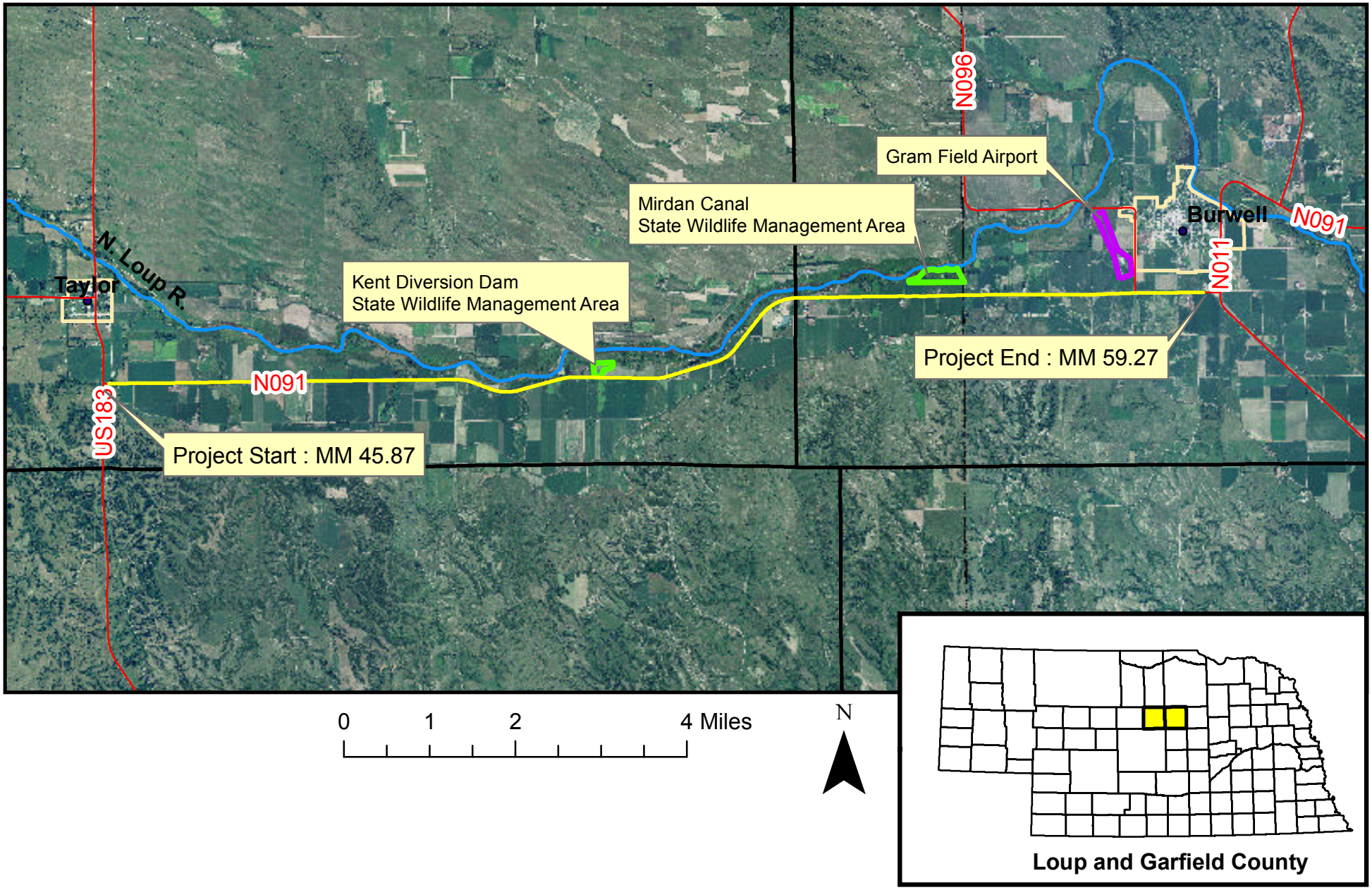
C.N. 80980, STP-91-3(113), Taylor - Burwell



Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., *Director*
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

March 17, 2016

James Hall
P.O. Box 129
Taylor,NE 68879

RE: Taylor – Burwell, 91-3 (113), CN 80980
Project within Floodplain – No Potential Impact

James Hall:

The Nebraska Department of Roads is notifying you that we will be completing work within a Regulated Zone A Floodplain within your community. The proposed project will complete work along Highway 91 from (R.P. 45.87) to (R.P. 59.27). The project work consists of microsurfacing N-91. NDOR has determined that there is no potential impact to the Zone A Floodplains crossed by this project.

NDOR is providing this letter to alert you of the upcoming project and to assist you in monitoring the work completed within the regulated floodplains of your community. Since NDOR's project does not meet the criteria for development of the floodplain, and it has no potential for an impact to the Zone A Floodplains it crosses, NDOR will not submit a Floodplain Development Permit for this project.

If you have questions concerning the project's impact on the Floodplain, please contact Kirk Harvey at (402) 479-3755. Given this information if you would still like NDOR to submit a permit application, contact Kimberly Baker at (402) 479-4544 as soon as possible, preferably within 30 days following the date of this letter.

Sincerely,

NEBRASKA DEPARTMENT OF ROADS

Kirk Harvey, PE
Bridge Hydraulics

Jodi E. Kocher, PE
Roadway Design Hydraulics

Tony J. Ringenberg, CFM
Highway Environmental Biologist

Pete Ricketts
Governor

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March 17, 2016

Sheri Goodrich
PO Box 712
Burwell, NE 68823

RE: Taylor – Burwell, 91-3 (113), CN 80980
Project within Floodplain – No Potential Impact

Sheri Goodrich:

The Nebraska Department of Roads is notifying you that we will be completing work within a Regulated Zone A Floodplain within your community. The proposed project will complete work along Highway 91 from (R.P. 45.87) to (R.P. 59.27). The project work consists of microsurfacing N-91. NDOR has determined that there is no potential impact to the Zone A Floodplain(s) crossed by this project.

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Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

March 17, 2016

Robert Beat
404 Grand Ave., P.O. Box 604
Burwell, NE 68823

RE: Taylor – Burwell, 91-3 (113), CN 80980
Project within Floodplain – No Potential Impact

Robert Beat:

The Nebraska Department of Roads is notifying you that we will be completing work within a Regulated Zone A Floodplain within your community. The proposed project will complete work along Highway 91 from (R.P. 45.87) to (R.P. 59.27). The project work consists of microsurfacing N-91. NDOR has determined that there is no potential impact to the Zone A Floodplain(s) crossed by this project.

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March 17, 2016

Dixie Kraus
PO Box 187
Taylor, NE 68879

RE: Taylor – Burwell, 91-3 (113), CN 80980
Project within Floodplain – No Potential Impact

Dixie Kraus:

The Nebraska Department of Roads is notifying you that we will be completing work within a Regulated Zone A Floodplain within your community. The proposed project will complete work along Highway 91 from (R.P. 45.87) to (R.P. 59.27). The project work consists of microsurfacing N-91. NDOR has determined that there is no potential impact to the Zone A Floodplain(s) crossed by this project.

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Sincerely,

NEBRASKA DEPARTMENT OF ROADS

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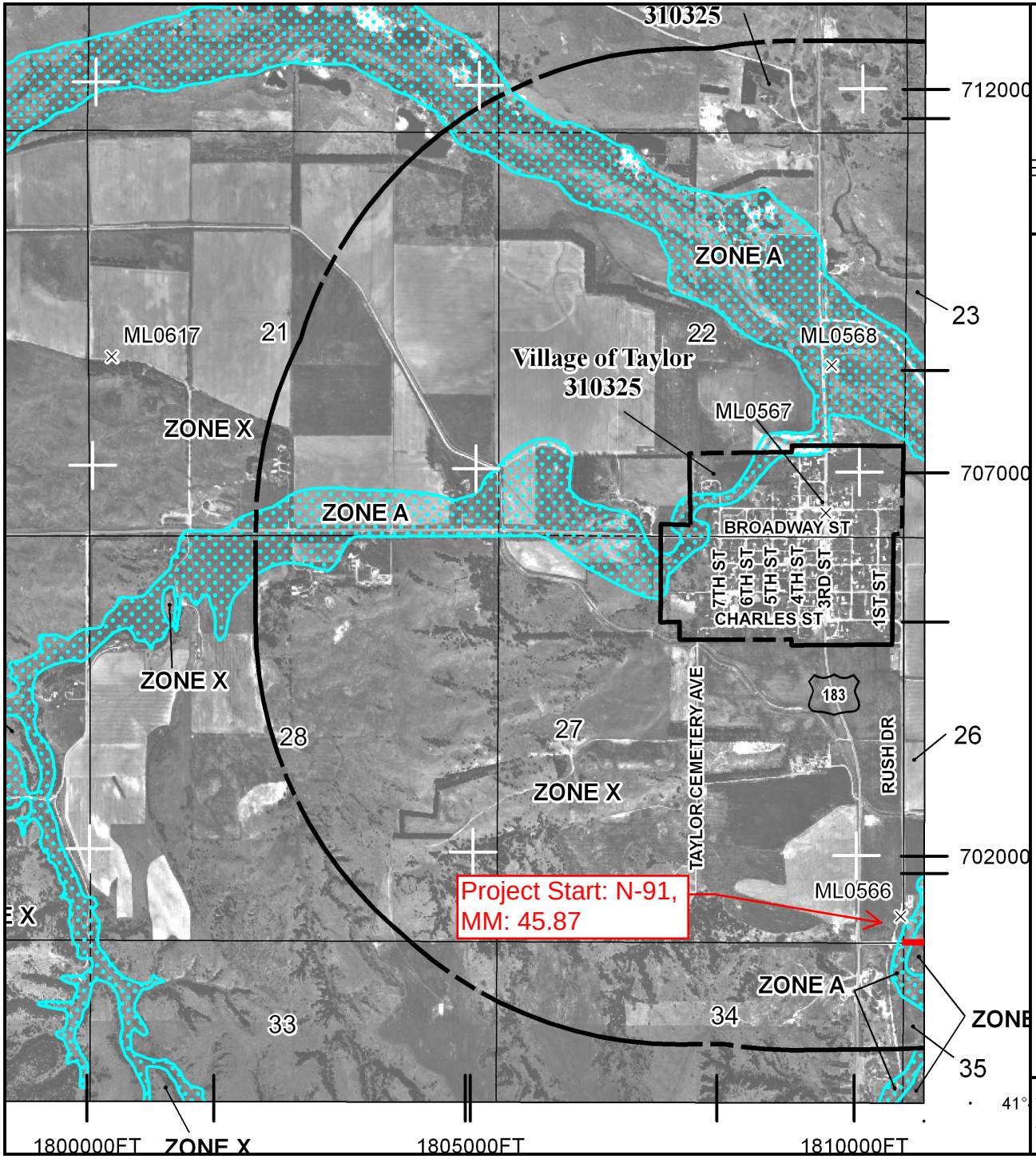
Jodi E. Kocher, PE
Roadway Design Hydraulics

Tony J. Ringenberg, CFM
Highway Environmental Biologist



MAP SCALE 1" = 2000'

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NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0325B

FIRM

FLOOD INSURANCE RATE MAP

LOUP COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 325 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LOUP COUNTY	310454	0325	B
TAYLOR, VILLAGE OF	310325	0325	B

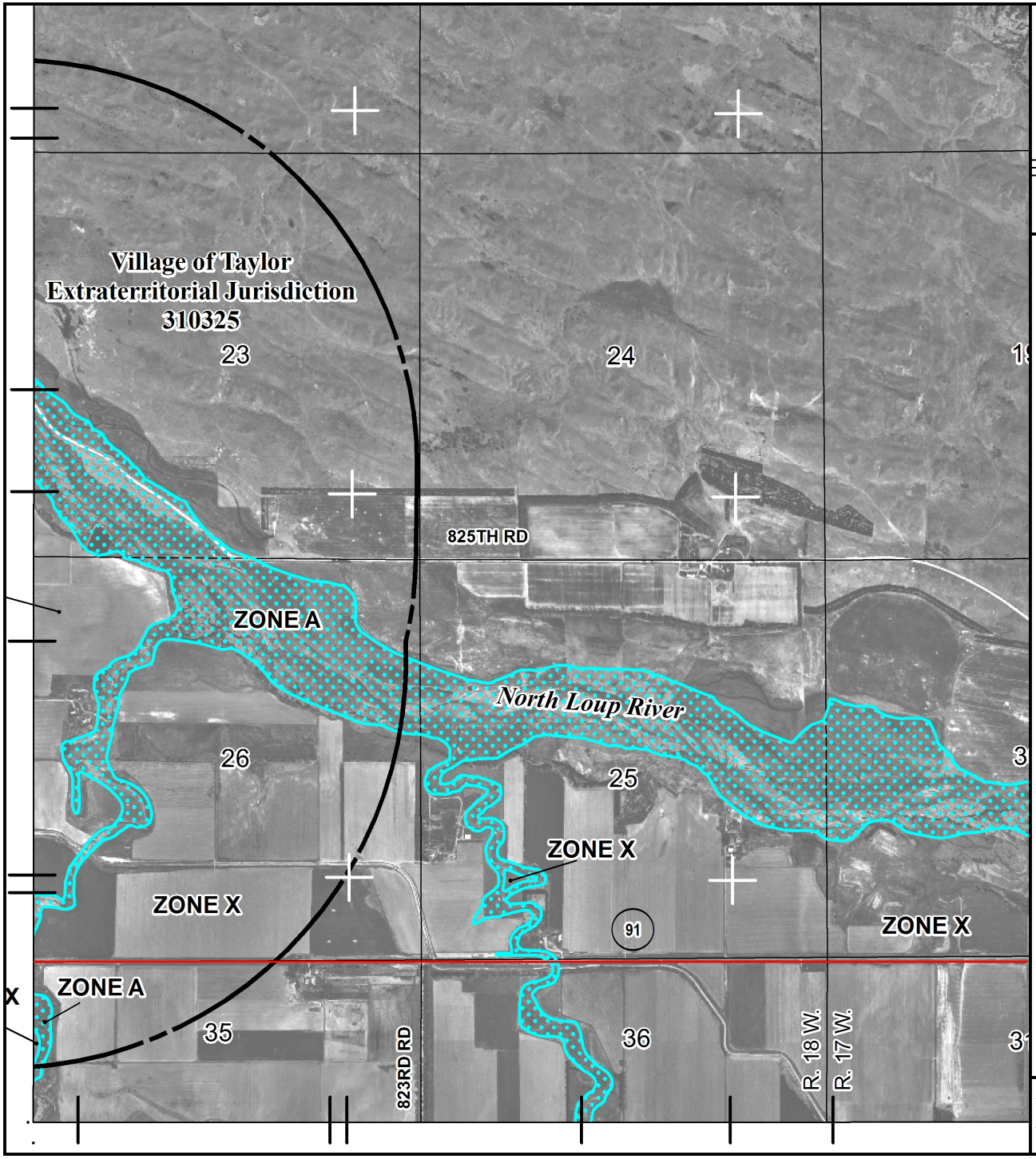
Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
31115C0325B

EFFECTIVE DATE
MAY 16, 2008

Federal Emergency Management Agency

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov



MAP SCALE 1" = 2000'

1000 0 1000 2000 4000 FEET

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0350B

FIRM
FLOOD INSURANCE RATE MAP

LOUP COUNTY, NEBRASKA
AND INCORPORATED AREAS

PANEL 350 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LOUP COUNTY	310454	0350	B
TAYLOR, VILLAGE OF	310325	0350	B

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
31115C0350B

EFFECTIVE DATE
MAY 16, 2008

Federal Emergency Management Agency

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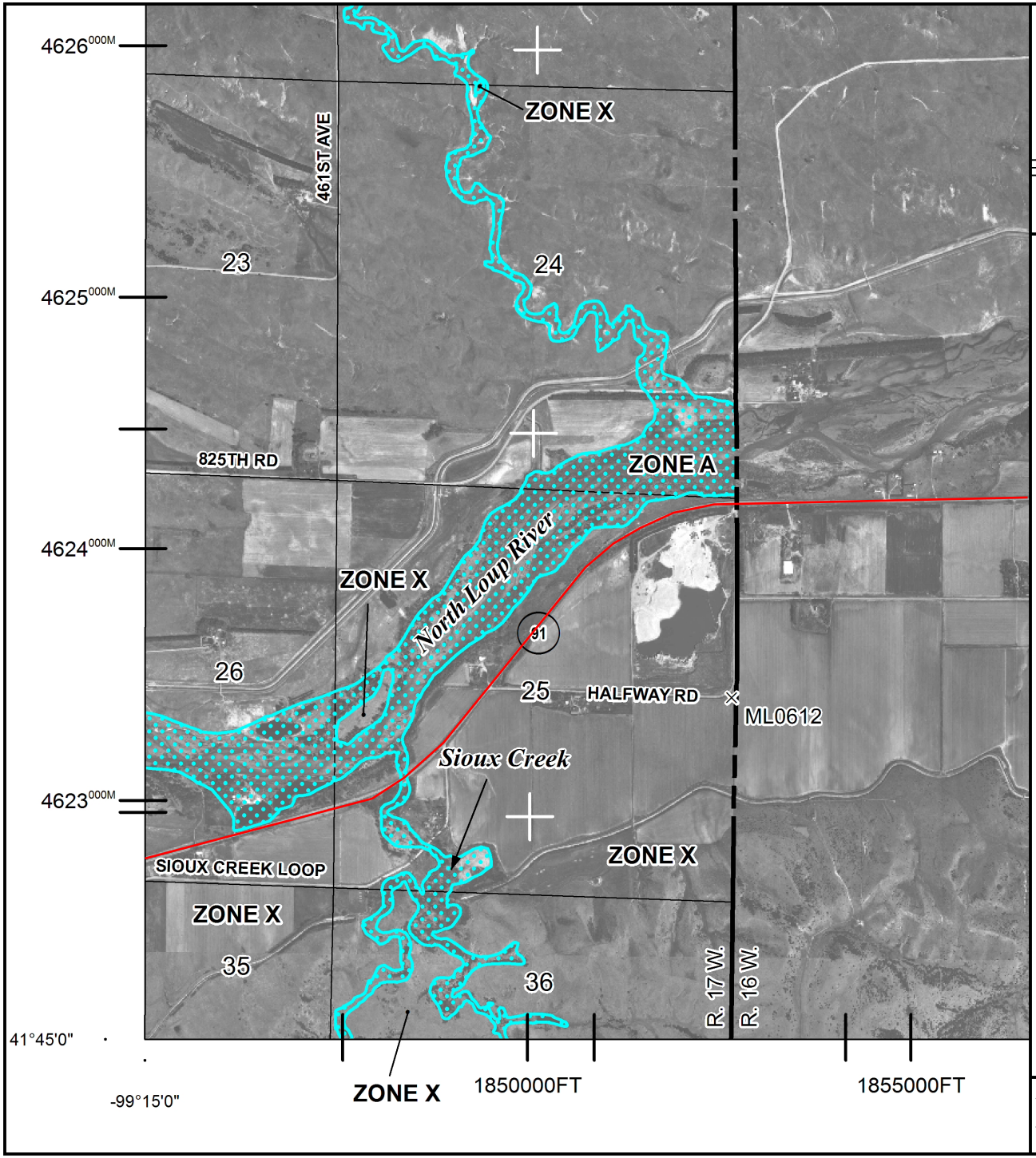

MAP SCALE 1" = 2000'

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NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0375B

FIRM

FLOOD INSURANCE RATE MAP

LOUP COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 375 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LOUP COUNTY	310454	0375	B

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MAP NUMBER
31115C0375B

EFFECTIVE DATE
MAY 16, 2008

Federal Emergency Management Agency

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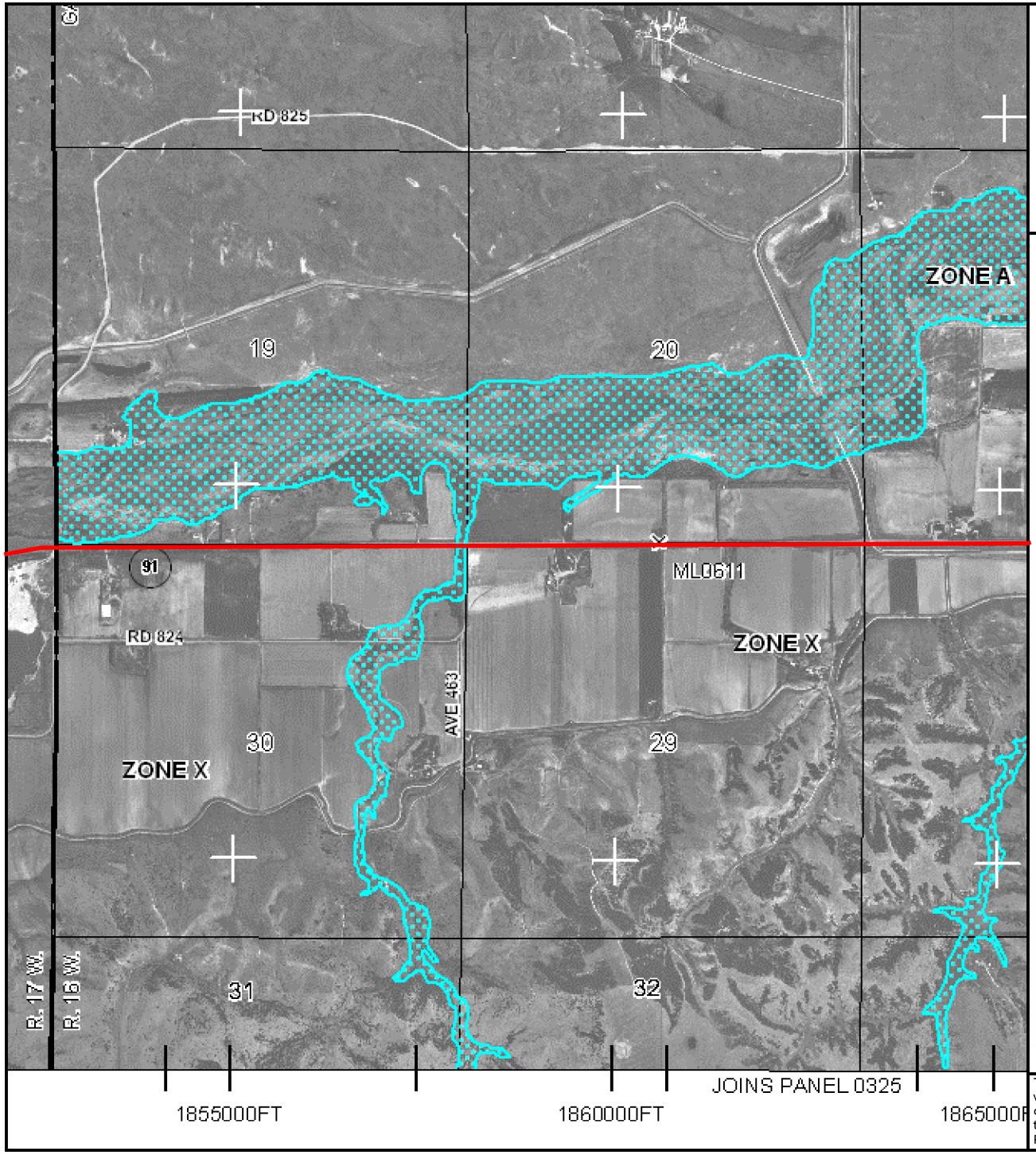

MAP SCALE 1" = 2000'

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NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0225B

FIRM
FLOOD INSURANCE RATE MAP
GARFIELD COUNTY, NEBRASKA
AND INCORPORATED AREAS

PANEL 225 OF 400

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
GARFIELD COUNTY	310437	0225	B
BURWELL, CITY OF	310354	0225	B

Notice to User: The Map Number shown below should be used when placing map orders; the Community Number shown above should be used on insurance applications for the subject community.

