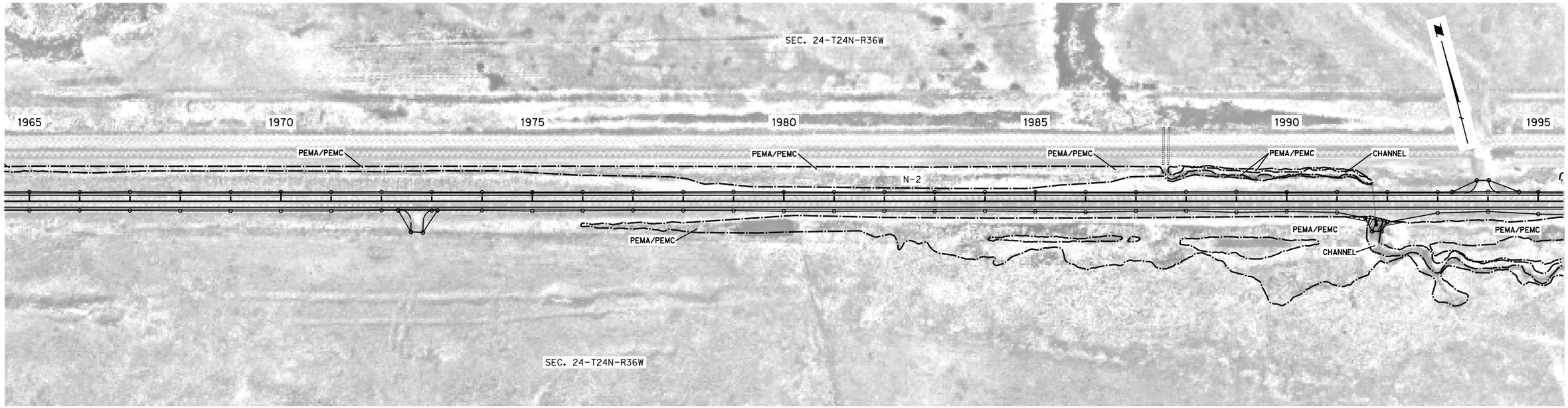

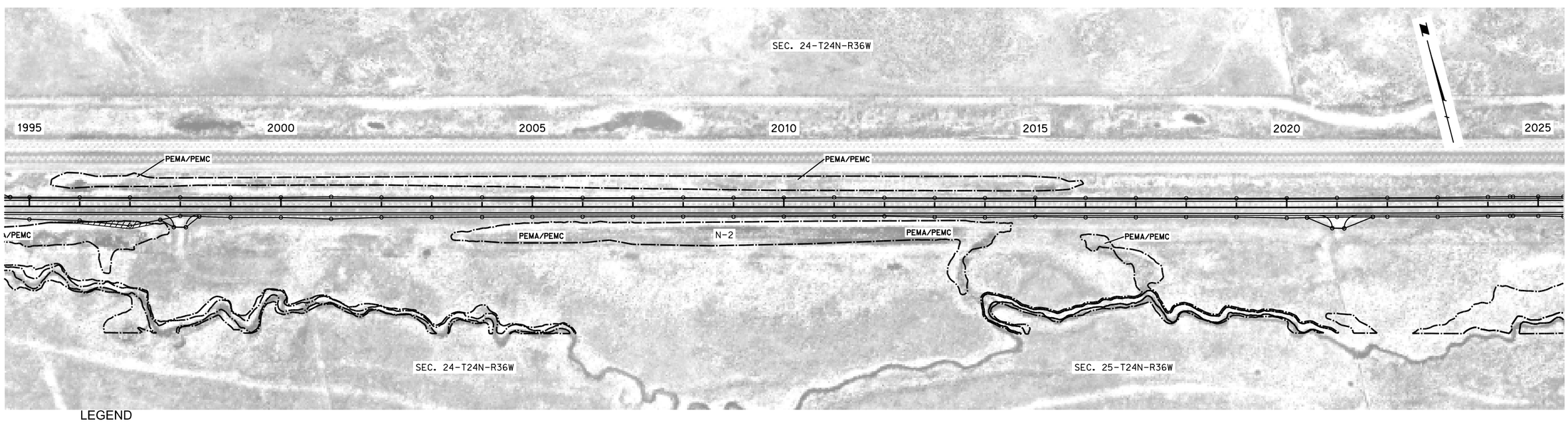

LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
Date: 26-JAN-2016 09:01
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PROJECT NO.	SHEET NO.
N-2-2(112)	2-W6

C.N. 61008

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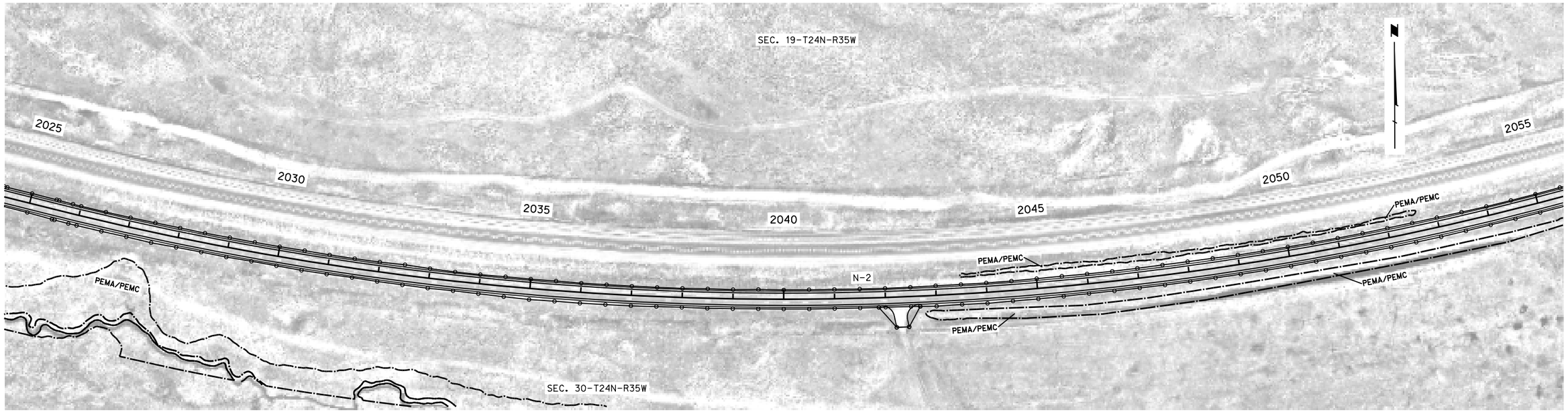

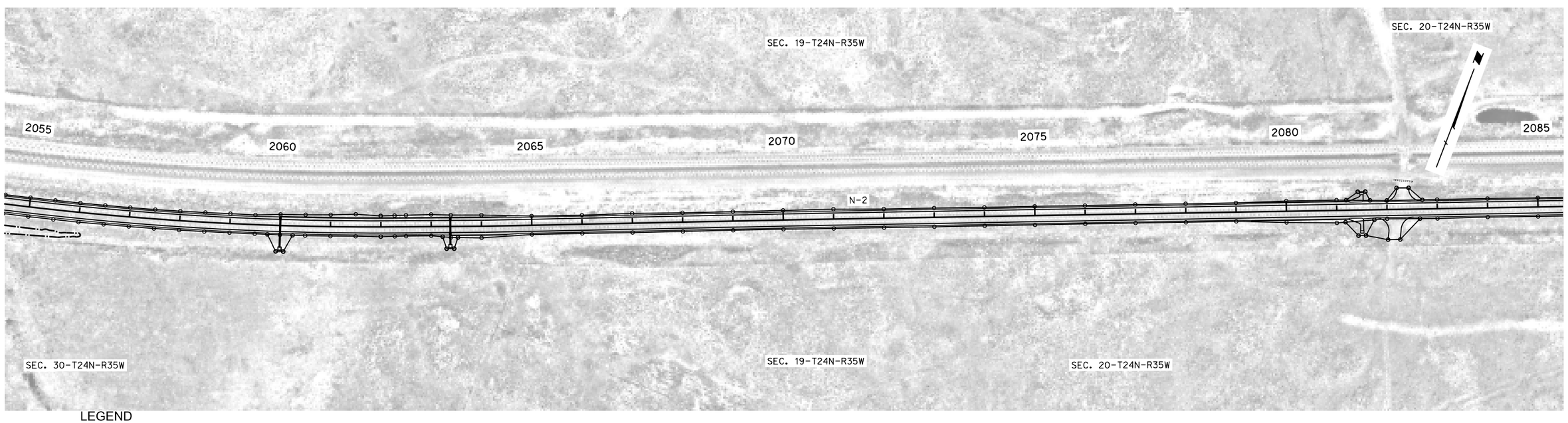

LEGEND

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

DATE: 2011
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SCALE: 1"=100'

Roadway Design Division
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Computer: SDMA07L6346B
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PROJECT NO.	SHEET NO.
N-2-2(112)	2-W7

C.N. 61008

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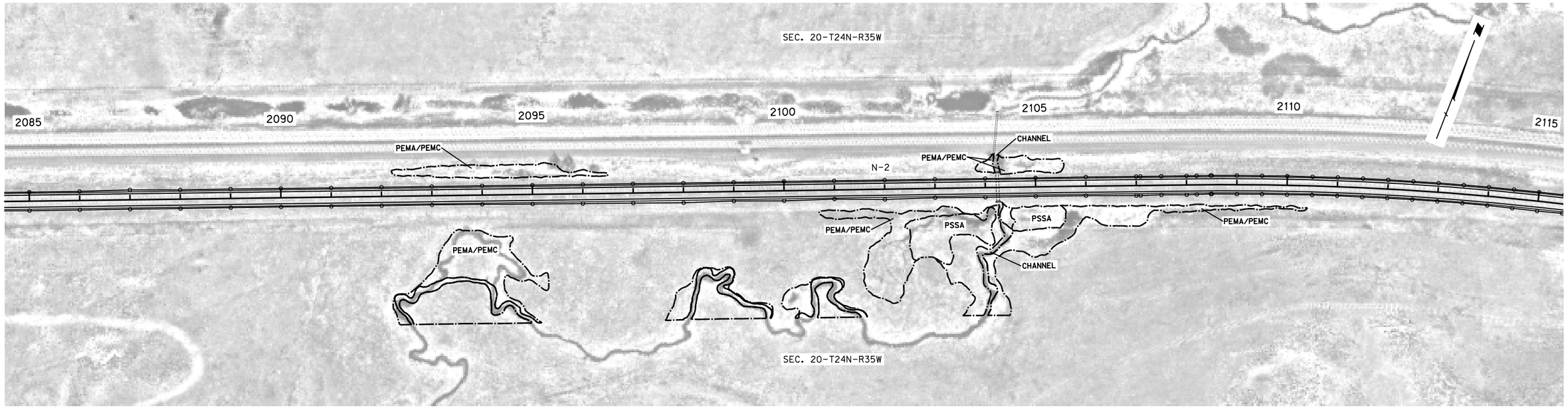

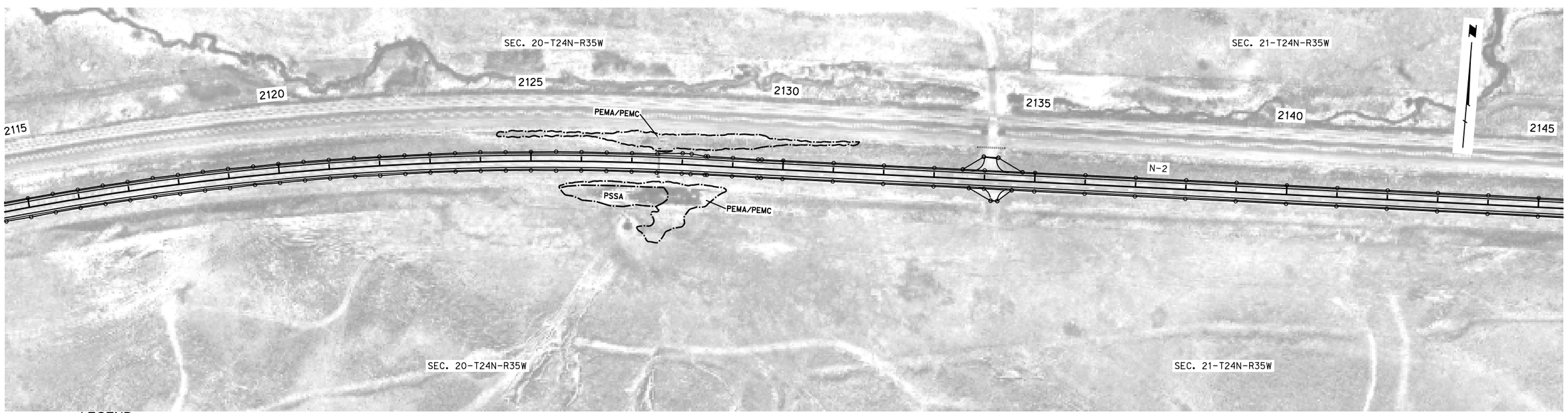

LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
Date: 26-JAN-2016 09:01
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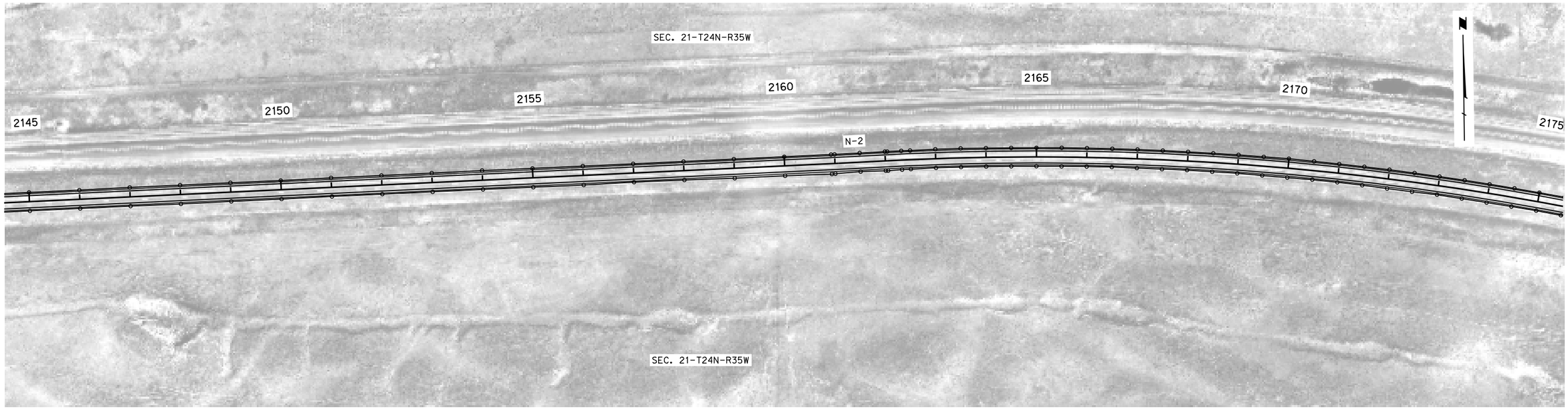
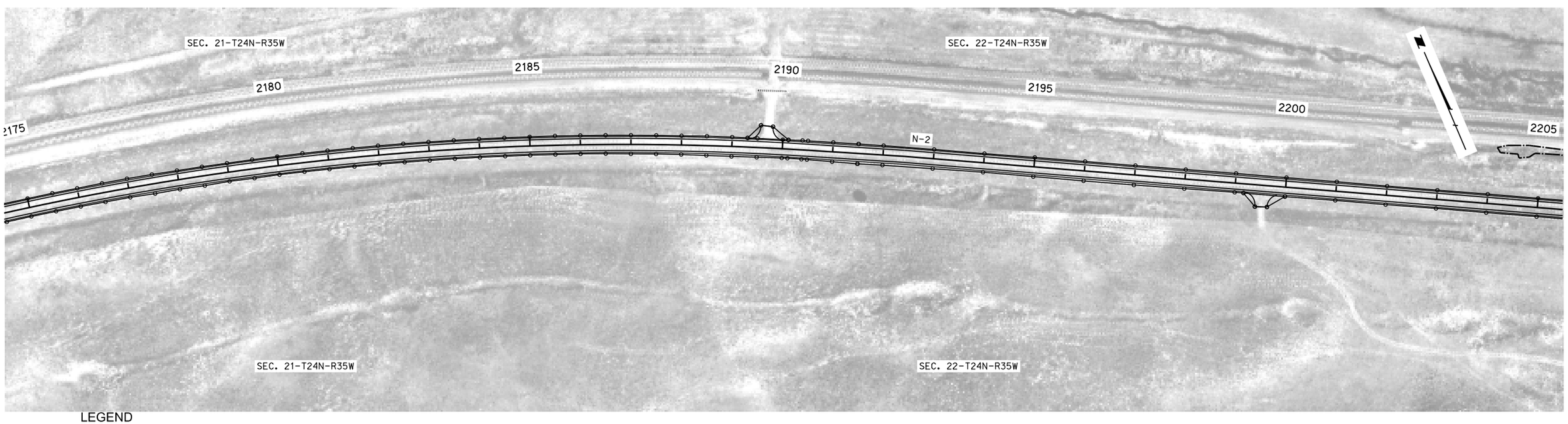
PROJECT NO.	SHEET NO.
N-2-2(112)	2-W8

C.N. 61008

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

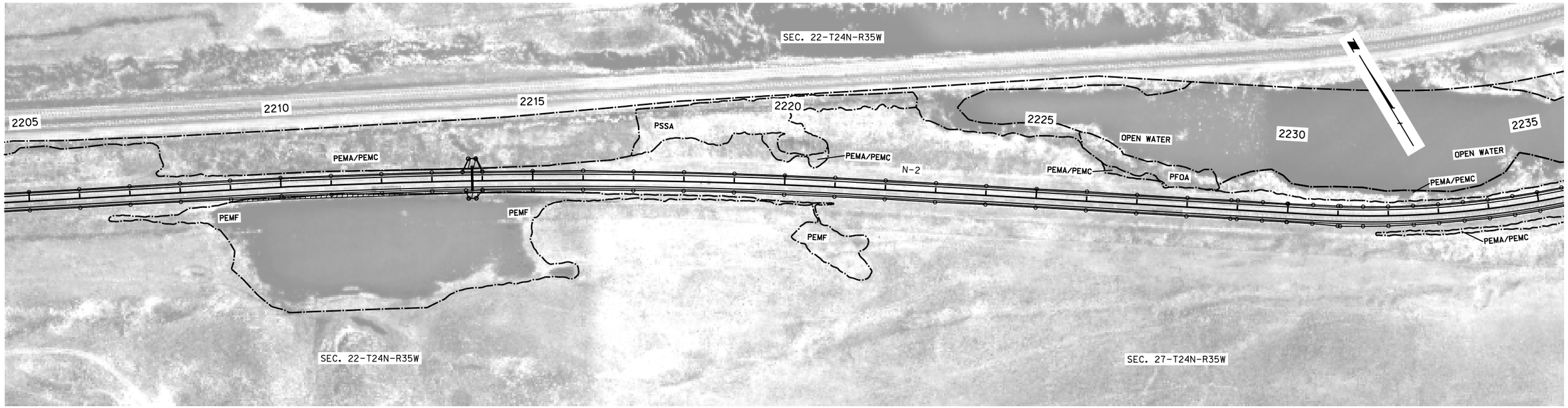
DATE: 2011
FLIGHT:
SCALE: 1"=100'

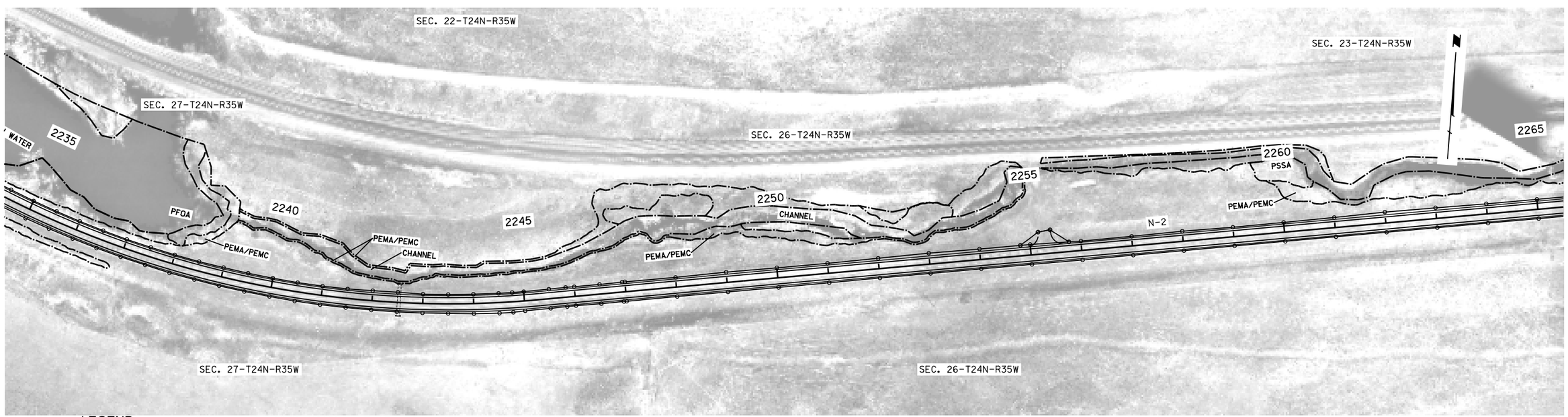
Roadway Design Division
Date: 26-JAN-2016 09:01
User: sswope
Computer: SDMA07L6346B
File: 61008cw8.dgn
Scale: 1:200

PROJECT NO.	SHEET NO.
N-2-2(112)	2-W9

C.N. 61008

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
Date: 26-JAN-2016 09:01
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File: 61008cw9.dgn
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PROJECT NO.	SHEET NO.
N-2-2(112)	2-W10

C.N. 61008

PRELIMINARY PLAN
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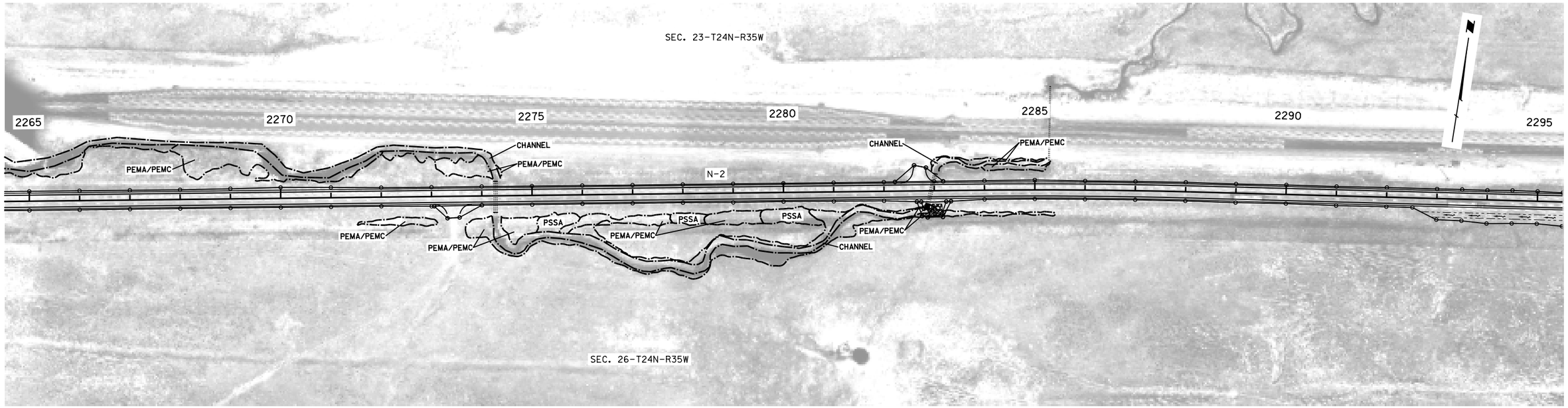

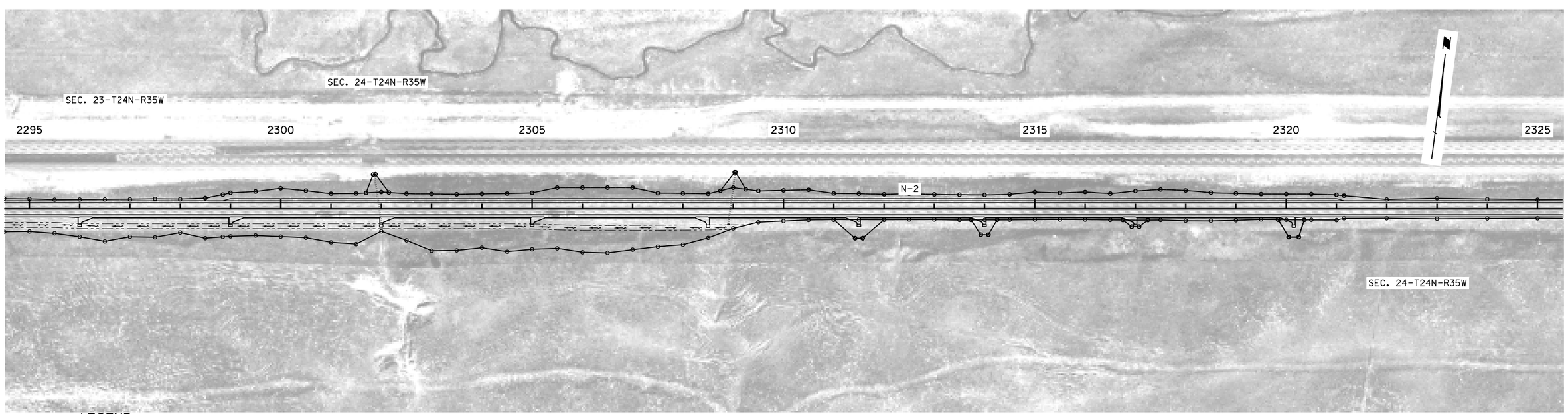

LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
Date: 26-JAN-2016 09:01
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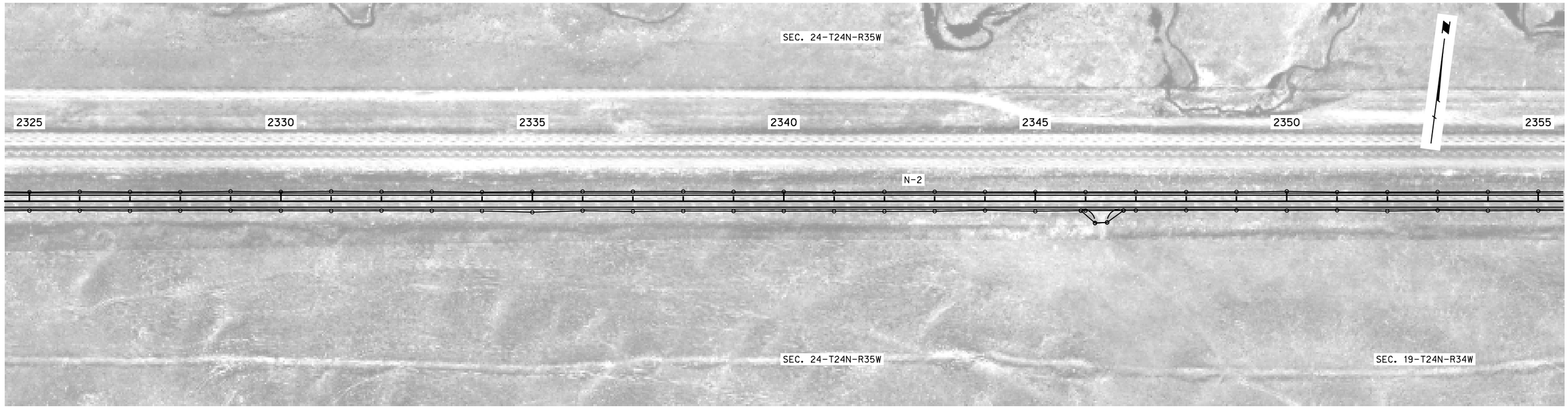
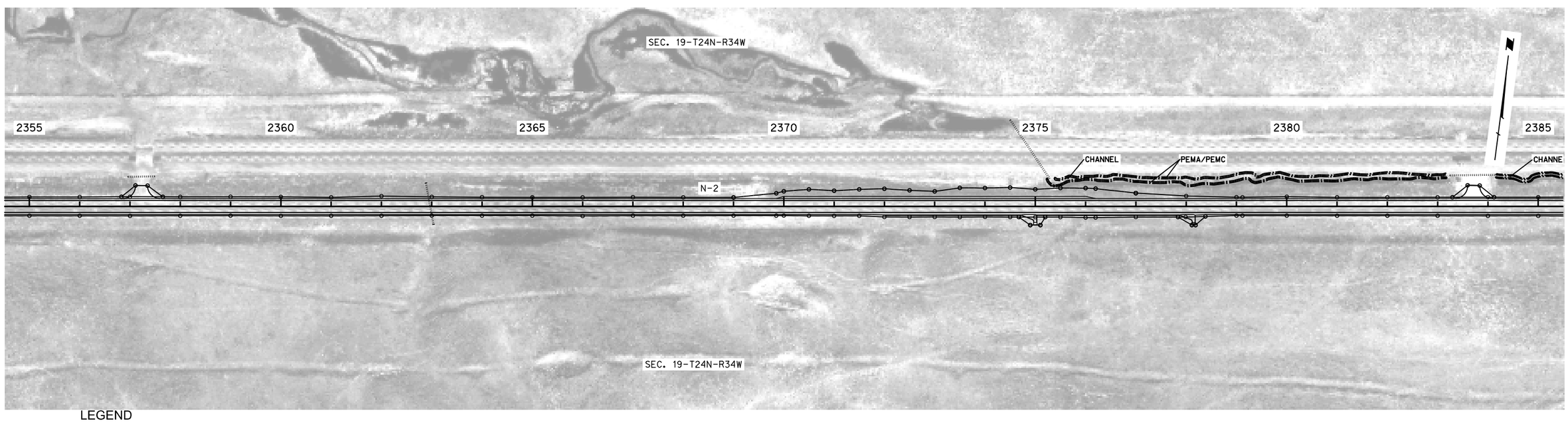
PROJECT NO.	SHEET NO.
N-2-2(112)	2-W11

C.N. 61008

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
Date: 26-JAN-2016 09:01
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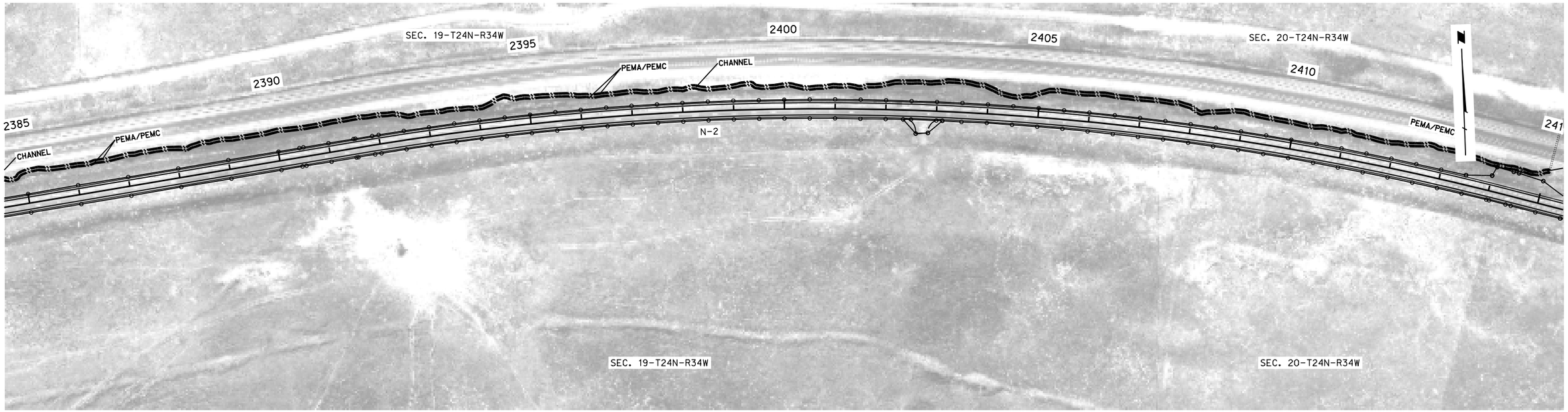
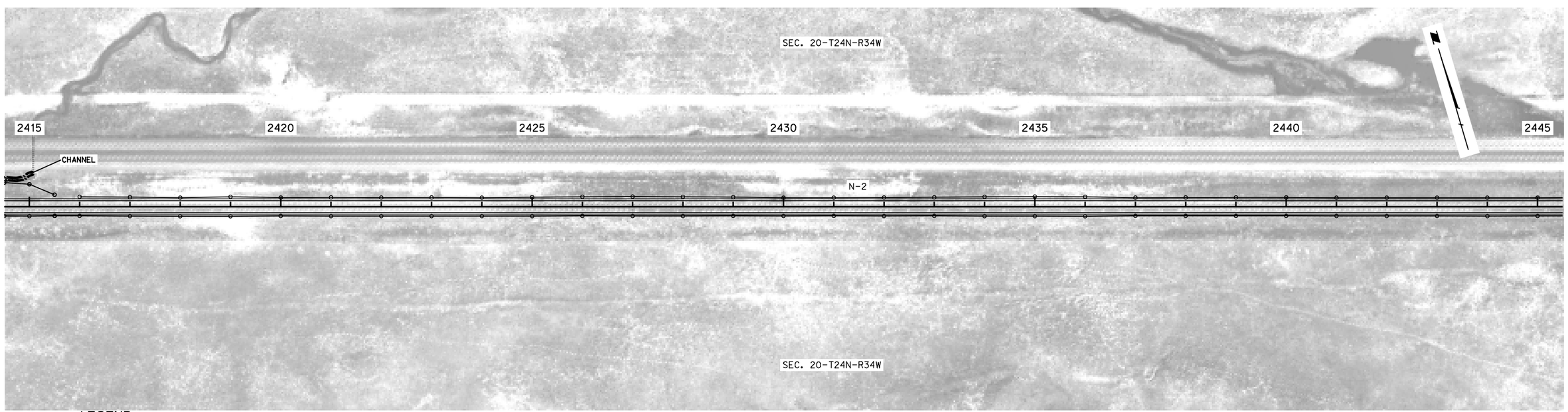
PROJECT NO.	SHEET NO.
N-2-2(112)	2-W12

C.N. 61008

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
Date: 26-JAN-2016 09:01
User: sswope
Computer: SDMA07L6346B
File: 61008cw12.dgn
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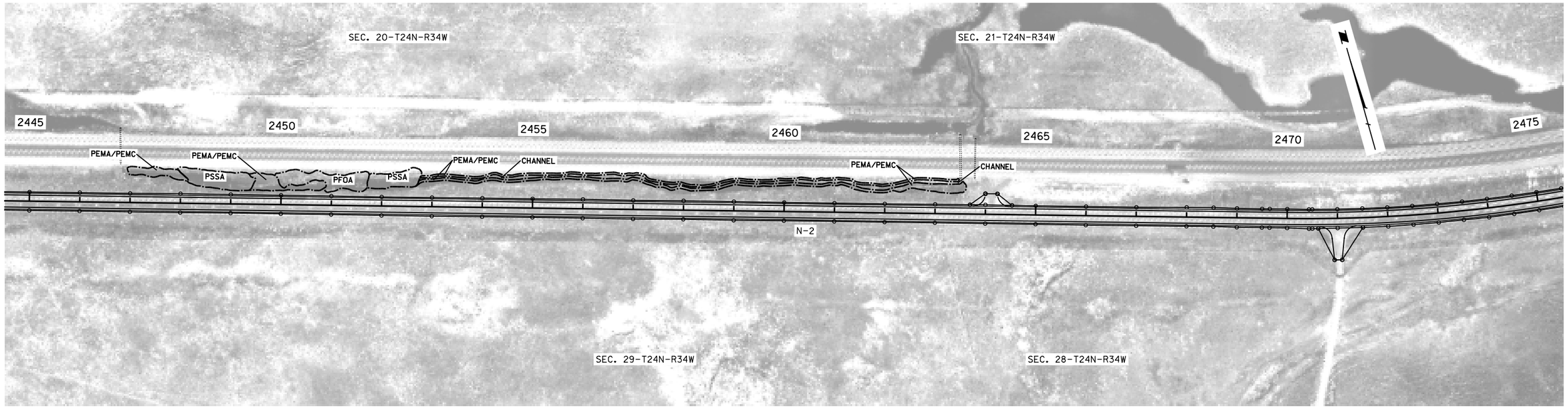
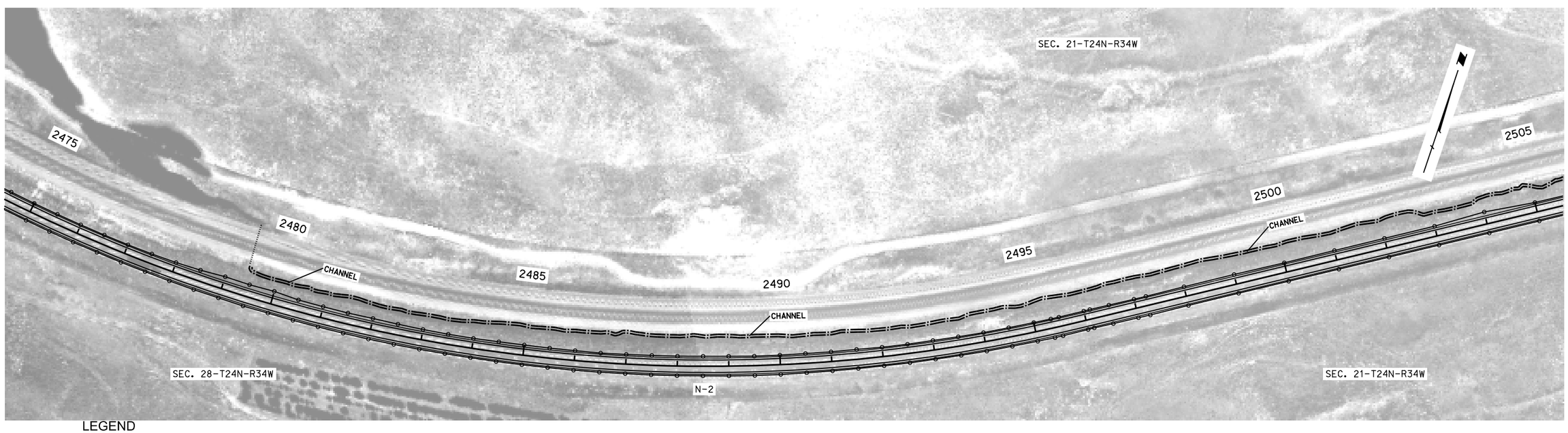
PROJECT NO.	SHEET NO.
N-2-2(112)	2-W13

C.N. 61008

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
Date: 26-JAN-2016 09:01
User: sswope
Computer: SDMA07L6346B
File: 61008cw13.dgn
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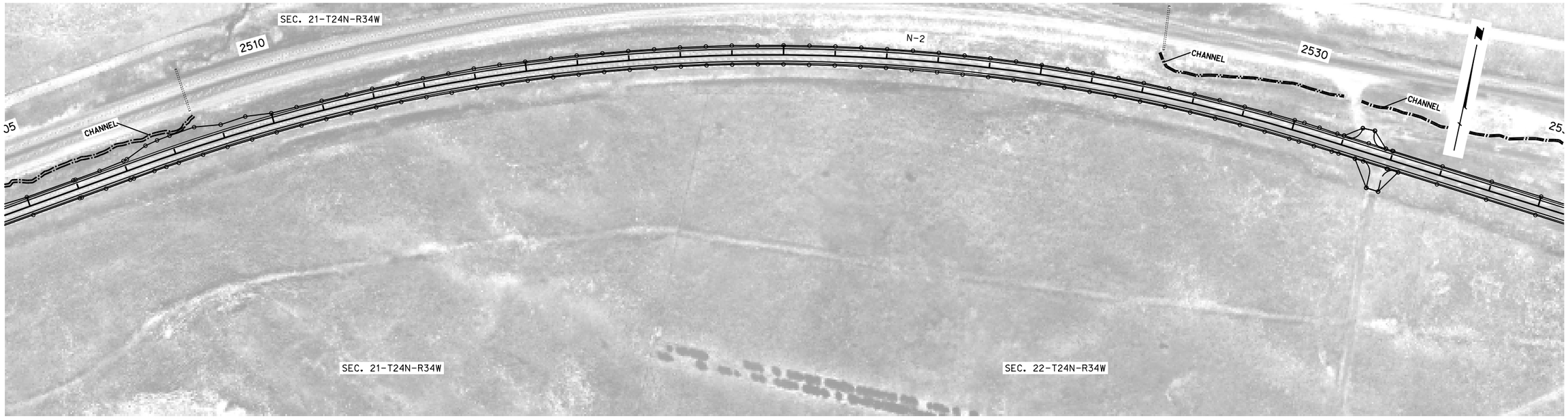
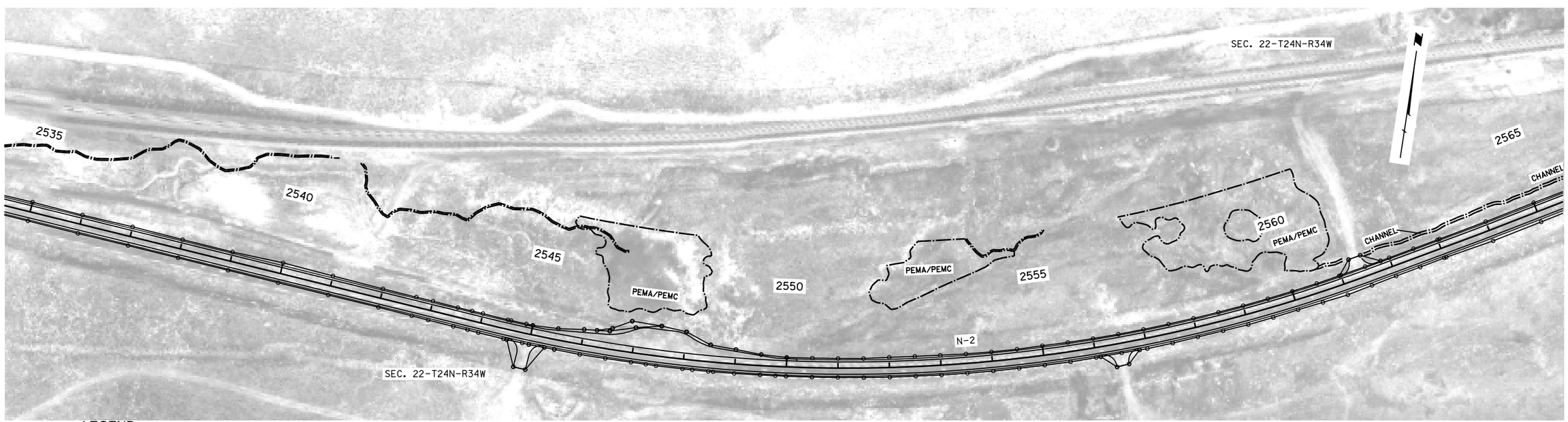
PROJECT NO.	SHEET NO.
N-2-2(112)	2-W14

C.N. 61008

PRELIMINARY PLAN

NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division

Date: 26-JAN-2016 09:01

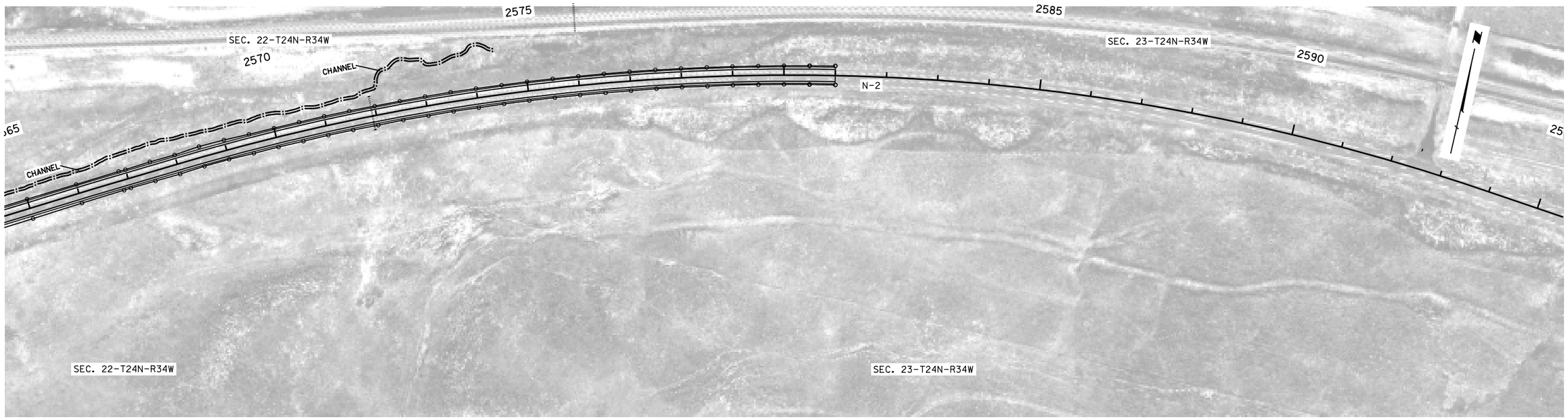
User: sswope
Computer: SDMA07L6346B

File: 61008cw14.dgn
Scale: 1:200

PROJECT NO.	SHEET NO.
N-2-2(112)	2-W15

C.N. 61008

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE



LEGEND

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

DATE: 2011
FLIGHT:
SCALE: 1"=100'

Roadway Design Division
Date: 26-JAN-2016 09:01
User: sswope
Computer: SDMA07L6346B
File: 61008cw15.dgn
Scale: 1:200

Pete Ricketts
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Jim Macy
Director
Suite 400, The Atrium
1200 'N' Street
P.O. Box 98922
Lincoln, Nebraska 68509-8922
Phone (402) 471-2186
FAX (402)471-2909
website: http://deq.ne.gov

March 29, 2016

Patrick L. Sward
Nebraska Department of Roads
1500 State Highway 2
Lincoln, NE 68509

Re: LETTER OF OPINION, NDOR Project No. NH-2-2(112), Whitman East Roadway Project, Grant and Hooker Counties

Dear Mr. Sward

The Nebraska Department of Environmental Quality has jurisdiction over all waters of the State under Title 117 - Nebraska's Surface Water Quality Standards and Title 118 - Ground Water Quality Standards and Use Classification. This includes lakes, rivers, streams, and wetlands whether publicly or privately owned. The Anti-degradation Clause (Title 117, Chapter 3, § 001) states that: "The water quality of surface waters, consistent with uses applied in these Standards, shall be maintained and protected. Water quality degradation which would adversely affect existing uses will not be allowed." This prohibits activities that would cause violations of Title 117.

While it is anticipated that the U.S. Army Corps of Engineers (the Corps) will issue a renewed determination that they do not have jurisdiction over the wetland features located in the above referenced site, our Department does have authority and responsibility under Title 117. Fill activities are subject to the Anti-degradation Clause and enforcement procedures when violations of Title 117 occur.

The documents provided to our office indicates that 0.16 acres of wetland will be impacted resultant to implementation of this project, and will be mitigated at a 1.0:1.0 ratio at the Rose Southwest Wetland Mitigation Bank. Based on this proposed mitigation, and pending renewed issuance of a Determination of Non-jurisdiction by the Corps, we offer the opinion that the referenced project will not violate Title 117.

Please submit to our office, upon documentation, an updated Rose Southwest Wetland Mitigation Bank Ledger which reflects new debts of certified bank credits as related to this project.

Construction activities should employ controls to prevent the erosion of land on the project site. This includes re-vegetating disturbed areas and maintaining the controls. If the area of disturbance will be greater than 1.0 acre, we remind the applicant that a National Pollution Discharge Elimination System construction stormwater permit may be required under § 402 of the Clean Water Act.

If you have any further questions or require assistance, please do not hesitate to contact me by phone at (402) 471-2875 or via email at robert.parker@nebraska.gov.

Sincerely,

Robert Parker
CWA Section 401 Coordinator

cc: Megan Schnoor, HDR

Biological Assessment PQS Memorandum

DATE 5/18/2016

TO Carrie Wencel, NEPA Project Manager

Cc Pat Sward, EPU Project Manager

FROM Melissa Marinovich, T&E Species Biologist

SUBJECT Whitman East; NH-2-2(112); CN 61008
Threatened & Endangered Species Concurrence

The biological assessment final approval on: **5/13/2016**

Date of Project Description used for this review: 1/15/2015

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:

☒ This BA required FHWA Review and Approval.

FHWA Concurrence Date: 4/19/2016

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

USFWS Concurrence Date: 4/27/2016

NGPC Concurrence Date: 5/13/2016

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

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

Additional Coordination with Other Tribal or Federal Agencies:

Description of Coordination:

Bald and Golden Eagle Protection Act:

This project was also reviewed for potential impacts on bald and golden eagles. NDOR believes the project site does not have appropriate habitat for eagles. Due to the lack of suitable habitat and information that there are no known bald eagle nests within the project area, NDOR has determined that there will be no impact to these species.

Migratory Bird Treaty Act:

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

Fish and Wildlife Coordination Act:

A wetland delineation was completed by HDR in the field on July 20-23, 2014. Based on current project design, there will be wetland impacts and channel impacts on this project; however, final impact totals are not yet known. NDOR is awaiting a jurisdictional determination from the Corps of Engineers. At this time, it is anticipated that a Section 404 permit would not be needed; however, a Title 117 NDEQ Certification will likely be needed. Impacts are anticipated to be mitigated at the Rose Wetland Mitigation Bank Site.

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*** (Location of suitable habitat). 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)*

Finescale Dace/Northern Redbelly Dace:

FSD,NRBD-A No erodible material, such as sandbags or inflatable barriers, shall be used for diverting flow through the culvert barrels. Diversions will be designed to avoid sedimentation. *(Design, District, Contractor)*

FSD,NRBD-B Water pumped out of the work area shall be screened and filtered to avoid entrapment of fish and prevent an influx of sediment before returning to the stream channel. See Special Prosecution and Progress. (Contractor)

FSD,NRBD-C All mechanized equipment will remain in upland areas and will not be used or driven within the banks of the channel. *(District, Contractor)*

FSD,NRBD-D After inlet flow diversion barriers are placed, a qualified biologist (minimum of a bachelor's degree in biology or related field) will survey the area for protected species. If finescale dace and northern redbelly dace are found, NDOR Environmental will coordinate with NGPC. *(NDOR Environmental, District, Contractor)*

FSD,NRBD-E Construction activity and installation of diversion barriers will not be allowed during spawning and heat-stress seasons, from April 15-September 30. *(District, Contractor)*

FSD,NRBD-F Requests for early construction starts on culvert work must be coordinated by the Project Construction Engineer with NDOR Environmental (Melissa Marinovich: 402-479-3546) for approval of the early start. No work will be allowed prior to approval by 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 160.00 to 168.50 and MM 174.00 to 175.00*** (location of suitable habitat). (prior to the start of daily construction activities). If species are present the District will notify the Contractor to stop work within 1/2 mile of the whooping crane and follow the protocol to determine when work can resume (also not initiate work if species is found in the morning survey). Options for resuming work may include but are not limited to *(NDOR Environmental, Construction, Contractor)*:

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

AND

WC-3 Herbaceous species used for re-seeding within ¼ mile of the following location: ***MM 160.00 to 168.50 and MM 174.00 to 175.00*** (location of suitable habitat) 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)*

NEBRASKA
GAME PARKS

2200 N. 33rd St. • P.O. Box 30370 • Lincoln, NE 68503-0370 • Phone: 402-471-0641

5/13/2016

Scott Stapp
Federal Highway Administration
100 Centennial Mall North, Room 220
Lincoln, NE 68508-3803

Re: Whitman East, Project No. NH-2-2(112), CN 61008, Grant and Hooker Counties, NE

Dear Mr. Stapp:

Please make reference to your letter dated 4/20/2016. This letter is in response to your request for concurrence regarding this project's potential impacts to endangered and threatened species in Grant and Hooker Counties, Nebraska. As we understand it, the project involves resurfacing approximately 16 miles of N-2 and other associated activities as outlined in the documents attached to your letter. We have completed our review of the proposed project under Neb. Rev. Stat. § 37-807 (3) of the Nongame and Endangered Species Conservation Act (NESCA) and we offer the following comments.

This project is within the range of the federally and state-listed endangered American burying beetle (*Nicrophorus americanus*), blowout penstemon (*Penstemon haydenii*), and whooping crane (*Grus americana*); the federally and state-listed threatened northern long-eared bat (*Myotis septentrionalis*) and western prairie fringed orchid (*Platanthera praeclara*); and the state-listed threatened finescale dace (*Chrosomus neogaeus*) and northern redbelly dace (*Chrosomus eos*). Suitable habitat for American burying beetle, finescale dace, northern redbelly dace, and whooping crane exists within or near the project area. Habitat for all other listed species will not be impacted.

The Nebraska Department of Roads (NDOR) has agreed to implement standard and species-specific conservation conditions in order to avoid impacts to American burying beetle, finescale dace, northern redbelly dace, and whooping crane. In the event a borrow site associated with this project results in a depletion to the Platte River, NDOR will contact the appropriate agency, depending on which river basin the borrow site is located in, to address offsetting the depletion.

Based on this information, we concur the proposed project "May Affect but is Not Likely to Adversely Affect" American burying beetle, finescale dace, northern redbelly dace, and whooping crane and will have "no effect" on all other state-listed endangered or threatened species. This concurrence is based on a review of the material you sent, aerial photographs, and our Nebraska Natural Heritage Database.

If the proposed project is changed or new information regarding endangered and threatened species becomes available, then this concurrence is no longer valid and further consultation with the Nebraska Game and Parks Commission (Commission) will be necessary.

For an assessment of potential impacts to habitats and species protected under federal wildlife laws, including federally listed, candidate or proposed endangered or threatened species, please contact Eliza Hines (eliza_hines@fws.gov) or John Cochnar (john_cochnar@fws.gov), Nebraska Field Office, U.S. Fish and Wildlife Service, 9325 South Alda Road, Wood River, NE 68883.

Thank you for the opportunity to comment. If you have any questions or need additional information, please feel free to contact me at (402) 471-5554 or ryan.joe@nebraska.gov.

Sincerely,

Ryan Joe
Environmental Analyst
Planning and Programming Division

ec: USFWS (Eliza Hines, John Cochnar, Brooke Stansberry)
NDOR (Melissa Marinovich)
FHWA (Melissa Maiefski, Sue Petracek)

Nebraska Department of Roads

Planning and Project Development

Hazardous Materials Memorandum

Date: November 18, 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 Whitman East (C.N. 61008).

Overview

A hazardous materials review (HMR) was completed by HDR for the Whitman East project and approved by NDOR on November 18, 2015. A HMR was required for this project because the scope of work exceeds the project exemptions. The purpose of the HMR is to identify environmental concerns associated with hazardous materials and petroleum products which could potentially be encountered during the construction project. This memo summarizes the conclusions and applicable mitigation measures found in the HMR and assists the Environmental Documents manager in completing the Hazardous Materials section of the CE Determination Form for Federal-Aid Projects. The HMR can be found in the NDOR project file.

Hazardous Material Sites and Impacts

The HMR did not identify any facilities where past releases have occurred within the hazardous materials study area. In addition, no Superfund sites were identified near the project. There is a low potential of encountering contamination during construction.

Site reconnaissance revealed several above ground storage tanks located at an abandoned building in Whitman that appeared as though it could have been a former service station. No signs of a release were present and no vent pipes or pump islands were present. Based on the lack of evidence of a release and the minimal scope of work within the town of Whitman, there is a low potential of encountering contamination originating from this site during construction.

Asbestos and Lead

No structure modification or replacement is proposed for this project. No asbestos or lead mitigation is required.

Unexpected Waste Commitment

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

Sincerely,

Will Packard

11/18/15

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: November 18, 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 Whitman East (C.N. 61008) in Grant County and Hooker County, NE

The NDOR Noise Section staff has reviewed the project description for the Whitman East 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 11/18/15

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

Probable Class of NEPA Action Form

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

Date this DR-53 was Completed:	Control Number: *(NDOR Completes)*	Project No.: *(NDOR Completes)*
9/23/14	61008	NH-2-2(112)

Project Name:
Whitman East

☐ LPA Project ☒ State Project

Local Public Agency or NDOR District and County Project Located In:
NDOR District 6, Grant and Hooker Counties, Nebraska

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

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

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

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

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

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

Question 15: Blowout Penstemon, Finescale Dace, and Whopping Crane have been identified within 5 miles of the project site.

Document Preparer's Signature:

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

Carmen Pellish		9/23/2014
(Print Name)	*(Signature)*	*(Date)*

NDOR-NEPA Specialist

(Organization and Title)

402-479-4413	carmen.pellish@nebraska.gov
(Phone – include Area Code)	*(Email)*

The following is for NDOR Use Only

*Environmental Justice/Title VI/*LEP

Civil Rights Staff completes the following:

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

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

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

Chris Hassler (Print Name) — Hwy Civil Rights Specialist (Signature and Title) — 9/24/14 (Date)

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

No further EJ analysis required.

Noise and Air Study

Noise & Air Section completes the following:

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

Is an air analysis warranted? ☐ Yes ☒ No

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

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

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

Will Packard (Print Name) — Env. Specialist (Signature and Title) — 9/24/14 (Date)

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

Public Involvement

Public Involvement Coordinator completes the following:

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

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

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

Sarah Kugler (Print Name) — Pub. Inv. Coordinator (Signature and Title) — 10/7/2014 (Date)

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

Based on the current scope, we recommend a targeted mailer to landowners along the project area.

Probable Class of NEPA Action

NDOR Environmental Section completes the following:

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

- ☒ Programmatic Categorical Exclusion or Categorical Exclusion
- ☐ Environmental Assessment
- ☐ Environmental Impact Statement

Wendy J. Austin	Wendy J. Austin, NDOR NEPA Specialist	10/7/14
(Print Name)	*(Signature and Title)*	*(Date)*

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

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

Digitally signed by MELISSA G MAIEFSKI
DN: c=US, o=U.S. Government, ou=DOT FHWALincolnNE, ou=FHWA FHWALincolnNE, cn=MELISSA G MAIEFSKI
Date: 2014.10.20 [illegible]

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

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

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

McCart, Randall

Subject: FW: NH-2-2(112) Whitman East, C.N. 61008

AMServiceURLStr: https://Slingshot.hdrinc.com:443/CFSS/control?view=services/FTService

From: Wencel, Carrie [mailto:carrie.wencel@nebraska.gov]
Sent: Wednesday, June 01, 2016 3:05 PM
To: Schnoor, Meagan
Subject: FW: NH-2-2(112) Whitman East, C.N. 61008

Hi Meagan,

FHWA has concurred with the PI plan. Please see the email below. I think with this concurrence you are able to draft a CE submittal. I'm going to set a due date of June 17th. Please let me know if you hit any snags that you need help with or that could delay your submittal.

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

From: Stapp, Scott (FHWA) [mailto:scott.stapp@dot.gov]
Sent: Wednesday, June 01, 2016 2:59 PM
To: Bui, Tony
Cc: Maiefski, Melissa (FHWA); Petracek, Sue; Wencel, Carrie; Barber, Jon; Kugler, Sarah; Jurgens, Jason
Subject: RE: NH-2-2(112) Whitman East, C.N. 61008

Thanks, Tony.

FHWA concurs with the public involvement approach presented below.

Scott
P\ENV\NEPA

From: Bui, Tony [mailto:tony.bui@nebraska.gov]
Sent: Wednesday, June 01, 2016 12:49 PM
To: Stapp, Scott (FHWA)
Cc: Maiefski, Melissa (FHWA); Petracek, Sue (FHWA); Wencel, Carrie; Barber, Jon; Kugler, Sarah; Jurgens, Jason
Subject: RE: NH-2-2(112) Whitman East, C.N. 61008

Hi Scott,

The pre-construction notice would still occur; a minimum of one news release would go to all local and area media, and be posted on the NDOR website, prior to the start of construction work.

Tony Bui
Public Involvement Specialist
NDOR - Communication Division

(402) 479-4994 | (402) 326-2316
tony.bui@nebraska.gov

From: Stapp, Scott (FHWA) [mailto:scott.stapp@dot.gov]
Sent: Wednesday, June 01, 2016 12:24 PM
To: Bui, Tony
Cc: Maiefski, Melissa (FHWA); Petracek, Sue; Wencel, Carrie; Barber, Jon; Kugler, Sarah; Jurgens, Jason
Subject: NH-2-2(112) Whitman East, C.N. 61008

Hi Tony,

When you state that, "No further public involvement is anticipated at this time." Does this refer also to media notice before construction or will this notice still occur?

Scott
P\ENV\NEPA

From: Bui, Tony [mailto:tony.bui@nebraska.gov] Stapp, Scott (FHWA) <scott.stapp@dot.gov>
Sent: Wednesday, May 11, 2016 3:05 PM
To: Stapp, Scott (FHWA)
Cc: Maiefski, Melissa (FHWA); Petracek, Sue (FHWA); Wencel, Carrie; Barber, Jon; Kugler, Sarah; Jurgens, Jason
Subject: NH-2-2(112) Whitman East, C.N. 61008

Scott,

As shown in the DR-53 (attached), a targeted mailer was recommended by NDOR Public Involvement in fall of 2014 for the proposed *Whitman East* project. NDOR Public Involvement believes this outreach is no longer appropriate, per the Programmatic Agreement and Public Involvement Procedure.

The proposed 3R project would resurface approximately 15.99 miles of Nebraska Highway 2 (N-2) located in Grant and Hooker Counties, starting just west of the unincorporated village of Whitman, at mile marker (MM) 159+05, and extending east to MM 175.04, approximately 9.24 miles west of the west corporate limits of Mullen. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The purpose of the project is to preserve the transportation asset, improve the reliability of the transportation system, and perpetuate the mobility of the traveling public. The need for this project is based on the current condition of the roadway and recent inspections showing that the pavement distresses require rehabilitation.

The proposed scope of work would include work in both curbed and rural non-curbed sections. The improvements on the curbed sections of this project would consist of milling and resurfacing the existing roadway with asphalt. In the rural non-curbed sections of the proposed project, improvements on the mainline would consist of milling and resurfacing the existing roadway with asphalt, full depth surfaced shoulders would be constructed, curb and flume with asphalt surfaced shoulders would be constructed where warranted along with cable guardrail, and the historical marker turnout, at approximately MM 174.38, would be surfaced with asphalt. Additional improvements may include grading, curb and flume, and culvert work.

Upon re-evaluation of the project, it has been noted that additional property rights would be required for this project. It is anticipated that approximately .26 acres of new right-of-way (ROW) would be required to cover the limits of construction (LOC) for a fill area as well to cover the LOCs for grading and flumes that are approaching the existing ROW (Sta. 1806 and 1809). There would be a need for approximately .34 acres of temporary easements for construction throughout the project area.

There are no 4(f) or 6(f) defined properties within or adjacent to this project, no airports near or within the project area, nor were any civil rights issues identified. Wetland impacts are anticipated and would be mitigated on-site or at a local wetlands bank, as necessary. The BNSF Railroad does run parallel along the north side for nearly the entire length of the project; however, direct impacts are not anticipated. A portion of the temporary easements would be needed from BNSF Railroad; coordination with the railroad has occurred and would continue as the project progresses. Access to adjacent properties would be maintained during construction, but may be limited at times due to phasing requirements. The project would be constructed under traffic with lane closures controlled with approved temporary traffic control. The project is anticipated to take approximately 170 working days and would take two construction seasons.

To reiterate, in October of 2014, NDOR Public Involvement had recommended that a targeted mailer be utilized for the above mentioned project; however, due to a re-evaluation of the proposed project, NDOR Public Involvement believes that the recommended outreach is no longer deemed necessary. No further public involvement is anticipated at this time.

Please let me know if you have any questions in regards to this project or our public involvement outreach.

Thank you!

Tony Bui
Public Involvement Specialist
NDOR - Communication Division
(402) 479-4994 | (402) 326-2316
tony.bui@nebraska.gov