



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: C

Project Name:

Talmage North Bridges

Project Number:

STP-67-2(109)

Control Number:

12974A

Location and Study Area:

The Talmage North Bridges Project includes the reconstruction of structures over the North Fork of the Little Nemaha River and one of its tributaries on Nebraska Highway 67 (N-67) in Otoe County, at mile markers (MM) 52.06, or 0.4 mile west of the east junction of N-67 and Nebraska Highway 128 (N-128), and MM 53.12, or 0.46 mile north of the west junction of N-67 and N-128. For wetlands and most other resources, the Environmental Study Area (ESA) extends 250 feet on either side of the Project centerline and a half mile on either end of the Project beginning and end points including existing right-of-way (ROW) and extending 150 feet beyond the ROW at bridges and culverts for wetlands and most other resources. For regulated materials the study area extends to at least 0.1 mile radius from the bridge structures and culverts, and for Section 4(f) properties, 0.25 mile beyond ROW. The logical termini are based on limits identified by NDOR's Bridge Inventory and Rating System and Bridge Division, and previous construction projects on this segment of highway.

Begin Point(s):

MM 52.06 & MM 53.12

End Point(s):

N/A

Highway Number, Street, etc.:

N-67

Project Description:

This project would reconstruct structures located over the North Fork of the Little Nemaha River and one of its tributaries on N-67 in Otoe County, at mile markers (MM) 52.06, or 0.40 mile west of the east junction of N-67 and N-128, MM 53.12, or 0.46 mile north of the west junction of N-67 and N-128. Construction may begin approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing approach roadway on these segments of N-67 consists of the following typical sections beyond the limits of the bridge structures:

- MM 52.06: This segment consists of two 11-foot-wide asphalt lanes and earth shoulders; 2-foot-wide left and 3-foot-wide right. The clear roadway width at this structure is 22.3 feet.
- MM 53.12: This segment consists of two 11-foot-wide asphalt lanes and 2-foot-wide earth shoulders. The clear roadway width at this structure is 24 feet.

The improvements on this project consist of removing and reconstructing Structure Numbers S067 05206 and S067 05312. The adjacent pavement, for approximately 300 feet beyond the ends of the bridges, would be removed and reconstructed as necessary to accommodate the bridge construction. Additional roadside grading, including some ditch grading/reshaping, would be required. Guardrail would be removed and replaced at all structures, with surfacing underneath.

Scope details include:

- Grading beyond the hinge point would be required for the following work:
 - Bridge removal and reconstruction
 - Bridge approach construction and/or replacement
 - Contractor access bridges and/or access crossing with pipes
 - Existing roadway removal and replacement (with widening) as needed for bridge replacement, approximately 300 feet beyond the end of the bridges.
 - Earth shoulder construction
 - Foreslope and ditch grading, this would include some minor grading at Lorton as well as the 300 feet beyond the ends of the bridges.
 - Guardrail removal and replacement which would include grading
 - Temporary surfacing
- The culverts at MM 52.35 and MM 52.36 would be removed and replaced. The culvert near Lorton at MM 52.40 would be removed and replaced with two - 24-inch culvert pipes (24" x 68' and 24" x 70'). There would also be a 36" x 50' drive pipe replaced under the field access on the south side of N-67.
- Three drives would be relocated as a result of the bridge work and new drive pipes placed. This would require additional foreslope grading as well as ditch grading.
- Drop pipes would be added at the NE & SW corners of structure S067 05206 and at the NE & SW corners of structure S067 05312.
- The bridge (Structure Number S067 05206) located over the North Fork of the Little Nemaha River would be removed and replaced with a new bridge. There would be some existing vertical profile adjustments which would extend the reconstructed roadway limits approximately 300 foot to the east and west of the bridge. Approach slabs and grade beam on pile would be added. The bridge would be surfaced with 3-inch asphaltic concrete with membrane upon completion. A temporary access bridge would be needed to build the new bridge. The existing guardrail would be removed and replaced and surfacing added. This bridge would be built on alignment with the use of a detour.
- The bridge (Structure Number S067 05312) located over a tributary of the North Fork of the Little Nemaha River would be removed and replaced with a new bridge. There would be no vertical profile adjustments at this location. Approach slabs and grade beam on pile would be added. The bridge would be surfaced with 3-inch asphaltic concrete with membrane upon completion. A temporary access crossing and/or contractor crossing would be used to build the new bridge. The existing guardrail would be removed and replaced and surfacing added. This bridge would be built on alignment using phased construction.
- Surfacing would be placed under the guardrail.
- Areas disturbed during construction would be stabilized utilizing methods of erosion control as defined in the Storm Water Pollution Prevention Plan (SWPPP). Although the total area of disturbance may be less than one acre, a SWPPP would be needed.
- Pavement removal and replacement adjacent to the structures would be necessary, approximately 300 feet beyond the end of bridges.
- The reconstructed roadway segments would be widened.
- Foreslopes within the segments of reconstruction would meet minimum design standards for New and Reconstruction projects.
- 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 with the use of both a detour and under traffic with lane closures controlled with approved temporary traffic control.

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

The purpose of this project is to preserve the transportation asset, improve the reliability of the transportation system, and perpetuate the mobility of the traveling public. The need for this project is based on information from the NDOR’s Bridge Division, NDOR Roadway Design, Bridge Inventory and Rating System, District 1, and biennial inspections. These entities have determined that culvert work is needed due to the deteriorated condition of the rusted pipes, and that the distresses present on the bridges, Structure Number S067 05206 and Structure Number S067 05312 are as follows:

S067 05206

This structure is a steel truss, simple girder bridge that was constructed in 1951 and is eligible for listing on the National Register of Historic Places. In 2010, the deck joints were repaired and there were several areas of full depth deck repairs without additional reinforcement. No other contract maintenance has been performed since. The most recent biennial inspection conducted in July 2014, indicates the following; there is corrosion of the underside of the deck from several years of leakage and inadequate floor drains, there are areas of delamination, there has been damage to the aerial bracings caused by collisions with traffic, and the steel piling is in poor condition due to corrosion from the presence of moisture in the embankment. This structure has a sufficiency rating of 38.4, which indicates a “Structurally Deficient” condition.

S067 05312

This structure is a steel girder bridge that was constructed in 1954. In recent years, the deck has had some concrete patching and one of the wing walls has been repaired. No other contract maintenance has been performed since. The most recent biennial inspections conducted in February 2015, indicates the following; the underside of the deck has some scaling, there is corrosion on the ends of the girders in localized areas at both abutments, the bearings at both abutments have corrosion with localized areas of heavy corrosion, the steel pile in both abutments have corrosion and several piles have penetration through the front flange, and one abutment has severe corrosion and holes in both webs and flanges. This structure has a sufficiency rating of 26.5, which indicates a “Structurally Deficient” condition.

Action is identified in the
 Current STIP Date:

Subsequent Phase:

Estimated Cost (\$):

8/3/2016

Construction

\$4,788,000

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:

The project would require additional ROW near S067 05206 and S067 05312. In association with replacing S067 05206, approximately 2.41 acres of new ROW would be required both north and south of the new bridge. The current land use adjacent to the bridge is row-crop agriculture and creek bottom/bank. Replacing S067 05312 would require approximately 1.46 acres of new ROW east and west of the new bridge and the impacted land use is also row-crop agriculture and creek bottom/bank. To help facilitate construction of the two bridges, the project would also require 1.95 acres of temporary easements near the two structures and the culvert replacements near MM 52.35. Approximately 0.61 acre and 1.25 acres of temporary easement would be needed for S067 05206 and S067 05312, respectively. The temporary easements would temporarily impact agricultural fields near the two structures. Approximately 0.09 acre of temporary easement would be needed for culvert replacements near MM 52.35 and MM 52.36.

1.4 Estimated Acres of Permanent ROW/Easements:

3.87

1.5 Estimated Acres of Temporary ROW/Easements

1.95

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

2.2 Will the action result in an Individual Section 4(f) Evaluation?

Yes (3) No (2)

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

The Little Nemaha River Bridge (S067 05206), a Pratt overhead Truss bridge, is eligible for listing on the NRHP under Criterion C of NRHP Criteria for Evaluation. The Little Nemaha River bridge is a 192-foot-long steel through-truss bridge constructed in 1951. In association with the July 2014 National Bridge Inventory (NBI) biennial/fracture critical inspection, the Little Nemaha River bridge was determined to be structurally and functionally deficient. Coordination letters were sent to the Nebraska City Historical Society, Ponca Tribe, and Iowa Tribe. The Historic Bridge Treatment/Alternatives Evaluation was completed for the Project, and concluded that all avoidance treatments and alternatives would require replacement or substantial repair or modification of the existing Little Nemaha River Bridge truss design and exceptional engineering elements, which are considered the character defining features of the bridge's historic significance. The following alternatives were reviewed prior to determining that the bridge would be replaced: Do nothing, build a new structure at a different location without affecting the historic integrity of the old bridge, and rehabilitate the historic bridge without affecting the historic integrity of the structure. The Alternatives Evaluation document also serves as the Programmatic Section 4(f) Evaluation and Approval for FHWA Projects that Necessitate the Use of Historic Bridges.

The Programmatic Agreement would be approved as part of the Categorical Exclusion for the project. A Memorandum of Agreement (MOA) between FHWA, NDOR, and Nebraska SHPO was signed on May 13, 2016. The MOA contains a requirement for documentation of the bridge prior to demolition or repair. See Historic Properties Mitigation - also applicable to Section 4(f).

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):

Utilities:

There are three utilities that would be adjusted in order to complete the work for the project. All utility work would be completed using state funding.

Nebraska City Utilities has existing power line facilities located within the existing ROW at both bridge locations. Nebraska City Utilities would relocate its facilities in conflict to new locations clear of the new highway ROW. These facilities would be relocated to new locations clear of the new highway ROW and new temporary easements.

Otoe County Rural Water District (RWD) No. 1 has a water line attached to the structure S067 05206 and has buried water lines within the highway ROW. Plans have been prepared for the temporary shut off of the water line and the permanent relocation of buried pipeline facilities within the highway ROW, and will remain closed until the completion of the highway project. Waterline relocation is anticipated to be completed after the beginning of construction, and would be completed by Otoe County RWD and their contractors.

At structure S067 05312 Otoe County RWD has an existing buried water line within the western highway ROW. Plans have been prepared for the permanent relocation of existing buried pipeline facilities to new locations on private easement outside of the existing, new permanent, and new temporary highway ROW. Relocation must be completed before the beginning of construction to maintain water service to the Village of Lorton. The relocation work would be completed by Otoe County RWD and their contractor.

Windstream has existing communication facilities in conflict with the project at the culvert locations in Lorton, Ne. that would be abandoned in place. They also have a buried cable at the bridge structure S067 05206 that would be left in place during construction. If necessary, existing pedestals on the north side of the existing bridge would be raised by Windstream and their contractor, in coordination with the State contractor. The remainder of the existing Windstream facilities are outside of the project Limits of Construction.

Farmland:

The Project would convert 2.6 acres of farmland into NDOR right-of-way.

The NRCS-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) form shows that the Part VI section assessment point total is 45. 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 145. No further coordination would be required.

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))

Relocation of the existing water pipeline at structure S067 05312 shall be completed before the beginning of construction to maintain water service to the Village of Lorton. (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:

The Project is located within the Zone A floodplain of the North Fork of the Little Nemaha River and a tributary of the North Fork of the Little Nemaha River. Otoe County issued NDOR a floodplain development permit on March 21, 2016.

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:

The Project would permanently impact 0.3991 acre of PEMA/C wetland and 0.0301 acre of PFOA wetland. The Project would also result in temporary impacts on 0.066 acre of PEMA/C wetland. For all permanent wetland impacts, NDOR anticipates to allocate wetland mitigation credit from its Rock Creek Wetland Mitigation Bank.

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).

All wetlands/waters within the project area that are not permitted for impacts shall be marked on the 2W aerial sheets for the contractor as avoidance areas. (NDOR Design, District Construction)

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.

8.4 Describe resources, potential impacts, and any coordination conducted with officials/agencies:

The North Fork of the Little Nemaha River (NE3-13100) is listed as a Category 5 impaired water in the 2014 NDEQ Integrated Report. Impairments include Recreation-Bacteria, with E. coli listed as pollutants of concern.

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

There are Category 5 impaired waters in the project study area; BMPs shall be reviewed and developed as necessary during the erosion control review process. If mitigation is required for impaired waters, it shall be captured in the project's erosion control plan sheets and special provisions. (NDOR Roadside Stabilization Unit)

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 (BMPs) 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 percent revegetated. At that time, the Notice of Termination with NDEQ for the General Construction Storm Water Permit and completion of 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)

9.2 Will the action result in a “may affect, likely to adversely affect” determination for threatened or endangered species or designated critical habitat?

Yes (3) No (2)

9.3 Will the action require the use of unique conservation conditions that are not included within the *Matrix* PA, requiring resource agency concurrence?

Yes (3) No (2)

NDOR PQS Determination Date:

9/25/2015

USFWS Concurrence Date:

NGPC Concurrence Date:

9/25/2015

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 may affect, but is not likely to adversely affect, the Northern Long-Eared Bat and River Otter. The Project would have no effect on all other federally or state listed species.

9.8 Species Mitigation:

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

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

S-5 Species Surveys. If species surveys are required for this project, results will be sent by NDOR to the USFWS, NGPC, and if applicable COE. FHWA will be copied on submittals. (NDOR Environmental, District Construction)

Northern Long-Eared Bat:

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

NLEB-2 If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge or >5-ft box-culvert structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: S067 05206 and S067 05312 on N-67 (location of suitable habitat). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

River Otter:

RO-1 A qualified biologist will survey according to protocol no more than 10 days prior to construction. If no active den sites are found, then the project can proceed. If active den sites are found, NDOR Environmental Section will notify the District and will consult with the USFWS, NGPC, and FHWA. If species are present the District will notify the Contractor to stop work within 1/2 mile of the active den until NDOR Environmental completes consultation. (NDOR Environmental, District Construction, Contractor)

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

* 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)

10.2 Will the action result in Section 106 effects other than a “No Potential to Cause Effects” or a “No Historic Properties Affected” determination?

Yes (2) No (1)

10.3 Will the project result in an "adverse effect" to any historic property?

Yes (3) No (No adverse effect) (2)

10.4 Historic Property Determination

NDOR PQS Determination Date:

Has coordination occurred with SHPO?

SHPO Concurrence Date:

Yes No

Has coordination occurred with THPO?

THPO Concurrence Date:

Yes No

Has coordination occurred with CLG?

Yes No

10.5 List NRHP Eligible or NRHP Listed Resources, Impacts, and Coordination:

The Little Nemaha River Bridge (S067 05206), a Pratt overhead Truss bridge, is eligible for listing on the NRHP under Criterion C of NRHP Criteria for Evaluation. The Little Nemaha River bridge is a 192-foot-long steel through-truss bridge constructed in 1951. In association with the July 2014 National Bridge Inventory (NBI) biennial/fracture critical inspection, the Little Nemaha River bridge was determined to be structurally and functionally deficient. Coordination letters were sent to Nebraska State Historical Society, Ponca Tribe, and Iowa Tribe. The Ponca Tribe responded with no comments on 4/7/2016 and no comment was received from the Iowa Tribe. On 1/22/2016, the Nebraska City Historical Society indicated that they do not wish to be a consulting party and on 4/12/2016 the Advisory Council on Historic Preservation (ACHP) indicated that they would not be participating in consultation. The Historic Bridge Treatment/Alternatives Evaluation was completed for the Project, and concluded that all avoidance treatments and alternatives would require replacement or substantial repair or modification of the existing Little Nemaha River Bridge truss design and exceptional engineering elements, which are considered the character defining features of the bridge's historic significance.

A Memorandum of Agreement (MOA) between FHWA, NDOR, and Nebraska SHPO was signed on May 13, 2016. The MOA contains a requirement for documentation of the bridge prior to demolition or repair. This recordation would take place prior to letting the project for construction, with the recordation package completed prior to the start of construction.

10.6 Historic Property Mitigation:

As stated in the MOA signed on 05/13/16,
I. NDOR shall record the bridge to include the following stipulations:
a. Digital photographs of the bridge prior to any demolition activity at the site. Photographs shall be numbered and labeled according to NRHP standards and include at a minimum the following images:
i. Images of the structural components that define the significant character defining features of the bridge as identified in the Historic Bridge Inventory including, but not limited to the deck, truss system, floor beams and cross bracing.
ii. Images of the setting and surrounding area including landscape and highway to put the bridge into a geographical context.
iii. Images of the traveling surface of the bridge itself.
b. A site plan including the highway, the bridge, and its proximity to Lorton.
c. A photo key to identify the location of digital images.
d. A narrative description of the bridge documenting the current condition.
e. An index and copies of pertinent documents identifying the evolution of the project including the historic bridge inventory form, the alternatives analysis, the structural deficiency report, and any and all appropriate correspondence and supporting documentation.
II. An electronic copy of the final report shall be submitted to NDOR and Nebraska SHPO

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:

4/22/2016

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

A hazardous materials review (HMR) was completed by HDR for the Talmage North Bridges project and approved by NDOR on April 22, 2016. The HMR identified one facility within the hazardous materials study area. Otoe County Shop is listed as having a leaking underground storage tank. Upon removal of the tank in 1991, only minimal contamination was found and NDEQ closed the file with no further remedial action necessary. This site is located on the east side of Lorton about 300 feet from the limits of construction of the bridge and culvert replacements. Based on this information, there is a low potential of encountering contamination during construction. No Superfund sites were identified within 1 mile of the bridge/culvert replacement locations.

Structures S067 05312 and S067 05206 were tested for Asbestos Containing Material (ACM). Structure S067 05312 was found negative for ACM. Structure S076 05206 tested positive for ACM in the bituminous coating on all the steel bridge members. The contractor shall comply with a special provision for management and disposal of ACM during removal of the bridge structure.

There is the potential for lead based paint to be found on the bridge components of structure S067 05312. There is potential of lead bearing plates or lead shims to be found on structures S067 05312 and S067 05206 during removal.

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 (NDOR District, Contractor).

The contractor shall be responsible for proper handling and disposal of ACM during the bridge demolition in accordance with the Nebraska Department of Health and Human Services (DHHS) Nebraska Asbestos Control Program Regulations, Title 178. The contractor's responsibilities for management and disposal of ACM are outlined below.

Bridge Removal Plan

1. A bridge removal plan, as it relates to removal of the steel components coated with ACM, shall be developed in coordination with a licensed Asbestos Abatement Contractor and/or licensed Asbestos Supervisor and the Nebraska DHHS.
2. The plan shall include a discussion of safety work practices to be followed during bridge demolition as it relates to ACM. The use of appropriate personal protective equipment shall be outlined in the plan.
3. The plan shall be approved by DHHS at least 30 days prior to the commencement of the bridge demolition. A copy of the plan shall be submitted to the NDOR environmental section upon DHHS approval. A letter from DHHS to the contractor documenting approval of the plan shall be prepared and submitted to the NDOR environmental section.
4. The contractor shall comply with all federal, state and local regulations as it pertains to the ACM abatement.

Disposal of Asbestos Containing Material

1. All ACM waste shall be taken to a landfill that accepts ACM. Coordination with the landfill shall occur prior to the commencement of the bridge demolition.
2. Landfill receipts shall be provided to NDOR and DHHS.
3. The method of shipping of the ACM shall be included in the removal plan and developed in coordination with the DHHS.
4. The contractor shall comply with all federal, state and local regulations as it pertains to the ACM shipping and disposal.

Notification Forms

1. The contractor shall submit a NESHAP notification form to the Nebraska Department of Environmental

- Quality (NDEQ) at least 10 days prior to commencement of bridge demolition activities.
2. The contractor shall submit DHHS Form 5 (Asbestos Project Notification) to DHHS at least 10 days prior to commencement of bridge demolition activities.
 3. The 10-day clock starts with the day the NESHAP notification is postmarked, hand delivered, or picked up by a commercial delivery service, such as UPS, FedEx, etc. The use of a FAX is not an acceptable meaning of notification.
 4. The NDOR Project Manager shall be provided copies of said notifications and their submittal date, which shall be recorded in the ECOD. (Contractor)

There is the potential for lead based paint to be found on the bridge components of structure S067 05312. If the method of removal of the components generates paint debris, the waste shall be handled in accordance with NDOR's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128 - Nebraska Hazardous Waste Regulations. Extreme caution shall be taken to minimize the amount of potential lead based painted material or debris from causing or threatening to cause pollution of the air, land and waters of the State. The Contractor's implementation plan efforts shall be documented in ECOD. (Contractor)

There is potential of lead bearing plates or lead shims to be found on structure S067 05312, S067 05206 during removal. The Contractor shall recycle any lead bearing plates and/or lead shims at a legitimate recycling facility as referenced in paragraph 3 (Environmental Requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128. The Contractor's implementation plan efforts shall be documented in ECOD. (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)

15.2 Will the action result in major traffic disruption requiring detours, temporary roads, or ramp closures that are greater than 135 working days?

Yes (3) No (2)

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:

Replacement of Structure S067 05206 would require a detour and would result in out-of-direction travel of approximately 26.8 miles. The detour route would use N-128, U.S. Highway 75 (US-75), Nebraska Highway 2 (N-2), and N-67. It is anticipated that the detour would be used for approximately 8 months while the bridge would be replaced. Local traffic may use alternate routes using local roads.

Construction to replace Structure S067 05312 north of Lorton would be phased to allow at least one lane of traffic to remain open at all times; a detour would not be required.

The majority of public commentors support the Project; however, two members of the public expressed concern that both bridges would require a detour at the same time. A response was sent to them explaining that only the replacement of S067 05206 would require a detour, and that the detour would only be in place long enough to remove the existing bridge and to build the new bridge. The NDOR District Engineer stated that NDOR would work with them on some limited directional signing to let people know that the business is open and to suggest alternate routes.

15.9 Traffic Disruption Mitigation:

The detour shall follow the designated route provided by NDOR. (Contractor)

Prior to construction NDOR shall coordinate with the Lorton Lounge & Keno to add directional signing to inform the public of alternate routes to reach the business. (NDOR District 1)

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 Otoe County Sheriff stated during a telephone conversation on May 24, 2016 that he did not have concerns regarding emergency response. Most fire and rescue response for the Lorton area is from Talmage using County Road 46 and N-67. Nebraska City assists when needed, via N-2 and N-67. Emergency response north of Lorton is provided by Dunbar. There would not be any access restrictions for emergency access.

16.8 Substantial Access Disruption Mitigation:

Access to adjacent properties shall be maintained at all times during construction. Access 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:

4/29/2015

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

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

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

NDOR hosted a public information open house on June 11, 2015 from 4:00 - 6:00 PM at the Talmage Community Center in Talmage, Nebraska. The notice of the open house was published in the Nebraska City News Press on May 19 and June 2, 2015 and the Syracuse Journal-Democrat on May 21 and June 4, 2015. The notice was also posted on NDOR's website and an informational mailer was sent to 187 citizens and businesses. In addition, the notice was distributed to 30 public and private agencies. In accordance with Title IV requirements, there was no identified need for additional translations, project information sheets and mail-in comment forms were provided in English only.

According to the sign-in sheet, the open house was attended by 35 interested citizens; 8 written comments were received. Additional public sentiment was orally conveyed to meeting staffers and appropriately documented. No citizens expressed concern related to the historic bridge or its preservation. Provided below is a summary of the public comments and responses; the comment response table with full documentation of comments is provided as an attachment:

Comment (1)

A landowner adjacent to both bridges asked how much property at each location does NDOR intend to buy and how much would be needed as temporary easements. The commentor also noted that they irrigate on both sides each bridge. The irrigation setup includes a buried pipe near the bridge.

Response (1)

NDOR is finalizing design for the bridges. Once design is complete, the limits of construction can be determined. These limits of construction would be used by NDOR's Right-of-Way (ROW) Division to determine ROW needs and any necessary temporary easements for construction. The landowner would then be contacted by NDOR ROW appraisers and/or negotiators and the actual ROW and/or easement amounts would be provided. Irrigation pipes would be reviewed during final design and the ROW process. The commentor was invited to contact the NDOR Highway ROW Division.

Comment (2)

The commentor had questions regarding resurfacing N-128 east of Lorton and N-67 south of Lorton. The citizen also commented on the culvert replacements and potential erosion issues.

Response (2)

There are two resurfacing projects for N-67 that are scheduled for a future construction date. These projects would resurface N-67 from Dunbar to Nebraska Highway 105 (N-105) (south of Talmage, near Brock). At this time NDOR cannot provide the actual construction dates as our Program is continually being updated based on available funding. NDOR described the culvert work to be done and that the work would improve culvert alignment with ditches to better convey runoff. The culvert south of N-128 along N-67 is outside the scope of work for this proposed project. NDOR will add your comment into the project folder for design considerations on any future projects along this segment of N-67.

Comment (3)

A landowner south of Lorton, and Hwy 128, from the intersection of County Road 46 east to within approximately 0.2 mile of the bridge project east of Lorton expressed concern about grading for this project.

Response (3)

This project would only affect the properties within the immediate area around the bridges. These impacts could extend approximately 300 feet beyond both ends of each bridge. The existing roadway beyond what was indicated above would not be impacted, thus grading would not be required.

Comments (4 and 5)

Both commentors are concerned that replacing both bridges at the same time would result in a major hardship for local traffic, local residents, and local businesses.

Response (4 and 5)

The bridge east of Lorton, S06705206, would be replaced with the use of a detour. The bridge north of Lorton, S067 05312, would be phase constructed; meaning that at least one lane of traffic would be open throughout the entire construction of the new bridge. The actual detour would not be in place throughout the entire construction schedule. The detour would be in place just long enough to remove the existing structure and to build the new bridge. The NDOR District Engineer spoke with the owners of a local business at the Talmage meeting and explained the need for the closure of the bridge east of Lorton. The owners were relieved to know the north bridge would be done under traffic. The NDOR District Engineer stated that NDOR would work with them on some limited directional signing to let people know that the business is open and to suggest alternate routes. The owners remain very concerned as they commute across the bridge to their home multiple times each day.

Comments (6, 7, and 8)

These commentors favor the project to replace the bridges. Commentors (7) and (8) also favor N-67 road and drainage improvements.

Response (6, 7, and 8)

These comments have been received by NDOR, reviewed by appropriate personnel, and will be taken into consideration on the future development of the N-67 project.

18.2 Public Involvement Mitigation:

NDOR shall work with the concerned business owner in Lorton on some limited directional signing to let people know that the business is open and to suggest alternate routes. (NDOR)

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:

14

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:

The Lorton North and East project (CN 12974) would occur in a similar location as Talmage North Bridges Project. The Lorton North and East project would resurface 10 miles of N-67 from near Dunbar to near Brock; this segment of N-67 includes the two bridges that would be replaced as part of the Talmage North Bridges Project. The Lorton North and East project would be constructed under traffic with lane closures controlled by approved traffic control. However, the estimated letting date (which has not been finalized) for the Lorton North and East project is September 29, 2022. Construction would not overlap with CN 12974A, which is scheduled to be completed by the end of 2017.

22.1 Additional Comments:

The total cost of the project is estimated at \$4,788,000.00 and the amount that is paid for with federal funds would be \$3,368,000.00.

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))

Relocation of the existing water pipeline at structure S067 05312 shall be completed before the beginning of construction to maintain water service to the Village of Lorton. (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).

All wetlands/waters within the project area that are not permitted for impacts shall be marked on the 2W aerial sheets for the contractor as avoidance areas. (NDOR Design, District Construction)

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:

There are Category 5 impaired waters in the project study area; BMPs shall be reviewed and developed as necessary during the erosion control review process. If mitigation is required for impaired waters, it shall be captured in the project's erosion control plan sheets and special provisions. (NDOR Roadside Stabilization Unit)

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

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

S-5 Species Surveys. If species surveys are required for this project, results will be sent by NDOR to the USFWS, NGPC, and if applicable COE. FHWA will be copied on submittals. (NDOR Environmental, District Construction)

Northern Long-Eared Bat:

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

NLEB-2 If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge or >5-ft box-culvert structures occurs during the northern long-eared bat roosting period (April 1st – September 30th), NDOR personnel will perform surveys prior to the start of these activities at the following locations: S067 05206 and S067 05312 on N-67 (location of suitable habitat). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

River Otter:

RO-1 A qualified biologist will survey according to protocol no more than 10 days prior to construction. If no active den sites are found, then the project can proceed. If active den sites are found, NDOR Environmental Section will notify the District and will consult with the USFWS, NGPC, and FHWA. If species are present the District will notify the Contractor to stop work within 1/2 mile of the active den until NDOR Environmental completes consultation. (NDOR Environmental, District Construction, Contractor)

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

Historic Properties Mitigation:

As stated in the MOA signed on 05/13/16,

I. NDOR shall record the bridge to include the following stipulations:

- a. Digital photographs of the bridge prior to any demolition activity at the site. Photographs shall be numbered and labeled according to NRHP standards and include at a minimum the following images:
 - i. Images of the structural components that define the significant character defining features of the bridge as identified in the Historic Bridge Inventory including, but not limited to the deck, truss system, floor beams and cross bracing.
 - ii. Images of the setting and surrounding area including landscape and highway to put the bridge into a

geographical context.

iii. Images of the traveling surface of the bridge itself.

b. A site plan including the highway, the bridge, and its proximity to Lorton.

c. A photo key to identify the location of digital images.

d. A narrative description of the bridge documenting the current condition.

e. An index and copies of pertinent documents identifying the evolution of the project including the historic bridge inventory form, the alternatives analysis, the structural deficiency report, and any and all appropriate correspondence and supporting documentation.

II. An electronic copy of the final report shall be submitted to NDOR and Nebraska SHPO

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 (NDOR District, Contractor).

The contractor shall be responsible for proper handling and disposal of ACM during the bridge demolition in accordance with the Nebraska Department of Health and Human Services (DHHS) Nebraska Asbestos Control Program Regulations, Title 178. The contractor's responsibilities for management and disposal of ACM are outlined below.

Bridge Removal Plan

1. A bridge removal plan, as it relates to removal of the steel components coated with ACM, shall be developed in coordination with a licensed Asbestos Abatement Contractor and/or licensed Asbestos Supervisor and the Nebraska DHHS.

2. The plan shall include a discussion of safety work practices to be followed during bridge demolition as it relates to ACM. The use of appropriate personal protective equipment shall be outlined in the plan.

3. The plan shall be approved by DHHS at least 30 days prior to the commencement of the bridge demolition. A copy of the plan shall be submitted to the NDOR environmental section upon DHHS approval. A letter from DHHS to the contractor documenting approval of the plan shall be prepared and submitted to the NDOR environmental section.

4. The contractor shall comply with all federal, state and local regulations as it pertains to the ACM abatement.

Disposal of Asbestos Containing Material

1. All ACM waste shall be taken to a landfill that accepts ACM. Coordination with the landfill shall occur prior to the commencement of the bridge demolition.

2. Landfill receipts shall be provided to NDOR and DHHS.

3. The method of shipping of the ACM shall be included in the removal plan and developed in coordination with the DHHS.

4. The contractor shall comply with all federal, state and local regulations as it pertains to the ACM shipping and disposal.

Notification Forms

1. The contractor shall submit a NESHAP notification form to the Nebraska Department of Environmental Quality (NDEQ) at least 10 days prior to commencement of bridge demolition activities.

2. The contractor shall submit DHHS Form 5 (Asbestos Project Notification) to DHHS at least 10 days prior to commencement of bridge demolition activities.

3. The 10-day clock starts with the day the NESHAP notification is postmarked, hand delivered, or picked up by a commercial delivery service, such as UPS, FedEx, etc. The use of a FAX is not an acceptable meaning of notification.

4. The NDOR Project Manager shall be provided copies of said notifications and their submittal date, which shall be recorded in the ECOD. (Contractor)

There is the potential for lead based paint to be found on the bridge components of structure S067 05312. If the method of removal of the components generates paint debris, the waste shall be handled in

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

There is potential of lead bearing plates or lead shims to be found on structure S067 05312, S067 05206 during removal. The Contractor shall recycle any lead bearing plates and/or lead shims at a legitimate recycling facility as referenced in paragraph 3 (Environmental Requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128. The Contractor's implementation plan efforts shall be documented in ECOD. (Contractor)

Traffic Disruption Mitigation:

The detour shall follow the designated route provided by NDOR. (Contractor)

Prior to construction NDOR shall coordinate with the Lorton Lounge & Keno to add directional signing to inform the public of alternate routes to reach the business. (NDOR District 1)

Substantial Access Disruption Mitigation:

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

Public Involvement Mitigation:

NDOR shall work with the concerned business owner in Lorton on some limited directional signing to let people know that the business is open and to suggest alternate routes. (NDOR)

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 shall 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. (Contractor)

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 shall be followed. (Contractor)

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

Paragraph:

Activity:

Prepared by:

Organization:

Phone:

Email:

Signature:

Date:

Reviewed by Project Sponsor:

Name:

Organization:

Title:

Signature:

Date:

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: