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

CE Review Level: *(Check boxes that apply)*

☒ 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 Paragraph: 22

Project Name:

Springview West

Project Number:

STP-12-3(109)

Control Number:

80941

Location Map Attached:

☒

Location and Study Area:

The project is located along Nebraska Highway (N-12) at mile marker (MM) 40.37 extending east to the intersection of N-12 and US-183 (MM 51.11), the central intersection in the Town of Springview in Keya Paha County, Nebraska.

The Environmental Study Area for this project is defined as the length of this project plus an additional 200 feet on both ends of the project. For Section 4(f) resources, the study area extends to 0.25 mile beyond right-of-way (ROW). For regulated materials, the study area extends up to 0.1 mile beyond ROW. For wetlands and water resources, the study area consists of 150 feet beyond the limits of construction for the entire project alignment.

Termini are based on limits identified by NDOR pavement management system, District 8 and previous construction projects on this segment of highway.

Begin Point(s):

MM 40.37

End Point(s):

MM 51.11

Highway Number, Street, etc.:

N-12

Project Description:

This 3R (Resurfacing, Restoration, and Rehabilitation) project would resurface 7.90 miles of N-12 located in Keya Paha County, starting 7.63 miles west of the west corporate limits of Springview, at MM 40.37, and extending east to MM 51.11, at the junction of N-12 and US-183. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement. This project would include trenching or blading at the edge of the roadway surface to build the beveled edge.

The existing roadway on this segment of N-12 consists of the following:

•MM 40.37 – MM 50.94: This roadway segment consists of two 12 foot wide asphalt driving lanes and 8 foot wide shoulders of which 2 feet is paved with asphalt.

•MM 50.94 – MM 50.96: This roadway segment consists of two 12 foot wide asphalt driving lanes, with shoulders varying in width from 4 to 8 feet, of which 2 feet is paved.

•MM 50.96 – MM 51.00: This roadway segment consists of two asphalt driving lanes varying in width from 12 to 22.5 feet, with 4 foot wide shoulders, of which 2 feet is paved.

•MM 51.00 – MM 51.11: This roadway segment consists of two 22.5 foot wide asphalt driving lanes and concrete curb and gutter.

The improvements on this project from MM 40.37 to MM 51.00 consist of milling and resurfacing the existing 28 foot top roadway with asphalt. There would be a grade raise. From MM 51.00 to MM 51.11, improvements consist of milling and resurfacing the existing roadway. Guardrail would be removed and replaced with surfacing underneath.

Scope details include:

•Grading beyond the hinge point would be required for the following work:

- ▪Mailbox turnouts
- ▪Earth shoulder construction
- ▪Guardrail
- ▪Curb and Flume

•Guardrail

- ▪Remove and replace guardrail with grading beyond the hinge point

•The existing asphalt would be milled prior to resurfacing.

•Asphalt patching operations would be performed prior to resurfacing.

•Existing surfaced driveways and intersections would be resurfaced.

•Rock or gravel would be placed behind driveways and intersections to match the new asphalt.

•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.

•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.

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 *($)*:
March 15, 2016	Construction	3,205,000

If the action qualifies for (c)(23), identify the federal portion (*$*): N/A

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

BLACK text indicates an all level question, **BLUE** text indicates a Level 2 threshold question, and **GREEN** text indicates the question is required for Level 2 and 3 reviews but does not constitute a threshold.

If a Level 1 threshold is exceeded, answer the corresponding Level 2 questions (**BLUE**) within the subject section, as well as all **GREEN** questions. If any Level 2 threshold is exceeded, the project shall be processed as a Level 3 review requiring approval by FHWA.

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) ☒ N/A

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

N/A

1.4 Estimated Acres of Permanent ROW/Easements:

N/A

1.5 Estimated Acres of Temporary ROW/Easements

N/A

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

☐ Yes (3) ☐ No (2) ☒ N/A

1.7 If Yes, describe the displacements.

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) ☒ N/A

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

There are three Section 4(f) eligible properties located within the study area, Cub Creek Reservoir and Recreation Area, Springview Schools, and the John F. Carr Farmstead. There would be no impact to the properties and access would be maintained at all times.

2.4 Section 4(f) Mitigation:

N/A

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

3.2 Will the action result in a conversion of a Section 6(f) property?

☐ Yes (2) ☐ No (1) ☒ N/A

3.3 Describe resources, impacts, replacement lands *(if applicable)*, and the coordination conducted with officials/agencies *(including FHWA)*:

N/A

3.4 Section 6(f) Mitigation::

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)*:

N/A

4.7 Describe Mitigation for Above Non-Threshold Resources:

Utility relocation or replacement is not anticipated for the project. If utility relocation or replacement is required in a later phase of the project, a reevaluation will be required if: (1) federal funds will be used for the utility work; or (2) the project construction contractor will be responsible for the work. If this utility work is identified during final design, the project sponsor will initiate the reevaluation prior to project letting. If the work is identified during construction, the project sponsor will initiate the reevaluation prior to commencing utility work. (NDOR Environmental, NDOR District)

If either one of the above two conditions does not apply, later relocation or replacement of utilities shall be coordinated through NDOR and the Contractor per NDOR's Standard Specifications for Highway Construction, Subsection 105.06. Any environmental permits required for these utility relocations or replacements shall be the responsibility of the Utility. (NDOR District, 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 or National Recreational River Segment, 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.

5.2 For actions processed under Appendix B categories *(26), (27),* or *(28)*, a Level 3 review will be required.

☐ Level 3 Required

5.3 Is the action considered an impact to the National System of Wild and Scenic Rivers by the Agency of Jurisdiction?

☐ Yes (3) ☐ No ☒ N/A

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

N/A

5.5 Wild and Scenic River Mitigation:

N/A

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:

Keya Paha County does not have FEMA floodplain mapping and does not participate in the National Flood Insurance Program (NFIP). The project crosses potential Zone A floodplains. State Minimum Standards require NDOR to complete the certification of all potential floodplains. NDOR's Roadway and/or Bridge Hydraulics Section would confirm that the project conforms to State of Nebraska floodplain regulations. A permit is not required.

6.5 Floodplain/Floodway Mitigation

N/A

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) ☐ N/A

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:

N/A

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:

N/A

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)

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

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:

N/A

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) ☐ N/A

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) ☒ N/A

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) ☒ N/A

NDOR PQS Determination Date:	USFWS Concurrence Date:	NGPC Concurrence Date:
09/08/2015	N/A	N/A

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:

A biological assessment was completed for the project. A "May Affect, Not Likely to Adversely Affect" determination was made for the following species: American Burying Beetle.

9.8 Species Mitigation:

American Burying Beetle:

ABB-2 Mowing/vegetation removal and carrion (roadkill carcasses) removal must be done according to American Burying Beetle Conservation Measures Protocol and must be implemented at the following locations: along the length of the project. This work will be conducted by either the District or the Contractor, as determined by the District during contracting.

R-1 For the American burying beetle, nighttime work with lights from June 1 – July 1 and August 7 – September 1 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required. (NDOR Environmental, District Construction, Contractor)

R-2 Request for early construction starts in the range of the American burying beetle must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start (District Construction, 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) ☐ N/A

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

☐ Yes (3) ☐ No *(No adverse effect)* (2) ☒ N/A

10.4 Historic Property Determination

No Historic Properties Affected

NDOR PQS Determination Date:

12/15/2015

SHPO Concurrence Date:

N/A

THPO Concurrence Date:

12/15/2015

CLG Concurrence Date:

N/A

10.5 List Eligible Resources, Impacts, and Coordination:

One property, John F. Carr Farmstead, was identified within the Area of Potential Effects. No impacts to the property are anticipated due to the scope of work.

10.6 Historic Properties Mitigation:

N/A

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) ☐ N/A

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

11.3 Will the action result in a High Potential for encountering hazardous materials during construction?

☐ Yes (3) ☐ No (2) ☒ N/A

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

☐ Yes (3) ☐ No (2) ☒ N/A

NDOR PQS Determination Date:

11/24/2015

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

The HMR identified one facility where a release has occurred within the hazardous materials study area. The Springview Implement site has had a past release related to a leaking underground storage tank. This site is located within Springview and adjacent to construction. A small amount of petroleum was released when 5 underground storage tanks and dispenser lines were removed from the northwest corner of the property. Subsequent investigation indicated minor amount of contamination remained after topsoil was excavated and disposed of. In addition, site reconnaissance revealed the location of a service station on the northwest corner of N-12 and US-183. Database review did not identify any releases at this location and no obvious signs of contamination were found near the project footprint. Based on the minimal scope of work within Springview consisting of milling and resurfacing the roadway, there is a low potential of encountering contamination during construction.

No Superfund sites are located within the hazardous materials study area. There is no structure modification or demolition occurring with the proposed project. No asbestos or lead mitigation is 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 (NDOR District, 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

12.2 Based on the noise analysis, does the project qualify for abatement?

☐ Yes ☐ No ☒ N/A

12.3 Summarize the results of the noise analysis:

N/A

12.4 Noise Mitigation:

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

13.2 Air Quality Comments:

N/A

13.3 Air Quality Mitigation:

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) ☐ N/A

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) ☒ N/A

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

☐ Yes (3) ☐ No (1) ☒ N/A

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) ☐ N/A

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

☐ Yes (3) ☒ No (1) ☐ N/A

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

☐ Yes (3) ☒ No (1) ☐ N/A

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

☐ Yes (3) ☒ No (1) ☐ N/A

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

15.8 Traffic Disruption Comments:

Three annual local events occur in the Town of Springview: the Fiddlers Jamboree, the Keya Paha County High School Alumni Banquet, and Wind Turbine Day. The Fiddlers Jamboree and Alumni Banquet both occur over Memorial Day weekend at Springview Elementary School and High School, respectively. Both the elementary and high schools are located approximately 1,000 feet northeast of the eastern constuction limits. Wind Turbine Day occurs on the last Saturday of July and includes a fun walk/run which utilizes a portion of N-12 from the intersection of N-12/US-183 west to MM 49.67. It is unsure whether the event would continue to happen in future years. Coordination with the Village of Springview for Wind Turbine Day would be required prior to construction. No impacts are anticipated.

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)

The Wind Turbine Day fun run/walk occurs on the last Saturday in July and the route follows N-12 from the intersection of N-12 and US-183 to approximately MM 49.67. The NDOR project manager and contractor shall coordinate with the Village of Springview prior to construction to determine whether the event will occur and ensure that the project does not interfere with the event if it does occur. (NDOR District, Contractor)

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

☐ Yes (1) ☒ No (1) ☐ N/A

16.2 Will the action result in complete closure to residential properties for greater than 5 working days?

☐ Yes (2) ☒ No (1) ☐ N/A

16.3 Will the action result in complete closure to residential properties for greater than 10 working days?

☐ Yes (3) ☐ No (2) ☒ N/A

16.4 Will the action result in closure of business access during operational hours?

☐ Yes (3) ☒ No (1) ☐ N/A

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

☐ Yes (3) ☒ No (1) ☐ N/A

16.6 Will the action change the functionality of adjacent properties?

☐ Yes (3) ☐ No (2) ☒ N/A

16.7 Access Disruption Comments:

N/A

16.8 Substantial Access Disruption Mitigation:

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

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

☐ Yes (1) ☒ No (1) ☐ N/A

17.2 Will the project have an adverse impact to minority or low income populations per NDOR's Environmental Justice Policy?

☐ Yes (2) ☒ No (1) ☐ N/A

17.3 Will the action result in a potential for disproportionately high and adverse impacts to minority or low income populations?

☐ Yes (3) ☐ No (2) ☒ N/A

NDOR Highway Civil Rights Specialist Determination Date:

03/31/2014

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

There will be no disproportionately high and adverse human health or environmental effects visited upon minority and low-income populations, as defined in USDOT Order 5610.2(a), because these protected populations are not present in the project area.

17.5 Protected Population Mitigation:

N/A

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

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. Due to the nature of the work, additional public outreach will not occur during the NEPA phase.

English is the only language spoken by 97.5% of the population in the Village of Springview. The population of the Village is about 240 people. This figure does not indicate the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. No LEP outreach is recommended for this project.

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 Communication)

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 ☐ N/A

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

19.2 Unresolved Controversy Comments:

N/A

Contract Provisions Required

20.1 Wellhead Protection Special Provisions

☒ Yes ☐ No

20.2 General Conditions for Nationwide Permit

☐ Yes ☒ No Nationwide Permit: N/A

20.3 Federal Aviation Administration *(FAA)* Form 7460-1

☒ Yes ☐ No

20.4 General Conservation Conditions from the Matrix PA

☒ Yes ☐ No

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."

21.2 Indirect Impacts and Mitigation:

N/A

21.3 Cumulative Impacts:

Two other projects would be occuring in the vicinity of Springview West in the 6-year program book: Norden East (CN 80854, STP-12-3[110]) is a 3R resurfacing project that will be constructed in FY2019 under traffic and Springview North and South (CN 80987, STP-183-4[116]) is a microsurfacing project that will be constructed in FY2019 under traffic.

There are no anticipated cumulative impacts due to the proposed project in conjunction with the Norden East and Springview North and South projects referenced above. The projects occur several years apart and would not result in a cumulative interference with local traffic patterns. Cumulative impacts to biological resources are not anticipated. There are no negative long-term socioeconomic impacts anticipated as access to residences or businesses would only be limited during construction. However, motorists would benefit from the improved roadway and shoulders, and overall greater reliability of the transportation system.

22.1 **Additional Comments**:

The project partially occurs within the Springview Wellhead Protection Area.

The Springview Municipal Airport is located approximately 0.6 miles northeast of the eastern project limits.

23.1 **Project Mitigation**:

Non-Threshold Property Impacts:

Utility relocation or replacement is not anticipated for the project. If utility relocation or replacement is required in a later phase of the project, a reevaluation will be required if: (1) federal funds will be used for the utility work; or (2) the project construction contractor will be responsible for the work. If this utility work is identified during final design, the project sponsor will initiate the reevaluation prior to project letting. If the work is identified during construction, the project sponsor will initiate the reevaluation prior to commencing utility work. (NDOR Environmental, NDOR District)

If either one of the above two conditions does not apply, later relocation or replacement of utilities shall be coordinated through NDOR and the Contractor per NDOR's Standard Specifications for Highway Construction, Subsection 105.06. Any environmental permits required for these utility relocations or replacements shall be the responsibility of the Utility. (NDOR District, Utility Provider(s)).

Wetlands/Waters of the U.S:

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)

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

Impaired Waters, Section 402, and MS4:

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)

Threatened & Endangered Species:

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

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

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

Construction, Contractor)

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

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

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

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

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

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

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

S-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)

American Burying Beetle:

ABB-2 Mowing/vegetation removal and carrion (roadkill carcasses) removal must be done according to American Burying Beetle Conservation Measures Protocol and must be implemented at the following locations: along the length of the project. This work will be conducted by either the District or the Contractor, as determined by the District during contracting.

R-1 For the American burying beetle, nighttime work with lights from June 1 – July 1 and August 7 – September 1 is not authorized. If nighttime work is required, the Contractor will notify the District and the District will request approval from NDOR Environmental Section at least 10 working days prior to construction so consultation with the USFWS, NGPC, and FHWA can be initiated. Approval from these agencies is required. (NDOR Environmental, District Construction, Contractor)

R-2 Request for early construction starts in the range of the American burying beetle must be coordinated by the Project Construction Engineer with NDOR Environmental for approval of early start (District Construction, Contractor).

Hazardous Materials:

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).

Traffic Disruption:

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)

The Wind Turbine Day fun run/walk occurs on the last Saturday in July and the route follows N-12 from the intersection of N-12 and US-183 to approximately MM 49.67. The NDOR project manager and contractor shall coordinate with the Village of Springview prior to construction to determine whether the event will occur and ensure that the project does not interfere with the event if it does occur. (NDOR District, Contractor)

Access Disruption:

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

Public Involvement:

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 Communication)

Wellhead Protection Area:

A portion of the project has been identified as being located within and/or adjacent to the Village of Springview's 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)

Airport:

Because of the proximity to the Springview Municipal Airport, the height of any equipment used in the construction of the project (or any antennae installed on the equipment) shall not exceed the local airport's Height Restriction Zoning. Any Contractor involved in the project shall use the Notice Criteria Tool available at https://oeaaa.faa.gov/oeaaa/external/portal.jsp. (Contractor)

If required, the Contractor shall file a 7460-1 Form with the Federal Aviation Administration (FAA). The form shall be required if the Contractor uses any equipment over 200' tall, or the equipment breaks a 100:1 slope from a public-use airport. This includes any trucks or equipment used during the construction of the project. NDOR's Roadway Design Division shall verify clearance for permanent construction in the controlled zone from the Nebraska Department of Aeronautics (NDOA) and FAA. NDOR's Roadway Design Division shall identify those contracts that shall require the special provision concerning the Contractor's responsibility to gain FAA and NDOA clearance for temporary encroachments due to construction operations. NDOR's Plans, Specification & Estimates (PS&E) / Contracts shall include the special provision in the appropriate project contracts. (Contractor)

Borrow and Staging:

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.

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: (c)

Activity: 22

Prepared by:

George Woolley

Organization:

CH2M

Phone:

720-286-0436

Email:

George.Woolley@ch2m.com

Signature:

Date:

4/14/2016

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:

Digitally signed by Carmen Pellish
DN: cn=Carmen Pellish, o=NDOR Environmental, ou=NEPA Specialist, email=carmen.pellish@nebraska.gov, c=US
Date: 2016.04.14 10:23:56 -05'00'

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: