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: B

Paragraph: 26

Project Name:

McCook - Indianola

Project Number:

NH-6-2(120)

Control Number:

70879

Location and Study Area:

This project is located on United States Highway 6 (US-6) and begins just east of the corporate limits of McCook and extends to the east where the project ends in the northeast corporate limits of Indianola in Red Willow County, Nebraska.

The Environmental Study Area is confined to the length of this project (10.89 miles) plus 200 feet on either end, including the existing right-of-way (ROW) and the limits of construction (LOCs) plus 50 feet beyond the ROW or LOCs for most of the project length, and extending 150 feet beyond the ROW or LOCs at the bridges and culverts for wetlands and most other resources. For regulated materials the Study Area extends to 0.1 mile, and for Section 4(f) resources, 0.25 mile beyond the ROW or LOCs. Termini are based on the limits identified by NDOR pavement management system, District 7, and previous construction projects on this segment of highway.

Begin Point(s): MM 87.73

End Point(s): MM 98.63

Highway Number, Street, etc.: US-6

Project Description:

This project would resurface 10.89 miles of US-6 located in Red Willow County, starting 0.98 miles east of the east junction of US-6/US-34 and US-83 at mile marker (MM) 87.73, and extending east to MM 98.63, the northeast corporate limits of Indianola. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.
Short segments of the roadway where bridges are being replaced would be built to New and Reconstruction minimum design standards. The extent of pavement work ahead or beyond the structure to accommodate the replacement would be determined by Roadway Design.

The existing roadway in the rural segment of this project (MM 87.73 – 97.69 and MM 98.27 – 98.63) consists of two 12-foot wide asphalt lanes and 12 to 14-foot wide shoulders, of which 10 to 12 feet is paved with asphalt. The curbed urban section in Indianola (MM 97.69 – 98.27) consists of a 50-foot wide back to back curbed section with two 12-foot wide asphalt lanes.

The improvements on this project, with the exception of the bridge replacements at MM 92.05 and MM 97.61, consist of milling and resurfacing the existing roadway and surfaced shoulders with asphalt, bridge repairs and replacement and removing and replacing guardrail.

Improvements at the bridge replacements consist of replacing the existing structure with a new bridge or concrete box culvert, removing the existing guardrail, grading a safety section (MM 92.05 only), full depth pavement as needed where the existing structure is removed and replacement of the guardrail (MM 97.61 only).

Scope details include:
- Grading beyond the hinge point would be required for the following work:
  - Culverts
  - Guardrail
  - Correction of superelevation (4 to 5 inches)
  - Earth shoulder construction
  - Bridge removal
  - Updating existing turn lanes
  - Flattening foreslopes and backslopes
  - Ditch Cleanout
  - Removal of old substructure
  - Curb and flume construction
  - Contractor Access for bridge work
- The scope of work at culvert sites on this project includes culvert extensions, construction of drop pipes at backslopes and ditches, construction of new culvert pipes (permanent and temporary), construction of drainage structures and raising parapet walls at box culverts.
- Culverts identified within the fixed lateral obstacle clear zone would be extended or shielded with guardrail.
- Guardrail
  - Remove and replace guardrail with grading beyond the hinge point
- The bridge over River Canyon at MM 92.05 (Structure Number S006 09205) would be removed and replaced with a quintuple concrete box culvert designed to accommodate a future grade raise. Construction of the new box culvert would be phased utilizing a two-lane temporary road during construction. The existing guardrail would be removed and a safety section graded at the culvert location.
- The deck on the bridge over Red Willow Creek at MM 93.69 (Structure Number S006 09369) would be repaired prior to resurfacing. The existing east approach slab would be milled and resurfaced. The bridge rails and deck overhang would be repaired and sealed. The expansion joints would be replaced and the existing guardrail would be removed and replaced.
- The bridge over Coon Creek at MM 97.61 (Structure Number S006 09761) would be removed and replaced with a 44-foot clear roadway width bridge. New approaches with grade beam on pile would be constructed. The existing guardrail would be removed and replaced. A contractor access crossing would be required (pipes). A temporary traffic signal would be required for phased construction of the bridge.
- Concrete pavement repairs would be made prior to resurfacing.
- 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.
- Field entrances and drives would be relocated to accommodate construction.
- Barrier curb would be constructed between the sidewalk and parking areas where appropriate to restrict encroachment on pedestrian facilities.
- Elevation adjustments to existing manholes and water valve boxes would be required due to construction of Americans with Disabilities Act (ADA) compliant curb ramps.
- Surfacing would be placed under the guardrail.
- The existing earth shoulders would be brought up to match the new asphalt.
- Pavement replacement would be required to accommodate new bridge construction.
- Foreslopes within the segments of reconstruction would conform to minimum design standards for New and Reconstruction projects.
- 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).
- Rumble strips would be constructed on the resurfaced shoulders.
- Because the pavement work is considered to result in an alteration of the pavement in crosswalks, the NDOR would eliminate barriers to access by building curb ramps where required.
- Centerline rumble strips would be constructed.
- Permanent pavement markings would be applied to all new surfacing.
- Additional property rights would be required to build this project.
- Access to adjacent properties would be maintained during construction but may be limited at times due to phasing requirements.
- This project would be constructed under traffic with lane closures controlled with approved temporary traffic control.
- The bridge replacement with a box culvert at MM 92.05 would be constructed one half at a time with a two-lane wide temporary roadway during construction.

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 *($)*:
5/25/2016	Construction	$11,499,000

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)*?

[X] 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) [X] No (2)

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

The majority of the property required for both the permanent and temporary ROW consists of pasture and agricultural land adjacent to the existing ROW of US-6. There would be no removal of major property improvements. The new ROW is required for the following activities: culvert extension, replacing guardrail, earth shoulder construction, bridge replacement, and contractor access for bridge work.

1.4 Estimated Acres of Permanent ROW/Easements:

9.18

1.5 Estimated Acres of Temporary ROW/Easements

3.11

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))*:

Six properties are located within the study area:
Karrer Park is located to the west of the project alignment and there would be no use of park property. Access to the park would remain open throughout construction. Indianola School District #2 Baseball Fields is located approximately 300 feet to the north of the project alignment, however, the access to the baseball field is located on US-6. Access to the baseball field would remain open during construction. Southwest Elementary is located one block north of the project alignment and there would be no use of the school property or its accesses. The historic St. Catherine Catholic Church and Rectory is located on the north side of US-6 and access to the property would remain open throughout construction. The Detroit-Lincoln-Denver (DLD) Highway would not be affected as no work would be completed on the historic alignment. Further information on these two properties can be found in Section 10-Historic Properties.

This project was found to have a Section 4(f) De Minimis use to the sixth property, Indianola City Park, due to the construction of ADA compliant curbs. The Indianola City Park is owned by the City of Indianola, a public entity, open to the public year round and is subject to Section 4(f) provisions. The Indianola City Park is located in the western portion of Indianola. Improvements to the park include a playground, two sheltered picnic areas, a commemorative marker, and green space. The construction of an ADA compliant curb at the northwest corner of the US-6 and 7th Street intersection would permanently impact approximately 0.0008 acre (approximately 36 sq. ft.) and temporarily impact approximately 0.002 acre (approximately 93 sq. ft.) of the park property. NDOR sent out a targeted mailer and allowed a 30-day comment period. Sixteen (16) comments were received and only one (1) comment addressed the impact to the park and was in favor of the construction of ADA compliant curbs. An example of the targeted mailer and the comments are located in the attached public involvement package.

2.4 Section 4(f) Mitigation:

The access drive to the Indianola District #2 Basefield is located approximately 500 feet east of S006 09761. Access to this property 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)

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):

Existing light poles would be relocated with this project. It is unknown whether federal funds would be used to complete this work. All relocations would be within the existing study area.

The Natural Resources Conservation Service (NRCS)-CPA-106 (Farmland Conversion Impact Rating For Corridor Type Projects) form shows that the Part VI section assessment point total is 48. 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 148. Thus, coordination with the NRCS is not required.

4.7 Describe Mitigation for Above Non-Threshold Resources:

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

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

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

Water and Ecological Resources:

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

☐ Yes* ☒ No ☐ N/A

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

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

☒ Yes (1) ☐ No (1) ☐ N/A

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

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

☐ Yes (3) ☒ No (1) ☐ N/A

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

☐ Yes (3) ☒ No ☐ N/A

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

Seven Zone A floodplains are encountered along this project. Three of the floodplains are adjacent to unnamed tributaries of the Republican River at MM 89.08, MM 96.17, and MM 96.85 and two floodplains, Red Willow Creek and Coon Creek, are encountered at MM 93.69 and MM 97.61 respectively. The final two floodplains are located adjacent to unnamed tributaries to the Republican River at MM 92.05 and MM 92.17. The structures at MM 89.08, 92.17, 96.17, and 96.85 would be used in place. Work at the structures at MM 92.05, 93.69, and 97.61 would consist of either repairing or replacing the existing structure and is considered functionally dependent.

Based on the scope of work, no impacts to the floodplains are anticipated at any of the seven locations described above. In accordance with Nebraska floodplain regulations, permits have been obtained from the Local Authorizing Officials in Red Willow County and the City of Indianola.

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

[X] 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?

[X] Yes (1) [ ] No (1)

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

[ ] Yes (2) [X] No (1) [ ] N/A

7.4 Estimated Permanent Wetlands Impacts:

0.04

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

[X] 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) [X] No (2) [ ] N/A

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

The wetland delineation was conducted on August 4 and 5, 2014. Permanent wetland impacts are 0.035 acre Palustrine Emergent Temporarily/Seasonally Flooded (PEMA/C). Temporary wetland impacts are 0.0021 acre PEMA/C. Permanent channel impacts are 0.0312 acre (193.61 ft). This project would be permitted with a Nationwide Permit 14 – Linear Transportation Projects.

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

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

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

The project will require a Pre-construction Notification 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?

[X] Yes [ ] No

8.2 Does the project occur within a MS4 community?

[ ] Yes [X] No

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

[X] 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:

According to the 2014 Integrated Report (IR) there are two impaired waters within 0.5 mile of the project.

Red Willow Creek (RE3-10500) was listed as Category 5 in the 2014 IR. This waterbody's recreation use was impaired for E. coli. This waterbody will remain in Category 5.

Republican River (RE3-10000) This waterbody’s recreation use was impaired for E. coli; aquatic life use was impaired for Selenium. An E. coli Total Maximum Daily Load (TMDL) was approved 3/05. This waterbody will remain in Category 5 due to other impairments not being addressed in the TMDL.

Highways that have stormwater outfalls discharging into receiving waters for which TMDLs or other water quality requirements have been established, and where NDOR has been assigned a waste load allocation in the TMDL, may be subject to additional water quality treatment requirements. In addition, receiving water bodies that have a treatment standard based on TMDLs may require more stringent analysis and treatment regimens. Additional information on the TMDL program and 303(d) list is provided on the NDEQ Website: http://www.deq.state.ne.us/SurfaceW.nsf/Pages/TMDL

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

Impaired Waters
There are Category 5 impaired waters in the project study area; Best Management Practices (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)

National Pollutant Discharge Elimination System (NPDES) / Stormwater Run-off
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 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% re-vegetated. At that time the Notice of Termination with NDEQ for the General Construction Storm Water Permit and completion of the SWPPP responsibilities shall be filed. (NDOR Environmental)

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

☐ Yes (2) ☒ No (1)

NDOR PQS Determination Date:

8/26/2015

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:

A "May Affect, Not Likely to Adversely Affect" determination is made for the Northern Long-Eared Bat or its designated critical habitat.

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, and 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: Structures S006 09205, S006 09369, S006 09761, any areas of tree clearing not accomplished prior to April 1st (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)

Bald and Golden Eagle Protection Act:
Suitable bald eagle nesting and/or roosting habitat exists within 0.5 mile of the Environmental Study Area. If construction will begin between February 1 and April 15, a nest survey must be completed at least 1 but not more than 14 days prior to construction. If construction will begin between April 15 and October 1, a nest survey completed in March is sufficient, as nests will likely already be constructed if nesting will occur that year. However, a nest survey may be completed anytime during this timeframe, as long as it is completed prior to construction. If bald eagles are nesting in the area, consultation with NGPC and USFWS will be required. (NDOR Environmental)

* 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?

[X] 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) [X] No (1)

10.4 Historic Property Determination

No Historic Properties Affected

NDOR PQS Determination Date:

2/4/2016

Has coordination occurred with SHPO?

[ ] Yes [X] No

Has coordination occurred with THPO?

[ ] Yes [X] No

Has coordination occurred with CLG?

[ ] Yes [X] No

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

Two properties were identified within the Area of Potential Effect (APE). St. Catherine Catholic Church and Rectory (RW03-081) is present along US-6 at MM 97.80 in Indianola and is eligible for the National Register of Historic Places under Criterion C. Work at this location would consist of resurfacing and all work would be confined to the existing right-of-way. The Detroit-Lincoln-Denver (DLD) Highway (RW00-159) is eligible under Criterion A. No work would be completed on the historic alignment. The Tier II PQS memo, dated 8/26/2015, found that no historic properties would be affected. The memo was updated on 2/4/2016 to include the DLD Highway. The finding remains "No Historic Properties Affected".

10.6 Historic Property Mitigation:

There are sensitive areas located along the project, but outside the existing right-of-way which are cultural and/or historic resources. To ensure the protection of these sites, sensitive areas shall be marked on the plans so the Contractor does not work, stage, stockpile or store material and equipment beyond the limits of construction. Design shall put the sensitive areas on the project plans. During design, if right-of-way is needed within sensitive areas, NDOR Environmental shall be contacted. (NDOR Design, NDOR Environmental)

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

[X] Yes (1) [ ] No (1)

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

☐ Yes (2) ☒ No (1)

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

☒ Yes ☐ N/A

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

☐ Yes ☒ N/A

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

☐ Yes (3) ☒ No (1)

NDOR PQS Determination Date:

11/4/2015

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

The HMR identified several facilities where past releases have occurred within the hazardous materials study area. Within the town of Indianola several petroleum and fertilizer releases were documented in associated with the Ag Valley Coop properties and the Former Cambridge Coop Filling station between 4th St. and 5th St. The contamination has impacted both groundwater and soils. Remediation is ongoing at both sites. Contamination from the largest release (30,000 gallons leaded gasoline) associated with the Ag Valley Coop is present south of 'C' St. and near the railroad track and not adjacent to construction.

The other releases originated from underground storage tanks at both the Ag Valley Coop and Cambridge Coop Filling Station. Soil excavation occurred at the Cambridge Coop Filling Station adjacent to the Highway 6. An investigation conducted in 1993 included completion of several soil borings on or very near the project alignment. The boring logs do not show any significant evidence of petroleum contamination in the shallow soils near the project alignment. Construction activities within Indianola include milling and resurfacing, ADA work, and adjusting manholes to grade. Groundwater is typically greater than 40 feet below ground surface and would not be encountered during construction. ADA work is not occurring adjacent to either facility. Based on the limited scope of work and the lack of contamination found in shallow soils near the project alignment, there is a low potential of encountering contamination in this area during construction.

The Roads Department McCook Yard and the Michael Packard acreage were both identified as having leaking underground storage tanks at the properties. However, based on the distance from the release to construction activities and the minimal excavation adjacent to these locations, there is a low potential of encountering contamination during construction.

There is one active Superfund site located within the hazardous materials study area. The TRW site is located about ¼ of a mile north of the beginning of the project east of McCook. A release of Trichloroethylene (TCE) occurred in 1986 and has impacted groundwater in the area. Remediation has been ongoing since the time of the release. The groundwater plume extends under Highway 6. However, groundwater would not be encountered during construction. Based on the distance from the source of the release to construction and the minimal depths of excavation in this area, there is a low potential of encountering contamination originating from this site during construction (see attached NDEQ correspondence).

The Nebraska Department of Environmental Quality (NDEQ) was contacted to confirm that the likelihood of construction workers encountering contamination from the Northrop Grumman TRW site is low. NDEQ stated "There may be a small risk of TCE vapors if you have an enclosed space as any part of the project which does not seem likely".

Asbestos
Bridge structures S006 09205 and S006 09761 were tested for asbestos containing material (ACM). No ACM was found in any of the suspect material. No contractor commitments are required. NDOR shall submit the NESHAP notification to NDEQ.

11.6 Hazardous Materials Mitigation:

Lead Commitments
There is potential for lead-based paint to be found on the bridge's painted components. 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, Rules and Regulation Governing Hazardous Waste Management in Nebraska. 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 shall recycle any lead-bearing plates and/or lead shims at a legitimate recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations. The Contractors implementation plan efforts shall be documented in ECOD system. (Contractor)

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

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:

The bridge over River Canyon at MM 92.05 (Structure Number S006 09205) would be removed and replaced with a quintuple concrete box culvert as part of this project. Construction of the new box culvert would be phased utilizing a two-lane temporary road during construction. The road would be in place for approximately one construction season and removed upon completion.

Coordination with the affected public and emergency services has occurred, following the requirements of the approved public involvement plan. No adverse effects to businesses or emergency services were identified.

15.9 Traffic Disruption Mitigation:

This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. A temporary road will be in place for the phased construction of a concrete box culvert. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 135 working days. (Contractor)

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

☐ Yes (1) ☒ No (1)

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

☐ Yes (3) ☒ No (1)

16.6 Will the action change the functionality of adjacent properties?

☐ Yes (3) ☒ No (1)

16.8 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)

NDOR Highway Civil Rights Specialist Determination Date:

9/24/2014

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 FHWA Order 6640.23A, because these protected populations are not present in the project area.

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

The areas through which this project travels are mostly English-speaking. In the areas surveyed, none of the data indicates the presence of an Limited English Proficiency (LEP) population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons. No LEP outreach is recommended for this project.

Based on an analysis of the project scope and a civil rights analysis, a targeted mailer in the form of a project information packet, legal notice, website, and a 30-day comment period were used as outreach tools for public involvement on this project. The project information packet involved mailing a project information sheet and prepaid postage comment sheet to a distribution list of 185 citizens and businesses adjacent to US-6 from MM 87.73 to MM 98.63. A total of 87 public and private agencies with potential interest in the project were also included in the distribution list. Legal notices were placed in the McCook Gazette and Indianola News, Nebraska Press Association recognized newspapers, on December 10, 2015 and December 24, 2015. Project information was placed on the NDOR website.

NDOR Public Involvement received 16 comments during the specified comment period (December 10, 2015 - January 11, 2016), summarized in Attachment 12.

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

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

[X]

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 following projects would occur in the vicinity of this project: CN 71167, NH-83-1(115), McCook North would resurface Nebraska Highway 83 (N-83) in Fiscal Year (FY) 2017. CN 70885, NH-6-2(125), Indianola to Cambridge would resurface N-6 directly east of this project in FY 2018. CN 71181, NH-83-1(117), BNSF Viaduct in McCook would resurface and repair the viaduct on US-83 in FY 2018.

There are no anticipated cumulative impacts due to the McCook-Indianola project in conjunction with the additional projects referenced above. Construction for the individual projects have been scheduled such that there would be adequate time or distance between projects to prevent interference with local traffic patterns. There are minor impacts anticipated for wetlands/waters, which would be mitigated. There are no impacts anticipated for threatened and endangered species and de minimis Section 4(f) impacts for the McCook-Indianola project. There are no negative long-term socioeconomic impacts anticipated as access to residences or businesses would only be limited during construction. There are however, long term benefits to motorist due to roadway improvements.

23.1 **Project Mitigation**:

Section 4(f) Migitation:
The access drive to the Indianola District #2 Basefield is located approximately 500 feet east of S006 09761. Access to this property 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)

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

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

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

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

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

The project will require a Pre-construction Notification 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:
Impaired Waters
There are Category 5 impaired waters in the project study area; Best Management Practices (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)

National Pollutant Discharge Elimination System (NPDES) / Stormwater Run-off
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 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% re-vegetated. At that time the Notice of Termination with NDEQ for the General Construction Storm Water Permit and completion of the SWPPP responsibilities shall be filed. (NDOR Environmental)

General Conservation Conditions from the Matrix PA:

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

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

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

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

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

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

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

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

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

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

Species Mitigation:
S-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, and 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: Structures S006 09205, S006 09369, S006 09761, any areas of tree clearing not accomplished prior to April 1st (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)

Bald and Golden Eagle Protection Act:
Suitable bald eagle nesting and/or roosting habitat exists within 0.5 mile of the Environmental Study Area. If construction will begin between February 1 and April 15, a nest survey must be completed at least 1 but not more than 14 days prior to construction. If construction will begin between April 15 and October 1, a nest survey completed in March is sufficient, as nests will likely already be constructed if nesting will occur that year. However, a nest survey may be completed anytime during this timeframe, as long as it is completed prior to construction. If bald eagles are nesting in the area, consultation with NGPC and USFWS will be required. (NDOR Environmental)

Historic Properties Mitigation:
There are sensitive areas located along the project, but outside the existing right-of-way which are cultural and/or historic resources. To ensure the protection of these sites, sensitive areas shall be marked on the plans so the Contractor does not work, stage, stockpile or store material and equipment beyond the limits of construction. Design shall put the sensitive areas on the project plans. During design, if right-of-way is needed within sensitive areas, NDOR Environmental shall be contacted. (NDOR Design, NDOR Environmental)

Hazardous Materials Mitigation:
Lead Commitments
There is potential for lead-based paint to be found on the bridge's painted components. 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, Rules and Regulation Governing Hazardous Waste Management in Nebraska. 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 shall recycle any lead-bearing plates and/or lead shims at a legitimate recycling facility as found in paragraph 3 (environmental requirements) in Section 203.01 of the Standard Specification for Highway Construction and in accordance with Title 128, Nebraska Hazardous Waste Regulations. The Contractors implementation plan efforts shall be documented in ECOD system. (Contractor)

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

Traffic Disruption Mitigation:
This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. A temporary road will be in place for the phased construction of a concrete box culvert. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 135 working days. (Contractor)

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)

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)

Additional Mitigation:
Borrow:
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 dispose of material removed as part of the project described above and miscellaneous obstructions encountered and removed along the project. The disposal is the responsibility of the Contractor. A waste site may be needed. The Contractor shall obtain all permits and clearances and all conditions of those permits shall be followed. (Contractor)

Airport:
Because of the proximity to the McCook Ben Nelson Regional Airport in McCook, Nebraska (within a 4-

mile radius), 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. 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 feet 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)

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

Paragraph: (c)

Activity: 26

Prepared by: Caleb Pharris

Organization: Olsson Associates

Phone: (402) 458-5689

Email: cpharris@olssonassociates.com

Signature: Caleb Pharris

Date: 05-09-2016

Reviewed by Project Sponsor:

Name: Jacqueline Baird

Organization: Nebraska Dept. of Roads

Title: Engineer III

Signature: Jacqueline Baird

Date: May 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 Modrcin
DN: cn=Carmen Modrcin, o=NDOR Environmental, ou=NEPA Specialist, email=carmen.modrcin@nebraska.gov, c=US
Date: 2016.06.14 12:01:57 -05'00'

Date:

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

Digitally signed by Jon Barber
Date: 2016.06.14 13:22:21 -05'00'

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: