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: 22

Project Name:

SE Jct US-275 - Omaha

Project Number:

STP-64-7(121)

Control Number:

22533

Location and Study Area:

The SE Jct. US-275 - Omaha Project is located in Douglas County, starting at the junction of Nebraska Highway 64 (N-64) and US Highway 275 (US-275) and extending east to the intersection of N-64 and Ramblewood Drive / Elkhorn Drive, 0.86 mile west of the junction with Nebraska Highway 31 (N-31).

The Environmental Study Area is confined to the roadway for the length of this project (2.9 miles) plus 200 feet on either end along N-64, including the existing right of way (ROW) plus 50 feet beyond ROW for most of the project length, and extending to 150 feet beyond the ROW at the bridge and culverts for wetlands and most other resources. The study area extended to 0.1 mile beyond the ROW for regulated materials and 0.25 mile beyond the ROW for Section 4(f) resources. Termini are based on limits identified by NDOR pavement management system, District 2 and previous construction projects on this segment of highway.

Begin Point(s): MM 59.21

End Point(s): MM 62.11

Highway Number, Street, etc.: N-64

Project Description:

This project would repair and resurface 2.9 miles of N-64 located in Douglas County, starting at the junction of N-64 and US-275, at mile marker (MM) 59.21, and extending east to MM 62.11, the intersection of N-64 and Ramblewood Drive / Elkhorn Drive, 0.86 miles west of the junction with N-31. 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-64 consists of the following:
- MM 59.21 – MM 59.43 (Eastbound): This segment consists of a 16-foot-wide concrete lane with a 10-foot-wide

outside shoulder, of which 8 feet is paved with asphalt. The inside shoulder consists of a 6-foot-wide earth shoulder.
- MM 59.43 – MM 59.87 (Eastbound): This segment consists of two 12-foot concrete lanes, 10-foot-wide outside shoulders, of which 8 feet is surfaced with concrete. The inside 12-foot concrete lane includes an integral curb with a 8-foot-wide concrete median surfacing along the back of curb.
- MM 59.34 – MM 59.87 (Westbound): This segment consists of a 16-foot-wide concrete lane, 10-foot-wide outside shoulders, of which 8 feet is paved with asphalt. The inside shoulder consists of a 6-foot-wide earth shoulder.
- MM 59.87 – MM 60.33: This segment consists of four 12-foot concrete lanes and is separated by a raised, concrete surfaced median, 10-foot-wide outside shoulders, of which 8 feet is paved with concrete.
- MM 60.33 – MM 60.59: This segment consists of four 12-foot concrete lanes and is separated by a raised, turf median with 2-foot-wide concrete median surfacing along the back of curb, 10-foot-wide outside shoulder, of which 8 feet is paved with concrete and asphalt.
- MM 60.59 – MM 62.03: This segment consists of four 12-foot concrete lanes and is separated by a depressed turf median, 10-foot-wide outside shoulders, of which 8 feet is surfaced with asphalt. The inside shoulders are 5-feet-wide, of which 3 feet is paved with asphalt.
- MM 62.03 – MM 62.11: This segment consists of four 12-foot concrete lanes and is separated by a raised, turf median with 2-foot-wide concrete median surfacing along the back of curb. The outside shoulders are 10-feet-wide, of which 8 feet is paved with asphalt.

The improvements on this project would consist of concrete repairs, crack and joint sealing, asphalt patching, milling and resurfacing the roadway and surfaced shoulders with asphalt, earth shoulder construction, transitioning foreslopes, bridge repairs, and removing and replacing guardrail.

Scope details include:
• Grading beyond the hinge point would be required for the following work:
- Guardrail
- Earth shoulder construction
- Transitioning foreslopes
- Bridges
- Drives and intersections
- Lighting
• There are a total of 16 culverts that could be impacted by this project. As-built plans indicate existing culverts meet the lateral obstacle clear zone requirements for this project and no impacts are anticipated.
• Guardrail
- Remove and replace guardrail
• The bridge over the Elkhorn River (Structure Number S064 06033) would be repaired. This bridge would undergo partial depth deck repairs, and be resurfaced. The abutments would be repaired and remodeled for turndowns, and the wings would be remodeled to clear the approach slabs. Approaches would be replaced and grade beams added. The bridge rails would be replaced, and bearings would be cleaned and painted.
• The concrete box culvert located near the Elkhorn city limit (Structure Number S064 06169) would be repaired. On the inlet side, the sloped concrete apron would be removed, the area between the wings would be excavated, sheet pile would be driven along the face of the inlet and wings, and flowable fill concrete would be placed between the wings for a depth of 2 feet. On the outlet side, the area between the wings would be excavated. The inside of the culvert would be cleaned out.
• Concrete pavement repairs would be made prior to resurfacing.
• The existing concrete and asphalt would be milled 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.
• Surfacing would be placed under the guardrail.
• The existing earth shoulders would be brought up to match the new asphalt.
• The existing foreslopes would require work to transition the grade raise at the earth shoulders.
• 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 in rural areas.
• 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.
• This project is located within a Municipal Separate Storm Sewer System (MS4) community, but post construction storm water management best management practices would not be necessary.
• Permanent pavement markings would be applied to all new surfacing.

• Existing street lighting would be removed and replaced where required due to grading.
• A United States Geological Survey (USGS) Stream Gauge would be relocated with soil disturbance.
• No 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.
• Work on the inside lanes and median on the west end of the Elkhorn River Bridge (S064 06033) would disrupt the sight distance for traffic turning left from N 230th Street. This street would be temporarily closed just short of its intersection with N-64 to prevent this turning movement while bridge work is being performed on the inside lanes on the west end of the bridge. Traffic would be detoured onto W. Dryers Road and N. Front Street to the intersection of N. Front Street and N-64 approximately 0.35 mile west of the intersection being temporarily closed. Detour would be in effect for 65 working days, or 3 months. The adverse travel length for the detour is 0.9 mile.
• Approximately 300 feet of asphalt shoulder would be removed and replaced with 9-inch concrete to accommodate a temporary traffic shift needed for the activities on the Elkhorn River Bridge.
• Work may be required to be accomplished at night.

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 *($)*:
9/9/2016	Construction	$3,498,000

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

All technical assessment approvals shall be made by NDOR Professional Qualified Staff (PQS) responsible for the resource category and are indicated by "NDOR PQS Determination Date."

Right of Way and Property Impacts

1.1 Easements/ROW – Will the action require the acquisition of new temporary or permanent right-of-way *including easements)*?

☐ Yes (2) ☒ No (1) ☐ N/A

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

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

West Maple Access Site / Elkhorn River Canoe Trail:
West Maple Access Site is a public river access and parking area located on the east bank of the Elkhorn River south of N-64. The West Maple Access Site provides access to the Elkhorn River Canoe Trail, a State Water Trail. N-64 crosses over the Elkhorn River approximately 0.8 mile east of US-275.

Soccer Fields:
Soccer fields are located along the south side of N-64 to the east of the Elkhorn River and West Maple Access Site. These soccer fields are privately owned by the Elkhorn Soccer Club, Inc.

The project would not require any additional property rights. Access to the West Maple Access Site and the Elkhorn River Canoe Trail would be maintained during construction.

2.4 Section 4(f) Mitigation:

Work at the Elkhorn River shall be limited to the deck of the N-64 Elkhorn River Bridge (S064 06033); Elkhorn River Canoe Trail users shall be allowed to pass under the N-64 Elkhorn River Bridge (S064 06033) during project construction. Access to the West Maple Access Site shall be maintained at all times during construction. (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):

A United States Geological Survey (USGS) Stream Gauge located near the Elkhorn River Bridge (S064 06033) would be relocated as a part of the project. The USGS currently owns and pays to maintain the gauges that would be impacted by the project. The required work would be coordinated with USGS through the Papio-Missouri River Natural Resource District.

4.7 Describe Mitigation for Above Non-Threshold Resources:

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

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

Water and Ecological Resources:

5.1 Wild and Scenic/National Recreational Rivers – Will the action cross or occur adjacent to a Wild and Scenic River, 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:

The project as proposed would encounter to Zone AE floodplains, from the western project limit, west of Waterloo, to the City of Omaha municipal limits. Structure S064 06033 (MM 60.29 to MM 60.36) would undergo partial depth deck repairs and be resurfaced. The abutments would be repaired and remodeled for turndowns, the wings would be remodeled to clear the approach slabs, approaches would be replaced and grade beams added, the bridge rails would be replaced, and bearings would be cleaned and painted. Structure S064 06169 crosses the West Papillion Creek floodplain at MM 61.69. The culvert work on the inlet side would remove the concrete sloped apron, excavate between the wings, drive sheet pile along the face and wings, and place flowable fill between the sheet pile wall and end of box culvert. The outlet side would be cleaned between the wings to the concrete flowline. The entire culvert would also be cleaned.

The work in other portions of the floodplain would consist of concrete repairs, crack and joint sealing, asphalt patching, milling and resurfacing the roadway and surfaced shoulders with asphalt, earth shoulder construction, transitioning foreslopes, and removing and replacing guardrail. Based on the scope of work, impacts to the floodplain are not anticipated.

Nebraska floodplain regulations require any project that crosses a mapped, regulated Floodplain (100 year base floodplain) to obtain a floodplain permit. NDOR would acquire the proper floodplain permits, and would certify that the construction activities would be in compliance with the State of Nebraska floodplain regulations.

6.5 Floodplain/Floodway Mitigation:

Floodplain permits will be required for the project action. Floodplain permits shall be acquired from the appropriate local Floodplain Administrator(s), in accordance with Nebraska Floodplain regulations, prior to the construction obligation phase. (NDOR Environmental)

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

☒ Yes (1) ☐ No (1)

7.2 Will the action result in wetland impacts in accordance with Section 404 of the Clean Water Act and/or Nebraska State Title 117?

☒ Yes (1) ☐ No (1)

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

☐ Yes (2) ☒ No (1) ☐ N/A

7.4 Estimated Permanent Wetlands Impacts:

0.06

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

☐ Yes (2) ☒ No (1) ☐ N/A

7.6 Will the action require an Individual Permit (IP) or Section 10 Permit from the U.S. Army Corps of Engineers or a Section 9 Permit from the U.S. Coast Guard?

☐ Yes (3) ☐ No (2) ☒ N/A

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

A wetland delineation was completed on 7/16/2014. PEMA/C fringe wetlands associated with the West Papillion Creek at MM 61.69 (Structure S064 06169), would have approximately 0.06 acres of permanently impacted wetlands. Activities at this site include the removal of concrete sloped apron on the inlet, excavate inlet and outlet ends between the wings, drive sheet pile along the fence and wings at inlet and outlet, place flowable fill concrete between the wings at inlet and outlet. This project qualifies for a NWP 3(a)(c).

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 the 2W aerial sheets for the contractor as avoidance areas. (NDOR Design, NDOR Environmental)

The project qualifies under Nationwide Permit # 3(a)(c) - Maintenance. The permit shall be obtained prior to project letting. The contractor shall adhere to all permit conditions, including regional and general conditions, during construction. (NDOR Environmental, Contractor)

8.1 Impaired Waters, Section 402, and MS4 – Are there any impaired waters within or adjacent to *(0.5 mile)* the project study area?

☐ Yes ☒ No

8.2 Does the project occur within a MS4 community?

☒ Yes ☐ No

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

☒ Yes ☐ No

If Yes, add standard Erosion Control plans and Storm Water Pollution Prevention Plan (SWPPP) commitment to the mitigation commitments.

8.5 Impaired Waters, Section 402, and MS4 Mitigation:

Erosion control plans and storm water pollution prevention plans (SWPPP) are required on all projects that have one acre or more of disturbed soil. NDOR inspects all erosion and sediment control best management practices (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)

Stormwater Treatment consideration is a condition of NDOR's Municipal Separate Storm Sewer System MS4) permit. Stormwater treatment requirements will be applied to this project if it meets the criteria outlined in Chapter Three (Stormwater Treatment within Municipal Separate Storm Sewer System MS4 Communities) of the NDOR Drainage Design and Erosion Control Manual. This determination and any necessary coordination with the MS4 community will be made during the design process. (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?

[X] Yes (2) [ ] No (1)

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

[ ] Yes (3) [X] No (2)

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

[ ] Yes (3) [X] No (2)

NDOR PQS Determination Date:	USFWS Concurrence Date:	NGPC Concurrence Date:
12/10/2015	12/8/2015	11/30/2015

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.

[X] 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.

[X]

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 [X] N/A

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

The project, as proposed, has been determined to "may affect, not likely to adversely affect" the following listed species with the implementation of conservation conditions: Lake Sturgeon, Northern Long-Eared Bat, Pallid Sturgeon, River Otter, and Sturgeon Chub. The project would have "no effect" to all other state or federally listed species or their designated critical habitat.

9.8 Species Mitigation:

S-2 Platte River Depletions. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.

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)

Lake Sturgeon, Pallid Sturgeon, Sturgeon Chub:

LS,PS,SC-1 No vibratory or impact pile driving from April 1 through June 30 within the channel. (Contractor)

LS,PS,SC-4 Bridge deck debris will be captured and/or contained to prevent material from entering the channel. (District, Contractor)

LS,PS,SC-7 Any upland soil disturbances will be designed to avoid or minimize sedimentation. (Design, Contractor)

Northern Long-Eared Bat:

NLEB-1 Tree clearing, bridge deck joint replacements over the bridge deck, bridge / >5 ft. box culvert removal activities will be scheduled to occur between October 1 – March 31 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 1 – September 30), NDOR personnel will perform surveys prior to the start of these activities at the following locations: Elkhorn River at MM 60.33, West Papillion Creek at MM 61.69, any areas of tree clearing. If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

River Otter:

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

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The Nebraska Biological Evaluation Process Programmatic Agreement *Matrix* complies with the Federal Endangered species Act *(ESA)* and Nebraska Nongame and Endangered Species Conservation Act *(NESCA)*.

Human and Social Resources

10.1 Historic Properties – Are there any properties listed or eligible for the National Register of Historic Properties in the study area?

☐ Yes (1) ☒ No (1)

10.4 Historic Property Determination

No Historic Properties Affected

NDOR PQS Determination Date:

3/10/2016

Has coordination occurred with SHPO?

☐ Yes ☒ No

Has coordination occurred with THPO?

☒ Yes ☐ No

THPO Concurrence Date:

2/12/2016

Has coordination occurred with CLG?

☒ Yes ☐ No

CLG Concurrence Date:

12/22/2015

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

☒ Yes (1) ☐ No (1)

11.2 Will the action result in <u>more</u> 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:

5/3/2016

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

The HMR identified seven sites located near the project area where past releases have occurred or where potential exists for past releases to have occurred. The scope of work adjacent to the identified sites primarily includes mill and fill operations where no soil disturbance beyond the existing roadway fill material is planned. The Syngenta Seeds Inc. site is located approximately 30 feet from planned excavations to a depth of approximately eight feet for replacing a light structure. The reported release at this site is approximately 0.37 miles from lighting relocation, and the lighting structure would be located up-gradient from the Syngenta site. No identified sites exist in proximity to the project's proposed culvert work. Due to the proposed scope of work in the vicinity of the identified facilities and the nature and extent of the known and potential releases, there is a low potential that construction activities would encounter contamination. In addition, no Superfund sites were identified within the hazardous materials study area.

There is the potential for lead based paint to be found on structure S064 06033 (N-64 bridge over the Elkhorn River).

The bridge over the Elkhorn River (structure S064 06033) would be repaired, including partial depth deck repairs, and would be resurfaced. The abutments would be repaired and remodeled for turndowns, and the wings would be remodeled to clear the approach slabs. Approaches would be replaced and grade beams added. The bridge rails would be replaced, and bearings would be cleaned and painted. The structure was tested for asbestos containing material (ACM) due to the presence of reflector plate adhesives on the bridge rail. No ACM was was found on the structure. NDOR shall submit the National Emission Standards for Hazardous Air Pollutants (NESHAP) notification to the Nebraska Department of Environmental Quality (NDEQ).

11.6 Hazardous Materials Mitigation:

Unexpected Waste:
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)

Lead Paint:
The bridge structure S064 06033 includes cleaning and painting of the bridge bearings. There is potential for lead based paint to be found on the bridges painted components. If lead-based paint is being removed in a manner that would create waste debris (i.e. sandblasting, abrasive removal, scraping), the Contractor shall remove the paint in accordance with NDOR's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128, Nebraska Hazardous Waste Regulations. Extreme caution shall be taken to minimize the amount of potential lead based painted material or debris from causing or threatening to cause pollution of the air, land and waters of the State. The Contractors implementation plan efforts shall be documented in ECOD. (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:

This project would be constructed under traffic with a temporary closure of the N-64 / North 230th Street intersection and lane closures controlled with approved temporary traffic control.

Work on the inside lanes and median on the west end of the Elkhorn River Bridge (S064 06033) would disrupt the sight distance for traffic turning left from North 230th Street onto N-64. Therefore, North 230th Street would be temporarily closed just short of its intersection with N-64 to prevent this turning movement while bridge work would be performed on the inside lanes on the west end of the bridge. Traffic would be detoured onto West Dryers Road and North Front Street to the intersection of North Front Street and N-64 approximately 0.35 mile west of the intersection being temporarily closed. The detour would be in effect for up to 65 working days, or 3 months. The out-of-direction travel for the detour would be approximately 0.9 mile.

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. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 65 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)

16.7 Access Disruption Comments:

While access to adjacent properties would be maintained at all time during construction, a detour would be provided while work on the west end of the Elkhorn River Bridge (S064 06033) disrupts sight distance for traffic turning left from North 230th Street onto N-64. Access would be maintained by detouring traffic onto West Dryers Road and North Front Street to the intersection of North Front Street and N-64 approximately 0.35 mile west of the temporarily closed intersection of N 230th St and N-64. Please see section 15.8 of this document for more information regarding the detour.

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 shall not be closed. (Contractor)

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

☐ Yes (1) ☒ No (1)

NDOR Highway Civil Rights Specialist Determination Date:

5/21/2014

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

The study area does not 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. The number of persons in the affected population who primarily speak a language other than English or speak English "less than very well" is not greater than five percent, or 1,000 persons. See attached DR-53 for the Environmental Justice determination.

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

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 334 citizens and businesses adjacent to N-64 from MM 59.21 to MM 62.11. A total of 44 public and private agencies with potential interest in the project were also included in the distribution list. A legal notice was placed in the Omaha World-Herald, a Nebraska Press Association recognized newspaper, on May 4, 2016 and May 18, 2016. Project information was placed on the NDOR website.

NDOR Public Involvement received 10 comments during the specified public comment period (May 4, 2016 to June 3, 2016). The Public Involvement Summary Report, including comments received and NDOR responses, is attached.

The area in which this project is located is mostly English-speaking. In the area surveyed, none of the data indicates the presence of a Limited English Proficiency (LEP) population that reaches the NDOR LEP outreach threshold of 5% or 1,000 persons. No LEP outreach is required for this project.

18.2 Public Involvement Mitigation:

A minimum of one news release shall go out 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: 3

☒ 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:

US-275, Waterloo Viaduct (CN 22577, NH-275-7(195)) is a 1.40 mile concrete pavement reconstruction project on US-275. The US-275, Waterloo Viaduct project would begin at MM 165.74 and end near the western terminus of the SE Jct. US-275 - Omaha Project. This project is programmed in the Metropolitan Area Planning Agency (MAPA) 2016-2021 Transportation Improvement Program (TIP) for fiscal year 2018.

Western Douglas County Trail Phase 2 (CN 22227A, DPU-28(102) is a bicycle/pedestrian trail project between the City of Valley to the Village of Waterloo, west of the SE Jct. US-275 - Omaha Project. The Western Douglas County Trail Phase 2 Project terminates near the N-64 / US-275 junction. This project is currently programmed in the MAPA 2016-2021 TIP for fiscal year 2016. However, in coordination with NDOR's Local Project Section, the project's options are currently being discussed with Papio-Missouri River Natural Resource District. The project would not remain in fiscal year 2016 and would most likely be moving to fiscal year 2018.

Overall, there are no anticipated cumulative impacts due to the SE Jct. US-275 - Omaha Project in conjunction with the projects referenced above. It is anticipated that the SE Jct. US-275 - Omaha Project would result in only minor impacts to wetlands/waters and no impacts to threatened and endangered species, floodplains/floodways, or Section 4(f) properties. There are no negative long-term socio-economic impacts anticipated as access to residences or businesses would only be limited during construction. There are, however, long term benefits to motorists due to roadway improvements.

23.1 **Project Mitigation**:

Section 4(f) Migitation:
Work at the Elkhorn River shall be limited to the deck of the N-64 Elkhorn River Bridge (S064 06033); Elkhorn River Canoe Trail users shall be allowed to pass under the N-64 Elkhorn River Bridge (S064 06033) during project construction. Access to the West Maple Access Site shall be maintained at all times during construction. (Contractor)

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

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

Floodplain/Floodway Mitigation:
Floodplain permits will be required for the project action. Floodplain permits shall be acquired from the appropriate local Floodplain Administrator(s), in accordance with Nebraska Floodplain regulations, prior to the construction obligation phase. (NDOR Environmental)

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 the 2W aerial sheets for the contractor as avoidance areas. (NDOR Design, NDOR Environmental)

The project qualifies under Nationwide Permit # 3(a)(c) - Maintenance. 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:
Erosion control plans and storm water pollution prevention plans (SWPPP) are required on all projects that have one acre or more of disturbed soil. NDOR inspects all erosion and sediment control best management practices (BMPs) including devices every 14 days minimum and after every precipitation event of 0.5 inch or greater as per the requirements in the General Construction Storm Water Permit. Any BMP adjustments and repairs are to occur within 7 days of the inspections to ensure that water quality is being protected to the maximum extent practicable. The SWPPP shall be maintained and discharge points shall be monitored by the NDOR District Staff until the site is 70% 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)

Stormwater Treatment consideration is a condition of NDOR’s Municipal Separate Storm Sewer System MS4) permit. Stormwater treatment requirements will be applied to this project if it meets the criteria outlined in Chapter Three (Stormwater Treatment within Municipal Separate Storm Sewer System MS4 Communities) of the NDOR Drainage Design and Erosion Control Manual. This determination and any necessary coordination with the MS4 community will be made during the design process. (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-2 Platte River Depletions. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOR (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet.

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)

Lake Sturgeon, Pallid Sturgeon, Sturgeon Chub:

LS,PS,SC-1 No vibratory or impact pile driving from April 1 through June 30 within the channel.

(Contractor)

LS,PS,SC-4 Bridge deck debris will be captured and/or contained to prevent material from entering the channel. (District, Contractor)

LS,PS,SC-7 Any upland soil disturbances will be designed to avoid or minimize sedimentation. (Design, Contractor)

Northern Long-Eared Bat:

NLEB-1 Tree clearing, bridge deck joint replacements over the bridge deck, bridge / >5 ft. box culvert removal activities will be scheduled to occur between October 1 – March 31 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 1 – September 30), NDOR personnel will perform surveys prior to the start of these activities at the following locations: Elkhorn River at MM 60.33, West Papillion Creek at MM 61.69, any areas of tree clearing. If the species is absent, work may proceed. If the species is found, NDOR Environmental Section will consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor)

River Otter:

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

Hazardous Materials Mitigation:
Unexpected Waste:
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)

Lead Paint:
The bridge structure S064 06033 includes cleaning and painting of the bridge bearings. There is potential for lead based paint to be found on the bridges painted components. If lead-based paint is being removed in a manner that would create waste debris (i.e. sandblasting, abrasive removal, scraping), the Contractor shall remove the paint in accordance with NDOR’s Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128, Nebraska Hazardous Waste Regulations. Extreme caution shall be taken to minimize the amount of potential lead based painted material or debris from causing or threatening to cause pollution of the air, land and waters of the State. The Contractors implementation plan efforts shall be documented in ECOD. (NDOR District, Contractor)

Traffic Disruption Mitigation:
This project shall be constructed under traffic with lane closures controlled by approved temporary traffic control. The project shall not result in traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 65 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 shall not be closed. (Contractor)

Public Involvement Mitigation:
A minimum of one news release shall go out 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:
Wellhead Protection:
Portions of the project have been identified as being located within or adjacent to Wellhead Protection Areas (WPA). The project passes through the Village of Waterloo WPA between North Front Street and the Elkhorn River and enters the Hiland Mobile Home Park WPA at North 216th Street. NDOR's Standard Specifications 107.10, 170.09 and 107.16 address the Contractor's responsibility to keep fully informed of, observe and comply with all federal, state and local laws and ordinances that affect the conduct of the work. (Contractor)

Borrow Mitigation:
Any material needed will be provided by the Contractor. The Contractor shall try to obtain borrow from an upland site to prevent depletion issues. If the borrow site is within a depletion area of concern, the Contractor shall coordinate with the appropriate agencies and NDOR to offset or minimize impacts. The Contractor shall obtain all environmental clearances and permits required for the borrow site prior to obtaining borrow material for the project.

The Contractor shall have a staging area for the project where material and equipment for the project is stored (e.g. re-steel, forms, etc.). The Contractor shall be required to dispose of material removed as part of the project described above and miscellaneous obstructions encountered and removed along the project. The disposal shall be the responsibility of the Contractor. A waste site may be needed. The Contractor shall be responsible to obtain all permits and clearances and all conditions of those permits. (Contractor)

Project Name: SE Jct US-275 - Omaha
Project Number: STP-64-7(121)
Control Number: 22533

2016/10/04

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

Paragraph: (c)

Activity: 22

Prepared by: Nicole Zappetillo

Organization: SRF Consulting Group, Inc.

Phone: (763) 475-0010

Email: nzappetillo@srfconsulting.com

Signature: Brett Damm for Nicole Zappetillo

Date: 10/4/2016

Reviewed by Project Sponsor:

Name: Barbara Gerbino-Bevins

Organization: Nebraska Department of Roads-Roadway Design

Title: Roadway Designer

Signature: Barbara M. Gerbino-Bevins

Date: 10/11/2016

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 Carrie Wencel
DN: cn=Carrie Wencel, o=NDOR - EDU, ou=NEPA Specialist, email=carrie.wencel@nebraska.gov, c=US
Date: 2016.10.24 13:38:00 -05'00'

Date:

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

Digitally signed by Jon Barber
Date: 2016.10.24 15:14:29 -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: