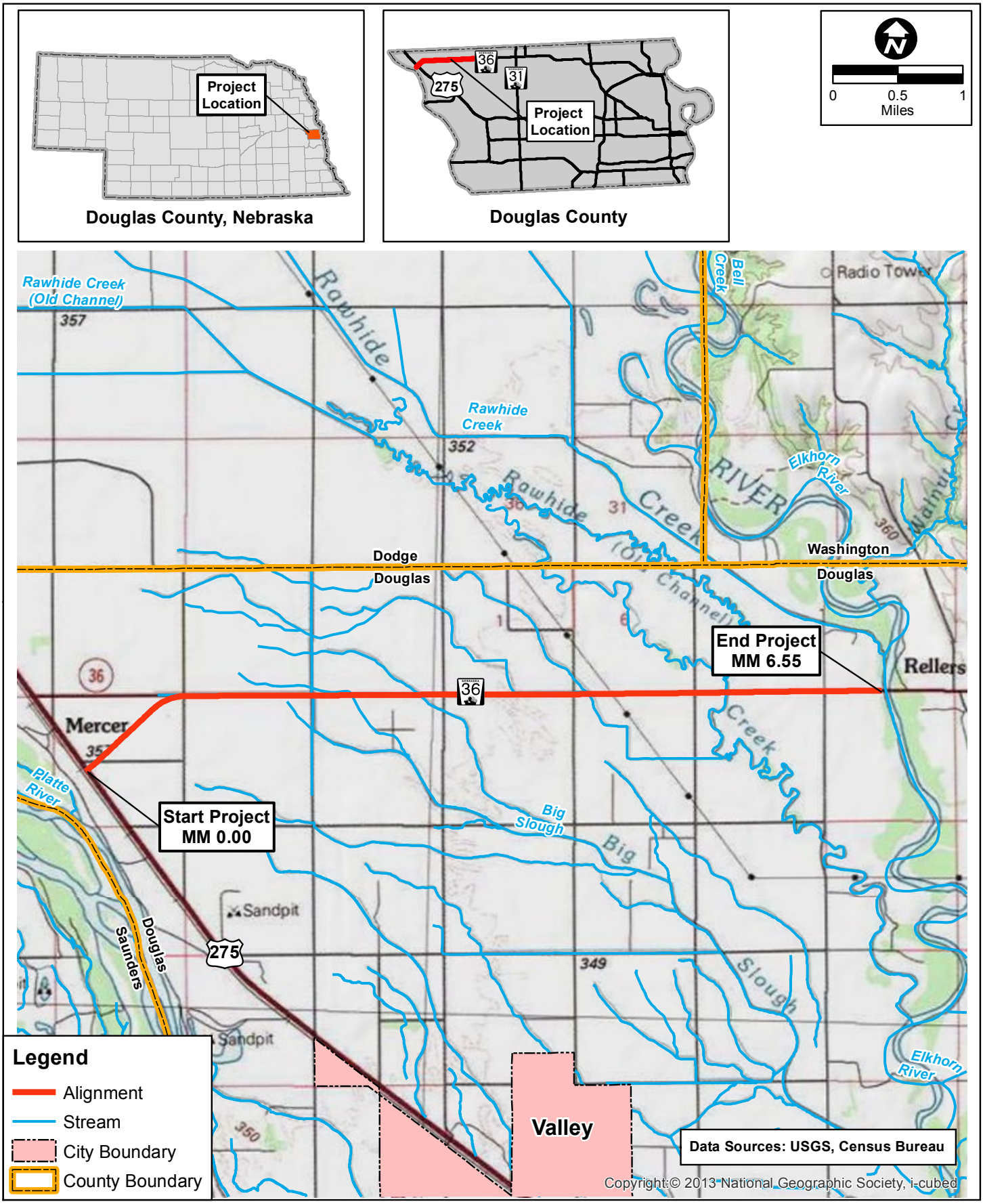

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NDOR
Nebraska Department of Roads

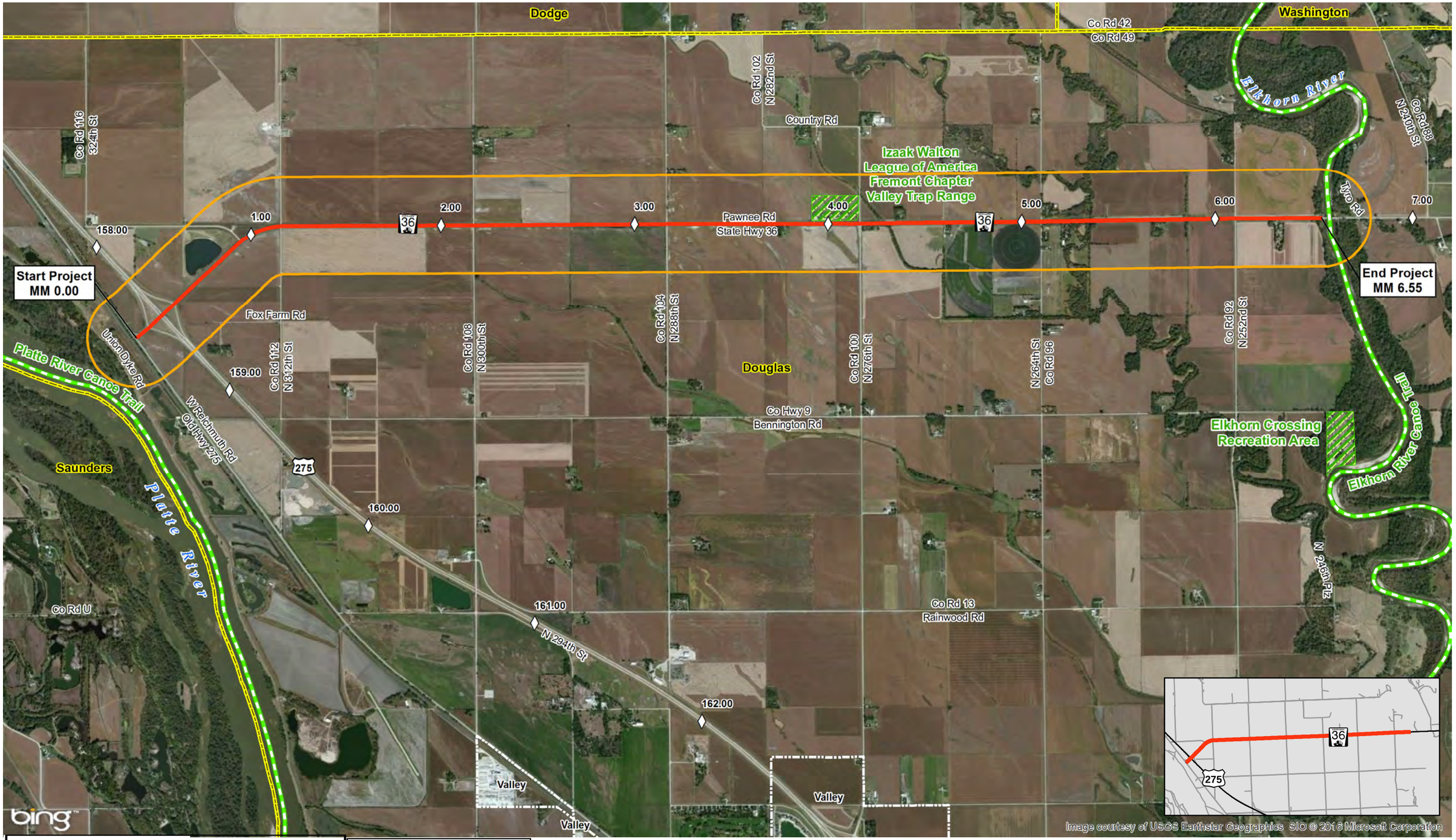
Project Location

Elkhorn River West
Project Number: STP-36-7(115)
Control Number: 22532

DATE
April 2016

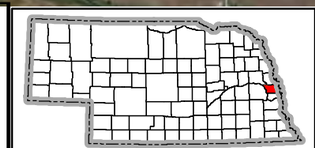
FIGURE
1

Z:\Projects\NDOR\232049_NDOR_2014_NEPA_Bundle_4\22532_Elkhorn_River_West\Map_Docs\Draft\Section_4f_Initial_Assessment.mxd/20160113/adf



Legend

- Mile Marker
- Alignment
- Potential 4(f) Property
- Potential 4(f) Trail
- Environ. Study Area - Section 4(f) Resources (0.25 Mile)



Douglas County, Nebraska

0 1,250 2,500
Feet

NDOR
Nebraska Department of Roads

Environmental Study Area

Elkhorn River West
Project Number: STP-36-7(115)
Control Number: 22532

DATE
June 2016

FIGURE
2

Section 4(f) Initial Assessment Form

May 29, 2015

Project Name	Project Number
Elkhorn River West	STP-36-7(115)
Control Number	**Date Completed**
22532	August 23, 2016
Project Location *(Town, County)*	**Name of Preparer**
North of Valley, Douglas County	Randy McCart, HDR

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.

N/A

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.

Resources used to determine the presence of parks, recreation areas, and wildlife/waterfowl refuges in the Section 4(f) Study Area include the Nebraska Game and Parks Commission (NGPC) Nebraska Water Trails Guide, NGPC Interactive Map, NGPC Nebraska State Parks Map, NGPC State Trails Plan website, U.S. Fish and Wildlife Service Wildlife Refuges and Wilderness Areas website, Douglas Omaha Geographic Information Systems website (including a Douglas County Assessor Property Map layer), Douglas County Comprehensive Plan, and Google Earth.

HDR coordinated with the Douglas County Planning and Zoning Coordinator on November 17, 2015, and December 21, 2015. There are no plans to develop or update parks or recreation facilities in the Section 4(f) Study Area.

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.

Elkhorn River Canoe Trail is located on the Elkhorn River, approximately 200 feet east of the Project's eastern terminus. Access to the Elkhorn River Canoe Trail is provided at Elkhorn Crossing Recreation Area, south of the study area, and owned and operated by the Papio Missouri River Natural Resources District. Elkhorn Crossing Recreation Area is located one mile south of Nebraska Highway 36 (N-36) and can be accessed from N-36 at MM 6.11 (252nd Street). Elkhorn Crossing Recreation Area can also be accessed from several other roads to the west of 252nd Street and from the south.

Platte River Canoe Trail is located approximately 1,350 feet southwest of the Project's western terminus. Public access points to the Platte River Canoe Trail are located several miles to the northwest and south of the Project and can be accessed from several roads.

Izaak Walton League of America Fremont Chapter Valley Trap Range is located at the northwest corner of N-36 and 276th Street. The trap range can be accessed from N-36 approximately 1,250 feet west of 276th Street near MM 3.90.

---

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.

The Izaak Walton League of America Fremont Chapter Valley Trap Range is owned by the Izaak Walton League of America. Determined from the Izaak Walton League of America website and the Douglas Omaha Geographic Information Systems website (including the Douglas County Assessor Property Map layer).

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.)

Izaak Walton League of America Valley Trap Range. Determined from the Izaak Walton League of America website.

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

N/A

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.

Elkhorn River Canoe Trail, Elkhorn Crossing Recreation Area, Platte River Canoe Trail

---

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.

The Project would not require acquisition of right-of-way (ROW) and would be constructed under traffic with lane closures controlled with approved temporary traffic control. Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements. Elkhorn Crossing Recreation Area can be accessed from several roads in the area. Platte River Canoe Trail can also be accessed from several roads in the vicinity of the Project. No substantial adverse impacts to ecosystem values are anticipated. Projected noise and vibration levels and presence of construction equipment would not substantially interfere with the use and enjoyment or aesthetic values of the trails or the Elkhorn Crossing Recreation Area.

NDOR Reviewer Approval Signature: Date:

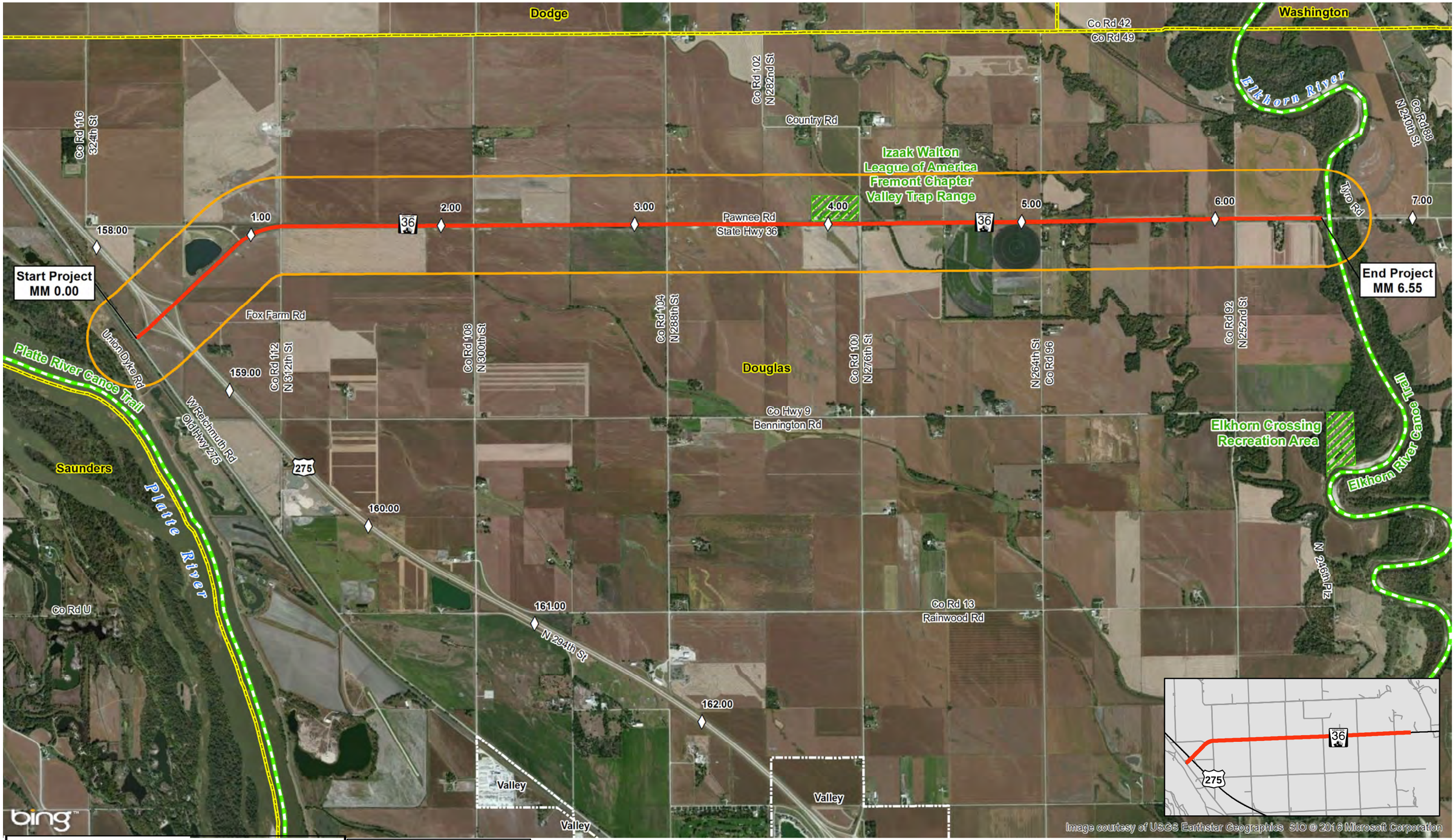
Digitally signed by Carrie Wencel
DN: cn=Carrie Wencel, o=NDOR - EDU, ou=NEPA Specialist, email=carrie.wencel@nebraska.gov, c=US
Date: 2016.09.20 11:07:00 -05'00'

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

Z:\Projects\NDOR\232049_NDOR_2014_NEPA_Bundle_4\22532_Elkhorn_River_West\Map_Docs\Draft\Section_4f_Initial_Assessment.mxd/20160113/adf



Legend

- Mile Marker
- Alignment
- Potential 4(f) Property
- Potential 4(f) Trail
- Environ. Study Area - Section 4(f) Resources (0.25 Mile)

Douglas County, Nebraska

0 1,250 2,500
Feet

NDOR
Nebraska Department of Roads

Section 4(f) Initial Assessment

Elkhorn River West
Project Number: STP-36-7(115)
Control Number: 22532

DATE
January 2016

FIGURE
1

From:	Wacker, Craig
To:	Zigler, Austin
Cc:	Goss, Brian
Subject:	RE: Elkhorn River West - 6(f) concurrence request
Date:	Wednesday, August 20, 2014 8:32:43 AM

I have reviewed the proposed project and can find no section 6(f) properties within your study area.
Thank You

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

From: Zigler, Austin [mailto:Austin.Zigler@hdrinc.com]
Sent: Friday, August 08, 2014 3:13 PM
To: Wacker, Craig
Cc: Goss, Brian
Subject: Elkhorn River West - 6(f) concurrence request

Hi Craig:

On behalf of the Nebraska Department of Roads and the Federal Highway Administration, and in accordance with state of Nebraska Section 6(f) oversight, I'm hoping that you can provide information on whether or not properties that have received Land and Water Conservation Funds occur within ¼ mile of NDOR's proposed structure and roadway improvements along Nebraska Highway 36 (N-36) in Douglas County. 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, I'm providing the below project description and attached Environmental Study Area figure. 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 will repair and resurface 6.37 miles of N-36 located in Douglas County, starting at Old Highway 275/Reichmuth Road, at mile marker (MM) 0.00, and extending east to MM 6.55, immediately west of the N-36 Elkhorn River bridge. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-36 consists of the following:

- MM 0.00 – MM 0.27: This segment consists of two 12-foot-wide concrete lanes, one 14-foot-wide concrete left turn lane, and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.
- MM 0.27 – MM 1.22: This segment consists of two 12-foot-wide concrete lanes and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.
- MM 1.22 – MM 6.55: This segment consists of two 12-foot-wide asphalt lanes and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consists patching concrete pavement, sealing cracks and joints on the roadway, and milling and resurfacing the surfaced shoulders with asphalt from MM 0.00 to MM 1.22. The remaining portion of the segment, MM 1.22 to MM 6.55, consists of milling and resurfacing the roadway and surfaced shoulders with asphalt. There will be a grade raise. Structure Number S036 00429 will be replaced with a concrete box culvert. Structure Numbers S036 00535 and S036 00585 will be repaired. Guardrail will be removed and replaced. Surfacing will be placed underneath the

guardrail.

Research on http://waso-lwcf.ncrc.nps.gov/public/index.cfm indicated no potential 6(f) properties located within ¼ mile of the above described structure and roadway improvements.

Would you concur with our findings and make us aware of any other Section 6(f) properties in the project vicinity?

We are preparing a Supplemental PCE/CE Review Form for submittal to NDOR by August 29, 2014 so we would appreciate a response from you by **August 22, 2014**. Please "Reply All" to this email to include Brian Goss as I will be out of the office next week due to fieldwork.

Thank you,

Austin Zigler
Environmental Scientist

HDR
8404 Indian Hills Drive
Omaha, NE 68114
D 402.548.5190
austin.zigler@hdrinc.com

hdrinc.com/follow-us

Certification of Compliance: Floodplain and Floodway Regulations

ENCROACHMENT LOCATION

Project Name	Elkhorn River West	*Stream*	Tributary to Rawhide Creek
Project No.	36-7(115)	*County*	Douglas
Control No.	22532	*S* 6/7 *T* 16N *R* 10E	
Structure No.	S036 00429		

FEMA LOCATION

County/Community	Douglas County
Panel No.	31055C0050H
Effective Date	December 2, 2005

TYPE OF IMPROVEMENT

☐ *Modify Existing* ☑ *Replace Existing* ☐ *Other*

Existing Structure *1-24'-6" & 2-17'-9" spans concrete slab bridge – continuous type*

Proposed Structure *Triple 10 foot by 8 foot concrete box culvert*

Bridge Details: Replace the existing structure with a Triple 10 foot by 8 foot concrete box culvert

Roadway Details: Mill 3 inches and apply a 3 inch asphalt overlay. Repair underlying concrete as needed. There will be no grade raise.

Highway Profile Change? ☐ *Yes* ☑ *No*

THE FOLLOWING IS HEREBY CERTIFIED:

☐ *Floodplain in Un-mapped Community (State Minimum Standards Apply)*
Proposed construction will not increase the base (100 year) flood elevation more than one foot at any location

☑ *Floodplain (without Designated Floodway) or Flood Fringe*
Proposed construction will not increase the base (100 year) flood elevation more than one foot at any location

☐ *Designated Floodway*
Proposed conditions will not increase the floodway elevation

Signature

D. Kirk Harvey
Assistant Bridge Engineer - Hydraulics

PROFESSIONAL CIVIL ENGINEER
D. KIRK
HARVEY
E-11155
3/10/16
STATE OF NEBRASKA

Registration Number E-11155

Date 3/10/2016

Certification of Compliance: Floodplain and Floodway Regulations

ENCROACHMENT LOCATION

Project Name Elkhorn River West

Stream Rawhide Creek

Project No. 36-7(115)

County Douglas

Control No. 22532

S 5/8 *T* 16N *R* 10E

Structure No. S036 00535

FEMA LOCATION

County/Community Douglas County

Panel No. 31055C0050H

Effective Date December 2, 2005

TYPE OF IMPROVEMENT

☑ *Modify Existing* ☐ *Replace Existing* ☐ *Other*

Existing Structure *1-36'-11" & 2-36'-4" spans prestressed concrete twin tee bridge*

Proposed Structure _____

Bridge Details: Partial depth deck repairs and concrete sealing.

Roadway Details: Mill 3 inches and apply a 3 inch asphalt overlay. Repair underlying concrete as needed. There will be no grade raise.

Highway Profile Change? ☐ *Yes* ☑ *No*

THE FOLLOWING IS HEREBY CERTIFIED:

☐ *Floodplain in Un-mapped Community (State Minimum Standards Apply)*
Proposed construction will not increase the base (100 year) flood elevation more than one foot at any location

☐ *Floodplain (without Designated Floodway) or Flood Fringe*
Proposed construction will not increase the base (100 year) flood elevation more than one foot at any location

☑ *Designated Floodway*
Proposed conditions will not increase the floodway elevation

Signature

D. Kirk Harvey
Assistant Bridge Engineer - Hydraulics

PROFESSIONAL CIVIL ENGINEER
D. KIRK
HARVEY
E-11155
3/10/16
STATE OF NEBRASKA

Registration Number E-11155

Date 3/10/2016

Certification of Compliance: Floodplain and Floodway Regulations

ENCROACHMENT LOCATION

Project Name	Elkhorn River West	*Stream*	Tributary to Rawhide Creek
Project No.	36-7(115)	*County*	Douglas
Control No.	22532	*S* 5/8 *T* 16N *R* 10E	
Structure No.	S036 00585		

FEMA LOCATION

County/Community Douglas County

Panel No. 31055C0050H

Effective Date December 2, 2005

TYPE OF IMPROVEMENT

☑ *Modify Existing* ☐ *Replace Existing* ☐ *Other*

Existing Structure *2-23'-9" & 1-32'-6" spans continuous concrete slab bridge* *Proposed Structure* _____

Bridge Details: Partial depth deck repairs and concrete sealing.

Roadway Details: Mill 3 inches and apply a 3 inch asphalt overlay. Repair underlying concrete as needed. There will be no grade raise.

Highway Profile Change? ☐ *Yes* ☑ *No*

THE FOLLOWING IS HEREBY CERTIFIED:

☐ *Floodplain in Un-mapped Community (State Minimum Standards Apply)*
Proposed construction will not increase the base (100 year) flood elevation more than one foot at any location

☐ *Floodplain (without Designated Floodway) or Flood Fringe*
Proposed construction will not increase the base (100 year) flood elevation more than one foot at any location

☑ *Designated Floodway*
Proposed conditions will not increase the floodway elevation

Signature _____
D. Kirk Harvey
Assistant Bridge Engineer - Hydraulics

PROFESSIONAL CIVIL ENGINEER
D. KIRK HARVEY
E-11155
3/10/16
STATE OF NEBRASKA

Registration Number E-11155

Date 3/10/2016

Certification of Compliance
Floodplain and Floodway Regulations

FLOODPLAIN/ FLOODWAY LOCATION

Project Name Elkhorn River West
Project No. 36-7(115)
Control No. 22532

Stream Platte River Backwater
County Douglas
Section(s) 3 T 16N R 9E

FEMA LOCATION

County/Community Douglas County Nebraska
Panel No. 31055C0025H
Effective Date December 2, 2005

TYPE OF STRUCTURE

☐ Bridge ☐ Culvert _____ ☒ Roadway

Structure No. _____ ☐ _____

TYPE OF IMPROVEMENT

☐ Modify Existing ☐ Replace Existing ☒ Other

Details Remove 2" by Milling, Place 3" Overlay

Highway Profile Change: ☒ Yes ☐ No

THE FOLLOWING IS HEREBY CERTIFIED

☐ Floodplain in Un-mapped Community (State Minimum Standards Apply)
Proposed construction will not increase the base
(100 year) flood heights more than one foot at any location.

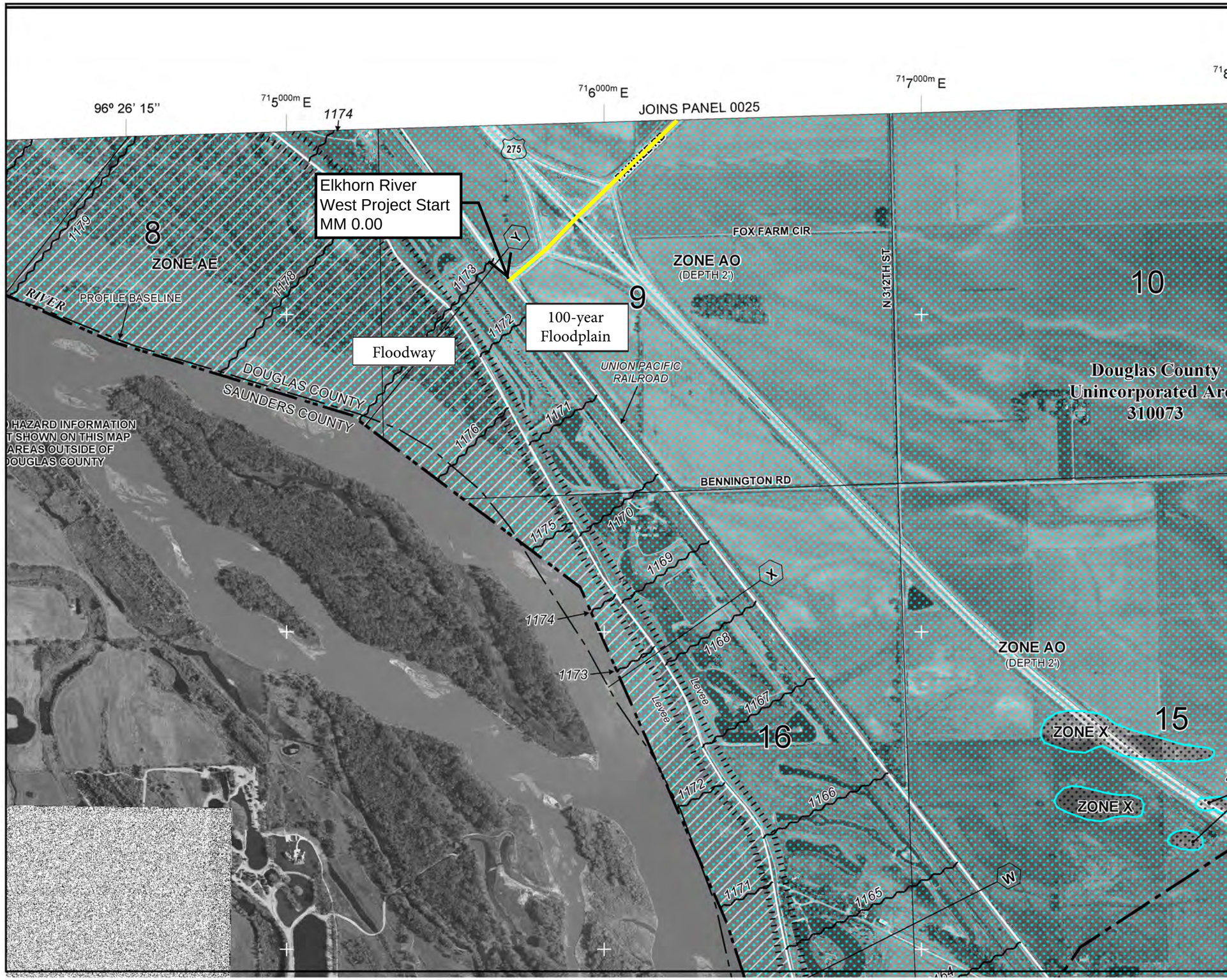
☒ Floodplain (without Designated Floodway) or Flood Fringe
Proposed construction will not increase the base
(100 year) flood heights more than one foot at any location.

☐ Designated Floodway
Proposed construction will result in no rise along the base
(100 year) floodway water surface profile.

Signature _____
Robert A. Snyder
Roadway Design/Hydraulics and Environmental Liaison

Registration Number E-6389
Date May 24, 2016

PROFESSIONAL CIVIL ENGINEER
ROBERT A. SNYDER
E-6389
5/24/16
STATE OF NEBRASKA



MAP SCALE 1" = 1000'

500 0 1000 2000 FEET

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0135H

FIRM

FLOOD INSURANCE RATE MAP

DOUGLAS COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 135 OF 360

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DOUGLAS COUNTY	310073	0135	H
VALLEY, CITY OF	310078	0135	H

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
31055C0135H

EFFECTIVE DATE
DECEMBER 2, 2005

Federal Emergency Management Agency

Elkhorn River West
Project Number: STP-36-7(115)
Control Number: 22532
Sheet 1 of 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

MAP SCALE 1" = 2000'

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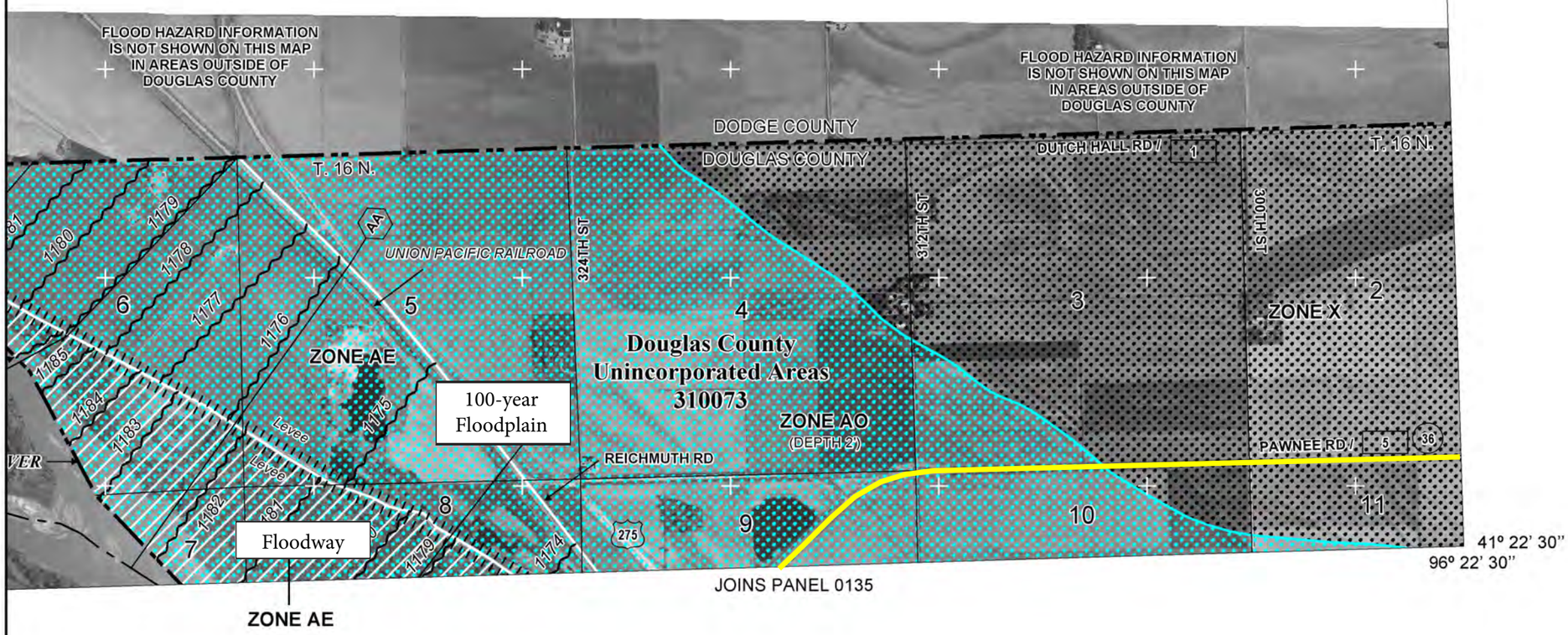


NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0025H

FIRM

FLOOD INSURANCE RATE MAP

DOUGLAS COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 25 OF 360

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DOUGLAS COUNTY	310073	0025	H

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
31055C0025H

EFFECTIVE DATE
DECEMBER 2, 2005

Federal Emergency Management Agency

Elkhorn River West
Project Number: STP-36-7(115)
Control Number: 22532
Sheet 2 of 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

MAP SCALE 1" = 2000'

1000 0 2000 4000 FEET

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0050H

FIRM

FLOOD INSURANCE RATE MAP

DOUGLAS COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 50 OF 360

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

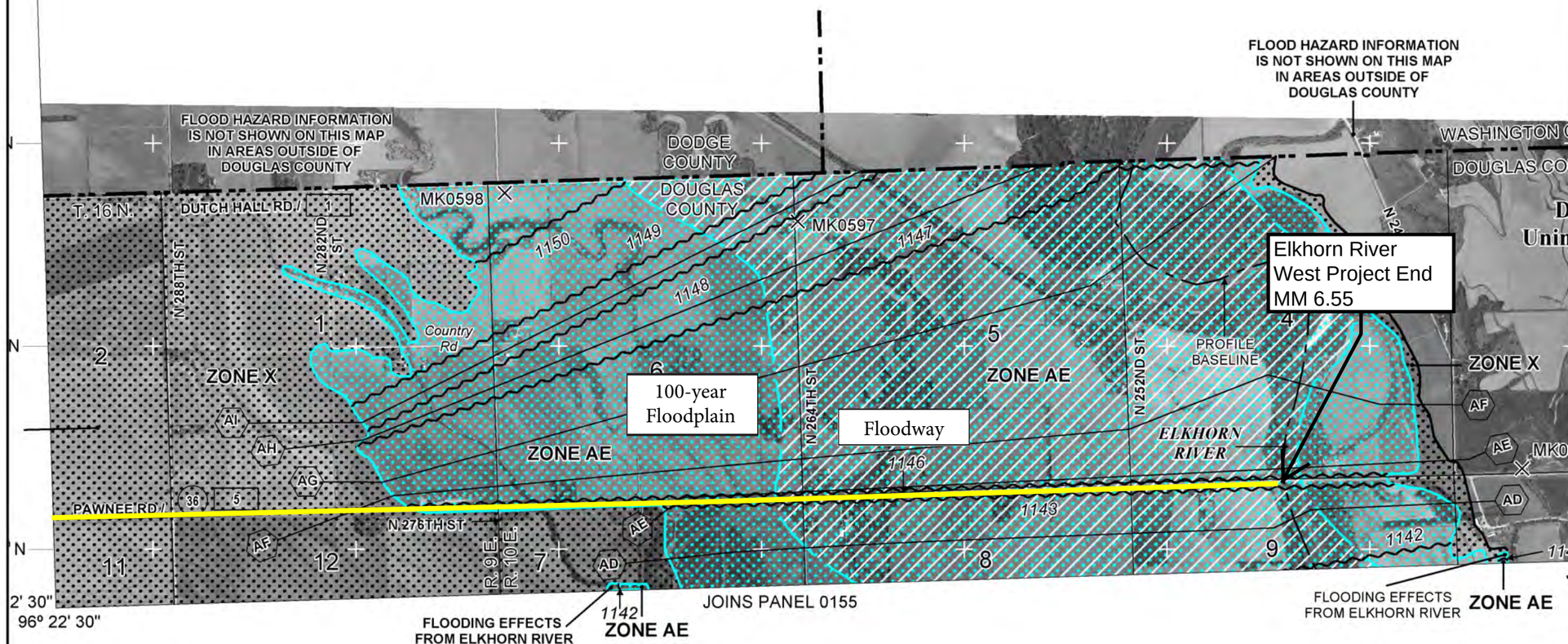
COMMUNITY	NUMBER	PANEL	SUFFIX
DOUGLAS COUNTY	310073	0050	H

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
31055C0050H

EFFECTIVE DATE
DECEMBER 2, 2005

Federal Emergency Management Agency



Elkhorn River West
Project Number: STP-36-7(115)
Control Number: 22532
Sheet 3 of 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 5/5/2016

TO Carrie Wencel, NDOR EDU

FROM Roger Yerdon, NDOR EPU

SUBJECT Wetlands PQS Memo
Project No: STP-36-7(115)
Control No: 22532
Project Name: Elkhorn River West

☒A wetland delineation was completed 5/28/2014
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.*): Permanent wetland impacts associated with this project are anticipated to be 0.6826 ac. PEMA/PEMC and 0.0001 ac. PFOA for a total of approximately 0.69 ac. Channel impacts from Filled Stream Channel are anticipated to be 0.0255 ac. (115 ft). Temporary wetland impacts are anticipated to be approximately 0.0293 ac. PEMA/PEMC. Channel impacts resulting from channel cleanout/shaping are anticipated to be approximatlely 0.0148 ac. (30 ft). This project will qualify for a NWP 3 (a)(c) – Maintenance.

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 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 # 3(a)(c) - Maintenance. 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 Date: 2/18/2016

This project will repair and resurface 6.37 miles of N-36 located in Douglas County, starting at Old Highway 275/Reichmuth Road, at mile marker (MM) 0+00, and extending east to MM 6+55, immediately west of the N-36 Elkhorn River bridge. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-36 consists of the following:

- MM 0+00 – MM 0+27: This segment consists of two 12-foot-wide concrete lanes, one 14-foot-wide concrete left turn lane, and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.
- MM 0+27 – MM 1+22: This segment consists of two 12-foot-wide concrete lanes and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.
- MM 1+22 – MM 6+55: This segment consists of two 12-foot-wide asphalt lanes and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consists concrete pavement patching, sealing cracks and joints on the roadway, and milling, recycling and resurfacing the surfaced shoulders with asphalt from MM 0+00 to MM 1+22. The remaining portion of the project from MM 1+22 to MM 6+55, consists of milling and resurfacing the roadway and milling, recycling and resurfacing the surfaced shoulders with asphalt. There will be a 1" grade raise from MM 1+22 to MM 3+50 but no grade raise from MM 3+50 to MM 6+55 due to the roadway being in a floodway. Structure S036 00429 will be replaced with a triple span concrete box culvert. Structures S036 00535 and S036 00585 will be repaired. Structure S036 00657 will be used in place but the west end guardrail will be removed and replaced. All other guardrail on the project will be removed and replaced as necessary and surfacing will be placed underneath the guardrail.

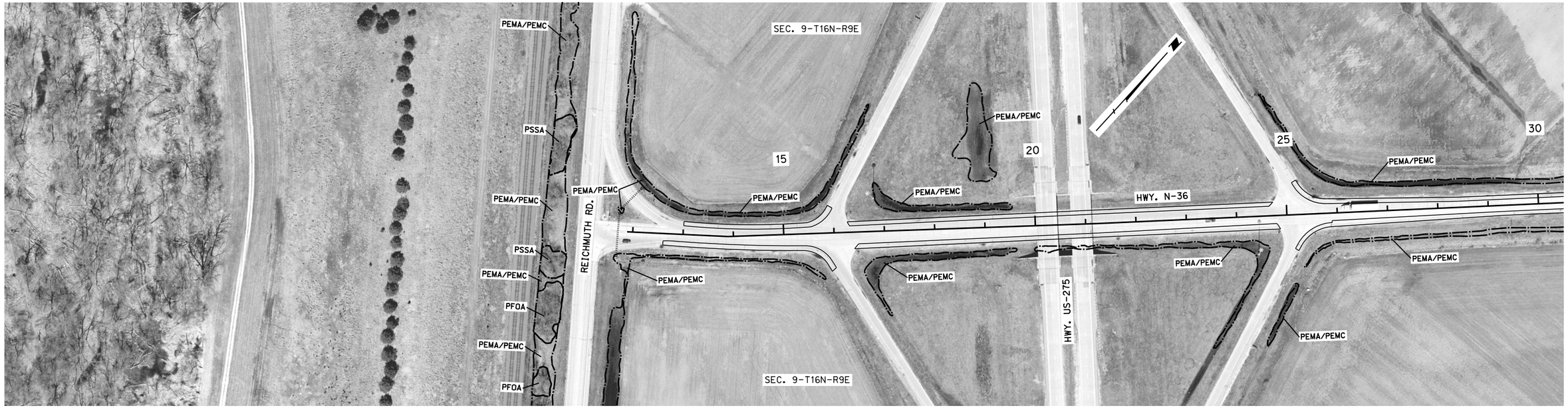
Scope details include:

- Grading beyond the hinge point will be required for the following work:
    - Guardrail replacement
    - Surfacing of drives and intersections
    - Foreslope grading
    - Earth shoulder construction
    - Removal of the existing bridge (S036 00429) and construction of a new box culvert
    - Right Turn lane construction
- Traffic signs will be adjusted as necessary to accommodate construction then put back, soil will be disturbed.
- 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).
- Floodplains and Floodways are crossed by this project. A floodplain permit will be required.
- Permanent pavement markings will be applied to all new surfacing.
- There are 9 culverts along this roadway segment however, no impacts are anticipated at this time.
- Existing guardrail along the project will be removed and replaced with grading beyond the hinge point.
- S036 00429 (STA 226+78.90) crossing a tributary of Rawhide Creek will be replaced with a triple 10-foot by 8-foot concrete box culvert with the floor buried 1'.
- S036 00535 (STA 282+65) crossing Rawhide Creek will undergo repairs including deck repair as well as sealing of the concrete.
- S036 00585 (STA 309+09) crossing an unnamed stream will undergo repairs including deck repair as well as sealing of the concrete.
- Concrete pavement repairs and asphalt patching will be made prior to resurfacing.
- The existing right turn lane at the N-36/Valley Road (276th St) will be removed and updated to current standards.
- Existing surfaced driveways and intersections will be resurfaced.
- Gravel will be placed behind driveways and intersections to match the new surfacing as necessary.
- The existing earth shoulders will be brought up to match the new surfacing.
- Centerline and shoulder rumble strips will be replaced on this project.
- Additional property rights will not 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. Phased construction and the use of temporary traffic signals and alternating traffic flow will be used for the replacement of the existing bridge and for the repairs to the 2 bridge structures.
- Wetland mitigation will be required.
- Pavement removal will be required for the following work:
    - Replacement of the bridge (S036 00429) with a concrete box culvert
    - Removal of the existing turn lane at the N-36/Valley Road (276th St)

PROJECT NO.	SHEET NO.
36-7(115)	2-W1

C.N. 22532

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE



ELKHORN RIVER WEST
DOUGLAS COUNTY

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

DATE: 4/25/13
FLIGHT: 12021, 12022
SCALE: 1"=100'

ROADWAY DESIGN DIVISION
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User: dor13172
Date: 05-JAN-2016 08:37
File: 225320da01.dgn
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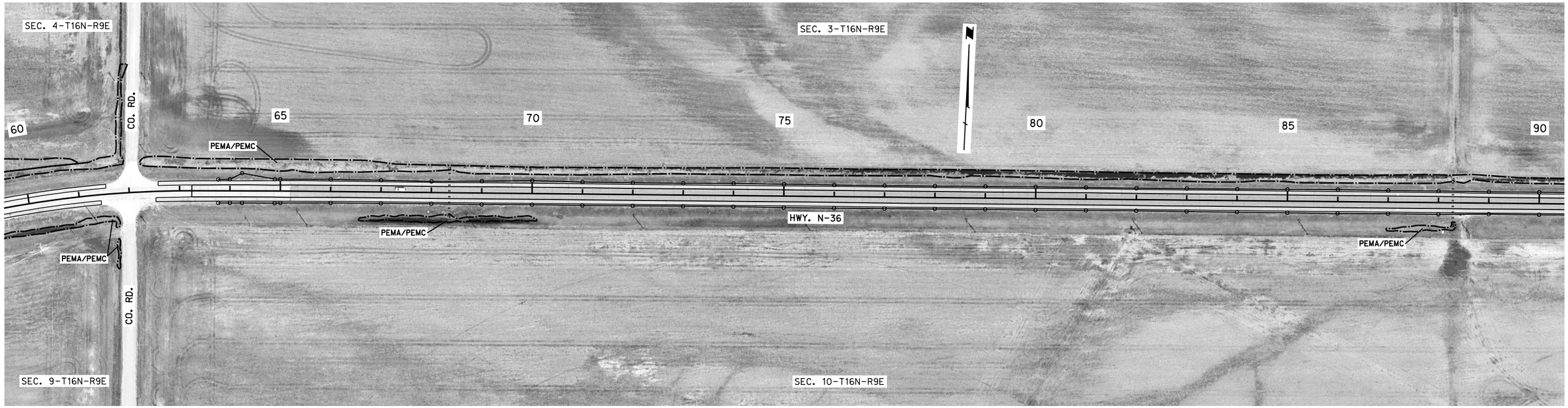
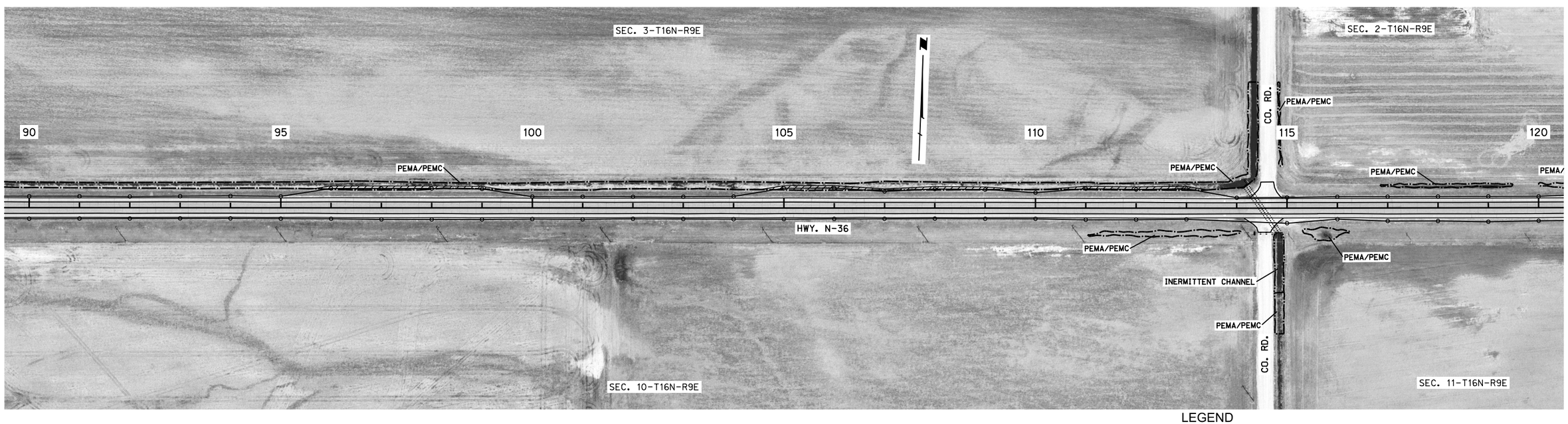
PROJECT NO.	SHEET NO.
36-7(115)	2-W2

C.N. 22532

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 4/25/13
FLIGHT: 12021, 12022
SCALE: 1"=100'

ROADWAY DESIGN DIVISION

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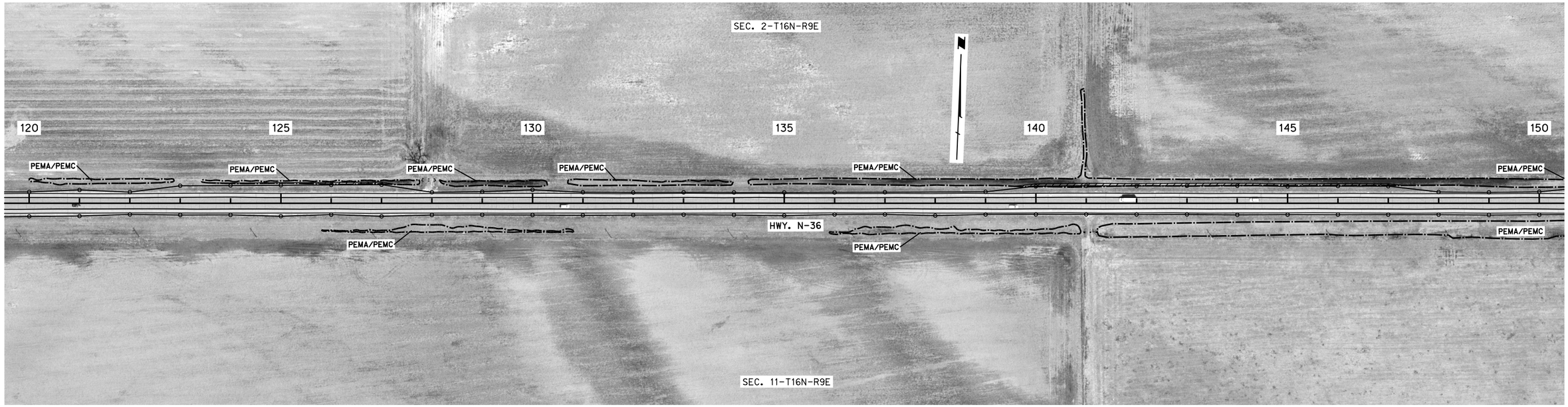
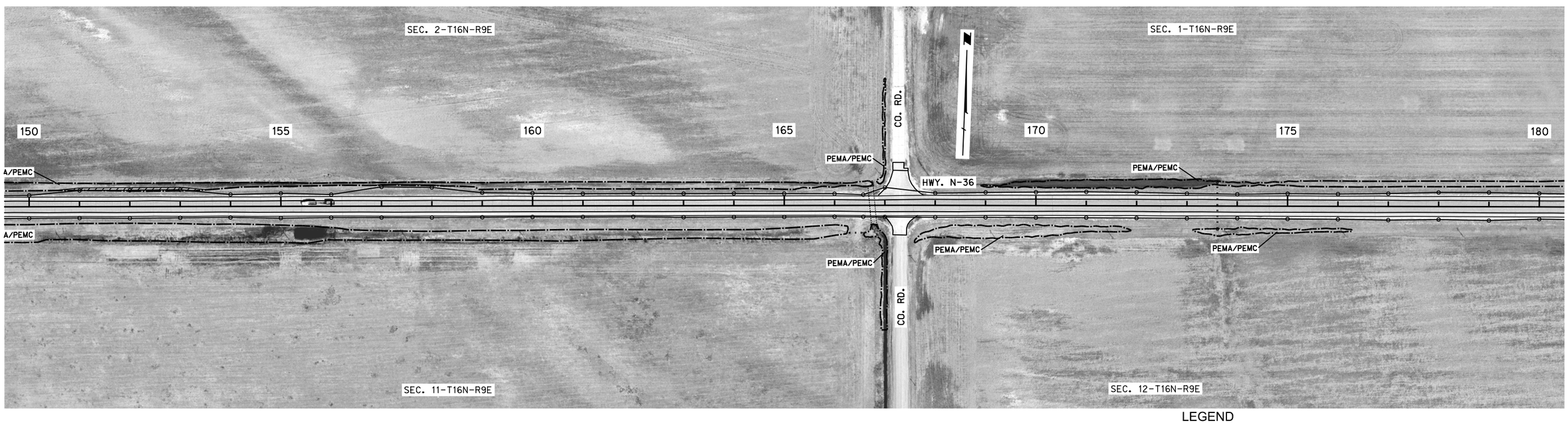
PROJECT NO.	SHEET NO.
36-7(115)	2-W3

C.N. 22532

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 4/25/13
FLIGHT: 12021, 12022
SCALE: 1"=100'

ROADWAY DESIGN DIVISION

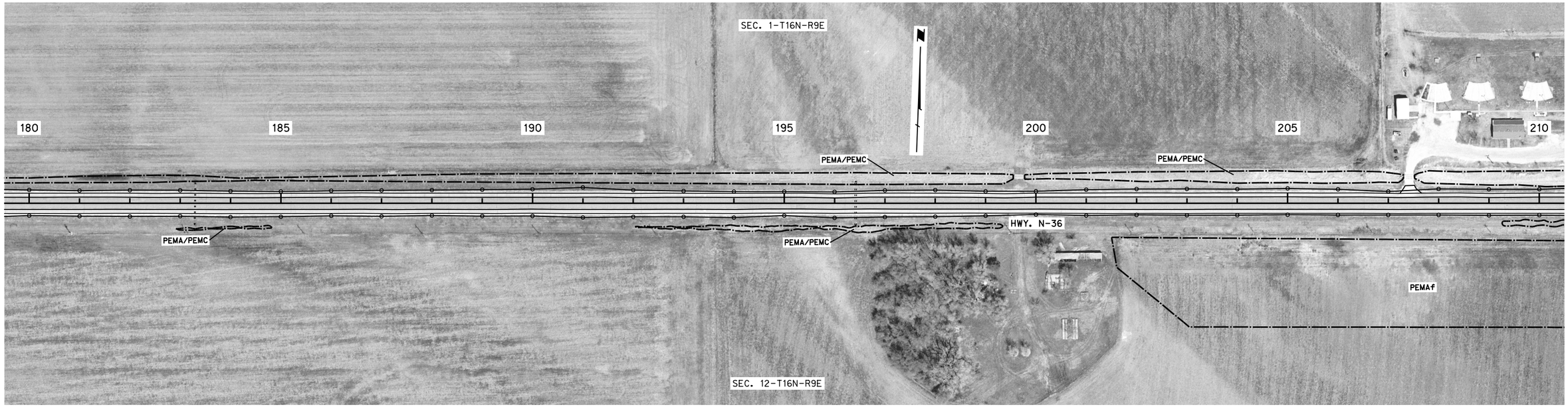
Computer: DRDESIGN151
User: dor13172
Date: 05-JAN-2016 08:38
File: 225320da03.dgn
Scale: 1:200

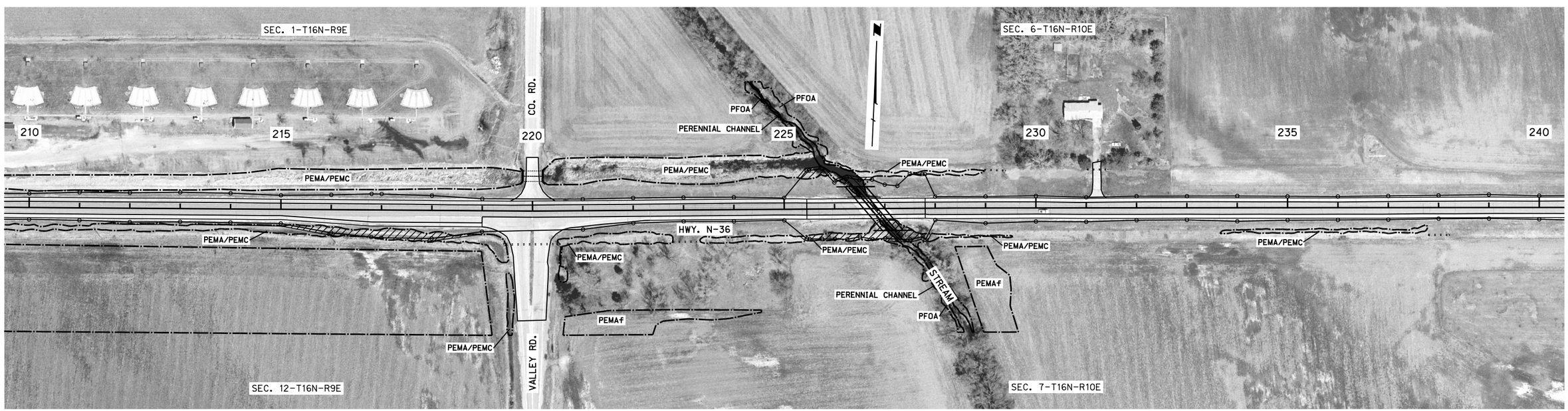
PROJECT NO.	SHEET NO.
36-7(115)	2-W4

C.N. 22532

PRELIMINARY PLAN

NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 4/25/13
FLIGHT: 12021, 12022
SCALE: 1"=100'

ROADWAY DESIGN DIVISION

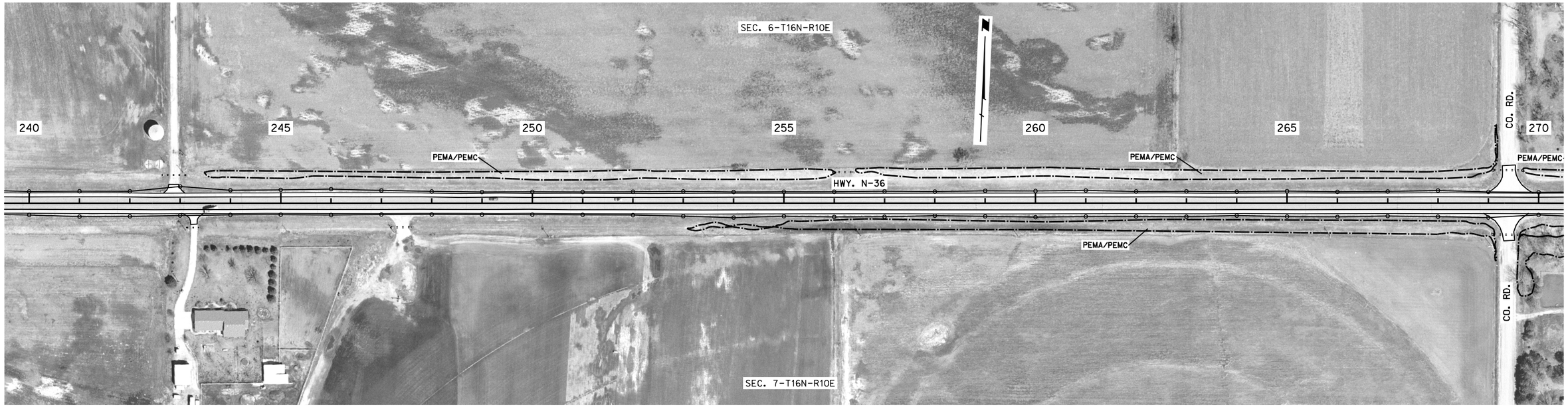
Computer: DRDESIGN151 User: dor13172 Date: 05-JAN-2016 08:38

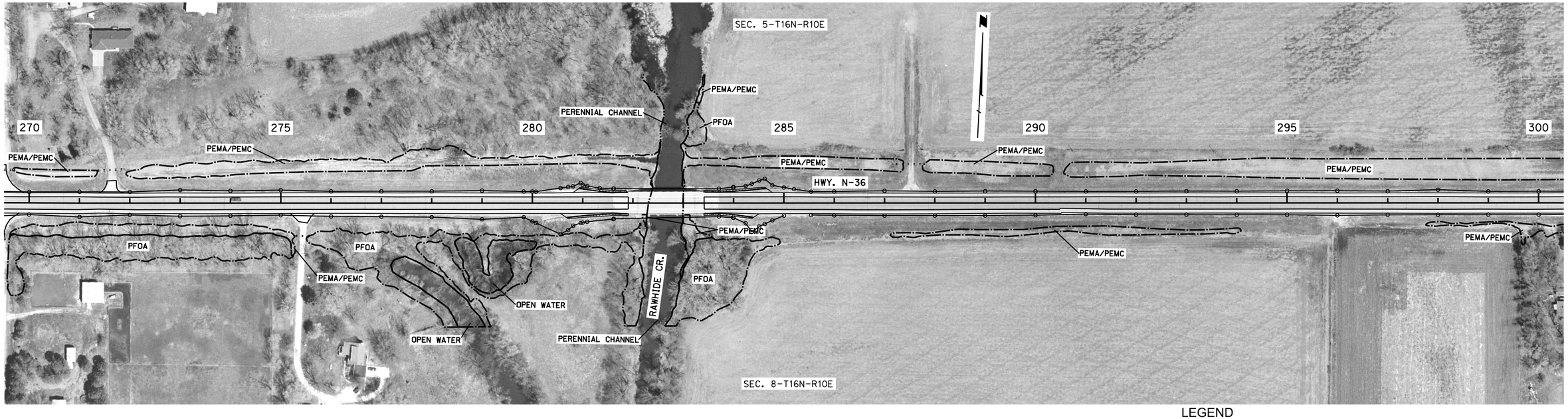
File: 225320dd04.dgn
Scale: 1:200

PROJECT NO.	SHEET NO.
36-7(115)	2-W5

C.N. 22532

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 4/25/13
FLIGHT: 12021, 12022
SCALE: 1"=100'

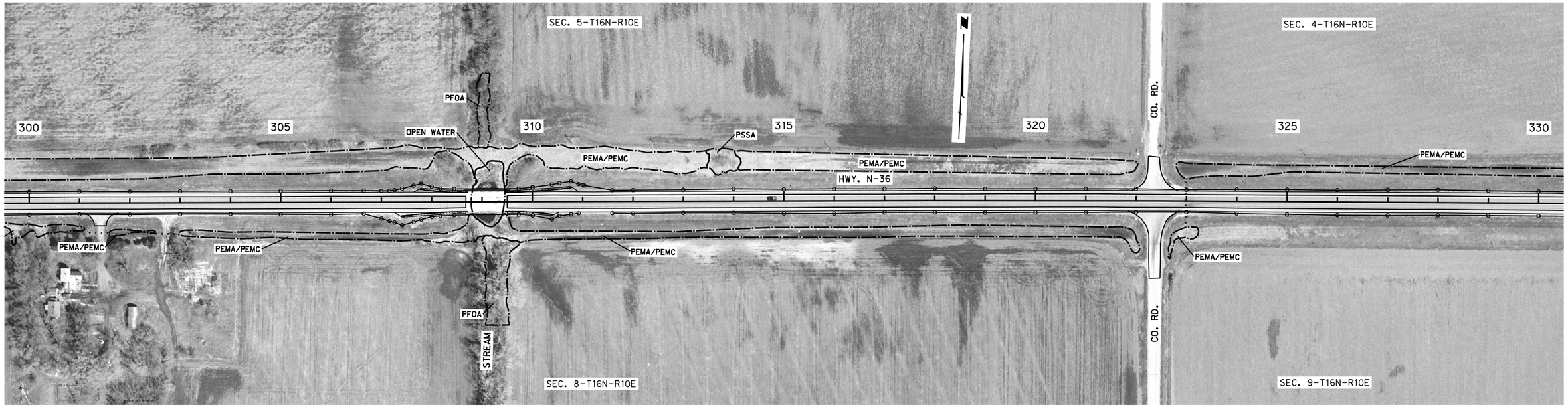
ROADWAY DESIGN DIVISION

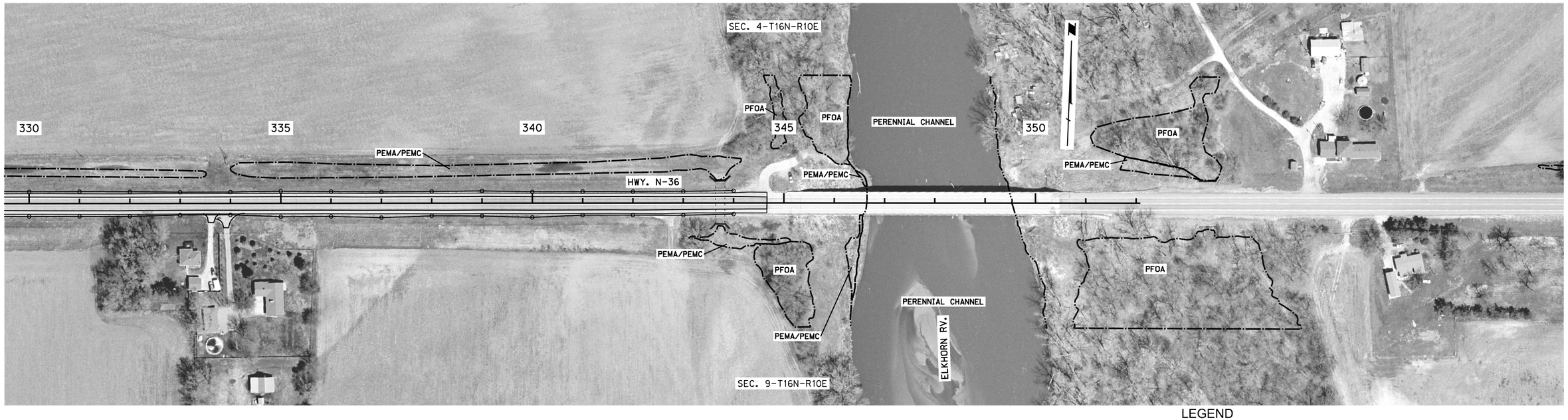
Computer: DRDESIGN151 User: dor13172 Date: 05-JAN-2016 08:38

File: 225320dd05.dgn
Scale: 1:200

PROJECT NO.	SHEET NO.
36-7(115)	2-W6
C.N. 22532	

PRELIMINARY PLAN
NOT FINAL - SUBJECT TO CHANGE





LEGEND

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

DATE: 4/25/13
FLIGHT: 12021, 12022
SCALE: 1"=100'

ROADWAY DESIGN DIVISION

Computer: DRDESIGN151
User: dor13172
Date: 05-JAN-2016 08:38
File: 225320dd06.dgn
Scale: 1:200

Biological Assessment PQS Memorandum

DATE	12/2/2015
TO	Carrie Wencel, NEPA Project Manager
Cc	Roger Yerdon, EPU Project Manager
FROM	Melissa Marinovich, T&E Species Biologist
SUBJECT	Elkhorn River West; STP-36-7(115); CN 22532 Threatened & Endangered Species Concurrence

The biological assessment final approval on: **11/30/2015**

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: **Northern Long-Eared Bat, River Otter.**

☒ This BA required FHWA Review and Approval.

FHWA Concurrence Date: 11/10/2015

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

USFWS Concurrence Date: Not Needed.

NGPC Concurrence Date: 11/30/2015

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

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

Additional Coordination with Other Tribal or Federal Agencies:

Description of Coordination:

Bald and Golden Eagle Protection Act:

This project was reviewed for potential impacts to bald and golden eagles. It has been determined that suitable habitat does exist within 0.5 miles of the Environmental Study Area. 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 Nebraska Game and Parks Commission and United States Fish and Wildlife Service, and construction will not commence prior to their approval.

Migratory Bird Treaty Act:

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

Fish and Wildlife Coordination Act:

A wetland delineation was completed by HDR in the field on May 27 and 28, 2014; however impacts are not yet available. Based on current project design, there will likely be wetland impacts and channel impacts on this project. This project will 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)*

Northern Long-Eared Bat

NLEB-1 Tree clearing, bridge deck joint replacements over the bridge deck, bridge/>5-ft box-culvert removal activities will be scheduled to occur between October 1st – March 31st to avoid impacts to the northern long-eared bat roosting period. *(NDOR Environmental, Construction, Contractor)*

OR

NLEB-2 If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge or >5-ft box-culvert structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: MM 4.29, MM 5.35, MM 5.85, and Elkhorn River bridge. If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. *(NDOR Environmental, 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)*

RO-3 Bridge deck debris will be captured and/or contained to prevent material from falling below the structure. *(District, Contractor)*

Bald and Golden Eagle Protection Act

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

NEBRASKA
GAME PARKS

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

11/30/2015

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

Re: Elkhorn River West, STP-36-7(115), CN 22532, Douglas County, NE

Dear Mr. Stapp:

Please make reference to your letter dated 11/10/2015. This letter is in response to your request for concurrence regarding this project's potential impacts to endangered and threatened species in Douglas County, Nebraska. As we understand it, the project involves repairing and resurfacing approximately 6.5 miles of Nebraska Highway 36 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 interior least tern (*Sternula antillarum athalassos*) and pallid sturgeon (*Scaphirhynchus albus*), the federally and state-listed threatened northern long-eared bat (*Myotis septentrionalis*) and piping plover (*Charadrius melodus*), the state-listed endangered sturgeon chub (*Macrhybopsis gelida*), and the stated-listed threatened river otter (*Lontra canadensis*) and lake sturgeon (*Acipenser fulvescens*). Habitat for northern long-eared bat and river otter exists within or near the project area. It does not appear that any other listed species will be impacted.

The Nebraska Department of Roads (NDOR) has agreed to implement standard and species-specific conservation conditions in order to avoid impacts to northern long-eared bat and river otter. 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" northern long-eared bat and river otter 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, Zach Cunningham)
FHWA (Melissa Maiefski, Sue Petracek)

NDOR PQS Project Review Memo
Section 106 - Tier II Project

Control Number 22532 Project Number STP-36-7(115) Review Date 11/30/15

Project Name Elkhorn River West Project Location Douglas County

Date of Project Description Reviewed 06/28/2013 (See attached)

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

THPO/Tribal Consultation? ☐ No ☑ Yes

THPO/Tribes(s): Iowa Tribe of KA & NE; Ponca Tribe of NE

Date Correspondence Sent: 12/22/15

THPO/Tribal response date: no response: 01/26/16

THPO/Tribal comment:

CLG Consultation? ☑ No ☐ Yes

CLG:

Date Correspondence Sent:

CLG response date:

CLG comment:

Other Consulting Parties Identified:

Area of Potential Effects (APE)

The APE for archeological properties and standing structures was chosen to adequately identify any historic properties that may be potentially altered given the scale and scope of this undertaking. The APE for direct construction effects includes an area generally 50 feet beyond present right-of-way adjacent to stream crossings (bridges and culverts) and 20 feet beyond present right-of-way along the remainder of the project. The vertical depth of the APE normally involves soils and deposits at or near the surface but can reach depths of 15 feet in the immediate area of bridges and culverts at stream crossings. The APE for standing structures and farmsteads includes an area 100 feet beyond existing right-of-way to account for any potential visual effects.

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

Summary of Archeological Investigations

An archeological reconnaissance was completed of the entire project APE. As a result of the reconnaissance, three tracts at the location of stream crossings were subjected to an intensive pedestrian survey although no archeological sites were discovered. The remainder of the APE is limited to 3R activities in previously disturbed fill or on topographic settings with no potential to impact intact archeological deposits. There are no archeological historic properties in the APE.

Summary of Above Ground Resource Investigations

The project was investigated by Preservation Historian Diane Laffin using the Nebraska State Historic Preservation Office inventory and site files, the Douglas County Tax Assessor records, historic maps, and other primary and secondary sources. Laffin also performed a vehicular reconnaissance of the APE and conducted an inspection of all properties identified as meeting the NeSHPO Historic Resources Survey Manual criteria for survey. All properties meeting these criteria were evaluated and incorporated into this investigation. The investigation resulted in the identification and National Register evaluation of six properties in the APE. These six properties are not recommended eligible for the NRHP due to lack of integrity and/or significance. The bridge that may be repaired (S03600657) is not identified as eligible structures in the Nebraska inventories of bridges before 1947 or of those from 1947 to 1965. These bridges are also not on the list of structures excluded from the November 2012 Advisory Council on Historic Preservation Program Comment issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges. There are no above ground historic properties in the APE.

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: 2016.01.26 15:12:45 -06'00'

01/26/16

NDOR PQS Review

Date

U.S. Department of Transportation
Federal Highway Administration

NEBRASKA DIVISION

100 Centennial Mall North
Room 220
Lincoln, NE 68508
(402)742-8460

December 22, 2015

Lance Foster, Tribal Historic Preservation Officer
Iowa Tribe of Kansas and Nebraska
3345 B Thrasher Road
White Cloud, KS 66094

Dear Mr. Foster:

Project STP-36-7(115), CN 22532
Elkhorn River West
Douglas County
Cultural Resources Evaluation

Please review this document on historic resources for the subject project as required under Section 106 of the National Historic Preservation Act of 1966 as amended and implementing regulations at 36 CFR Part 800. 36 CFR Part 800.2 (c) (2), specifically addresses consultation between Tribes and federal agencies. The Ponca Tribe of Nebraska is also a consulting party.

An evaluation of the potential for cultural resources, both archeology and standing structures, is included below [and in enclosures].

Project Description
This project would repair and resurface 6.37 miles of N-36 located in Douglas County, starting at Old Highway 275/Reichmuth Road, at mile marker (MM) 0.00, and extending east to MM 6.55, immediately west of the N-36 Elkhorn River bridge. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-36 consists of the following:

- MM 0.00 – MM 0.27: This segment consists of two 12-foot-wide concrete lanes, one 14-foot-wide concrete left turn lane, and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.
- MM 0.27 – MM 1.22: This segment consists of two 12-foot-wide concrete lanes and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.
- MM 1.22 – MM 6.55: This segment consists of two 12-foot-wide asphalt lanes and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consists patching concrete pavement, sealing cracks and joints on the roadway, and milling and resurfacing the surfaced shoulders with asphalt from MM 0.00 to MM 1.22. The remaining portion of the segment, MM 1.22 to MM 6.55, consists of milling and resurfacing the roadway and surfaced shoulders with asphalt. There would be a grade raise. Structure Number S036 00429 would be replaced with a concrete box culvert. Structure Numbers S036 00535 and S036 00585 would be repaired. Guardrail would be removed and replaced. Surfacing would be placed underneath the guardrail.

Scope details include:

- Grading beyond the hinge point would be required for the following work:
  - Culverts
  - Drives and intersections
  - Bridges
  - Earth shoulder construction
  - Removal of old substructure
- Grading beyond the hinge point may be required for the following work (Roadway Design would make a determination at Plan-in-Hand):
  - Turn Lanes
- There are 9 culverts along this roadway segment that could impact this project. As-built plans indicate that existing culverts are outside of the lateral obstacle clear zone and no impacts are anticipated at this time; however, a final determination would be made at Plan-in-Hand. The following work may be required:
  - Culvert ends extension beyond the lateral obstacle clear zone.
- Guardrail
  - Remove and replace guardrail with grading beyond the hinge point.
- The bridge (Structure Number S036 00429) would be replaced with a quad 10-foot by 8-foot (buried) concrete box culvert.
- The bridge (Structure Number S036 00535) would undergo repairs including partial depth deck repair, deck resurfacing, and sealing of concrete bridge rails, deck overhang, exterior ends of pier caps, and exterior girders. The guardrail would be removed and replaced.
- The bridge (Structure Number S036 00585) would undergo repairs including partial depth deck repair, deck resurfacing, and sealing of concrete. The guardrail would be removed and replaced.
- Concrete pavement repairs would be made prior to resurfacing.
- The existing asphalt would be milled prior to resurfacing.
- Asphalt patching operations (on shoulders) would be performed prior to resurfacing.
- Existing surfaced driveways and intersections would be resurfaced.
- Rock or gravel would be placed behind driveways and intersections to match the new asphalt.
- Surfacing would be placed under the guardrail.
- The existing earth shoulders would be brought up to match the new asphalt.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Rumble strips would be constructed on the resurfaced shoulders.
- Centerline rumble strips would be replaced.
- Permanent pavement markings would be applied to all new surfacing.
- Additional property rights would be required to build this project.
- Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
- This project would be constructed under traffic with lane closures controlled with approved temporary traffic control.

The location of the project is depicted in Enclosure 1 and the formal Project Description is Enclosure 2.

Area of Potential Effects (APE)
The APE for archeological properties and standing structures was chosen to adequately identify any historic properties that may be potentially altered given the scale and scope of this undertaking. 3R (Resurfacing, Restoration, and Rehabilitation) projects such as this one focus primarily on the preservation and extension of the service life of existing transportation facilities and on safety enhancements. Anticipated 3R project activities can include: resurfacing pavement, structural and joint repair, minor lane or shoulder widening, bridge repair, removal or protection of roadside obstacles, culvert repair and extension, installation of Americans with Disabilities Act-compliant curb ramps, and minor alterations to vertical grades that do not require substantial ground disturbance. Project activities occur within existing rights-of-way or within minimal new rights-of-way.

To accommodate any potential minor changes in the above generalized project description that might occur during continued project development, the APE for direct construction effects includes an area generally 50 feet beyond present right-of-way (ROW) adjacent to stream crossings (bridges and culverts) and 20 feet beyond present ROW along the remainder of the project. The vertical depth of the APE normally involves soils and deposits at or near the surface but can reach depths of 15 feet in the immediate area of bridges and culverts at stream crossings. The APE for standing structures and farmsteads includes an area 100 feet beyond existing ROW to account for any potential visual effects.

See Enclosure 3 for location of the APE. Definition of a broader APE for secondary or cumulative impacts is not required in this instance.

Archeological Evaluation
An archeological evaluation was conducted by Highway Archeology Program Manager Rob Bozell in December of 2013. A review of the Nebraska Cultural Resources Geographic Information System (NCRGIS) archeological resources database and historic maps indicated that no archeological sites have been recorded within the APE.

An archeological reconnaissance was completed of the entire project APE. As a result of the reconnaissance, three tracts at the location of stream crossings were subjected to an intensive pedestrian survey although no archeological sites were discovered. The remainder of the APE is limited to 3R activities in previously disturbed fill or on topographic settings with no potential to impact intact archeological deposits (see Enclosure 4).

There are no archeological historic properties in the APE.

Standing Structures
Diane Laffin, Nebraska State Historical Society Preservation Associate, investigated the project in October of 2015 using the Nebraska State Historic Preservation Office (NESHPO) inventory and site files, the Douglas County Tax Assessor records, historic maps, the *National Register Evaluation of Nebraska Bridges 1947 to 1965 (including the reassessment of select pre-1947 bridges),* the *Nebraska Historic Bridge Inventory of 1991*, and the November 2012 *ACHP*

Comment Issued for Streamlining Section 106 Review for Actions Affecting Post-1945 Concrete and Steel Bridges.

Laffin evaluated all properties identified as meeting the NESHPO Historic Resources Survey Manual criteria for survey. These criteria include, but are not limited to, properties that are:

- 50 years old or older, and
- In the original location, and
- Possess the potential for integrity, historic association, and historic architectural qualities

The properties that met the above criteria were evaluated using the guidelines set forth in the 1991 National Park Service Bulletin 15: *How to Apply the National Register Criteria for Evaluation.* All surveyed properties were evaluated to determine eligibility to the National Register of Historic Places (NRHP).

Within the APE of this undertaking, six properties were identified for survey and evaluation. All of these properties are recommended not eligible for the NRHP due to a lack of integrity and/or a lack of historic or architectural association. This includes the bridge over the Elkhorn River (S03600657) which is not identified as a NRHP-listed or eligible bridge because it does not possess the necessary engineering/design significance to be considered eligible.

There are no structural or architectural historic properties in the APE (Enclosure 5).

Recommended Effect

This undertaking has been reviewed under the programmatic agreement entitled *Programmatic Agreement Among the Federal Highway Administration, the Nebraska State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Nebraska Department of Roads to Satisfy the Requirements of Section 106 for the Federal Aid Highway Program in the State of Nebraska* (July 2015) and meets the requirements to be considered a Tier II Project. Tier II projects result in a project effect recommendation of no historic properties affected.

The Federal Highway Administration (FHWA) is providing this documentation for your review and comment and requests that Iowa Tribe of Kansas and Nebraska notify FHWA of any objections within 30 days of receipt of this letter.

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

Sincerely yours,

for Scott H. Stapp
Environmental Protection Specialist

Enclosures

U.S. Department of Transportation
Federal Highway Administration

NEBRASKA DIVISION

100 Centennial Mall North
Room 220
Lincoln, NE 68508
(402)742-8460

December 22, 2015

Randy Teboe, Tribal Historic Preservation Officer
Ponca Tribe of Nebraska
P.O. Box 288
Niobrara, NE 68760

Dear Mr. Teboe:

Project STP-36-7(115), CN 22532
Elkhorn River West
Douglas County
Cultural Resources Evaluation

Please review this document on historic resources for the subject project as required under Section 106 of the National Historic Preservation Act of 1966 as amended and implementing regulations at 36 CFR Part 800. 36 CFR Part 800.2 (c) (2), specifically addresses consultation between Tribes and federal agencies. The Iowa Tribe of Kansas and Nebraska is also a consulting party.

An evaluation of the potential for cultural resources, both archeology and standing structures, is included below [and in enclosures].

Project Description
This project would repair and resurface 6.37 miles of N-36 located in Douglas County, starting at Old Highway 275/Reichmuth Road, at mile marker (MM) 0.00, and extending east to MM 6.55, immediately west of the N-36 Elkhorn River bridge. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-36 consists of the following:

- MM 0.00 – MM 0.27: This segment consists of two 12-foot-wide concrete lanes, one 14-foot-wide concrete left turn lane, and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.
- MM 0.27 – MM 1.22: This segment consists of two 12-foot-wide concrete lanes and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.
- MM 1.22 – MM 6.55: This segment consists of two 12-foot-wide asphalt lanes and 10-foot-wide shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consists patching concrete pavement, sealing cracks and joints on the roadway, and milling and resurfacing the surfaced shoulders with asphalt from MM 0.00 to MM 1.22. The remaining portion of the segment, MM 1.22 to MM 6.55, consists of milling and resurfacing the roadway and surfaced shoulders with asphalt. There would be a grade raise. Structure Number S036 00429 would be replaced with a concrete box culvert. Structure

Numbers S036 00535 and S036 00585 would be repaired. Guardrail would be removed and replaced. Surfacing would be placed underneath the guardrail.
Scope details include:

- Grading beyond the hinge point would be required for the following work:
  - Culverts
  - Drives and intersections
  - Bridges
  - Earth shoulder construction
  - Removal of old substructure
- Grading beyond the hinge point may be required for the following work (Roadway Design would make a determination at Plan-in-Hand):
  - Turn Lanes
- There are 9 culverts along this roadway segment that could impact this project. As-built plans indicate that existing culverts are outside of the lateral obstacle clear zone and no impacts are anticipated at this time; however, a final determination would be made at Plan-in-Hand. The following work may be required:
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- The bridge (Structure Number S036 00429) would be replaced with a quad 10-foot by 8-foot (buried) concrete box culvert.
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If you have any questions regarding this information, do not hesitate to contact me at your convenience.

Sincerely yours,

Scott H. Stapp
Environmental Protection Specialist

Enclosures

Nebraska Department of Roads

Project Description

Project Name: Elkhorn River West
Project No: STP-36-7(115)
Control No: 22532
Date of Last Revision: 06/28/13

Project Description: This project will repair and resurface 6.37 miles of N-36 located in Douglas County, starting at Old Highway 275/Reichmuth Road, at mile marker (MM) 0+00, and extending east to MM 6+55, immediately west of the N-36 Elkhorn River bridge. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

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    - Bridges
    - Earth shoulder construction
    - Removal of old substructure

- Grading beyond the hinge point may be required for the following work (Roadway Design will make a determination at Plan-in-Hand):
    - Turn Lanes
- There are 9 culverts along this roadway segment that could impact this project. As-built plans indicate that existing culverts are outside of the lateral obstacle clear zone and no impacts are anticipated at this time; however, a final determination will be made at Plan-in-Hand. The following work may be required:
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Nebraska Department of Roads

Planning and Project Development

Hazardous Materials Memorandum

Date: May 23, 2016

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 Elkhorn River West (C.N. 22532).

Overview

A hazardous materials review (HMR) was completed by HDR for the Elkhorn River West project and approved by NDOR on May 17, 2016. A HMR was required for this project because the scope of work exceeds the project exemptions. The purpose of the HMR is to identify environmental concerns associated with hazardous materials and petroleum products which could potentially be encountered during the construction project. This memo summarizes the conclusions and applicable mitigation measures found in the HMR and assists the Environmental Documents manager in completing the Hazardous Materials section of the CE Determination Form for Federal-Aid Projects. The HMR can be found in the NDOR project file.

The project description updated on February 18, 2016 was used for this PQS memo. The HMR produced for this project used an older version of the project description. Changes to the project represented in the newer project description include soil disturbance for the removing and replacement of traffic signs, and the removal of the existing right turn lane at the N-36/Valley Road intersection. These changes have been reviewed as part of this PQS memo, and the conclusions of the HMR remain valid.

Hazardous Material Site Discussion

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

Asbestos and Lead Discussion

An Asbestos survey was completed on April 28, 2016 for bridge structure S036 00429. The white caulking at the corners of the abutments was found to contain 2.5% non-friable asbestos.

Commitments

Bridge structure S036 00429 tested positive for asbestos containing material (ACM) in the white caulking at the corners of the abutments. Because the material is non-friable, the removal will not qualify as an asbestos removal project according to the Department of Health and Human Services (DHHS) Asbestos Control Program Regulations, Title 178. Removal by a licensed asbestos removal contractor is NOT required. The ACM on bridge structure [S036 00429] must be removed in a way that allows the ACM to remain in a non-friable condition. The contractor shall contact DHHS prior to removal of the ACM for guidelines on disposal. The ACM shall be disposed of at a landfill approved for handling asbestos. The contractor's efforts shall be recorded in ECOD (NDOR District, Contractor).

Demolition work on the bridge structure S036 00429 will require the contractor to submit a written NESHAP (National Emission Standards for Hazardous Air Pollutants) notification to the Nebraska Department of Environmental Quality (NDEQ). In addition, the Department of Health and Human Services shall also be notified by the contractor, using DHHS Form 5, at least 10 working days prior to commencement of bridge demolition or renovation activities where ACM was found. The 10-day clock starts with the day the Notification is postmarked, hand delivered, or picked up by a commercial delivery service, such as UPS, FedEx, etc. Faxing documents is prohibited. The NDOR Project Manager shall be provided copies of said notifications and their submittal date, which shall be recorded with the ECOD.

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

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 5/23/16

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: May 23, 2016

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 Elkhorn River West (C.N. 22532).

The NDOR Noise Section staff has reviewed the project description update on February 18, 2016 for the Elkhorn River West 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 5/23/16

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

To: Carrie Wencel, Highway Environmental Biologist/NEPA Specialist, NDOR
From: Chris Hassler, Highway Civil Rights Coordinator, NDOR
Date: 21 April 2016
RE: Civil Rights Analysis: STP-36-7(115), Elkhorn River West

Civil Rights Analysis for STP-36-7(115), Elkhorn River West

Environmental Justice Regulatory Background and Methodology:

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was signed on February 11, 1994, and requires that, to the extent practicable and permitted by law, low-income or minority populations may not receive disproportionately high and adverse human health or environmental effects as a result of a proposed project. Federal agencies must take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of low-income and minority populations. Also, representatives of any low-income or minority populations in the community that may be affected by a project must be given the opportunity to be included in the impact assessment and public involvement process.

On June 14, 2012, FHWA issued Order 6640.23A, *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, which established policies and procedures for the FHWA and state transportation agencies to use in complying with Executive Order 12898. The Order provided definitions for multiple terms and concepts applicable to this analysis.

> *Adverse Effects* are defined as "the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of human-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities."
>
> A *Disproportionately High and Adverse Effect to Low-Income and Minority Populations* is defined as an adverse effect that:
>
> 1. is predominately borne by a minority population and/or a low-income population; OR
>
> 2. will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

Minority is defined as a person who is:

1. Black: a person having origins in any of the black racial groups of Africa;

2. Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

3. Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent;

4. American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; OR

5. Native Hawaiian and Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

A *Low-Income* person is defined as a person whose median household income is at or below the Department of Health and Human Services poverty guidelines. (*Note – The U.S. Department of Health and Human Services does not publish tabulations of the number of people below the DHHS poverty guidelines, which are a simplified version of the federal poverty thresholds. The federal poverty thresholds are used for calculating all official poverty population statistics, and are updated annually by the Census Bureau. The best approximation for the number of people below the DHHS poverty guidelines in a particular area is the number of persons below the Census Bureau poverty thresholds in that area.)*

A *Minority Population* is defined as any readily identifiable group of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity.

A *Low-Income* population is defined as any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity.

In a December 16, 2011, memorandum titled *Guidance on Environmental Justice and NEPA*, the FHWA laid out a basic methodology for performing Environmental Justice analysis. NDOR has adopted, and FHWA has approved, an Environmental Justice methodology which follows the basic framework of the 2011 memorandum, but expands upon a few vague or undefined concepts. NDOR Environmental Justice methodology is as follows:

1. Using localized census tract data and other relevant information sources, data is gathered and readily identifiable groups or clusters of minority or low-income persons in the EJ study area are listed. Small clusters or dispersed populations are not overlooked. Study area data is also compared with the data of larger, identifiable areas (census tracts, cities, counties,

NDOR districts, etc.) to determine the proportion of minority and low-income persons present in the study area.

2. Minority and low-income populations are identified where:

   (a) A readily identifiable group or cluster of minority or low-income persons is located in the EJ study area (for example, a low-income housing complex, or a workplace of mostly minority persons); OR

   (b) The minority or low-income population of the study area exceeds 50 percent; OR

   (c) The minority or low-income population percentage of the affected area is *meaningfully greater* than the minority population percentage in the general population or other appropriate unit of geographic analysis. The *meaningfully greater* standard is fact-dependent and requires professional judgment, but in most cases *meaningfully greater* is about 6%-8% or above.

3. If minority and/or low-income populations are not present in the EJ study area, the analysis is concluded.

4. If minority and/or low-income populations are present in the EJ study area, potential disproportionately high and adverse effects of the proposed project are examined. If none are identified, the analysis is concluded.

5. If minority and/or low-income populations are present in the EJ study area, and potential disproportionately high and adverse effects of the proposed project have been identified, proposed mitigation will be considered. Commonly, the application of effective mitigation techniques can reduce or eliminate adverse effects that might otherwise fall disproportionately upon minority and low-income populations.

6. Finally, the analysis concludes with a determination that the proposed project either will or will not result in disproportionately high and adverse effects to minority and low-income populations. State transportation agencies lack the regulatory authority to make a final determination in cases where potential disproportionately high and adverse effects to minority and/or low-income populations exist. In the event that potential disproportionately high and adverse effects to minority and low-income populations are anticipated, even when mitigation is expected to reduce or eliminate the effects, the analysis and determination must be forwarded to the FHWA for comment, revision, and approval.

Project Location and Description

This project is located in a single census tract in Douglas County. This project will repair and resurface 6.37 miles of N-36 located in Douglas County, starting at Old Highway 275/Reichmuth Road and

extending east to immediately west of the N-36 Elkhorn River bridge. There will be no detour for this project.

Examination of Study Area Population: Census Data and Other Observations

The Environmental Justice data for this project is as follows:

Area	Minority Population*	Hispanic Population	Population Below the Poverty Level**
Tract 75.04	6.7%	3.9%	11.2%
Tract 75.04 Block Group 3	9.3%	6%	10.9%
Douglas County	28.1%	11.2%	14.7%

*Data on minority and Hispanic persons collected from 2010 Decennial US Census, Summary File 1, Table P5.
**Data on low-income persons collected from American Community Survey 2010-2014 5-Year Estimates, Tables S1701 and B17021.

The Limited English Proficiency data for this project is as follows:

Area	% of Population that Speaks ONLY English*	Languages Other Than English Spoken by 5% or Greater of the Total Population**	Population of Area Age 5 or Greater
Tract 75.04	95.2%	None	2,665
Tract 75.04 Block Group 3	91.3%	None	904

*All data from American Community Survey 2010-2014 5-Year Estimates, Tables B16001 and B16004.
** These figures reflect the population of an area that speaks a language other than English, and also speaks English "Less than Very Well."

In general, the area in which this project is located has lower or consistent populations of minority, Hispanic, and low-income persons when compared to the county. No residences, businesses, or organizations likely to be predominately used by minority or low-income populations were identified in the vicinity of this project.

The data does not indicate percentages of minority, Hispanic, or low-income persons that are meaningfully greater than the corresponding figures for Douglas County.

The area in which this project is located is mostly English-speaking. In the area surveyed, none of the data indicates the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons.

Conclusions

There will be no disproportionately high and adverse human health or environmental effects visited upon minority and low-income populations, as defined in FHWA Order 6640.23A, because these protected populations are not present in the project area.

No LEP outreach is required for this project because, in the areas surveyed, none of the data indicates the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons.

From: Bui, Tony
Sent: Friday, April 22, 2016 11:37 AM
To: Wencel, Carrie
Cc: Kugler, Sarah; Mansfield, Andrew; Lutz, Chris; Weander, Tim
Subject: RE: NDA Response Elkhorn River West 36-7(115) C.N. 22532

Carrie,

Based on an analysis of the project scope and a civil rights analysis, NDOR Public Involvement has determined that no additional public involvement activities are necessary and/or anticipated during the NEPA process. However, due to the location of the privately owned airports within the vicinity, early coordination with the airports, as well as NDA, has occurred. Please see below for response from NDA and attached for outreach to the two privately owned airports. No further outreach is anticipated at this time. As a side note - there were only two airports, but upon research we found multiple addresses/contacts for the property owner; we sent one to each address, as well as one to any managers of the airport, in an effort to make sure that the letter is received by the property owner.

Please let me know if you have any questions.

Thank you,

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

From: Mansfield, Andrew
Sent: Friday, March 11, 2016 11:07 AM
To: Wencel, Carrie; Bui, Tony
Cc: Lutz, Chris
Subject: NDA Response Elkhorn River West 36-7(115) C.N. 22532
Importance: High

Carrie,

Below is the response from the Nebraska Department of Aeronautics concerning the Elkhorn River West, CN 22532, 36-7(115) project. They do not have regulatory authority over the private airfields or airstrips nor does the FAA. Since we will not have any structures over 200' tall or one that will break the 100:1 slope from a public-use airport (since the closest one is 7.1 miles away) no further coordination is anticipated at this time. Please let us know if you feel that we should proceed differently.

Thanks,
--
Andrew Mansfield, P.E.
Roadway Design Division
Nebraska Department of Roads
402-479-3667

From: Bremer, Kandi
Sent: Friday, March 11, 2016 9:36 AM
To: Mansfield, Andrew <andrew.mansfield@nebraska.gov>
Subject: Elkhorn River West 36-7(115) C.N. 22532
Importance: High

Dear Mr. Mansfield,

The review of the Elkhorn River West proposed project 36-7(115) C.N. 22532 is complete.

The Nebraska Department of Aeronautics (NDA) has no objection to the project, provided the height of any equipment used in the project (or any antennae installed on the equipment) does not exceed any local airport's Height Restriction Zoning.

The nearest public-use airport is the Fremont Municipal Airport, located approximately 7.1 miles NW of R.P. 0+00 STA. 11+88.89. Due to the distance from the airport, it is highly unlikely that there would be any violation of the Fremont airports airspace. NDA has no regulatory authority over the private airfields or airstrips in the state, nor does the FAA except to register them as to their placement geographically. NDOR may choose to contact them out of professional courtesy prior to construction.

Please note that any contractor involved in the project should file a 7460-1 Form with the FAA for all structures over 200' tall, **or that break a 100:1 slope from a public-use airport**. This includes any trucks or equipment used during the project.

Should you have any questions or concerns, please feel free to contact me at 402-471-7925 or kandice.bremer@nebraska.gov.

Sincerely,

Kandi Bremer
Nebraska Department of Aeronautics
Engineering Division
__|__
------oo(_)oo------
P.O. Box 82088
Lincoln NE 68501
402.471.7925
402.471.2906 - fax
kandice.bremer@nebraska.gov
http://www.aero.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

April 22, 2016

Sibbernsen Farms
1918 County Rd 19
Bennington NE 68007

Re: Project No. 36-7 (115)
C.N. 22532

Dear Mr. Sibbernsen:

The Nebraska Department of Roads (NDOR) is planning to improve a portion of Nebraska Highway 36 (N-36) in Douglas County by performing a pavement rehabilitation project. The work on this project consists of milling off the top few inches of pavement and replacing what was milled with new asphalt, bridge repairs to two structures and replacing the bridge at RP 4+29 (just east of the Valley Rd intersection) with a concrete box culvert. The project will begin at the junction of N-36 and Reichmuth Rd and proceed east to the bridge over the Elkhorn River at RP 6+57 (see attached location map).

We are writing you to inform you of these activities as they may have potential impacts on the operation of your private airport. We have previously coordinated with the Nebraska Department of Aeronautics and they have stated no objections to the project.

These construction activities are scheduled to occur in 2017, and no further action is required on your behalf.

Please do not hesitate to call me at 402-479-3667 or Tim Weander (District 2 Engineer) at 402-595-2534 if you need further clarification or have additional questions regarding NDOR's project on N-36.

Sincerely

Andrew Mansfield

Andrew Mansfield, P.E.
Engineer III, Consultant Coordinating Unit

AM/z3-b

Attachments-Project Location Map

xc: Project File
Tim Weander, District 2 Engineer

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

April 22, 2016

Wade Sibbernsen
Sibbernsen Airport
19072 Aviator Ln
Bennington NE 68007

RE: Project No. 36-7 (115)
C.N. 22532

Dear Mr. Sibbernsen:

The Nebraska Department of Roads (NDOR) is planning to improve a portion of Nebraska Highway 36 (N-36) in Douglas County by performing a pavement rehabilitation project. The work on this project consists of milling off the top few inches of pavement and replacing what was milled with new asphalt, bridge repairs to two structures and replacing the bridge at RP 4+29 (just east of the Valley Rd intersection) with a concrete box culvert. The project will begin at the junction of N-36 and Reichmuth Rd and proceed east to the bridge over the Elkhorn River at RP 6+57 (see attached location map).

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Sincerely

Andrew Mansfield, P.E.
Engineer III, Consultant Coordinating Unit

AM/z3-b

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Tim Weander, District 2 Engineer

Pete Ricketts
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April 22, 2016

Scott Roberston
3619 Doolittle Plz
Omaha NE 68110

Re: Project No. 36-7 (115)
C.N. 22532

Dear Mr.Roberston:

The Nebraska Department of Roads (NDOR) is planning to improve a portion of Nebraska Highway 36 (N-36) in Douglas County by performing a pavement rehabilitation project. The work on this project consists of milling off the top few inches of pavement and replacing what was milled with new asphalt, bridge repairs to two structures and replacing the bridge at RP 4+29 (just east of the Valley Rd intersection) with a concrete box culvert. The project will begin at the junction of N-36 and Reichmuth Rd and proceed east to the bridge over the Elkhorn River at RP 6+57 (see attached location map).

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Sincerely

Andrew Mansfield, P.E.
Engineer III, Consultant Coordinating Unit

AM/z3-b

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Tim Weander, District 2 Engineer

Pete Ricketts
Governor

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April 22, 2016

Clarence Werner
Werner Airport
14507 Frontier Rd
Omaha NE 68138

Re: Project No. 36-7 (115)
C.N. 22532

Dear Mr. Werner:

The Nebraska Department of Roads (NDOR) is planning to improve a portion of Nebraska Highway 36 (N-36) in Douglas County by performing a pavement rehabilitation project. The work on this project consists of milling off the top few inches of pavement and replacing what was milled with new asphalt, bridge repairs to two structures and replacing the bridge at RP 4+29 (just east of the Valley Rd intersection) with a concrete box culvert. The project will begin at the junction of N-36 and Reichmuth Rd and proceed east to the bridge over the Elkhorn River at RP 6+57 (see attached location map).

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Sincerely

Andrew Mansfield, P.E.
Engineer III, Consultant Coordinating Unit

AM/z3-b

Attachments-Project Location Map

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Tim Weander, District 2 Engineer

Pete Ricketts
Governor

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April 22, 2016

Werner Airport
30809 W Reichmuth Rd
Valley NE 68064

Re: Project No. 36-7 (115)
C.N. 22532

Dear Mr.Werner:

The Nebraska Department of Roads (NDOR) is planning to improve a portion of Nebraska Highway 36 (N-36) in Douglas County by performing a pavement rehabilitation project. The work on this project consists of milling off the top few inches of pavement and replacing what was milled with new asphalt, bridge repairs to two structures and replacing the bridge at RP 4+29 (just east of the Valley Rd intersection) with a concrete box culvert. The project will begin at the junction of N-36 and Reichmuth Rd and proceed east to the bridge over the Elkhorn River at RP 6+57 (see attached location map).

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Sincerely

Andrew Mansfield, P.E.
Engineer III, Consultant Coordinating Unit

AM/z3-b

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Tim Weander, District 2 Engineer

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April 22, 2016

Clarence Werner
PO Box 45380
Omaha NE 68145-0308

Re: Project No. 36-7 (115)
C.N. 22532

Dear Mr.Werner:

The Nebraska Department of Roads (NDOR) is planning to improve a portion of Nebraska Highway 36 (N-36) in Douglas County by performing a pavement rehabilitation project. The work on this project consists of milling off the top few inches of pavement and replacing what was milled with new asphalt, bridge repairs to two structures and replacing the bridge at RP 4+29 (just east of the Valley Rd intersection) with a concrete box culvert. The project will begin at the junction of N-36 and Reichmuth Rd and proceed east to the bridge over the Elkhorn River at RP 6+57 (see attached location map).

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Engineer III, Consultant Coordinating Unit

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