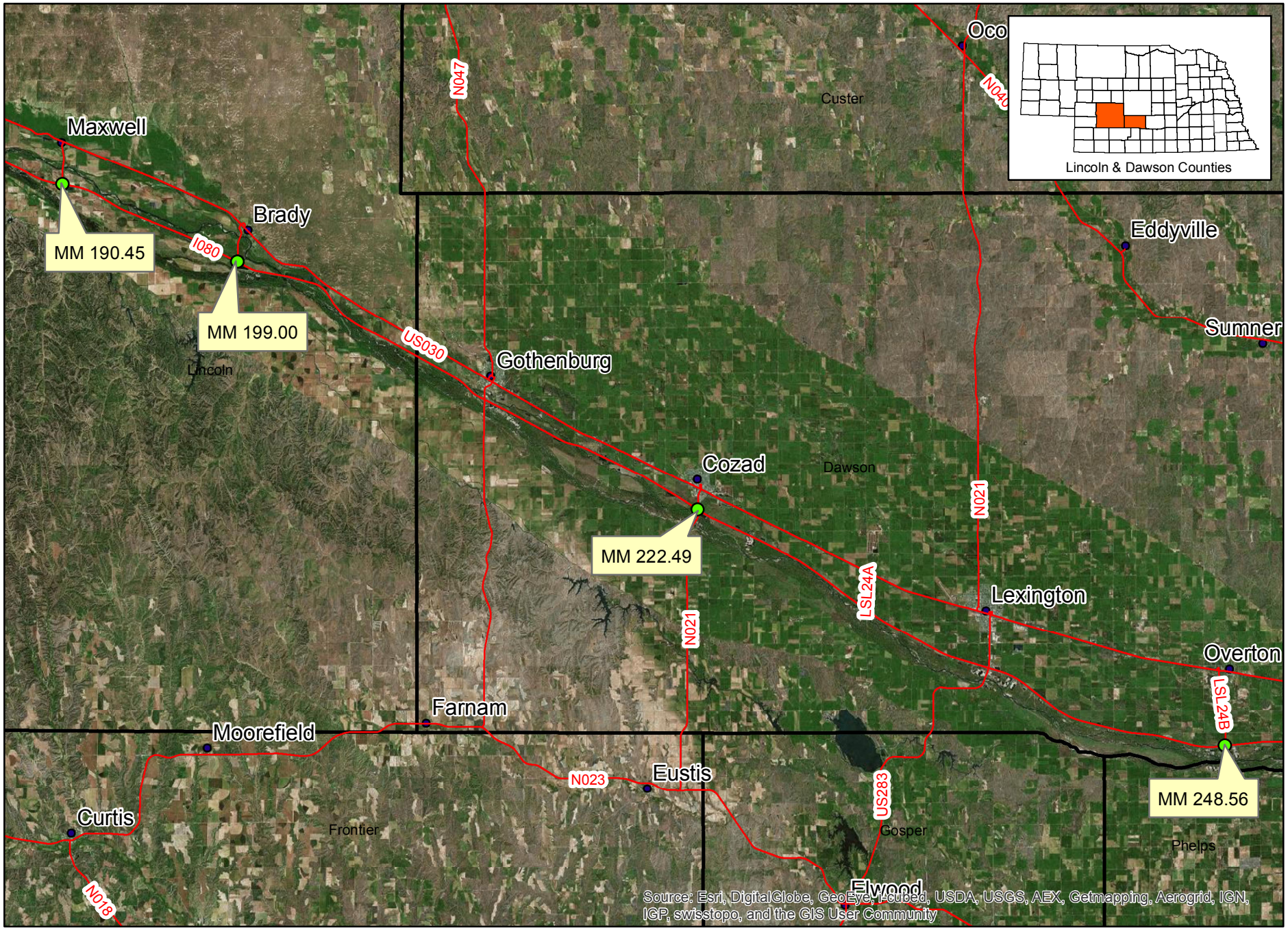
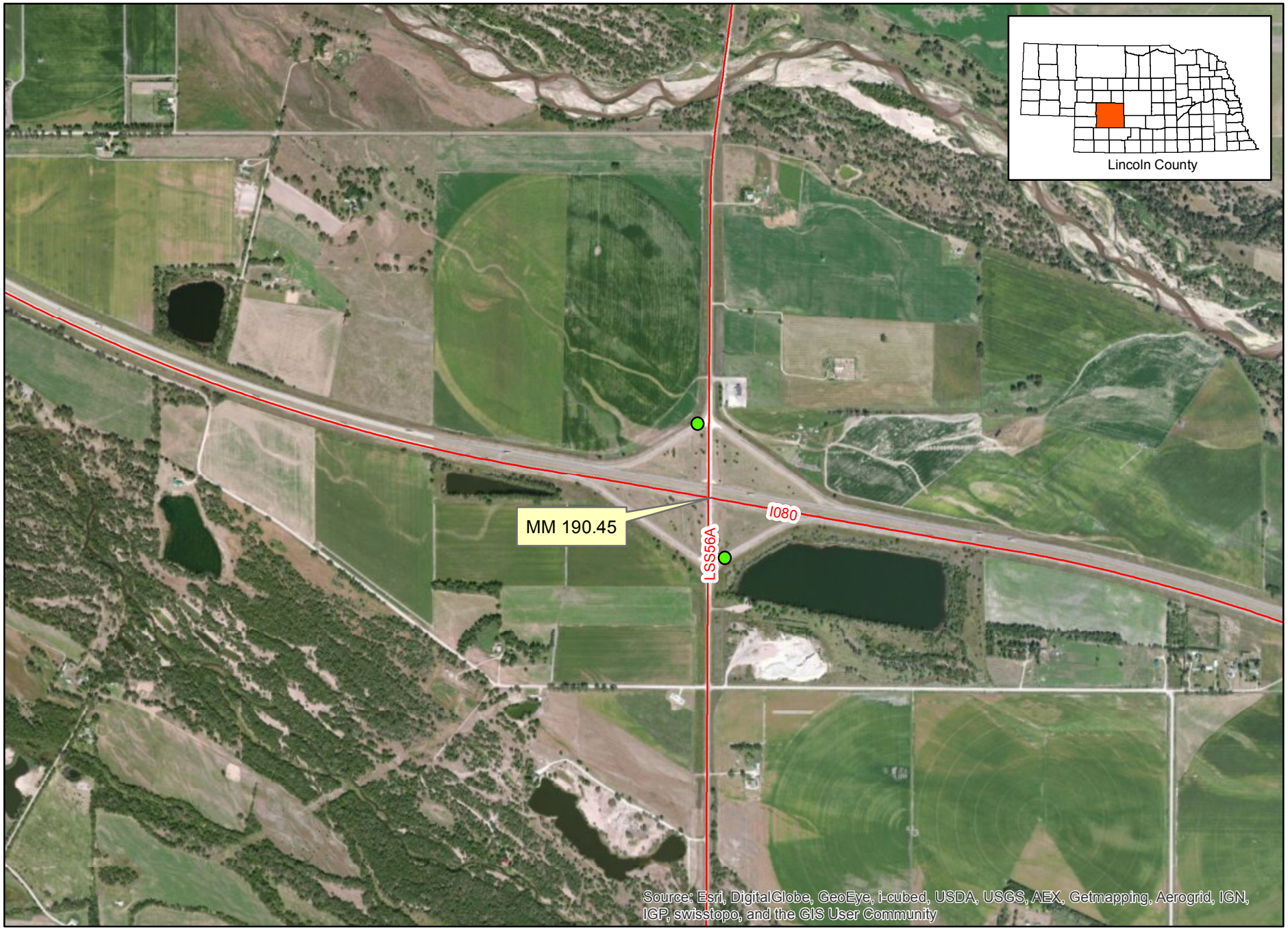
61606_ITS-NH-80-4(145) District 6 Automated Gates, Lincoln & Dawson Counties



0 5 10 20 Miles

N W E S

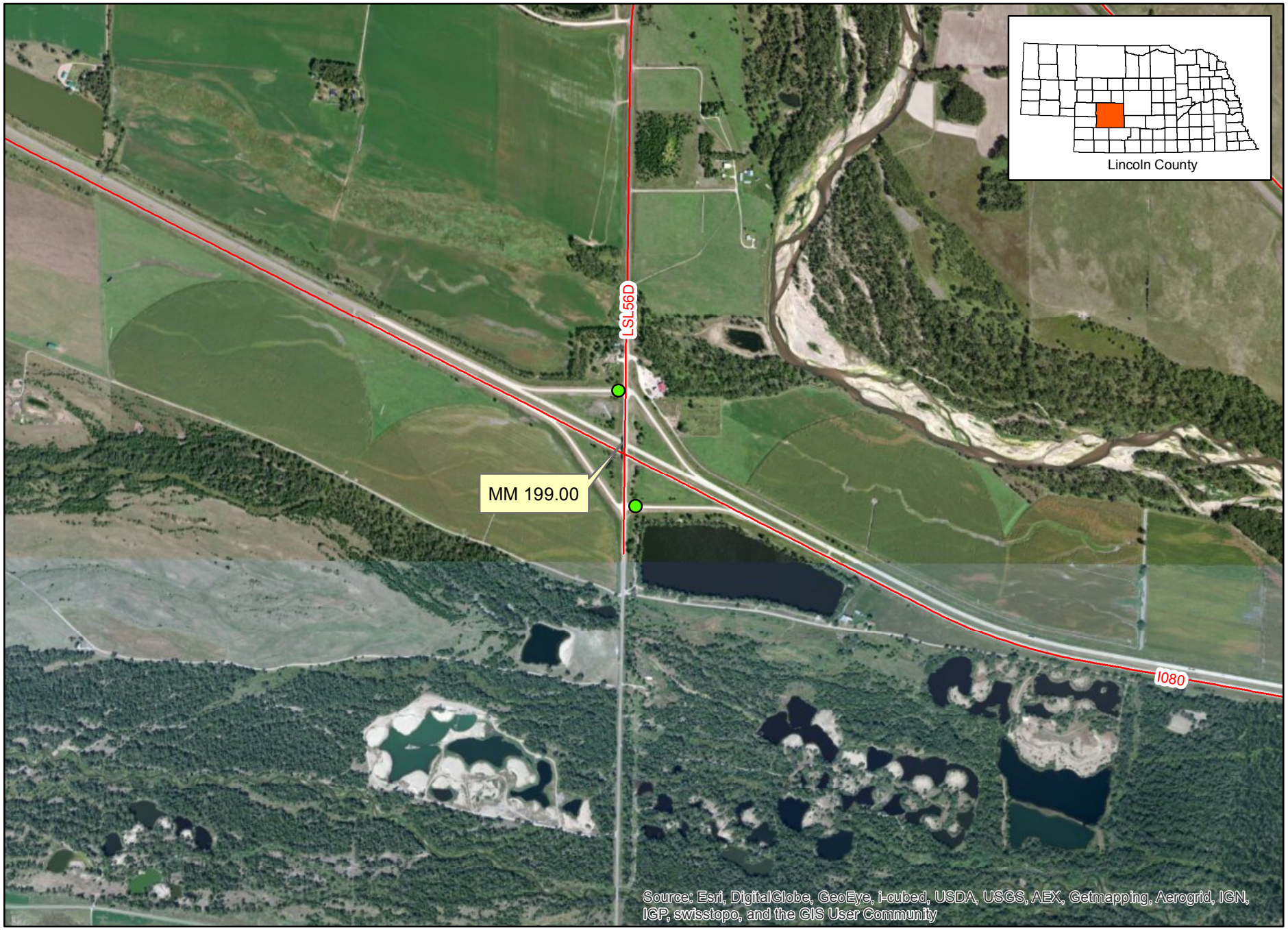
61606_ITS-NH-80-4(145) District 6 Automated Gates, Lincoln County



0 0.275 0.55 1.1 Miles

N W E S

61606_ITS-NH-80-4(145) District 6 Automated Gates, Lincoln County



0 0.3 0.6 1.2 Miles

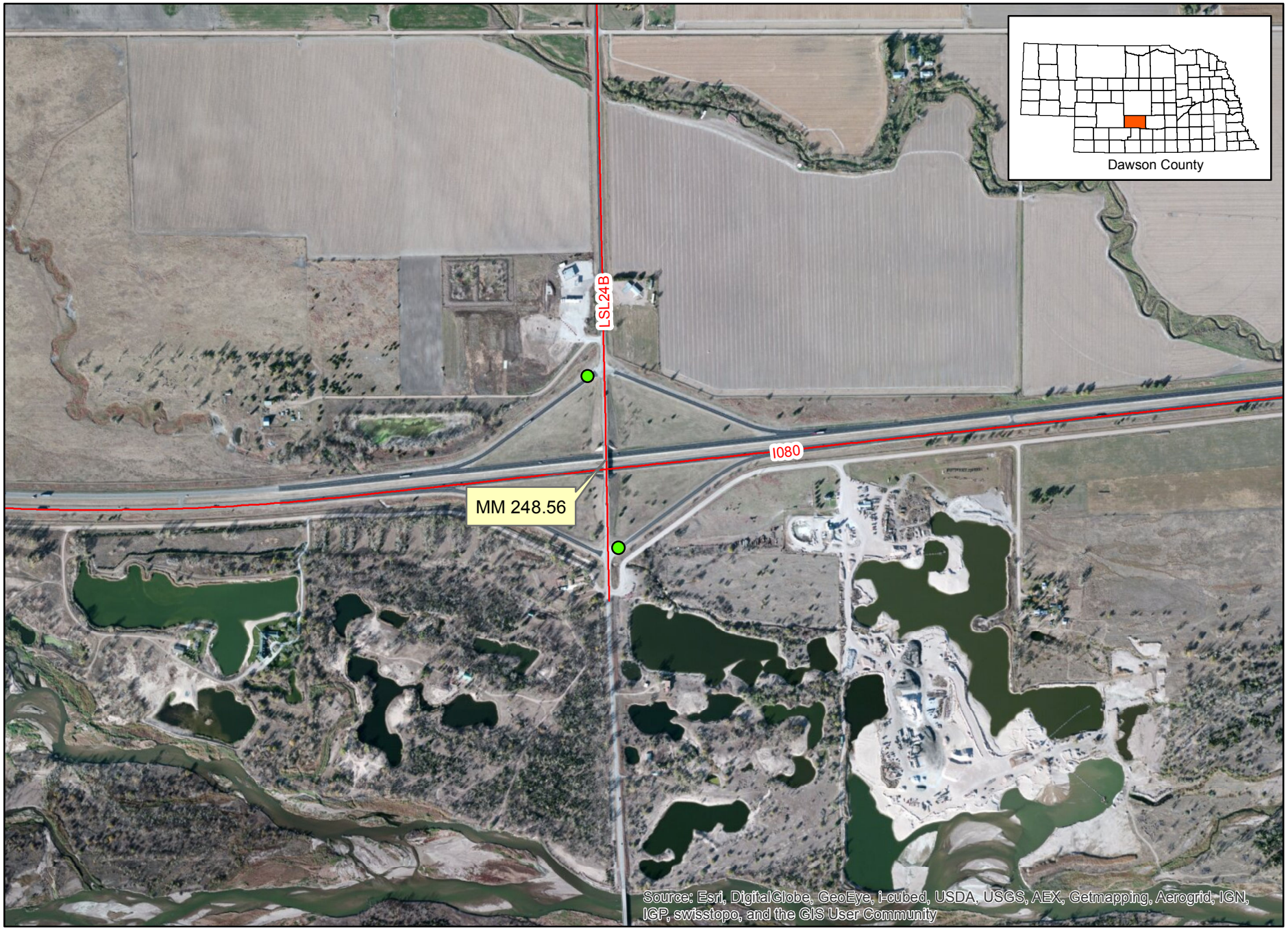
N W E S

61606_ITS-NH-80-4(145) District 6 Automated Gates, Dawson County

0 0.25 0.5 1 Miles

N W E S

61606_ITS-NH-80-4(145) District 6 Automated Gates, Dawson County



0 0.225 0.45 0.9 Miles

N W E S

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

June 14, 2016

Cozad
Scott Hergenrader, Building Inspector
P.O.Box 309
Cozad NE 69130

RE: District 6 Auto Gates, Project 80-4(145), CN 61606
Project within Floodplain – Minimal or No Potential Impact

Dear Community Floodplain Administrator:

The Nebraska Department of Roads (NDOR) is notifying you that we will be completing work within a Regulated Zone A Floodplain within your county/community. The proposed project consists of work which will have minimal or no potential impact to the Zone A Floodplain it crosses.

The proposed project work includes replacing existing ramp closure gates with automated gates at I-80 interchange 222. Camera towers will be installed at interchanges without one. No grading or change in elevation will be required. Based on the nature of work, NDOR has determined there is minimal or no potential for impact to the Floodway crossed, and this project does not constitute development within the floodplain. Therefore, we do not believe a *Floodplain Development Permit* is necessary.

NDOR is providing this letter to alert you of the upcoming project to assist you in the monitoring of activities completed within the regulated floodplains of your community. If you have questions concerning the project's work or impact on the Floodplain, please contact Alicea Mc Cluskey at 402-479-3737. Given this information if you would still like NDOR to submit a permit application, contact Tony Ringenberg at (402) 479-4410 as soon as possible—preferably within 14 days of the date of this letter.

Sincerely,

NEBRASKA DEPARTMENT OF ROADS

Alicea Mc Cluskey

Alicea Mc Cluskey
Engineer III

Cc: File
Lori Ellison

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

June 14, 2016

Dawson County
Mark Streit, Surveyor and Floodplain Administrator
700 N. Washington St. Rm. G
Lexington NE 68850

RE: District 6 Auto Gates, Project 80-4(145), CN 61606
Project within Floodplain – Minimal or No Potential Impact

Dear Community Floodplain Administrator:

The Nebraska Department of Roads (NDOR) is notifying you that we will be completing work within a Regulated Zone A Floodplain within your county/community. The proposed project consists of work which will have minimal or no potential impact to the Zone A Floodplain it crosses.

The proposed project work includes replacing existing ramp closure gates with automated gates at I-80 interchange 248. Camera towers will be installed at interchanges without one. No grading or change in elevation will be required. Based on the nature of work, NDOR has determined there is minimal or no potential for impact to the Floodway crossed, and this project does not constitute development within the floodplain. Therefore, we do not believe a *Floodplain Development Permit* is necessary.

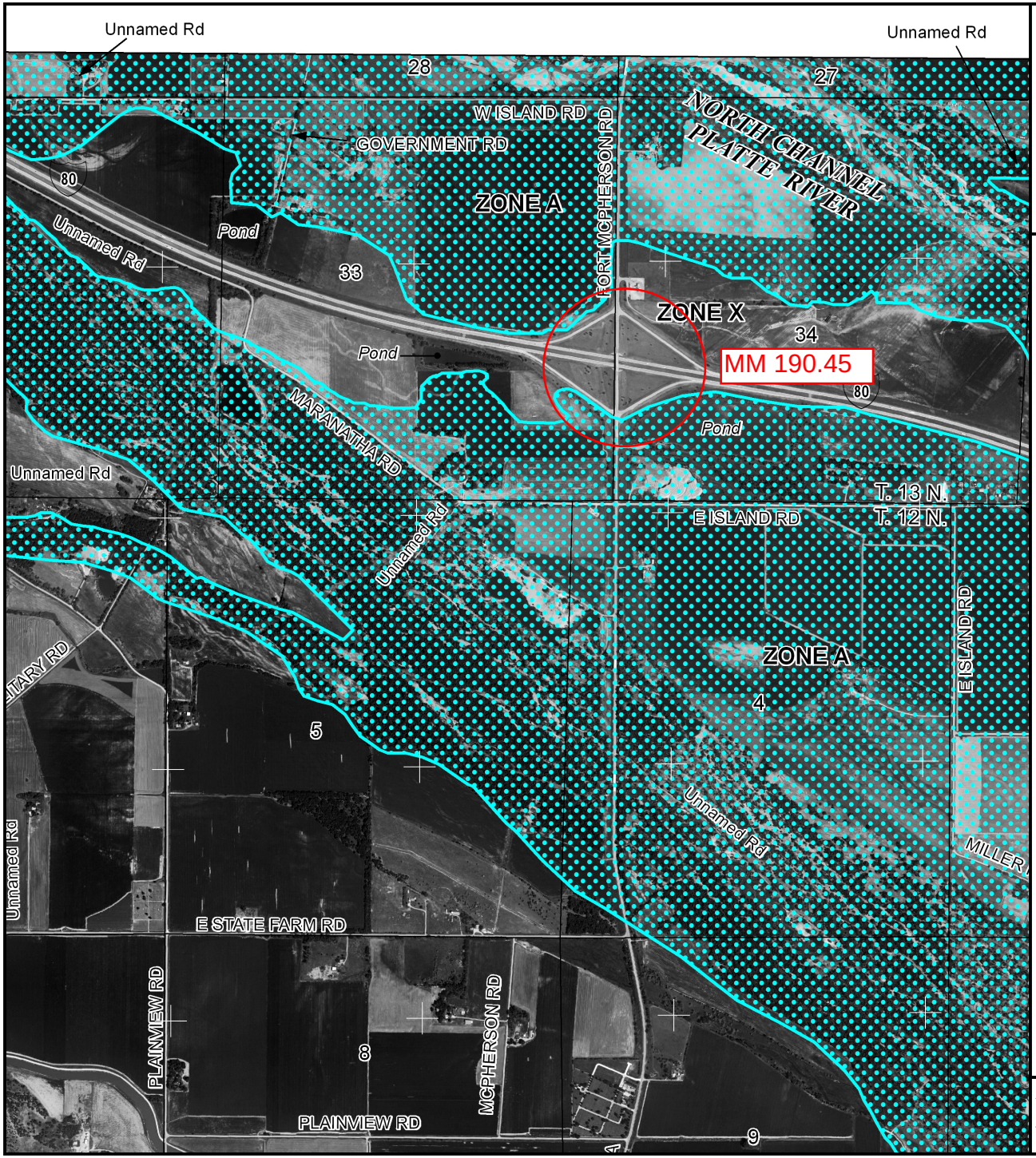
NDOR is providing this letter to alert you of the upcoming project to assist you in the monitoring of activities completed within the regulated floodplains of your community. If you have questions concerning the project's work or impact on the Floodplain, please contact Alicea Mc Cluskey at 402-479-3737. Given this information if you would still like NDOR to submit a permit application, contact Tony Ringenberg at (402) 479-4410 as soon as possible—preferably within 14 days of the date of this letter.

Sincerely,

NEBRASKA DEPARTMENT OF ROADS

Alicea Mc Cluskey
Engineer III

Cc: File
Lori Ellison



MAP SCALE 1" = 2000'

1000 0 2000 4000 FEET

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0925C

FIRM

FLOOD INSURANCE RATE MAP

LINCOLN COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 925 OF 1675

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LINCOLN COUNTY, UNINCORPORATED AREAS	310452	0925	C

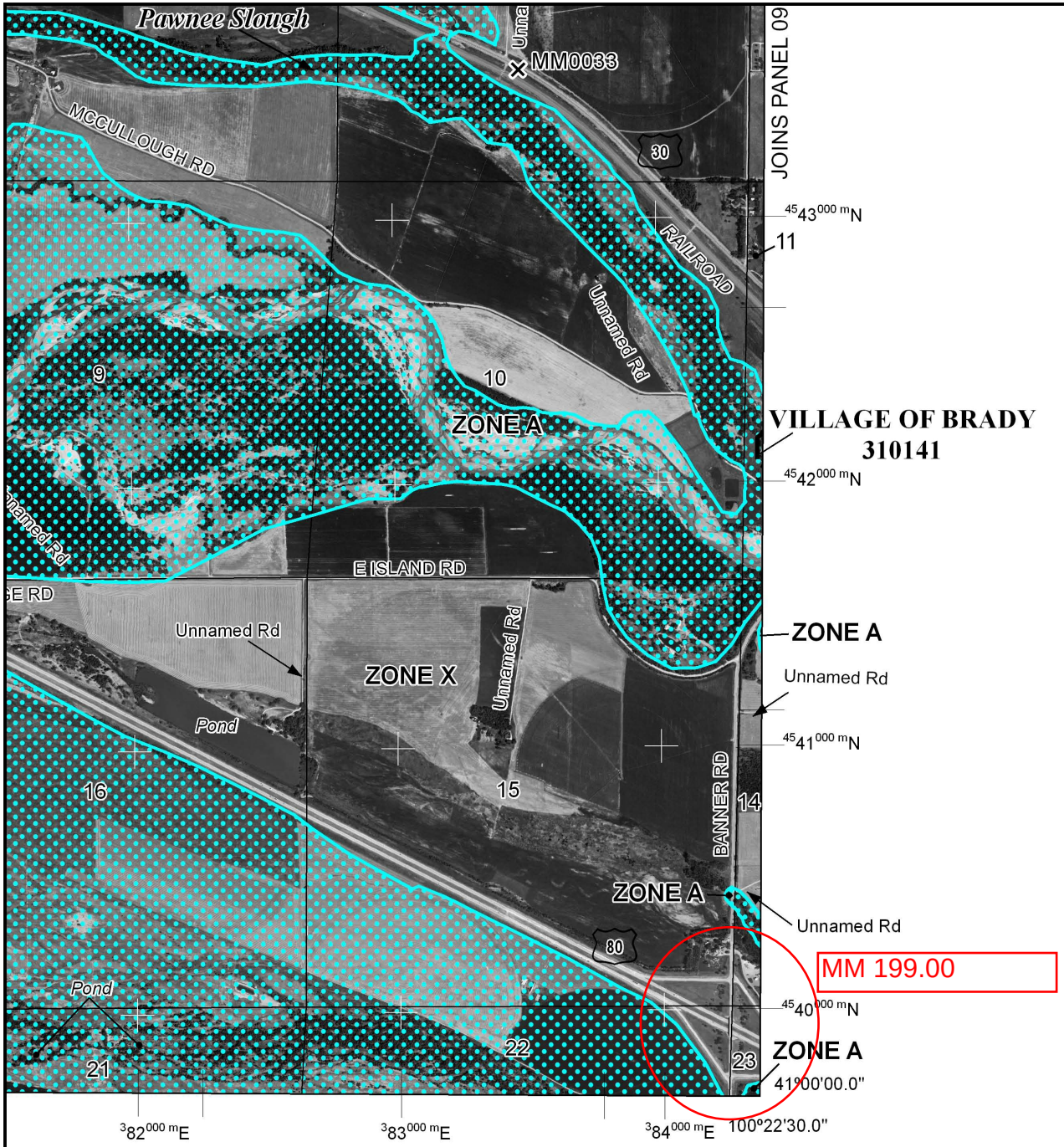
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
31111C0925C

EFFECTIVE DATE
JANUARY 2, 2009

Federal Emergency Management Agency

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 0950C

FIRM

FLOOD INSURANCE RATE MAP

LINCOLN COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 950 OF 1675

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LINCOLN COUNTY, UNINCORPORATED AREAS	310452	0950	C
BRADY, VILLAGE OF	310141	0950	C

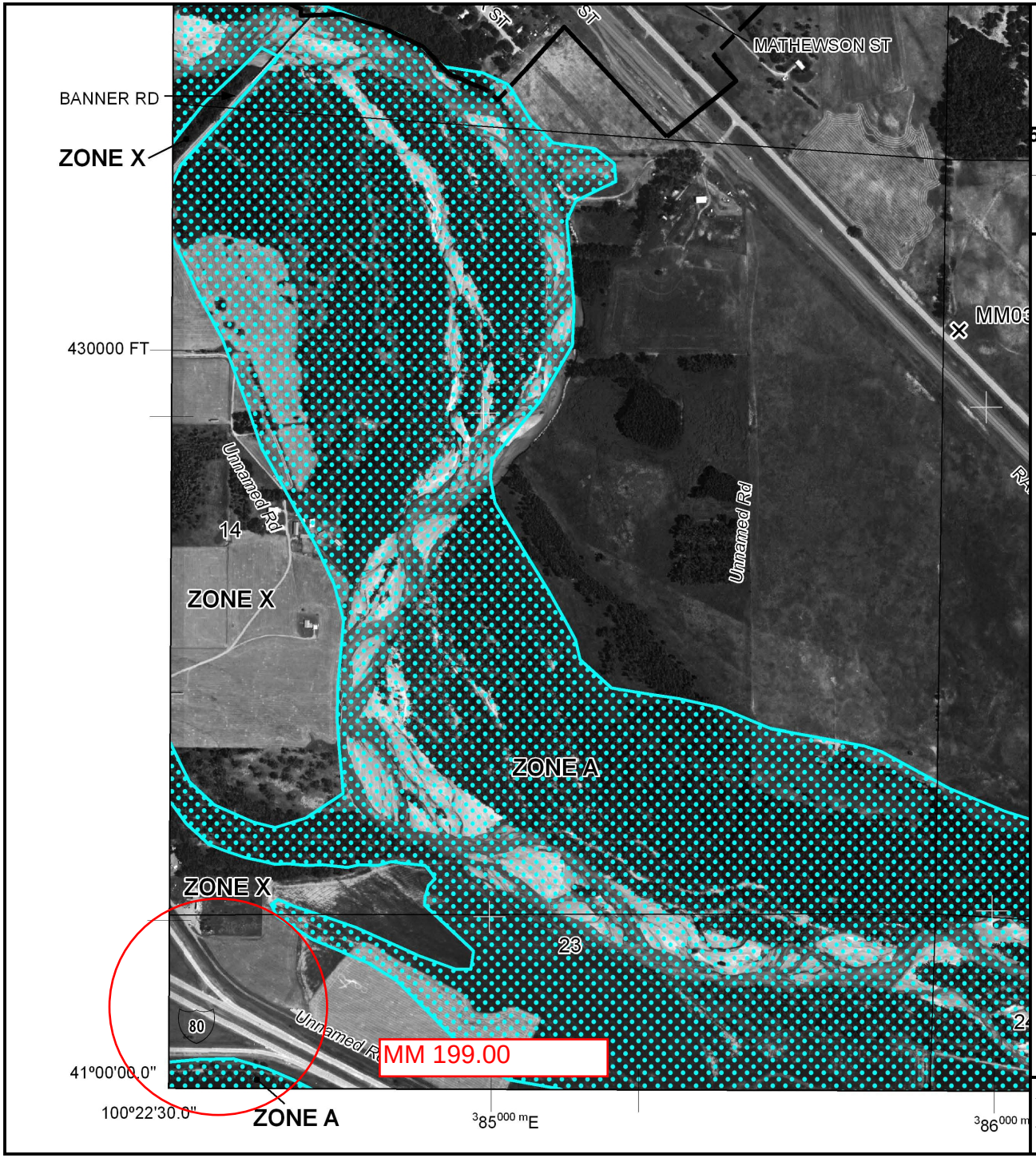
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
31111C0950C

EFFECTIVE DATE
JANUARY 2, 2009

Federal Emergency Management Agency

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" = 1000'

500 0 1000 2000 FEET

METE

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0965C

FIRM

FLOOD INSURANCE RATE MAP

LINCOLN COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 965 OF 1675

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LINCOLN COUNTY, UNINCORPORATED AREAS	310452	0965	C
BRADY, VILLAGE OF	310141	0965	C

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
31111C0965C

EFFECTIVE DATE
JANUARY 2, 2009

Federal Emergency Management Agency

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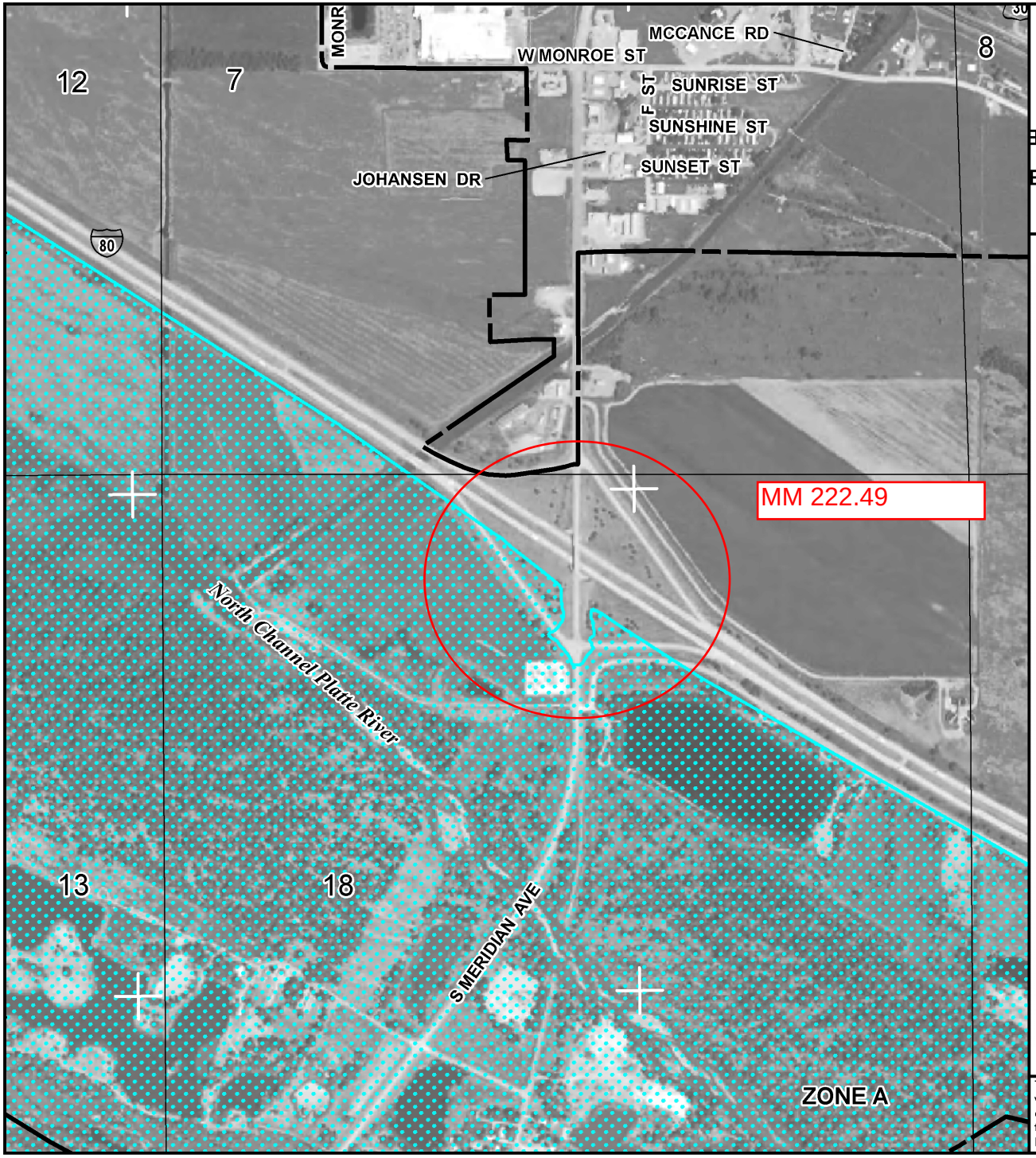


MAP SCALE 1" = 1000'

0 1000 2000 FEET

METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0405C

FIRM

FLOOD INSURANCE RATE MAP

DAWSON COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 405 OF 700

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
COZAD, CITY OF	310059	0405	C
DAWSON COUNTY	310058	0405	C

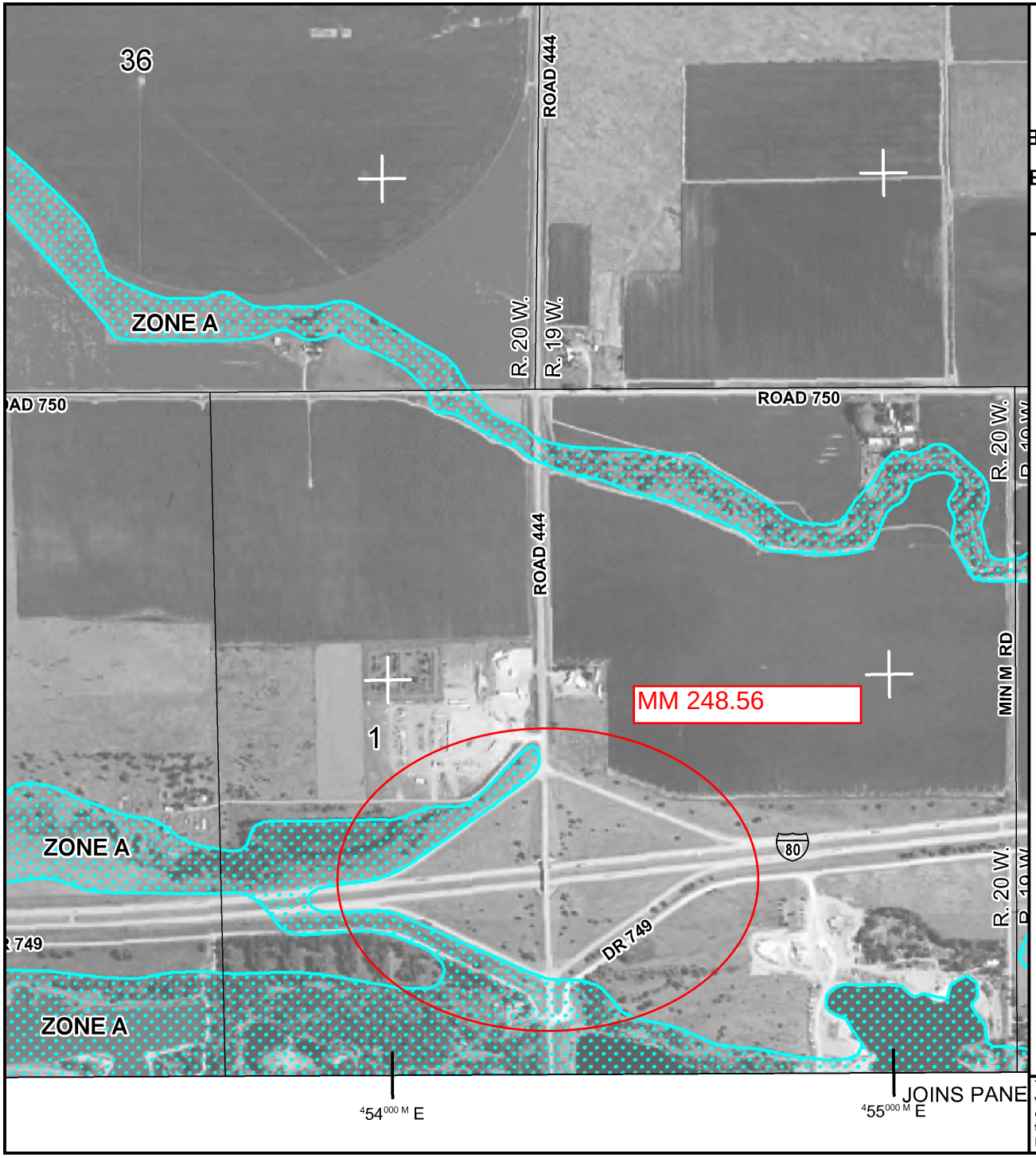
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
31047C0405C

EFFECTIVE DATE
MAY 3, 2011

Federal Emergency Management Agency

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" = 1000'

0 1000 2000 FEET

METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0660C

FIRM

FLOOD INSURANCE RATE MAP

DAWSON COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 660 OF 700

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
DAWSON COUNTY	310058	0660	C
OVERTON, VILLAGE OF	310064	0660	C

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
31047C0660C

EFFECTIVE DATE
MAY 3, 2011

Federal Emergency Management Agency

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 2/16/2016

TO Carrie Wencel, NDOR EDU

FROM Kimberly Baker, NDOR EPU

SUBJECT Wetlands PQS Memo
Project No: ITS-NH-80-4(145)
Control No: 61606
Project Name: D6 Automated Gates

☒A wetland delineation was completed on June 24th-27th, 2013
Or
☐A desktop review was completed on

Are there wetlands, stream channels, or other waters within the study area?
☒ Yes ☐ No

Will the action result in wetland impacts in accordance with Section 404 of the Clean Water Act and/or Nebraska State Title 117?
☐ Yes ☒ No ☐ Not Applicable

If the project is processed with a Nationwide Permit, is a Pre-construction Notification required?
☐ Yes ☐ No ☒ Not Applicable

Describe resources, <u>potential</u> impacts and anticipated permit type (*Include estimated permanent wetland impacts (acres). If known, also provide estimated temporary wetland impacts (acres), estimated channel impacts (linear feet/acres), special wetland areas, cause of impacts, and any Nationwide Permit information.*): NA

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)*: NA

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

<u>Wetlands/Waters of the U.S. Commitments:</u>
The Contractor shall not stage, store, waste or stockpile materials and equipment in undisturbed locations, or in known/potential wetlands and/or known/potential streams that exhibit a clear "bed and Bank" channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation (at lower elevations) from the surrounding upland areas.

☒ All wetlands/waters within the project area that are not permitted for impacts will be marked on the 2W aerial sheets for the contractor as avoidance areas.

Select one of the following:

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

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

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

Project Description:

This project will deploy automated gates on the I-80 entrance ramps at the Maxwell Interchange 190 at mile marker (MM) 190+45, the Brady Interchange 199 at MM 199+00, the Cozad Interchange 222 at MM 222+49 and the Overton Interchange 248 at MM 248+56. This project will also deploy CCTV Cameras at the Maxwell Interchange 190 and the Overton Interchange 248. All interchanges are located within Lincoln and Dawson Counties.

Scope details include:

- Installation of automated gates, post mounted signs, climbable truss towers, and control cabinets all with ground rods.
- Trenching or jacking of electrical conduit and installation of pull boxes.
- Cameras will be installed at various locations.
- Construction activities may result in minor soil disturbance outside the hinge point.
- Project surveying and staking will be required.
- Areas disturbed during construction will be stabilized utilizing methods of erosion control.
- No additional property rights will be required to build this project.
- This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

PROJECT NO.	SHEET NO.
80-4(145)	3
C.N. 61606	

LOCATION 1

NEBRASKA DEPARTMENT OF ROADS
OPERATIONS DIVISION ITS

LOCATION PLAN

DESIGNED DOR19078	I-80 R.P. 190.45	1/4
REVIEWED	INTERCHANGE 190 (MAXWELL)	
APPROVED	DATE DRAWN 02/08/2016	ENGINEER / DATE

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 22-FEB-2016 11:30

File: 616060ts.dgn
Scale: 1:200

PROJECT NO.	SHEET NO.
80-4(145)	4

C.N. 61606

LOCATION 2

NEBRASKA DEPARTMENT OF ROADS
OPERATIONS DIVISION ITS

LOCATION PLAN

DESIGNED DOR19078	I-80 R.P. 199.00 INTERCHANGE 199 (BRADY)		2/4
REVIEWED			
APPROVED	DATE DRAWN 02/08/2016	ENGINEER	DATE

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 22-FEB-2016 11:30

File: 61606ts.dgn
Scale: 1:200

PROJECT NO.	SHEET NO.
80-4(145)	5

C.N. 61606

LOCATION 3

NEBRASKA DEPARTMENT OF ROADS
OPERATIONS DIVISION ITS

LOCATION PLAN

DESIGNED DOR19078	I-80 R.P. 222.49	3/4
REVIEWED	INTERCHANGE 222 (COZAD)	
APPROVED	DATE DRAWN 02/08/2016	ENGINEER / DATE

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 22-FEB-2016 11:30

File: 616060ts.dgn
Scale: 1:200

PROJECT NO.	SHEET NO.
80-4(145)	6

C.N. 61606

LOCATION 4

NEBRASKA DEPARTMENT OF ROADS
OPERATIONS DIVISION ITS

LOCATION PLAN

DESIGNED DOR19078	I-80 R.P. 248.56 INTERCHANGE 248 (OVERTON)		4/4
REVIEWED			
APPROVED	DATE DRAWN 02/08/2016	ENGINEER	DATE

OPERATIONS DIVISION

Computer: DROPERATIONS100

User: dor19078

Date: 22-FEB-2016 11:30

File: 616060ts.dgn
Scale: 1:200

Memorandum

=

DATE 10/26/15

TO Scott Stapp - FHWA

FROM Melissa Marinovich, NDOR HWY Environmental Biologist

SUBJECT Batched Automated Gates and CCTV projects – Districts 4, 5, 6
Elm Creek - Alda, ITS-NH-80-5(79), 42772
Grand Island - Waco, ITS-NH-80-7(162), 42773
District 5 Automated Gates, ITS-NH-80-1(194), 51553
District 6 Automated Gates, ITS-NH-80-4(145), 61606
Threatened & Endangered Species Review

NDOR would like to initiate consultation on the following District specific automated gates and camera installation projects: Elm Creek-Alda, Grand Island-Waco, District 5 Automated Gates, and District 6 Automated Gates. These projects are being batched into one biological assessment due to similar scope and size.

These projects would deploy automated gates and CCTV cameras on I-80 entrance ramps at several locations. The projects are located along I-80 in Buffalo, Cheyenne, Dawson, Hall, Hamilton, Kimball, Lincoln, and York counties (see attached location maps).

Project Description

All device locations and construction activities will be within NDOR right-of-way (ROW). Construction activities would include installation of automated gates, post mounted signs, climbable truss towers and cameras, electrical pull boxes, control cabinets with ground rods, and trenching or boring of electrical conduit. Construction activities may result in minor soil disturbance outside the hinge point.

Locations in CN 42772:

- Elm Creek Interchange MM 257.04, Buffalo County
- Odessa Interchange MM 263.69, Buffalo County
- West Kearney Interchange MM 272.64, Buffalo County
- East Kearney Interchange MM 275.63, Buffalo County
- Minden Interchange MM 279.92, Buffalo County
- Gibbon Interchange MM 285.66, Buffalo County
- Shelton Interchange MM 291.39, Buffalo County
- Wood River Interchange MM 300.13, Hall County
- Alda Interchange MM 305.69, Hall County

Locations in CN 42773:

- Grand Island-Hastings Interchange MM 312.10, Hall County
- Grand Island-Locust St. Interchange MM 314.14, Hall County
- Grand Island-Phillips Interchange MM 318.17, Hamilton County

- Giltner Interchange MM 324.17, Hamilton County
- Aurora Interchange MM 332.18, Hamilton County
- Hampton Interchange MM 338.15, Hamilton County
- Henderson Interchange MM 342.14, York County
- Charleston Interchange MM 348.12, York County
- York Interchange MM 353.12, York County
- Waco Interchange MM 360.14, York County

Locations in CN 51553:

- Pine Bluffs Interchange MM 0.48, Kimball County
- Bushnell Interchange MM 8.46, Kimball County
- West Kimball Interchange MM 20.19, Kimball County
- SE Kimball Interchange MM 22.69, Kimball County
- Brownson Interchange MM 48.82, Cheyenne County
- Sidney Interchange MM 59.92, Cheyenne County
- Sunol Interchange MM 69.63, Cheyenne County

Locations in CN 61606:

- Maxwell Interchange MM 190.45, Lincoln County
- Brady Interchange MM 199.00, Lincoln County
- Cozad Interchange MM 222.49, Dawson County
- Overton Interchange MM 248.56, Dawson County

Project location maps showing the counties and locations is attached.

Analysis/Justification

NDOR Environmental conducted a review of the proposed project to determine if the project will impact state or federally listed threatened or endangered species. This was done using ArcGIS, the Nebraska Heritage Database, aerial photos, Google Earth, the Species Evaluation Parameters, review of the project scope, and review of construction timeframes.

County	Listed Species in County[1]	Project within Species Range[2]	Species Occurrences within 5 Miles of the Project[2]
Buffalo	Interior Least Tern Piping Plover Northern Long-Eared Bat River Otter Small White Lady's Slipper Western Prairie Fringed Orchid Whooping Crane Whooping Crane Critical Habitat	Interior Least Tern Piping Plover Northern Long-Eared Bat River Otter Whooping Crane Whooping Crane Critical Habitat	Interior Least Tern Piping Plover River Otter Whooping Crane Whooping Crane Critical Habitat
Cheyenne	Mountain Plover Swift Fox Whooping Crane	Mountain Plover Swift Fox	None

County	Listed Species in County[1]	Project within Species Range[2]	Species Occurrences within 5 Miles of the Project[2]
Dawson	American Burying Beetle Interior Least Tern Northern Long-Eared Bat Piping Plover River Otter Western Prairie Fringed Orchid Whooping Crane Whooping Crane Critical Habitat	American Burying Beetle Interior Least Tern Northern Long-Eared Bat Piping Plover River Otter Whooping Crane Whooping Crane Critical Habitat	American Burying Beetle Interior Least Tern Piping Plover River Otter Whooping Crane Whooping Crane Critical Habitat
Hall	Interior Least Tern Northern Long-Eared Bat Piping Plover River Otter Small White Lady's Slipper Western Prairie Fringed Orchid Whooping Crane	Interior Least Tern Northern Long-Eared Bat Piping Plover River Otter Western Prairie Fringed Orchid Whooping Crane	Interior Least Tern Piping Plover River Otter Western Prairie Fringed Orchid Whooping Crane
Hamilton	Interior Least Tern Northern Long-Eared Bat Piping Plover River Otter *Rufa* Red Knot Western Prairie Fringed Orchid Whooping Crane	Northern Long-Eared Bat Whooping Crane	Whooping Crane
Kimball	Colorado Butterfly Plant Mountain Plover Swift Fox	Colorado Butterfly Plant Mountain Plover Swift Fox	Colorado Butterfly Plant Mountain Plover Swift Fox
Lincoln	American Burying Beetle Blowout Penstemon Finescale Dace Interior Least Tern Northern Redbelly Dace Piping Plover River Otter *Rufa* Red Knot Swift Fox Western Prairie Fringed Orchid Whooping Crane	American Burying Beetle Finescale Dace Northern Redbelly Dace River Otter Whooping Crane	American Burying Beetle Blowout Penstemon Finescale Dace Northern Redbelly Dace River Otter Whooping Crane
York	Northern Long-Eared Bat *Rufa* Red Knot Western Prairie Fringed Orchid Whooping Crane	Northern Long-Eared Bat Whooping Crane	None

Notes:

[1] NGPC, June 2015; USFWS, May 2015

[2] Nebraska Natural Heritage Database

No Effect

Potentially suitable habitat for the following species was not found to exist at any of the locations for installation of the gates: American burying beetle, blowout penstemon, Colorado butterfly plant, finescale dace, northern redbelly dace, northern long-eared bat, river otter, *rufa* red knot, small white lady's slipper, and western prairie-fringed orchid. A "no effect" determination has been made based on the lack of suitable habitat for the following listed species:

American Burying Beetle

While there are records of American burying beetle within 5-miles of the Dawson and Lincoln county locations, the areas are up on a well-drained and highly disturbed interchange. The vegetation at this location is regularly mowed and the soil does not contain adequate moisture and detritus cover for this species. Additionally, the footprint of this project is very small and soil disturbance would be minimal. Due to the fact that the soils and moisture content at these locations are not suitable and disturbance would be minimal, these projects would have **No Effect** to American burying beetle.

Blowout Penstemon

Review of the project locations in Lincoln County showed that the project is not located within suitable habitat (open, unvegetated sand blowouts) for blowout penstemon. There are no open sand blowouts near the project locations, as all locations are within stabilized, grass-covered, highly disturbed NDOR ROW. Because none of the locations contain suitable habitat for this species, the project activities would have **No Effect** to blowout penstemon.

Colorado Butterfly Plant

Review of the project locations in Kimball County showed that the project locations are not located within suitable habitat for Colorado butterfly plant (pasture or grassland on floodplain or lower stream terraces along Lodgepole Creek). Lodgepole Creek, at it's closest point to the project locations in Kimball County is over 1.5-miles from the project. Therefore, due to a lack of suitable habitat at any of the Kimball County locations, this project would have **No Effect** to Colorado butterfly plant.

Finescale Dace and Northern Redbelly Dace

Review of the project locations in Lincoln County showed that the projects are not located within or adjacent to suitable habitat (small, high quality, cold-water prairie streams) for finescale dace or northern redbelly dace and are not within or directly adjacent to a potential waterway used by either of these species. Due to the lack of suitable habitat at any of the project locations, these projects would have **No Effect** to finescale dace and northern redbelly dace.

Northern Long-Eared Bat

Review of the project locations in Buffalo, Dawson, Hall, Hamilton, and York counties revealed that suitable roosting habitat (mature trees with loose or peeling bark or crevices, man-made structures such as houses, barns, silos, bridges, etc.) does not exist at any of the locations for installation of the gates or camera towers. All work areas have been kept clear of trees for the safety of the traveling public entering the interstate. No suitable roosting habitat would be impacted; therefore, these projects would have **No Effect** to northern long-eared bat.

River Otter

While suitable habitat for the river otter may occur within ½-mile of the automated gate locations within Buffalo, Dawson, Hall, and Lincoln counties, the work would be of short duration, would have a small footprint, and would be located at very busy intersections on already disturbed embankments. No suitable habitat for river otters exists at or directly adjacent to the locations of the automated gate installations. Because none of the locations contain suitable habitat for this species and the work would be of short duration with a small footprint, these projedts would have **No Effect** to river otter.

Rufa Red Knot

No records of *rufa* red knot have been documented within 5-miles of any of the project locations. *Rufa* red knot is an extremely rare migrant through Nebraska and rarely stays in any location for more than a few hours. In addition, no suitable habitat for the *rufa* red knot exists at or directly adjacent to the locations of the automated gate and camera installations. Because none of the locations contain suitable habitat for this species, and because occurrence of this species is rare in Nebraska and no known occurrence has occurred at any locations adjacent to the projects, the project activities would have **No Effect** to *rufa* red knot.

Small White Lady's Slipper and Western Prairie Fringed Orchid

These species are typically found in undisturbed sub-irrigated wet meadows and mesic prairie sites. Because these installation locations are all located on highly disturbed, dry I-80 ROW embankments, suitable habitat does not exist at any of the project locations for these species. Therefore, these projects would have **No Effect** to small white lady's slipper or western prairie fringed orchid.

May Affect, Not Likely to Adversely Affect

The following species have potentially suitable habitat within the vicinity of the Projects and were moved forward to the Matrix spreadsheet. The Matrix identified a "may affect, not likely to adversely affect" determination for the following listed species: Interior least tern, piping plover, mountain plover, swift fox, and whooping crane.

Interior Least Tern and Piping Plover

Suitable habitat for nesting Interior least terns and piping plovers (open sandbars and sandy beaches) does exist within ¼-mile and is visible adjacent to the automated gate installation locations at MM 248.56 in Dawson County (Overton Interchange) and MM 257.04 in Buffalo County (Elm Creek Interchange). All other locations adjacent to the Platte River are screened by large woody vegetation, human development, or are more than a ¼-mile away. The activities *Clearing and Grubbing – Non-Woody Vegetation*; *Clearing and Grubbing – Trees & Shrubs*; *Erosion Control – Vegetation*; *Lighting, Traffic and Pedestrian Signals, Dynamic Message Signs with Soil Disturbance*; *Signs with Soil Disturbance*; and *Underground Utility Conduit Installation* have the potential to affect these listed species by noise and/or human presence disturbing individuals during the migration and breeding seasons; however, the work would be short in duration and have a very small footprint. NDOR will implement specially developed conservation conditions (used on previous automated gate, DMS, and camera projects) for interior least tern and piping plover to ensure there are no impacts to these listed species. With the implementation of conservation conditions, this project **May Affect,** but is **Not Likely to Adversely Affect** interior least tern and piping plover.

Mountain Plover

The automated gates project sites in Cheyenne and Kimball counties are within the mountain plover range and the Project limits in both Cheyenne and Kimball counties are within ¼-mile of suitable habitat for this species (short grass prairies, tilled cropland or gently rolling to level topography). The activities *Clearing and Grubbing – Non-Woody Vegetation*; *Clearing and Grubbing – Trees & Shrubs*; *Erosion Control – Vegetation*; *Lighting, Traffic and Pedestrian Signals, Dynamic Message Signs with Soil Disturbance*; *Signs with Soil Disturbance*; *Survey and Staking*; and *Underground Utility Conduit Installation* have the potential to affect this listed species by noise and/or human presence disturbing individuals during the breeding season during construction. NDOR will implement specially developed conservation conditions (used on previous automated gate, DMS, and camera projects) for mountain plover to ensure there are no impacts to this state-listed species. With the implementation of conservation conditions, this project **May Affect,** but is **Not Likely to Adversely Affect** mountain plover.

Swift Fox

While suitable habitat for the swift fox may be adjacent to some of the automated gate locations in Cheyenne and Kimball counties, the work would be of short duration and will have a very small footprint. NDOR will implement specially developed conservation conditions (used on previous automated gate, DMS, and camera projects) for swift fox to ensure there are no impacts to this listed species. With the implementation of conservation conditions, this project **May Affect,** but is **Not Likely to Adversely Affect** swift fox.

Whooping Crane

Potentially suitable habitat for whooping crane may be adjacent to the automated gate installation locations in Buffalo, Dawson, Hall, Hamilton, and Lincoln counties. The project activities have the potential to affect this listed species by noise and/or human presence disturbing individuals. NDOR will

implement specially developed conservation conditions (used on previous automated gate, DMS, and camera projects) for whooping crane to ensure there are no impacts to this listed species. With the implementation of conservation conditions, this project **May Affect,** but is **Not Likely to Adversely Affect** whooping crane.

Whooping Crane Critical Habitat

Review of the project locations in Dawson County showed that the project location at the Overton interchange (MM 248.56) and the project locations in Buffalo County at the Elm Creek Interchange (MM 257.04), Odessa Interchange (MM 263.69), West Kearney Interchange (MM 272.64), East Kearney Interchange (MM 275.63), Minden Interchange (MM 279.92), Gibbon Interchange (MM 285.66), and Shelton Interchange (MM 291.39) are located on the very north edge of federally designated whooping crane Critical Habitat. The proposed automated gates would be located in an already disturbed I-80 interchange ROW that does not contain any of the primary constituent elements of the designated critical habitat. The proposed automated gates are adjacent to I-80 and human developed lands. NDOR will implement specially developed conservation conditions for whooping crane Critical Habitat to ensure there are no adverse impacts to the Critical Habitat. With the implementation of conservation conditions, this project **May Affect,** but is **Not Likely to Adversely Affect** whooping crane Critical Habitat.

Summary of Effect Determinations:

Species	Effect Determination
American Burying Beetle	No Effect
Blowout Penstemon	No Effect
Colorado Butterfly Plant	No Effect
Finescale Dace	No Effect
Interior Least Tern	May Affect, Not Likely to Adversely Affect
Mountain Plover	May Affect, Not Likely to Adversely Affect
Northern Long-Eared Bat	No Effect
Northern Redbelly Dace	No Effect
Piping Plover	May Affect, Not Likely to Adversely Affect
River Otter	No Effect
Rufa Red Knot	No Effect
Small White Lady's Slipper	No Effect
Swift Fox	May Affect, Not Likely to Adversely Affect
Western Prairie Fringed Orchid	No Effect
Whooping Crane	May Affect, Not Likely to Adversely Affect
Whooping Crane Critical Habitat	May Affect, Not Likely to Adversely Affect

NDOR would implement the following conservation conditions to ensure these projects will not have an adverse effect on listed species:

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)

To eliminate potential indirect impacts to species sensitive to night-time lights:

- Except for work within fully developed, urbanized areas, nighttime work with lights is prohibited.

Elm Creek - Alda (42772):

To eliminate potential noise and nighttime work impacts on interior least terns and piping plovers:

- Any work occurring in ***Buffalo County at the Elm Creek Interchange (MM 257.04)*** within ¼ mile of sandpit lakes or the Platte River should be done between August 15 – April 1. If work cannot be done during this time, steps shall be taken to avoid disturbing terns and plovers. While working, the contractor shall park their work vehicle(s) in a manner that would block the visibility of the stream, river, sand pit, or waterbody. Work is to be conducted as quickly and quietly as possible. Radios are to be turned off at the activity site.

To eliminate potential noise impacts on migrating whooping cranes:

- Any work occurring at the ***Wood River Interchange (MM 300.13) or Alda Interchange (MM 305.69)*** during Spring Migration: March 10 to May 10 or during Fall Migration: September 16 to November 16 shall be limited to daylight hours between 10:00 a.m. and 4:00 p.m.

To eliminate potential indirect impacts to whooping crane Critical Habitat:

- Construction activities will not be scheduled to occur at ***Elm Creek Interchange (MM 257.04), Odessa Interchange (MM 263.69), West Kearney Interchange (MM 272.64), East Kearney Interchange (MM 275.63), Minden Interchange (MM 279.92), Gibbon Interchange (MM 285.66), and Shelton Interchange (MM 291.39) in Buffalo County*** during Spring Migration: March 10 – May 10 or during Fall Migration: September 16 – November 16.
- Herbaceous species used for reseeding within ¼ mile of MM 248.56 in Dawson County will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity.

Grand Island - Waco (42773):

To eliminate potential noise impacts on migrating whooping cranes:

- Any work occurring at the ***Grand Island-Hastings Interchange (MM 312.10), Grand Island-Locust Street Interchange (MM 314.14) or Grand Island-Phillips Interchange (MM 318.17)***

during Spring Migration: March 10 to May 10 or during Fall Migration: September 16 to November 16 shall be limited to daylight hours between 10:00 a.m. and 4:00 p.m.

District 5 Automated Gates (51553):

To eliminate potential noise and nighttime work impacts on mountain plover:

- For work occurring in ***Cheyenne or Kimball counties***, all steps should be taken to avoid disturbing nesting mountain plovers. Mountain plovers nest on sites with short to sparse vegetation such as prairie dog towns or in areas that have been grazed or cultivated. While working, the contractor shall park their work vehicle(s) in a manner that would block the visibility to these areas. Work is to be conducted as quickly and quietly as possible. Radios are to be turned off at the activity site.

To eliminate potential noise impacts on denning swift fox:

- Steps shall be taken to avoid disturbing swift fox. Work is to be conducted as quickly and quietly as possible. Radios are to be turned off at the activity site. Camera towers shall not be placed over dens (animal burrows).

District 6 Automated Gates (61606):

To eliminate potential noise and nighttime work impacts on interior least terns and piping plovers:

- Any work occurring in ***Dawson County at the Overton Interchange (MM 248.56)*** within ¼ mile of sandpit lakes or the Platte River should be done between August 15 – April 1. If work cannot be done during this time, steps shall be taken to avoid disturbing terns and plovers. While working, the contractor shall park their work vehicle(s) in a manner that would block the visibility of the stream, river, sand pit, or waterbody. Work is to be conducted as quickly and quietly as possible. Radios are to be turned off at the activity site.

To eliminate potential noise impacts on migrating whooping cranes:

- Any work occurring at the ***Maxwell Interchange (MM 190.45), Brady Interchange (MM 199.00), or Cozad Interchange (222.49)*** during Spring Migration: March 10 to May 10 or during Fall Migration: September 16 to November 16 shall be limited to daylight hours between 10:00 a.m. and 4:00 p.m.

To eliminate potential indirect impacts to whooping crane Critical Habitat:

- Construction activities will not be scheduled to occur at ***Overton Interchange, MM 248.56 in Dawson County*** during Spring Migration: March 10 – May 10 or during Fall Migration: September 16 – November 16.
- Herbaceous species used for reseeding within ¼ mile of ***MM 248.56 in Dawson County*** will be native grass or forb species. Native shrub or woody species used in restoration should reach no more than 4 feet in height at maturity.

Concurrence Request

We respectfully request concurrence that the above listed project will result in a "**may affect**, **not likely to adversely affect**" determination for interior least tern, mountain plover, piping plover, swift fox, and whooping crane and whooping crane Critical Habitat with the implementation of the aforementioned conservation conditions, and will have "no effect" to all other state or federally listed species or designated critical habitat.

Prepared by NDOR Biologist:

Melissa Marinovich	Melissa Marinovich	October 26, 2015
Signature	Printed Name	Date

Approved by FHWA Environmental:

Scott Stapp	Scott Stapp	11/9/15
Signature	Printed Name	Date

NEBRASKA
GAME PARKS

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

11/23/2015

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

Re: Batched Automated Gates and CCTV projects- Districts 4, 5, 6
Elm Creek- Alda, ITS-NH-80-5(79), CN 42772, Buffalo and Hall Counties, NE
Grand Island- Waco, ITS-NHS-80-7-(162), CN 42773, Hall, Hamilton, and York Counties, NE
District 5 Automated Gates, ITS-NH-80-1(194), CN 51553, Kimball and Cheyenne Counties, NE
District 6 Automated Gates, ITS-NH-80-4(145), CN 61606, Lincoln and Dawson Counties, NE

Dear Mr. Stapp:

Please make reference to your letter dated 11/9/2015. This letter is in response to your request for concurrence regarding this project's potential impacts to endangered and threatened species in Buffalo, Cheyenne, Dawson, Hall, Hamilton, Kimball, Lincoln, and York counties, Nebraska. As we understand it, the project involves deploying automated gates and CCTV cameras on I-80 entrance ramps at several locations 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.

Parts of this project are within the range of the federally and state-listed endangered American burying beetle (*Nicrophorus americanus*), whooping crane (*Grus americana*), and interior least tern (*Sternula antillarum athalassos*), the federally listed endangered and state-listed threatened Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*), the federally and state-listed threatened western prairie fringed orchid (*Platanthera praeclara*), northern long-eared bat (*Myotis septentrionalis*), *rufa* red knot (*Calidris canutus rufa*), and piping plover (*Charadrius melodus*), the federally listed endangered swift fox (*Vulpes velox*) and the state-listed threatened river otter (*Lontra canadensis*), finescale dace (*Phoxinus neogaeus*), northern redbelly dace (*Phoxinus eos*), and mountain plover (*Charadrius montanus*). Habitat for interior least tern, mountain plover, piping plover, swift fox, and whooping crane exists within or near at least one of the proposed project locations, and project activities may prevent these species from using this habitat. 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 interior least tern, mountain plover, piping plover, swift fox, and whooping crane. Based on this information, we concur the proposed project "May Affect but is Not Likely to Adversely Affect" the aforementioned species and will have "no effect" on all other

state-listed endangered or threatened species. This concurrence is based on a review of the material you sent, aerial photographs, and our Nebraska Natural Heritage Database.

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

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

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

Sincerely,

Ryan Joe
Environmental Analyst
Planning and Programming Division

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

NDOR PQS Project Review Memo
Section 106 - Tier II Project

Control Number 61606 Project Number ITS-NH-80-4(145) Review Date 11/23/15

Project Name District 6 Automated Gates Project Location Lincoln and Dawson Counties

Date of Project Description Reviewed 12/17/14

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

THPO/Tribal Consultation? ☑ No ☐ Yes

THPO/Tribes(s): _____

Date Correspondence Sent: _____

THPO/Tribal response date: _____

THPO/Tribal comment:

CLG Consultation? ☑ No ☐ Yes

CLG: _____

Date Correspondence Sent: _____

CLG response date: _____

CLG comment:

Other Consulting Parties Identified:

n/a

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

Archeological Resources

Are NRHP listed or eligible properties present within the APE?

☑ **No** ☐ **Yes**

Please list:

Above Ground Resources

Are NRHP listed or eligible properties present within the APE?

☑ **No** ☐ **Yes**

Please list:

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

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

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

If Yes, describe:

Construction Commitments: ☑ No ☐ Yes

If Yes, detail here:

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

Tier II Project Evaluation Complete

Stacy Stupka-Burda

Digitally signed by Stacy Stupka-Burda
DN: cn=Stacy Stupka-Burda, o=NDOR, ou=Planning & Project Development, email=stacy.stupka-burda@nebraska.gov, c=US
Date: 2015.11.23 13:21:01 -06'00'

11/23/15

NDOR PQS Review

Date

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 by these undertakings. The APE for each of the four automated gate locations include existing right-of-way for automated gates, cctv cameras, truss towers and associated control cabinets and adjacent tracts required for trenching and boring for conduit. These small construction zones are all within the right-of-way of existing transportation facilities with extant visual intrusions common and therefore an expanded APE for visual impacts beyond areas of direct construction impact is not required for most locations. No detour routes are required. Definition of a broader *indirect* APE for secondary or cumulative impacts is also not required in this instance.

Nebraska Department of Roads

Project Description

Project Name: District 6 Automated Gates
Project No: ITS-NH-80-4(145)
Control No: 61606
Date of Last Revision: 12/17/14

Project Description: This project will deploy automated gates on the I-80 entrance ramps at the Maxwell Interchange 190 at mile marker (MM) 190+45, the Brady Interchange 199 at MM 199+00, the Cozad Interchange 222 at MM 222+49 and the Overton Interchange 248 at MM 248+56. This project will also deploy CCTV Cameras at the Maxwell Interchange 190 and the Overton Interchange 248. All interchanges are located within Lincoln and Dawson Counties.

Scope details include:

- Installation of automated gates, post mounted signs, climbable truss towers, and control cabinets all with ground rods.
- Trenching or jacking of electrical conduit and installation of pull boxes.
- Cameras will be installed at various locations.
- Construction activities may result in minor soil disturbance outside the hinge point.
- Project surveying and staking will be required.
- Areas disturbed during construction will be stabilized utilizing methods of erosion control.
- No additional property rights will be required to build this project.
- This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

Nebraska Department of Roads

Planning and Project Development

Hazardous Materials Memorandum

Date: April 24, 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 District 6 Automated Gates (C.N. 61606).

Overview

A hazardous materials review (HMR) was completed by NDOR for the District 6 Automated Gates project in April 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 dated December 17, 2014 was used for preparation of the HMR and this memo.

Hazardous Material Site Discussion

The HMR identified several facilities where past releases have occurred within the hazardous materials study area. Areas of trenching or boring for electrical conduit and pull box installation will occur outside the pre-existing roadway fill with an anticipated depth of excavation of up to 3 feet. The excavations for the installation of truss towers will be 4 to 8 feet deep but would occur at the center of the interchanges and within the pre-existing roadway fill. Groundwater is not anticipated to be encountered during construction. A majority of the facilities were existing or former gas stations where leaking underground storage tank investigations and remediation have occurred or are ongoing. All these sites were considered to be a low potential to impact the project given the distance from the location of the releases in relation to our project and excavations occurring beyond the pre-existing roadway fill are shallow.

No Superfund sites of landfills were identified within the hazardous materials study area.

Asbestos and Lead

No bridge modification or replacement is occurring with this project. No asbestos or lead mitigation is required.

Unexpected Waste Commitment

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

Sincerely,

Will Packard 4/24/16

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

Probable Class of NEPA Action Form

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

Date this DR-53 was Completed:	Control Number: *(NDOR Completes)*	Project No.: *(NDOR Completes)*
9/29/15	61606	ITS-NH-80-4(145)

Project Name:
District 6 Automated Gates

☐ LPA Project ☒ State Project

Local Public Agency or NDOR District and County Project Located In:
District 6 - Lincoln & Dawson Counties, Nebraska.

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

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

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

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

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

Please add any additional comments to support the information in this form. *(*Include any public involvement that has occurred.)*
T&E will need to be reviewed for potential effects. 4(f) resources in the area will need to be reviewed.

Document Preparer's Signature:
I certify the information in this form accurately reflects what I know about this project at this time.

Carrie Wencel	Digitally signed by Carrie Wencel DN: cn=Carrie Wencel, o=Highway Environmental Biologist/NEPA Specialist, ou=Nebraska Dept. of Roads, email=carrie.wencel@nebraska.gov, c=US Date: 2015.09.29 11:21:44 -05'00'	9/29/2015
(Print Name)	*Signature*	*(Date)*

NDOR- Hwy Environmental Biologist/ NEPA Specialist
(Organization and Title)

402.479.4836	carrie.wencel@nebraska.gov
(Phone – include Area Code)	*(Email)*

The following is for NDOR Use Only

*Environmental Justice/Title VI/*LEP

Civil Rights Staff completes the following:

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

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

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

Chris Hassler (Print Name) | Hwy Civil Rights Coordinator (Signature and Title) | 10/2/15 (Date)

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

EJ mno required.

Noise and Air Study

Noise & Air Section completes the following:

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

Is an air analysis warranted? ☐ Yes ☒ No

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

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

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

Will Packard (Print Name) | Hwy Env. Specialist (Signature and Title) | 10/6/15 (Date)

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

Public Involvement

Public Involvement Coordinator completes the following:

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

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

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

Sarah Kugler (Print Name) | Pub Inv. Coordinator (Signature and Title) | 10-14-15 (Date)

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

Probable Class of NEPA Action

NDOR Environmental Section completes the following:

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

- [x] Programmatic Categorical Exclusion or Categorical Exclusion
- [ ] Environmental Assessment
- [ ] Environmental Impact Statement

Carmen Pellish	Carmen Pellish Hwy Environmental Biologist NEPA Specialist	10/16/15
(Print Name)	*(Signature and Title)*	*(Date)*

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

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

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

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

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

To: Carrie Wencel, Highway Environmental Biologist/NEPA Specialist, NDOR
From: Chris Hassler, Highway Civil Rights Coordinator, NDOR
Date: 11 May 2015
RE: Civil Rights Analysis, CN 61606, ITS-NH-80-4(145), District 6 Automated Gates

Civil Rights Analysis for CN 61606

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 will deploy automated gates and CCTV cameras on I-80 entrance ramps at 4 locations within Lincoln and Dawson Counties. There will be no detour for this project.

Examination of Study Area Population: Census Data and Other Observations

The scope of this project is so minor that, even if the project sites were adjacent to minority or low-income populations, the possibility of disproportionately high and adverse effects to those populations simply does not exist.

Specifically:

> There will be no detours and no permanent road closures. Traffic will continue to flow throughout the projects.
>
> No right-of-way is being acquired.
>
> Access to adjacent properties will be maintained.
>
> There will be no isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community
>
> There will be no restrictions of access to essential services.
>
> There will be no relocations or building removal.

The NDOR Public Involvement Manager has indicated on DR Form 53 for this project that no public involvement activities are necessary beyond the project's inclusion in program-level documents. Therefore, no Limited English Proficiency data or analysis is required for this project because there will be no public involvement activities for the LEP outreach to enhance.

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 the scope of the project is so minor as to preclude the possibility of adverse effects.

No LEP outreach is required for this project because there will be no further public involvement activities for the LEP outreach to enhance.

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

May 26, 2016

Rodney Donner
P.O. BOX 458
Cozad, NE 69130-0458

Re: Project No.: 80-4(145)
Control No.: 61606

Dear Mr. Donner:

The Nebraska Department of Roads (NDOR) is proposing a project located along Interstate 80 (I-80) at Interchanges 190, 199, 222, and 248 in Deuel, Keith, Lincoln, and Dawson Counties. The airport located on your property is approximately 1.9 miles northwest of one of the proposed project Interchanges.

The construction would involve the installation of automated gates on the I-80 Access Ramps, and installation of a camera tower at interchanges that do not currently have one. The proposed project would be constructed under traffic, so no detour would be required. This project would require no acquisition of additional property rights.

We are writing to inform you of these activities as they may have potential impacts on the operation of your airport. These construction activities are scheduled to occur in 2017, and no further action is required on your behalf.

Please feel free to contact me with any questions or concerns regarding this project.
NOOR understands that roadway construction may cause temporary inconvenience and hardships, but we are dedicated to improving Nebraska's highway system. With your help, we can achieve this goal.

Sincerely,

Alicea Mc Cluskey, P.E.
ITS Project Engineer
402-479-3737
alicea.mccluskey@nebraska.gov

Attachments-Project Location Map

xc: Project File