MAP NUMBER
31071C0225B

EFFECTIVE DATE
APRIL 16, 2008

Federal Emergency Management Agency

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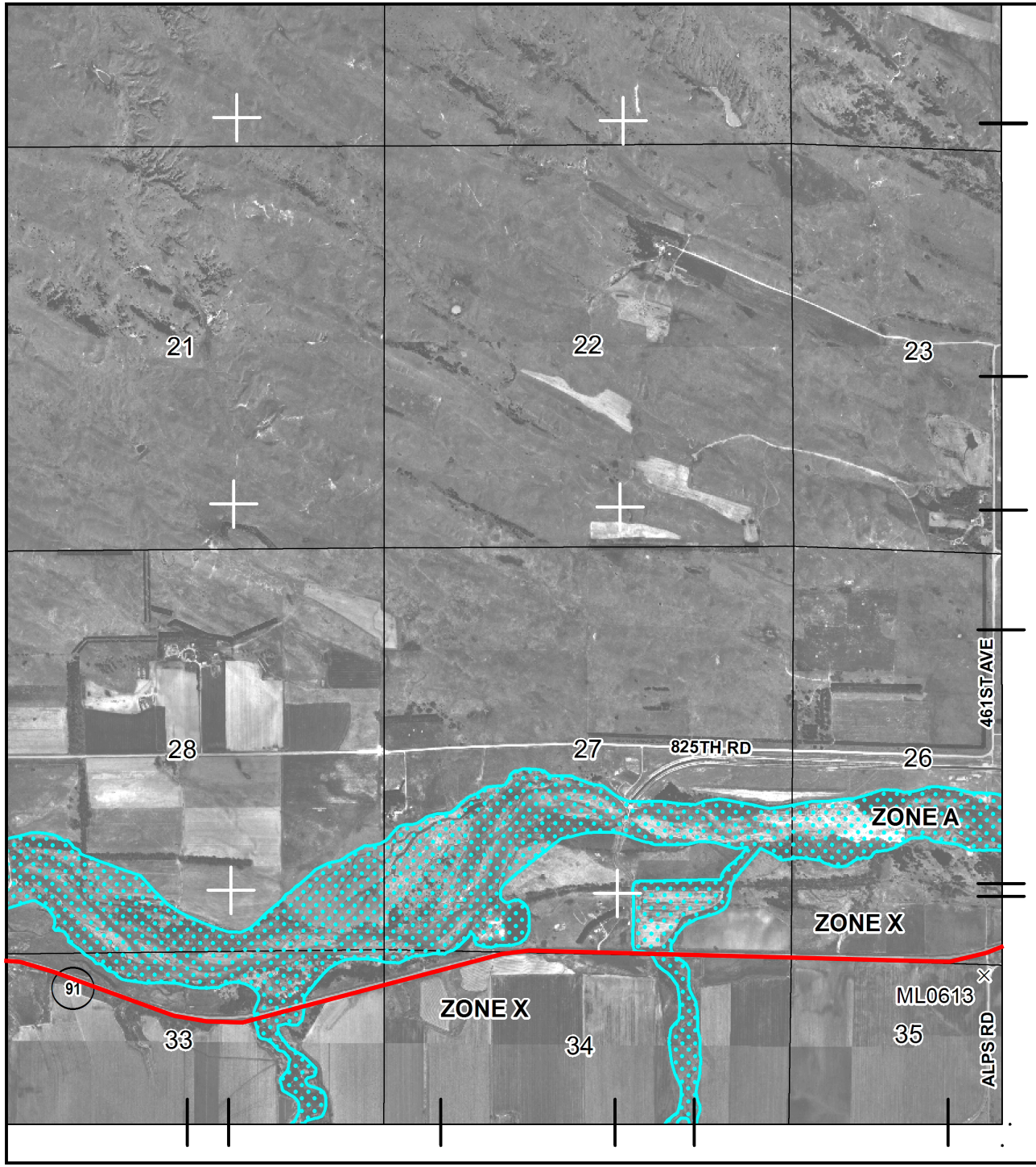

MAP SCALE 1" = 2000'

1000 0 1000 2000 4000 FEET

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0350B

FIRM

FLOOD INSURANCE RATE MAP

LOUP COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 350 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
LOUP COUNTY	310454	0350	B
TAYLOR, VILLAGE OF	310325	0350	B

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MAP NUMBER
31115C0350B

EFFECTIVE DATE
MAY 16, 2008

Federal Emergency Management Agency

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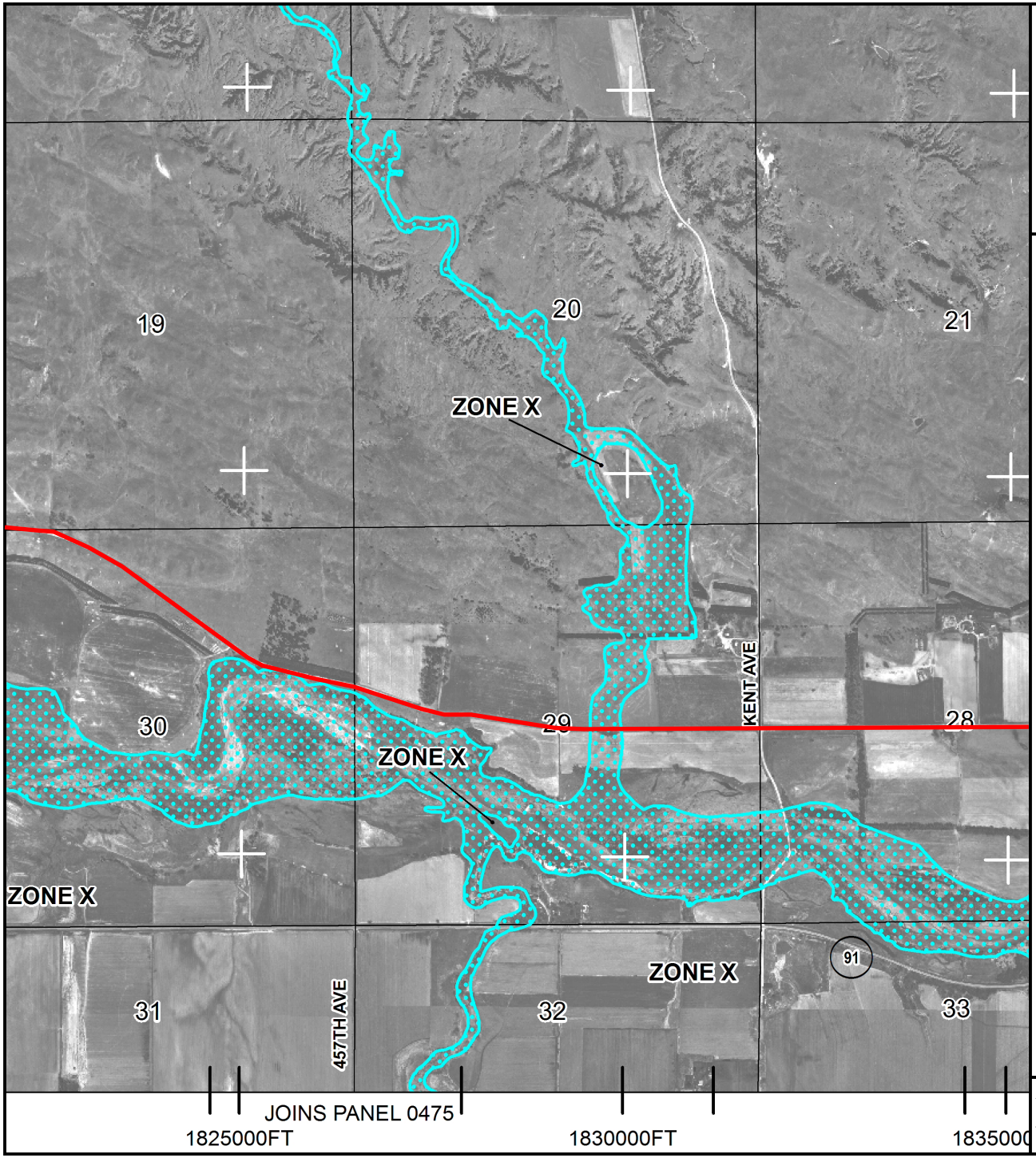

MAP SCALE 1" = 2000'

1000 0 1000 2000 4000 FE

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0350B

FIRM
FLOOD INSURANCE RATE MAP

LOUP COUNTY, NEBRASKA
AND INCORPORATED AREAS

PANEL 350 OF 500

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

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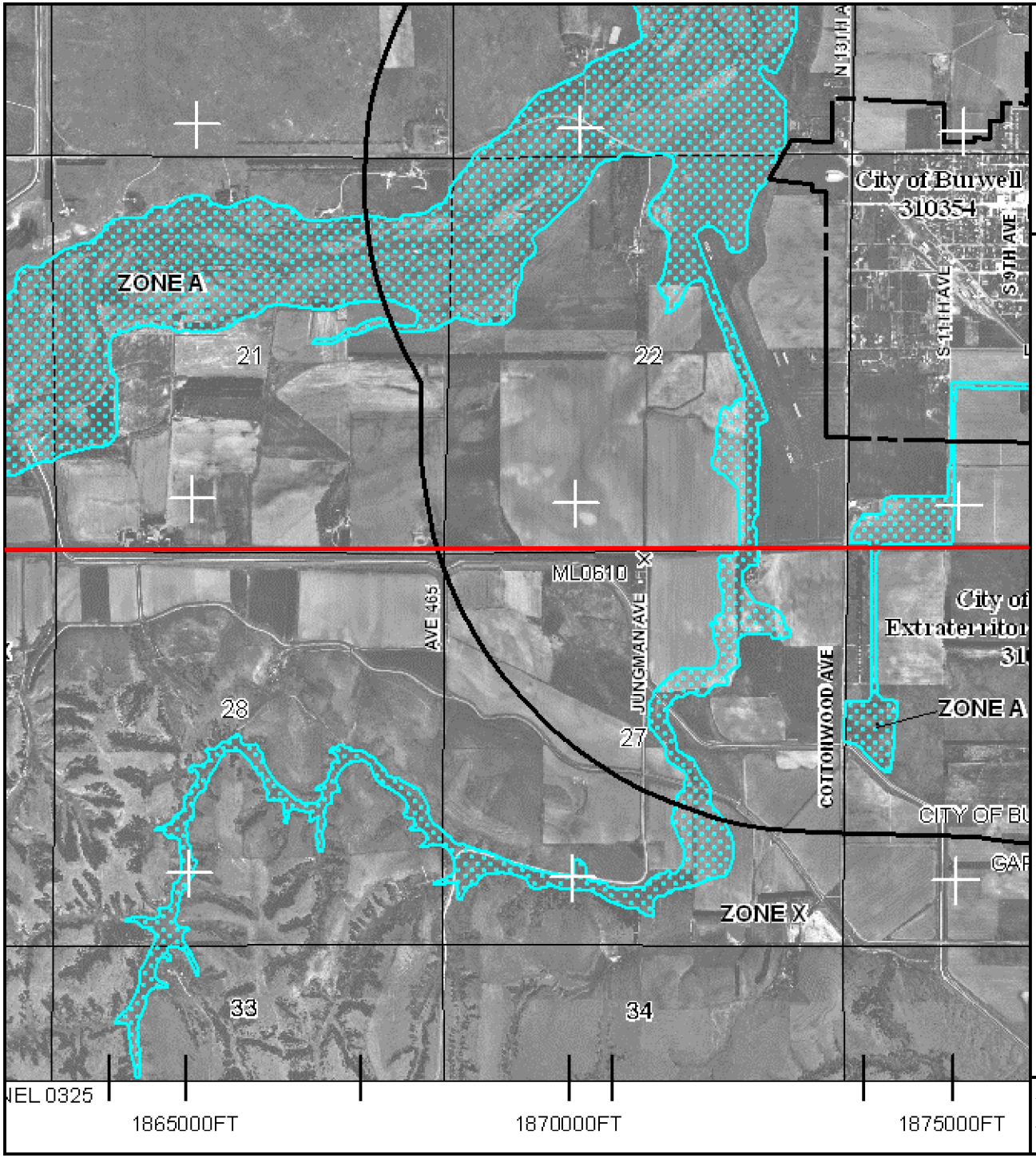

MAP SCALE 1" = 2000'

1000 0 1000 2000 4000 FE

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0225B

FIRM
FLOOD INSURANCE RATE MAP
GARFIELD COUNTY, NEBRASKA
AND INCORPORATED AREAS

PANEL 225 OF 400

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

COMMUNITY	NUMBER	PANEL	SUFFIX
GARFIELD COUNTY	310437	0225	B
BURWELL, CITY OF	310354	0225	B

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MAP NUMBER
31071C0225B

EFFECTIVE DATE
APRIL 16, 2008

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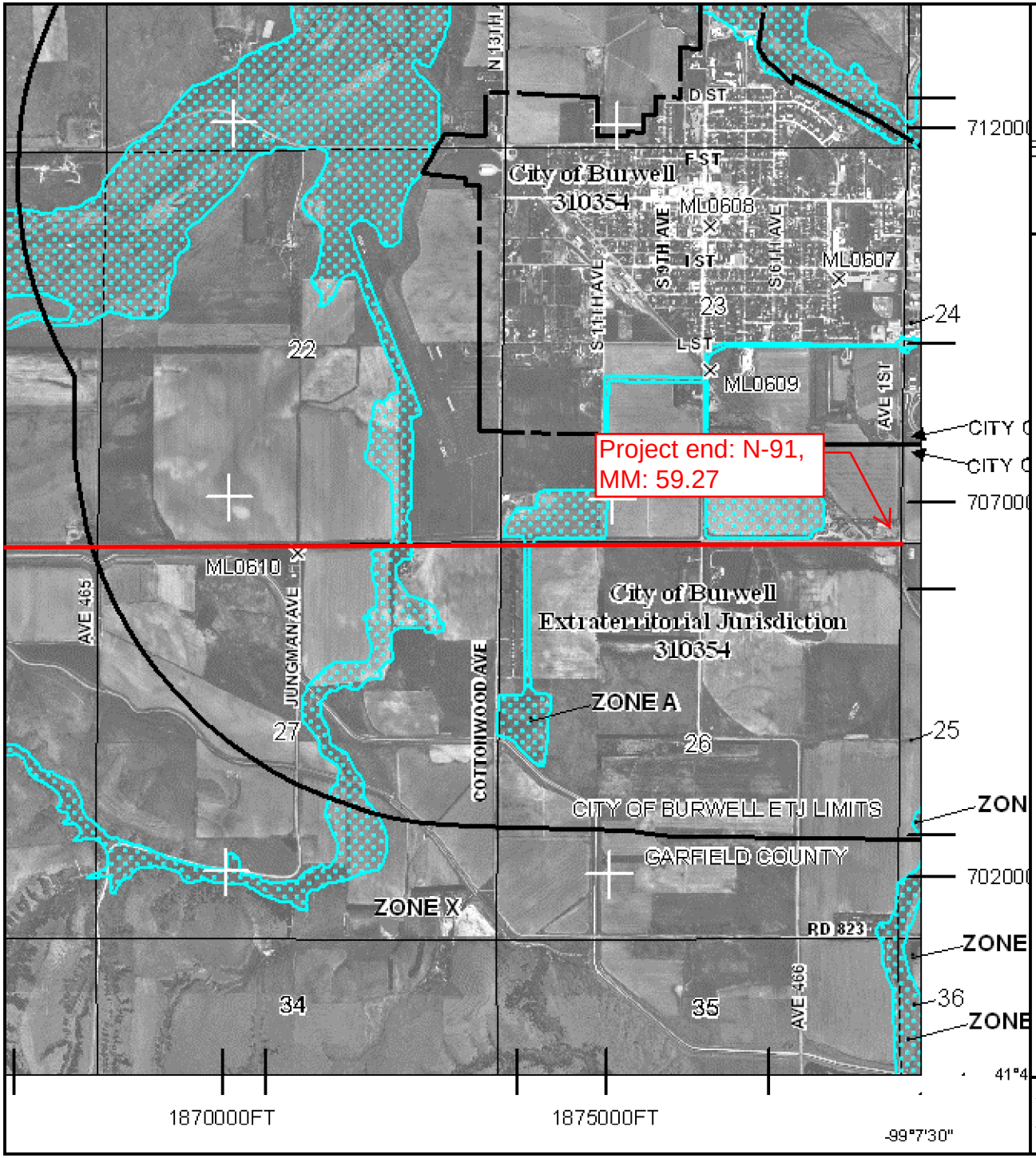

MAP SCALE 1" = 2000'

1000 0 1000 2000 4000 FEET

0 600 1200 METERS

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0225B

FIRM

FLOOD INSURANCE RATE MAP

GARFIELD COUNTY, NEBRASKA

AND INCORPORATED AREAS

PANEL 225 OF 400

(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

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Wetlands PQS Memorandum

DATE 4/20/2016

TO Carrie Wencel, NDOR EDU

FROM Kimberly Baker, NDOR EPU

SUBJECT Wetlands PQS Memo
Project No: STP-91-3(113)
Control No: 80980
Project Name: Taylor-Burwell

☐A wetland delineation was completed Click here to enter a date.
Or
☒A desktop review was completed on 11/18/2014

Are there wetlands, stream channels, or other waters within the study area?
☒ Yes ☐ No

Will the action result in wetland impacts in accordance with Section 404 of the Clean Water Act and/or Nebraska State Title 117?
☐ Yes ☒ No ☐ Not Applicable

If the project is processed with a Nationwide Permit, is a Pre-construction Notification required?
☐ Yes ☐ No ☒ Not Applicable

Describe resources, <u>potential</u> impacts and anticipated permit type (*Include estimated permanent wetland impacts (acres). If known, also provide estimated temporary wetland impacts (acres), estimated channel impacts (linear feet/acres), special wetland areas, cause of impacts, and any Nationwide Permit information.*): Not Applicable

Cowardin Class Impacted (*Select all that apply*)
☐ Palustrine ☐ Riverine ☐ Lacustrine ☒ Not Applicable

Describe any coordination conducted to date with officials/agencies (*Include: Any coordination with USACE)*: Not Applicable

Wetlands/Waters of the U.S. Mitigation
☐ On-Site/Permittee Responsible ☐ USACE Approved Mitigation Bank Site ☒ Not Applicable

<u>Wetlands/Waters of the U.S. Commitments:</u>
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.

☐ All wetlands/waters within the project area that are not permitted for impacts will be marked on the 2W aerial sheets for the contractor as avoidance areas.

Select the following that apply:

☒ 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 or listed on Attachment 1 of the Environmental Commitment for the Contractor as avoidance areas. (NDOR Design, NDOR Environmental)

☐ The project qualifies under Nationwide Permit # Non-notifying Nationwide Permit Number. The contractor shall adhere to the permit conditions, including regional and general conditions, during construction. (Contractor)

☐ The project will require a Nationwide Permit for impacts to waters of the U.S. The permit shall be obtained prior to project letting. The contractor shall adhere to all permit conditions, including regional and general conditions, during construction. (NDOR Environmental, Contractor)

☐ The project will require a Title 117 Opinion Letter for impacts to waters of the State. (NDOR Environmental, Contractor)

Project Description:

This project will microsurface 13.40 miles of N-91 located in Loup and Garfield Counties, starting at the south Junction N-91 with US-183, mile marker (MM) 45+87, and extending east to MM 59+27, the south Junction N-91 with N-11. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-91 consists of two 12 foot wide asphalt lanes and 5 foot wide shoulders, of which 2 feet is paved with asphalt.

The improvements on this project consist of microsurfacing the existing roadway and surfaced shoulders.

Scope details include:

- Project surveying and staking will not be required.
- Permanent pavement markings will be applied to all new surfacing.
- No additional property rights will be required to build this project.
- Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements.
- This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

Biological Assessment Memorandum

DATE	7/24/2015
TO	Carrie Wencel, NEPA Project Manager
Cc	Kim Baker, EPU Project Manager
FROM	Melissa Marinovich, T&E Species Biologist
SUBJECT	Taylor - Burwell; STP-91-3(113); CN 80980 Threatened & Endangered Species Concurrence

The biological assessment final approval on: **7/24/2015**

Threatened and Endangered Species Effect Determination:

☐ The Project(s) will have "No Effect" to all state or federally listed species or their designated critical habitat (Level 1).

☒ A "May Affect, Not Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: **Whooping Crane**.

☐ This BA required FHWA Review and Approval.

FHWA Concurrence Date: Click here to enter a date.

☐ This BA required further consultation with the resource agencies (Level 2).

USFWS Concurrence Date: Click here to enter a date.

NGPC Concurrence Date: Click here to enter a date.

☐ Unique conservation conditions were developed and are included below (Level 3).

☐ A "May Affect, Likely to Adversely Affect" determination is made for the following species/critical habitat with the conservation conditions listed below: (Level 3).

Additional Coordination with Other Tribal or Federal Agencies: Click here to enter text.

Description of Coordination:

Bald and Golden Eagle Protection Act:

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

Migratory Bird Treaty Act:

NDOR has developed an Avian Protection Plan (APP) to reduce conflicts between construction of NDOR projects and the laws governing migratory birds. This procedure is designed to protect and conserve avian populations and reduce avian conflicts through changes in project scheduling (i.e. tree clearing outside of primary nesting period), increased migratory bird surveys, and changes in project construction timelines. NDOR will utilize its APP to reduce conflicts with migratory birds on this project.

Fish and Wildlife Coordination Act:

A wetland determination has been completed for this project. Based on current project design, there will be no wetland or stream channel impacts on this project. This project will not require a Section 404 permit from the Corps of Engineers; therefore, FWCA does not apply.

Conservation Conditions: *Responsible Party for conservation condition shown in parentheses.*

Listed below are the required Conservation Conditions that apply to this project. These measures are not subject to change without the prior written approval of the Federal Highway Administration. **Copy and paste the conditions listed below verbatim in the NEPA document, the Green Sheet, and in the contract documents:**

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)

R-3,8 Asphalt plants and staging areas for construction supplies and Contractor's equipment shall be located in areas that are frequently disturbed such as, but not limited to, field entrances, crop fields, abandoned roadway, farmsteads and roads. If this is not possible, the contractor shall coordinate with NDOR Environmental with a site plan showing the desired staging/stockpile location(s), which will be sited in such a way as to avoid impacting protected species.

Whooping Crane:

WC-1 Construction activities will not occur during Whooping Crane migration periods. (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16). (NDOR Environmental, Construction, Contractor)

OR

WC-2 If construction activities occur during Whooping Crane migration periods (Spring migration: March 10 – May 10; and fall migration: September 16 – November 16), NDOR trained personnel, or a qualified biologist, will conduct surveys according to protocol at the following locations: ***length of the project*** (*location of suitable habitat*). **(prior to the start of daily construction activities)**. If species are present the District will notify the Contractor to stop work within 1/2 mile of the whooping crane and follow the protocol to determine when work can resume **(also not initiate work if species is found in the morning survey)**. Options for resuming work may include but are not limited to (NDOR Environmental, Construction, Contractor):

- Construction activities are limited to the hours from 10:00 a.m. to 4:00 p.m. (CST) during the migration period, unless morning survey indicates Whooping Cranes are not present.
- If a whooping crane is observed during the survey within ½ mile of the project, but departs the area (further than ½ mile from the project) then work can resume. Document this departure according to protocol.

AND

R-11 For the **whooping crane**, nighttime work with lights from March 10 - May 10 and September 16 - November 16 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).

NDOR
Nebraska
Department of Roads

NDOR Section 106 - Tier I Review
No Potential to Cause Effects to Historic Properties

Control Number 80980 Project Number STP-91-3(113) Review Date 08/09/15

Project Name Taylor - Burwell Project Location Loup County

Date of Project Description Reviewed 03/18/15 ☑ Project Description Attached ☑ Tier I Project

THPO/Tribal Consultation? ☑ No ☐ Yes

THPO/Tribes(s):

Date Correspondence Sent:

THPO/Tribal response date:

THPO/Tribal comment:

CLG Consultation? ☑ No ☐ Yes

CLG:

Date Correspondence Sent:

CLG response date:

CLG comment:

Please Note: For the criteria below to be valid, any an all ground disturbance would be limited to the depth of the existing fill material. Ground disturbance would not exceed the depth of the existing fill material.

Check all that apply:

☐ 1. Guardrail and bridge rail repair and replacement. Conditions: In kind repair/replacement.

☐ 2. Traffic Signals, intersection lighting, pedestrian signals, underpass lighting, or railroad lighting within existing right-of-way. Conditions: In kind repair/replacement.

☐ 3. Maintenance and replacement of highway signs on existing poles, new sign installation within existing fill material.

☑ 4. Crack sealing, pothole repair, overlaying, milling, resurfacing, installation of rumble strips, and pavement marking. Conditions: This activity does not include actions on brick streets or brick highways. The maintenance or rehabilitation is limited to the existing surfaced areas with only minimal surface expansion, is the same as the existing vertical and horizontal alignments of the roadway, no ditching or drainage work is included. All staging areas can be limited to existing paved or previously disturbed surfaces only (eg. surfaces with little to no vegetation due to previous disturbance). Any and all ground disturbance is limited to existing fill material and will not exceed the depth of the existing fill material.

☐ 5. Repair/Maintenance of right-of-way fencing, limited to repair/replacing fence wire and fence posts only on existing fence post locations. Condition: If any grading is required for access or installation of fencing, this authority does not apply.

☐ 6. Improving existing bicycle and pedistrian lanes and paths on their existing alignments. Conditions: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the fill material.

☐ 7. Acquisition of scenic easements.

☐ 8. Approvals for disposal of excess right-of-way or for joint or limited use of the right-of-way for right-of-way previoulsy purchased with federal funds, provided no properties over 50 years old are located on within the property.

☐ 9. Acquisition of land for hardship or protective purposes. Hardship and protective buying will be permitted only for a particular parcel or a limited number of parcels, as long as those parcels do not contain properties over 50 years old.

☐ 10. Improvements to existing maintenance facilities, rest areas (excludine I-80 rest areas), and truck weigh stations less than 50 years old. Condition: Any and all ground disturbance is limited to existing fill material locations only, not to exceed the depth of the existing fill material.

☐ 11. Repair/Replacement of at-grade railroad crossing gates, lights, signs, and the rail crossing driving surface. Condition: work is limited to in kind replacement/repair with any and all ground disturbance limited to existing fill material locations only, not to exceed the depth of the existing fill material.

☐ 12. Grants for training, education and research programs which do not involve construction.

☐ 13. Purchase of equipment or materials which do not involve construction.

☐ 14. Visual Bridge Inspections.

Stacy Stupka-Burda

Digitally signed by Stacy Stupka-Burda
DN: cn=Stacy Stupka-Burda, o=NDOR, ou=Planning & Project Development, email=stacy.stupka-burda@nebraska.gov, c=US
Date: 2015.08.09 12:55:44 -05'00'

NDOR PQS Review

Nebraska Department of Roads

Project Description

Project Name:	Taylor - Burwell	
Project No.:	STP-91-3(113)	
Control No.:	80980	
Initial Draft:	Date: 3/18/2015	Written By: S. Jording

Updates/Reviews

Date	Update/Review By *(name)*	Items Updated	Plan Level *(PIH, etc.)*

Project Description: This project will microsurface 13.40 miles of N-91 located in Loup and Garfield Counties, starting at the south Junction N-91 with US-183, mile marker (MM) 45+87, and extending east to MM 59+27, the south Junction N-91 with N-11. Construction may begin and/or end approximately 200 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on this segment of N-91 consists of two 12 foot wide asphalt lanes and 5 foot wide shoulders, of which 2 feet is paved with asphalt.

The improvements on this project consist of microsurfacing the existing roadway and surfaced shoulders.

Scope details include:

- Project surveying and staking will not be required.
- Permanent pavement markings will be applied to all new surfacing.
- No additional property rights will be required to build this project.
- Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements.
- This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

Nebraska Department of Roads

Planning and Project Development

Hazardous Materials Memorandum

Date: February 2, 2016

To: Carrie Wencel, Highway Environmental/NEPA Specialist, Planning and Project Development

From: Will Packard, Highway Environmental Specialist, Planning and Project Development

Subject: Hazardous Materials Review Exemption Memo for the Taylor to Burwell Project (C.N. 80980)

NDOR has reviewed the project description for the proposed Taylor to Burwell project. The scope of work consists of micro-surfacing the mainline of N-91. Because there will be no soil disturbance beyond the pre-existing roadway fill material, this qualifies as an exempt project under the NDOR Hazardous Materials Review Guidance Manual approved by FHWA on August 31, 2015. No hazardous materials review is required.

Will Packard 2/2/16

Name Date

Will Packard, Highway Environmental Specialist
Planning and Project Development
NDOR

Probable Class of NEPA Action Form

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

Date this DR-53 was Completed:	Control Number: *(NDOR Completes)*	Project No.: *(NDOR Completes)*
4/22/15	80980	STP-91-3(113)

Project Name:
Taylor - Burwell

☐ LPA Project ☒ State Project

Local Public Agency or NDOR District and County Project Located In:
District 8, Loup and Garfield County, Nebraska.

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

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

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

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

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

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

The Kent Diversion Dam State Wildlife Management Area and the Mirdan Canal State Wildlife Management Area are within th ESA for this project. Impacts are not anticipated due to the nature of the work.

The Gram Field Airport is located to the east of Burwell.

Document Preparer's Signature:

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

Carrie Wencel		3/31/2015
(Print Name)	*(Signature)*	*(Date)*

NDOR- Environmental Specialist

(Organization and Title)

(402) 479-4836	carrie.wencel@nebraska.gov
(Phone – include Area Code)	*(Email)*

The following is for NDOR Use Only

***Environmental Justice/Title VI/*LEP**

Civil Rights Staff completes the following:

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

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

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

Chris Hassler (Print Name) — Hwy Civil Rights Coordinator (Signature and Title) — 8/28/15 (Date)

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

EJ memo required, low income population present.

Noise and Air Study

Noise & Air Section completes the following:

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

Is an air analysis warranted? ☐ Yes ☒ No

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

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

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

Will Packard (Print Name) — Hwy Env. Specialist (Signature and Title) — 8/31/15 (Date)

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

Public Involvement

Public Involvement Coordinator completes the following:

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

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

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

Sarah Kugler (Print Name) — Pub. Inv. Coordinator (Signature and Title) — 9/11/2015 (Date)

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

Probable Class of NEPA Action

NDOR Environmental Section completes the following:

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

- [x] Programmatic Categorical Exclusion or Categorical Exclusion
- [ ] Environmental Assessment
- [ ] Environmental Impact Statement

Ryan Wallrawink		9/29/15
(Print Name)	*(Signature and Title)*	*(Date)*

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

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

(Print Name)	*(Signature and Title)*	*(Date)*

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

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

To: Carrie Wencel, Highway Environmental Biologist/NEPA Specialist, NDOR
From: Chris Hassler, Highway Civil Rights Coordinator, NDOR
Date: 26 April 2016
RE: Civil Rights Analysis: STP-91-3(113), Taylor – Burwell

Civil Rights Analysis for STP-91-3(113), Taylor – Burwell

Environmental Justice Regulatory Background and Methodology:

Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, was signed on February 11, 1994, and requires that, to the extent practicable and permitted by law, low-income or minority populations may not receive disproportionately high and adverse human health or environmental effects as a result of a proposed project. Federal agencies must take the appropriate and necessary steps to identify and address disproportionately high and adverse effects of federal projects on the health or environment of low-income and minority populations. Also, representatives of any low-income or minority populations in the community that may be affected by a project must be given the opportunity to be included in the impact assessment and public involvement process.

On June 14, 2012, FHWA issued Order 6640.23A, *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, which established policies and procedures for the FHWA and state transportation agencies to use in complying with Executive Order 12898. The Order provided definitions for multiple terms and concepts applicable to this analysis.

> *Adverse Effects* are defined as "the totality of significant individual or cumulative human health or environmental effects, including interrelated social and economic effects, which may include, but are not limited to: bodily impairment, infirmity, illness or death; air, noise, and water pollution and soil contamination; destruction or disruption of human-made or natural resources; destruction or diminution of aesthetic values; destruction or disruption of community cohesion or a community's economic vitality; destruction or disruption of the availability of public and private facilities and services; vibration; adverse employment effects; displacement of persons, businesses, farms, or nonprofit organizations; increased traffic congestion, isolation, exclusion or separation of minority or low-income individuals within a given community or from the broader community; and the denial of, reduction in, or significant delay in the receipt of, benefits of FHWA programs, policies, or activities."
>
> A *Disproportionately High and Adverse Effect to Low-Income and Minority Populations* is defined as an adverse effect that:
>
> 1. is predominately borne by a minority population and/or a low-income population; OR
>
> 2. will be suffered by the minority population and/or low-income population and is appreciably more severe or greater in magnitude than the adverse effect that will be suffered by the nonminority population and/or non-low-income population.

Minority is defined as a person who is:

1. Black: a person having origins in any of the black racial groups of Africa;

2. Hispanic or Latino: a person of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race;

3. Asian American: a person having origins in any of the original peoples of the Far East, Southeast Asia or the Indian subcontinent;

4. American Indian and Alaskan Native: a person having origins in any of the original people of North America, South America (including Central America), and who maintains cultural identification through tribal affiliation or community recognition; OR

5. Native Hawaiian and Other Pacific Islander: a person having origins in any of the original peoples of Hawaii, Guam, Samoa or other Pacific Islands.

A *Low-Income* person is defined as a person whose median household income is at or below the Department of Health and Human Services poverty guidelines. (*Note – The U.S. Department of Health and Human Services does not publish tabulations of the number of people below the DHHS poverty guidelines, which are a simplified version of the federal poverty thresholds. The federal poverty thresholds are used for calculating all official poverty population statistics, and are updated annually by the Census Bureau. The best approximation for the number of people below the DHHS poverty guidelines in a particular area is the number of persons below the Census Bureau poverty thresholds in that area.)*

A *Minority Population* is defined as any readily identifiable group of minority persons who live in geographic proximity, and if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity.

A *Low-Income* population is defined as any readily identifiable group of low-income persons who live in geographic proximity, and, if circumstances warrant, geographically dispersed/transient persons (such as migrant workers or Native Americans) who will be similarly affected by a proposed FHWA program, policy, or activity.

In a December 16, 2011, memorandum titled *Guidance on Environmental Justice and NEPA*, the FHWA laid out a basic methodology for performing Environmental Justice analysis. NDOR has adopted, and FHWA has approved, an Environmental Justice methodology which follows the basic framework of the 2011 memorandum, but expands upon a few vague or undefined concepts. NDOR Environmental Justice methodology is as follows:

1. Using localized census tract data and other relevant information sources, data is gathered and readily identifiable groups or clusters of minority or low-income persons in the EJ study area are listed. Small clusters or dispersed populations are not overlooked. Study area data is also compared with the data of larger, identifiable areas (census tracts, cities, counties,

NDOR districts, etc.) to determine the proportion of minority and low-income persons present in the study area.

2. Minority and low-income populations are identified where:

   (a) A readily identifiable group or cluster of minority or low-income persons is located in the EJ study area (for example, a low-income housing complex, or a workplace of mostly minority persons); OR

   (b) The minority or low-income population of the study area exceeds 50 percent; OR

   (c) The minority or low-income population percentage of the affected area is *meaningfully greater* than the minority population percentage in the general population or other appropriate unit of geographic analysis. The *meaningfully greater* standard is fact-dependent and requires professional judgment, but in most cases *meaningfully greater* is about 6%-8% or above.

3. If minority and/or low-income populations are not present in the EJ study area, the analysis is concluded.

4. If minority and/or low-income populations are present in the EJ study area, potential disproportionately high and adverse effects of the proposed project are examined. If none are identified, the analysis is concluded.

5. If minority and/or low-income populations are present in the EJ study area, and potential disproportionately high and adverse effects of the proposed project have been identified, proposed mitigation will be considered. Commonly, the application of effective mitigation techniques can reduce or eliminate adverse effects that might otherwise fall disproportionately upon minority and low-income populations.

6. Finally, the analysis concludes with a determination that the proposed project either will or will not result in disproportionately high and adverse effects to minority and low-income populations. State transportation agencies lack the regulatory authority to make a final determination in cases where potential disproportionately high and adverse effects to minority and/or low-income populations exist. In the event that potential disproportionately high and adverse effects to minority and low-income populations are anticipated, even when mitigation is expected to reduce or eliminate the effects, the analysis and determination must be forwarded to the FHWA for comment, revision, and approval.

Project Location and Description

This project is located in Garfield and Loup Counties, near the City of Burwell and the Village of Taylor. This project will microsurface 13.40 miles of N-91 located in Loup and Garfield Counties, starting at the

south Junction N-91 with US-183 and extending east to the south Junction N-91 with N-11.There will be no detour for this project.

Examination of Study Area Population: Census Data and Other Observations

The Environmental Justice data for this project is as follows:

Area	Minority Population*	Hispanic Population	Population Below the Poverty Level**
City of Burwell (Garfield County)	1.4%	0.9%	12.7%
Village of Taylor (Loup County)	0.5%	0.5%	32.1%
Garfield County	1.3%	0.7%	12%
Loup County	2.4%	2.1%	20.2%

*Data on minority and Hispanic persons collected from 2010 Decennial US Census, Summary File 1, Table P5.
**Data on low-income persons collected from American Community Survey 2010-2014 5-Year Estimates, Table S1701.

The Limited English Proficiency data for this project is as follows:

Area	% of Population that Speaks ONLY English*	Languages Other Than English Spoken by 5% or Greater of the Total Population**	Population of Area Age 5 or Greater
City of Burwell (Garfield County)	98.3%	None	1,151
Village of Taylor (Loup County)	98.9%	None	185

*All data from American Community Survey 2010-2014 5-Year Estimates, Table B16001.
** These figures reflect the population of an area that speaks a language other than English, and also speaks English "Less than Very Well."

In general, the areas in which this project is located have lower or consistent populations of minority, Hispanic, and low-income persons when compared to the counties. However, the Village of Taylor contains a low-income population that is about 12% greater than the low-income figure for Loup County. The Village of Taylor therefore does contain a meaningfully greater population of low-income persons when compared with Loup County.

No residences, businesses, or organizations likely to be predominately used by minority or low-income populations were identified in the vicinity of this project.

The areas in which this project is located are mostly English-speaking. In the areas surveyed, none of the data indicates the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons.

Adverse Effects to Minority and/or Low-Income Populations

The following project information is relevant:

There will be no detour for this project.

There will be no right-of-way acquisition for this project.

Access to adjacent properties will be maintained.

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

There will be no restrictions of access to essential services.

There will be no relocations, displacements, or building removal.

Based on these project considerations, there are no anticipated adverse effects to the identified low-income population.

Conclusions

Minority and low-income populations were identified in the Village of Taylor, near which this project is located. However, there will be no disproportionately high and adverse human health or environmental effects visited upon minority and low-income populations, as defined in FHWA Order 6640.23A, for the reasons cited in the previous section of this document.

No LEP outreach is required for this project because, in the areas surveyed, none of the data indicates the presence of an LEP population that reaches the NDOR LEP outreach triggers of 5% or 1,000 persons.

Pete Ricketts
Governor

STATE OF NEBRASKA
DEPARTMENT OF ROADS
Kyle Schneweis, P.E., *Director*
1500 Highway 2 • PO Box 94759 • Lincoln NE 68509-4759
Phone (402) 471-4567 • FAX (402) 479-4325 • www.roads.nebraska.gov

June 17, 2016

Don Nelson (Burwell Airport Authority)
PO BOX 730
BURWELL, NE 68823-0730

Re: Project No. STP-91-3(113)
Project Name: Taylor – Burwell
Control No. 80980

Dear Mr. Nelson

The Nebraska Department of Roads (NDOR) is proposing a project located along Nebraska Highway 91 starting at the south Junction N-91 with US-183, mile marker 45.87, and extending east to mile marker 59.27, the south junction N-91 with N-11, in Loup and Garfield Counties. The airport located on your property is adjacent to the proposed project.

The construction would involve microsurfacing the existing roadway and surfaced shoulder. The proposed project would be constructed under traffic. The proposed project would take approximately 20 working days.

Please feel free to contact me with any questions or concerns regarding this project.

NDOR understands that roadway construction may cause temporary inconvenience and hardships, but we are dedicated to improving Nebraska's highway system. With your help, we can achieve this goal.

Sincerely,

Chris Dowding
Highway Materials and Test Manager
Nebraska Department of Roads
(402)479-4713
Chris.dowding@nebraska.gov