Probable Class of NEPA Action Form

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

Date this DR-53 was Completed:	Control Number: *(NDOR Completes)*	Project No.: *(NDOR Completes)*
3/11/15	22595	NH-80-9(82)

Project Name:
I-80/480/US-75 Intch Bridges, Omaha

☐ LPA Project ☒ State Project

Local Public Agency or NDOR District and County Project Located In:
District 2

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

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

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

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

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

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

Section 4(f): Highland Park and Spring Lake Park are both within 0.25 mile of the south side of the project, but are not anticipated to be impacted.

Document Preparer's Signature:

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

Wendy J. Austin	Wendy J. Austin	3/11/15
(Print Name)	*(Signature)*	*(Date)*

NDOR Highway Environmental Biologist/NEPA Specialist

(Organization and Title)

402-479-3632	wendy.austin@nebraska.gov
(Phone – include Area Code)	*(Email)*

The following is for NDOR Use Only

*Environmental Justice/Title VI/*LEP

Civil Rights Staff completes the following:

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

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

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

Chris Hassler (Print Name) | Hwy Civil Rights Specialist (Signature and Title) | 3/16/2015 (Date)

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

See attached discussion.

Noise and Air Study

Noise & Air Section completes the following:

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

Is an air analysis warranted? ☐ Yes ☒ No

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

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

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

Will Packard (Print Name) | Env. Specialist (Signature and Title) | 3/20/15 (Date)

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

Public Involvement

Public Involvement Coordinator completes the following:

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

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

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

Sarah Kugler (Print Name) | Pub. Inv. Coordinator (Signature and Title) | 3/20/15 (Date)

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

Probable Class of NEPA Action

NDOR Environmental Section completes the following:

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

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

Shannon Sidie — *(Print Name)*

Hwy Biologist/NDOR — *(Signature and Title)*

3/23/15 — *(Date)*

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

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

(Pr

Digitally signed by MELISSA G MAIEFSKI
DN: c=US, o=U.S. Government, ou=DOT FHWALincolnNE, ou=FHWA FHWALincolnNE, cn=MELISSA G MAIEFSKI
Date: 2015.04.03 15:20:41 -05'00'

(Signature and Title)

(Date)

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

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

Civil Rights Data and Discussion: CN 22595, NH-80-9(82), I-80/I-480/US-75 Interchange Bridges, Omaha

The Limited English Proficiency data for the relevant project area is as follows:

Area	% of Population that Speaks ONLY English	Languages Other Than English Spoken by 5% or Greater of the Total Population*	Population of Area over Age 5
City of Omaha	84.7%	Spanish – 5.4%	About 391,380

* These figures reflect the population of an area that speaks a language other than English, and also speaks English "Less than Very Well."

These figures indicate the presence of one LEP population in the City of Omaha which reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. The following LEP outreach is required for this project:

1. Any written information that is dispersed to the public regarding these projects must be translated into Spanish. "Dispersed information" does not include highway signs, but does include, for example, legal notices, news releases, and project map/information handouts. If any are present in the community, community organizations and media sources likely to serve the Spanish-speaking population should be contacted and utilized to effectively disseminate Spanish-translated information to the Spanish-speaking community.

2. If a public meeting is held regarding these projects, the written info at the meeting must be translated into Spanish and there must be a Spanish/English interpreter present. There must be sign-in sheets at the meeting place entrance in order to collect data, including racial/demographic data, on meeting participants, though signing in or giving information at public meetings is always optional, and is not a requirement to participate. Finally, there must be clear notice posted in Spanish at the meeting that the interpreter is available.

Environmental Justice Analysis:

For Environmental Justice purposes, it's not accurate or helpful to consider the surrounding population for this project area. This project is not on residential streets, likely to be used primarily by the immediately surrounding community. This length of roadway is used overwhelmingly by the entire City of Omaha, the trucking industry, and the travelling American public. There are no small, neighborhood streets that have immediate access to this roadway; there are occasional on-ramps, as with any Interstate highway. It's misleading to discuss the surrounding population, as if this roadway is a residential thoroughfare rather than an arterial roadway that provides an autonomous, insulated channel through the areas it traverses.

Regardless of the roadway's relationship to the surrounding population, there will be no disproportionately high and adverse human health or environmental effects visited upon minority and low-income populations, as defined in FHWA Order 6640.23A, for the following reasons:

There will be no detour for this project.

No Right-of-Way is being acquired.

Access to adjacent businesses and residences will remain unimpeded.

There will be no isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community

There will be no restrictions of access to essential services.

There will be no relocations or building removal.