



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

CE Review Level:

1 2 3 Re-evaluation

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

Appendix: A B

Paragraph: 25 26

Project Name:

Ashton West

Project Number:

S-92-4(1015)

Control Number:

42721

Location and Study Area:

The project is located in Sherman County beginning approximately 0.5 mile east of the Nebraska Highway 58 (N-58) and Nebraska Highway 92 (N-92) junction and extending east to the north edge of the Village of Ashton.

The Environmental Study Area (ESA) is confined to the length of this project (7.86 miles) plus half a mile on either end along N-92 including the existing right-of-way (ROW), plus 50 feet beyond ROW for most of the project length, and extending to 150 feet beyond the ROW at the bridges and culverts for wetlands and most other resources. For regulated materials the study area is extended 0.10 miles, and for Section 4(f) resources 0.25 miles beyond ROW. Termini are based on limits identified by NDOR pavement management system, District 4 and previous construction projects on this segment of highway.

Begin Point(s):

Mile Marker (MM)
323.39

End Point(s):

MM 331.25

Highway Number, Street, etc.:

N-92

Project Description:

This 3R (Resurfacing, Restoration and Rehabilitation) project would resurface 7.86 miles of N-92 located in Sherman County, starting just east of the south junction of N-92 and N-58 at mile marker (MM) 323.39, and extending east to MM 331.25, 0.44 miles east of the northwest corporate limits of Ashton. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

N-92 MM 323.39 – MM 331.25

The existing roadway on this segment of N-92 consists of two 12 foot wide asphalt lanes and 9 foot wide shoulders, of which 1½ feet is paved with asphalt.

The improvements on this project consist of widening and resurfacing the existing 27' roadway and installing underdrains, removing and replacing guardrail, and bridge repairs. The strategy would result in a 28' top roadway. The irrigation access roads would be realigned around the new guardrail layout, attached to the irrigation canal bridge.

Scope details include:

- The existing asphalt across the entire surfaced width would be milled prior to in-place recycling, and then resurfaced with asphalt.
- Grading beyond the hinge point would be required for the following work:
 - o Removal of several existing guardrail locations by grading.
 - o The remaining guardrail locations would be removed and replaced, requiring some minor grading.
 - o For culvert extensions
 - o Mailbox turnouts
 - o Correction of superelevation with a maximum increase of 3 to 4 inches.
 - o Earth shoulder construction
 - o Access road realignment at the Farwell South Irrigation Canal Bridge.
- The scope of work for the Farwell South Canal Bridge (Structure Number S092 32884) would have updated bridge rails. The existing guardrail would be removed and replaced.
- Install Underdrains perpendicular to the roadway centerline in several short segments within the project limits.
- Culvert extensions
- The Farwell South Irrigation access roads at approximately MM 328.84 would be realigned around the new guardrail layout.
- Existing surfaced driveways and intersections would be resurfaced.
- Beveled edges would be placed.
- Rock or gravel would be placed behind driveways and intersections to match the new asphalt.
- Mailbox turnouts would be constructed.
- Surfacing would be placed under the guardrail.
- The existing earth shoulders would be brought up to match the new asphalt.
- Project surveying and staking would be required.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as shown in the Storm Water Pollution Prevention Plan (SWPPP).
- Permanent pavement markings would be applied to all new surfacing.
- 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.
- There would be on-site mitigation for wetland impacts. A mitigation site would be constructed on the south side of Highway 92 near MM 327.86.

Purpose and Need (include for Level 3, NWP 23, and Section 4(f) Programmatic Evaluation):

N/A

Action is identified in the
Current STIP Date:

Subsequent Phase:

Estimated Cost (\$):

8/3/2016

Construction

\$5,696,000

The numbers in the parentheses (x) indicate the level of CE review that will be required.

All technical assessment approvals shall be made by NDOR Professional Qualified Staff (PQS) responsible for the resource category and are indicated by "NDOR PQS Determination Date."

Right of Way and Property Impacts

1.1 Easements/ROW – Will the action require the acquisition of new temporary or permanent right-of-way *including easements*)?

Yes (2) No (1) N/A

1.2 Will the action result in acquisition of greater than 2 acres per linear mile *(estimated)* or the removal of major property improvements?

Yes (3) No (2)

1.3 Describe type of property required for ROW and/or potential impacts to major property improvements:

Most of the right-of-way (ROW) that would be acquired for the project would be to move the access roads that parallel the Farwell South Irrigation Canal. The location where the roads connect to N-92 would be moved out away from the canal to accommodate the new guardrail that would be placed on the bridge. The existing land use for the new ROW consists primarily of ditch back slopes and pasture ground.

1.4 Estimated Acres of Permanent ROW/Easements:

7.45

1.5 Estimated Acres of Temporary ROW/Easements

0.64

1.6 Will the action result in any residential or nonresidential displacements?

Yes (3) No (2) N/A

2.1 Section 4(f) – Will the action result in a Section 4(f) use or qualify for Section 4(f) Exception?

Yes (2) No (1) N/A

2.3 Describe resources, impacts, and the coordination conducted with officials/agencies *(including FHWA approval date(s))*:

No properties were found in the study area.

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

Yes (1) No (1) N/A

Other Non-Threshold Property Impacts

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

Yes No

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

Yes No Unknown

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

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

Yes No

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

Yes No

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

Yes No N/A

4.6 Describe resources, impacts, and the coordination conducted with officials/agencies (including FHWA):

A minor amount of right-of-way would be acquired to complete the project. This right-of-way would be predominantly agricultural, thus requiring the completion of the NRCS-CPA-106 Farmland Conversion Impact Rating for Corridor Type Projects form.

The NRCS-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) form shows that the Part VI section assessment point total is 49. The NRCS-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) form is based on a point system that has 160 points set as the minimum number limit for "Total Points" that triggers additional in-depth site reviews. The NRCS evaluation portion Part V is on a scale of 0 to 100 points. That means that the Federal Agency Part VI "Total Site Assessment Points" must be at least 60 to even warrant the possibility of reaching the 160 "Total Points" level of concern. In the case with this project, the highest possible "Total Points" that could be reached would only be 49. No further coordination would be required.

Utility conflicts are anticipated to occur due to the construction of the project, however, no federal funds would be used to relocate any facilities, and the project contractor would not be responsible for the relocation of any facilities.

CenturyLink has existing communication facilities within the highway right-of-way of this project that may be in conflict with project construction. At approximately MM 322.50 and MM 324.07 on N-92, CenturyLink may be required to lower their facility to accommodate project culvert construction. The contractor would meet with CenturyLink in the field to determine the extent of any necessary protective measures. Any necessary relocation would be provided by CenturyLink and/or their contractor to accommodate project construction.

Loup Valleys Rural Public Power District (RPPD) has existing facilities within the limits of construction for this project. The pole located at approximately MM 329.78, 91 feet right, is in conflict with project construction and would be relocated by Loup Valleys RPPD's forces, or their contractors, prior to construction to accommodate the highway project.

Nebraska Central Telephone Company (NCTC) has existing buried cable facilities within the limits of construction. Coordination with the contractor prior to the start of construction would be necessary. Any conflicts would be mitigated by NCTC to accommodate the highway project.

Nebraska Public Power District (NPPD) has identified one pole at approximately MM 327.15±, 143 feet left, that is in conflict with the project. Prior to the beginning of construction, NPPD would relocate this facility to a new location outside the project limits of construction.

The Village of Ashton has existing water and sanitary sewer mains in the vicinity of this project, however no conflicts are anticipated.

4.7 Describe Mitigation for Above Non-Threshold Resources:

If federal funds are used for any utility relocation deemed necessary later in the project, or if a determination is made that the construction contractor will relocate or remove utilities, a re-evaluation would be necessary. (NDOR Environmental)

All affected utilities shall be coordinated through NDOR and the Contractor as per NDOR's Standard environmental commitments, the NDOR Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

Any utility adjustments or interruption of service for the convenience of the Contractor shall be the sole responsibility of the Utility. Any environmental permits required for utility relocations shall be the responsibility of the Utility. (Utility Provider(s))

Water and Ecological Resources:

5.1 Wild and Scenic/National Recreational Rivers – Will the action cross or occur adjacent to a Wild and Scenic River, National Recreational River Segment, or a river listed on the nationwide rivers inventory, including its buffer area?

Yes* No N/A

Note: If Yes, the proposed action can be processed as a Level 1 [all Appendix A categories] or a Level 2 Action [Appendix B categories other than (26), (27), and (28)] if the Agency with Jurisdiction has determined the action will not result in an impact.

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

Yes (1) No (1) N/A

If Yes, attach permits to the CE document. If a floodplain permit has not been obtained, add commitment that one will be obtained prior to the start of construction.

6.2 Will the action cause a greater than 1-foot rise in the Base Flood Elevation (BFE), any rise in a floodplain that potentially impacts an adjacent structure, or any rise in a floodway?

Yes (3) No (1) N/A

6.3 Will the actions reviewed under Appendix B, Paragraphs (26), (27), and (28) result in a floodplain encroachment other than functionally dependent uses or actions that facilitate open space use?

Yes (3) No N/A

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

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

The floodplain is located within the Village of Ashton's Extraterritorial Jurisdiction and the water is conveyed through a 10' x 10' concrete box culvert (CBC) located at MM 331.16. The overlay of the highway would not cause the base flood elevation to increase.

No work would be done to the triple 10' x 10' CBC itself, the overlay of the roadway over the top of the culvert is a functionally dependent use and cannot perform its intended use without being located in close proximity to the floodplain (coordination with NDOR Hydraulics attached).

There are no other floodplain locations along the project alignment.

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

Yes (1) No (1)

7.2 Will the action result in wetland impacts in accordance with Section 404 of the Clean Water Act and/or Nebraska State Title 117?

Yes (1) No (1)

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

Yes (2) No (1) N/A

7.4 Estimated Permanent Wetlands Impacts:

0.43

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

Yes (2) No (1) N/A

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

Yes (3) No (2) N/A

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

During a wetland delineation in September 2012 wetlands and/or Waters of the U.S. were located in the project study area. Based on the delineation and design of the project impacts were estimated. Wetland impacts can be broken down into approximately 0.401 acres of Palustrine Emergent (PEM), and 0.0264 acre of Palustrine Scrub Shrub (PSS). Channel impacts would include approximately 109 linear feet of channel permanently impacted by structure improvement and roadside grading, across nine locations. This project would require NWP 14 and impacts would be mitigated at a on-site, permittee responsible site. The site is planned to be located along the south side of N-92 near MM 327.86.

7.8 Wetlands/Waters of the U.S. Mitigation:

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

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

The project shall 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)

8.1 **Impaired Waters, Section 402, and MS4** – Are there any impaired waters within or adjacent to (0.5 mile) the project study area?

Yes No

8.2 Does the project occur within a MS4 community?

Yes No

8.3 Does the project require a NPDES storm water permit (*ground disturbance of greater than 1 acre*)?

Yes No

If Yes, add standard Erosion Control plans and Storm Water Pollution Prevention Plan (SWPPP) commitment to the mitigation commitments.

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

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

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

Yes (2) No (1)

NDOR PQS Determination Date:

6/1/2016

9.4 Suitable habitat for eagle nesting is reviewed as part of the *Matrix* Biological Evaluation process and projects are evaluated for compliance with the Bald and Golden Eagle Protection Act (BGEPA). This project was reviewed for potential impacts to bald and golden eagles resulting in the following determination:

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

It has been determined that suitable habitat does exist within 0.5 mile of the Environmental Study Area. NDOR will utilize the Bald and Golden Eagle Survey Protocols to determine when a survey for nests and/or roosts should be conducted. If nest(s) are present within 0.5 mile of the project area, NDOR will notify the Nebraska Game and Parks Commission and the United States Fish and Wildlife Service, and construction will not commence prior to their approval.

9.5 This project will comply with the Migratory Bird Treaty Act (*MBTA*) in accordance with NDOR's Avian protection Plan (*APP*) and Biological Evaluation *Matrix* Appendix A.

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

Coordination Required N/A

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

The project would have "No Effect" to all state or federally listed species or their designated critical habitat.

9.8 Species Mitigation:

S-2 Platte River Depletions. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.

S-3 Revegetation. All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. (NDOR Environmental)

S-4 Sensitive Areas. Environmentally Sensitive Areas will be marked on the plans, in the field, or in the contract by NDOR Environmental for avoidance. (NDOR Environmental, District Construction)

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

Human and Social Resources

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

Yes (1) No (1)

10.4 Historic Property Determination

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

Yes No

Has coordination occurred with THPO?

Yes No

Has coordination occurred with CLG?

Yes No

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

Yes (1) No (1)

11.2 Will the action result in more than a Low Potential for encountering hazardous materials during construction (excluding Lead Based Paint or Asbestos Containing Material)?

Yes (2) No (1)

11.2A There is potential for the project to encounter Lead Based Paint (LBP). LBP standard specifications shall apply to the proposed project.

Yes N/A

11.2B Asbestos Containing Materials (ACM) has been identified on bridge structures. ACM specifications will be included in the contract by special provisions.

Yes N/A

11.4 Will any soil disturbance occur below or beyond preexisting roadway fill within an active Superfund Site?

Yes (3) No (1)

NDOR PQS Determination Date:

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

The HMR did not identify any release within 0.1 miles of construction. Two unlicensed landfills (Ashton Landfill West and Ashton Landfill East) were identified about ¾ of a mile South of N-92. Because groundwater is not expected to be encountered (> 9 feet bgs), there is a low potential of encountering contamination originating from these landfills during construction.

The scope of bridge work requires updating the bridge rail of structure S092 32884. No asbestos commitments are required. The lead shims under the bridge rail posts were tested for lead and the results were negative. No Lead commitments are required.

11.6 Hazardous Materials Mitigation:

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. (Contractor)

12.1 **Traffic Noise** – Does the project qualify as a Type I Project under NDOR’s Noise Policy?

Yes (3) No (1) N/A

13.1 **Air Quality** – Will the action increase capacity in exceedance of 100,000 vehicles per day in the 20th year following construction; will it result in a high potential for Mobile Source Air Toxics (*MSAT Level III*) effects; or is it considered *Regionally Significant* within a designated non-attainment area?

Yes (3) No N/A

14.1 **Roadway** – Will the action result in the addition of through-lane capacity?

Yes (3) No (1) N/A

15.1 **Traffic Disruption** – Will the action result in minor traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days?

Yes (2) No (1)

15.3 Will temporary roads, detours, or ramp closures substantially change the environmental consequences of the action?

Yes (3) No (1)

15.4 Will the action result in adverse travel (*out-of-direction*) greater than 5 miles in urban areas or 25 miles in rural areas?

Yes (3) No (1)

15.5 Will the action result in temporary or permanent interference with local special events or festivals?

Yes (3) No (1)

15.6 Will the action result in temporary or permanent adverse effects to through-traffic dependent business?

Yes (3) No (1)

15.7 Will the action result in permanent traffic pattern changes or disruptions?

Yes (3) No (1)

If a detour is required for the project, attach a map to the CE document.

15.8 Traffic Disruption Comments:

The Nebraska Junk Jaunt is held in late September each year and the project alignment is included in the area of the event. There would be no detour and traffic would remain, although may be slowed at times during construction.

15.9 Traffic Disruption Mitigation:

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

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

Yes (1) No (1)

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

Yes (3) No (1)

16.6 Will the action change the functionality of adjacent properties?

Yes (3) No (1)

16.7 Access Disruption Comments:

The ditch rider roads (access roads that parallel the Farwell South Irrigation Canal) would be realigned to accommodate the new guardrail. The access points to these roads would be close for a short time during the project (2-3 days each) to tie the new alignment back into the existing alignment. The roads would still be accessible from the opposite ends of the road (north side of the north road, south side of the south road). See 22.1 for coordination with Farwall South Irrigation Distirct.

16.8 Substantial Access Disruption Mitigation:

Access to adjacent properties shall be maintained at all time during construction but may be disrupted temporarily at times due to construction activities, but shall not be closed. (Contractor)

17.1 Environmental Justice – Are protected populations within the study area?

Yes (1) No (1)

NDOR Highway Civil Rights Specialist Determination Date:

5/11/2016

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

See attached DR-53 for the Environmental Justice determination.

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

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

18.2 Public Involvement Mitigation:

A minimum of one news release shall go to all local and area media, and be posted on the NDOR website, prior to the start of construction work. (NDOR District, NDOR Communications)

19.1 Unresolved Controversy – Based on public involvement carried out per NDOR's procedures, is there any known public or agency controversy on human, natural, or economic grounds associated with the action?

Yes No

If Yes, coordinate with FHWA to determine the proper level of environmental review.

Contract Provisions Required

20.1 Wellhead Protection Special Provisions

Yes No

20.2 General Conditions for Nationwide Permit

Nationwide
Permit:

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Yes No

20.3 Federal Aviation Administration (FAA) Form 7460-1

Yes No

20.4 General Conservation Conditions from the Matrix PA

Yes No

T&E General Conditions:

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

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

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

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

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

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

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

Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed

activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOR Environmental which will coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOR, prior to starting the above listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (NDOR Environmental, District Construction, Contractor).

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

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

The proposed action will be carried out in compliance with Executive Order 13112 (*Invasive Species*). The project contractor shall comply with Special Provision A-43-2010 amending NDOR Specification 107.01 to include the following: The Contractor shall prevent the transfer of invasive plant and animal species. The Contractor shall wash equipment at the Contractor's storage facility prior to entering the construction site. The Contractor shall inspect all construction equipment and remove all attached vegetation and animals prior to leaving the construction site.

21.1 No Indirect or Cumulative Impacts

This box can be checked if after careful consideration of the Indirect and Cumulative Impact analysis guidance in the CE instructions and the facts of the project, the following statement is determined to be true:

"Indirect effects from this project are not anticipated. This project will not induce growth, change land uses, substantially change travel patterns within a community, or substantially impact water quality, drainage patterns or other resources of concern. Since no substantial human, environmental or economic impacts have been identified for this project; no cumulative impacts are expected."

21.3 Cumulative Impacts:

There are currently five projects planned to be constructed near the Ashton West project, four of which have an anticipated letting date for the fall of 2018 or later. The remaining project, CN 42604 Hazard to Loup City has a letting date of 12/14/2017. Based on the anticipated start of construction for Ashton West of July 2017, these projects would not overlap in construction, and both projects would be completed under traffic. There are no anticipated cumulative impacts associated with this project.

22.1 Additional Comments:

Coordination with the Farwell Irrigation District regarding the Farwell South Irrigation Canal took place from June 13 - June 17, 2016. From this coordination special provisions were set to ensure that construction of the project would not impede on the daily operation of the canal. There would be no large machinery allowed under the bridge or below the grade elevation, only small hand tools that would cause no disturbance to the soil. Efforts would be made to prevent debris from falling into the canal. Any work that would need to be done under the canal bridge would be completed outside of the irrigation season (April 15 - September 15). See 23.1 for construction commitments.

23.1 Project Mitigation:

Mitigation for Above Non-Threshold Resources:

If federal funds are used for any utility relocation deemed necessary later in the project, or if a determination is made that the construction contractor will relocate or remove utilities, a re-evaluation would be necessary. (NDOR Environmental)

All affected utilities shall be coordinated through NDOR and the Contractor as per NDOR's Standard environmental commitments, the NDOR Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

Any utility adjustments or interruption of service for the convenience of the Contractor shall be the sole responsibility of the Utility. Any environmental permits required for utility relocations shall be the responsibility of the Utility. (Utility Provider(s))

Wetlands/Waters of the U.S. Mitigation:

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

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

The project shall 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)

Impaired Waters, Section 402, and MS4 Mitigation:

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

General Conservation Conditions from the Matrix PA:

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

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

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

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

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

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

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

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

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

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

Species Mitigation:

S-2 Platte River Depletions. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.

S-3 Revegetation. All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. (NDOR Environmental)

S-4 Sensitive Areas. Environmentally Sensitive Areas will be marked on the plans, in the field, or in the contract by NDOR Environmental for avoidance. (NDOR Environmental, District Construction)

Hazardous Materials Mitigation:

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. (Contractor)

Traffic Disruption Mitigation:

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

Substantial Access Disruption Mitigation:

Access to adjacent properties shall be maintained at all time during construction but may be disrupted temporarily at times due to construction activities, but shall not be closed. (Contractor)

Public Involvement Mitigation:

A minimum of one news release shall go to all local and area media, and be posted on the NDOR website, prior to the start of construction work. (NDOR District, NDOR Communications)

Additional Mitigation:

BORROW SITE

Any material needed will be provided by the Contractor. The Contractor shall try to obtain borrow from an upland site to prevent depletion issues. If the borrow site is within a depletion area of concern, the Contractor shall coordinate with the appropriate agencies and NDOR to offset or minimize impacts. The Contractor shall obtain all environmental clearances and permits required for the borrow site prior to obtaining borrow material for the project.

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

WELLHEAD PROTECTION AREAS

A portion of the project has been identified as being located within the Village of Ashton Wellhead Protection Area. NDOR's Standard Specifications 107.01, 107.09 and 107.16 address the Contractor's responsibility to keep fully informed of, observe and comply with all federal, state and local laws and ordinances that affect the conduct of the work. (Contractor)

BRIDGE CONSTRUCTION

The Contractor Shall take all necessary precautions, during construction, to prevent debris from falling in the channel. (Contractor)

The Contractor shall not be allowed to have heavy machinery or equipment under the bridge or below the grade elevation. Only small hand operated, hand transported equipment or hand tools shall be allowed. In no event shall methods or equipment be used that will cause displacement of the soil. Power operated hand tools that cause no disturbance or the soil shall be allowed. (Contractor)

Any work on the bridge and/or rider roads shall not adversely interfere with the operations of the Farwell Irrigation Canal (S092 32884). Any work completed under the Canal bridge shall be completed outside of the irrigation season (April 15 - September 15). (Contractor)

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

Paragraph: (c)

Activity: 26

Prepared by:

Ryan Walkowiak

Organization:

NDOR, Environmental Documents Unit

Phone:

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Email:

ryan.walkowiak@nebraska.gov

Signature:

Ryan Walkowiak Digitally signed by Ryan Walkowiak
Date: 2016.08.08 14:50:20 -05'00'

Date:

7/29/2016

Reviewed by Project Sponsor:

Name:

Kevin Krolikowski

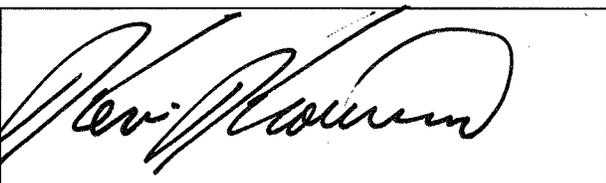
Organization:

NDOR

Title:

Engineer IV, Roadway Design

Signature:



Date:

8/11/2016

NDOR has determined the information in this form is accurate and the project is in compliance with the *OPERATIONAL DRAFT 2015* Categorical Exclusion Programmatic Agreement between FHWA and NDOR, and satisfies the criteria of 23 CFR 771.117(a) no significant impact and (b) no unusual circumstances. The mitigation identified above shall be implemented for the project.

NDOR Environmental NEPA Specialist Signature:

Date:

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

Date:

FHWA Environmental Specialist (*Level 3 Requirement*):

Date:

If the scope of work changes, existing conditions change, or applicable regulations change, NDOR shall reevaluate this determination in accordance with the *NDOR reevaluation procedures*.

Reevaluation Approval (*if necessary*):

Date: