

Appendix A

RESERVED



Appendix B

Farmland





Natural Resources Conservation Service

U.S. DEPARTMENT OF AGRICULTURE

Nebraska State Office

Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

Subject: LNU-Farmland Protection
Minatare US-26 to L6A/US-385 Junction Project
NEPA/FPPA Evaluation
Morrill and Scotts Bluff County, Nebraska

Date: May 13, 2024

To: Benesch

Attn: Craig Mielke, Senior Project Manager (cmielke@benesch.com)

We have reviewed the information provided in your correspondence dated May 9, 2023, concerning the roadway project located in Morrill and Scotts Bluff County, Nebraska. This review is part of the National Environmental Policy Act (NEPA) evaluation for the Federal Highway Administration (FHWA). We have evaluated the proposed site as required by the Farmland Protection Policy Act (FPPA).

The proposed site contains areas of Prime Farmland and Statewide Important Farmland and we have completed the Farmland Conversion Impact Rating form (CPA-106) for the proposed site. The combined rating of the site within Morrill County is 143. The combined rating of the site within Scotts Bluff County is 139. The FPPA law states that sites with a rating less than 160 will need no further consideration for protection and no additional evaluation is necessary. We encourage the use of accepted erosion control methods during the construction of this project.

If you have further questions, please contact Elizabeth Gray at 402-437-4068 or by email at Elizabeth.gray@usda.gov (preferred).

Sincerely,

ELIZABETH GRAY

Digitally signed by ELIZABETH

GRAY

Date: 2024.05.13 13:21:20 -05'00'

Elizabeth Gray

USDA-NRCS Nebraska Assistant State Soil Scientist

Attachment: Minatare US 26 to L62A US 385 Junction_NE123, Minatare US 26 to L62A US 385 Junction_NE157

Natural Resources Conservation Service

USDA is an equal opportunity provider, employer, and lender.

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

PART I (To be completed by Federal Agency)	3. Date of Land Evaluation Request	4. Sheet _____ of _____
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1. Name of Project	5. Federal Agency Involved
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2. Type of Project	6. County and State
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PART II (To be completed by NRCS)	1. Date Request Received by NRCS	2. Person Completing Form
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3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input type="checkbox"/>	4. Acres Irrigated Average Farm Size
---	--

5. Major Crop(s)	6. Farmable Land in Government Jurisdiction Acres: _____ %	7. Amount of Farmland As Defined in FPPA Acres _____ %
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8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS
--	---	---

PART III (To be completed by Federal Agency)	Alternative Corridor For Segment			
	Corridor A	Corridor B	Corridor C	Corridor D

A. Total Acres To Be Converted Directly				
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B. Total Acres To Be Converted Indirectly, Or To Receive Services				
---	--	--	--	--

C. Total Acres In Corridor				
----------------------------	--	--	--	--

PART IV (To be completed by NRCS) Land Evaluation Information				
--	--	--	--	--

A. Total Acres Prime And Unique Farmland				
--	--	--	--	--

B. Total Acres Statewide And Local Important Farmland				
---	--	--	--	--

C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted				
---	--	--	--	--

D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value				
--	--	--	--	--

PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)				
--	--	--	--	--

PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))	Maximum Points			
--	-----------------------	--	--	--

1. Area in Nonurban Use	15			
-------------------------	----	--	--	--

2. Perimeter in Nonurban Use	10			
------------------------------	----	--	--	--

3. Percent Of Corridor Being Farmed	20			
-------------------------------------	----	--	--	--

4. Protection Provided By State And Local Government	20			
--	----	--	--	--

5. Size of Present Farm Unit Compared To Average	10			
--	----	--	--	--

6. Creation Of Nonfarmable Farmland	25			
-------------------------------------	----	--	--	--

7. Availability Of Farm Support Services	5			
--	---	--	--	--

8. On-Farm Investments	20			
------------------------	----	--	--	--

9. Effects Of Conversion On Farm Support Services	25			
---	----	--	--	--

10. Compatibility With Existing Agricultural Use	10			
--	----	--	--	--

TOTAL CORRIDOR ASSESSMENT POINTS	160			
----------------------------------	-----	--	--	--

PART VII (To be completed by Federal Agency)				
---	--	--	--	--

Relative Value Of Farmland (From Part V)	100			
--	-----	--	--	--

Total Corridor Assessment (From Part VI above or a local site assessment)	160			
---	-----	--	--	--

TOTAL POINTS (Total of above 2 lines)	260			
--	------------	--	--	--

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
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5. Reason For Selection:	
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Signature of Person Completing this Part:	DATE
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NOTE: Complete a form for each segment with more than one Alternate Corridor

CORRIDOR - TYPE SITE ASSESSMENT CRITERIA

The following criteria are to be used for projects that have a linear or corridor - type site configuration connecting two distant points, and crossing several different tracts of land. These include utility lines, highways, railroads, stream improvements, and flood control systems. Federal agencies are to assess the suitability of each corridor - type site or design alternative for protection as farmland along with the land evaluation information.

(1) How much land is in nonurban use within a radius of 1.0 mile from where the project is intended?

More than 90 percent - 15 points
90 to 20 percent - 14 to 1 point(s)
Less than 20 percent - 0 points

(2) How much of the perimeter of the site borders on land in nonurban use?

More than 90 percent - 10 points
90 to 20 percent - 9 to 1 point(s)
Less than 20 percent - 0 points

(3) How much of the site has been farmed (managed for a scheduled harvest or timber activity) more than five of the last 10 years?

More than 90 percent - 20 points
90 to 20 percent - 19 to 1 point(s)
Less than 20 percent - 0 points

(4) Is the site subject to state or unit of local government policies or programs to protect farmland or covered by private programs to protect farmland?

Site is protected - 20 points
Site is not protected - 0 points

(5) Is the farm unit(s) containing the site (before the project) as large as the average - size farming unit in the County ?

(Average farm sizes in each county are available from the NRCS field offices in each state. Data are from the latest available Census of Agriculture, Acreage or Farm Units in Operation with \$1,000 or more in sales.)

As large or larger - 10 points
Below average - deduct 1 point for each 5 percent below the average, down to 0 points if 50 percent or more below average - 9 to 0 points

(6) If the site is chosen for the project, how much of the remaining land on the farm will become non-farmable because of interference with land patterns?

Acreage equal to more than 25 percent of acres directly converted by the project - 25 points
Acreage equal to between 25 and 5 percent of the acres directly converted by the project - 1 to 24 point(s)
Acreage equal to less than 5 percent of the acres directly converted by the project - 0 points

(7) Does the site have available adequate supply of farm support services and markets, i.e., farm suppliers, equipment dealers, processing and storage facilities and farmer's markets?

All required services are available - 5 points
Some required services are available - 4 to 1 point(s)
No required services are available - 0 points

(8) Does the site have substantial and well-maintained on-farm investments such as barns, other storage building, fruit trees and vines, field terraces, drainage, irrigation, waterways, or other soil and water conservation measures?

High amount of on-farm investment - 20 points
Moderate amount of on-farm investment - 19 to 1 point(s)
No on-farm investment - 0 points

(9) Would the project at this site, by converting farmland to nonagricultural use, reduce the demand for farm support services so as to jeopardize the continued existence of these support services and thus, the viability of the farms remaining in the area?

Substantial reduction in demand for support services if the site is converted - 25 points
Some reduction in demand for support services if the site is converted - 1 to 24 point(s)
No significant reduction in demand for support services if the site is converted - 0 points

(10) Is the kind and intensity of the proposed use of the site sufficiently incompatible with agriculture that it is likely to contribute to the eventual conversion of surrounding farmland to nonagricultural use?

Proposed project is incompatible to existing agricultural use of surrounding farmland - 10 points
Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

**FARMLAND CONVERSION IMPACT RATING
FOR CORRIDOR TYPE PROJECTS**

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8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
TOTAL CORRIDOR ASSESSMENT POINTS	160				

PART VII (To be completed by Federal Agency)	Maximum Points	Corridor A	Corridor B	Corridor C	Corridor D
Relative Value Of Farmland (From Part V)	100				
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TOTAL POINTS (Total of above 2 lines)	260				

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
-----------------------	---	-----------------------	--

5. Reason For Selection:

Signature of Person Completing this Part: _____ DATE _____

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Proposed project is tolerable to existing agricultural use of surrounding farmland - 9 to 1 point(s)
Proposed project is fully compatible with existing agricultural use of surrounding farmland - 0 points

Appendix C

Community Impact Analysis



Community Impact Assessment

Minatare to US-385

Minatare, Nebraska

NDOT Control Number: 51521

NDOT Project Number: NH-26-1(172)

Report Date: June 2024



Prepared By:

Alfred Benesch & Company
16910 Marcy Street, Suite 102
Omaha, NE 68118

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Appendix A: Figures

Figure 1: Project Location Map with Census Block Group Boundaries

Figure 2a-b: Community Resources Map

1.0 Introduction

The Nebraska Department of Transportation (NDOT), in cooperation with the US Department of Transportation (USDOT) Federal Highway Administration (FHWA), is proposing to widen United States Highway 26 (US-26) and Nebraska Link 62A (L-62A) from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median. The project is 18.47 miles in length and begins in Scottsbluff County just west of the Minatare corporate limits, and extends east to the junction of L-62A and United States Highway 385 (US-385) in Morrill County. The new lanes are anticipated to be constructed on the north side of the US-26/L-62A corridor and the existing lanes would remain in place. The project location is shown in **Appendix A**.

Alfred Benesch & Company (Benesch) was contracted by the NDOT to prepare an Environmental Assessment (EA) for the proposed project, including this Community Impact Assessment (CIA). The purpose of this analysis is to gain a better understanding of the communities surrounding the proposed project corridor, identify potential impacts to residents or community resources that may result, and develop measures for mitigating these impacts based on information collected throughout the project development process and feedback from local communities.

The National Environmental Policy Act of 1969 (NEPA) requires that federal agencies assess a proposed project's effects on the environment, and then avoid, minimize, or mitigate adverse effects. This includes not only the natural environment, but also the built environment, as well as the people who occupy and interact with it on a daily basis. A CIA is a crucial component of the larger NEPA environmental review process because it considers how a proposed project may affect the people, institutions, neighborhoods, communities, organizations, and larger social and economic systems in the project's vicinity. As a part of the larger EA effort and its comprehensive evaluation process, this CIA helps assess the proposed project's effects on the human environment in the defined study area.

2.0 Project Description

The proposed project corridor is 18.47 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.41 miles west of the west Minatare corporate limits at mile marker (MM) 32.63 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

Construction may begin and/or end approximately 1500 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new

intersections, improved intersections, access relocations (i.e. new frontage roads) and side road modifications.

Grading will be required for the entire length of this project.

The bridge over Ninemile Creek (Structure Number S026 03470) will be used in place and a new bridge will be built with the new set of lanes. A grade raise of the entire structure is not anticipated. Work will be required in the waterway. Guardrail will be built with the new bridge.

The following bridge-size box culverts will be extended: Structure Number S026 03505 (Minatare Drain - Canal), S026 03916 (Irrigation Conveyance), S026 04114 (Wildhorse Creek), SL62A 00116 (Wildhorse Canyon), SL62A 00537 (Tri-State Canal), SL62A 00582 (Tri-State Canal), and SL62A 00613 (Tri-State Canal). The following bridge-size box culverts will be replaced: SL62A 00152 (Irrigation Conveyance), SL62A 00463 (West Water Creek), SL62A 00595 (Red Willow Creek) and SL62A 00648 (Irrigation Conveyance).

This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

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.

3.0 Methodology

The methodology used to determine the anticipated impacts, benefits, and burdens of the proposed US-26 and L-62A widening project on the local community applies the following steps as a general framework:

- Review project information (and any changes that occur during the CIA process)
- Define the study area
- Collect baseline data and feedback received from stakeholder agencies and the public
- Prepare a Community Profile
- Evaluate the impacts of the proposed improvements to existing community characteristics
- Identify measures to avoid, mitigate, or minimize community impacts (in order of preference)

Data related to low-income and minority populations is included as a part of this CIA along with other socioeconomic characteristics. The CIA and resulting documentation, however, is not intended to be the extent of considerations related to vulnerable populations. A formal Environmental Justice (EJ) screening was also conducted specifically for the purpose of identifying the presence of EJ populations and considering potential impacts to these communities during the NEPA process. Additional information on minority and low-income populations, as well as those with a limited ability to speak English, within the study area can be found in the project *Environmental Justice and Limited English Proficiency Analysis Technical Memorandum*.

3.1 Study Area Definition

The project study area for this CIA varies based on the data or type of resources under consideration, but generally includes all property or community resources immediately adjacent to the proposed project corridor along US-26/L-62A from the City of Minatare to US-385. The screening for identifying community resources and facilities focuses primarily on the City of Minatare and its denser development patterns when compared to other parts of the study corridor, but also includes community assets in the surrounding areas which are still important to residents despite their greater distance from the proposed project.

For the purposes of Census demographic data, an overly inclusive approach is also taken to better understand the collective study area and nearby communities. The locations of the Census-defined geographic boundaries can influence this decision, as well as the characteristics specific. Despite being beyond the standard buffer distance, the study area intentionally includes two Census Block Groups that are not immediately adjacent to the study corridor, but still connected to it because of the rural nature of the surrounding areas. Residents of Melbeta, McGrew, and Bayard, for example, travel to and through the study area on a regular basis. For this reason, the socioeconomic aspect of this CIA uses a more broadly defined study area with surrounding residential communities. When identifying community resources and facilities, however, the screening area becomes narrower with a focus on locations adjacent to the study corridor that have a higher potential to be impacted.

3.2 Data Collection and Evaluation

Demographic information used for this CIA is based on the most recent data available from the US Census Bureau’s American Community Survey (ACS) at the Census Block Group level of detail. At the time of the analysis, this was the ACS 2022 5-Year estimates, which compile, synthesize, and estimate population data collected from 2018 until 2022.

Relevant data was collected and evaluated for the following six Block Groups that encompass the study area and its population:

- Census Tract 9532, Block Group 1
 - Census Tract 9529, Block Group 1
 - Census Tract 9529, Block Group 2
- Scotts Bluff County**
- Census Tract 9525, Block Group 1
 - Census Tract 9525, Block Group 2
 - Census Tract 9525, Block Group 4
- Morrill County**

Matching data was also collected for areas of comparison at the municipal, county, state, and national levels to provide context for the various socioeconomic characteristics. This information is provided in the demographic summary tables in the next section, along with corresponding percentages where possible to account for the difference in population sizes and create a better basis for comparison.

The boundaries and relative location of the Block Groups evaluated as part of this CIA are shown on the Project Location Map in **Appendix A** and described in further detail throughout the Community Profile in Section 4.0.

The process for identifying existing community resources considered a broader variety of data from multiple sources. It consisted primarily of a desktop screening of available Geographic Information Systems (GIS) datasets, which provide location-based information about various facilities, services, infrastructure, or other features that can be overlaid on a map for spatial analysis. GIS data was collected from county, state, and federal agencies or specialty organizations. In some cases, GIS data had already been obtained for other EA analyses. Other, non-GIS sources of data used when evaluating existing community resources include Google Earth/Maps and Streetview images, public feedback from engagement efforts, photos taken during previous visits to the study area, and information available on local government or public service provider websites.

The facility or resource types evaluated using GIS data layers can be found listed in the legend of the Community Resources Map in **Appendix A**, even though some are not present within the study area and not shown on the map.

4.0 Community Profile

The Community Profile component of this CIA considers the populations in the six Block Groups which comprise the study area, as well as community characteristics, including, housing, income, employment and industry, tax base, and community resources (public services and facilities) and cohesive elements (special events), as discussed in the following sections.

4.1 Population

Population totals and trends for the study area and comparative geographies are summarized in Table 1. Based on 2022 estimates, the project study area is currently home to nearly 7,100 residents. Trends show that between 2000 and 2010, the study area experienced a 6 percent population decrease, reflecting migration from rural to urban areas in Nebraska, and across the country. The population in the Village of Melbeta and in Census Tract 9525, Block Group 2, had the largest decreases— 19 percent and 14 percent, respectively. In comparison, populations in Morrill County decreased by 7 percent, while Scotts Bluff County stayed roughly the same and Nebraska’s population increased by 7 percent during the same decade.

Table 1 - Population Totals and Trends

Area	Population							
	2000	2010	Change 2000-2010	2020	Change 2010-2020	2022	Change 2020-2022	Change 2000-2022
United States	281,421,906	308,745,538	9.7%	331,449,281	7.4%	331,097,593	-0.1%	17.7%
Nebraska	1,711,263	1,826,341	6.7%	1,961,504	7.4%	1,958,939	-0.1%	14.5%
Scotts Bluff County	36,951	36,970	0.1%	36,084	-2.4%	36,048	-0.1%	-2.4%
Morrill County	5,440	5,042	-7.3%	4,555	-9.7%	4,562	0.2%	-16.1%
City of Bayard	1,247	1,209	-3.0%	1,140	-5.7%	1,435	25.9%	15.1%
City of Minatare	810	816	0.7%	715	-12.4%	891	24.6%	10.0%
Village of Melbeta	138	112	-18.8%	108	-3.6%	163	50.9%	18.1%
Village of McGrew	103	105	1.9%	75	-28.6%	83	10.7%	-19.4%
Project Study Area	5,531	5,220	-5.6%	6,491	24.3%	7,099	9.4%	28.3%
Census Tract 9532; Block Group 1 (Scotts Bluff County)	693	664	-4.2%	705	6.2%	942	33.6%	35.9%
Census Tract 9529; Block Group 1 (Scotts Bluff County)	1,248	1,311	5.0%	780	-40.5%	975	25.0%	-21.9%
Census Tract 9529; Block Group 2 (Scotts Bluff County)	652	581	-10.9%	1,951	235.8%	1,994	2.2%	205.8%
Census Tract 9525; Block Group 1 (Morrill County)	1,071	967	-9.7%	854	-11.7%	760	-11.0%	-29.0%
Census Tract 9525; Block Group 2 (Morrill County)	1,138	974	-14.4%	1,301	33.6%	1,594	22.5%	40.1%
Census Tract 9525; Block Group 4 (Morrill County)	729	723	-0.8%	900	24.5%	834	-7.3%	14.4%

Source: 2000, 2010, and 2020 Decennial Census; 2022 American Community Survey (ACS) 5-Year Estimates

From 2010 to 2020, all county and incorporated comparison areas experienced a decrease in population ranging from 2 to 27 percent, while the statewide growth trend continued at a steady 7 percent. Despite countywide population losses, however, the study area grew by 24 percent during this time and by another 9 percent from 2020 to 2022. This growth is mostly driven by Tract 9529, Block Group 2 in the northwestern portion of the study area, which extends approximately 12 miles north of the US-26 corridor and contains most of the rural farmlands between the City of Scottsbluff and Lake Minatare. Despite its lack of urban development, the population of this Block Group has experienced rapid growth in recent years, changing from the least-populous study area Block Group in 2000 to having the highest population (1,994) in 2022. This population growth is indicative of recent expansions of farming production and practices in the North Platte River Valley.

The population in the study area is primarily white (at least 86 percent of residents). Residents of other racial backgrounds also live in the Block Groups adjacent to the project corridor, but none higher than 3 percent of the total population. The percentage of minority populations within the study area is 21%, which highlights the relatively high presence of Hispanic/Latino communities. In fact, two study area Block Groups (Tract 9525, Block Group 2 and Tract 9532, Block Group 1) have a Hispanic/Latino population greater than 20 percent, and a third (Tract 9529, Block Group 1) is nearly half (45 percent). Tract 9529, Block Group 1, which consists primarily of the City of Minatare, is also identified by the project's EJ analysis as containing a percentage of minority persons meaningfully higher than comparative percentages for Nebraska, and therefore, considered Environmental Justice populations when evaluating impacts.

The median age of the Block Groups comprising the project study area is 40.9 years, which is higher than the median age for the county and statewide comparison areas used, but lower than the local incorporated areas except for the City of Bayard (38.2).

Additional detail about the demographic characteristics of local communities is shown in Table 2.

Table 2 - Demographic Characteristics

Area	2022 Population	Median Age	Race / Ethnicity							
			Not Hispanic / Non-Latino						Hispanic/ Latino (Any Race)	Minority Population (Non-White or Hispanic/Latino)
			White	Black or African American	American Indian or Alaskan Native	Asian	Native Hawaiian or Other Pacific Islander	Some Other Race Alone or Multiple Races		
United States	331,097,593	38.5	58.9%	12.1%	0.6%	5.7%	0.2%	3.9%	18.7%	41.1%
Nebraska	1,958,939	36.9	77.1%	4.7%	0.6%	2.5%	0.1%	3.3%	11.8%	22.9%
Scotts Bluff County	36,048	39.2	70.4%	0.6%	1.4%	0.6%	0.0%	2.2%	24.9%	29.6%
Morrill County	4,562	40.3	80.8%	0.1%	0.3%	1.1%	0.0%	1.9%	15.8%	19.2%
City of Bayard	1,435	38.2	66.6%	0.0%	0.4%	2.4%	0.0%	4.0%	26.6%	33.4%
City of Minatare	891	44.2	52.4%	0.0%	0.0%	0.0%	0.0%	0.0%	47.6%	47.6%
Village of Melbeta	163	57.8	73.6%	3.7%	0.0%	0.0%	0.0%	1.2%	21.5%	26.4%
Village of McGrew	83	65.6	44.6%	0.0%	0.0%	0.0%	0.0%	27.7%	27.7%	55.4%
Project Study Area	7,099	40.9*	79.3%	0.1%	0.1%	1.3%	0.0%	2.0%	17.3%	20.7%
Census Tract 9532; Block Group 1 (Scotts Bluff County)	942	43.1	72.1%	0.6%	0.0%	0.0%	0.0%	5.8%	21.4%	27.9%
Census Tract 9529; Block Group 1 (Scotts Bluff County)	975	45.5	55.0%	0.0%	0.0%	0.0%	0.0%	0.0%	45.0%	45.0%
Census Tract 9529; Block Group 2 (Scotts Bluff County)	1,994	38.7	92.6%	0.0%	0.0%	2.8%	0.0%	0.4%	4.2%	7.4%
Census Tract 9525; Block Group 1 (Morrill County)	760	57.7	86.7%	0.4%	0.0%	0.0%	0.0%	2.2%	10.7%	13.3%
Census Tract 9525; Block Group 2 (Morrill County)	1,594	38.1	69.9%	0.0%	0.4%	2.2%	0.0%	3.6%	23.9%	30.1%
Census Tract 9525; Block Group 4 (Morrill County)	834	37.5	94.7%	0.0%	0.1%	0.0%	0.0%	0.5%	4.7%	5.3%

*Represents the median value of the six Block Group estimates for median age. The actual median age for Project Study Area cannot be determined without the individual disaggregated data for each Block Group.

Source: 2022 American Community Survey (ACS) 5-Year Estimates

4.2 Housing

4.2.1 Household and Family Characteristics

According to the most recent data, there are 2,798 households within the project study area. The average household size ranges from 2.04 to 2.7 people, which indicates homes with families present and is consistent with the Nebraska and US averages of 2.46 and 2.57, respectively.

When considering the makeup of these families, married-couple or cohabitating households are by far the most common, ranging from roughly half to two-thirds of households in the study area. Compared to US and statewide averages, Block Groups within the study area have a slightly higher percentage of married-couple householders and a slightly lower percentage of single-parent householders with no spouse present. The rate of householders living alone within parts of the study area, however, is considerably higher than the Nebraska average of 30 percent. This is true of Tract 9525, Block Group 1, in which nearly half of householders (48 percent) live alone.

The 2022 median property value for study area Block Groups ranges widely from \$71,900 to \$201,000. This is below the statewide median value of \$205,600, but similar to the Scotts Bluff County and Morrill County numbers of \$150,600 and \$107,700, respectively.

The vast majority (90 percent) of homes in the study area are single family structures. Multi-family structures and mobile homes make up less than 10 percent of the available housing inventory, which is considerably lower than the national, statewide, and county comparison areas.

Table 3 includes more detailed and additional information related to housing.

4.2.2 Homeownership and Tenancy

Of occupied housing units in the study area, an average of between 63 percent and 90 percent of are owner-occupied. This is higher than the Nebraska average of 67 percent and the national average of 65 percent.

Table 3 - Housing Characteristics

Area	Number of Households	Average Household Size	Median Year Built	Housing Unit Type			
				Single Family Structure	Multi-Family Structure	Mobile Home	Boat, Van, RV, etc.
United States	125,736,353	2.57	1979	67.5%	26.6%	5.8%	0.1%
Nebraska	776,379	2.46	1974	75.8%	21.1%	3.1%	0.0%
Scotts Bluff County	15,119	2.33	1968	78.3%	16.1%	5.3%	0.3%
Morrill County	1,814	2.45	1956	89.2%	3.8%	7.0%	0.0%
City of Bayard	532	2.63	1948	92.9%	5.9%	1.2%	0.0%
City of Minatare	372	2.40	1964	71.3%	9.7%	17.7%	1.2%
Village of Melbeta	75	2.17	1943	94.9%	0.0%	5.1%	0.0%
Village of McGrew	45	1.84	1939	66.1%	0.0%	33.9%	0.0%

Area	Number of Households	Average Household Size	Median Year Built	Housing Unit Type			
				Single Family Structure	Multi-Family Structure	Mobile Home	Boat, Van, RV, etc.
Project Study Area	2,798	2.49	1963	90.4%	2.8%	6.7%	0.1%
Census Tract 9532; Block Group 1 (Scotts Bluff County)	349	2.70	1961	92.2%	0.0%	7.8%	0.0%
Census Tract 9529; Block Group 1 (Scotts Bluff County)	412	2.37	1964	73.9%	8.8%	16.1%	1.1%
Census Tract 9529; Block Group 2 (Scotts Bluff County)	750	2.65	1969	93.4%	1.7%	5.0%	0.0%
Census Tract 9525; Block Group 1 (Morrill County)	365	2.04	1945	90.3%	0.0%	9.7%	0.0%
Census Tract 9525; Block Group 2 (Morrill County)	593	2.62	1947	93.7%	5.2%	1.1%	0.0%
Census Tract 9525; Block Group 4 (Morrill County)	329	2.53	1969	93.8%	0.0%	6.2%	0.0%

Source: 2022 American Community Survey (ACS) 5-Year Estimates

4.3 Income and Employment

4.3.1 Income

As shown in Table 4, the median household income of study area Block Groups in 2022 inflation-adjusted dollars covers a fairly wide range from \$41,875 to \$73,684. When examined collectively, these numbers are lower than both the statewide and national median household income figures of \$71,722 and \$75,149, respectively. Roughly 75 percent of households receive earnings as a source of income, while an estimated 39 percent of households receive social security, and an estimated 17 percent of households receive retirement income other than Social Security. 17 percent of households also received governmental safety net assistance in the form of Supplemental Security Income (SSI) or Cash Public Assistance. Compared to national and statewide averages, study area households have a slightly lower rate of income from earnings or retirement funds and receive a slightly higher percentage of income from Social Security or government assistance programs. It should be noted that these income sources are not mutually exclusive, meaning that households may have multiple income sources.

Table 4 - Income Characteristics

Area	Number of Households	Median Household Income (2022 Dollars)	Household Income Sources				
			Earnings	Social Security	Retirement	Supplemental Security Income	Cash Public Assistance
United States	125,736,353	\$75,149	77.6%	31.2%	23.1%	5.1%	12.5%
Nebraska	776,379	\$71,722	80.3%	29.4%	20.0%	3.9%	8.8%
Scotts Bluff County	15,119	\$60,137	75.3%	35.5%	18.3%	4.6%	10.5%
Morrill County	1,814	\$57,325	73.2%	42.2%	18.9%	2.0%	9.5%
City of Bayard	532	\$60,000	78.6%	41.5%	24.8%	1.9%	9.8%

Area	Number of Households	Median Household Income (2022 Dollars)	Household Income Sources				
			Earnings	Social Security	Retirement	Supplemental Security Income	Cash Public Assistance
City of Minatare	372	\$46,855	67.7%	33.9%	9.7%	20.4%	40.6%
Village of Melbeta	75	\$55,625	70.7%	53.3%	9.3%	2.7%	21.3%
Village of McGrew	45	No Data	55.6%	55.6%	37.8%	0.0%	4.4%
Project Study Area	2,798	\$65,032*	75.1%	38.6%	16.9%	5.4%	11.4%
Census Tract 9532; Block Group 1 (Scotts Bluff County)	349	\$68,125	79.9%	37.2%	17.2%	0.6%	5.2%
Census Tract 9529; Block Group 1 (Scotts Bluff County)	412	\$47,955	68.4%	33.5%	10.4%	18.4%	36.7%
Census Tract 9529; Block Group 2 (Scotts Bluff County)	750	\$73,684	81.6%	34.1%	14.0%	6.3%	5.9%
Census Tract 9525; Block Group 1 (Morrill County)	365	\$41,875	62.5%	56.4%	17.5%	1.1%	9.3%
Census Tract 9525; Block Group 2 (Morrill County)	593	\$68,125	78.8%	39.3%	27.2%	2.0%	8.8%
Census Tract 9525; Block Group 4 (Morrill County)	329	\$61,938	70.8%	35.9%	12.2%	3.3%	6.4%

*Represents the median value of the six Block Group estimates for income. The actual median income for Project Study Area households cannot be determined without the individual disaggregated data for each Block Group.

Source: 2022 American Community Survey (ACS) 5-Year Estimates

4.3.2 Poverty Status

In Nebraska, 10.4 percent of people and 10.9 percent of households reported having income below the poverty level within the previous 12 months, with 8.5 percent of households receiving Supplemental Nutrition Assistance Program (SNAP) benefits. In the Block Groups comprising the project study area, these rates are slightly higher, with 11.2 percent of people and 14.9 percent of households living below the poverty level. The percentage of study area households receiving SNAP benefits (11.1 percent) is also higher than the statewide average.

Tract 9529, Block Group 1, which consists primarily of the City of Minatare, is identified by the project’s EJ analysis as containing a percentage of persons with income below that poverty level that is meaningfully higher than comparative percentages for Nebraska, and therefore, considered Environmental Justice populations when evaluating impacts.

4.3.3 Employment Status and Industry Characteristics

Of the population 16 years of age and older who live within the study area, 59 percent were employed, 6 percent were unemployed, and 35 percent were not currently in the labor force when the 2022 ACS data was collected. The unemployment rate for those in the labor market was 8.7 percent, which is higher than the comparative rates for the US (5.3 percent) and Nebraska (3.1 percent) at the time. Leading industries for the employed civilian population in the area surrounding the study corridor are agriculture, construction, transportation and warehousing, educational services, healthcare, social services, and retail trade.

4.3.4 Access to Employment

As shown in Table 5, the project study area is home to approximately 3,222 employees over the age of 16, most (78 percent) of whom drive to work alone. 10 percent of workers living in the study area commute by carpool or vanpool, and another 10 percent work from home. Among those who commute to work, the most common travel time is between 15 and 19 minutes, indicating that most workers in the area use the highway system and commute outside of the area in which they reside for employment. Options for these employment destinations nearby would include the cities of Scottsbluff, Gering, Terrytown, Bridgeport, Bayard, and the Village of Minatare.

Table 5 - Commuting Patterns

Area	Number of Workers (Over the Age of 16)	Most Common Travel Time to Work	Means of Transportation to Work					
			Car, Truck, or Van - Drive Alone	Car, Truck, or Van - Carpool	Public Transportation	Walking or Biking	Other Means	Work from Home
United States	156,703,623	15-19 min	71.7%	8.5%	3.8%	2.9%	1.4%	11.7%
Nebraska	1,004,637	10-14 min	78.3%	8.6%	0.5%	2.7%	0.9%	8.9%
Scotts Bluff County	16,964	5-9 min	80.8%	10.4%	0.1%	2.3%	0.9%	5.5%
Morrill County	2,063	5-9 min	77.1%	10.8%	0.0%	3.2%	0.3%	8.6%
City of Bayard	654	5-9 min	85.6%	5.5%	0.0%	0.9%	0.0%	8.0%
City of Minatare	323	15-19 min	82.4%	11.5%	0.0%	0.0%	0.0%	6.2%
Village of Melbeta	88	10-14 min	50.0%	0.0%	0.0%	3.4%	0.0%	46.6%
Village of McGrew	29	30-34 min	65.5%	10.3%	0.0%	3.4%	0.0%	20.7%
Project Study Area	3,222	15-19 min	77.7%	9.7%	0.0%	1.8%	0.7%	10.1%
Census Tract 9532; Block Group 1 (Scotts Bluff County)	463	15-19 min	80.3%	4.5%	0.0%	2.8%	1.7%	10.6%
Census Tract 9529; Block Group 1 (Scotts Bluff County)	362	15-19 min	81.5%	12.4%	0.0%	0.0%	0.0%	6.1%
Census Tract 9529; Block Group 2 (Scotts Bluff County)	955	15-19 min	73.8%	12.8%	0.0%	1.7%	1.6%	10.2%
Census Tract 9525; Block Group 1 (Morrill County)	351	15-19 min	78.1%	3.4%	0.0%	4.0%	0.0%	14.5%
Census Tract 9525; Block Group 2 (Morrill County)	730	5-9 min	82.9%	9.2%	0.0%	0.8%	0.0%	7.1%
Census Tract 9525; Block Group 4 (Morrill County)	361	25-29 min	70.1%	12.7%	0.0%	2.5%	0.0%	14.7%

Source: 2022 American Community Survey (ACS) 5-Year Estimates

4.4 Community Resources and Cohesion

A map showing the location of many of the community resources described in the following sections can be found in **Appendix A**.

4.4.1 Physical Environment

Land use in the study area is typical of rural, irrigated agricultural land use in the North Platte River Valley, and includes rural residences, farmsteads, and modern livestock production facilities. There are multiple communities and incorporated areas surrounding the project corridor, and because of its rural setting, many residents travel extended distances to and from these places for access to services or facilities they rely on for sustainability and social support services like schools, medical care, goods, and social institutions. The community closest to the project corridor is the City of Minatare, which is adjacent to its western end, south of US-26.

Most community resources discussed below are located within or near the City's footprint of roughly half of a square mile. The facilities and services clustered in this area are vital to the residents of Minatare and those living in the surrounding rural properties. They also have the highest potential to be impacted by any modifications to the US-26 corridor because of their proximity to it combined with an existing and established degree of community cohesion.

4.4.2 Schools

There are two (2) school systems within the study area: Minatare Public Schools and Bayard Public Schools. Minatare Public Schools serves the city's surrounding area in east-central Scotts Bluff County. Bayard Public Schools serves west central and northwest Morrill County, Eastern Scotts Bluff County, and northeastern Banner County. Minatare Public Schools consists of the Minatare Pre-Start Pre-School, the Minatare Elementary School, and the Minatare High School with bus and van transport for activities (Minatare Public Schools, 2024). Bayard Public Schools consists of Bayard Elementary School and Bayard Junior/Senior High School with bus transportation within Bayard city limits and for activities (Bayard Public Schools, 2024 and Nebraska Department of Education – Nebraska Education Profile, 2024).

4.4.3 Places of Worship

There is one (1) place of worship in the study area: Lighthouse Community Assembly of God Church located on 907 Main St, in Minatare.

4.4.4 Parks and Recreation Areas

There are two (2) parks exist within the study area: Minatare Park on 909 Main St in the City of Minatare and Lake Minatare State Recreation Area located at 290415 The Point Road in Minatare. Minatare Park is a local park that features a playground, basketball court, and pavilion (City of Minatare, 2024). Lake Minatare State Recreation Area offers campgrounds, fish for anglers, a beach, and boating ramps with courtesy docks (Nebraska Game and Parks, 2024).

4.4.5 Emergency and Medical Services

Emergency services in the study area include fire and police stations. There are three (3) volunteering firefighting departments: Minatare-Melbeta Volunteer Fire Department Station 1

Headquarters, Bayard Fire and Rescue, and McGrew Rural Fire Department (City of Minatare, 2024 and City of Bayard, 2024).

Police services in the study area are provided at the local level by the Minatare Police Department located at 309 Main Street in the City of Minatare and the Bayard Police Department located on 337 Main Street in the city of Bayard. At the county level, the Morrill County Sheriff is headquartered on 113 6th Street in Bridgeport and the Scotts Bluff County Sheriff on 1825 10th Street in Gering (Merrill County Nebraska, 2024 and Scotts Bluff County Nebraska, 2024). State police services are provided by the Nebraska Highway Patrol, Troop E, headquartered in Scottsbluff (Nebraska State Patrol, 2024).

Medical services in the study area consists of one (1) clinic in Bayard—Chimney Rock Medical Center (320 Main St, Bayard)—affiliated with the Morrill County Community Hospital in Bridgeport (Morrill County Community Hospital, 2024). Near the study area to the west, the Regional West Medical Center in Scottsbluff provides emergency and medical care services (Regional West Medical Center, 2024).

4.4.6 Vulnerable Population Services

There is one (1) nursing home and two assisted living services within the study area: all three (3) vulnerable population services are in the City of Bayard.

There are eleven (11) Public housing residencies within the study area. Five (5) residencies are in Bayard while the remaining six (6) are in Scotts Bluff County.

The Environmental Justice Memorandum notes the following businesses and agencies are likely to serve a minority and/or low-income population, and/or provide essential services (Minatare to US-385 Environmental Justice and Limited English Proficiency Analysis Technical Memorandum, 2024):

- Lighthouse Community Assembly of God Church - 907 Main St, Minatare, NE 69356
- Minatare Park - 909 Main St, Minatare, NE 69356
- Minatare High School Football Field - 1107 7th St, Minatare, NE 69356
- Minatare High School Track - 1107 7th St, Minatare, NE 69356
- Dollar General - 130910 Stonegate Rd, Minatare, NE 69356

4.4.7 Transportation Services

Open Plains Transit has several routes that run within the study area. Intercity transit in the Nebraska Panhandle is provided by Panhandle Trails, which is operated as a 501(c)3 organization funded by the federal and state funds allocated through NDOT. Many of Open Plains Transit's routes travel along the US-26 and US-L62A highways between Scottsbluff and Alliance; all transit routes utilize the greater Heartland Expressway to complete their trips. Transit service is provided to Minatare up to seven (7) times daily (Open Plains Transit, 2024).

The Western Nebraska Regional Airport is within the study area. This airport is used by Scotts Bluff County and the surrounding counties (Western Nebraska Regional Airport, 2024).

4.4.8 Special Events

There are five (5) special events held in the study area. The Tabor Days event is held annually in mid-August and takes place in the city of Minatare. It is a one-day event that includes parades, parties, and vendors (City of Minatare, 2024). The second event is the Oregon Trail Days located in the city of Gering. This event occurs annually, since 1921, in mid-July for four (4) days. It features events such as a street dance, a car show, a chili cook-off, art shows, and parades (Oregon Trail Days, 2024, and Scottsbluff/Gering United Chamber of Commerce, 2024). The third event is the Chimney Rock Pioneer Days held annually in early September and takes place in the City of Bayard. The event activities include a 5k run, parade, live music, craft and food vendors, and trap shoot (City of Bayard, 2024).

Two pumpkin patch farms are located along or near the study area. Both BE Farm and Adams Family Pumpkin Patch operate in September and October annually and include pumpkin picking, corn mazes, and refreshments (BE Farm, 2024 and Adams Family Pumpkin Patch, 2024). Lastly, the Old West Balloon Fest has been held annually since 2015. This event is in early August and includes a hot air balloon display, live music, refreshments, and kite shows (Old West Balloon Fest, 2024).

4.4.9 Utilities

Gas utilities are provided by Black Hills Energy and Tallgrass Energy. Electric utilities are provided through the Chimney Rock Public Power District and the Nebraska Public Power District. The City of Scottsbluff provides the City of Minatare with water utilities.

Most households within the Census Tracts surrounding the study corridor have either a computer, smartphone, and/or tablet, as well as a subscription to some form of internet service. The rates of households that have no computer (14 percent) or internet service (17 percent) are roughly twice as high when compared to similar figures at the statewide and national levels, which are both 6 percent and 9 percent for households without a computer and without internet service, respectively. These details are included in Table 6.

Table 6 - Computer Availability and Internet Access

Area	Number of Households	Computer Ownership				Access to Internet				
		Desktop or Laptop	Smart-phone	Tablet	None	Cellular Data Plan	Broadband (Cable, Fiber, DSL)	Satellite	Dial-Up	None
United States	125,736,353	79.3%	88.2%	63.4%	6.0%	81.1%	73.3%	6.7%	0.2%	9.0%
Nebraska	776,379	78.8%	86.8%	64.1%	6.3%	80.4%	72.8%	7.0%	0.3%	8.6%
Scotts Bluff County	15,119	70.1%	79.6%	57.7%	9.4%	66.1%	66.6%	8.3%	0.2%	13.3%
Morrill County	1,814	70.9%	76.3%	53.5%	9.6%	65.5%	57.2%	12.7%	1.2%	16.3%
City of Bayard	532	70.7%	77.8%	54.7%	13.2%	66.0%	72.9%	5.8%	2.4%	16.0%
City of Minatare	372	53.2%	71.0%	42.7%	27.7%	47.8%	44.9%	1.1%	0.0%	36.6%
Village of Melbeta	75	73.3%	74.7%	33.3%	1.3%	62.7%	81.3%	1.3%	10.7%	1.3%
Village of McGrew	45	44.4%	71.1%	60.0%	0.0%	28.9%	42.2%	6.7%	0.0%	42.2%

Area	Number of Households	Computer Ownership				Access to Internet				
		Desktop or Laptop	Smart-phone	Tablet	None	Cellular Data Plan	Broadband (Cable, Fiber, DSL)	Satellite	Dial-Up	None
Project Study Area	2,798	70.8%	75.1%	54.9%	13.8%	62.2%	52.1%	17.4%	1.1%	17.4%
Census Tract 9532; Block Group 1 (Scotts Bluff County)	349	78.2%	84.0%	57.0%	3.2%	68.5%	47.3%	24.9%	2.3%	10.0%
Census Tract 9529; Block Group 1 (Scotts Bluff County)	412	56.3%	71.6%	43.9%	25.2%	50.2%	47.3%	1.9%	0.0%	33.7%
Census Tract 9529; Block Group 2 (Scotts Bluff County)	750	73.5%	74.4%	59.6%	18.7%	63.6%	53.6%	24.3%	0.0%	14.8%
Census Tract 9525; Block Group 1 (Morrill County)	365	53.7%	64.1%	58.4%	12.1%	61.9%	47.4%	16.4%	0.0%	21.1%
Census Tract 9525; Block Group 2 (Morrill County)	593	73.7%	79.1%	58.3%	11.8%	68.5%	72.8%	6.9%	2.2%	14.3%
Census Tract 9525; Block Group 4 (Morrill County)	329	88.8%	76.9%	45.6%	5.5%	56.5%	27.4%	33.4%	2.7%	11.9%

Source: 2022 American Community Survey (ACS) 5-Year Estimates

4.5 Tax Base

The tax bases within Scotts Bluff and Morrill Counties are summarized in Table 6 using data from the Nebraska Department of Revenue. The predominant property types, based on the 2023 total assessed value, account for roughly half the assessed value in each county. In Scotts Bluff County, residential, commercial, industrial, and mineral uses contribute the highest assessment value. Agricultural land and railroad property are the largest contributors in Morrill County, which has a lower total assessed value of \$1.26B compared to Scotts Bluff County at \$3.61B.

Table 7 - Tax Base Summary

Area	Assessed Value					
	Total	Agricultural Land	Residential	Commercial, Industrial, and Mineral	Railroads	Other Property
Scotts Bluff County	\$3,612,124,368	12.9%	54.7%	16.9%	7.5%	7.9%
Morrill County	\$1,259,702,714	45.3%	18.3%	5.2%	20.7%	10.4%

Source: Nebraska Department of Revenue Property Assessment Division - 2023 Annual Summary Report

5.0 Community Impacts

Potential impacts of the proposed project on the community are discussed in the following bullet points. In addition to summary-level explanations, the impacts are described consistently based on intensity (negligible, minor, moderate, or major), duration (short- or long-term), and type (adverse or beneficial), as determined during the evaluation process.

- The proposed project would have minor, short- and long-term impacts on the populations in and near the study area. In the long-term, it would impact populations in the study area and surrounding communities beneficially by creating a more efficient roadway and reduced travel times. In the short-term, these populations and the transportation network will be impacted adversely by construction activities. Construction would be completed under traffic, allowing continuous movement through the study area. Access to adjacent properties would be maintained during construction, but may be limited at times due to phasing requirements.
- The proposed project would have major, long-term, beneficial impacts on the transportation network in the study area and beyond. The improvements would result in increased roadway efficiency, reliability, safety, and travel conditions, and a more complete and connected freight network for moving produce and goods throughout the region.
- The proposed project would have long-term, adverse impacts to local property owners by converting 260 acres of farmland into highway right-of-way. Of the 260 acres, approximately 188 acres are designated as prime farmland, if irrigated, or farmland of statewide importance. The completed Farmland Conversion Impact Rating Forms (NRCS-CPA-106) resulted in a corridor assessment of 139 points for the portion of the project in Scotts Bluff County, and 143 points for the portion in Morrill County which is below the 160-point site assessment threshold and therefore NRCS confirmed that no further coordination would be required. There is potential to impact 22 existing center pivot irrigation systems and two of these center pivots may require relocation which will be determined as part of final design. The acquisition of additional ROW would also affect approximately 9 acres of feedlot pens at two locations: 7 acres at Winner Circle Feed Yard, and 2 acres at the feedlot northeast of the intersection of US 26 and L62A. These impacts may result in the reconfiguration of the feedlot operations, but no buildings would be acquired. Landowners would be compensated for the removal or relocation of the center pivots and storage buildings as applicable with state and federal law. Alterations to agricultural land would be minor in nature as no full parcel or entire center-pivot system, nor feedlot would be acquired and therefore would have little effect on farming operations.
- Although most of the acquisitions would be minor amounts of right-of-way from parcels, the proposed project is anticipated to require long-term impacts in the form of structure relocations from 17 agricultural properties. A total of 16 houses from 13 of the properties would be displaced; however, many would likely be relocated to another place on the same landowner's property. Several outbuildings such as sheds, silos, and garages may be relocated or removed, and two cattle operations would be impacted. Up to five of the properties may not remain functional as they do currently, once the project is constructed.

The final impacts to these properties would be determined during final design. Property rights acquisition would be conducted by paying fair market value for the property rights and damages that may occur. Right-of-way acquisition would be conducted in conformance with the Uniform Act (42 USC 4601 et seq.), Title VI of the Civil Rights Act of 1964, and the Nebraska Relocation Assistance Act (Nebraska Revised Statutes Section 76-1214 et seq.).

- Short-term, beneficial income impacts to the community would include an increase in construction-related jobs and increased business from construction workers patronizing local businesses and service establishments.
- Long-term, beneficial economic impacts would result from an expanded four-lane roadway facility. This would increase connectivity in the study area for local commuting traffic and would provide more efficient movement of local products to larger markets. The project improvements would also decrease travel times and increase roadway reliability.
- Minor, short-term, adverse impacts would result on the tax base in and near the study area as approximately 260 acres of property parcels are acquired for project right-of-way. This represents a small portion of the overall taxable land value, and as design progresses, impacts on adjacent properties in both Scotts Bluff and Morrill Counties would be minimized or eliminated, to the extent practicable.
- Access to community resources, area schools, and emergency response services would not be impacted by the proposed project because improvements would be constructed under traffic and access would be maintained throughout. Any required detours would have limited effect and duration. Access to businesses, community resources, and residences would also be maintained, and disruptions to utility services are not anticipated.
- Local events may incur minor, short-term, adverse impacts during construction activities, and moderate, long-term, beneficial impacts beyond that due to improved connectivity and cohesion resulting from a more efficient and reliable roadway. It is recommended that, should the project be advanced, coordination take place with local officials during design and construction to avoid or lessen short-term traffic impacts when coinciding with scheduled community events.
- The project's EJ analysis has determined that minority and low-income populations are located in the project area, which is consistent with the data evaluated during this assessment. However, there would be no anticipated disproportionately adverse human health or environmental impacts to these distinct populations as a result of the proposed project. It is possible that these minority and low-income populations would be affected by the impacts discussed, but those impacts would not be disproportionately higher than other study area residents and would be mitigated, as described.

A Stakeholders Meeting and Public Information Open House Meeting were held in September 2022 at Minatare High School for the purposes of providing project information and gathering feedback from local stakeholders and community members. Comments provided did not include major

concerns related to community resources, nor did they identify any adverse direct impacts to existing resources or facilities.

Several public comments, however, did contain feedback related to community cohesion, connectivity, and access considerations. These comments are summarized below:

- A pedestrian refuge and a crosswalk facility were each requested for those crossing US-26 at the Stonegate Road / 3rd Avenue intersection and connecting to future sidewalks in the City of Minatare. There was also a question as to whether this intersection, which connects the City's residential areas to the only existing grocery store in the community, would be signalized or have a crossing (presumably for pedestrians) if the roadway is expanded. An additional comment stated that adequate ingress/egress needed to be maintained in the north and south directions at this intersection, as well as at Minatare's Main Street, which is roughly a quarter mile west of Stonegate Road / 3rd Avenue.
- Several comments expressed opinions that the project would have long-term beneficial impacts for the community. These include facilitating local development and economic growth, bringing more visitors and tourism revenue from outside the area, improving safety and travel conditions, and enhancing regional connectivity for residents traveling between the study area's smaller communities on a regular basis. Other feedback received noted that the proposed project could adversely impact future development in the study area and stop those who are actively trying to re-develop commercial properties on the north side of the corridor, which the City of Minatare has supported with recent utility service area expansions and zoning changes.
- The seasonal nature of agriculture production and its importance to local communities was pointed out by multiple comments, with one stating that bridge construction and pivot relocations should not be conducted between April and November because of disruptions to the planting, irrigating, and harvesting activities that many local farmers depend on for their livelihood.

A Public Hearing will be held in late-2024 to give residents an opportunity to express their views and provide comments on the alternatives considered, preliminary design elements, and associated environmental impacts and mitigation measures discussed in the Draft EA documentation. If the project is advanced, it is recommended that the previously described feedback related to pedestrian safety, community cohesion, roadway access, and the phasing of construction activities, along with any additional input received during the Public Hearing process, be considered during the design phases to accommodate community concerns, where feasible.

6.0 Conclusions

The proposed improvements to the US-26/L-62A corridor would result in short-term, adverse community impacts in the form of disruptions to typical travel patterns and corridor aesthetics. Examples of these include temporary roadway detours, access restrictions, traffic delays, and equipment/materials staging during construction activities. In addition to being temporary, these impacts would be mitigated by using the NDOT Roadway Design Manual's standards related to

work zone traffic control plans, NDOT's Standard Specifications for Highway Construction, and adherence to all federal, state, and local laws and regulations.

Long-term impacts on the study area and surrounding communities in the Nebraska panhandle are anticipated to be a net benefit when considered collectively. The proposed project would create long-term, adverse impacts for multiple property owners resulting from the right-of-way acquisitions, residential relocations, and permanent easements required for its construction. These impacts would be mitigated with financial compensation and relocation assistance for impacted property owners. Re-purposing this property for use as public right-of-way is compatible with local land use plans, and would not have a significant financial impact on the community in terms of reducing local tax revenues or removing property that currently serves a better public use. It would, however, result in several long-term benefits for the study area, such as decreasing travel times, improving safety conditions, and providing a more efficient roadway for commercial and passenger traffic along the corridor. Additional benefits may include increased economic activity, visitor spending, employment and income, future development opportunities, an expanded local tax base, and regional economic growth associated with the more efficient movement of goods and products along the Heartland Expressway.

7.0 References

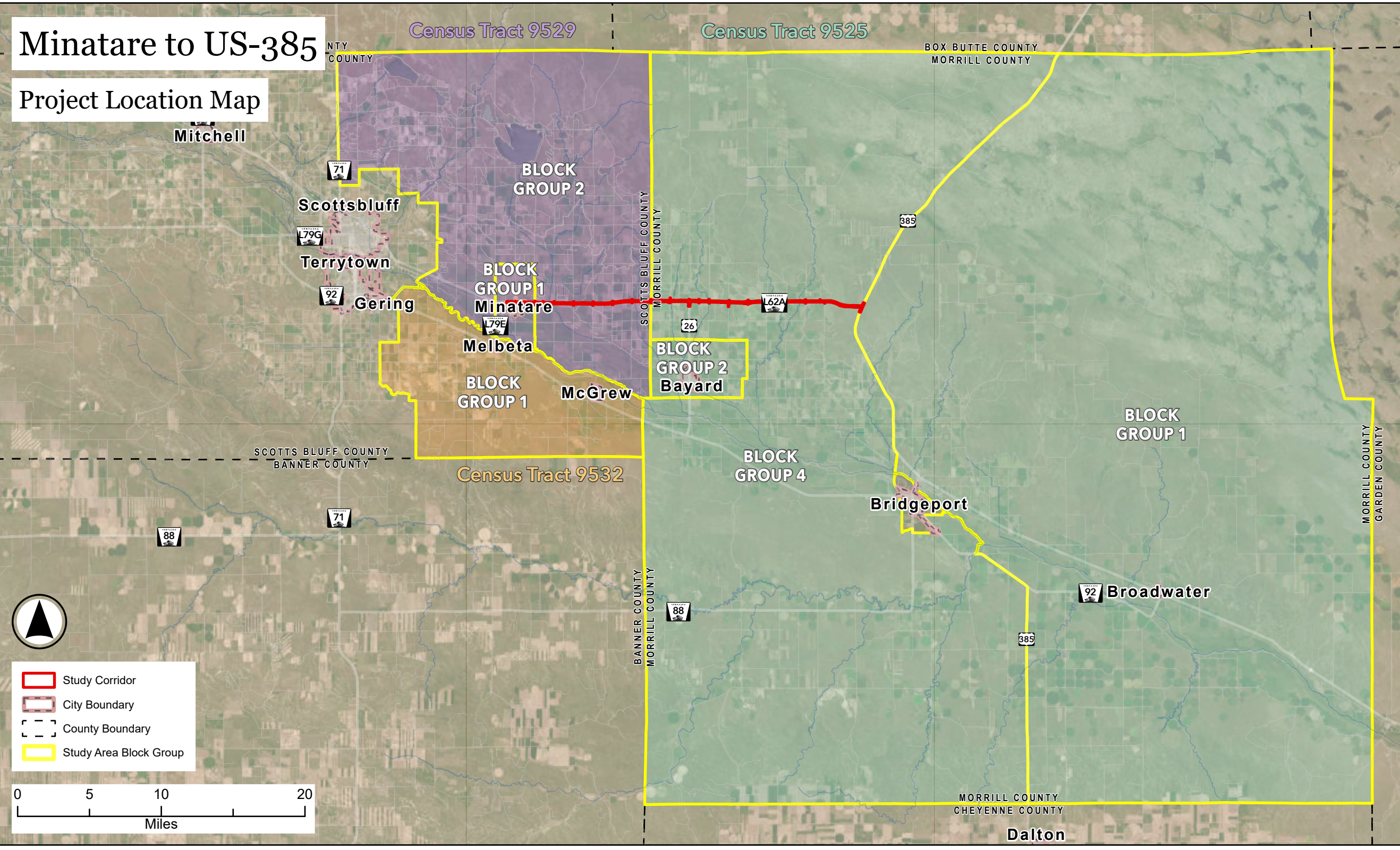
- City of Minatare <https://cityofminatare.com/>
- Open Plains Transit <https://www.optne.com/>
- Minatare Public Schools <https://www.minatareschools.org/>
- Bayard Public Schools <https://www.bayardpublicschools.org/>
- City of Bayard <https://www.cityofbayard.net/>
- Morrill County Community Hospital <https://www.morrillcountyhospital.com/>
- BE Farm <https://bepumpkinpatch.com/>
- Adams Family Pumpkin Patch <https://www.facebook.com/adamsfamilypumpkinpatch/>
- Nebraska Department of Education – Nebraska Education Profile
https://nep.education.ne.gov/Search/SOSR_SearchSchoolsGet?Page=13&DataYears=20152016
- Scottsbluff/Gering United Chamber of Commerce <https://www.scottsbluffgering.net/>
- Oregon Trail Days <https://oregontraildays.com/>
- Nebraska State Patrol <https://statepatrol.nebraska.gov/divisions/field-services/troop-e-scottsbluff>
- Morrill County Nebraska <https://www.morrillcountyne.gov/home.html>
- Scotts Bluff County Nebraska <https://www.scottsbluffcountyne.gov/index.html>
- Nebraska Game and Parks – Lake Minatare <https://outdoornebraska.gov/location/lake-minatare/>
- Old West Balloon Fest <https://theoldwestballoonfest.com/>
- Regional West Medical Center <https://www.rwhs.org/our-network/about-us>
- Western Nebraska Regional Airport <https://www.flyscottsbluff.com/>
- Minatare to US-385: Environmental Justice and Limited English Proficiency Analysis Draft Technical Memorandum, June 2024

Appendix A

Figures

Minatare to US-385

Project Location Map



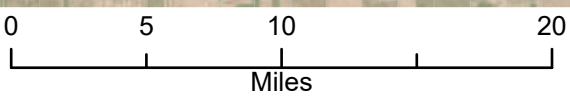
Census Tract 9529

Census Tract 9525

Census Tract 9532



- Study Corridor
- City Boundary
- County Boundary
- Study Area Block Group



Mitchell

Scottsbluff

Terrytown

Gering

Melbeta

McGrew

Bridgeport

Broadwater

Dalton

BLOCK GROUP 2

BLOCK GROUP 1

BLOCK GROUP 1

BLOCK GROUP 2
Bayard

BLOCK GROUP 4

BLOCK GROUP 1

NTY COUNTY

BOX BUTTE COUNTY
MORRILL COUNTY

SCOTTS BLUFF COUNTY
BANNER COUNTY

SCOTTS BLUFF COUNTY
MORRILL COUNTY

BANNER COUNTY
MORRILL COUNTY

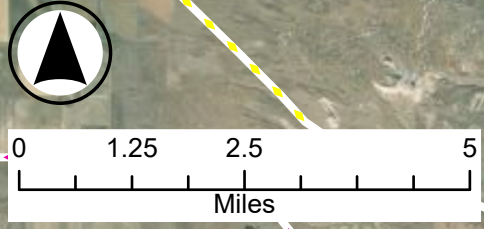
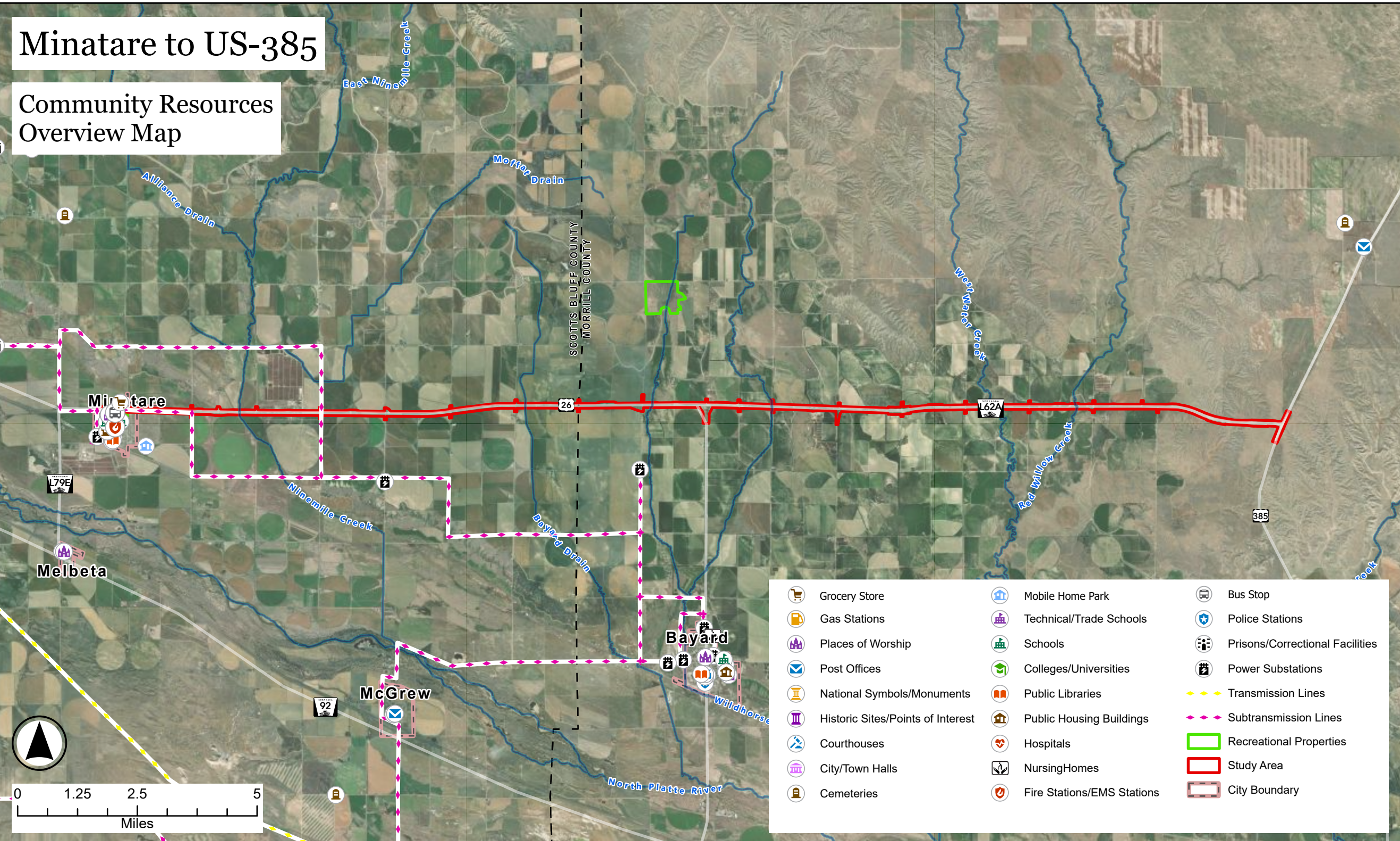
MORRILL COUNTY
GARDEN COUNTY

MORRILL COUNTY
CHEYENNE COUNTY



Minatare to US-385

Community Resources Overview Map



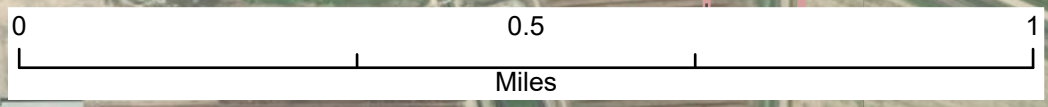
- | | | |
|-----------------------------------|----------------------------|---------------------------------|
| Grocery Store | Mobile Home Park | Bus Stop |
| Gas Stations | Technical/Trade Schools | Police Stations |
| Places of Worship | Schools | Prisons/Correctional Facilities |
| Post Offices | Colleges/Universities | Power Substations |
| National Symbols/Monuments | Public Libraries | Transmission Lines |
| Historic Sites/Points of Interest | Public Housing Buildings | Subtransmission Lines |
| Courthouses | Hospitals | Recreational Properties |
| City/Town Halls | NursingHomes | Study Area |
| Cemeteries | Fire Stations/EMS Stations | City Boundary |

Minatare to US-385

Community Resources Detail Map



- | | | |
|-----------------------------------|----------------------------|---------------------------------|
| Grocery Store | Mobile Home Park | Bus Stop |
| Gas Stations | Technical/Trade Schools | Police Stations |
| Places of Worship | Schools | Prisons/Correctional Facilities |
| Post Offices | Colleges/Universities | Power Substations |
| National Symbols/Monuments | Public Libraries | Transmission Lines |
| Historic Sites/Points of Interest | Public Housing Buildings | Subtransmission Lines |
| Courthouses | Hospitals | Recreational Properties |
| City/Town Halls | NursingHomes | Study Area |
| Cemeteries | Fire Stations/EMS Stations | City Boundary |



Appendix D

Environmental Justice



This is a Preliminary EJ and LEP Memorandum based on available information. A comprehensive Memorandum will be completed after the public hearing.

To: File
From: Dillon Dittmer, Environmental Project Manager, HDR
Date: 04 June 2024
RE: Environmental Justice and Limited English Proficiency Analysis, 51521, STP-26-1(172),
Minatare - US-385

Environmental Justice and Limited English Proficiency Analysis, 51521, STP-26-1(172), Minatare - US-385

1 Environmental Justice Regulatory Background and Overview of 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 must not be subject to 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, Federal Highway Administration (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 federal poverty threshold as defined by the Census Bureau. The federal poverty threshold is used for calculating all official poverty population statistics and are updated annually by the Census Bureau.

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. Nebraska Department of Transportation (NDOT) has adopted an Environmental Justice methodology which follows the basic framework of the 2011 memorandum, but expands upon a few vague or undefined concepts. . The methodology described in the following bullets was developed by NDOT in coordination with FHWA and was used to analyze demographic information from the US Census to identify both minority and

low-income populations for the project area shown in the attached map. An abbreviated overview of NDOT Environmental Justice methodology is as follows:

1. Using localized census 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 to State data 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 approximately 6 to 8 percent 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.

Executive Order 13166, *Improving Access to Services for Persons with Limited English Proficiency*, signed August 11, 2000, requires federal agencies to improve access to federally conducted and federally assisted programs and activities for persons who, as a result of national origin, have limited English proficiency (LEP). Each Federal agency shall examine the services it provides and develop and implement a system by which LEP persons can meaningfully access those services consistent with, and without unduly burdening, the fundamental mission of the agency. Individuals who do not speak

English as their primary language and who have a limited ability to read, write, speak, or understand English are considered to have limited English proficiency. According to US Department of Transportation (DOT) Policy Guidance Concerning Recipients' Responsibilities to Limited English Proficient Persons published in the Federal Register December 14, 2005, populations likely to include LEP persons who are served or encountered by DOT programs or projects and should be considered when planning language services include, but are not limited to, persons living in areas affected or potentially affected by transportation projects. NDOT has adopted the following methodology to identify LEP in the project area and the potential need for language assistance:

- Use US Census and other data to determine the languages spoken in and around the project location, including along a detour route. The affected area considered might be larger or smaller depending on the project size, type, and location, but the analysis considers the language data of the block groups within US Census tracts where the project is situated and if applicable where the detour route is proposed, and the surrounding contiguous US Census tracts. The "affected area" is not simply the area directly impacted by the project, or the area within the physical limits of the project. Affected areas include those indirectly affected by transportation projects (for example, as a result of detours or increased traffic congestion). LEP persons will include all persons who speak a language other than English, and also speak English "Less Than Very Well," as defined by the American Community Survey. American Community Survey data breaks out LEP by Spanish, Other Indo-European languages, Asian, and "Other" Languages.
- If a language other than English is spoken in the affected area, and English is spoken less than very well by 5 percent or greater of the population, or 1,000 persons or greater for any one specific language, any written information released to the public will be translated into the appropriate language(s). This includes, for example, NEPA scoping letters, legal notices, door-to-door handouts, project information sheets, or comment forms. If appropriate, this information will make clear to the LEP persons that an interpreter will be available, free of cost, at a public meeting. NDOT will identify sources of media frequently used by LEP populations in an affected area (such as local or ethnic newspapers, radio stations, etc.) so that meeting notices can be included in those media notifications.
- If a language other than English is spoken in the affected area by 5 percent or greater of the population, but the number of LEP persons is less than 50, written information released to the public prior to the public meeting will include a block of text, translated into the applicable language(s), stating that LEP persons have the right to receive competent oral interpretation of those written materials, free of cost.

2 Project Location and Description

This project is 18.47 miles in length and is located on US Highway 26 (US-26) and Nebraska Link 62A (L-62A) in Scotts Bluff and Morrill Counties, starting 0.41 mile west of the west Minatare corporate limits at mile marker (MM) 32.63 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0.00 to the junction of US Highway 385 (US-385) and L-62A at MM 9.19.

Construction may begin and/or end approximately 1,500 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The improvements on this project would consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which would remain in place. Improvements would include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new intersections, improved intersections, access relocations (i.e. new frontage roads), and side road modifications.

Grading would be required for the entire length of this project.

The bridge over Ninemile Creek (Structure Number S026 03470) would be used in place and a new bridge would be built with the new set of lanes. A grade raise of the entire structure is not anticipated. Work would be required in the waterway. Guardrail would be built with the new bridge.

The following bridge-size box culverts would be extended: Structure Number S026 03505 (Minatare Drain - Canal), S026 03916 (Irrigation Conveyance), S026 04114 (Wildhorse Creek), SL62A 00116 (Wildhorse Canyon), SL62A 00537 (Tri-State Canal), SL62A 00582 (Tri-State Canal), and SL62A 00613 (Tri-State Canal). The following bridge-size box culverts would be replaced: SL62A 00152 (Irrigation Conveyance), SL62A 00463 (West Water Creek), SL62A 00595 (Red Willow Creek) and SL62A 00648 (Irrigation Conveyance).

This project would be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

Additional property rights (including relocations) 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.

3 Examination of Study Area Population: Census Data and Other Observations

The data on minority persons have been collected from the 2020 Census Redistricting Data, Table P2. The data on low-income and LEP persons have been compiled from 2018-2022 American Community Survey 5-year estimates, Table B17021 and Table B16004, respectively.

The Environmental Justice and LEP data for this project is as follows:

Geographic area name	Total	Black/ African American	American Indian/ Alaska Native	Asian	Native Hawaiian/ Pacific Islander	Hispanic/ Latino	Total Minority	Project / Detour
Block Group 1, Census Tract 9525, Morrill County, Nebraska	854	0.4%	0.5%	0.0%	0.0%	8.5%	9.4%	Project Only
Block Group 4, Census Tract 9525, Morrill County, Nebraska	900	0.6%	0.6%	0.0%	0.0%	7.9%	9.0%	Project Only
Block Group 1, Census Tract 9529, Scotts Bluff County, Nebraska	780	0.1%	0.9%	0.1%	0.0%	34.5%	35.6%	Project Only
Block Group 2, Census Tract 9529, Scotts Bluff County, Nebraska	1,951	0.2%	0.3%	0.2%	0.1%	7.2%	7.9%	Project Only
Minatare city, Nebraska	715	0.1%	1.0%	0.1%	0.0%	35.9%	37.2%	
Morrill County, Nebraska	4,555	0.4%	0.8%	0.4%	0.0%	14.2%	15.9%	
Scotts Bluff County, Nebraska	36,084	0.6%	1.3%	0.8%	0.1%	22.7%	25.5%	
Nebraska	1,961,504	4.8%	0.8%	2.7%	0.1%	12.0%	20.3%	

Data on minority persons collected from 2020 Redistricting Data, Table P2.

Geographic area name	Total	Income in the past 12 months below poverty level	Project / Detour
Block Group 1, Census Tract 9525, Morrill County, Nebraska	750	16.0%	Project Only
Block Group 4, Census Tract 9525, Morrill County, Nebraska	834	9.1%	Project Only
Block Group 1, Census Tract 9529, Scotts Bluff County, Nebraska	975	21.5%	Project Only
Block Group 2, Census Tract 9529, Scotts Bluff County, Nebraska	1,991	7.3%	Project Only
Minatare city, Nebraska	891	23.0%	
Morrill County, Nebraska	4,441	9.5%	
Scotts Bluff County, Nebraska	35,113	12.5%	
Nebraska	1,908,613	10.4%	

Data on low-income persons collected from American Community Survey 2018-2022 5-Year Estimates, Table B17021

Geographic area name	Population age 5 and above	% of population age 5 and above that speak only English	Languages other than English spoken by 1,000 persons or more than 5% of the total population age 5 and above*	Project / Detour
Block Group 1, Census Tract 9525, Morrill County, Nebraska	732	92.3%	None	Project Only
Block Group 4, Census Tract 9525, Morrill County, Nebraska	777	98.8%	None	Project Only
Block Group 1, Census Tract 9529, Scotts Bluff County, Nebraska	890	75.6%	Spanish - 9.9% (88)	Project Only
Block Group 2, Census Tract 9529, Scotts Bluff County, Nebraska	1,836	93.5%	None	Project Only
Affected Area**	4,235	90.5%	Spanish - 3.0% (129) Indo-European - 0.1% (6) Asian - 0.0% (0) Other - 0.0% (0)	

All data from American Community Survey 2018-2022 5-Year Estimates, Table B16004.

The project is located within Block Groups 1 and 4, Census Tract 9525, and Block Groups 1 and 2, Census Tract 9529 in Scotts Bluff and Morrill counties, Nebraska. Portions of the project occur within the city of Minatare (see attached map).

The 2020 data for Block Group 1, Census Tract 9529 indicate a percentage of minority persons (primarily Hispanic/Latino) that is meaningfully greater than the corresponding percentages for Nebraska. This block group therefore contains a minority population for the purpose of this analysis.

The 2018-2022 data for Block Group 1, Census Tract 9529 indicate a percentage of low-income persons that is meaningfully greater than the corresponding percentage for Nebraska. This block group therefore contains a low-income population for the purpose of this analysis.

Data for the study area, considering the total population affected by the project, indicate there are no LEP populations that meet or exceed the NDOT LEP outreach triggers of 5 percent of the population or 1,000 persons.

After a review of the study area using Google Earth Street View, the following businesses and agencies are likely to serve a minority and/or low-income population, and/or provide essential services:

- Assembly of God Church, located at 907 Main St, Minatare, NE 69356

- Minatare Park, located at 909 Main St, Minatare, NE 69356
- Minatare High School Football Field, located at 1107 7th St, Minatare, NE 69356
- Minatare High School Track, located at 1107 7th St, Minatare, NE 69356
- Dollar General, located at 130910 Stonegate Rd, Minatare, NE 69356

No other businesses, workplaces, or organizations likely to serve a minority and/or low-income populations, and/or provide essential services to a minority and/or low-income population were identified in the vicinity of the project location.

4 Potential Disproportionately High and Adverse Effects to Minority and/or Low-Income Populations

The following project information is relevant:

- This project would be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.
- This project would not result in temporary or permanent adverse effects to through-traffic dependent businesses.
- The project would not result in substantial permanent traffic pattern changes or disruptions.
- Access to adjacent properties would be maintained during construction, but may be limited at times.
- Access to local businesses would not be closed during operating hours.
- A Dollar General store is located north of US-26, with residential populations located south of the highway. The residential populations are within Block Group 1, Census Tract 9529, which contains a low-income and minority population. Public input has indicated a concern with pedestrian traffic between the residential area and store. Commentors suggested the creation of a pedestrian refuge or overpass, or signalized crosswalk for a safer crossing of US-26
- The traffic noise study identified six residences that would incur adverse noise impacts as a result of the Project. However, all six residences would be acquired (none of these residences occur within Block Group 1, Census Tract 9529), with relocation funding as part of right-of-way acquisition. Consequently, no noise abatement mitigation is proposed for the residential relocations.
- This project would not restrict access to emergency service facilities or providers during construction.
- This project would require right-of-way acquisition and property relocations. None of these activities would occur within the block group associated with the identified EJ population.
- Night-time work may occur.

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

5 Conclusions

Minority populations and low-income populations were identified in the project area. However, there are no anticipated disproportionately high and adverse human health or environmental effects to minority and low-income populations, as defined in FHWA Order 6640.23A, for the reasons presented in the previous section of this document, and for the mitigation approach noted in the subsequent section.

No translations or specialized LEP outreach are required for this project because, in the areas examined, only some of the block groups indicate the presence of an LEP population and the languages other than English vary. The populations of languages other than English considered in aggregate are small compared to the total population in the block groups within the project area. The affected project and study area populations do not reach the NDOT LEP outreach triggers of 5% or 1,000 persons for any specific language.

6 Mitigation Measures

The following mitigation measures shall be carried forward through the NEPA documentation and NDOT Environmental Commitments for this Project:

- The contractor shall maintain access for both vehicles and pedestrians during the construction phase to facilitate travel across US-26 to and from Minatare to the Dollar General store located at 130910 Stonegate Rd, Minatare, NE 69356. (Contractor)
- The project design shall explore the creation of pedestrian refuge areas within the US-26 raised median while crossing the highway. (NDOT Design)
- NDOT shall ensure the businesses and organizations, identified in Section 3 above, are included on the distribution list for the pending project Public Hearing. (NDOT Public Involvement)

Baker,

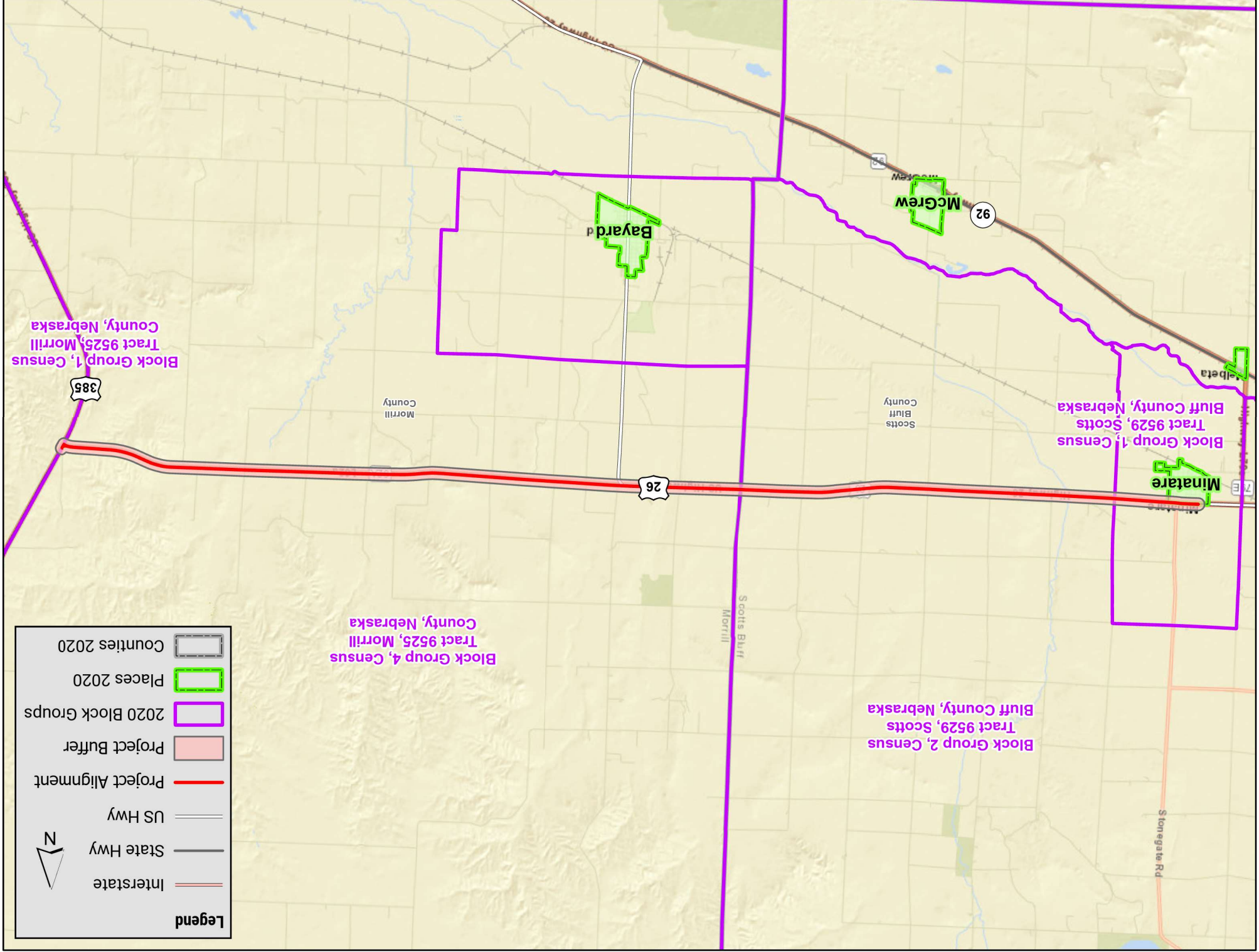
Kimberly K

Digitally signed by

Baker, Kimberly K

Date: 2024.06.09

12:59:14 -05'00'



Legend

- Interstate
- State Hwy
- US Hwy
- Project Alignment
- Project Buffer
- 2020 Block Groups
- Places 2020
- Counties 2020

Block Group 1, Census Tract 9525, Morrill County, Nebraska

Block Group 4, Census Tract 9525, Morrill County, Nebraska

Block Group 2, Census Tract 9529, Scotts Bluff County, Nebraska

Block Group 1, Census Tract 9529, Scotts Bluff County, Nebraska

Bayard

McGrew

Minatare

Bluff

Morrill County

Scotts Bluff County

Scotts Bluff Morrill

Stonegate Rd

385

26

92

7E

Appendix E

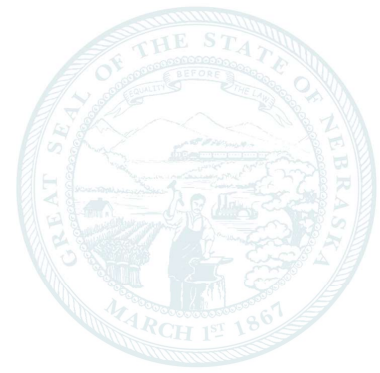
Airport



NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION



Jim Pillen, Governor

May 29, 2024

Mr. Scott Rupe
Benesch

Mr. Rupe:

The Department of Transportation – Division of Aeronautics has completed the review of the proposed project: **Minatare to US-385, CN 51521.**

The Division of Aeronautics has no objection to the project, provided the height of any equipment used in the project (or any antennae installed on the equipment) does not exceed any local airport's Height Restriction Zoning. A copy of the zoning should be on file with the airport manager.

The nearest public-use airport to the project is Western Nebraska – Scottsbluff Regional Airport (BFF) in Scottsbluff, Nebraska. The airport is located approximately 5.0 miles northwest of the project at its closest point. Due to the scope of the project, it is unlikely to impact any of Western Nebraska – Scottsbluff Regional Airport's airspace.

Please note that any contractor involved in the project should file a 7460-1 Form with the FAA for all structures or equipment over 200' tall, **or that break a 100:1 slope from a public-use airport.** Again, this includes any trucks, cranes, or any equipment used on the project. Also, a 7460-1 form will need to be filed for each new structure that may be part of this project, like bridges or overpasses or if an existing structure's elevation would change. This process can take some time. Aeronautics recommends filing months in advance. This website will assist with determining if you should/need to file a 7460-1: <https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequiredToolForm>

Feel free to contact me with any question.

Sincerely,

A handwritten signature in black ink that reads "D. Jones".

Davey Jones

Airport Services Manager, Aeronautics Division

Nebraska Department of Transportation

OFFICE 402-471-2371 DIRECT 402-471-7925

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Vicki Kramer, Director

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Aeronautics Division

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Navigational Aids Office

Kearney Regional Airport
5065 Airport Road
Kearney, NE 68847
OFFICE 308-865-5696
FAX 308-865-5697

dot.nebraska.gov

Appendix F

Section 106



NDOT Section 106 Project Managers*	Telephone	email
Anne Bauer, Districts 5, 6, 7, 8	402-479-4464	anne.bauer@nebraska.gov
Stacy Stupka, Districts 2, 3	402-479-3879	stacy.stupka@nebraska.gov
Katie Turner, Districts 1, 4	402-479-3514	katie.turner@nebraska.gov
Section 106 (team email)		ndot.section106@nebraska.gov

*District assignment equals the first number in the NDOT CN field below

NDOT Section 106 Tier III PQS Memo - project is an EA and is not assigned under NEPA CE Assignment

Project Name: Minatare – US-385 NDOT CN: 51521
 Project No: NH-26-1(172) Project Location: Scotts Bluff and Morrill Counties

NDOT Project Effects Determination

NDOT Tier II Project		No Historic Properties Affected No historic properties identified within the APE
NDOT Tier II Project		No Historic Properties Affected Historic properties identified within the APE, but they will not be affected by the proposed undertaking
NDOT Tier III Project*	X	No Adverse Effect Historic properties were identified within the APE, but they will not be adversely affected by the proposed undertaking
NDOT Tier III Project*		Adverse Effect Historic properties identified within the APE will be adversely affected by the proposed undertaking

NDOT PQS Signature:
(NDOT use only)

Stacy Stupka

Date:
(add date upon completion of consultation)

06/28/2024

06/06/2024 (Project Effects Determination)

SHPO Concurrence Date:
(*per the statewide Section 106 PA, requests for SHPO concurrence applies to Tier III projects)

05/22/2023 (NRHP ID & Evaluation)

Cultural Resources Evaluation

Introduction

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced above using funds from the Federal Highway Administration (FHWA). This project is 18.47 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties (Enclosure 1). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed undertakings on historic properties. FHWA is the lead federal agency and is in the process of completing an Environmental Assessment (EA).

There are five NRHP eligible properties within the APE considered, Harry’s Curve Historic District, a sod house, the Tri-State Canal, Interstate Canal, and Minatare Canal. FWHA has made a project effects determination of *no adverse effect*.

Project Description Summary

Project Description Date: 09/28/2023

This project is 18.47 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.41 miles west of the west Minatare corporate limits at mile marker (MM) 32.63 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19. Construction may begin and/or end approximately 1500 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new intersections, improved intersections, access relocations (i.e. new frontage roads) and side road modifications. A project description is included as Enclosure 2.

Project Specific Consultation Under Section 106

Consulting parties:

SHPO (concurring party), Apache Tribe of OK, Arapaho Tribe of the Wind River Reservation, WY, Cheyenne and Arapaho Tribes, OK, Cheyenne River Sioux Tribe of the Cheyenne River Reservation, SD, Comanche Nation of OK, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, MT; Pawnee Nation of OK, Rosebud Sioux Tribe of the Rosebud Indian Reservation, SD, Yankton Sioux Tribe of SD, Pathfinder Irrigation District, Farmers Irrigation District, Minatare Mutual Canal & Irrigation, Winters Creek Canal Company, Bureau of Reclamation (BOR) Scotts Bluff County, Morrill County, City of Minatare, Legacy of the Plains Museum, KAJO Management Inc. (owner of sod house) and (Mr. and Mrs. Skinner (owner of NRHP eligible historic district at Harry's Corner).

Stakeholder Meeting

08/25/2022

The consulting parties were invited to attend a stakeholder/public meeting held on 09/08/2022 held in Minatare.

Responses:

- 08/26/2024

Jack Preston with the Legacy of the Plains Museum telephoned and indicated that he would be our contact for this project. He is interested in the project, but not overly concerned. Jack did attend the stakeholder meeting.

- 09/07/2022

Pawnee Nation responded that the proposed project should not affect the cultural landscape of the Pawnee Nation.

- 09/07/2022

Robert, with KAJO Management, is the owner of the sod house. He lives in Florida and appreciated the invitation but would not be able to attend. He did not know that the house was made of sod and was interested in this.

National Register ID & Evaluation

03/31/2023

The consulting parties were invited to comment on National Register of Historic Places (NRHP) identification and evaluation recommendations (letters on file, FHWA).

Responses:

- 04/28/2023

The Bureau of Reclamation Wyoming Area Office (BOR) concurred with NRHP eligibility recommendations for the Tri-State Canal and the Interstate Canal.

- 05/16/2023

Pawnee Nation responded that the project should not adversely affect the cultural landscape of the Pawnee Nation.

- 05/22/2023

Northern Cheyenne Tribe asked FHWA clarifying questions. FHWA responded on 05/25/2023.

- 05/22/2023

Received SHPO concurrence.

Project Effects Determination

05/23/2024

The consulting parties were invited to comment on FHWA's project effects determination of *no adverse effect*.

Responses:

- 05/23/2024

Legacy of the Plains Museum presented their concurrence.

- 05/30/2024

Dennis Strauch with the Pathfinder Irrigation District agreed with the "finding of no historical impact to the Interstate Canal properties"

- 06/05/2024

Comanche Nation indicated that the project location was cross referenced with Comanche Nation site file and an indication of "No Properties" have been identified.

- 06/06/2024

Received SHPO concurrence.

The 30 day comment period ended without receiving any additional comments.

Area of Potential Effects (APE)

The area of potential effects (APE) is defined as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be unique based on different types of effects caused by the undertaking. In keeping with this definition, the APE for archeological and architectural/structural resources was chosen to adequately identify any historic properties that may be potentially altered given the scale and scope of this undertaking.

The APE for this undertaking encompasses a linear corridor approximately one-half mile wide with US 26/L-62A as the center line. The APE begins at the east end of the community of Minatare and extends west along U.S. Highway 26 to the intersection of U.S. Highway 385, approximately eighteen miles (HRG February 2023; Enclosure 1, Figure 2). The APE extends north and south at various county road intersections to accommodate potential for intersection improvements, such as turning lanes. In Minatare, the architectural/structural APE constricts slightly to reflect the nature of project activities within this already developed urban area. This APE is sufficient to consider both direct and indirect effects to historic architectural/structural properties.

The Area of Potential Effects (APE) for archeological properties covers about 1000 ac and was chosen to adequately identify any archeological historic properties that may be potentially altered given the scale and scope of this undertaking. An APE for archeological impacts was set at generally 200 feet (ft) north and south of the highways US-26 and L-62A centerlines and 100 ft from centerline at north-south county road where intersections will be improved (Enclosure 4, Figure 1). The APE is expanded to between 250 and 300 ft from centerline in areas where construction will require deep, wide cuts particularly at hill settings. The vertical depth of the APE normally involves soils and deposits at or near the surface but can reach depths of 15 ft in the immediate area of bridges and culverts at stream crossings.

The APE for effects to architectural/structural resources includes all areas described above and extends 100 feet beyond the current ROW for the length of the project. There is no proposed detour route for this project.

APE considered is consistent with 36 CFR 800.16(d) – (Y/N): Y

Summary of Archeological Investigations

NRHP ID & Evaluation

Archeologist Rob Bozell conducted an archeological evaluation of the archeological APE in summer and fall of 2022. A review of the Nebraska State Historical Society Cultural Resources Geographic Information System (NCRGIS) archeological resources database and historic maps indicated that Various portions of the present project had been previously evaluated by the History Nebraska, Highway Archeology Program intermittently from 1994 through 2016 (Bozell 1994 and 2016 and Koch 2001, 2004a, 2006, 2012, 2014, and 2015) and two archeological properties were recorded (25MO197 and 25MO198).

During these field efforts, the entire APE was evaluated and all areas with the possibility of containing archeological properties was intensively surveyed. The surveyed areas of the APE eventually included about 670 ac or nearly 70 % of the total APE acreage. The remainder of the APE was either extensively modified and disturbed by prior construction or erosion or in topographic settings with no chance for archeological historic properties such as steep slopes or upland divides miles from water.

The intensively surveyed areas were inspected using transects spaced at about 10 to 20-m intervals. The surveyed tracts were either: 1) covered with low pasture with frequent rodent and erosional disturbances affording visibility of between 25 and 50% or, 2) were under cultivation with surface visibility between 50 and 75%. At times when heavy pasture or crop-covered areas prevented visibility of less than 25%, plans were made to return when visibility was more favorable. The field survey was supported by examination of historic maps to identify locations of Euroamerican farmsteads or ranches with residences no longer extant. Maps consulted included the General Land Office plats which date to 1877 (Nebraska State Surveyor's Office 2022), the Morrill County (Ogle 1913) and Scottsbluff County (Ogle 1907) Atlases and 1960s 7.5' topographic maps (United State Geological Survey 2022). In addition to examination of pasture and cultivated areas, all stream banks were closely inspected for evidence of buried cultural deposits. The stream banks varied from nearly vegetation free with visibility of 75-100 % to faces partially covered with slump or vegetation affording only about 25% visibility.

The surface survey and map research resulted in the discovery of nine archeological sites and a trail. Eight of these are the former location of Euroamerican farmsteads or other site types. One Native American site was recorded. Each site is briefly described below. Enclosure 4, Appendix A contains maps depicting the APE and the tracts selected for surface survey (Enclosure 4, Figure A1) as well as the backhoe trench and discovered site locations (Enclosure 4, Figure A2). Site survey forms are provided in Enclosure 4, Appendix B and photographs of each site are in Enclosure 4, Figure 3.

Backhoe Trenching

In addition to stream bank examination, low terraces along the three streams that carry the most water (and accordingly have the greatest likelihood of buried cultural deposits) were also evaluated by placement of mechanical backhoe trenches. The trenches were placed adjacent to Ninemile Creek (Trench 1), Wildhorse Drain (Trench 2), and Wildhorse Canyon (Trench 3). The three other

drainages that cross the APE (Bayard Drain, Red Willow Creek, and West Water Creek) have only seasonal flow and with less likelihood for the presence of deeply buried Native American cultural deposits.

The backhoe trenches were about three-feet ft wide and excavated to depths of between two and three m below surface (Figures 4 and 5). The fill in all trenches was dominated by sandy silt originating as colluvium from eroding bluffs and uplands or through alluvial action from adjacent streams. A weakly developed paleosol was identified in the Ninemile Creek trench (Trench 1) at about 10-40 centimeter (cm) below surface. Two weakly developed paleosols were exposed in the Wildhorse Drain trench (Trench 2) at about 60-90 cm below surface and 170-200 cm below surface. Paleosols were not evident at Wildhorse Canyon (Trench 3). Artifacts, cultural horizons, or archeological features were not observed in any of the trench walls or during close examination of fill as it was being removed and stockpiled.

Discussion of Archeological Sites

25MO197

Site 25MO197 was recorded during survey work in 2016. The site is located about 0.5 miles east of West Water Creek on a nearly level wide, low terrace at 3440 feet (ft) in elevation. The site covers an area of about 2500 square meters (m²). At the time of the 2016 survey, the site was identified on the basis of a several room poured concrete foundation and basement with a large rubble pile behind the foundation. During the 2022 re-survey of the area, portions of the foundation had been filled in, but a light scatter of material and the rubble pile were still evident. A residence is plotted on the 1965 USGS 7.5' topographic map (Angora Quadrangle) but not on the 1877 General Land Office Plat nor the 1913 Morrill County Atlas.

25MO198 (Amanda Elliot Place)

This property was also identified during the 2016 survey. It is defined on the basis of a sparse scatter of metal, concrete, brick, glass, and ceramics. The site is on the same low, broad terrace as 25MO197 and located about 0.3 miles east of West Water Creek. The site covers only 1200 square meters and is at 3940 ft in elevation. No structures are plotted on the 1877 General Land Office Plat. A structure is plotted on the 1913 Morrill County Atlas and owned by Amanda Elliot. The structure is also on the 1965 USGS topographic map (Angora Quadrangle).

25MO215

This site consists of a complex of cattle corrals and a thin scatter of ceramic, glass, metal and architectural rubble covering an area of about 5500 m². There are no extant buildings. The site is on a gently sloping colluvial apron about one mile west of West Water Creek at 3930 ft elevation. A residence is plotted on the 1965 USGS 7.5' topographic map (Bayard Quadrangle) but not on the 1877 General Land Office Plat nor the 1913 Morrill County Atlas.

25MO216 (Ray Case Place)

This site consists of a single collapsed farmhouse and a scatter of metal, glass, ceramic and other debris covering an area of about 1800 m². It is situated on the level floodplain about 0.3 miles east of Red Willow Creek at 3950 ft in elevation. A residence is plotted on the 1913 Morrill County Atlas (Ray Case listed as property owner) and the 1965 USGS 7.5' topographic map (Angora Quadrangle) but not on the 1877 General Land Office Plat.

25MO217 (O.B. Emerson Place)

This site consists of a complex of metal and wooden livestock corrals and a thin scatter of ceramic, glass, metal and architectural rubble covering an area of about 18,000 m². There are no extant buildings. The site is on a gently sloping colluvial apron about 1.5 miles east of Wildhorse Canyon at 3900-3930 ft elevation. Two residences and several outbuildings are plotted on the 1913 Morrill County Atlas with O.B. Emerson listed as owner. Buildings are also depicted on the 1965 USGS 7.5' topographic map (Bayard Quadrangle) but not on the 1877 General Land Office Plat.

25MO218

This site consists of a very thin and small scatter of chipped stone flaking debris exposed on the surface of a low, level terrace about 0.25 miles west of the upper reaches of Red Willow Creek. The site covers an area of about 3000 m² at 3950 ft elevation. The flakes are White River Group Silicate available at Table Mountain on the Nebraska-Wyoming border west of Scottsbluff. The site is not assigned to particular time period or cultural tradition.

25MO219 (Craft)

This site consists of a scatter of ceramic, glass, metal and architectural debris. There are no extant buildings. The site is on nearly level tableland about 0.25 mi west of Wildhorse Drain at 3930-3940 ft in elevation and covering an area of over 33,000 m². A small cluster of buildings labelled 'Craft' is plotted on the 1965 7.5' USGS topographic map (Bayard Quadrangle). Nothing is plotted on the 1913 Morrill County Atlas or on the 1877 General Land Office Plat. The site is a former early to mid-1900s very small settlement perhaps related to the now abandoned Chicago, Burlington, and Quincy railroad which ran adjacent to the site.

25MO220 (Moomaw Corner)

This site consists of a scatter of ceramic, glass, metal and architectural debris and several metal outbuildings scattered over an area of nearly 14,000 m² at 3940 ft in elevation. The site is on a nearly level upland divide between Wildhorse Canyon and Wildhorse Drain—each about one mile from the site. A small cluster of occupied and unoccupied buildings labeled 'Moomaw Corner' is plotted on the 1965 7.5' USGS topographic map (Bayard Quadrangle). Nothing is plotted on the 1913 Morrill County



Atlas or the 1877 General Land Office Plat. The owners on the 1913 atlas are listed as Leon and Vera Moomaw. The site is a former farm that later developed into a small transportation related commercial operation referred to locally as Moomaw Corner.

25MO221

This site consists of a scatter of ceramic, glass, metal and architectural debris and a metal livestock stock corral covering an area of about 1000 m² at 3900 ft in elevation. The site is on a nearly level low terrace several hundred feet east of Wildhorse Canyon. A single residence is plotted on the 1965 7.5' USGS topographic map (Bayard Quadrangle). No structures are depicted on the 1913 Morrill County Atlas or the 1877 General Land Office Plat.

Sidney to Black Hills Wagon Road

The 1877 General Land Office Plat depicts a north-south trail in the eastern margin of the APE and labeled as the Sidney and Black Hills Wagon Road. The area was closely inspected during survey operations and through examination of various modern air photographs and there is no visible evidence of the trail such as ruts or swales. The area has been under cultivation for many years which likely erased any ruts if they ever existed. Historic trail alignments are not recorded as archeological properties unless ruts or swales are visible (see for example Koch 2004b). The alignment is however plotted on Figure A2j (Enclosure 4).

National Register Evaluation of Archeological Sites

Sites 25MO197, 25MO198, 25MO215, 25MO216, 25MO217, and 25MO221 are all former ranch or farmsteads dating to the early to mid-1900s. The primary residence at all of the properties is no longer extant and the sites are defined on the basis of artifact scatters and in some cases foundation or building ruins. Several of these sites retain outbuildings, livestock pens and corrals and some are still in use. Sites 25MO219 and 25MO220 also likely relate to early 1900s farms but also developed into small commercial transportation-related concerns.

Archeological ruins of late 19th century and early to mid-20th century Euroamerican farms/ranches such as the sites listed above are common in western Nebraska. They date to a period where abundant archival information on rural settlement and agriculture in the area exists, generally precluding their archeological significance in the absence of other characteristics such as association with important persons or events. Therefore, these sites do not retain significance and are recommended not eligible for the National Register of Historic Places. The segment of the Sidney to Black Hills Trail retains no visible ruts or swales and does not warrant designation as an archeological property. It lacks the integrity for National Register consideration.

Site 25MO218 is the only Indigenous property and is a very sparse scatter of chipped stone flaking debris. The function and age of the site is unknown, and it does not offer any research potential or significance. The property is recommended not eligible for the National Register of Historic Places.

There are no historic archeological properties within the APE (Bozell 2023, Enclosure 1).

Summary of Architectural / Structural Investigations

NRHP ID & Evaluation

This project was investigated by Architectural Historian Melissa Dirr Gengler of Historic Resources Group (HRG). Prior to field survey of all above ground resources 45 years old or older within the APE, an extensive site file search was conducted. Previously surveyed properties that are identified in the Nebraska SHPO database were collected as well as those identified through the previous historic property report prepared in 2016 by Diane Laffin of NDOT's Highway Archeology Program.

Historic contextual information was gathered to support the development and themes represented by resources within the APE. Resources such as city and county histories, previous survey reports, historic maps, and other published primary and secondary documents were consulted. State and Federal agencies were also consulted to document the development of the built environment. A brief history of the area is also included. This history will contribute to recommendations of NRHP eligibility for surveyed properties, as it will create a framework to understand the development of the built environment. Following identification of previously documented standing structures from existing survey files and conducting contextual research, the field survey was executed.

Field inventory for this undertaking was completed in August 2022 and October 2022. The highway corridor was driven, and current photos taken of properties that met basic survey standards: 45 years old or older. This included most properties within the APE. Three categories of surveyed properties included urban properties within the platted community of Minatare, rural properties, and those properties recommended National Register eligible. Fifty-eight properties were surveyed in total with twenty properties in Minatare, five properties recommended eligible, and the remaining thirty-three properties not recommended eligible. Most properties in the APE are farmsteads with a collection of outbuildings with associated residences. These buildings have been significantly altered over time with changes that include new siding materials, additions, and new windows and doors. Cumulatively these alterations have diminished the physical integrity of most buildings.

Five properties are recommended NRHP eligible. They include Harry's Curve Historic District, a sod house, the Tri-State Canal, Interstate Canal, and Minatare Canal. Each NRHP eligible property is discussed briefly below.

Harry's Curve Historic District

Harry's Curve Historic District is a grouping of automotive resources at the northeast corner of US 26 and Third Avenue in Minatare. The property consists of a restaurant/café, motel, and service station. Constructed between 1955 – 1970, this Historic District is recommended NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services in the area of Commerce. This property represents the definition of a district where each individual component may not be significant but taken collectively and as a whole the components combined tell a story that is expressed through the physical relationship of the buildings, the signage, and their function. The boundary for this property is roughly defined by the concrete parking and driving areas connecting the buildings.

Sod House – 7943 L62A, Bayard

Constructed c. 1910, this sod house has been previously surveyed and recommended NRHP eligible. The exterior has been clad with stucco, but the depth of the walls because of the sod construction is evidence of its underlying materials. There are no other historic outbuildings associated with this property. This building is recommended eligible because of its exceedingly rare and significant property type. Sod house construction is important to the development of agriculture and settlement in Morrill County and despite the alterations this is a good example of early 20th century vernacular building styles on the western edge of the Sandhills. It retains the general form and design intent of the historic building. Sod buildings are routinely clad with an alternate material as soon as possible after their construction, to diminish deterioration common among the building form, from the elements, pest infestation, and structural issues. It was more typical for the sod structures to be torn down or converted to storage and not maintained. They are therefore becoming rare resources in the built environment.

This building is recommended eligible under Criterion C for its significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. Historic outbuildings are no longer present to contribute to an expanded farmyard.

Tri-State Canal

The Tri-State Canal began in 1887 when a group of local farmers formed the Farmers Canal Company and by 1890, had constructed approximately ten miles of canal. William H. Wright took leadership of Farmers Canal Company in 1891 and by June 1893, approximately twenty miles of canal had been constructed. In 1901 the Farmers Canal Company and its water rights were sold to Robert Walker under foreclosure. The Tri-State Land Company acquired the Canal in 1904 and by 1905 extended the canal 96 miles, with an additional 28-mile extension called the Northport Canal. The canal carries water released from Pathfinder Reservoir and return flow from the Pathfinder Irrigation District to Northport Project lands. By 1907 it reached a point north of Minatare. Landowners voted bonds to purchase the canal system in 1912. The main canal is 96 miles long with 285 miles of laterals and 80 miles of drainage ditches to accommodate seepage and floodwaters.¹ Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts. Project features include five storage dams, four diversion dams, one pumping plant, one powerplant and about 2,000 miles of canals, laterals, and drains. Electric power is generated at Guernsey Power Plant and supplied to the project area by four substations and about 160 miles of transmission lines.

This is a linear resource that crosses through the APE. The boundaries include the entirety of the linear resource. The canal dips into the APE beginning on the north side just east of Road 81 and continues to dip in and out of the APE until it crosses Highway 62A east of Road 85. Between Road 85 and Road 87 the canal crosses the highway three times. It has a broad dirt shoulder with graded access drive that follows the contour of the canal. The width of the boundary includes these features. The canal is recommended eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. Associated with the canals are contemporary canal access roads typically established for repairs and maintenance. These are not considered contributing features to the canal system.

Interstate Canal System

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. The 35-mile long High-Line Canal (north branch of Interstate) extends from Lake Alice to the southwest while the Low-Line Canal (south branch of the Interstate) extends from Lake Minatare southwest. It is 43 miles long.² The canal totals 179 miles in length and in addition to the canal there are 670 miles of laterals and 115 miles of drains. The canal extends east from the point of diversion to Lake Alice (completed 1913) and then into Lake Minatare (completed 1915). The High Line Canal then continues east to a point about six miles north of Bayard and the Low Line Canal from Lake Minatare east to a point about eight miles northeast of Bridgeport. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the Project in 1927. In 1926 the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.



This resource has been identified as eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Boundaries for this resource are graphically illustrated in the map below. The canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. Associated with the canals are contemporary canal access roads typically established for repairs and maintenance. These are not considered contributing features to the canal system.

Minatare Canal System

The Minatare Canal & Irrigation Company was formed by a group of local residents in 1887. Company organizers included George W. Fairfield and Thomas Harshman along with several others. They obtained a water right dated January 14, 1888, to divert water from the left bank of the North Platte River at a point about 3.5 miles southeast of Scottsbluff, Nebraska. Approximately eight miles of canal were built, and water diverted to irrigate lands during the late summer of 1888. This was widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. The Minatare Irrigation Canal was constructed using a horse-drawn slip scraper. Lumber for bridges and headgates was hauled from the Wildcat Hills and sawed lumber from the Pine Ridge. The first water started flowing on August 15, 1888. Figures from 1891 published in the Omaha Bee newspaper revealed the eleven-mile-long Minatare Canal was fourteen feet wide and two feet deep and cost about \$3,500 to building. In 1895 the company was reorganized to the Minatare Mutual Canal and Irrigation Company. Part of the original system has been abandoned and in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare. This resource has not previously been recommended eligible for the NRHP.

The Minatare Canal enters into the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. The boundaries are defined as the ditch itself and are graphically illustrated in the map below. Associated with the canals are contemporary canal access roads typically established for repairs and maintenance. These are not considered contributing features to the canal system.

There are five NRHP eligible properties within the APE considered, Harry’s Curve Historic District, a sod house, the Tri-State Canal, Interstate Canal, and Minatare Canal (HRG February 2023; Enclosure 1).

Assessing Project Effects

Historic Property Identified Within APE <i>(leave column blank if none identified):</i>	Describe Project Effects to Historic Property <i>(alteration to the characteristics that make the historic property qualify for NRHP listing)</i>
Harry’s Curve Historic District	Approx 6,430 square feet of temporary easement would be required to access the property, will not be affected
Sod House	Approx 1,286 sq ft of new ROW would be acquired from within the NRHP boundaries on the west side, no adverse effect
Tri-State Canal	Property rights acquisition, will not be affected
Interstate Canal	Property rights acquisition, will not be affected
Minatare Canal	Property rights acquisition, will not be affected

Narrative to Support Finding of Effect

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects in concert with Melissa Dirr Gengler of Historic Resources Group (HRG, 2024) by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property’s use or of physical features within the property’s setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry’s Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry’s Curve Historic District, E1: no historic properties affected

Harry’s Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry’s Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a



restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of



the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): no historic properties affected

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: no historic properties affected

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained, therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare



Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Sensitive Areas* to avoid during construction? (describe below)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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Sensitive Area (name or description ie., school, house, former bank)	Address (if applicable)	Construction Stationing (STA)	Mile Marker Range (MM)
1) Harry's Curve Historic District		113+27 R to 123+00 L	N-26, MM 33.19 – 33.38, north side
2) Sod House		635+00 – 636+21 R 5601+00 – 5602+26.65 R	N-26, MM 1.19 – 1.21, south side n/a (County Road 77)
3) Tri-State Canal		854+77 L&R 879+74 L&R 894+36 L&R	N-26, MM 5.37, north & south side N-26, MM 5.81, north & south side N-26, MM 6.13, north & south side
4) Interstate Canal		963+52 L&R	N-26, MM 7.43, north & south side
5) Minatare Canal		191+57 R	N-26, MM 34.64, north side

*Sensitive Areas help inform workers that an area is to be avoided. This can apply to historic properties as well as unevaluated archeological sites. These areas are then translated as construction commitments, see below.

Construction Commitments

Five Sensitive Areas have been identified along this project. These Sensitive Area(s) shall be indicated on project plans. (Design)

Five Sensitive Areas have been identified along this project.

- 1) Harry's Curve, N-26, MM 33.19 – 33.38, north side (STA 113+27 R to 123+00 L). No grading or project activities, including but not limited to, working, staging, borrowing, stockpiling, or storing material and/or equipment, shall occur beyond the temporary easement. (Contractor)
- 2) Sod House, N-26, MM 1.19 – 1.21, south side & an area along CR 77 (see stationing) (STA 635+00 – 636+21 R & STA 5601+00 – 5602+65 R). No grading or project activities, including but not limited to, working, staging, borrowing, stockpiling, or storing material and/or equipment, shall occur beyond the newly acquired ROW. (Contractor)
- 3) Tri-State Canal (3 locations), N-26, MM 5.37, north & south side (STA 854+77 L&R); N-26, MM 5.81, north & south side (STA 879+74 L&R); N-26, MM 6.13, north & south side (STA 894+36 L&R). No grading or project activities, including but not limited to, working, staging, borrowing, stockpiling, or storing material and/or equipment, shall occur beyond the temporary or permanent easement. (Contractor)
- 4) Interstate Canal, N-26, MM 7.43, north & south side (STA 963+52 L&R). No grading or project activities, including but not limited to, working, staging, borrowing, stockpiling, or storing material and/or equipment, shall occur beyond the temporary or permanent easement. (Contractor)
- 5) Minatare Canal, N-26, MM 34.64, north side (STA 191+57 R). No grading or project activities, including but not limited to, working, staging, borrowing, stockpiling, or storing material and/or equipment, shall occur beyond the temporary or permanent easement required to move the end point of the canal north. (Contractor)

This undertaking has been reviewed under the programmatic agreement entitled Programmatic Agreement Among the Federal Highway Administration, the Nebraska State Historic Preservation Officer, the Advisory Council on Historic Preservation and the Nebraska Department of Roads to Satisfy the Requirements of Section 106 for the Federal Aid Highway Program in the State of Nebraska (February 2023).



Responses to Consultation Completed
in support of the
Project Effects Determination





U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

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**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Dear Ms. Gillespie:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. FHWA is the lead federal agency. The preferred alternative being carried forward in the draft EA is the North Offset Alignment Alternative which includes adding two new lanes on the north side of the existing US-26 and L62A for the entire length of the project corridor. This documentation considers the effects of the preferred alternative on historic properties.

Consultation Regarding NRHP Eligibility

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties in 2023 (Enclosure 1, Table 1). SHPO concurred upon a FHWA determination that there are five historic properties, Harry's Curve, a Sod House (MO00-073), the Tri-State Canal, the Interstate Canal, and the Minatare Canal & Irrigation Company, present within the area of potential effects (APE) on May 22, 2023. In addition, the Bureau of Reclamation concurred with NRHP eligibility determinations regarding the Tri-State Canal and the Interstate Canal, the Pawnee Nation indicated that the project should not adversely affect the cultural landscape of the Pawnee Nation and the Northern Cheyenne Tribe issued a formal determination of 'no effect' providing the project remains within existing Right of Way (ROW).

Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer

present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the

Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained, therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties. *HP present but no effect*

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests SHPO concurrence with this determination within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,

Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

CONCUR:

Betty Gillespie, Interim Deputy State Historic Preservation Officer

6/6/24
Date

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)

COMANCHE NATION



Federal Highway Administration
Nebraska Division
Attn: Mr. Luke Pitts
100 Centennial Mall North, Rm 220
Nebraska 68508

June 5, 2024

Re: Project Number NH-26-1 (172)- CN 51521
Minatare to US-385- Scotts Bluff and Morrill Counties
Consultation RE- Project Effects determination

Dear Mr. Pitts:

In response to your request, the above reference project has been reviewed by staff of this office to identify areas that may potentially contain prehistoric or historic archeological materials. The location of your project has been cross referenced with the Comanche Nation site files, where an indication of ***"No Properties"*** have been identified. (IAW 36 CFR 800.4(d)(1)).

Please contact this office at (580) 492-1153 if you require additional information on this project.

This review is performed in order to identify and preserve the Comanche Nation and State cultural heritage, in conjunction with the State Historic Preservation Office.

Regards

Comanche Nation Historic Preservation Office
Theodore E. Villicana , Technician
#6 SW "D" Avenue, Suite C
Lawton, OK. 73502

From: [Pitts, Luke \(FHWA\)](#)
To: mark.woommavovah@comanchenation.com
Cc: [Stupka, Stacy](#)
Subject: Request for Review and Comment Under Section 106 of the National Historic Preservation Act
Date: Thursday, May 23, 2024 1:09:53 PM
Attachments: image001.png
Minatare to US-385_Consultation RE-Project Effects Determination.pdf

Project Name: Minatare to US-385
Project No.: NH-26-1(172)
Control No.: 51521
Counties: Scotts Bluff and Morrill

Hello,

The Nebraska Department of Transportation (NDOT) proposes to construct the referenced project above using funds from the Federal Highway Administration (FHWA). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties. FHWA is the lead federal agency and is in the process of completing an Environmental Assessment.

For your review and comment, please find attached information regarding the referenced project above. FHWA invites your comment upon the project effects determination indicated below and in the Section 106 Project Package which can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>

Under Section 106, FHWA has made the following project effects determination:

No Historic Properties Affected

No historic properties were identified within the APE.

No Historic Properties Affected

Historic properties were identified within the APE, but they will not be affected by the proposed undertaking.

No Adverse Effect

Historic properties were identified within the APE, but they will not be adversely affected by the proposed undertaking.

Adverse Effect

Historic properties identified within the APE will be adversely affected by the proposed undertaking.

If you have any questions, please don't hesitate to contact me.

Respectfully,

Luke Pitts, PMP

Environmental Protection Specialist

Federal Highway Administration

Nebraska Division

Desk: 402.742.8466

Cell: 531.310.9240



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From: jpreston@prestonpast.com
To: "Pitts, Luke (FHWA)"
Cc: [Stupka, Stacy](#)
Subject: RE: Request for Review and Comment Under Section 106 of the National Historic Preservation Act
Date: Thursday, May 23, 2024 8:15:56 PM
Attachments: [image001.png](#)

You don't often get email from jpreston@prestonpast.com. [Learn why this is important](#)

Hello,

I concur.

Sincerely,

Jack R. Preston
Agricultural & Rural Historian
192726 Preston Road
Lyman, NE 69352
C 308-641-1398
H 308-247-2888

From: Pitts, Luke (FHWA) <luke.pitts@dot.gov>
Sent: Thursday, May 23, 2024 11:27 AM
To: Pitts, Luke (FHWA) <luke.pitts@dot.gov>
Cc: Stupka, Stacy <stacy.stupka@nebraska.gov>
Subject: Request for Review and Comment Under Section 106 of the National Historic Preservation Act

Project Name: Minatare to US-385
Project No.: NH-26-1(172)
Control No.: 51521
Counties: Scotts Bluff and Morrill

Hello,

The Nebraska Department of Transportation (NDOT) proposes to construct the referenced project above using funds from the Federal Highway Administration (FHWA). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties. FHWA is the lead federal agency and is in the process of completing an Environmental Assessment.

For your review and comment, please find attached information regarding the referenced project above. FHWA invites your comment upon the project effects determination indicated below and in the Section 106 Project Package which can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>

Under Section 106, FHWA has made the following project effects determination:

No Historic Properties Affected

No historic properties were identified within the APE.

No Historic Properties Affected

Historic properties were identified within the APE, but they will not be affected by the proposed undertaking.

No Adverse Effect

Historic properties were identified within the APE, but they will not be adversely affected by the proposed undertaking.

Adverse Effect

Historic properties identified within the APE will be adversely affected by the proposed undertaking.

If you have any questions, please don't hesitate to contact me.

Respectfully,

Luke Pitts, PMP

Environmental Protection Specialist

Federal Highway Administration

Nebraska Division

Desk: 402.742.8466

Cell: 531.310.9240



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From: [Pitts, Luke \(FHWA\)](#)
To: [Dennis Strauch](#)
Cc: [Rick](#); [Stupka, Stacy](#)
Subject: RE: Request for Review and Comment Under Section 106 of the National Historic Preservation Act
Date: Thursday, May 30, 2024 12:04:21 PM
Attachments: image002.png

Mr. Strauch,

Thank you so much for your response. We really appreciate it.

Luke Pitts, PMP

Environmental Protection Specialist
Federal Highway Administration
Nebraska Division
Desk: 402.742.8466
Cell: 531.310.9240



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From: Dennis Strauch <Dennis@pathfinderirrigation.com>
Sent: Thursday, May 30, 2024 10:14 AM
To: Pitts, Luke (FHWA) <luke.pitts@dot.gov>
Cc: Rick <Rick@pathfinderirrigation.com>
Subject: RE: Request for Review and Comment Under Section 106 of the National Historic Preservation Act

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Luke Pitts,

The Pathfinder Irrigation District has reviewed the project and agree with the finding of no historical impact to the Interstate Canal properties. Thank you for the opportunity to review and comments.

Thanks,
Dennis Strauch
District Advisor
(308) 623-1022

From: Pitts, Luke (FHWA) <luke.pitts@dot.gov>
Sent: Thursday, May 23, 2024 10:03 AM
To: Pitts, Luke (FHWA) <luke.pitts@dot.gov>
Cc: Stupka, Stacy <stacy.stupka@nebraska.gov>
Subject: Request for Review and Comment Under Section 106 of the National Historic Preservation Act

Project Name: Minatare to US-385
Project No.: NH-26-1(172)
Control No.: 51521
Counties: Scotts Bluff and Morrill

Hello,

The Nebraska Department of Transportation (NDOT) proposes to construct the referenced project above using funds from the Federal Highway Administration (FHWA). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties. FHWA is the lead federal agency and is in the process of completing an Environmental Assessment.

For your review and comment, please find attached information regarding the referenced project above. FHWA invites your comment upon the project effects determination indicated below and in the Section 106 Project Package which can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>

Under Section 106, FHWA has made the following project effects determination:

No Historic Properties Affected

No historic properties were identified within the APE.

No Historic Properties Affected

Historic properties were identified within the APE, but they will not be affected by the proposed undertaking.

No Adverse Effect

Historic properties were identified within the APE, but they will not be adversely affected by the proposed undertaking.

Adverse Effect

Historic properties identified within the APE will be adversely affected by the proposed undertaking.

If you have any questions, please don't hesitate to contact me.

Respectfully,

Luke Pitts, PMP

Environmental Protection Specialist

Federal Highway Administration

Nebraska Division

Desk: 402.742.8466

Cell: 531.310.9240



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U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

100 Centennial Mall North, Rm 220
Lincoln, Nebraska 68508
402-742-8460
402-742-8480
FHWA.NE@dot.gov

Mahonri Williams
Chief, Resources Management Division
Bureau of Reclamation
PO Box 1630
Mills, WY 82644

**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Dear Mr. Williams:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. FHWA is the lead federal agency. The preferred alternative being carried forward in the draft EA is the North Offset Alignment Alternative which includes adding two new lanes on the north side of the existing US-26 and L62A for the entire length of the project corridor. This documentation considers the effects of the preferred alternative on historic properties.

Consultation Regarding NRHP Eligibility

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties, including your office, in 2023 (Enclosure 1, Table 1). SHPO concurred upon a FHWA determination that there are five historic properties, Harry's Curve, a Sod House (MO00-073), the Tri-State Canal, the Interstate Canal, and the Minatare Canal & Irrigation Company, present within the area of potential effects (APE) on May 22, 2023. In addition, the Bureau of Reclamation (BOR) concurred with NRHP eligibility determinations regarding the Tri-State Canal and the Interstate Canal, the Pawnee Nation indicated that the project should not adversely affect the cultural landscape of the Pawnee Nation and the Northern Cheyenne Tribe issued a formal determination of 'no effect' providing the project remains within existing Right of Way (ROW).

Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key

driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained,

therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

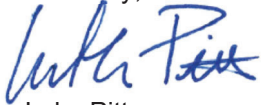
Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties.

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests BOR concurrence with this determination within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,



Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

CONCUR:

Bureau of Reclamation (BOR) Concurrence

Date

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)



U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

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402-742-8460
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Jeremy Grauf
Nebraska Regulatory Office
United States Army Corps of Engineers
8901 S 154th ST, STE 1
Omaha, NE 68138

**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Dear Mr. Grauf:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. FHWA is the lead federal agency. The preferred alternative being carried forward in the draft EA is the North Offset Alignment Alternative which includes adding two new lanes on the north side of the existing US-26 and L62A for the entire length of the project corridor. This documentation considers the effects of the preferred alternative on historic properties.

Consultation Regarding NRHP Eligibility

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties, including your office, in 2023 (Enclosure 1, Table 1). SHPO concurred upon a FHWA determination that there are five historic properties, Harry's Curve, a Sod House (MO00-073), the Tri-State Canal, the Interstate Canal, and the Minatare Canal & Irrigation Company, present within the area of potential effects (APE) on May 22, 2023. In addition, the Bureau of Reclamation concurred with NRHP eligibility determinations regarding the Tri-State Canal and the Interstate Canal, the Pawnee Nation indicated that the project should not adversely affect the cultural landscape of the Pawnee Nation and the Northern Cheyenne Tribe issued a formal determination of 'no effect' providing the project remains within existing Right of Way (ROW).

Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key

driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: no historic properties affected

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): no historic properties affected

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: no historic properties affected

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained,

therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties.

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests USACE concurrence with this determination within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,



Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

CONCUR:

U.S. Army Corps of Engineers (USACE)

Date

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)



U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

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Cheryl Spencer
Mayor
City of Minatare
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Minatare, NE 69356-0483

**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Dear Mayor Spencer:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

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Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

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The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

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The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer

present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the

Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained, therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

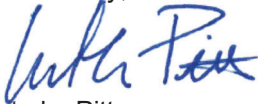
Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties.

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests any objections within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,



Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)



U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

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KAJO Management Inc.
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**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Hello,

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. FHWA is the lead federal agency. The preferred alternative being carried forward in the draft EA is the North Offset Alignment Alternative which includes adding two new lanes on the north side of the existing US-26 and L62A for the entire length of the project corridor. This documentation considers the effects of the preferred alternative on historic properties.

Consultation Regarding NRHP Eligibility

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties in 2023 (Enclosure 1, Table 1). SHPO concurred upon a FHWA determination that there are five historic properties, Harry's Curve, a Sod House (MO00-073), the Tri-State Canal, the Interstate Canal, and the Minatare Canal & Irrigation Company, present within the area of potential effects (APE) on May 22, 2023. In addition, the Bureau of Reclamation concurred with NRHP eligibility determinations regarding the Tri-State Canal and the Interstate Canal, the Pawnee Nation indicated that the project should not adversely affect the cultural landscape of the Pawnee Nation and the Northern Cheyenne Tribe issued a formal determination of 'no effect' providing the project remains within existing Right of Way (ROW).

Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the

north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key

driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained,

therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

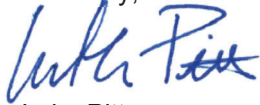
Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties.

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests any objections within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,



Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)



U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

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The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key

driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained,

therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties.

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests any objections within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,



Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)

From: [Pitts, Luke \(FHWA\)](#)
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Subject: Request for Review and Comment Under Section 106 of the National Historic Preservation Act
Date: Thursday, May 23, 2024 11:03:00 AM
Attachments: [Minatare to US-385 Consultation RE-Project Effects Determination.pdf](#)
[image001.png](#)

Project Name: Minatare to US-385
Project No.: NH-26-1(172)
Control No.: 51521
Counties: Scotts Bluff and Morrill

Hello,

The Nebraska Department of Transportation (NDOT) proposes to construct the referenced project above using funds from the Federal Highway Administration (FHWA). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties. FHWA is the lead federal agency and is in the process of completing an Environmental Assessment.

For your review and comment, please find attached information regarding the referenced project above. FHWA invites your comment upon the project effects determination indicated below and in the Section 106 Project Package which can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>

Under Section 106, FHWA has made the following project effects determination:

No Historic Properties Affected

No historic properties were identified within the APE.

No Historic Properties Affected

Historic properties were identified within the APE, but they will not be affected by the proposed undertaking.

No Adverse Effect

Historic properties were identified within the APE, but they will not be adversely affected by the proposed undertaking.

Adverse Effect

Historic properties identified within the APE will be adversely affected by the proposed undertaking.

If you have any questions, please don't hesitate to contact me.

Respectfully,

Luke Pitts, PMP

Environmental Protection Specialist

Federal Highway Administration

Nebraska Division

Desk: 402.742.8466

Cell: 531.310.9240



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Subject: Request for Review and Comment Under Section 106 of the National Historic Preservation Act
Date: Thursday, May 23, 2024 12:26:00 PM
Attachments: [Minatare to US-385 Consultation RE-Project Effects Determination.pdf](#)
[image001.png](#)

Project Name: Minatare to US-385
Project No.: NH-26-1(172)
Control No.: 51521
Counties: Scotts Bluff and Morrill

Hello,

The Nebraska Department of Transportation (NDOT) proposes to construct the referenced project above using funds from the Federal Highway Administration (FHWA). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties. FHWA is the lead federal agency and is in the process of completing an Environmental Assessment.

For your review and comment, please find attached information regarding the referenced project above. FHWA invites your comment upon the project effects determination indicated below and in the Section 106 Project Package which can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>

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Respectfully,

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U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

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**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Hello:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. FHWA is the lead federal agency. The preferred alternative being carried forward in the draft EA is the North Offset Alignment Alternative which includes adding two new lanes on the north side of the existing US-26 and L62A for the entire length of the project corridor. This documentation considers the effects of the preferred alternative on historic properties.

Consultation Regarding NRHP Eligibility

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties in 2023 (Enclosure 1, Table 1). SHPO concurred upon a FHWA determination that there are five historic properties, Harry's Curve, a Sod House (MO00-073), the Tri-State Canal, the Interstate Canal, and the Minatare Canal & Irrigation Company, present within the area of potential effects (APE) on May 22, 2023. In addition, the Bureau of Reclamation concurred with NRHP eligibility determinations regarding the Tri-State Canal and the Interstate Canal, the Pawnee Nation indicated that the project should not adversely affect the cultural landscape of the Pawnee Nation and the Northern Cheyenne Tribe issued a formal determination of 'no effect' providing the project remains within existing Right of Way (ROW).

Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of

County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The

acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained, therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make

this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

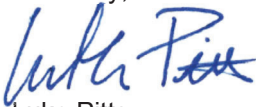
Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties.

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests any objections within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,



Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)

Responses to Consultation Completed
in support of the
NRHP Identification and Evaluation
and
NRHP Eligibility Determinations





U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

March 31, 2023

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Ms. Betty Gillespie
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History Nebraska
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Lincoln, NE 68508

**Project No: NH-26-1(172) CN 51521
Minatare to US-385
Morrill and Scotts Bluff Counties
Cultural Resources Evaluation**

Dear Ms. Gillespie:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced above using funds from the Federal Highway Administration (FHWA). This project is in Morrill and Scotts Bluff Counties on US-385 (Enclosure 1, Figure 1). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties. The Federal Highway Administration is the lead Federal Agency regarding this proposed undertaking.

An evaluation of the potential for cultural resources, both archeology and architectural/structural, is included below [and in enclosures]. Please review this document on cultural resources for the projects mentioned above as required under Section 106 of the National Historic Preservation Act of 1966 as amended and implementing regulations at 36 CFR Part 800. A list of consulting parties is included as Enclosure 2.

Project Description Summary

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on either side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications. A project description is included as Enclosure 3.

Area of Potential Effects (APE)

The area of potential effects (APE) is defined as the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE is influenced by the scale and nature of an undertaking and may be unique based on different types of effects caused by the undertaking. In keeping with this definition, the APE for archeological and architectural/structural resources was chosen to adequately identify any historic properties that may be potentially altered given the scale and scope of this undertaking.

The APE for this undertaking encompasses a linear corridor approximately one-half mile wide with US 26/L-62A as the center line. The APE begins at the east end of the community of Minatare and extends west along U.S. Highway 26 to the intersection of U.S. Highway 385, approximately eighteen miles (Enclosure 1, Figure 2). The APE extends north and south at various county road intersections to accommodate potential for intersection improvements, such as turning lanes. In Minatare, the architectural/structural APE constricts slightly to reflect the nature of project activities within this already developed urban area. This APE is sufficient to consider both direct and indirect effects to historic architectural/structural properties.

The Area of Potential Effects (APE) for archeological properties covers about 1000 ac and was chosen to adequately identify any archeological historic properties that may be potentially altered given the scale and scope of this undertaking. An APE for archeological impacts was set at generally 200 feet (ft) north and south of the highways US-26 and L-62A centerlines and 100 ft from centerline at north-south county road where intersections will be improved (Enclosure 4, Figure 1). The APE is expanded to between 250 and 300 ft from centerline in areas where construction will require deep, wide cuts particularly at hill settings. The vertical depth of the APE normally involves soils and deposits at or near the surface but can reach depths of 15 ft in the immediate area of bridges and culverts at stream crossings.

Architectural/Structural Identification and Evaluation

This project was investigated by Architectural Historian Melissa Dirr Gengler of Historic Resources Group (HRG). Prior to field survey of all above ground resources 45 years old or older within the APE, an extensive site file search was conducted. Previously surveyed properties that are identified in the Nebraska SHPO database were collected as well as those identified through the previous historic property report prepared in 2016 by Diane Laffin of NDOT's Highway Archeology Program.

Historic contextual information was gathered to support the development and themes represented by resources within the APE. Resources such as city and county histories, previous survey reports, historic maps, and other published primary and secondary documents were consulted. State and Federal agencies were also consulted to document the development of the built environment. A brief history of the area is also included. This history will contribute to recommendations of NRHP eligibility for surveyed properties, as it will create a framework to understand the development of the built environment. Following identification of previously documented standing structures from existing survey files and conducting contextual research, the field survey was executed.

Field inventory for this undertaking was completed in August 2022 and October 2022. The highway corridor was driven, and current photos taken of properties that met basic survey standards: 45 years old or older. This included most properties within the APE. Three categories of surveyed properties included urban properties within the platted community of Minatare, rural properties, and those properties recommended National Register eligible. Fifty-eight properties were surveyed in total with twenty properties in Minatare, five properties recommended eligible, and the remaining thirty-three properties not recommended eligible. Most properties in the APE are farmsteads with a collection of outbuildings with associated residences. These buildings have been significantly altered over time with changes that include new siding materials, additions, and new windows and doors. Cumulatively these alterations have diminished the physical integrity of most buildings. five properties recommended NRHP eligible. They include Harry's Curve Historic District, a sod house, the Tri-State Canal, Interstate Canal, and Minatare Canal. Enclosure 1, Figures 3a through 3d depicts maps for each of the properties recommended NRHP eligible. Each NRHP eligible property is discussed briefly below.

Harry's Curve Historic District

Harry's Curve Historic District is a grouping of automotive resources at the northeast corner of US 26 and Third Avenue in Minatare. The property consists of a restaurant/café, motel, and service station. Constructed between 1955 – 1970, this Historic District is recommended NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services in the area of Commerce. This property represents the definition of a district where each individual component may not be significant but taken collectively and as a whole the components combined tell a story that is expressed through the physical relationship of the buildings, the signage, and their function. The boundary for this property is roughly defined by the concrete parking and driving areas connecting the buildings.

Sod House – 7943 L62A, Bayard

Constructed c. 1910, this sod house has been previously surveyed and recommended NRHP eligible. The exterior has been clad with stucco, but the depth of the walls because of the sod construction is evidence of its underlying materials. There are no other historic outbuildings associated with this property. This building is recommended eligible because of its exceedingly rare and significant property type. Sod house construction is important to the development of agriculture and settlement in Morrill County and despite the alterations this is a good example of early 20th century vernacular building styles on the western edge of the Sandhills. It retains the general form and design intent of the historic building. Sod buildings are routinely clad with an alternate material as soon as possible after their construction, to diminish deterioration common among the building form, from the elements, pest infestation, and structural issues. It was more typical for the sod structures to be torn down or converted to storage and not maintained. They are therefore becoming rare resources in the built environment.

This building is recommended eligible under Criterion C for its significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. Historic outbuildings are no longer present to contribute to an expanded farmyard.

Tri-State Canal

The Tri-State Canal began in 1887 when a group of local farmers formed the Farmers Canal Company and by 1890, had constructed approximately ten miles of canal. William H. Wright took leadership of Farmers Canal Company in 1891 and by June 1893, approximately twenty miles of canal had been constructed. In 1901 the Farmers Canal Company and its water rights were sold to Robert Walker under foreclosure. The Tri-State Land Company acquired the Canal in 1904 and by 1905 extended the canal 96 miles, with an additional 28-mile extension called the Northport Canal. The canal carries water released from Pathfinder Reservoir and return flow from the Pathfinder Irrigation District to Northport Project lands. By 1907 it reached a point north of Minatare. Landowners voted bonds to purchase the canal system in 1912. The main canal is 96 miles long with 285 miles of laterals and 80 miles of drainage ditches to accommodate seepage and floodwaters.¹ Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts. Project features include five storage dams, four diversion dams, one pumping plant, one powerplant and about 2,000 miles of canals, laterals, and drains. Electric power is generated at Guernsey Power Plant and supplied to the project area by four substations and about 160 miles of transmission lines.

This is a linear resource that crosses through the APE. The boundaries include the entirety of the linear resource. The canal dips into the APE beginning on the north side just east of Road 81 and continues to dip in and out of the APE until it crosses Highway 62A east of Road 85. Between Road 85 and Road 87 the canal crosses the highway three times. It has a broad dirt shoulder with graded access

drive that follows the contour of the canal. The width of the boundary includes these features. The canal is recommended eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. Associated with the canals are contemporary canal access roads typically established for repairs and maintenance. These are not considered contributing features to the canal system.

Interstate Canal System

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. The 35-mile long High-Line Canal (north branch of Interstate) extends from Lake Alice to the southwest while the Low-Line Canal (south branch of the Interstate) extends from Lake Minatare southwest. It is 43 miles long.² The canal totals 179 miles in length and in addition to the canal there are 670 miles of laterals and 115 miles of drains. The canal extends east from the point of diversion to Lake Alice (completed 1913) and then into Lake Minatare (completed 1915). The High Line Canal then continues east to a point about six miles north of Bayard and the Low Line Canal from Lake Minatare east to a point about eight miles northeast of Bridgeport. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the Project in 1927. In 1926 the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

This resource has been identified as eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Boundaries for this resource are graphically illustrated in the map below. The canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. Associated with the canals are contemporary canal access roads typically established for repairs and maintenance. These are not considered contributing features to the canal system.

Minatare Canal System

The Minatare Canal & Irrigation Company was formed by a group of local residents in 1887. Company organizers included George W. Fairfield and Thomas Harshman along with several others. They obtained a water right dated January 14, 1888, to divert water from the left bank of the North Platte River at a point about 3.5 miles southeast of Scottsbluff, Nebraska. Approximately eight miles of canal were built, and water diverted to irrigate lands during the late summer of 1888. This was widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. The Minatare Irrigation Canal was constructed using a horse-drawn slip scraper. Lumber for bridges and headgates was hauled from the Wildcat Hills and sawed lumber from the Pine Ridge. The first water started flowing on August 15, 1888. Figures from 1891 published in the Omaha Bee newspaper revealed the eleven-mile-long Minatare Canal was fourteen feet wide and two feet deep and cost about \$3,500 to building. In 1895 the company was reorganized to the Minatare Mutual Canal and Irrigation Company. Part of the original system has been abandoned and in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.⁴ This resource has not previously been recommended eligible for the NRHP.

The Minatare Canal enters into the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. The boundaries are defined as the ditch itself and are graphically illustrated in the map below. Associated with the canals are contemporary canal access roads typically established for repairs and maintenance. These are not considered contributing features to the canal system.

There are five NRHP eligible properties within the APE considered, Harry's Curve Historic District, a sod house, the Tri-State Canal, Interstate Canal, and Minatare Canal.

Archeological Identification and Evaluation

Archeologist Rob Bozell conducted an archeological evaluation of the archeological APE in summer and fall of 2022. A review of the Nebraska State Historical Society Cultural Resources Geographic Information System (NCRGIS) archeological resources database and historic maps indicated that Various portions of the present project had been previously evaluated by the History Nebraska, Highway Archeology Program intermittently from 1994 through 2016 (Bozell 1994 and 2016 and Koch 2001, 2004a, 2006, 2012, 2014, and 2015) and two archeological properties were recorded (25MO197 and 25MO198).

During these field efforts, the entire APE was evaluated and all areas with the possibility of containing archeological properties was intensively surveyed. The surveyed areas of the APE eventually included about 670 ac or nearly 70 % of the total APE acreage. The remainder of the APE was either extensively modified and disturbed by prior construction or erosion or in topographic settings with no chance for archeological historic properties such as steep slopes or upland divides miles from water.

The intensively surveyed areas were inspected using transects spaced at about 10 to 20-m intervals. The surveyed tracts were either: 1) covered with low pasture with frequent rodent and erosional disturbances affording visibility of between 25 and 50% or, 2) were under cultivation with surface visibility between 50 and 75%. At times when heavy pasture or crop-covered areas prevented visibility of less than 25%, plans were made to return when visibility was more favorable. The field survey was supported by examination of historic maps to identify locations of Euroamerican farmsteads or ranches with residences no longer extant. Maps consulted included the General Land Office plats which date to 1877 (Nebraska State Surveyor's Office 2022), the Morrill County (Ogle 1913) and Scottsbluff County (Ogle 1907) Atlases and 1960s 7.5' topographic maps (United State Geological Survey 2022).

In addition to examination of pasture and cultivated areas, all stream banks were closely inspected for evidence of buried cultural deposits. The stream banks varied from nearly vegetation free with visibility of 75-100 % to faces partially covered with slump or vegetation affording only about 25% visibility.

The surface survey and map research resulted in the discovery of nine archeological sites and a trail. Eight of these are the former location of Euroamerican farmsteads or other site types. One Native American site was recorded. Each site is briefly described below. Enclosure 4, Appendix A contains maps depicting the APE and the tracts selected for surface survey (Enclosure 4, Figure A1) as well as the backhoe trench and discovered site locations (Enclosure 4, Figure A2). Site survey forms are provided in Enclosure 4, Appendix B and photographs of each site are in Enclosure 4, Figure 3.

Backhoe Trenching

In addition to stream bank examination, low terraces along the three streams that carry the most water (and accordingly have the greatest likelihood of buried cultural deposits) were also evaluated by placement of mechanical backhoe trenches. The trenches were placed adjacent to Ninemile Creek (Trench 1), Wildhorse Drain (Trench 2), and Wildhorse Canyon (Trench 3). The three other drainages that cross the APE (Bayard Drain, Red Willow Creek, and West Water Creek) have only seasonal flow and with less likelihood for the presence of deeply buried Native American cultural deposits.

The backhoe trenches were about three-feet ft wide and excavated to depths of between two and three m below surface (Figures 4 and 5). The fill in all trenches was dominated by sandy silt originating as colluvium from eroding bluffs and uplands or through alluvial action from adjacent streams. A weakly developed paleosol was identified in the Ninemile Creek trench (Trench 1) at about 10-40 centimeter (cm) below surface. Two weakly developed paleosols were exposed in the Wildhorse Drain trench (Trench 2) at about 60-90 cm below surface and 170-200 cm below surface. Paleosols were not evident at Wildhorse Canyon (Trench 3). Artifacts, cultural horizons, or archeological features were not observed in any of the trench walls or during close examination of fill as it was being removed and stockpiled.

Discussion of Archeological Sites

25MO197

Site 25MO197 was recorded during survey work in 2016. The site is located about 0.5 miles east of West Water Creek on a nearly level wide, low terrace at 3440 feet (ft) in elevation. The site covers an area of about 2500 square meters (m²). At the time of the 2016 survey, the site was identified on the basis of a several room poured concrete foundation and basement with a large rubble pile behind the foundation. During the 2022 re-survey of the area, portions of the foundation had been filled in, but a light scatter of material and the rubble pile were still evident. A residence is plotted on the 1965 USGS 7.5' topographic map (Angora Quadrangle) but not on the 1877 General Land Office Plat nor the 1913 Morrill County Atlas.

25MO198 (Amanda Elliot Place)

This property was also identified during the 2016 survey. It is defined on the basis of a sparse scatter of metal, concrete, brick, glass, and ceramics. The site is on the same low, broad terrace as 25MO197 and located about 0.3 miles east of West Water Creek. The site covers only 1200 square meters and is at 3940 ft in elevation. No structures are plotted on the 1877 General Land Office Plat. A structure is plotted on the 1913 Morrill County Atlas and owned by Amanda Elliot. The structure is also on the 1965 USGS topographic map (Angora Quadrangle).

25MO215

This site consists of a complex of cattle corrals and a thin scatter of ceramic, glass, metal and architectural rubble covering an area of about 5500 m². There are no extant buildings. The site is on a gently sloping colluvial apron about one mile west of West Water Creek at 3930 ft elevation. A residence is plotted on the 1965 USGS 7.5' topographic map (Bayard Quadrangle) but not on the 1877 General Land Office Plat nor the 1913 Morrill County Atlas.

25MO216 (Ray Case Place)

This site consists of a single collapsed farmhouse and a scatter of metal, glass, ceramic and other debris covering an area of about 1800 m². It is situated on the level floodplain about 0.3 miles east of Red Willow Creek at 3950 ft in elevation. A residence is plotted on the 1913 Morrill County Atlas (Ray Case listed as property owner) and the 1965 USGS 7.5' topographic map (Angora Quadrangle) but not on the 1877 General Land Office Plat.

25MO217 (O.B. Emerson Place)

This site consists of a complex of metal and wooden livestock corrals and a thin scatter of ceramic, glass, metal and architectural rubble covering an area of about 18,000 m². There are no extant buildings. The site is on a gently sloping colluvial apron about 1.5 miles east of Wildhorse Canyon at 3900-3930 ft elevation. Two residences and several outbuildings are plotted on the 1913 Morrill County Atlas with O.B. Emerson listed as owner. Buildings are also depicted on the 1965 USGS 7.5' topographic map (Bayard Quadrangle) but not on the 1877 General Land Office Plat.

25MO218

This site consists of a very thin and small scatter of chipped stone flaking debris exposed on the surface of a low, level terrace about 0.25 miles west of the upper reaches of Red Willow Creek. The site covers an area of about 3000 m² at 3950 ft elevation. The flakes are White River Group Silicate available at Table Mountain on the Nebraska-Wyoming border west of Scottsbluff. The site is not assigned to particular time period or cultural tradition.

25MO219 (Craft)

This site consists of a scatter of ceramic, glass, metal and architectural debris. There are no extant buildings. The site is on nearly level tableland about 0.25 mi west of Wildhorse Drain at 3930-3940 ft in elevation and covering an area of over 33,000 m². A small cluster of buildings labelled 'Craft' is plotted on the 1965 7.5' USGS topographic map (Bayard Quadrangle). Nothing is plotted on the 1913 Morrill County Atlas or on the 1877 General Land Office Plat. The site is a former early to mid-1900s very small

settlement perhaps related to the now abandoned Chicago, Burlington, and Quincy railroad which ran adjacent to the site.

25MO220 (Moomaw Corner)

This site consists of a scatter of ceramic, glass, metal and architectural debris and several metal outbuildings scattered over an area of nearly 14,000 m² at 3940 ft in elevation. The site is on a nearly level upland divide between Wildhorse Canyon and Wildhorse Drain—each about one mile from the site. A small cluster of occupied and unoccupied buildings labeled ‘Moomaw Corner’ is plotted on the 1965 7.5’ USGS topographic map (Bayard Quadrangle). Nothing is plotted on the 1913 Morrill County Atlas or the 1877 General Land Office Plat. The owners on the 1913 atlas are listed as Leon and Vera Moomaw. The site is a former farm that later developed into a small transportation related commercial operation referred to locally as Moomaw Corner.

25MO221

This site consists of a scatter of ceramic, glass, metal and architectural debris and a metal livestock stock corral covering an area of about 1000 m² at 3900 ft in elevation. The site is on a nearly level low terrace several hundred feet east of Wildhorse Canyon. A single residence is plotted on the 1965 7.5’ USGS topographic map (Bayard Quadrangle). No structures are depicted on the 1913 Morrill County Atlas or the 1877 General Land Office Plat.

Sidney to Black Hills Wagon Road

The 1877 General Land Office Plat depicts a north-south trail in the eastern margin of the APE and labeled as the Sidney and Black Hills Wagon Road. The area was closely inspected during survey operations and through examination of various modern air photographs and there is no visible evidence of the trail such as ruts or swales. The area has been under cultivation for many years which likely erased any ruts if they ever existed. Historic trail alignments are not recorded as archeological properties unless ruts or swales are visible (see for example Koch 2004b). The alignment is however plotted on Figure A2j (Enclosure 4).

National Register Evaluation of Archeological Sites

Sites 25MO197, 25MO198, 25MO215, 25MO216, 25MO217, and 25MO221 are all former ranch or farmsteads dating to the early to mid-1900s. The primary residence at all of the properties is no longer extant and the sites are defined on the basis of artifact scatters and in some cases foundation or building ruins. Several of these sites retain outbuildings, livestock pens and corrals and some are still in use. Sites 25MO219 and 25MO220 also likely relate to early 1900s farms but also developed into small commercial transportation-related concerns.

Archeological ruins of late 19th century and early to mid-20th century Euroamerican farms/ranches such as the sites listed above are common in western Nebraska. They date to a period where abundant archival information on rural settlement and agriculture in the area exists, generally precluding their archeological significance in the absence of other characteristics such as association with important persons or events. Therefore, these sites do not retain significance and are recommended not eligible for the National Register of Historic Places. The segment of the Sidney to Black Hills Trail retains no visible ruts or swales and does not warrant designation as an archeological property. It lacks the integrity for National Register consideration.

Site 25MO218 is the only Indigenous property and is a very sparse scatter of chipped stone flaking debris. The function and age of the site is unknown, and it does not offer any research potential or significance. The property is recommended not eligible for the National Register of Historic Places.

There are no archeological historic properties within the APE.

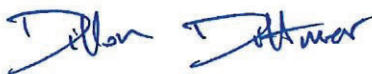
NRHP Eligibility Determinations

There are five NRHP eligible properties within the APE considered, Harry's Curve Historic District, a sod house, the Tri-State Canal, Interstate Canal, and Minatare Canal have been identified within the APE considered.

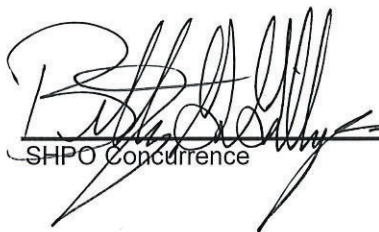
Project design has not progressed to a point which allows a project effects determination. Therefore, FHWA is providing this documentation for your review and requests your concurrence with NRHP eligibility determinations contained within this letter and in enclosures. We respectfully request this concurrence within 30 days of receipt of this letter.

If you have any questions regarding this information, please do not hesitate to contact me.

Sincerely,



Dillon Dittmer
Environmental Protection Specialist


SHPO Concurrence

5/22/23
Date

Enclosures



United States Department of the Interior



BUREAU OF RECLAMATION
Missouri Basin Region
Wyoming Area Office
P.O. Box 1630
Mills, WY 82644-1630

IN REPLY REFER TO:

WY-4301
2.1.1.04

VIA ELECTRONIC MAIL ONLY

Mr. Dillon Dittmer
Environmental Protection Specialist
U. S. Department of Transportation
FHWA Nebraska Division
Nebraska.FHWA@dot.gov
dillon.dittmer@dot.gov

Subject: NDOT Minatare to US-385 Project No: NH-26-1(172), CN 51521, Morrill and Scotts Bluff Counties, Nebraska - Cultural Resources Evaluation

Dear Mr. Dittmer:

The Bureau of Reclamation Wyoming Area Office (WYAO) is in receipt of your electronic letter transmitting information regarding the proposed *Minatare to US-385 Project No: NH-26-1(172), CN 51521, Morrill and Scotts Bluff Counties, Nebraska* which includes improvements to Highways US-26 and L-62A by the Nebraska Department of Transportation (NDOT).

As requested, WYAO has reviewed your 51521 Section 106 Project Package and concur with your National Register of Historic Places eligibility determinations for the Tri-State Canal and the Interstate Canal which are within the Area of Potential Effects for the proposed undertaking. We understand you will reinitiate consultation as design progresses to allow for our consideration of the project effects determinations.

Thank you for the opportunity to review and provide comments.

Sincerely,

Denise D. Tugman
Area Archaeologist

Pawnee Nation

Tuesday, May 16, 2023

Dillon Dittmer
Federal Highway Administration
Nebraska Division
US Department of Transportation

RE: *Project No. NH-26-1(172) CN 51521*
Minatare to US-385
Morrill and Scotts Bluff counties, NE

The Pawnee Nation Office of Historic Preservation has received the information and materials requested for our Section 106 Review & Consultation. Consultation with the Pawnee Nation is required by Section 106 of the National Historic Preservation Act of 1966 (NHPA), and 36 CFR Part 800.

Given the information provided, you are hereby notified that the proposed project/s should not adversely affect the cultural landscape of the Pawnee Nation.

However, be advised that additional undiscovered properties could be encountered, and they must be immediately reported to us under both the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act regulations.

This information is provided to assist you in complying with 36 CFR Part 800 for Section 106 Consultation procedures. Should you have questions, please do not hesitate to contact me at jreed@pawneenation.org or by phone at 918-762-2180 ext. 220. Thank you for your time and consideration.

Sincerely,



Matt Reed
Historic Preservation Officer
Pawnee Nation of Oklahoma

Historic Preservation Office
Matt Reed
Phone: 918.762.2180
E-mail: jreed@pawneenation.org
P.O. Box 470
Pawnee, Oklahoma 74058

From: [Dittmer, Dillon \(FHWA\)](#)
To: [Teanna Limpy](#)
Cc: [Stupka, Stacy](#)
Subject: RE: Review Requested: NDOT, Minatare to US-385 // Cultural Resources Evaluation (Morrill & Scotts Bluff Counties)
Date: Thursday, May 25, 2023 11:00:49 AM

Good morning Teanna,

I apologize for the confusion. At this time, we are seeking input regarding the NRHP eligibility determinations. We are not seeking to nominate additional sites to the NRHP.

No additional information is needed at this time. Additional project consultation, specific to project effects, will occur once the project design has progressed and a project effects determination is made.

Respectfully,

Dillon Dittmer, PWS

Environmental Protection Specialist
Federal Highway Administration
o: 402-742-8465

From: Teanna Limpy <teanna.limpy@cheyennenation.com>
Sent: Monday, May 22, 2023 7:00 PM
To: Dittmer, Dillon (FHWA) <dillon.dittmer@dot.gov>
Subject: RE: Review Requested: NDOT, Minatare to US-385 // Cultural Resources Evaluation (Morrill & Scotts Bluff Counties)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Mr. Dittmer:

I am confused. I thought my formal determination was final? What else are you requesting? Are there eligible sites that you are seeking to nominate to the NRHP that you need my assistance with? The project activities will occur OUTSIDE the approved right-of-way, is what I am curious about? So, are you permitting for new area outside the current ROW?

Thanks,

***Teanna Limpy, Director
Tribal Historic Preservation Office
Northern Cheyenne Tribe
14 E. Medicine Lodge Drive
PO Box 128***

Lame Deer, MT. 59043
Office: 406-477-4838/8113
Direct: 406-477-4839
Work Cell: 406-740-0420

From: Dittmer, Dillon (FHWA) [<mailto:dillon.dittmer@dot.gov>]
Sent: Thursday, May 11, 2023 7:46 AM
To: teanna.limpy@cheyennenation.com
Cc: Stupka, Stacy <stacy.stupka@nebraska.gov>
Subject: RE: Review Requested: NDOT, Minatare to US-385 // Cultural Resources Evaluation (Morrill & Scotts Bluff Counties)

Hello Teanna,

I'm reaching out this morning to ensure that you intended to respond to the referenced project and not the trail project in Hall County, NE that we coordinated on yesterday (email attached).

The subject project will have construction activities that occur outside of the established right-of-way. At this time, design has not progressed to a point where effects are known, and therefore we are seeking comment on the NRHP eligibility determinations. When project effects are known, additional project consultation will occur.

Please let me know if you would like to discuss further with a call or meeting.

Thank you,
Dillon
Cell: 402-540-4973

Dillon Dittmer, PWS

Environmental Protection Specialist
Federal Highway Administration
o: 402-742-8465

From: Teanna Limpy <teanna.limpy@cheyennenation.com>
Sent: Wednesday, May 10, 2023 6:46 PM
To: FHWA, Nebraska (FHWA) <Nebraska.FHWA@dot.gov>
Cc: Dittmer, Dillon (FHWA) <dillon.dittmer@dot.gov>; 'Duryea, Alexander' <alexander.duryea@nebraska.gov>
Subject: RE: Review Requested: NDOT, Minatare to US-385 // Cultural Resources Evaluation (Morrill & Scotts Bluff Counties)

CAUTION: This email originated from outside of the Department of Transportation (DOT). Do not click on links or open attachments unless you recognize the sender and know the content is safe.

FHWA NEBRASKA:

Based on the information provided, the Northern Cheyenne THPO has reviewed the project and has made a formal determination. The Northern Cheyenne THPO has made a project determination of 'No Effect' to Historic Properties for the Minatare to US-385 project located in Morrill & Scotts Bluff counties, provided that all project activities remain within the established right-of-way.

Respectfully,

***Teanna Limpy, Director
Tribal Historic Preservation Office
Northern Cheyenne Tribe
14 E. Medicine Lodge Drive
PO Box 128
Lame Deer, MT. 59043
Office: 406-477-4838/8113
Direct: 406-477-4839
Work Cell: 406-740-0420***

From: FHWA, Nebraska (FHWA) [<mailto:Nebraska.FHWA@dot.gov>]

Sent: Thursday, April 06, 2023 2:27 PM

To: teanna.limpy@cheyennenation.com

Cc: Dittmer, Dillon (FHWA) <dillon.dittmer@dot.gov>; Duryea, Alexander <alexander.duryea@nebraska.gov>

Subject: Review Requested: NDOT, Minatare to US-385 // Cultural Resources Evaluation (Morrill & Scotts Bluff Counties)

Hello Teanna,

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced above using funds from the Federal Highway Administration (FHWA). This project is in Morrill and Scotts Bluff Counties on US-385 (attached Enclosure 1, Figure 1). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties. FHWA is the lead Federal agency and is the process of completing an Environmental Assessment (EA).

There are five NRHP eligible properties within the APE considered, Harry's Curve Historic District, a sod house, the Tri-State Canal, Interstate Canal, and Minatare Canal have been identified within the APE considered.

Project design has not progressed to a point which allows a project effects determination.

Therefore, FHWA is providing this documentation for your review and requests your comment regarding the NRHP eligibility determinations contained within the attached letter and in enclosures.

As design progresses, FHWA will reinitiate consultation to allow your consideration of the project effects determination.

We respectfully request any objections within 30 days of receipt of this email. If you have any questions, you may respond to this email, or direct them to Dillon Dittmer at dillon.dittmer@dot.gov

Thank you,
FHWA Nebraska Division

From: [Stupka, Stacy](#)
To: [Craig Mielke](#); [Melissa Dirr Gengler](#); [Bozell, John](#)
Subject: FW: Review Requested: NDOT, Minatare to US-385 // Cultural Resources Evaluation (Morrill & Scotts Bluff Counties)
Date: Monday, April 17, 2023 9:45:00 AM
Attachments: [51521 Section 106 NRHP eligibility request for comment 03.30.202313714.pdf](#)
[51521 Section 106 Project Package 03.03.2023.pdf](#)

For your records.

From: Dittmer, Dillon (FHWA) <dillon.dittmer@dot.gov>
Sent: Friday, April 7, 2023 7:22 AM
To: Stupka, Stacy <stacy.stupka@nebraska.gov>
Subject: FW: Review Requested: NDOT, Minatare to US-385 // Cultural Resources Evaluation (Morrill & Scotts Bluff Counties)

Hi Stacy,

FYI – all consulting party emails and two letters (Minatare Mayor and one public stakeholder) were sent this week. I apologize that my request to have you copied on all the emails was missed.

DD

From: FHWA, Nebraska (FHWA) <Nebraska.FHWA@dot.gov>
Sent: Thursday, April 6, 2023 4:33 PM
To: sterling.chalepah@apachetribe.org
Cc: Dittmer, Dillon (FHWA) <dillon.dittmer@dot.gov>
Subject: Review Requested: NDOT, Minatare to US-385 // Cultural Resources Evaluation (Morrill & Scotts Bluff Counties)

Hello Sterling,

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced above using funds from the Federal Highway Administration (FHWA). This project is in Morrill and Scotts Bluff Counties on US-385 (attached Enclosure 1, Figure 1). Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties. FHWA is the lead Federal agency and is the process of completing an Environmental Assessment (EA).

There are five NRHP eligible properties within the APE considered, Harry's Curve Historic District, a sod house, the Tri-State Canal, Interstate Canal, and Minatare Canal have been identified within the APE considered.

Project design has not progressed to a point which allows a project effects determination. Therefore, FHWA is providing this documentation for your review and requests your comment regarding the NRHP eligibility determinations contained within the attached letter and in enclosures.

As design progresses, FHWA will reinitiate consultation to allow your consideration of the project effects determination.

We respectfully request any objections within 30 days of receipt of this email. If you have any questions, you may respond to this email, or direct them to Dillon Dittmer at dillon.dittmer@dot.gov

Thank you,
FHWA Nebraska Division

Appendix G

Section 4(f)



Project Name

Minatare to US-385

Project Number

NH-26-1(1071)

Control Number

51521

Date Completed

6/19/2024

Project Location (*Town, County*)

Minatare, Scotts Bluff County

Name and Organization of Preparer

Matt Vanicek, Benesch

The following form was developed as an initial assessment of potential Section 4(f) properties within a project area. The number of each question block corresponds directly to the NDOT Section 4(f) Guidance section with the same number. **One Initial Assessment Form per PROJECT must be included as an attachment to the CE Form or incorporated into the appropriate chapter in the EA/EIS.**

NOTE: At the time the Section 4(f) Initial Assessment Form is filled out, the Section 106 process must be sufficiently complete that historic properties have been identified. If a project effects determination has not been made by NDOT Section 106 Professionally Qualified Staff (PQS), use the best available information to make a determination and review during the NEPA process.

1. Identification of Section 4(f) Properties

- A. *For historic properties*, based on the NDOT Section 106 Tier Review Form or best available information, are there properties that are listed or eligible for listing on the National Register of Historic Places?

Yes No N/A (Section 106 Tier I)

If Yes, provide the name, Finding of Effect, and any other pertinent information from the Section 106 review for each identified property.

Minatare Canal, Tri-State Canal, Lowline Canal, Sod House (M000-073), and Harry's Curve Historic District are considered historic properties. The Sod House would be protected under Section 4(f) and requires consideration of potential use because of the determination of no adverse effect. The irrigation canals and Harry's Curve have the determination of no historic properties affected.

B. Are there existing or planned parks, recreation areas, or wildlife/waterfowl refuges present within 0.25 miles of the project area?

Yes No

C. In consultation with the online resources identified in the Section 4(f) Guidance, list the resources used to determine if parks, recreation areas, or wildlife/waterfowl refuges are present.

Google Earth, ESRI GIS, Open Streets Map, Scotts Bluff County and Village of Minatare websites

D. Identify all potential Section 4(f) parks, recreation areas, and wildlife/waterfowl refuges (*include property name(s), location(s) along project, etc.*).

If any properties are listed in 1.A. or 1.C., proceed to 2.A. – 2.E. If there are no properties, documentation is complete.

Minatare Park, Minatare Elementary School, Minatare High School (all within Minatare)

2. Applicability Criteria for Section 4(f) Parks, Recreation Areas, and Wildlife/Waterfowl Refuges (not Historic Properties)

A. List all properties from 1.D. that are (1) NOT publicly owned, or (2) NOT privately owned and leased to a public entity, for a Section 4(f) protected purpose, and how this was determined.

None

B. List all properties from 1.D. that are NOT open to the public, and how this was determined. (This does NOT apply to wildlife/waterfowl refuges.)

None

C. List all properties from 1.D. that are considered multiple-use properties, and what those uses are.

None

D. List all pedestrian or bicycle paths from 1.D. that are not officially designated primarily for recreation, and state below how this was determined.

None

E. List all properties from 1.D. that were NOT called-out in 2.A., B., or C.; these properties will be carried forward in the Section 4(f) process. Carry forward any multiple-use properties from 2.C. If no properties are carried forward, note below and documentation is complete.

Minatare Park, Minatare Elementary School, Minatare High School

3. Determination of Section 4(f) Use

A. Is there a potential *use* of the Section 4(f) applicable properties from 2.E. above? Will the properties be impacted by the project, including access restrictions? (See Guidance Section 3 for definition of *use*.)

Yes No Is there a potential *permanent* use?

Yes No Is there a potential *temporary* use (including exceptions)?

Yes No Is there a potential *constructive* use?

Any Yes: complete the appropriate Section 4(f) analysis for each impacted property

No: state impact avoidance measures below, then documentation is complete.

B. List impact avoidance measures (for "No" answer only). If justification is needed to support a "No" answer in 3.A., describe below.

The proposed project would result in a Section 4(f) *de minimis* use at the Sod House (M000-073).

There would be no use of the remaining Section 4(f) properties as they are outside of the limits of construction and have no potential to be impacted. Specifically, construction would not impact these properties, property rights would not be required, and access would not be restricted.

NDOT Reviewer Approval Signature:

Date:

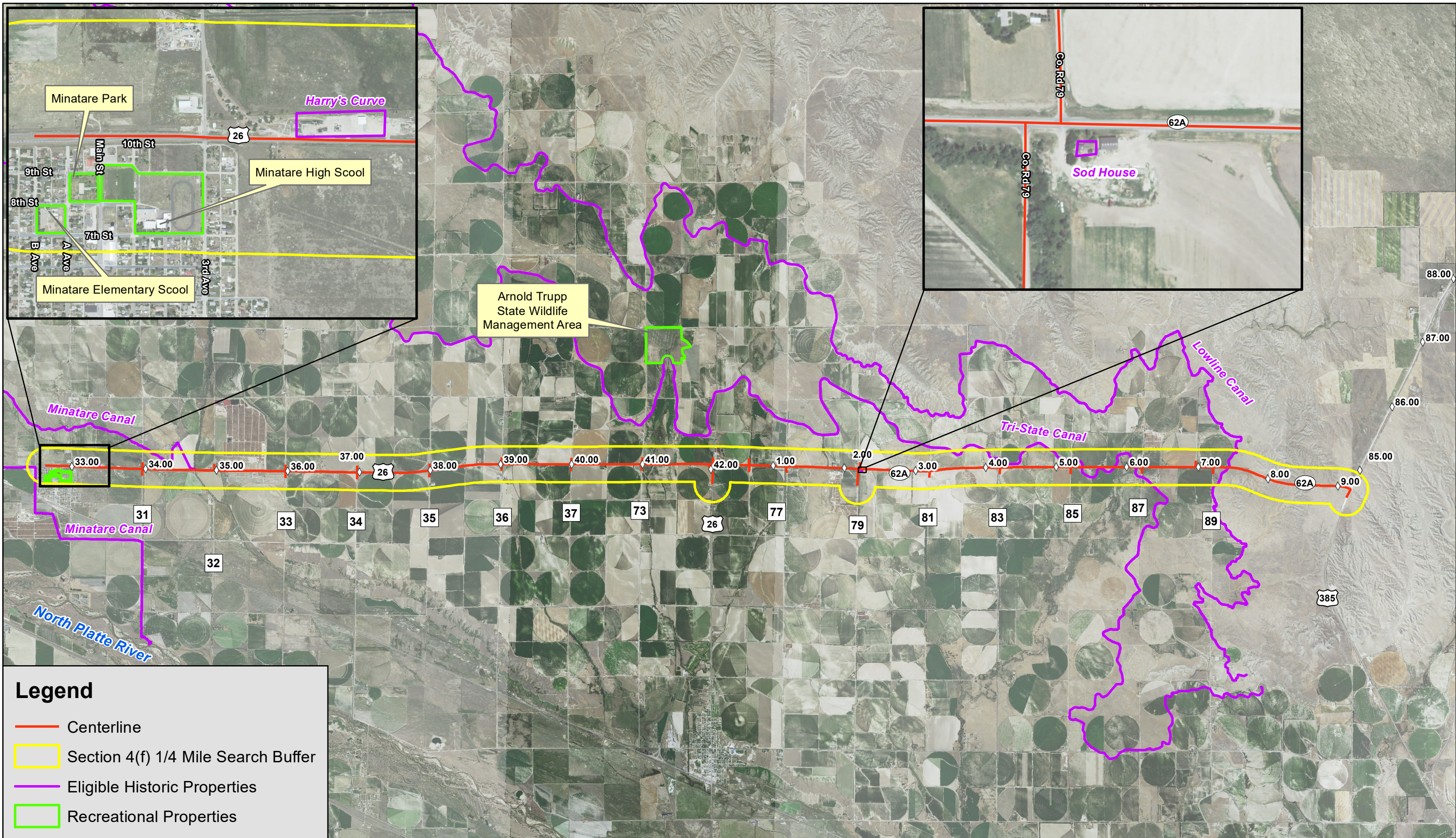
**Anna
Ondracek** Digitally signed by
Anna Ondracek
Date: 2024.06.25
13:17:14 -05'00'

NDOT Section or Documents Unit Manager signature is only required in the following circumstances:

- If the property is leased
- If the property is considered multiple-use
- If the Official(s) with Jurisdiction claims that the property is NOT significant

NDOT Section or Documents Unit Manager Signature:

Date:



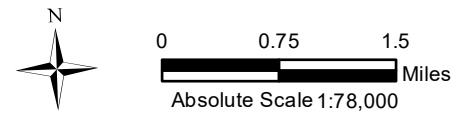
Legend

- Centerline
- Section 4(f) 1/4 Mile Search Buffer
- Eligible Historic Properties
- Recreational Properties

NAIP 2022 Scotts Bluff and Morrill County Aerial Imagery

POTENTIAL SECTION 4(f) PROPERTIES MAP

Nebraska Department of Transportation
 Project Number: S-26-1(1071)
 CN: 51521



Minatare US-26 to L-62A/US-385 Junction
 Scotts Bluff & Morrill County, Nebraska

Project Name

Minatare to US-385 Highway Improvement

Project Number

NH-26-1(172)

Control No.

51521

Project Location (Town, County, Street)

US-26 & L-62A – Scotts Bluff & Morrill Counties

Project Description

This project is 18.47 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.41 miles west of the west Minatare corporate limits at mile marker (MM) 32.63 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

Construction may begin and/or end approximately 1500 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on US-26 from MM 32.63 to MM 32.98 consists of a transition section from a 4-lane divided roadway with 12-foot-wide composite pavement lanes, a 14-foot flush median and 10-foot shoulders, of which 8 feet is paved with asphalt to a 3-lane roadway. The existing roadway from MM 32.98 to MM 33.45 consists of two 12-foot-wide composite pavement lanes and a 12-foot two-way center turn lane with shoulders varying from 6 feet with curb and gutter to 10 feet, of which 8 feet is paved with asphalt. The existing roadway on US-26 from MM 33.45 to MM 41.92 and on L-62A from MM 0+00 to MM 9.19 consists of two 12-foot-wide composite pavement lanes and 10-foot shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new intersections, improved intersections, access relocations (i.e. new frontage roads) and side road modifications.

Grading will be required for the entire length of this project.

The bridge over Ninemile Creek (Structure Number S026 03470) will be used in place and a new bridge will be

built with the new set of lanes. A grade raise of the entire structure is not anticipated. Work will be required in the waterway. Guardrail will be built with the new bridge.

The following bridge-size box culverts will be extended: Structure Number S026 03505 (Minatare Drain - Canal), S026 03916 (Irrigation Conveyance), S026 04114 (Wildhorse Creek), SL62A 00116 (Wildhorse Canyon), SL62A 00537 (Tri-State Canal), SL62A 00582 (Tri-State Canal), and SL62A 00613 (Tri-State Canal). The following bridge-size box culverts will be replaced: SL62A 00152 (Irrigation Conveyance), SL62A 00463 (West Water Creek), SL62A 00595 (Red Willow Creek) and SL62A 00648 (Irrigation Conveyance).

This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

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.

Name of Section 4(f) Property (A separate form must be completed for each property with a *de minimis* impact)

Harry's Curve Historic District

Official(s) with Jurisdiction

SHPO

Total Property Size (in acres)

~4.9 acres

Permanent Impact (in acres)

0.00 acres

Temporary Impact (in acres)

0.147 acres

Property Description

Harry's Curve Historic District is a grouping of automotive resources at the northeast corner of US 26 and Third Avenue in Minatare. A curved access road provides a right turn between US 26 and Third Avenue/Stonegate Road and is called Harry's Curve after the name of the builder. The property consists of a restaurant/café, motel, and service station.

Motel: The motel is a single-story L shaped footprint that frames the west end of the district. Each room has an outside access door with metal windows. The building is clad with vertical siding with a walkway running the length of the footprint. A faux shingled roof is expressed through two rows of wood shingles that project from the body of the building providing shelter for the walkway below. Separating the walkway from the concrete surface parking area is a series of four metal mesh panels. Each panel has four elongated parallelogram shaped features that add to the design aesthetic. A residence is associated with the motel and served as the office. It is a cross gable building with overhanging roof at the south wall.

Café: The café was called The Chef Restaurant and has a butterfly or trough sawtooth roof shape that appears as a shallow inverted gable. This roof type is quite unusual because the lower ridge line tended to be a gathering

spot for water and as a result was routinely leaky. It does provide a design intent specific to this period of construction. A projecting brick element from the roof has the word "CHEF" on it and a glass enclosed entry bay provides pedestrian access.

Service Station: The service station is a 1970 era prefabricated metal building with shallow side gable roof. Elevation walls are punctuated across all four sides with large openings for overhead doors. These openings have been mostly infilled with windows and pedestrian doors. Most notable from this relatively non-descript building is the large projecting steel canopy with shallow gable roof that shelters the gas pumps of the same vintage. A horizontal panel with the all caps word "NEBRASKA" is painted on.

Signs: Of note in this collection of buildings is the collection of period signage that remains. Harry's Convenience Store, The Chef Restaurant, and the Motel all retain signs that are clearly related in manufacture, style, and color. The signs tie the district together and contribute to the information conveyed by the collection, rather than each individual element.

This collection of buildings is recommended eligible under Criterion A as a significant example of a related complex associated with transportation services provided for US 26 traffic in the area of Commerce. It represents the definition of a district where each individual component may not be significant but taken collectively and as a whole the components combined tell a story that is expressed through the physical relationship of the buildings, the signage, and their function. The boundary for this property is roughly defined by the concrete parking and driving areas connecting the buildings.

Answer only the questions in the applicable block (A or B). All questions in Block C must be answered.

A. Section 4(f) *De Minimis* Park, Recreation Area, and Refuge Eligibility

If the *de minimis* impact does NOT involve a park, recreation area or refuge, check the N/A below and proceed to Block B.

N/A

Will the project adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?

Yes No

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box in Block C.

Yes No

Have *de minimis* public involvement requirements (notice, review, comments, etc.) been completed? If Yes, describe in the Comments box below.

Yes No

Date(s):

Did the Official(s) with Jurisdiction concur with the determination of no adverse effect?

Yes No

Date(s):

B. Section 4(f) *De Minimis* Historic and Archeological Resource Eligibility

If the *de minimis* impact does NOT involve an historic or archeological resource, check the N/A below and proceed to Block C.

N/A

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box below.

Yes No

Was the effect determination either “no historic properties affected” or “no adverse effect”? *

Yes No

PQS Date	SHPO Date	THPO Date
6/28/2024	6/6/2024	N/A

* The PQS field will always be filled out. If there is a date in the SHPO or THPO field, this would indicate the entity is the Official with Jurisdiction and they were informed of NDOT’s intent to apply *de minimis* via project-specific correspondence. The date in the field would be the date the entity concurred on the Section 106 effect determination. A notation of “N/A” in the field indicates the entity was not the Official with Jurisdiction. “Programmatic” in the SHPO field indicates that a determination of “no historic properties affected” or “no adverse effect” was made for the project per the Section 106 Programmatic Agreement and the *de minimis* notification was provided via letter agreement with the SHPO.

C. Additional Information

Description of Use (Temporary and/or Permanent)

Construction activities would not occur within the NRHP boundaries of the Harry’s Curve Historic District. Approximately 6,430 square feet of temporary easement would be required to access the property during project construction, as well as remove and replace existing culverts. There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of only one driveway. The historic signs would remain and would not be affected. There would be no direct effect to Harry’s Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry’s Curve Historic District would not be affected by the project as proposed.

Avoidance, Minimization, and Mitigation Measures

Alternative project alignments involved removing most or all of the historic property. The current alignment reduced the impacts to the redesign of the entrance driveways only. The limits of construction are being kept outside the NRHP boundary for the site.

Comments

Coordination with the SHPO was completed 8/29/2024. SHPO does not have any objections to the application of *de minimis* under Section 4(f) for this property.

De Minimis Documentation

Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?

Yes No

Is documentation of public involvement attached?

Yes No N/A (for historic resources)

Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?

Yes No

Additional Attachments (If Applicable)

N/A

Approval Signatures

The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use.

Preparer

Matthew Vanicek

Date:

8/30/2024

NDOT Reviewer

Anna Ondracek Digitally signed by Anna Ondracek
Date: 2024.09.03 15:14:50 -05'00'

Date:

NDOT Section/Unit Manager

Jon Barber Digitally signed by Jon Barber
Date: 2024.09.03 15:32:20 -05'00'

Date:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 17, 2021, and executed by FHWA and NDOT. CEs not assigned to NDOT under the CE Assignment MOU continue to be processed in accordance with the processes contained in the *Environmental Procedures Manual*, with the exception that review and approval are retained by the Federal Highway Administration.

Federal Highway Administration

Date:

 Digitally signed by LUKE ALLEN
PITTS
Date: 2024.10.16 16:21:20 -05'00'

[Empty rectangular box for date entry]

Project Name

Minatare to US-385

Project Number

NH-26-1(172)

Control No.

51521

Project Location (Town, County, Street)

U.S. Highway 26 (US-26) and Nebraska Highway Link 62A (L-62A) – Scotts Bluff and Morrill Counties

Project Description

This project is 18.47 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.41 miles west of the west Minatare corporate limits at mile marker (MM) 32.63 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

Construction may begin and/or end approximately 1500 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on US-26 from MM 32.63 to MM 32.98 consists of a transition section from a 4-lane divided roadway with 12-foot-wide composite pavement lanes, a 14-foot flush median and 10-foot shoulders, of which 8 feet is paved with asphalt to a 3-lane roadway. The existing roadway from MM 32.98 to MM 33.45 consists of two 12-foot-wide composite pavement lanes and a 12-foot two-way center turn lane with shoulders varying from 6 feet with curb and gutter to 10 feet, of which 8 feet is paved with asphalt. The existing roadway on US-26 from MM 33.45 to MM 41.92 and on L-62A from MM 0+00 to MM 9.19 consists of two 12-foot-wide composite pavement lanes and 10-foot shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new intersections, improved intersections, access relocations (i.e. new frontage roads) and side road modifications.

Grading will be required for the entire length of this project.

The bridge over Ninemile Creek (Structure Number S026 03470) will be used in place and a new bridge will be built with the new set of lanes. A grade raise of the entire structure is not anticipated. Work will be required in the waterway. Guardrail will be built with the new bridge.

The following bridge-size box culverts will be extended: Structure Number S026 03505 (Minatare Drain - Canal), S026 03916 (Irrigation Conveyance), S026 04114 (Wildhorse Creek), SL62A 00116 (Wildhorse Canyon), SL62A 00537 (Tri-State Canal), SL62A 00582 (Tri-State Canal), and SL62A 00613 (Tri-State Canal). The following bridge-size box culverts will be replaced: SL62A 00152 (Irrigation Conveyance), SL62A 00463 (West Water Creek), SL62A 00595 (Red Willow Creek) and SL62A 00648 (Irrigation Conveyance).

This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

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.

Name of Section 4(f) Property (A separate form must be completed for each property with a *de minimis* impact)

Interstate Canal

Official(s) with Jurisdiction

State Historic Preservation Office (SHPO)

Total Property Size (in acres)

179 miles

*NOTE: Canal length cannot be accurately converted to acres. Canal length will be utilized instead.

Permanent Impact (in acres)

20 feet beyond proposed limits of construction at approximately Station 963+52

Temporary Impact (in acres)

None anticipated

Property Description

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. The 35-mile long High-Line Canal (north branch of Interstate) extends from Lake Alice to the southwest while the Low-Line Canal (south branch of the Interstate) extends from Lake Minatare southwest. It is 43 miles long. The canal totals 179 miles in length and in addition to the canal there are 670 miles of laterals and 115 miles of drains. The canal extends east from the point of diversion to Lake Alice (completed 1913) and then into Lake Minatare (completed 1915). The High Line Canal then continues east to a point about six miles north of Bayard and the Low Line Canal from Lake Minatare east to a point about eight miles northeast of Bridgeport. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the Project in 1927. In 1926 the Bureau of

Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

This resource has been identified as eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Boundaries for this resource are graphically illustrated in the map below. The canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. Associated with the canals are contemporary canal access roads typically established for repairs and maintenance. These are not considered contributing features to the canal system.

Answer only the questions in the applicable block (A or B). All questions in Block C must be answered.

A. Section 4(f) *De Minimis* Park, Recreation Area, and Refuge Eligibility

If the *de minimis* impact does NOT involve a park, recreation area or refuge, check the N/A below and proceed to Block B.

N/A

Will the project adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?

Yes No

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box in Block C.

Yes No

Have *de minimis* public involvement requirements (notice, review, comments, etc.) been completed? If Yes, describe in the Comments box below.

Yes No

Date(s):

Did the Official(s) with Jurisdiction concur with the determination of no adverse effect?

Yes No

Date(s):

B. Section 4(f) *De Minimis* Historic and Archeological Resource Eligibility

If the *de minimis* impact does NOT involve an historic or archeological resource, check the N/A below and proceed to Block C.

N/A

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box below.

Yes No

Was the effect determination either “no historic properties affected” or “no adverse effect”? *

Yes No

PQS Date	SHPO Date	THPO Date
6/28/2024	6/6/2024	N/A

* The PQS field will always be filled out. If there is a date in the SHPO or THPO field, this would indicate the entity is the Official with Jurisdiction and they were informed of NDOT’s intent to apply *de minimis* via project-specific correspondence. The date in the field would be the date the entity concurred on the Section 106 effect determination. A notation of “N/A” in the field indicates the entity was not the Official with Jurisdiction. “Programmatic” in the SHPO field indicates that a determination of “no historic properties affected” or “no adverse effect” was made for the project per the Section 106 Programmatic Agreement and the *de minimis* notification was provided via letter agreement with the SHPO.

C. Additional Information

Description of Use (Temporary and/or Permanent)

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52). This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Avoidance, Minimization, and Mitigation Measures

The project has been designed based on current engineering and safety standards for bridge and roadway construction. Within these standards the project footprint has been minimized to reduce impacts to the historic canal property.

Comments

Coordination with the SHPO was completed 8/29/2024. SHPO does not have any objections to the application of *de minimis* under Section 4(f) for this property.

De Minimis Documentation

Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?

Yes No

Is documentation of public involvement attached?

Yes No N/A (for historic resources)

Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?

Yes No

Additional Attachments (If Applicable)

Approval Signatures

The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use.

Preparer

Anna Ondracek Digitally signed by Anna Ondracek
Date: 2024.09.03 15:13:34 -05'00'

Date:

NDOT Reviewer

Date:


NDOT Section/Unit Manager

 Digitally signed by Jon Barber
Date: 2024.09.03 16:03:08 -05'00'

Date:

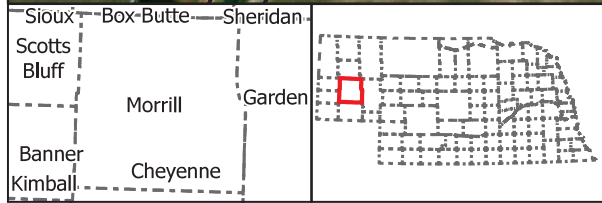
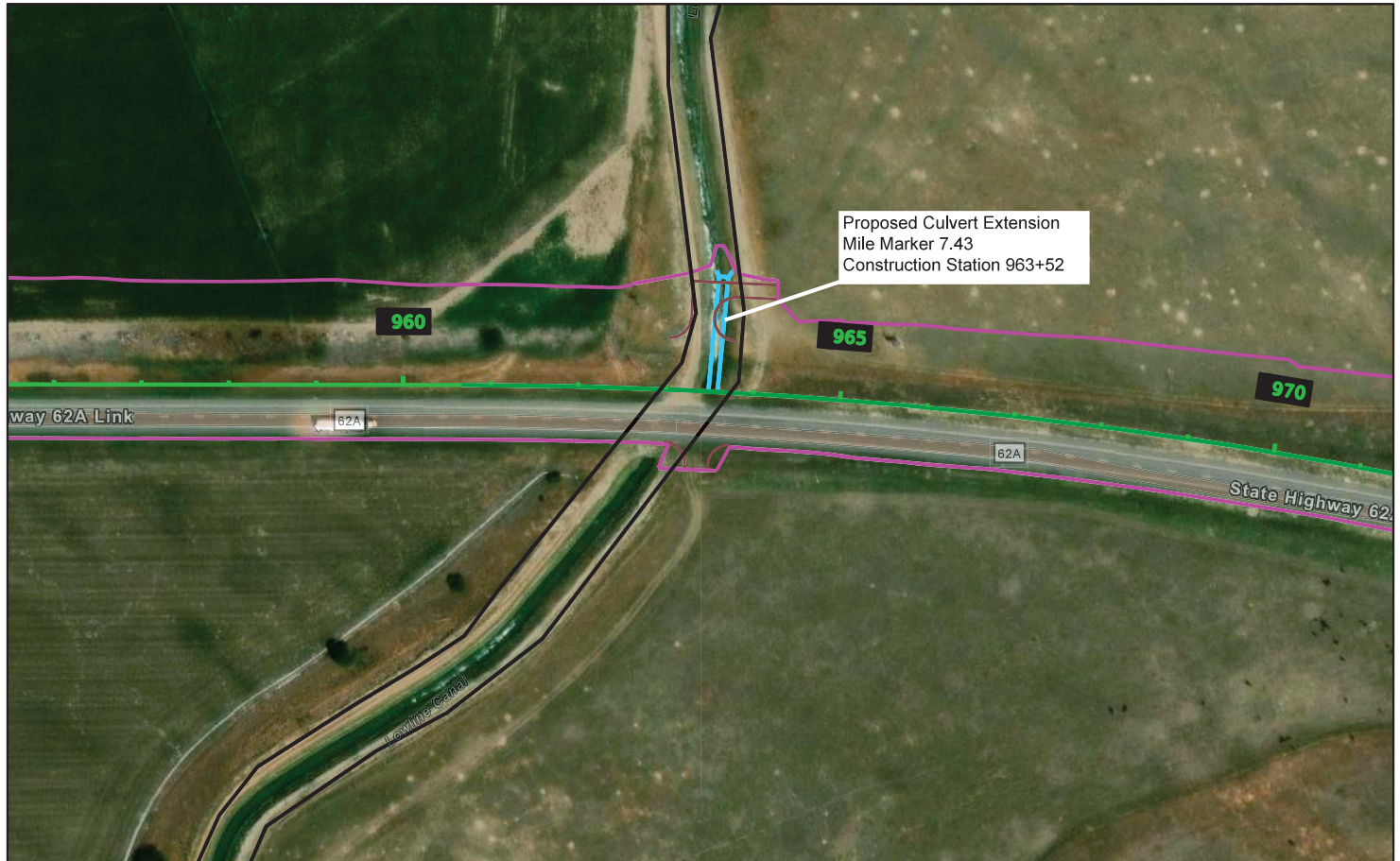
The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 17, 2021, and executed by FHWA and NDOT. CEs not assigned to NDOT under the CE Assignment MOU continue to be processed in accordance with the processes contained in the *Environmental Procedures Manual*, with the exception that review and approval are retained by the Federal Highway Administration.

Federal Highway Administration

 Digitally signed by LUKE ALLEN
PITTS
Date: 2024.10.16 16:19:03
-05'00'

Date:

Figure 6. Interstate Canal NRHP boundary near proposed culvert extension.



Project Name: Minatare - US-385
 Control No.: 51521
 Project No.: NH-26-1(172)

- Interstate Canal NRHP Boundary
- Limits of Construction (LOCs)



Ondracek, Anna

From: Gillespie, Betty
Sent: Thursday, August 29, 2024 9:32 AM
To: Ondracek, Anna
Cc: Kerrisun, Sammi; Barber, Jon
Subject: RE: Intent to Apply Section 4(f) de minimis, Project Minatare - US-385, Control No. 51521

Good morning Anna,

Thank you for reaching out. I have looked over all of the documents you provided and I can confirm that I do not have any objections to the application of *de minimis* under Section 4(f) for this undertaking.

I also want to take the time real quick to let you know that Chelsea Rose, our new Preservation Archeologist, has officially started in the Nebraska State Historic Preservation Office (SHPO). Moving forward please send and/or include her on Section 106 undertaking reviews that have ground disturbing activities we would very much appreciate it. Her email is chelsea.rose@nebraska.gov. For any new projects feel free to send them directly to her or to our general office email hn.hp@nebraska.gov.

If you have any questions feel free to reach out to me or Chelsea at any time. Chelsea does not yet have a phone number but as soon as she does we will provide it to you.

Best,

Betty Gillespie (She/Her) | Interim Deputy SHPO & Review and Compliance Coordinator



P: 402-805-7392

betty.gillespie@nebraska.gov

1500 R Street, Lincoln, NE 68508

history.nebraska.gov



From: Ondracek, Anna <Anna.Ondracek@nebraska.gov>

Sent: Thursday, August 29, 2024 9:09 AM

To: Gillespie, Betty <Betty.Gillespie@nebraska.gov>

Cc: Kerrisun, Sammi <Sammi.Kerrisun@nebraska.gov>; Barber, Jon <Jon.Barber@nebraska.gov>

Subject: Intent to Apply Section 4(f) de minimis, Project Minatare - US-385, Control No. 51521

Good morning Ms. Gillespie,

I am writing to you to coordinate with the Nebraska State Historic Preservation Office (SHPO) regarding NDOT and FHWA's intent to apply Section 4(f) *de minimis* determinations for the Minatare – US-385 project, based on the Section 106 project effects determination and your concurrence. As a reminder, SHPO concurred with the Section 106 Project Effects Determination on 6/6/2024. For your reference, the project description, SHPO Concurrence on the Section 106 project effects determination, and responses from the other consulting parties have been attached to this email.

The Department of Transportation Act of 1966 includes a special provision, Section 4(f), which protects recreational properties and historic sites, and impacts to these properties must be considered as part of the NEPA process. According to 23 CFR 774.5, FHWA (and NDOT) must inform the SHPO of our intent to make a Section 4(f) *de minimis* impact determination based on the SHPO's finding of "no adverse effect" or "no historic properties affected". As the Interim Deputy State Historic Preservation Officer, you are the official with jurisdiction over the historic properties on this project. NDOT has determined that, under Section 4(f), a *de minimis* determination for the following historic properties is appropriate: Sod House (MO00-073), Harry's Curve Historic District, Interstate Canal, Minatare Canal, and the Tri-State Canal.

If you have any questions, please let us know. If you have no questions, we request that you also reply to this email, to confirm that you have received the information and do not object to the application of *de minimis* under Section 4(f).

Thank you,
Anna

Anna Ondracek, NEPA Specialist
Environmental Documents Unit
NEBRASKA DEPARTMENT OF TRANSPORTATION
1500 Nebraska Pkwy | Lincoln, NE | 68502
Office: 402.479.4411 | Cell: 402.202.3206
anna.ondracek@nebraska.gov

She/her/hers



U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

100 Centennial Mall North, Rm 220
Lincoln, Nebraska 68508
402-742-8460
402-742-8480
FHWA.NE@dot.gov

Betty Gillespie
Interim Deputy State Historic Preservation Officer
Nebraska State Historical Society
PO Box 82554
Lincoln, NE 68508

**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Dear Ms. Gillespie:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. FHWA is the lead federal agency. The preferred alternative being carried forward in the draft EA is the North Offset Alignment Alternative which includes adding two new lanes on the north side of the existing US-26 and L62A for the entire length of the project corridor. This documentation considers the effects of the preferred alternative on historic properties.

Consultation Regarding NRHP Eligibility

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties in 2023 (Enclosure 1, Table 1). SHPO concurred upon a FHWA determination that there are five historic properties, Harry's Curve, a Sod House (MO00-073), the Tri-State Canal, the Interstate Canal, and the Minatare Canal & Irrigation Company, present within the area of potential effects (APE) on May 22, 2023. In addition, the Bureau of Reclamation concurred with NRHP eligibility determinations regarding the Tri-State Canal and the Interstate Canal, the Pawnee Nation indicated that the project should not adversely affect the cultural landscape of the Pawnee Nation and the Northern Cheyenne Tribe issued a formal determination of 'no effect' providing the project remains within existing Right of Way (ROW).

Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer

present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the

Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained, therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties. *HP present but no effect*

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests SHPO concurrence with this determination within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,

Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

CONCUR:

Betty Gillespie, Interim Deputy State Historic Preservation Officer

6/6/24

Date

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)

Project Name

Minatare to US-385

Project Number

NH-26-1(172)

Control No.

51521

Project Location (Town, County, Street)

U.S. Highway 26 (US-26) and Nebraska Highway Link 62A (L-62A) – Scotts Bluff and Morrill Counties

Project Description

This project is 18.47 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.41 miles west of the west Minatare corporate limits at mile marker (MM) 32.63 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

Construction may begin and/or end approximately 1500 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on US-26 from MM 32.63 to MM 32.98 consists of a transition section from a 4-lane divided roadway with 12-foot-wide composite pavement lanes, a 14-foot flush median and 10-foot shoulders, of which 8 feet is paved with asphalt to a 3-lane roadway. The existing roadway from MM 32.98 to MM 33.45 consists of two 12-foot-wide composite pavement lanes and a 12-foot two-way center turn lane with shoulders varying from 6 feet with curb and gutter to 10 feet, of which 8 feet is paved with asphalt. The existing roadway on US-26 from MM 33.45 to MM 41.92 and on L-62A from MM 0+00 to MM 9.19 consists of two 12-foot-wide composite pavement lanes and 10-foot shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new intersections, improved intersections, access relocations (i.e. new frontage roads) and side road modifications.

Grading will be required for the entire length of this project.

The bridge over Ninemile Creek (Structure Number S026 03470) will be used in place and a new bridge will be built with the new set of lanes. A grade raise of the entire structure is not anticipated. Work will be required in the waterway. Guardrail will be built with the new bridge.

The following bridge-size box culverts will be extended: Structure Number S026 03505 (Minatare Drain - Canal), S026 03916 (Irrigation Conveyance), S026 04114 (Wildhorse Creek), SL62A 00116 (Wildhorse Canyon), SL62A 00537 (Tri-State Canal), SL62A 00582 (Tri-State Canal), and SL62A 00613 (Tri-State Canal). The following bridge-size box culverts will be replaced: SL62A 00152 (Irrigation Conveyance), SL62A 00463 (West Water Creek), SL62A 00595 (Red Willow Creek) and SL62A 00648 (Irrigation Conveyance).

This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

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.

Name of Section 4(f) Property (A separate form must be completed for each property with a *de minimis* impact)

Minatare Canal

Official(s) with Jurisdiction

State Historic Preservation Office (SHPO)

Total Property Size (in acres)

9.7 miles

*NOTE: Canal length cannot be accurately converted to acres. Canal length will be utilized instead.

Permanent Impact (in acres)

Quantity unknown; required to shift end point of the canal to the north.

Temporary Impact (in acres)

Quantity unknown; required to shift end point of the canal to the north.

Property Description

The Minatare Canal & Irrigation Company was formed by a group of local residents in 1887. Company organizers included George W. Fairfield and Thomas Harshman along with several others. They obtained a water right dated January 14, 1888, to divert water from the left bank of the North Platte River at a point about 3.5 miles southeast of Scottsbluff, Nebraska. Approximately eight miles of canal were built, and water diverted to irrigate lands during the late summer of 1888. This was widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. The Minatare Irrigation Canal was constructed using a horse-drawn slip scraper. Lumber for bridges and headgates was hauled from the Wildcat Hills and sawed lumber from the Pine Ridge. The first water started flowing on August 15, 1888. Figures from 1891 published in the Omaha Bee newspaper revealed the eleven-mile-long Minatare Canal was fourteen feet wide and two feet deep and cost about \$3,500 to building. In 1895 the company was reorganized to the Minatare Mutual Canal and Irrigation Company. Part of the original system has been abandoned and in the 1970s the

canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare. This resource has not previously been recommended eligible for the NRHP.

The Minatare Canal enters into the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. The boundaries are defined as the ditch itself and are graphically illustrated in the map below. Associated with the canals are contemporary canal access roads typically established for repairs and maintenance. These are not considered contributing features to the canal system.

Answer only the questions in the applicable block (A or B). All questions in Block C must be answered.

A. Section 4(f) De Minimis Park, Recreation Area, and Refuge Eligibility

If the *de minimis* impact does NOT involve a park, recreation area or refuge, check the N/A below and proceed to Block B.

N/A

Will the project adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?

Yes No

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box in Block C.

Yes No

Have *de minimis* public involvement requirements (notice, review, comments, etc.) been completed? If Yes, describe in the Comments box below.

Yes No

Date(s):

Did the Official(s) with Jurisdiction concur with the determination of no adverse effect?

Yes No

Date(s):

B. Section 4(f) De Minimis Historic and Archeological Resource Eligibility

If the *de minimis* impact does NOT involve an historic or archeological resource, check the N/A below and proceed to Block C.

N/A

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box below.

Yes No

Was the effect determination either “no historic properties affected” or “no adverse effect”? *

Yes No

PQS Date	SHPO Date	THPO Date
6/28/2024	6/6/2024	N/A

* The PQS field will always be filled out. If there is a date in the SHPO or THPO field, this would indicate the entity is the Official with Jurisdiction and they were informed of NDOT’s intent to apply *de minimis* via project-specific correspondence. The date in the field would be the date the entity concurred on the Section 106 effect determination. A notation of “N/A” in the field indicates the entity was not the Official with Jurisdiction. “Programmatic” in the SHPO field indicates that a determination of “no historic properties affected” or “no adverse effect” was made for the project per the Section 106 Programmatic Agreement and the *de minimis* notification was provided via letter agreement with the SHPO.

C. Additional Information

Description of Use (Temporary and/or Permanent)

The canal terminates near the project corridor and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained, therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Avoidance, Minimization, and Mitigation Measures

The project has been designed based on current engineering and safety standards for bridge and roadway construction. Within these standards the project footprint has been minimized to reduce impacts to the historic canal property.

Comments

Coordination with the SHPO was completed 8/29/2024. SHPO does not have any objections to the application of *de minimis* under Section 4(f) for this property.

De Minimis Documentation

Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?

Yes No

Is documentation of public involvement attached?

Yes No N/A (for historic resources)

Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?

Yes No

Additional Attachments (If Applicable)

[Empty text box for additional attachments]

Approval Signatures

The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use.

Preparer

Anna Ondracek Digitally signed by Anna Ondracek
Date: 2024.09.03 15:12:52 -05'00'

Date:

[Empty date box for Preparer]

NDOT Reviewer

[Empty signature box for NDOT Reviewer]

Date:

[Empty date box for NDOT Reviewer]

NDOT Section/Unit Manager

 Digitally signed by Jon Barber
Date: 2024.09.03 16:01:43 -05'00'

Date:

[Empty date box for NDOT Section/Unit Manager]

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 17, 2021, and executed by FHWA and NDOT. CEs not assigned to NDOT under the CE Assignment MOU continue to be processed in accordance with the processes contained in the *Environmental Procedures Manual*, with the exception that review and approval are retained by the Federal Highway Administration.

Federal Highway Administration

Date:

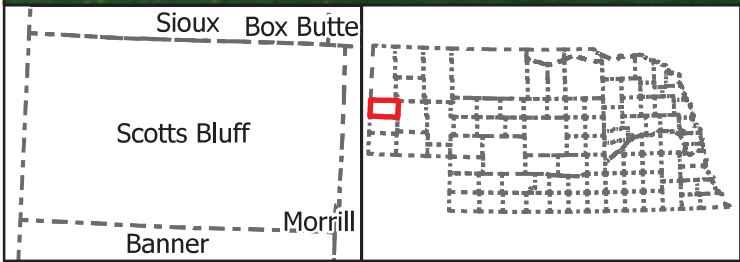


Digitally signed by LUKE ALLEN
PITTS
Date: 2024.10.16 14:57:08 -05'00'

Figure 7. Minatare Canal NRHP boundary near proposed limits of construction.

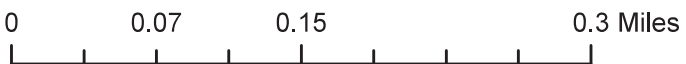


End Point of Minatare Canal would be shifted north. All connectivity of the canal and its connection to the larger system would be maintained



Project Name: Minatare - US-385
 Control No.: 51521
 Project No.: NH-26-1(172)

- Minatare Canal NRHP Boundary
- Limits of Construction (LOCs)



Ondracek, Anna

From: Gillespie, Betty
Sent: Thursday, August 29, 2024 9:32 AM
To: Ondracek, Anna
Cc: Kerrisun, Sammi; Barber, Jon
Subject: RE: Intent to Apply Section 4(f) de minimis, Project Minatare - US-385, Control No. 51521

Good morning Anna,

Thank you for reaching out. I have looked over all of the documents you provided and I can confirm that I do not have any objections to the application of *de minimis* under Section 4(f) for this undertaking.

I also want to take the time real quick to let you know that Chelsea Rose, our new Preservation Archeologist, has officially started in the Nebraska State Historic Preservation Office (SHPO). Moving forward please send and/or include her on Section 106 undertaking reviews that have ground disturbing activities we would very much appreciate it. Her email is chelsea.rose@nebraska.gov. For any new projects feel free to send them directly to her or to our general office email hn.hp@nebraska.gov.

If you have any questions feel free to reach out to me or Chelsea at any time. Chelsea does not yet have a phone number but as soon as she does we will provide it to you.

Best,

Betty Gillespie (She/Her) | Interim Deputy SHPO & Review and Compliance Coordinator



P: 402-805-7392

betty.gillespie@nebraska.gov

1500 R Street, Lincoln, NE 68508

history.nebraska.gov



From: Ondracek, Anna <Anna.Ondracek@nebraska.gov>

Sent: Thursday, August 29, 2024 9:09 AM

To: Gillespie, Betty <Betty.Gillespie@nebraska.gov>

Cc: Kerrisun, Sammi <Sammi.Kerrisun@nebraska.gov>; Barber, Jon <Jon.Barber@nebraska.gov>

Subject: Intent to Apply Section 4(f) de minimis, Project Minatare - US-385, Control No. 51521

Good morning Ms. Gillespie,

I am writing to you to coordinate with the Nebraska State Historic Preservation Office (SHPO) regarding NDOT and FHWA's intent to apply Section 4(f) *de minimis* determinations for the Minatare – US-385 project, based on the Section 106 project effects determination and your concurrence. As a reminder, SHPO concurred with the Section 106 Project Effects Determination on 6/6/2024. For your reference, the project description, SHPO Concurrence on the Section 106 project effects determination, and responses from the other consulting parties have been attached to this email.

The Department of Transportation Act of 1966 includes a special provision, Section 4(f), which protects recreational properties and historic sites, and impacts to these properties must be considered as part of the NEPA process. According to 23 CFR 774.5, FHWA (and NDOT) must inform the SHPO of our intent to make a Section 4(f) *de minimis* impact determination based on the SHPO's finding of "no adverse effect" or "no historic properties affected". As the Interim Deputy State Historic Preservation Officer, you are the official with jurisdiction over the historic properties on this project. NDOT has determined that, under Section 4(f), a *de minimis* determination for the following historic properties is appropriate: Sod House (MO00-073), Harry's Curve Historic District, Interstate Canal, Minatare Canal, and the Tri-State Canal.

If you have any questions, please let us know. If you have no questions, we request that you also reply to this email, to confirm that you have received the information and do not object to the application of *de minimis* under Section 4(f).

Thank you,
Anna

Anna Ondracek, NEPA Specialist
Environmental Documents Unit
NEBRASKA DEPARTMENT OF TRANSPORTATION
1500 Nebraska Pkwy | Lincoln, NE | 68502
Office: 402.479.4411 | Cell: 402.202.3206
anna.ondracek@nebraska.gov

She/her/hers



U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

100 Centennial Mall North, Rm 220
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Betty Gillespie
Interim Deputy State Historic Preservation Officer
Nebraska State Historical Society
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Lincoln, NE 68508

**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Dear Ms. Gillespie:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. FHWA is the lead federal agency. The preferred alternative being carried forward in the draft EA is the North Offset Alignment Alternative which includes adding two new lanes on the north side of the existing US-26 and L62A for the entire length of the project corridor. This documentation considers the effects of the preferred alternative on historic properties.

Consultation Regarding NRHP Eligibility

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties in 2023 (Enclosure 1, Table 1). SHPO concurred upon a FHWA determination that there are five historic properties, Harry's Curve, a Sod House (MO00-073), the Tri-State Canal, the Interstate Canal, and the Minatare Canal & Irrigation Company, present within the area of potential effects (APE) on May 22, 2023. In addition, the Bureau of Reclamation concurred with NRHP eligibility determinations regarding the Tri-State Canal and the Interstate Canal, the Pawnee Nation indicated that the project should not adversely affect the cultural landscape of the Pawnee Nation and the Northern Cheyenne Tribe issued a formal determination of 'no effect' providing the project remains within existing Right of Way (ROW).

Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer

present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the

Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained, therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties. *HP present but no effect*

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests SHPO concurrence with this determination within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,

Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

CONCUR:

Betty Gillespie, Interim Deputy State Historic Preservation Officer

6/6/24
Date

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)

Project Name

Minatare to US-385 Highway Improvement

Project Number

NH-26-1(172)

Control No.

51521

Project Location (Town, County, Street)

US-26 & L-62A – Scotts Bluff & Morrill Counties

Project Description

This project is 18.47 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.41 miles west of the west Minatare corporate limits at mile marker (MM) 32.63 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

Construction may begin and/or end approximately 1500 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on US-26 from MM 32.63 to MM 32.98 consists of a transition section from a 4-lane divided roadway with 12-foot-wide composite pavement lanes, a 14-foot flush median and 10-foot shoulders, of which 8 feet is paved with asphalt to a 3-lane roadway. The existing roadway from MM 32.98 to MM 33.45 consists of two 12-foot-wide composite pavement lanes and a 12-foot two-way center turn lane with shoulders varying from 6 feet with curb and gutter to 10 feet, of which 8 feet is paved with asphalt. The existing roadway on US-26 from MM 33.45 to MM 41.92 and on L-62A from MM 0+00 to MM 9.19 consists of two 12-foot-wide composite pavement lanes and 10-foot shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new intersections, improved intersections, access relocations (i.e. new frontage roads) and side road modifications.

Grading will be required for the entire length of this project.

The bridge over Ninemile Creek (Structure Number S026 03470) will be used in place and a new bridge will be

built with the new set of lanes. A grade raise of the entire structure is not anticipated. Work will be required in the waterway. Guardrail will be built with the new bridge.

The following bridge-size box culverts will be extended: Structure Number S026 03505 (Minatare Drain - Canal), S026 03916 (Irrigation Conveyance), S026 04114 (Wildhorse Creek), SL62A 00116 (Wildhorse Canyon), SL62A 00537 (Tri-State Canal), SL62A 00582 (Tri-State Canal), and SL62A 00613 (Tri-State Canal). The following bridge-size box culverts will be replaced: SL62A 00152 (Irrigation Conveyance), SL62A 00463 (West Water Creek), SL62A 00595 (Red Willow Creek) and SL62A 00648 (Irrigation Conveyance).

This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

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.

Name of Section 4(f) Property (A separate form must be completed for each property with a *de minimis* impact)

Sod House M000-073

Official(s) with Jurisdiction

SHPO

Total Property Size (in acres)

0.25 acres

Permanent Impact (in acres)

0.029 acres

Temporary Impact (in acres)

N/A

Property Description

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Answer only the questions in the applicable block (A or B). All questions in Block C must be answered.

A. Section 4(f) De Minimis Park, Recreation Area, and Refuge Eligibility

If the *de minimis* impact does NOT involve a park, recreation area or refuge, check the N/A below and proceed to Block B.

N/A

Will the project adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?

Yes No

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box in Block C.

Yes No

Have *de minimis* public involvement requirements (notice, review, comments, etc.) been completed? If Yes, describe in the Comments box below.

Yes No

Date(s):

Did the Official(s) with Jurisdiction concur with the determination of no adverse effect?

Yes No

Date(s):

B. Section 4(f) De Minimis Historic and Archeological Resource Eligibility

If the *de minimis* impact does NOT involve an historic or archeological resource, check the N/A below and proceed to Block C.

N/A

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box below.

Yes No

Was the effect determination either "no historic properties affected" or "no adverse effect"? *

Yes No

PQS Date

6/28/2024

SHPO Date

6/6/2024

THPO Date

N/A

* The PQS field will always be filled out. If there is a date in the SHPO or THPO field, this would indicate the entity is the Official with Jurisdiction and they were informed of NDOT's intent to apply *de minimis* via project-specific correspondence. The date in the field would be the date the entity concurred on the Section 106 effect determination. A notation of "N/A" in the field indicates the entity was not the Official with Jurisdiction. "Programmatic" in the SHPO field indicates that a determination of "no historic properties affected" or "no

adverse effect” was made for the project per the Section 106 Programmatic Agreement and the *de minimis* notification was provided via letter agreement with the SHPO.

C. Additional Information

Description of Use (Temporary and/or Permanent)

Project activities at this property that have the potential to directly affect the historic property include the acquisition of new ROW due to the realignment of the intersection of County Road 79. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Figure 1). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

Avoidance, Minimization, and Mitigation Measures

Alternative project alignments involved removing most or all of the historic property. The current alignment reduced the impacts to ROW acquisition and tree removal only. The limits of construction are being kept outside the NRHP boundary for the site.

Comments

Coordination with the SHPO was completed 8/29/2024. SHPO does not have any objections to the application of *de minimis* under Section 4(f) for this property.

De Minimis Documentation

Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?

Yes No

Is documentation of public involvement attached?

Yes No N/A (for historic resources)

Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?

Yes No

Additional Attachments (If Applicable)

N/A

Approval Signatures

The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use.

Preparer

Matthew Vanicek

Date:

8/30/2024

NDOT Reviewer

Anna Ondracek Digitally signed by Anna Ondracek
Date: 2024.09.03 15:15:30 -05'00'

Date:

NDOT Section/Unit Manager

Jon Barber Digitally signed by Jon Barber
Date: 2024.09.03 15:33:13 -05'00'

Date:

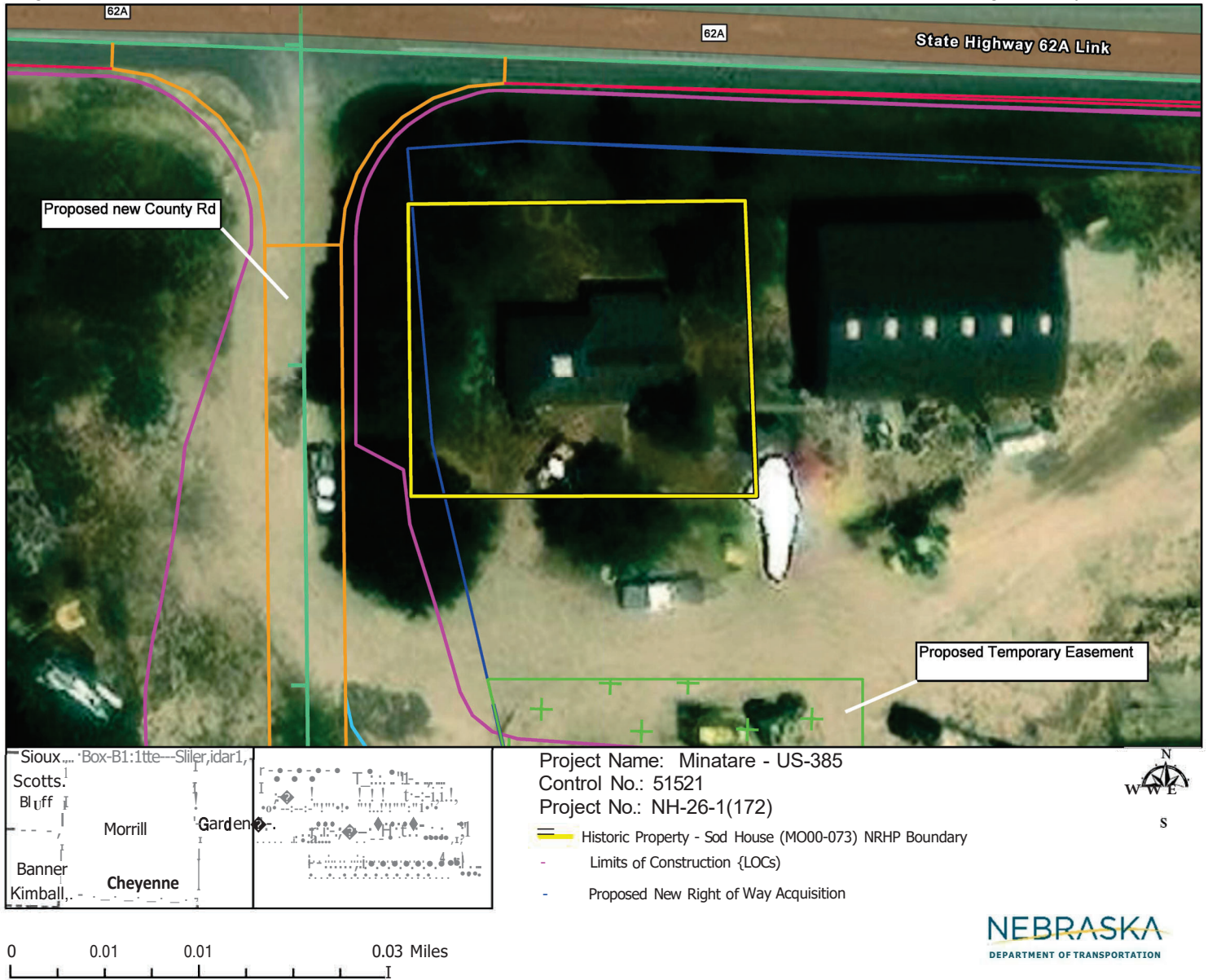
The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 17, 2021, and executed by FHWA and NDOT. CEs not assigned to NDOT under the CE Assignment MOU continue to be processed in accordance with the processes contained in the *Environmental Procedures Manual*, with the exception that review and approval are retained by the Federal Highway Administration.

Federal Highway Administration

Allen Pitts Digitally signed by LUKE
ALLEN PITTS
Date: 2024.10.16 16:20:31
-05'00'

Date:

Figure 1. Sod House NRHP boundaries. Map depicts proposed limits of construction and proposed area of Right of Way acquisition.



Project Name: Minatare - US-385
 Control No.: 51521
 Project No.: NH-26-1(172)

- Historic Property - Sod House (MO00-073) NRHP Boundary
- Limits of Construction (LOCs)
- Proposed New Right of Way Acquisition

Ondracek, Anna

From: Gillespie, Betty
Sent: Thursday, August 29, 2024 9:32 AM
To: Ondracek, Anna
Cc: Kerrisun, Sammi; Barber, Jon
Subject: RE: Intent to Apply Section 4(f) de minimis, Project Minatare - US-385, Control No. 51521

Good morning Anna,

Thank you for reaching out. I have looked over all of the documents you provided and I can confirm that I do not have any objections to the application of *de minimis* under Section 4(f) for this undertaking.

I also want to take the time real quick to let you know that Chelsea Rose, our new Preservation Archeologist, has officially started in the Nebraska State Historic Preservation Office (SHPO). Moving forward please send and/or include her on Section 106 undertaking reviews that have ground disturbing activities we would very much appreciate it. Her email is chelsea.rose@nebraska.gov. For any new projects feel free to send them directly to her or to our general office email hn.hp@nebraska.gov.

If you have any questions feel free to reach out to me or Chelsea at any time. Chelsea does not yet have a phone number but as soon as she does we will provide it to you.

Best,

Betty Gillespie (She/Her) | Interim Deputy SHPO & Review and Compliance Coordinator



P: 402-805-7392

betty.gillespie@nebraska.gov

1500 R Street, Lincoln, NE 68508

history.nebraska.gov



From: Ondracek, Anna <Anna.Ondracek@nebraska.gov>

Sent: Thursday, August 29, 2024 9:09 AM

To: Gillespie, Betty <Betty.Gillespie@nebraska.gov>

Cc: Kerrisun, Sammi <Sammi.Kerrisun@nebraska.gov>; Barber, Jon <Jon.Barber@nebraska.gov>

Subject: Intent to Apply Section 4(f) de minimis, Project Minatare - US-385, Control No. 51521

Good morning Ms. Gillespie,

I am writing to you to coordinate with the Nebraska State Historic Preservation Office (SHPO) regarding NDOT and FHWA's intent to apply Section 4(f) *de minimis* determinations for the Minatare – US-385 project, based on the Section 106 project effects determination and your concurrence. As a reminder, SHPO concurred with the Section 106 Project Effects Determination on 6/6/2024. For your reference, the project description, SHPO Concurrence on the Section 106 project effects determination, and responses from the other consulting parties have been attached to this email.

The Department of Transportation Act of 1966 includes a special provision, Section 4(f), which protects recreational properties and historic sites, and impacts to these properties must be considered as part of the NEPA process. According to 23 CFR 774.5, FHWA (and NDOT) must inform the SHPO of our intent to make a Section 4(f) *de minimis* impact determination based on the SHPO's finding of "no adverse effect" or "no historic properties affected". As the Interim Deputy State Historic Preservation Officer, you are the official with jurisdiction over the historic properties on this project. NDOT has determined that, under Section 4(f), a *de minimis* determination for the following historic properties is appropriate: Sod House (MO00-073), Harry's Curve Historic District, Interstate Canal, Minatare Canal, and the Tri-State Canal.

If you have any questions, please let us know. If you have no questions, we request that you also reply to this email, to confirm that you have received the information and do not object to the application of *de minimis* under Section 4(f).

Thank you,
Anna

Anna Ondracek, NEPA Specialist
Environmental Documents Unit
NEBRASKA DEPARTMENT OF TRANSPORTATION
1500 Nebraska Pkwy | Lincoln, NE | 68502
Office: 402.479.4411 | Cell: 402.202.3206
anna.ondracek@nebraska.gov

She/her/hers



U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

100 Centennial Mall North, Rm 220
Lincoln, Nebraska 68508
402-742-8460
402-742-8480
FHWA.NE@dot.gov

Betty Gillespie
Interim Deputy State Historic Preservation Officer
Nebraska State Historical Society
PO Box 82554
Lincoln, NE 68508

**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Dear Ms. Gillespie:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. FHWA is the lead federal agency. The preferred alternative being carried forward in the draft EA is the North Offset Alignment Alternative which includes adding two new lanes on the north side of the existing US-26 and L62A for the entire length of the project corridor. This documentation considers the effects of the preferred alternative on historic properties.

Consultation Regarding NRHP Eligibility

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties in 2023 (Enclosure 1, Table 1). SHPO concurred upon a FHWA determination that there are five historic properties, Harry's Curve, a Sod House (MO00-073), the Tri-State Canal, the Interstate Canal, and the Minatare Canal & Irrigation Company, present within the area of potential effects (APE) on May 22, 2023. In addition, the Bureau of Reclamation concurred with NRHP eligibility determinations regarding the Tri-State Canal and the Interstate Canal, the Pawnee Nation indicated that the project should not adversely affect the cultural landscape of the Pawnee Nation and the Northern Cheyenne Tribe issued a formal determination of 'no effect' providing the project remains within existing Right of Way (ROW).

Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer

present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the

Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained, therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties. *HP present but no effect*

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests SHPO concurrence with this determination within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,

Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

CONCUR:

Betty Gillespie, Interim Deputy State Historic Preservation Officer

6/6/24

Date

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)

Project Name

Minatare to US-385

Project Number

NH-26-1(172)

Control No.

51521

Project Location (Town, County, Street)

U.S. Highway 26 (US-26) and Nebraska Highway Link 62A (L-62A) – Scotts Bluff and Morrill Counties

Project Description

This project is 18.47 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.41 miles west of the west Minatare corporate limits at mile marker (MM) 32.63 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

Construction may begin and/or end approximately 1500 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on US-26 from MM 32.63 to MM 32.98 consists of a transition section from a 4-lane divided roadway with 12-foot-wide composite pavement lanes, a 14-foot flush median and 10-foot shoulders, of which 8 feet is paved with asphalt to a 3-lane roadway. The existing roadway from MM 32.98 to MM 33.45 consists of two 12-foot-wide composite pavement lanes and a 12-foot two-way center turn lane with shoulders varying from 6 feet with curb and gutter to 10 feet, of which 8 feet is paved with asphalt. The existing roadway on US-26 from MM 33.45 to MM 41.92 and on L-62A from MM 0+00 to MM 9.19 consists of two 12-foot-wide composite pavement lanes and 10-foot shoulders, of which 8 feet is paved with asphalt.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new intersections, improved intersections, access relocations (i.e. new frontage roads) and side road modifications.

Grading will be required for the entire length of this project.

The bridge over Ninemile Creek (Structure Number S026 03470) will be used in place and a new bridge will be built with the new set of lanes. A grade raise of the entire structure is not anticipated. Work will be required in the waterway. Guardrail will be built with the new bridge.

The following bridge-size box culverts will be extended: Structure Number S026 03505 (Minatare Drain - Canal), S026 03916 (Irrigation Conveyance), S026 04114 (Wildhorse Creek), SL62A 00116 (Wildhorse Canyon), SL62A 00537 (Tri-State Canal), SL62A 00582 (Tri-State Canal), and SL62A 00613 (Tri-State Canal). The following bridge-size box culverts will be replaced: SL62A 00152 (Irrigation Conveyance), SL62A 00463 (West Water Creek), SL62A 00595 (Red Willow Creek) and SL62A 00648 (Irrigation Conveyance).

This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

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.

Name of Section 4(f) Property (A separate form must be completed for each property with a *de minimis* impact)

Tri-State Canal

Official(s) with Jurisdiction

State Historic Preservation Office (SHPO)

Total Property Size (in acres)

96 miles
*NOTE: Canal length cannot be accurately converted to acres. Canal length will be utilized instead.

Permanent Impact (in acres)

20 feet beyond limits of construction per easement for culvert extension.

Temporary Impact (in acres)

None anticipated

Property Description

The Tri-State Canal began in 1887 when a group of local farmers formed the Farmers Canal Company and by 1890, had constructed approximately ten miles of canal. William H. Wright took leadership of Farmers Canal Company in 1891 and by June 1893, approximately twenty miles of canal had been constructed. In 1901 the Farmers Canal Company and its water rights were sold to Robert Walker under foreclosure. The Tri-State Land Company acquired the Canal in 1904 and by 1905 extended the canal 96 miles, with an additional 28-mile extension called the Northport Canal. The canal carries water released from Pathfinder Reservoir and return flow from the Pathfinder Irrigation District to Northport Project lands. By 1907 it reached a point north of Minatare. Landowners voted bonds to purchase the canal system in 1912. The main canal is 96 miles long with 285 miles of laterals and 80 miles of drainage ditches to accommodate seepage and floodwaters.1 Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111

miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts. Project features include five storage dams, four diversion dams, one pumping plant, one powerplant and about 2,000 miles of canals, laterals, and drains. Electric power is generated at Guernsey Power Plant and supplied to the project area by four substations and about 160 miles of transmission lines.

This is a linear resource that crosses through the APE. The boundaries include the entirety of the linear resource. The canal dips into the APE beginning on the north side just east of Road 81 and continues to dip in and out of the APE until it crosses Highway 62A east of Road 85. Between Road 85 and Road 87 the canal crosses the highway three times. It has a broad dirt shoulder with graded access drive that follows the contour of the canal. The width of the boundary includes these features. The canal is recommended eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. Associated with the canals are contemporary canal access roads typically established for repairs and maintenance. These are not considered contributing features to the canal system.

Answer only the questions in the applicable block (A or B). All questions in Block C must be answered.

A. Section 4(f) *De Minimis* Park, Recreation Area, and Refuge Eligibility

If the *de minimis* impact does NOT involve a park, recreation area or refuge, check the N/A below and proceed to Block B.

N/A

Will the project adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection?

Yes No

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box in Block C.

Yes No

Have *de minimis* public involvement requirements (notice, review, comments, etc.) been completed? If Yes, describe in the Comments box below.

Yes No

Date(s):

Did the Official(s) with Jurisdiction concur with the determination of no adverse effect?

Yes No

Date(s):

B. Section 4(f) *De Minimis* Historic and Archeological Resource Eligibility

If the *de minimis* impact does NOT involve an historic or archeological resource, check the N/A below and proceed to Block C.

N/A

Have measures been taken to minimize harm to the property? If Yes, explain in the Avoidance, Minimization, and Mitigation Measures box below.

Yes No

Was the effect determination either "no historic properties affected" or "no adverse effect"? *

Yes No

PQS Date	SHPO Date	THPO Date
6/28/2024	6/6/2024	N/A

* The PQS field will always be filled out. If there is a date in the SHPO or THPO field, this would indicate the entity is the Official with Jurisdiction and they were informed of NDOT's intent to apply *de minimis* via project-specific correspondence. The date in the field would be the date the entity concurred on the Section 106 effect determination. A notation of "N/A" in the field indicates the entity was not the Official with Jurisdiction. "Programmatic" in the SHPO field indicates that a determination of "no historic properties affected" or "no adverse effect" was made for the project per the Section 106 Programmatic Agreement and the *de minimis* notification was provided via letter agreement with the SHPO.

C. Additional Information

Description of Use (Temporary and/or Permanent)

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended.

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Avoidance, Minimization, and Mitigation Measures

The project has been designed based on current engineering and safety standards for bridge and roadway construction. Within these standards the project footprint has been minimized to reduce impacts to the historic canal property.

Comments

Coordination with the SHPO was completed 8/29/2024. SHPO does not have any objections to the application of *de minimis* under Section 4(f) for this property.

De Minimis Documentation

Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?

Yes No

Is documentation of public involvement attached?

Yes No N/A (for historic resources)

Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?

Yes No

Additional Attachments (If Applicable)

Approval Signatures

The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use.

Preparer

Anna Ondracek Digitally signed by Anna Ondracek
Date: 2024.09.03 15:12:03 -05'00'

Date:

NDOT Reviewer

Date:

NDOT Section/Unit Manager

 Digitally signed by Jon Barber
Date: 2024.09.03 16:02:13 -05'00'

Date:

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the Memorandum of Understanding dated September 17, 2021, and executed by FHWA and NDOT. CEs not assigned to NDOT under the CE Assignment MOU continue to be processed in accordance with the processes contained in the *Environmental Procedures Manual*, with the exception that review and approval are retained by the Federal Highway Administration.

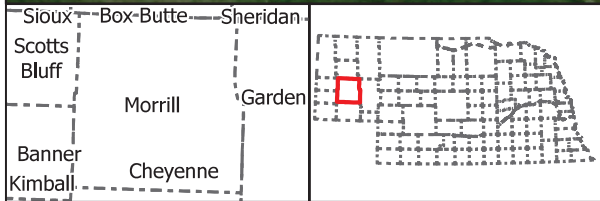
Federal Highway Administration

Date:



Digitally signed by LUKE ALLEN
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Date: 2024.10.16 16:10:24 -05'00'

Figure 4. Tri-State Canal NRHP boundary near proposed box culvert extension at mile marker 5.37.



Project Name: Minatare - US-385
 Control No.: 51521
 Project No.: NH-26-1(172)

- Tri-State Canal NRHP Boundary
- Limits of Construction (LOCs)

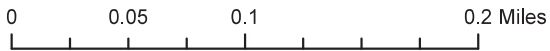
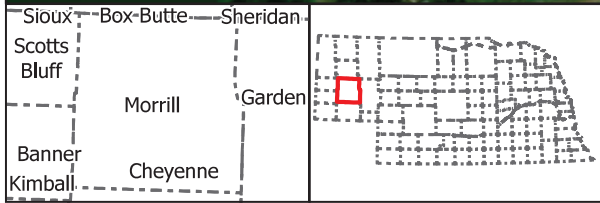
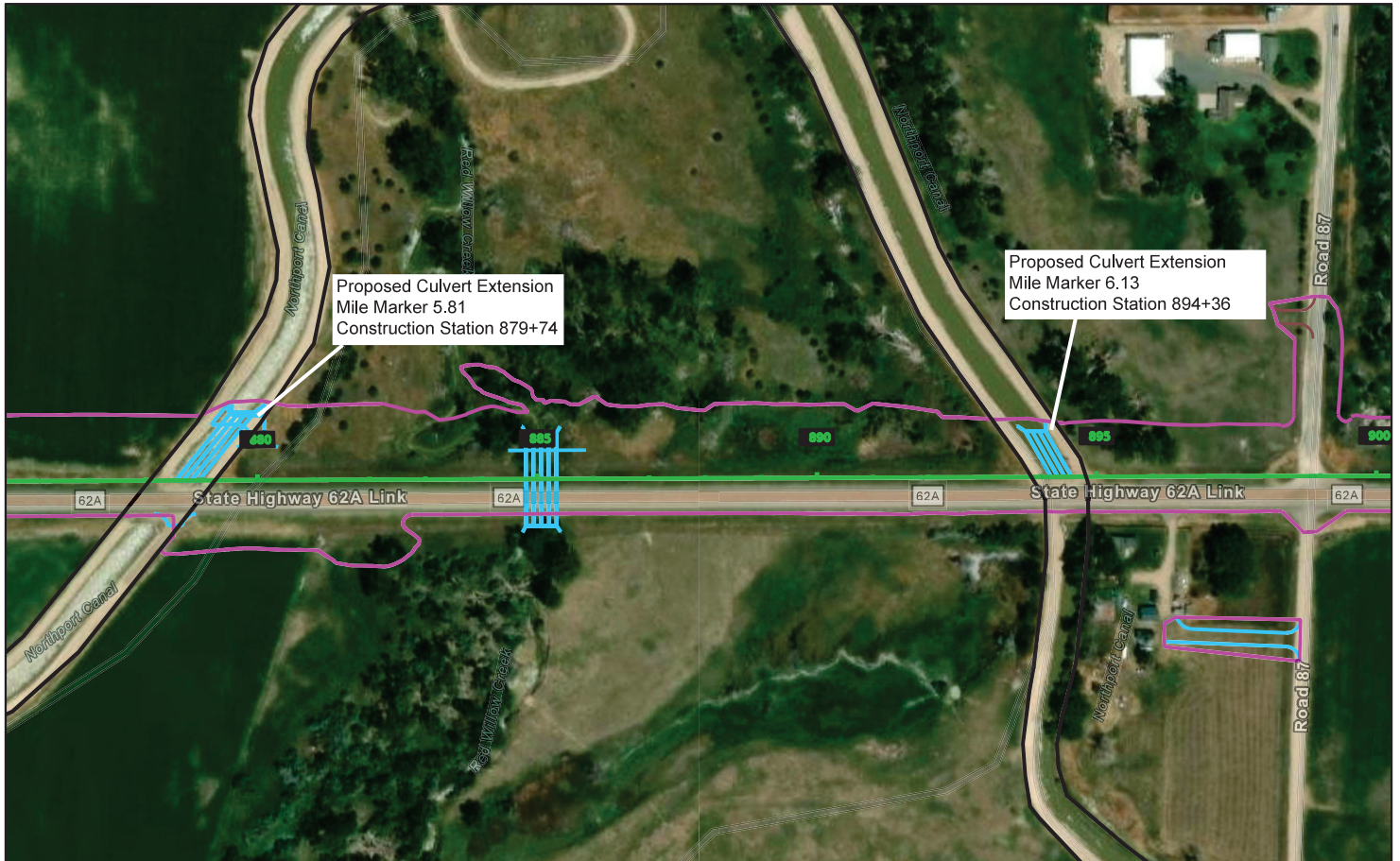





Figure 5. Tri-State Canal NRHP boundary near proposed culvert extensions at mile markers 5.81 and 6.13.

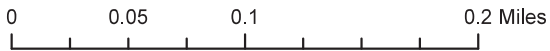


Project Name: Minatare - US-385

Control No.: 51521

Project No.: NH-26-1(172)

-  Tri-State Canal NRHP Boundary
-  Limits of Construction (LOCs)
-  Proposed Culvert Extensions or New Culverts



Ondracek, Anna

From: Gillespie, Betty
Sent: Thursday, August 29, 2024 9:32 AM
To: Ondracek, Anna
Cc: Kerrisun, Sammi; Barber, Jon
Subject: RE: Intent to Apply Section 4(f) de minimis, Project Minatare - US-385, Control No. 51521

Good morning Anna,

Thank you for reaching out. I have looked over all of the documents you provided and I can confirm that I do not have any objections to the application of *de minimis* under Section 4(f) for this undertaking.

I also want to take the time real quick to let you know that Chelsea Rose, our new Preservation Archeologist, has officially started in the Nebraska State Historic Preservation Office (SHPO). Moving forward please send and/or include her on Section 106 undertaking reviews that have ground disturbing activities we would very much appreciate it. Her email is chelsea.rose@nebraska.gov. For any new projects feel free to send them directly to her or to our general office email hn.hp@nebraska.gov.

If you have any questions feel free to reach out to me or Chelsea at any time. Chelsea does not yet have a phone number but as soon as she does we will provide it to you.

Best,

Betty Gillespie (She/Her) | Interim Deputy SHPO & Review and Compliance Coordinator



P: 402-805-7392

betty.gillespie@nebraska.gov

1500 R Street, Lincoln, NE 68508

history.nebraska.gov



From: Ondracek, Anna <Anna.Ondracek@nebraska.gov>

Sent: Thursday, August 29, 2024 9:09 AM

To: Gillespie, Betty <Betty.Gillespie@nebraska.gov>

Cc: Kerrisun, Sammi <Sammi.Kerrisun@nebraska.gov>; Barber, Jon <Jon.Barber@nebraska.gov>

Subject: Intent to Apply Section 4(f) de minimis, Project Minatare - US-385, Control No. 51521

Good morning Ms. Gillespie,

I am writing to you to coordinate with the Nebraska State Historic Preservation Office (SHPO) regarding NDOT and FHWA's intent to apply Section 4(f) *de minimis* determinations for the Minatare – US-385 project, based on the Section 106 project effects determination and your concurrence. As a reminder, SHPO concurred with the Section 106 Project Effects Determination on 6/6/2024. For your reference, the project description, SHPO Concurrence on the Section 106 project effects determination, and responses from the other consulting parties have been attached to this email.

The Department of Transportation Act of 1966 includes a special provision, Section 4(f), which protects recreational properties and historic sites, and impacts to these properties must be considered as part of the NEPA process. According to 23 CFR 774.5, FHWA (and NDOT) must inform the SHPO of our intent to make a Section 4(f) *de minimis* impact determination based on the SHPO's finding of "no adverse effect" or "no historic properties affected". As the Interim Deputy State Historic Preservation Officer, you are the official with jurisdiction over the historic properties on this project. NDOT has determined that, under Section 4(f), a *de minimis* determination for the following historic properties is appropriate: Sod House (MO00-073), Harry's Curve Historic District, Interstate Canal, Minatare Canal, and the Tri-State Canal.

If you have any questions, please let us know. If you have no questions, we request that you also reply to this email, to confirm that you have received the information and do not object to the application of *de minimis* under Section 4(f).

Thank you,
Anna

Anna Ondracek, NEPA Specialist
Environmental Documents Unit
NEBRASKA DEPARTMENT OF TRANSPORTATION
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U.S. Department
of Transportation
**Federal Highway
Administration**

NEBRASKA DIVISION

May 23, 2024

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Betty Gillespie
Interim Deputy State Historic Preservation Officer
Nebraska State Historical Society
PO Box 82554
Lincoln, NE 68508

**Project Number NH-26-1(172)
CN 51521
Minatare to US-385
Scotts Bluff and Morrill Counties
Consultation RE: Project Effects Determination**

Dear Ms. Gillespie:

The Nebraska Department of Transportation (NDOT) proposes to construct the project referenced (the Project) above using funds from the Federal Highway Administration (FHWA). This project is located in Scotts Bluff and Morrill Counties on US-26. Due to FHWA involvement, the proposed project is a federal undertaking that must be reviewed under Section 106 of the National Historic Preservation Act, as amended (36 CFR Part 800) requiring federal agencies to consider and consult about the effects of proposed projects on historic properties.

An Environmental Assessment (EA) is currently being prepared, and the results of Section 106 consultation will be included in the EA document. FHWA is the lead federal agency. The preferred alternative being carried forward in the draft EA is the North Offset Alignment Alternative which includes adding two new lanes on the north side of the existing US-26 and L62A for the entire length of the project corridor. This documentation considers the effects of the preferred alternative on historic properties.

Consultation Regarding NRHP Eligibility

FHWA completed consultation with the State Historic Preservation Office (SHPO) regarding National Register of Historic Places (NRHP) eligibility and other consulting parties in 2023 (Enclosure 1, Table 1). SHPO concurred upon a FHWA determination that there are five historic properties, Harry's Curve, a Sod House (MO00-073), the Tri-State Canal, the Interstate Canal, and the Minatare Canal & Irrigation Company, present within the area of potential effects (APE) on May 22, 2023. In addition, the Bureau of Reclamation concurred with NRHP eligibility determinations regarding the Tri-State Canal and the Interstate Canal, the Pawnee Nation indicated that the project should not adversely affect the cultural landscape of the Pawnee Nation and the Northern Cheyenne Tribe issued a formal determination of 'no effect' providing the project remains within existing Right of Way (ROW).

Sufficient information is now available to make a project effects determination, and FHWA is reinitiating consultation with SHPO and consulting parties regarding this undertaking and a project effects determination.

Project Description

This project is 18.19 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.13 miles west of the Minatare corporate limits at mile marker (MM) 32.55 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the existing lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

Assessing Project Effects

NDOT Professionally Qualified Staff (PQS) Stacy Stupka assessed the potential for adverse effects (Enclosure 1) in concert with Melissa Dirr Gengler of Historic Resources Group (HRG) (Enclosure 2), by utilizing the adverse effects methodology identified at 36 CFR Part 800.5.

The primary criteria of adverse effect that apply include change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance and the introduction of visual, atmospheric or audible elements. Under NRHP guidelines, physical integrity is how NRHP significant properties convey that significance. There are seven aspects of integrity, location, setting, feeling, association, design, materials and workmanship. To convey significance, every property will possess many, and usually most of these aspects of integrity.

Historic Properties Identified within the Area of Potential Effects

No historic archeological properties were identified within the area of potential effect (APE). Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. A detailed discussion of project effects to each historic property is presented below and in Enclosures.

Harry's Curve Historic District, E1: *no historic properties affected*

Harry's Curve Historic District is a grouping of automotive related resources at the northeast corner of US-26 and Third Avenue in Minatare. Harry's Curve is NRHP eligible under Criterion A as a significant example of a related complex associated with transportation services provided for highway US-26 travelers in the area of Commerce. NRHP contributing resources include a restaurant/café, a motel, a service station and associated period signage. This property retains a high degree of physical integrity through the geospatial relationships of the buildings, signage, construction materials, and building function. The setting, feeling, and association of the properties related to the highway and transportation corridors is also intact. The boundary of the historic property is roughly defined by the concrete parking and driving areas connecting the buildings. Location, setting, feeling, and association are among the key drivers that convey significance at this property.

Construction activities would not occur within the NRHP boundaries of the Harry's Curve Historic District. There is no proposed ROW acquisition at this location, though approximately 6,430 square feet of temporary easement would be required to access the property (Enclosure 1, Figure 1). There are multiple driveways onto the property from US-26, and the redesign of US-26 would result in the retention of one driveway. Existing culverts adjacent to the property would be removed and replaced. The historic signs would remain and would not be affected. There would be no direct effect to Harry's Curve Historic District. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause this property to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated; the historic property is located along an existing highway and derives NRHP significance from that association. Upon the conclusion of the proposed undertaking the historic property would maintain that association. Harry's Curve Historic District would not be affected by the project as proposed.

Sod House, MO00-073: *no adverse effect*

This small-scale one-story residence is built of sod construction and was determined NRHP eligible under Criterion C for a significant association with Architecture and as a representative example of a building type. The boundary of this property includes the lot associated with the residence and no other acreage. The Sod House is the only contributing resource; historically associated outbuildings are no longer

present to contribute to an expanded farmyard and NRHP boundary. The construction material is the key driver that conveys significance at this property. Other features like location and setting also contribute to its contextual significance.

Project activities at this property that have the potential to directly affect the historic property include realignment of the intersection of County Road 79, and the acquisition of new ROW. Currently, County Road 79 meets US-26 with offset north and south roads. The Project proposes to realign the south leg of County Road 79 to line up with the north intersection. Approximately 1,286 square feet of new ROW would be acquired from within the NRHP boundaries on the west side (Enclosure 1, Figures 2 and 3). The realignment of the county road would move it closer to the sod house, approximately to where the existing driveway from US-26 is currently located. The NRHP boundaries of this property extend to a windbreak located on the west side of the house and the Project proposes to remove this windbreak to support the realignment of County Road 79. The historic property's integrity of setting and feeling would be affected by the removal of the windbreak, but as defined at 36 CFR 800.5, this effect does not rise to the level of an adverse effect. This property is recommended eligible for inclusion in the NRHP under Criterion C for Architectural significance at the state level. The house and those character defining features related to its architectural significance would not be directly affected by the project as proposed. Setting and feeling contribute to the overall physical integrity of this property but as described above these aspects of integrity are not how this property conveys NRHP significance; they are not character-defining features of this architecturally significant property. Post construction, the setting and feeling would remain rural and the ability of this property to convey NRHP significance under Criterion C would remain unchanged; the key driver of material would not be affected.

A noise study for the Project is underway. Though the results are not yet available, a reduction in noise is anticipated in this area because upon completion of the project, half of the US-26 traffic would be moved north to the newly constructed highway lanes. These new lanes are farther away from the Sod House. Any visual, auditory, and vibratory effects to this historic property related to construction activities would be temporary in nature and would not affect those characteristics that cause it to be a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated, the average daily traffic of County Road 79 is low, and this is not expected to change. New ROW acquisition and removal of a windbreak would affect this historic property, but that effect would not be adverse. There would be *no adverse effect* to this property.

NRHP Evaluation Methodology of the Canals

As presented during the NRHP evaluation in 2023 (HRG 2023), the NRHP significance of the canal systems is their connectivity and the delivery of water to support agricultural activity. Each individual component of the system is not necessarily considered or counted. These systems have changed course, been modified, maintained, and modernized since their construction. The NRHP evaluation methodology emphasizes the importance of the system to retain delivery and connectivity to the larger systems and not necessarily to the individual components of the systems. The highway system and its associated roadways, bridges and culverts do not contribute to the NRHP significance of the canal systems.

Tri-State Canal: *no historic properties affected*

Tri-State Canal is part of the North Platte Project located in Nebraska and Wyoming. The project extends 111 miles along the North Platte River Valley from Guernsey, Wyoming to Bridgeport, Nebraska. The project provides irrigation for approximately 226,000 acres which are divided into four irrigation districts.

This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and with changes to ditches, laterals and intake or discharge locations.

This canal crosses US-26 three times and there would be construction activity at those crossings. At mile marker (MM) 5.37 (Station 854+77) a box culvert would be extended, at MM 5.81 (Station 879+74) an existing culvert would be extended to a triple barrel bridge sized box, and at MM 6.13 (Station 894+36) another culvert would be extended (Enclosure 1, Figures 4 and 5).

As previously stated, the NRHP significance of this canal is through the connectivity of the system to provide water to irrigators. This system would not be disrupted by the project as proposed. The historic property would not be affected by improving and extending culverts to accommodate the new highway lanes. NDOT would acquire additional permanent easements at the canal locations where culverts are proposed to be extended. Generally, these easements would extend approximately 20 feet beyond the proposed limits of construction (LOCs) and would allow NDOT to maintain highway assets. The acquisition of new easements would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Tri-State Canal would continue to convey NRHP significance under Criterion A. The Tri-State Canal would not be affected by the project as proposed.

Interstate Canal (SX00-060): *no historic properties affected*

The Interstate Canal was built under the Reclamation Act of 1902 with the North Platte Project authorized in 1903 and constructed between 1905 and 1915. Localized irrigation was possible in 1908 through canal features that followed land contours for 95 miles to Lake Alice and Lake Minatare Reservoirs northeast of Scotts Bluff. Several dams are associated with The North Platte Project including the Pathfinder Dam in Wyoming, as well as canals and reservoirs. Work was completed on the North Platte Project in 1927. In 1926, the Bureau of Reclamation transferred the project to the Pathfinder Irrigation District. It irrigates more than 100,000 acres in Nebraska.

The Interstate Canal crosses the APE at the east end, entering from the north and crossing just east of Road 89 in Morrill County. This resource has been determined eligible for listing in the NRHP under Criterion A for a significant association with Agriculture/Subsistence as an irrigation facility. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

One single-barrel culvert would be extended to the north only at MM 7.43 (Station 963+52), see Enclosure 1, Figure 6. This improvement would continue the functionality of the system, and there would be no historic properties affected by project activity. A permanent easement is already in place, and NDOT would acquire additional permanent easement extending approximately 20 feet beyond the proposed LOCs. This would allow NDOT to maintain highway assets. The acquisition of the new easement would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. Similarly, no long term or cumulative effects are anticipated. Upon completion of this project, the Interstate Canal would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

The Minatare Canal & Irrigation Company: *no historic properties affected*

The Minatare Canal and Irrigation Company was formed by a group of local residents in 1887. This is widely considered the first canal in the upper valley of the North Platte River that diverted water for crop irrigation. Part of the original system has now been abandoned but in the 1970s the canal was approximately 9.7 miles long. It is used to irrigate approximately 9,000 acres near the town of Minatare.

The Minatare Canal enters the project area from the north just east of County Road 31 and crosses the northern boundary of the APE three times before terminating at the north side of US-26 between County Roads 31 and 32. The canal is recommended NRHP eligible under Criterion A for its significant association with Agriculture/Subsistence as an irrigation facility. This canal is among the oldest and smallest in the area. Setting, feeling, and association are the key drivers that convey NRHP significance of the canals. Other integrity factors shift over time with replacement technology and ditch locations.

The canal terminates near the project corridor (Enclosure 1, Figure 7) and as part of this project, the end point of the canal would be shifted north. There may also be a new pipe installed to extend to the

Minatare drain. All connectivity of the canal and its connection to the larger system would be maintained, therefore, there would be no historic properties affected by this activity. NDOT would likely acquire additional property rights to accommodate shifting the end point of the Minatare Canal slightly north. The property rights acquisition could be temporary easement, permanent easement, new ROW or a combination. The acquisition of the additional property rights would not affect those characteristics that make this canal a historic property. Visual, noise and vibratory related effects related to construction activities would be minimal and temporary in nature and would not affect those characteristics that make this property a good candidate for listing in the NRHP. No long term or cumulative effects are anticipated. Upon completion of this project, the Minatare Canal & Irrigation Company would continue to convey NRHP significance under Criterion A. This historic property would not be affected by the project as proposed.

Project Effects Determination

No historic archeological properties were identified within the area of potential effect (APE).

Five historic architectural/structural properties have been identified within the APE, Harry's Curve, the Sod House, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company. FHWA has determined that the North Offset Alignment Alternative (preferred alternative) would not affect those characteristics that make Harry's Curve Historic District, the Tri-State Canal, the Interstate Canal and the Minatare Canal & Irrigation Company good candidates for listing in the NRHP. These properties would not be affected the undertaking as proposed. FHWA has made an effects determination of *no historic properties affected* for these properties. *HP present but no effect*

FHWA has determined that the preferred alternative would affect the Sod House, but that the effect does not rise to the level of an adverse effect as defined at 36 CFR Part 800.5. There would be *no adverse effect* to the Sod House by the Project as proposed.

FHWA has made a project effects determination of *no adverse effect* and requests SHPO concurrence with this determination within 30 days of receipt of this letter.

If you have any questions regarding this information do not hesitate to contact me at your convenience.

Sincerely,

Luke Pitts
Environmental Protection Specialist
luke.pitts@dot.gov

CONCUR:

Betty Gillespie, Interim Deputy State Historic Preservation Officer

6/6/24
Date

ENCLOSURES

(can be found here: <https://negov.sharefile.com/d-sc295ee8b29204c1bbef85dedb74505dd>)

Appendix H

Section 6(f)





Created 6.12.24 SSorenson

Minatare, Nebraska

LWCF Encumbered Property

Project No: 31-00309



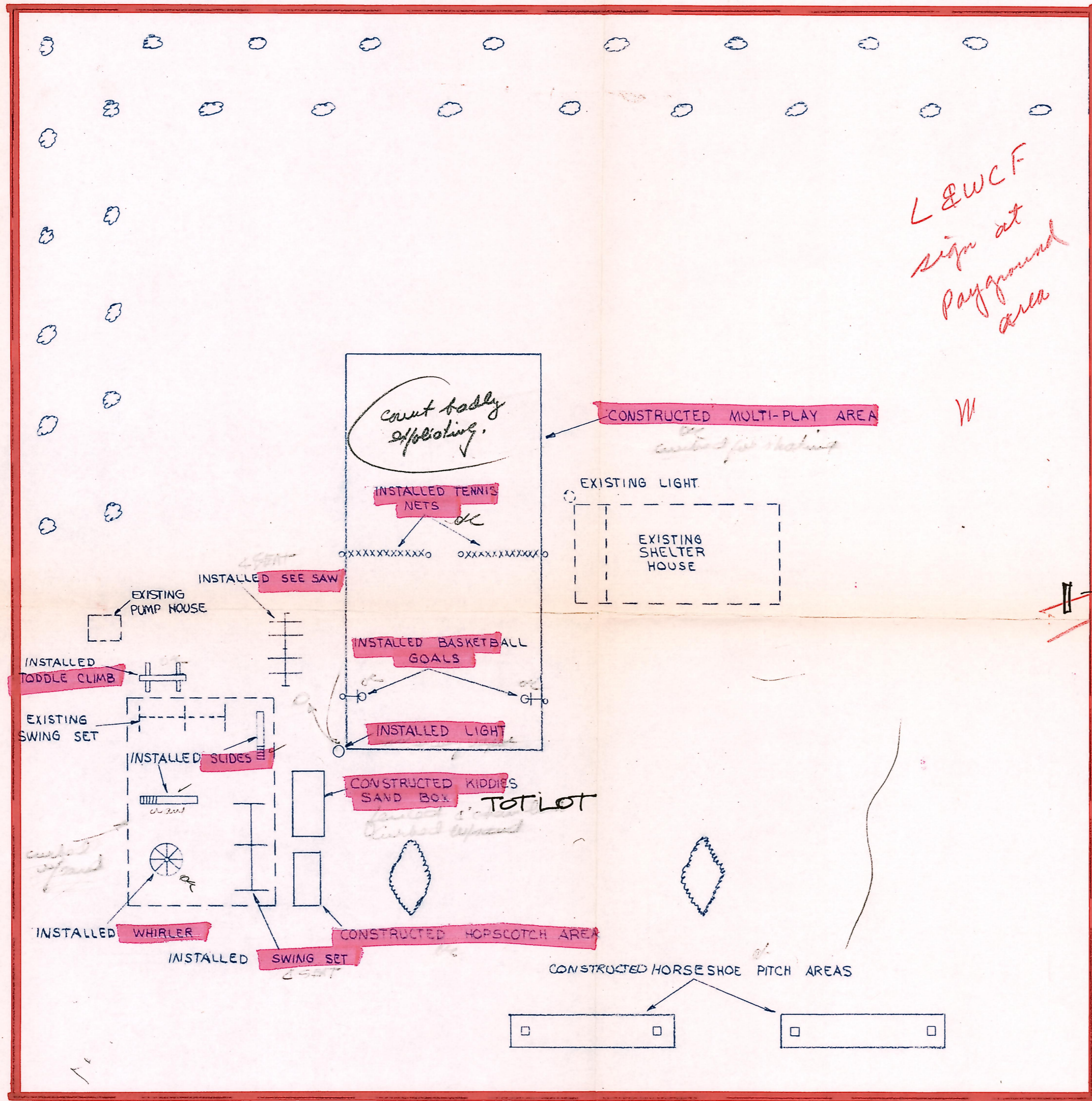
Boundary Lines



9th

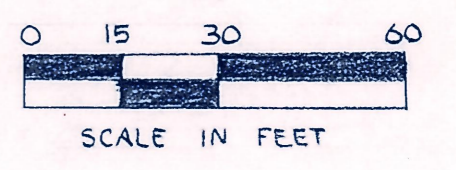
STREET

14



STREET

N



PROJECT LIMITS 10/10/78

MAIN

8th

STREET

MINATARE PARK COMMISSION
RECEIVED
DEC 2 1976
PLANNING & PROGRAMMING DIVISION

REVISIONS	
BY: _____	DATE: _____
BY: _____	DATE: _____
BY: _____	DATE: _____
BY: _____	DATE: _____

DATE <u>DEC. 1, 1976</u>	DRN. <u>M. H.</u>
JOB NO. <u>294-E-76</u>	CKD. <u>G. A.</u>
SCALE <u>1" = 30'</u>	APP. _____

M. C. SCHAFF & ASSOCIATES, INC
ENGINEERS PLANNERS LAND SURVEYORS
1516 21st AVE. SCOTTSBLUFF, NEBRASKA

PROJECT
MINATARE PARK
IMPROVEMENT PROJECT
AS-BUILT

CLIENT: VILLAGE OF MINATARE
LOCATION: MINATARE, NEBRASKA

SHEET NO.	1
SHEETS	1

Appendix I

Hazardous Materials Review



Project Name: Minatare - US-385

Project Number: NH-26-1(172)

Control Number: 51521



Hazardous Materials Review

Control Number: 51521

Project Name: Minatare - US-385

Project Number: NH-26-1(172)

Author: Aaron Bedea

Approved By: Aaron Bedea on 6/18/2024

The environmental review, consultation, and other actions required by applicable Federal environmental laws for this project are being, or have been, carried out by NDOT pursuant to 23 USC 326 and the First Renewed Memorandum of Understanding dated September 17, 2021, and executed by FHWA and NDOT.

Project Name: Minatare - US-385
Project Number: NH-26-1(172)
Control Number: 51521



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Project Name: Minatare - US-385
Project Number: NH-26-1(172)
Control Number: 51521



1.0 Introduction

A hazardous materials review was conducted in association with the NDOT for this construction project. The purpose of this review is to identify environmental concerns associated with hazardous materials which could potentially be encountered during the construction project.

Databases were searched to identify facilities with releases that have occurred within 0.10 miles of project excavation or soil/groundwater contamination that may have migrated to within 0.10 miles of project excavations. The recommended search radii found in the NDOT Hazardous Materials Review Guidance Manual was used to identify hazardous materials of concern. Facilities listed in environmental programs which are not related to hazardous materials, such as air permitting, livestock waste control and septic related onsite waste treatment, were not considered.

1.1 Project Improvements

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new intersections, improved intersections, access relocations (i.e. new frontage roads) and side road modifications.

1.2 Methodology

The methodology used to identify the presence of sites within the project footprint which have the potential to impact the project included use of the following resources:
The Nebraska Department of Environment and Energy (NDEE) Interactive Mapping System (IMS) webpage, used to locate facilities managed under NDEE programs. (NDEE IMS)

1.3 Impact Criteria

The magnitude of the project impact from an identified site depends on several factors, including the distance between a potential source of a hazardous material as defined in NDOT's Hazardous Material Review Guidance (2023) document and the project; regulatory status of the identified sites (e.g., active or inactive); known or suspected releases into soil, surface water or groundwater; the hydrogeologic relationship of the source of contamination to the project; and the depth and/or duration of construction. This HMR considers these factors as part of the evaluation of whether an identified site has the potential to impact the project. Identified sites were categorized as having either low, medium or a high potential to impact the project area. The following describes the categories:

Low Potential Site

Through investigation, it is determined that it is unlikely that contamination would be encountered during construction. There is a low potential that human populations or environmental concerns adjacent to project limits will be adversely impacted.

Project Name: Minatare - US-385
Project Number: NH-26-1(172)
Control Number: 51521



Medium Potential Site

During the investigation, it is determined that it is unclear whether contamination is located within the project footprint. A subsurface investigation or further coordination with regulatory agencies determines the likely hood that contamination would be located within the project footprint. On a case-by-case basis, a commitment to the contractor and NDOT project manager to look for signs of contamination in specific areas can be included in the HMR rather than proceeding with a subsurface investigation. Although potential contamination exists within the project limits, management of any encountered hazardous materials will be handled by the Contractor according to applicable Federal, State, and Local laws, policies, and regulations. Therefore, the NEPA specialist will ensure the risk is communicated to Civil Rights staff for incorporation into the Civil Rights analysis as well as considered in NEPA review.

High Potential Site

Through file review or subsurface investigation, it has been determined that it is likely that contamination would be encountered during construction. Although a high potential for contamination exists within the project limits, management of any encountered hazardous materials will be handled by the Contractor according to applicable Federal, State, and Local laws, policies, and regulations. Therefore, the NEPA specialist will ensure the risk is communicated to Civil Rights staff for incorporation into the Civil Rights analysis as well as considered in the NEPA review.

2.0 Environmental Setting

Work including grading, culvert replacement, and sewer excavations can range from less than 2ft to around 8ft bgs. Bridge pilings will be installed at a much deeper depth. Depth to groundwater ranges from 5ft to >50ft bgs across the project area. Regionally, groundwater flow would likely be north to south toward the nearby Platte River floodplain. United States Geological Survey (USGS) topographic maps and Nebraska Department of Natural Resources (NDNR) elevation data indicate that the project corridor decreases very slightly in elevation (perhaps 60 feet) from the sandhills at the eastern end of the project corridor toward Minatare.

Adjacent Land Use

Commercial

Agricultural

Residential

3.0 Results

The following sections summarize the review of regulatory databases, the visual reconnaissance, and (when applicable) NDEE file review. The evaluation of the project impacts from hazardous materials is based on several factors. The HMR resource reviews were used to identify and evaluate sites with potential concerns related to hazardous material that are located adjoining, or within the vicinity of the proposed project improvements.

3.1 Regulatory Database Search

Project Name: Minatare - US-385
 Project Number: NH-26-1(172)
 Control Number: 51521



The results of the database search are listed in Table 1 and include facilities that are listed in regulatory databases related to hazardous material and/or petroleum product release. These types of sites may include but are not limited to superfund, brownfield, leaking storage tank, release assessment, RCRA with violations, Tier II Chemical Reporting, and any property with past known releases or contaminant migration. These types of sites were reviewed and included in Section 3.4 if they are considered a site of concern within their designated 0.10- and 1-mile NDOT hazardous material study area.

Any site not adjacent to, and upgradient from the project with a Leaking underground Storage Tank (LST), a site with only a SARA Title 3 designation or Resource Conservation & Recovery Act (RCRA) without infraction, a site closed by the NDEE for further evaluation or remediation, or any sites whose appearance within the mapping system is not hazardous material in nature (i.e., On-site Water Treatment, Permit-for-Construction) will not be brought forward for discussion.

Table 1. Database and Search Radius

Facility name	Regulatory Database and Program	Distance Relative to Project
Minatare Plaza	IWM, LST, RA	Adjacent
300294 Highway 26		
Former Tony's Service Station		Adjacent
NE corner of the intersection at US-26 and L-62A, east side of RD 75		
JHC Cattle Company LLC	IWM	100ft
8175 L62A		
Darwin Adams Acreage	IWM	200ft
8527 L62A		
Winner Circle Feedyard	LST	500ft
320094 Granada Rd		

Not Applicable = Historic site that is not listed in any of the databases. ;ASB = Asbestos Abatement Remediation (ASB);BF = Brownfields (BF);CR = Continuous Release (CR);DOD = US Department of Defense (DOD);EA = Environmental Assistance (EA);GW = Ground Water (GW);HCP = Haul Collect and Process Tires (HCP);IWM = This is QA test and it should work;LL = Low Level Radioactive Waste (LL);LST = Leaking Underground Storage Tank (LST);ME = Mineral Exploration (ME);OA = Onsite Assistance CWA104(g)(1) (OA);PRR = Petroleum Release Remediation (PRR);RA = Release Assessment (RA);RAP = Remedial Action Plan Monitoring (RAP);RCR = Resource Conservation Recovery (RCR);SF = Superfund (SF);SW = Surface Water (SW);TBA = Targeted Brownfield Assessment (TBA);UIC = Underground Injection Control (UIC);

Project Name: Minatare - US-385
Project Number: NH-26-1(172)
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3.2 Visual Reconnaissance

A visual reconnaissance was conducted on 3/5/2024 in coordination with this project. The purpose of the visual reconnaissance was to assess the project area for potential hazardous materials concerns associated with current land use and observable site activities. The visual reconnaissance assessed the project area for obvious evidence of potential contamination sources, such as but not limited to, current hazardous materials storage or use; unusually stained soils, concrete slabs, or pavements; sumps, dumps, drums, tanks, and electrical transformers; stressed vegetation; and discarded containers.

Site Reconnaissance Observations:

A visual reconnaissance of the entire corridor was initially conducted on July 29, 2021 by Avery Dresser, a Project Scientist with Benesch. The purpose of the visual reconnaissance was to assess the project area for potential hazardous materials concerns associated with current land use and observable site activities. The visual reconnaissance assessed the project area for obvious evidence of potential contamination sources, such as current hazardous materials storage or use; ASTs and USTs, unusually stained soils, concrete slabs, or pavements; sumps, landfills or dumps, drums, tanks, and electrical transformers; stressed vegetation; and significant discarded containers.

Several current and historic cattle feedlots or CAFOs are located adjoining the project corridor. Two farmsteads with ASTs were also observed. The One Stop gasoline service station is located approximately ¼ mile east of Minatare. A natural gas pipeline intersects the project corridor.

There were no other sites of potential environmental concern identified along the project corridor. Site photos taken during the visual reconnaissance are located in the project file.

Significant utility work is anticipated but not yet designed for the US-26 widening project. No electrical substations are currently located along the project corridor. Individual properties often have pole-mounted electrical transformers with overhead electrical lines providing service. The Nebraska Public Power District (NPPD) provides electrical service to the project area and owns, operates, and maintains all of the electrical equipment on its system. If a spill occurs from any NPPD owned equipment, NPPD is fully responsible to see that the spill is cleaned up according to laws and regulations.

Prior to 1979, polychlorinated biphenyl (PCB) materials were used to manufacture electrical transformers. They have since been banned due to their environmental toxicity. The United States Environmental Protection Agency (EPA) defines "PCB equipment" as containing greater than 500 parts per million (ppm) PCBs; "PCB contaminated equipment" as containing 50 to 500 ppm PCBs; and "non-PCB equipment" as containing less than 50 ppm PCBs.

NDOT has identified Former Tony's Service Station as a location of concern. This site is discussed in the Facility Discussion.

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Project Number: NH-26-1(172)
Control Number: 51521



3.3 Historical Use Information

The objective of the historical review is to develop a history of the previous uses of the property and surrounding area in order to help identify the likelihood of past uses having led to recognized environmental conditions. To evaluate the past uses of the project corridor and identify any sites with potential to impact the project, historic aerial photographs for direct observation of site conditions may be reviewed. These observations may include the locations of tanks, drums, pits, ponds, lagoons, stained/stressed vegetation, or other site development features that can indicate potential contaminant sources. Any concerns or findings found during historical review will be addressed within Section 3.4 Regulatory File Review.

3.4 Regulatory File Review

Facility Name	Discussion
Minatare Plaza	<p>This facility is located adjacent to the N from project limits (41° 48'55.94"N, 103°29'33.71"W) and has active Leaking Storage Tank (LST) and Release Assessment (RA) designations, and an inactive Integrated Waste Management (IWM) designation. Petroleum contamination related to releases occurring at this service station is currently being monitored. Two groundwater wells have benzene sampled above Risk-based Screening Levels (RBSLs) near the project. While groundwater is impacted, remedial excavation removed a significant amount of source area contamination from the soil. Depth to groundwater is 5ft below ground surface (bgs) at this location and grading for the north alignment runs through the monitoring area. Due to the location of grading and depth to contaminated groundwater, this facility has a medium potential to impact human health or the environment. Medium potential contamination and monitoring well commitments will be required. Site figure located in the appendix.</p>
Former Tony's Service Station	<p>This is a former gasoline service station identified in the NDOT 2000 EA for the project corridor. It is located on the NE corner of the intersection at US-26 and L-62A, east side of RD 75 (41° 48'59.81"N, 103°19'22.60"W). In December 2022, Ground Penetrating Radar (GPR) discovered one underground storage tank (UST), as well as a possible second, that will have to be excavated before construction can be completed. It is unknown if contamination exists onsite. Due to the UST discovery and unknown existence of contamination, this property has a medium potential to impact human health or the environment. A medium potential contamination commitment will be required. Site figure located in the appendix.</p>

Project Name: Minatare - US-385
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JHC Cattle Company LLC

This facility is located over 100ft S from project limits (41° 48'56.78"N, 103°15'17.45"W) and has an inactive IWM designation. A 400-gallon fertilizer leak occurred that warranted an NDEE site inspection. A berm prevented the fertilizer from entering a nearby ditch; some stressed vegetation was noted in the immediate spill area. The NDEE closed this case with no further action anticipated. Due to scope of work and spill containment, this facility has a low potential to impact human health or the environment.

Darwin Adams Acreage

This acreage is located over 200ft N from project limits (41° 48'58.58"N, 103°14'9.22"W) and has an inactive IWM designation. There is no documentation available for a complaint listed against this property or any known persisting contamination. A satellite map shows sections of scrap and debris near the house, approximately 170ft N of the highway. Due to scope of work and lack of known hazardous material concerns, this property has a low potential to impact human health or the environment.

Winner Circle Feedyard

This facility is located over 500ft N from project limits (41° 48'53.50"N, 103°26'46.39"W) and has an inactive LST designation. Contamination was found during the removal of three fuel tanks. Over-excavation was performed; site was generally clean of most contamination afterwards, according to NDEE site report. No groundwater was found during excavation. Due to scope of work, distance from project, and report findings, this facility has a low potential to impact human health or the environment.

4.0 Findings and Mitigation Measures

The findings and recommendations of this hazardous materials review must be viewed in recognition of certain limiting conditions, as describes within the most recent NDOT Hazardous Material Review Guidance Manual. Results of this HMR are based on a visual reconnaissance of current conditions within the project area, a review of readily available standard historical sources, environmental agency database search, and/or regulatory records review.

4.1 Findings

Project Name: Minatare - US-385
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Two hazardous material sites were identified that could impact the project. Due to the findings of hazardous material impacts, there is a medium potential of encountering contamination during project excavations. It is recommended that no further investigation is necessary. A Medium Potential Commitment will be required. Any building structures to be demolished will require inspections for asbestos and there is the potential need for toxic metal/lead paint disposal. These commitments will also be required.

4.1.1 Asbestos

Due to the results of or the need for an asbestos survey, asbestos commitments are required.

4.1.2 Lead

Consistent with the project description/bridge determination, lead poses a potential to impact the project, therefore commitment language is necessary

4.2 Mitigation Measures

Unexpected Waste

If contaminated soils/groundwater or unexpected wastes are discovered, The Contractor shall stop all work within the immediate area. The Contractor shall secure the area of the discovery and notify the NDOT Highway Project Manager (HPM). The Contractor shall not re-enter the discovery area until notified by the HPM. At the time of discovery, the HPM and Contractor shall utilize the NDOT Unexpected Waste Action Plan (UWAP) to coordinate appropriate actions. The actions to be carried out by the HPM are (but not limited to): verification that the Contractor has suspended construction activities in the area of the discovery, contact the Environmental Section Manager and make an entry into Site Manager that an unexpected waste discovery was made. The HPM shall then utilize the UWAP Notification Form (NDOT Form 691) to properly document the extent and type of waste. The HPM will ensure that proper disposal of the waste and any required health and safety mitigation is implemented by the Contractor. The Contractor is required by NDOT's Standard Specification section 107.11 (Hazardous Material Discoveries) to handle and dispose of regulated material in accordance with applicable laws.

Contractor Commitment: If contaminated soils/groundwater or unexpected wastes are discovered, The Contractor shall stop all work within the immediate area. The Contractor shall limit access to authorized personnel within the area of the discovery and notify the NDOT Highway Project Manager (HPM). The Contractor shall not re-enter the discovery area until notified by the HPM. At the time of discovery, the HPM and Contractor shall utilize the NDOT Unexpected Waste Action Plan (UWAP) to coordinate appropriate actions. The Contractor is required by NDOT's Standard Specification section 107.11 (Hazardous Material Discoveries) to handle and dispose of regulated material in accordance with applicable laws.

Encountering Contamination

Project Name: Minatare - US-385

Project Number: NH-26-1(172)

Control Number: 51521



There is a medium potential for petroleum contamination to be present in the soils/groundwater at project Minatare-US 385 (CN 51521), as well as at least one confirmed UST that will require excavation. Two locations identified below will have a medium potential for contamination to impact the project:

- Minatare Plaza: North side of Hwy 26 from RP 33+30 to 33+40. Potential to encounter existing petroleum contamination in active monitoring area during grading.
- Former Tony's Service Station: NE corner of Hwy 26 and L62A intersection from L62A RP 0+15 to 0+20. Existence of at least one underground storage tank in the SW corner of this parcel was confirmed with ground penetrating radar. Potential for a second tank exists adjacent to the north of the first tank.

The Contractor shall be aware of the possibility of encountering contamination in this area during construction activities and look for signs such as odor and/or discolored soil. The NDOT Highway Project Manager shall be notified seven days prior to when construction is expected to begin in the suspect area. If contamination is discovered, all work in the immediate area shall be stopped until the Nebraska Department of Environment & Energy (NDEE) and NDOT are notified, and a materials management plan has been developed and approved. The Contractor shall manage the waste in accordance with Title 128 Nebraska Hazardous Waste Regulations and/or Title 132 Integrated Solid Waste Management Regulations. The Contractor is required by Standard Specification Section 107, Legal Relations and Responsibilities To The Public, to handle and dispose of contaminated material in accordance with applicable laws.

A licensed contractor will be required to remove the tank/s at the former Tony's Service Station location. The licensed contractor shall provide Closure Assessment Report (CAR) services, including excavation pit field samples, for submittal to the Nebraska State Fire Marshal. The CAR will be conducted in accordance with NDEE regulations detailed in Petroleum Underground Storage Tanks: Closure Assessment Sample Collection and Over-Excavation, Revised September 2022.

Remediation of hazardous materials at the Minatare Plaza located between reference post 33+30 and 33+40 on US-26, if any, will be paid for as extra work according to Subsection 104.02, paragraph 5 and Subsection 109.05 of the Standard Specifications. Removal of the tank(s) at the former Tony's Service Station located at reference post 0+18 on L-62A will be paid for as "Clear Tract" in accordance with the Special Provision titled "Clear Tract at Reference Post 0+18 on L-62A".

Monitoring/Remediation Wells

Project Name: Minatare - US-385

Project Number: NH-26-1(172)

Control Number: 51521



There are one or more monitoring wells and/or soil vapor extraction (SVE) wells at Minatare Plaza located on Hwy 26 between RP 33+30 to 33+40 at the Minatare Plaza facility. The monitoring/SVE wells will be located and marked by the Highway Project Manager (HPM)/State Representative in the field. Construction activities near the wells will be performed as to avoid damage to the wells. In the event that a monitoring/SVE well is damaged, the Contractor shall notify the HPM/State Representative immediately. The NDOT HPM/State Representative will coordinate with the NDOT Environmental Section for guidance regarding remediation of the damage. The Contractor shall remediate any damaged monitoring/SVE wells as directed by the Engineer. The HPM will upload documentation of the Contractor's remediation to OnBase (NDOT Dist. Environmental, description: monitoring well remediation).

Contractor Commitment: The Contractor shall avoid damaging any monitoring or SVE well as marked in plans or in the field. In the event that a monitoring well/SVE well is damaged, the Contractor shall stop work at that location and notify the Highway Project Manager immediately. The Contractor shall comply with the Engineer's direction concerning remediation of damaged monitoring/SVE wells and shall not continue construction activities in the vicinity of the damaged well until notified by the Engineer.

Asbestos

Project Name: Minatare - US-385
Project Number: NH-26-1(172)
Control Number: 51521



The Contractor shall survey any building structures acquired for demolition for the presence or absence of asbestos containing material (ACM). The inspector must be certified in accordance with the Nebraska Department of Health and Human Services (DHHS) Nebraska Asbestos Control Program Regulations, Title 178. A list of Licensed Asbestos Inspectors can be found at: <http://dhhs.ne.gov/Pages/Asbestos.aspx>. Documentation of the survey shall be provided to the NDOT Highway Project Manager by the Contractor prior to structure demolition. The Highway Project Manager will record survey documentation in OnBase.

If ACM is found to be present, removal and disposal of the ACM shall be in accordance with DHHS Nebraska Asbestos Control Program Regulations, Title 178 and will occur prior to any bridge demolition or renovation activities. The Contractor shall develop a removal and disposal plan in coordination with a licensed asbestos removal contractor and NDOT. A list of licensed asbestos removal contractors can be found at: <http://dhhs.ne.gov/Pages/Asbestos.aspx>

Contractor Commitment: The Contractor shall survey any building structures acquired for demolition for the presence or absence of asbestos containing material (ACM). The Contractor's inspector must be certified in accordance with the Nebraska Department of Health and Human Services (DHHS) Nebraska Asbestos Control Program Regulations, Title 178. If ACM is found to be present, the Contractor shall develop a removal and disposal plan in coordination with a licensed asbestos removal contractor.

Building Removal (Standard Specifications for Highway Construction 2017 Section 203.01; paragraph 4.)

a. It shall be the responsibility of the Contractor to determine if any of the buildings to be removed have materials containing asbestos. If it is determined that some or all of the buildings contain asbestos, the asbestos shall be removed prior to the building removal. All asbestos shall be removed in accordance with State of Nebraska Health and Human Services Department, Environmental Protection Agency, and the Nebraska Department of Environment and Energy regulations. A Contractor trained and certified in asbestos handling shall perform all asbestos removal and handling operations.

b. The work of determining if any of the buildings contain

asbestos shall be considered subsidiary to the item "Remove Building at _____."

c. The work of asbestos abatement will be paid for as "Extra

Work" as described in Subsection 104.04.

Project Name: Minatare - US-385

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Contractor Commitment: The Contractor shall submit a written National Emissions Standards for Hazardous Air Pollutants (NESHAP) notification to the Nebraska Department of Environment and Energy (NDEE) and a Department of Health and Human Services (DHHS) Form 5 at least 10 business days prior to demolition/renovation. The 10-day clock starts when the NESHAP and Form 5 notifications are post marked, hand delivered, or picked up by a commercial delivery service. Faxing documents is prohibited. The Contractor shall provide the NDOT Highway Project Manager copies of the notifications and their submittal date prior to demolition/renovation activities. The Highway Project Manager will upload NDEE NESHAP and DHHS Form 5 documentation to OnBase.

Toxic Metal-based Paint/Lead

There is potential for lead or toxic metal-based paint to be found on the structures to be demolished or repaired. Extreme caution shall be taken to minimize the amount of painted material or debris from causing or threatening to cause pollution of the air, land, and waters of the State. The Contractor shall create an implementation plan to dispose of paint waste in accordance with NDOT's Standard Specification for Highway Construction Section 732 (Lead-based Paint Removal) and Title 128 Nebraska Hazardous Waste Regulations. The Contractor's implementation plan shall be provided to the HPM and documented in OnBase.

5.0 References

Project Description

Project Name:	Minatare - US-385		
Project No.:	NH-26-1(172)		
Control No.:	51521		
Initial Draft:	Date: 6/10/2022	Written By: Angela Schmidt	

Updates/Reviews

Date	Update/Review By (name)	Items Updated	Plan Level (PIH, etc.)
7/11/22	Angela Schmidt	Project Name	Pre-PIH
9/8/22	Angela Schmidt	Beginning Mile Marker	Public Info Meeting
3/12/23	Angela Schmidt	MMs, project length and starting description, removed bridge repairs and added additional bridge-size box culverts.	Pre-PIH
9/28/23	Angela Schmidt	Updated bridge-size box culvert work.	Post-PIH

Project Description: This project is 18.47 miles in length and is located on Highways US-26 and L-62A in Scotts Bluff and Morrill Counties, starting 0.41 miles west of the west Minatare corporate limits at mile marker (MM) 32.63 and extending east to the junction of US-26 and L-62A at MM 41.92. The project continues east on L-62A from the junction with US-26 at MM 0+00 to the junction of US-385 and L-62A at MM 9.19.

Construction may begin and/or end approximately 1500 feet ahead of or beyond the actual project limits to accommodate transitioning the pavement.

The existing roadway on US-26 from MM 32.63 to MM 32.98 consists of a transition section from a 4-lane divided roadway with 12-foot-wide composite pavement lanes, a 14-foot flush median and 10-foot shoulders, of which 8 feet is paved with asphalt to a 3-lane roadway. The existing roadway from MM 32.98 to MM 33.45 consists of two 12-foot-wide composite pavement lanes and a 12-foot two-way center turn lane with shoulders varying from 6 feet with curb and gutter to 10 feet, of which 8 feet is paved with asphalt. The existing roadway on US-26 from MM 33.45 to MM 41.92 and on L-62A from MM 0+00 to MM 9.19 consists of two 12-foot-wide composite pavement lanes and 10-foot shoulders, of which 8 feet is paved with asphalt.

Project Description (*Continued*)

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on the north side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, new intersections, improved intersections, access relocations (i.e. new frontage roads) and side road modifications.

Grading will be required for the entire length of this project.

The bridge over Ninemile Creek (Structure Number S026 03470) will be used in place and a new bridge will be built with the new set of lanes. A grade raise of the entire structure is not anticipated. Work will be required in the waterway. Guardrail will be built with the new bridge.

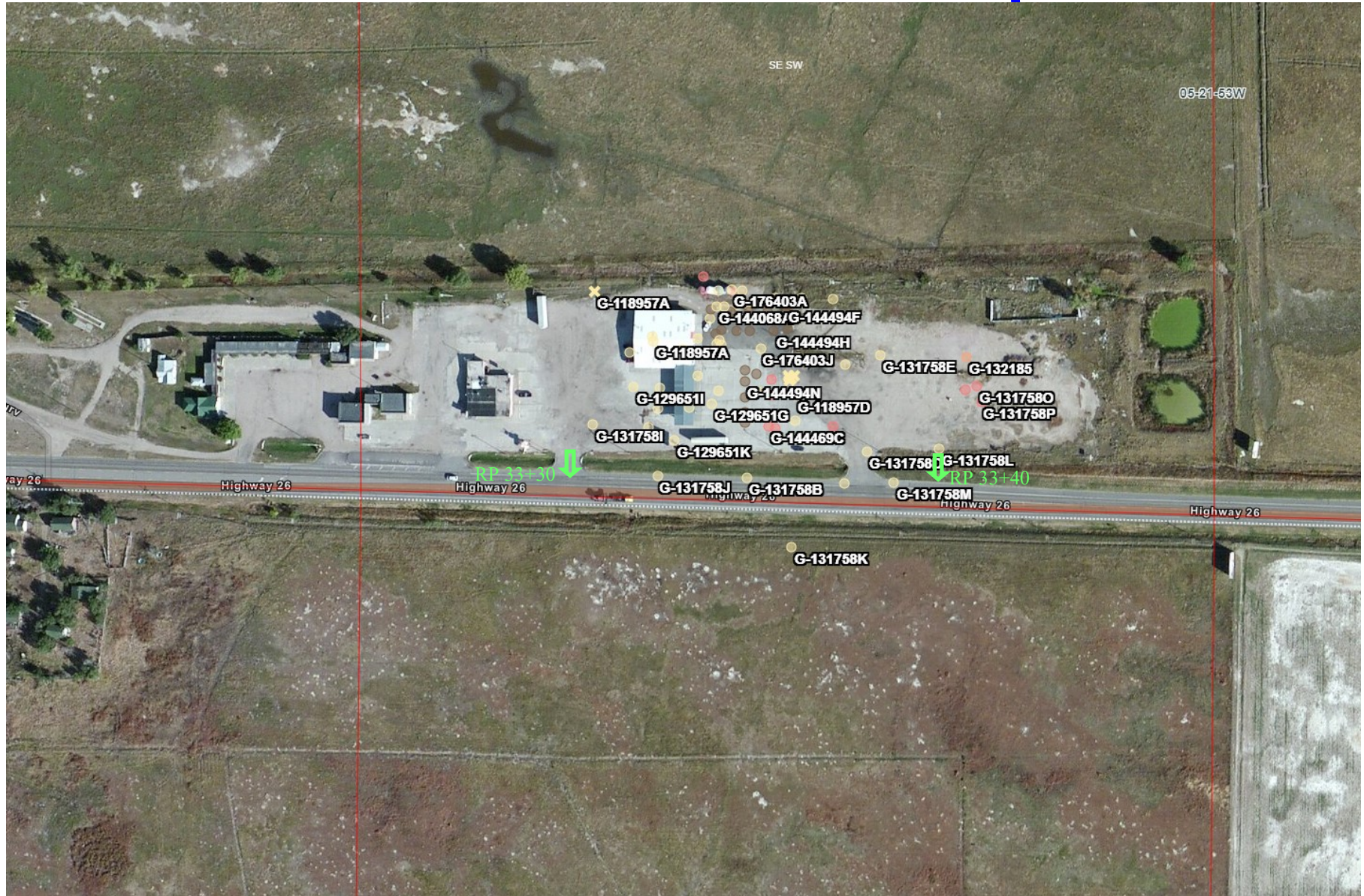
The following bridge-size box culverts will be extended: Structure Number S026 03505 (Minatare Drain - Canal), S026 03916 (Irrigation Conveyance), S026 04114 (Wildhorse Creek), SL62A 00116 (Wildhorse Canyon), SL62A 00537 (Tri-State Canal), SL62A 00582 (Tri-State Canal), and SL62A 00613 (Tri-State Canal). The following bridge-size box culverts will be replaced: SL62A 00152 (Irrigation Conveyance), SL62A 00463 (West Water Creek), SL62A 00595 (Red Willow Creek) and SL62A 00648 (Irrigation Conveyance).

This project will be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices.

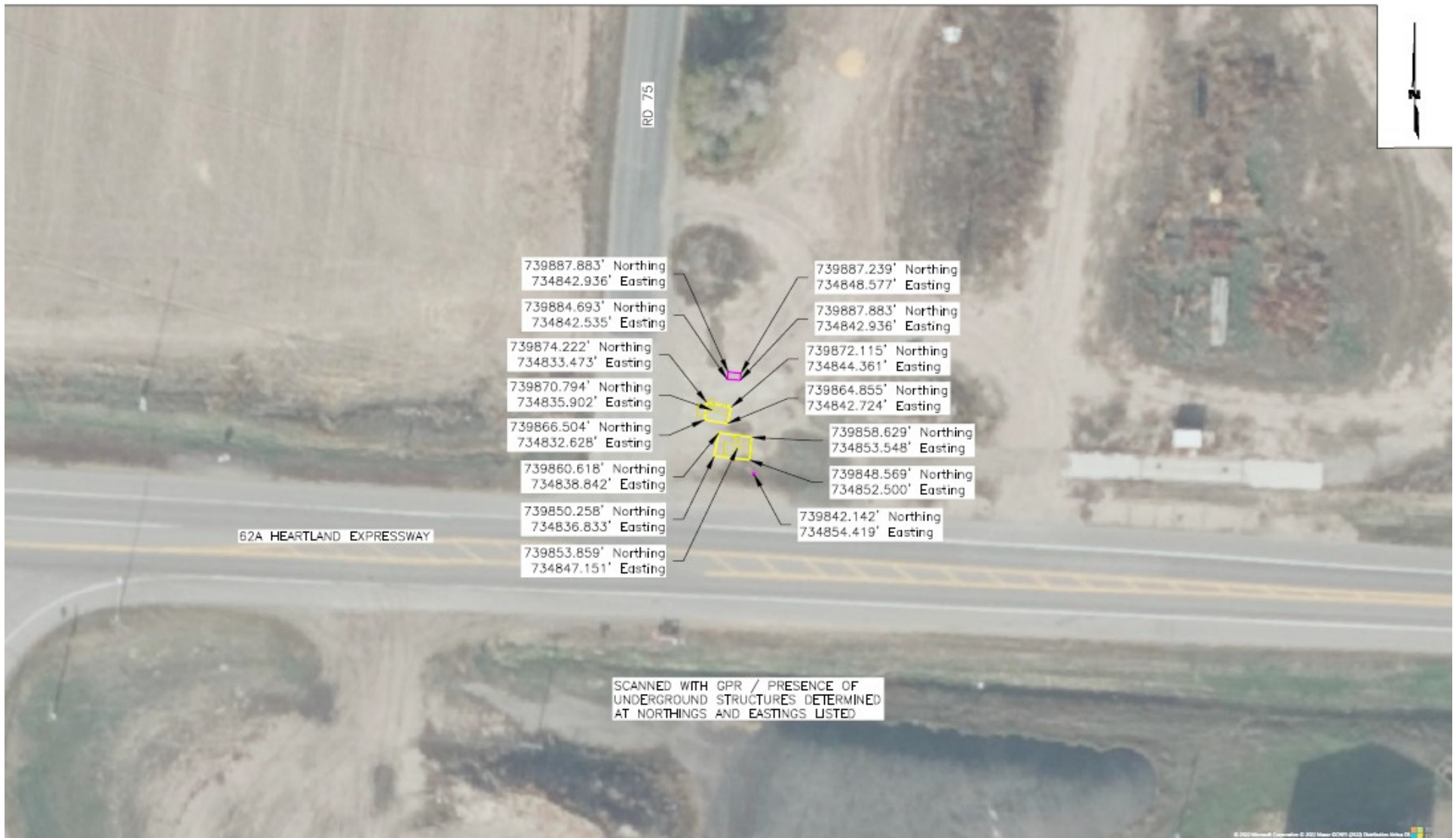
Additional property rights will be required to build this project.

Access to adjacent properties will be maintained during construction but may be limited at times due to phasing requirements.

Hazardous Materials Site Map

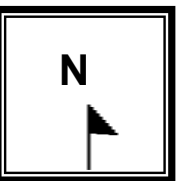


Hazardous Materials Site Map



Former Tony's Station:
NE corner L62A & RD 75
Intersection

Tank Locations
 Unknown Structure/Remnants of Fueling System



Appendix J

Air Quality



Mobile Source Air Toxics Level Determination

This memo is to justify the Qualitative Project-Level MSAT Analysis for CN: (51521) Minatare-US 385.

The improvements on this project consist of widening US-26 and L-62A from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median using the strategy of constructing new lanes on either side of the US-26/L-62A corridor and milling and resurfacing the exiting lanes which will remain in place. Improvements include new paving, milling and resurfacing, culvert and storm sewer work, new guardrail, removing and replacing guardrail, a new bridge, bridge repairs, new intersections, improved intersections, access relocations (i.e., new frontage roads) and side road modifications.

The FHWA developed a tiered approach with three categories for analyzing MSAT in NEPA documents, depending on specific project circumstances:

- MSAT I-No analysis for projects with no potential for meaningful MSAT effects.
- MSAT II-Qualitative analysis for projects with low potential MSAT effects.
- MSAT III-Quantitative analysis to differentiate alternatives for projects with higher potential MSAT effects.

The criteria for justification of a MSAT II Qualitative Memo are found below.

For each alternative in this EA, the amount of mobile source air toxics (MSAT) emitted would be proportional to the vehicle miles traveled (VMT), assuming that other variables such as fleet mix are the same for each alternative. The VMT estimated for each of the Build Alternatives is slightly higher than that for the No Build Alternative because the additional capacity increases the efficiency of the roadway and attracts rerouted trips from elsewhere in the transportation network. This increase in VMT would lead to higher MSAT emissions for the preferred action alternative along the highway corridor, along with a corresponding decrease in MSAT emissions along the parallel routes. The emissions increase is offset somewhat by lower MSAT emission rates due to increased speeds; according to the Environmental Protection Agency's (EPA) MOVES2014 model, emissions of all priority MSAT decrease as speed increases. Because the estimated VMT under each of the Alternatives are nearly the same, it is expected there would be no appreciable difference in overall MSAT emissions among the various alternatives. The annual average daily traffic (AADT) for this project through 2045 is no more than 4665 in any given year; well below the threshold of 140,000-150,000 AADT that would require a MSAT III memo.

Also, regardless of the alternative chosen, emissions will likely be lower than present levels in the design year as a result of EPA's national control programs that are projected to reduce annual MSAT emissions by over 90 percent between 2010 and 2050 (Updated Interim Guidance on Mobile Source Air Toxic Analysis in NEPA Documents, Federal Highway Administration, October 12, 2016). Local conditions may differ from these national projections in terms of fleet mix and turnover, VMT growth rates, and local control measures. However, the magnitude of

the EPA-projected reductions is so great (even after accounting for VMT growth) that MSAT emissions in the study area are likely to be lower in the future in nearly all cases.

Bedea,
Aaron

Digitally signed
by Bedea, Aaron
Date: 2023.01.20
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Hazmat, Noise and Air PQS

Nebraska Department of Transportation

Appendix K

Noise



Noise Analysis Report

Minatare to US-385

Minatare, Nebraska
NDOT Control Number: 51521
NDOT Project Number: NH-26-1(172)
Report Date: June 2024



Prepared By:
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1.0 Introduction

The Nebraska Department of Transportation (NDOT), in cooperation with the US Department of Transportation (USDOT) Federal Highway Administration (FHWA), is proposing to widen United States Highway 26 (US-26) and Nebraska Link 62A (L-62A) from an existing 2-lane roadway to a 4-lane divided roadway with a depressed median. The project is 18.47 miles in length and begins in Scottsbluff County just west of the Minatare corporate limits, and extends east to the junction of L-62A and United States Highway 385 (US-385) in Morrill County. The new lanes are anticipated to be constructed on the north side of the US-26/L-62A corridor and the existing lanes would remain in place. The project location and configuration is shown in **Appendix A**.

Alfred Benesch & Company (Benesch) was contracted by the NDOT to prepare an Environmental Assessment (EA) for the proposed project, including this traffic noise analysis. The purpose of this noise analysis is to evaluate the sound level impacts to adjacent properties resulting from the proposed widening of the US-26 and L-62A corridor. NDOT's document, Traffic Noise Analysis Guidance Manual and Abatement Policy, April, 2024, was used as the criteria for determination of noise impacts on this roadway construction project.

2.0 Methodology

This noise study was prepared in accordance with the NDOT Traffic Noise Analysis Guidance Manual and Abatement Policy, April, 2024, and FHWA technical guidance. This guidance describes NDOT's implementation of the requirements of the FHWA Noise Standards at 23 Code of Federal Regulations (CFR) Part 772. This guidance was developed by NDOT and approved by FHWA.

This noise study includes three scenarios –the Existing (2021) condition and the design year (2045) No Build and Build Alternative. **Figure 1** shows the 2045 Build Alternative overlaid on an aerial that depicts the existing condition.

2.1 Nature of Noise

Noise can be described as unwanted or excessive sound. Sound is the sensation produced in the hearing organs when waves are created in the surrounding air by the vibration of some material body. The impact that sound waves have on the hearing organs is dependent on the pressure generated by the wave. The unit of measure of sound pressure level in common use is the decibel (dB), which can be simply defined as a logarithmic function of the actual sound pressure. The logarithmic function is used because the range of sound pressures is too great to be accommodated on a linear scale. The reference for sound pressure measurements is 0 dB which corresponds to 0.0002 microbars. This represents the weakest sound that can be heard by a person with very good hearing in an extremely quiet place. A sound level of 100 decibels corresponds to a pressure of 20 microbars, or 100,000 times the pressure that corresponds with 0 decibels. The range of sound pressure levels most frequently encountered in evaluating traffic-generated noise on highways is 50 to 95 dB.

2.2 Measurement of Sound

The sound-level meter is the basic instrument of noise measurement. The American Standard (ANSI S1.4- 1971) specifies that sound level meters have the capability of measuring three alternate frequency response characteristics designated as A, B, and C. The different frequency responses are used to account for different responses to sound pressure levels. C-weighting is essentially linear. B-weighting reflects the ear's response to sounds of moderate pressure level. A-weighting reflects the ear's response to sounds of lower pressure level; therefore, A-weighting is the most widely used for assessing transportation-related noise. FHWA has specified that noise be predicted and evaluated in decibels weighted with the A-level frequency response, using the unit of measure referred to as dBA. Measurements in dBA incorporate the ear's reduced sensitivity to both low-frequency and very-high frequency noises, thereby correlating well with our subjective impression of loudness. **Table 1** displays noise levels (in dBA) common to our everyday activities.

Table 1. Common Noise Levels

Common Noise Levels	Noise Level (dBA)
Rock Band at 16 ft	110
Jet Flyover at 985 ft	105
Gas Lawn Mower at 3ft	95
Diesel Truck at 50 ft	85
Diesel Truck at 110 ft	80
Gas Lawn Mower at 100 ft	70
Normal Speech at 3 ft	65
Birds Chirping	50
Leaves Rustling	40
Very Quiet Soft Whisper	30
Threshold of Hearing	0

Courtesy FHWA's Public Roads Magazine, July/August 2003

2.3 23 CFR Part 772 Standards

FHWA's regulations for mitigation of highway traffic noise in the planning and design of federally-aided highways are contained in Title 23, Part 722 of the US Code of Federal Regulations (23 CFR 772), which was published on July 13, 2010, and amended on January 18, 2024. The regulations require the following during the planning and design of highway projects:

1. Identification of traffic noise impacts
2. Examination of potential mitigation measures
3. Incorporation of reasonable and feasible noise mitigation measures into the highway project
4. Coordination with local officials to provide helpful information on compatible land-use planning and control.

The regulations also contain noise abatement criteria (NAC), which represent the upper limit of acceptable highway traffic noise for different types of land uses and human activities. The regulations do not require meeting the abatement criteria in every instance. Rather, they require highway agencies to make every reasonable and feasible effort to provide noise mitigation when the

criteria are approached or exceeded. Compliance with the noise regulations is a prerequisite for the granting of Federal-aid highway funds for construction or reconstruction of a highway. This noise analysis addresses the first three requirements; the fourth requirement is handled through regional and local planning processes.

2.4 Noise Abatement Criteria

The FHWA Noise Abatement Criteria (NAC) contained in 23 CFR 772 establish criteria for traffic noise impact assessment with respect to various land uses. A traffic noise impact is defined as a future noise level that approaches or exceeds the FHWA NAC or a future noise level that creates a substantial noise increase over existing noise levels. An approaching noise level is defined by NDOT as being 1 dBA less than the noise level listed as the FHWA NAC for Activity Categories A through E in **Table 2**. The FHWA allows states to define a substantial noise increase as an increase of anywhere between 5 and 15 dBA. NDOT uses a 15 dBA increase between the existing and modeled design year sound levels to identify substantial increase impact.

The NAC contained in 23 CFR 772 are based on the one-hour equivalent level (Leq) noise descriptor. Leq(h) is the equivalent steady state sound level, which during the hour under consideration contains the same acoustic energy as the time-varying traffic sound level during that same hour, and is measured in dBA.

The NAC varies depending on the Activity Category assigned to receptors under consideration, which are based on land use. **Table 2** contains the various Activity Categories and the upper limits of desirable hourly Leq(h) noise levels for each category. Noise levels that approach or exceed the NAC would not be desirable, and would be referred to as a noise impact.

Table 2 FHWA Noise Abatement Criteria

Activity Category	Hourly Noise Levels Leq(h) dBA	Description of Activity Category
A	57 (Exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose
B	67 (Exterior)	Residential
C	67 (Exterior)	Active sport areas, amphitheatres, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings
D	52 (Interior)	Auditoriums, day care centers, hospitals, libraries, medical facilities, places of worship, public meeting rooms, public or nonprofit institutional structures,

		radio studios, recording studios, schools, and television studios
E	72 (Exterior)	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A-D or F
F	-	Agriculture, airports, bus yards, emergency services, industrial, logging, maintenance facilities, manufacturing, mining, rail yards, retail facilities, shipyards, utilities (water resources, water treatment, electrical), and warehousing
G	-	Undeveloped lands

2.5 Noise Prediction Method

Traffic noise levels shown in this study resemble “peak hour” noise levels and are predicted in hourly Leq(h) dBA. The traffic volume used for this hour time period is usually the Design Hourly Volume (DHV) traffic. However, if the DHV is not that predictable, a peak hour volume that occurs on a regular basis during the design year might be used. The Leq(h) descriptor is reliable for low-volume as well as high-volume roadways, is simpler in most instances for highway designers to work with, and is more flexible in terms of permitting noise levels from different sources to be included in the analysis of the total ambient noise.

The "FHWA Highway Traffic Noise Prediction Model" is the method used in this report to predict Leq(h) dBA noise levels, developed and approved for use by FHWA. The procedures included in the FHWA Model permit an analysis of variations in traffic noises in terms of traffic parameters, roadway, and observer characteristics. These parameters are then identified for a particular traffic situation and transformed into noise level estimates through the use of this prediction method, which has been set up on a computer, using the FHWA Traffic Noise Model (TNM), Version 3.2.

In analyzing the traffic noise, emphasis was given to the two main noise criteria of a traffic noise impact, as set forth in 23 CFR 772. A comparison was made between the predicted traffic noise levels and the NAC levels to determine if traffic noise impacts exist due to the noise levels approaching or exceeding the NAC. Also, a comparison was made between existing noise levels and future predicted traffic noise levels to determine the level of noise impact that would be expected to occur.

As stated in the noise policy, NDOT generally considers that an impact occurs and abatement measures will be considered for receptors if:

1. The predicted design year noise levels approach or exceed the FHWA NAC. NDOT has established that a noise level of 1 dBA less than the NAC constitutes “approaching” the NAC.
2. Predicted future noise levels are 15 dBA or more above existing levels. For purposes of interpreting the FHWA noise standards, this would be considered a “substantial increase” over existing levels.

Available project design plans, topographic, and aerial photography data were used to create a three-dimensional model of the existing and future design roadway configurations and the surrounding terrain. Traffic data was provided by NDOT and was applied to the existing and future roadway configurations. Receiver locations were identified from aerial photography and from driving the corridor.

3.0 Noise Model Inputs

3.1 Traffic Data

The 2021 and 2045 design hour volumes were provided by NDOT and are displayed below. TNM requires the traffic volumes to be split into five vehicle types, however, buses and motorcycles were not included in this study. Heavy truck percentages (HT%) were provided by NDOT throughout the corridor. Since detailed medium and heavy truck splits were not available, the national average was applied to the model (i.e., 72 percent heavy trucks / 28 percent medium trucks). Vehicle speeds were based on the roadway’s posted speed limits.

US-26- Minatare to L-62A Junction			
Year	ADT	DHV	%HT
2021	4105	455	11
2025	4195	465	11
2035	4425	490	11
2045	4650	515	11

L-62A to US-385 Junction			
Year	ADT	DHV	%HT
2021	2890	315	16
2025	3060	333	16
2035	3485	385	17
2045	3910	430	17

US 26 North of Bayard			
Year	ADT	DHV	%HT
2021	1705	185	10
2025	1705	185	10
2035	1705	185	10
2045	1705	185	10

3.2 Land Uses

In general, with the exception of Minatare, the land uses throughout the corridor consist of rural agricultural land, with farmsteads scattered throughout the landscape. In the Minatare portion of the study area the majority of receptors identified consisted of Activity Category B (outdoor areas of residential homes), with a few Activity Category E (outdoor areas of non-residential areas that are less susceptible to noise, e.g., offices and restaurants). One Activity Category C (outdoor areas of

non-residential uses, e.g., daycare centers, hospitals, medical facilities, parks, churches) was identified within the corporate limits of Minatare.

East of Minatare, outside the corporate limits, receptors identified included residential houses in Activity Category B and one receptor as Category E for a hotel/hunting lodge. All other areas throughout this corridor fall into Activity Category F (Agricultural). Additionally, lands classified as Activity Category G (undeveloped) are zoned for agricultural purposes and therefore also fall under Category F. It should be noted that Activity Category F and G have no NAC thresholds.

There have not been any Activity Category A land uses (i.e., highly-sensitive areas where quiet and serenity are of extraordinary significance) designated for this project.

Activity Category D (interior areas of Activity Category C facilities) is only used in cases where exterior noise abatement measures are determined to be not feasible and reasonable. No receptors along the project corridor were found to warrant the use of Activity Category D.

3.3 Study Area

According to the NDOT Noise Policy, this project meets the definition of a Type I project because it includes the “physical alteration of an existing highway where there is ... substantial horizontal or vertical alteration.” Therefore, the limits of investigation for this study begin and end at the limits of construction of the proposed improvements. The minimum distance to look for receptors is 300 feet from the edge of pavement (600 feet for Activity Category C), and if an impact is identified at 300 feet, the next closest receptors need to be analyzed until a distance where impacts no longer occur. Therefore, receptors were placed at each “front-row” residence, business, or other noise-sensitive receptor along the entire project corridor, and also at several locations farther back from the road to identify possible “second-row” impacts. If impacts were identified at these locations, additional receptors were added until no further impacts were identified.

3.4 Receptors

Seventy-four (74) receptors were identified for this project, and placed within TNM to represent these receivers. Sixty (60) are single-family residential receivers, and eight are single-family residential receivers placed at 300 feet to look for an impact. Four receivers were identified to represent businesses along the corridor and one receiver each was placed to represent a church and an agricultural shed.

There are Section 4(f) properties located within the study area for the noise analysis. These Section 4(f) properties were not identified for parks and recreational attributes but were identified through the Section 106 process. The following are Eligible or listed properties and are considered in this noise analysis:

- Harry’s Curve (Cat E Shop - 23)
- Sod House (Cat B Res - 65)

Approximately fourteen modeled receptors are anticipated to be relocated with the build scenario for this project. Receptors that are anticipated to be relocated have been identified in **Table 7** below.

In accordance with NDOT and FHWA guidelines, the receptors were situated in areas of frequent human use for all Activity Categories. For residential homes (Activity Category B), this was typically in the front or back yard (e.g., balconies, decks, patios, playgrounds, swimming pools, and picnic areas) closest to the noise source.

For commercial establishments (Activity Categories C and E), this is typically at the edge of the building near an entrance or other area of frequent human use, such as an outdoor seating area, playground, or other gathering area. The receptor ID's were named based on the order of placement and activity category. Generally, as the receptor number increases, the placement trends to the east. **Figure 1-10** displays the receptor locations.

4.0 Noise Analysis Results

4.1 Existing Noise Levels

4.1.1 Modeled 2021 Noise Levels

Existing noise levels were modeled in TNM using the existing roadway configuration. NDOT provided 2021 traffic volumes and HT% for US-26 and L-62A. The national average was applied to the heavy truck volumes to determine medium and heavy truck splits. The noise levels for residents and businesses ranged from 46.7 to 62.7 dBA. The results of the noise analysis are shown in **Table 7**. Based on the model, there are no receptors that approach or exceed the noise criteria.

4.1.2 Measured Noise Levels (2024 Field Measurements)

In addition to modeling the existing noise levels, measurements were taken to validate predicted noise levels from TNM. Noise meter readings were taken on April 2, 2024, at three locations along the project corridor:

- Noise Validation (NV)
 - NV1-30 - North terminus of A Avenue in Minatare. (Figure 1)
 - NV2-58 - Southeast corner of the intersection of US-26 and L-62A (Figure 7)
 - NV3-64 - Southwest corner of the intersection of County Road 79 and L-62A (Figure 8)

Three, 15-minute noise measurements were conducted at each location with a Lutron Model SL-4033SD Class 1 noise meter. The sound meter complies with IEC 61672 requirements for precision sound level measurement and is comparable to ANSI S1.4. Concurrently with the noise measurements, three, 15-minute traffic counts for each intersection were conducted. The resulting traffic volumes from the three measurements were averaged to estimate the volume for a fourth 15-minute period. These volumes were then added together to represent the one-hour traffic volumes. The results are shown in **Tables 4-6** below.

The purpose of these noise level measurements was to verify the accuracy of the TNM and ensure the noise model closely reproduced the sound environment. The location of the measurement, existing roadway geometry, vehicle counts, and estimated speeds were obtained and input into the noise model. The predicted noise levels for NV1 were within 3 dB(A) of the field-measured noise levels, which validates the noise model. However, NV2 and NV3 located along L-62A produced

field-measured noise volumes much lower than the results of the TNM Model. The following are considerations on why these measurements may not have aligned with the model:

- Due to the rural nature of this project, the ambient noise levels with no traffic present, would fall below 40 dB(A), thus bringing down the average during sampling.
- Although traffic was recorded during the sampling events, instances of "convoying" traffic caused temporary spikes in noise levels. While impactful in the moment, these spikes did not sustain higher readings over time, leading to a lower 1-hour Leq average. In contrast, the TNM likely distributes traffic more evenly over the hour, resulting in a higher 1-hour Leq average prediction.

Despite the disparity between field measurements and modeled estimates for NV2 and NV3, it has been decided not to adjust or calibrate the model. This decision is based on the observation that, for this project, the model provides a more conservatively high estimate of noise levels along the project alignment.

Table 3 Field Measurements

Location	2024 Field Reading (dBA)	TNM Value (dBA)	Difference (dBA)
NV1 -30	57.5	56.8	-0.7
NV2 -58	53.2	60.0	6.8
NV3 -64	52.8	59.4	6.6

Table 4 Representative One-Hour Traffic Count (NV1)

Direction	US-26 FROM EAST			US-26 FROM WEST			
	Traffic Movement	R	T	L	R	T	L
Autos		0	252	0	0	130	0
Medium Trucks		0	1	0	0	7	0
Heavy Trucks		0	8	0	0	19	0

*R- Right Turn; T-Through; L-Left Turn

Table 5 Representative One- Hour Traffic Count (NV2)

Direction	L-62A FROM EAST			US-26 FROM SOUTH			US-26 FROM WEST		
	Traffic Movement	R	T	L	R	T	L	R	T
Autos	0	80	8	7	0	21	29	79	0
Medium Trucks	0	0	0	0	0	0	0	1	0
Heavy Trucks	0	12	0	3	0	3	4	20	0

*R- Right Turn; T-Through; L-Left Turn

Table 6 Representative One- Hour Traffic Count (NV3)

Direction	L-62A FROM EAST			L-62A FROM WEST		
	Traffic Movement	R	T	L	R	T
Autos	0	85	0	0	79	0
Medium Trucks	0	3	0	0	0	0
Heavy Trucks	0	17	0	0	9	0

*R- Right Turn; T-Through; L-Left Turn

4.2 Future Noise Levels

The following **Table 7** lists the modeled receptors, along with the following details:

- Receptor ID
- Land use activity category
- Computed noise levels in hourly Leq(h) dBA for the existing system (2021 traffic)
- TNM levels in hourly Leq(h) dBA for future design year 2045 (no-build alternative)
- TNM levels in hourly Leq(h) dBA for future design year 2045 (build alternative)
- Impact level (1 dBA less than the FHWA Noise Abatement Criteria)
- Receptors that are impacted in the 2045 traffic conditions (build alternative)
- Residences proposed to be relocated and removed with the build alternative

The *red, italicized* receptors are the locations where the noise level is above the NAC. As stated in Section 2.5, a receptor is impacted if the predicted noise level is within 1 dBA of the NAC (e.g., 66 dBA for Activity Categories B and C, and 71 dBA for Activity Category E) or if the build noise levels increase 15 dBA or more over the existing noise levels. Six (6) receptors are anticipated to have noise impacts resulting from the build alternative, however, the residential structures represented by these receptors are all planned for relocation or removal as part of the planned construction activities within the build alternative. Therefore, no impacts were identified. None of the noise impacts identified in this report are considered to be a “substantial increase” (i.e., ≥ 15dBA) over the existing noise levels.

Table 7 Noise Levels at Receptors

Receptor ID	Activity Category	2021 Existing (dBA)	2045 No-Build (dBA)	2045 Build (dBA)	Impact Level (dBA)	2045 Build Impacted	Proposed Relocation
Cat B Res-1	B	57.3	58.0	57.9	66.0	No	No
Cat B Res-2	B	57.0	57.6	57.6	66.0	No	No
Cat B Res-3	B	54.7	55.3	55.3	66.0	No	No
Cat B Res-4	B	49.3	49.9	50	66.0	No	No
Cat B Res-5	B	51.1	51.7	51.7	66.0	No	No
Cat B Res-6	B	54.4	55.1	55.2	66.0	No	No
Cat B Res-7	B	52.7	53.4	53.5	66.0	No	No
Cat B Res-8	B	48.4	49.0	49.2	66.0	No	No
Cat B Res-9	B	54.2	54.9	55.1	66.0	No	No
Cat B Res-10	B	52.8	53.5	53.7	66.0	No	No
Cat B Res-11	B	52.2	52.8	53.4	66.0	No	No
Cat B Res-12	B	50.4	51.0	51.6	66	No	No
Cat B Res-13	B	52.4	53.1	53.7	66.0	No	No
Cat B Res-14	B	50.5	51.1	51.8	66.0	No	No
Cat B Res-15	B	48.9	49.5	50.1	66.0	No	No
Cat E Shop-16	E	51.6	52.2	53.0	71.0	No	No
Cat C Church-17	C	48.0	48.7	49.5	66.0	No	No
Cat B Res-18	B	49.6	50.3	51.2	66.0	No	No
Cat B Res-19	B	53.5	54.1	55.0	66.0	No	No
Cat B Res-20	B	49.1	49.8	50.7	66.0	No	No
Cat B Res-21	B	49.2	49.8	51.1	66.0	No	No
Cat E Shop-22	E	46.7	47.4	48.6	71.0	No	No
Cat E Shop-23	E	52.3	53.0	53.1	71.0	No	No
Cat B Res-24	B	47.5	48.1	49.4	66.0	No	No
Cat B Res-25	B	56.6	57.2	58.0	66.0	No	No
Cat B Res-26	B	50.7	51.3	52.4	66.0	No	No
Cat B Res-27	B	47.7	48.3	49.5	66.0	No	No
Cat B Res 300 Feet-28	B	49.3	49.9	51.4	66.0	No	No
Cat B Res-29	B	49.7	50.3	52.0	66.0	No	No
Cat B Res-31	B	61.2	61.8	60.0	66.0	No	No
Cat B Res-32	B	58.7	59.3	57.8	66.0	No	No
Cat B Res-33	B	55.7	56.3	55.1	66.0	No	No
Cat B Res-34	B	47.6	48.3	50.0	66.0	No	No
Cat E Hotel -35	E	54.8	55.4	53.9	71.0	No	No
Cat B Res-36	B	61.4	62.0	60.0	66.0	No	No
Cat B Res-37	B	58.9	59.5	57.9	66.0	No	No
Cat B Res-38	B	60.9	61.5	59.7	66.0	No	No
Cat B Res-39	B	56.4	57.0	60.1	66.0	No	Yes
Cat B Res-40	B	57.5	58.1	56.7	66.0	No	No
Cat B Res 300 Feet-41	B	50.5	51.2	51.1	66.0	No	No
Cat B Res -42	B	47.9	48.6	50.1	66.0	No	No
Cat B Res -43	B	55.3	56.0	58.6	66.0	No	Yes
<i>Cat B Res -43A</i>	<i>B</i>	<i>59.9</i>	<i>60.6</i>	<i>70.1</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>

Receptor ID	Activity Category	2021 Existing (dBA)	2045 No-Build (dBA)	2045 Build (dBA)	Impact Level (dBA)	2045 Build Impacted	Proposed Relocation
Cat B Res -44	B	56.5	57.2	60.5	66.0	No	Yes
<i>Cat B Res -45</i>	<i>B</i>	<i>59.9</i>	<i>60.5</i>	<i>70.4</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
<i>Cat B Res -46</i>	<i>B</i>	<i>62.7</i>	<i>63.3</i>	<i>72.7</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
Cat B Res 300 Feet-47	B	50.1	50.8	50.0	66.0	No	No
Cat B Res -48	B	52.7	53.3	55.3	66.0	No	No
<i>Cat B Res -49</i>	<i>B</i>	<i>59.1</i>	<i>59.7</i>	<i>66.7</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
Cat B Res -50	B	56.3	56.9	55.7	66.0	No	No
Cat B Res -51	B	57.0	57.7	61.3	66.0	No	Yes
<i>Cat B Res -52</i>	<i>B</i>	<i>59.1</i>	<i>59.7</i>	<i>66.3</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
Cat B Res -53	B	56.6	57.3	56.0	66.0	No	No
Cat B Res -54	B	54.4	55.1	54.1	66.0	No	No
Cat B Res 300 feet - 55	B	52.0	52.7	51.4	66.0	No	No
Cat B Res -56	B	48.3	48.9	50.3	66.0	No	No
Cat B Res -57	B	58.4	59.0	57.4	66.0	No	No
Cat B Res-59	B	49.3	50.6	51.7	66.0	No	No
Cat B Res-60	B	57.2	58.8	62.4	66.0	No	Yes
Cat B Res-61	B	57.3	58.9	57.5	66.0	No	No
Cat B Res-62	B	54.3	56.0	54.6	66.0	No	No
Cat B Res-63	B	58.3	59.9	65.5	66.0	No	Yes
Cat B Res-65	B	58.2	59.8	58.4	66.0	No	No
Cat B Res 300 feet- 66	B	49.6	51.3	52.9	66.0	No	No
<i>Cat B Res -67</i>	<i>B</i>	<i>59.9</i>	<i>61.5</i>	<i>73.0</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
Cat B Res 300 Feet-68	B	49.7	51.4	52.9	66.0	No	No
Cat B Res-69	B	57.9	59.5	57.9	66.0	No	No
Cat F Ag-70	F	59.7	61.3	71.9	N/A	No	Yes
Cat B Res-71	B	54.1	55.8	58.1	66.0	No	Yes
Cat B Res-72	B	56.4	58.0	56.6	66.0	No	No
Cat B Res-73	B	51.6	53.2	55.0	66.0	No	No
Cat B Res-74	B	59.5	61.1	59.5	66.0	No	No
Cat B Res 300 Feet-75	B	49.4	51.1	52.6	66.0	No	No
Cat B Res 300 Feet-76	B	49.6	51.3	50.7	66.0	No	No

4.2.2 Modeled 2045 Noise Levels (No Build)

The 2049 No-Build situation indicated that none of the receptors would experience a noise impact. The noise levels in the 2045 No-Build scenario ranged from 47.4 to 63.3 dBA. The results of the noise analysis are shown in **Table 7** above. Based on the model, there are no receptors that approach or exceed the noise criteria.

4.2.3 Modeled 2045 Noise Levels (Build)

The 2045 build situation indicated that six (6) of the receptors have a noise impact, residential structures represented by these receptors are all planned for relocation or removal as part of the planned construction activities within the build alternative. Therefore, no impacts were identified with the 2045 Build Alternative.

Receptor ID	Activity Category	2021 Existing (dBA)	2045 No-Build (dBA)	2045 Build (dBA)	Impact Level (dBA)	2045 Build Impacted	Proposed Relocation
<i>Cat B Res -43A</i>	<i>B</i>	<i>59.9</i>	<i>60.6</i>	<i>70.1</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
<i>Cat B Res -45</i>	<i>B</i>	<i>59.9</i>	<i>60.5</i>	<i>70.4</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
<i>Cat B Res -46</i>	<i>B</i>	<i>62.7</i>	<i>63.3</i>	<i>72.7</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
<i>Cat B Res -49</i>	<i>B</i>	<i>59.1</i>	<i>59.7</i>	<i>66.7</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
<i>Cat B Res -52</i>	<i>B</i>	<i>59.1</i>	<i>59.7</i>	<i>66.3</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>
<i>Cat B Res -67</i>	<i>B</i>	<i>59.9</i>	<i>61.5</i>	<i>73.0</i>	<i>66.0</i>	<i>Yes</i>	<i>Yes</i>

As noted above in Section 3.4, two receptors represent Section 106 properties, no impacts were identified at these locations within the 2045 Build model.

4.3 Noise Abatement Measures

In accordance with the NDOT noise policy, noise abatement measures must be considered for each of the impacted receptors. When considering abatement measures, judgments are made in each area, weighing the costs and effects of each abatement measure against the amount of benefit. Even if a noise abatement measure is feasible, it might not be reasonable. Since this project does not have any impacted receptors that would remain with the build alternative, no noise abatement measures would need to be considered.

5.0 Construction Noise and Vibration

The evaluation and control of construction noise must be considered as well as the traffic noise. The following sections discuss mitigation measures for construction noise.

Design Considerations

This includes measures in the plans and specifications to minimize or eliminate adverse impacts. Because the existing noise-sensitive receptors are located on both sides of the roadway, nothing can be done to minimize or eliminate construction noise through changes in design.

Community Awareness

It is important for people to be made aware of the possible inconvenience and to know its approximate duration so they can plan their activities accordingly.

Source Control

This involves reducing noise impacts from construction by controlling the noise emissions at their source. This can be accomplished by specifying proper muffler systems, either as a requirement in the plans and specifications of this project or through an established local noise ordinance requiring mufflers. Contractors generally maintain proper muffler systems on their equipment to ensure efficient operation and to minimize noise for the benefit of their own personnel as well as the adjacent receptors.

Site Control

Site control involves the specification of certain areas where extra precautions should be taken to minimize construction noise. One way to reduce construction noise impact at sensitive receptors is to operate stationary equipment, such as air compressors or generators, as far away from the sensitive receptors as possible. Another method might be placing a temporary noise barrier in front of the equipment. As a general rule, good coordination between the project engineer, the contractor, and the affected receptors is less confusing, less likely to increase the cost of the project, and is a more personal approach to work out ways to minimize construction noise impacts in the more noise-sensitive areas. No specific construction noise, site-control specifications will be included in the plans.

Time and Activity Constraints

Limiting work hours on a construction site can be beneficial during the hours of sleep or on Sundays and holidays. However, most construction activities do not occur at night and usually not on Sundays. Exceptions due to weather, schedule, and a time-related phase of construction work could occur. No specific constraints will be incorporated in the plans of this improvement. Enforcement of these constraints could be handled through a general city or county ordinance, either listing the exceptions or granting them on a case-by-case basis.

Detour Noise

A detour route is not anticipated for this project. The project would be constructed under traffic with lane closures controlled by appropriate traffic control devices and practices. This study does not address alternate route noise impacts.

Information for Local Officials

23 CFR 772.17 requires the NDOT to assist the local government by providing information that will help them recognize the incompatible land uses near the state highways. To assist local officials within whose jurisdiction a Type I highway project is located, NDOT will provide information on future noise levels located along the project near areas that are currently undeveloped.

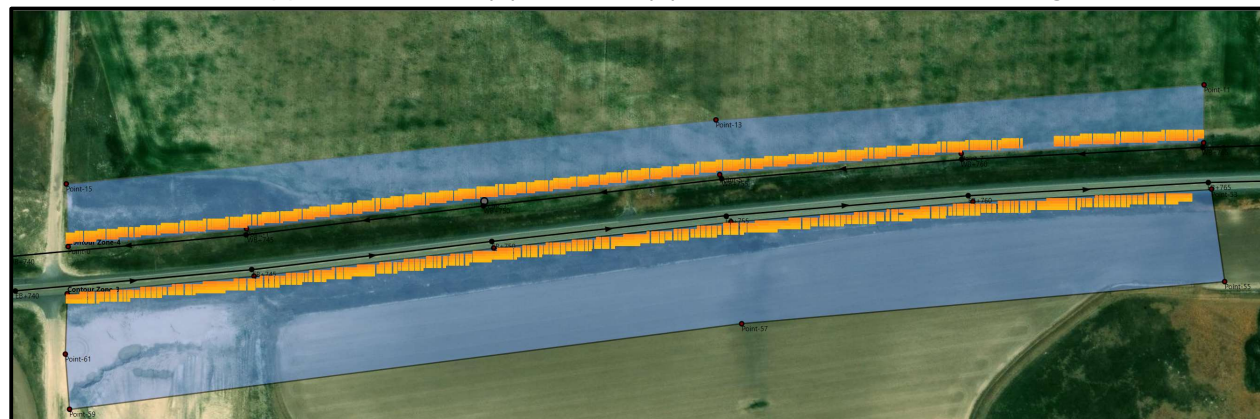
In general, the area encompassed by this project is largely undeveloped, with the exception of the portion within the City of Minatare. The figures below present a graphical representation of noise levels measured from the edge of the nearest travel lane of the proposed roadway. The darker orange areas indicate higher noise levels (71 dB(A)), while the lighter orange areas indicate lower noise levels (66 dB(A)). It's important to note that these gradients were not utilized to assess impacts at existing receptors but rather to depict noise levels in undeveloped areas.

Typically, the 71 dB(A) contour would be situated approximately 13-16 feet from the edge of the travel lane, while the 66 dB(A) contour would extend approximately 30-33 feet from the edge. These distances are approximate and may vary depending on nearby land uses and local noise-producing activities.

2045 Build Model – Approximate 66dB(A) and 71dB(A) Contour/Noise Gradient along US-26



2045 Build Model – Approximate 66dB(A) and 71dB(A) Contour/Noise Gradient along L-62



6.0 Conclusion

In summary, the noise study reveals that the existing conditions and the 2045 No Build models show no noise impacts that approach or exceed noise abatement criteria at receptors throughout the corridor. The remaining receptors within the 2045 Build model, that are not proposed to be relocated due to construction, along the north side of the highway would experience slight increases in noise but would remain under the NAC thresholds and would not experience a substantial increase in noise. Receptors along the south side of the highway would generally experience a slight decrease in noise levels compared to the No-Build alternative due to traffic shifting north, away from the receptors.

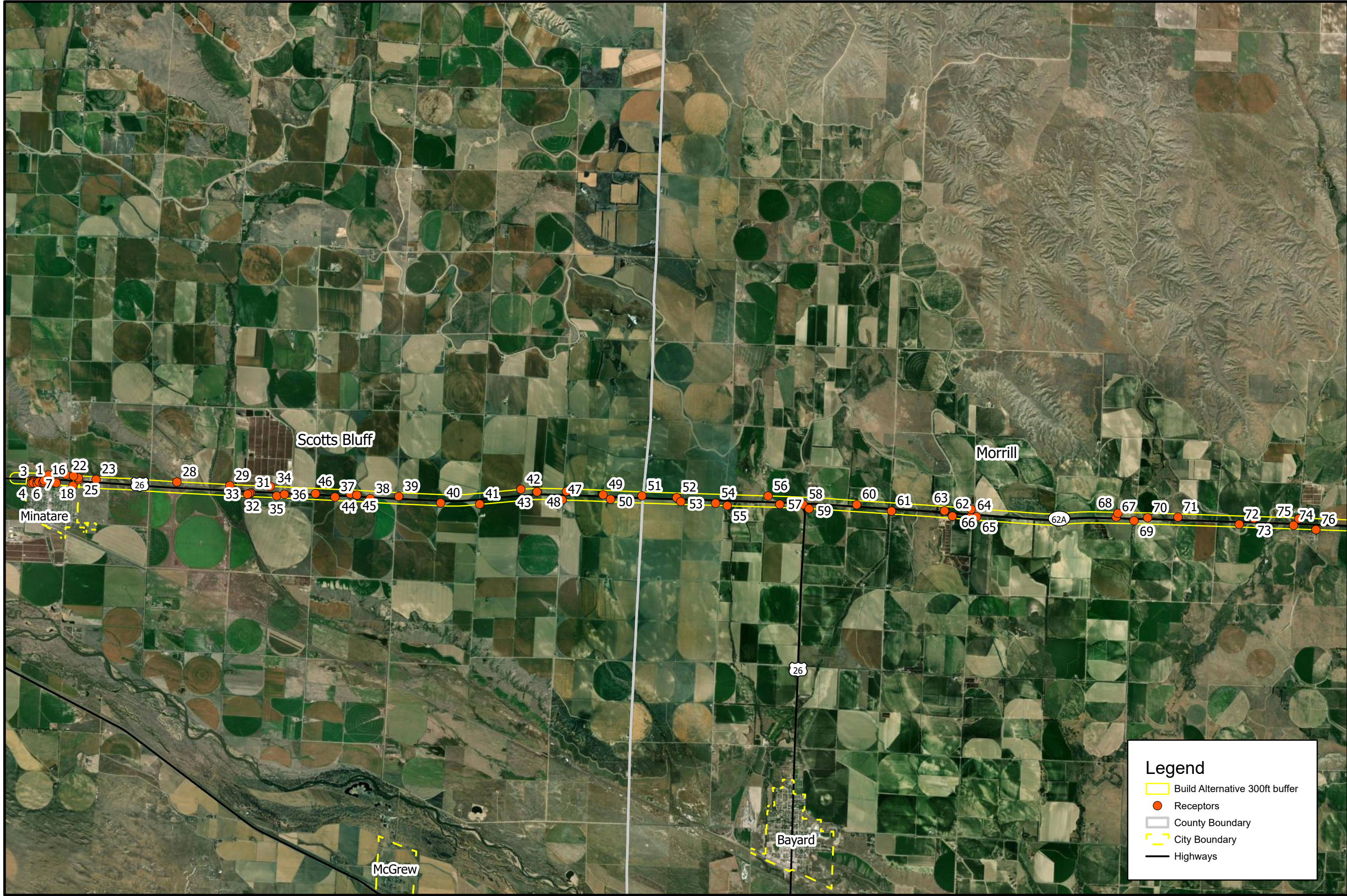
Since this project does not have any impacted receptors that would remain with the build alternative, no noise abatement measures were considered.

7.0 References

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- Nebraska Department of Transportation, *Traffic Noise Analysis Guidance Manual*. January, 2022.
- Title 23, Article 772, U.S. Code of Federal Regulations (23 CFR Part 772).

Appendix A

Figures and Field Measurement Data



Legend

- Build Alternative 300ft buffer
- Receptors
- County Boundary
- City Boundary
- Highways

**Noise Receptor Locations
Overview Map**

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521

Minatare to US-385
 Scottsbluff and Morrill County, Nebraska

Scale: 0, 5,912.5, 11,825 Feet



Noise Receptor Locations

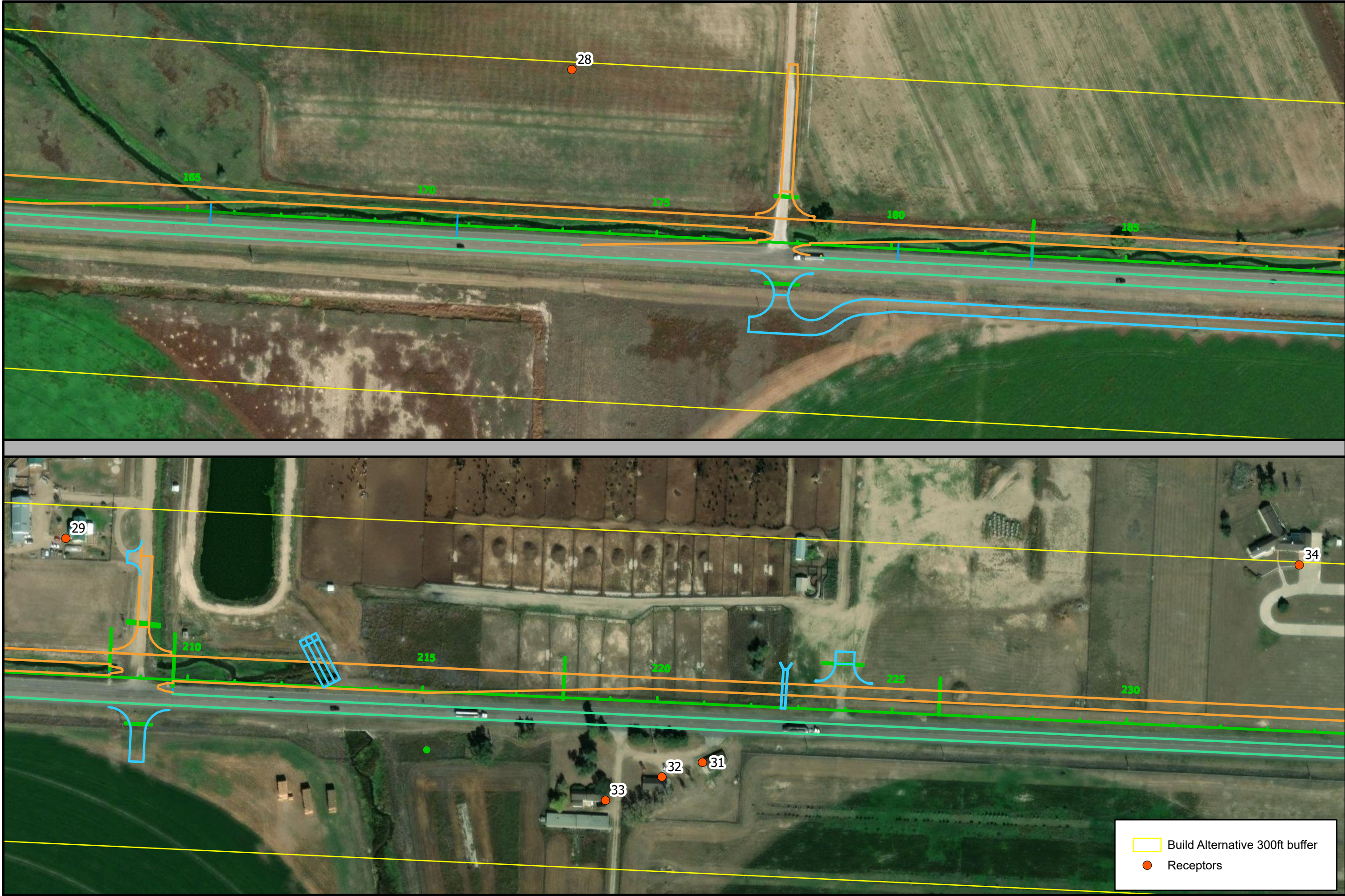
Figure 1

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



Minutaria to US-385
 Scottsbluff and Morrill County, Nebraska



Noise Receptor Locations

Figure 2

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



Minutaria to US-385
 Scottsbluff and Morrill County, Nebraska



Noise Receptor Locations

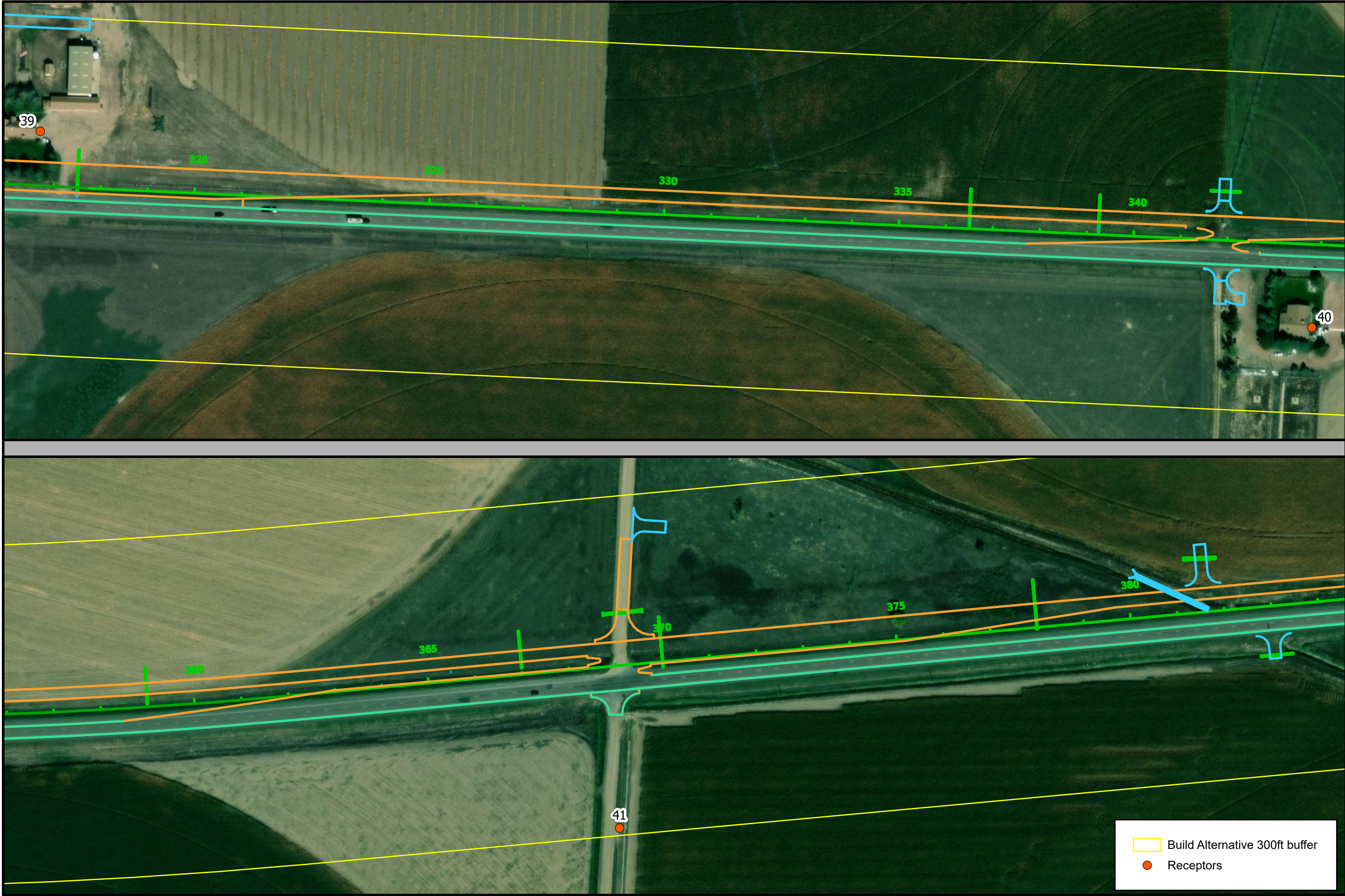
Figure 3

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



Minutaire to US-385
 Scottsbluff and Morrill County, Nebraska



Noise Receptor Locations

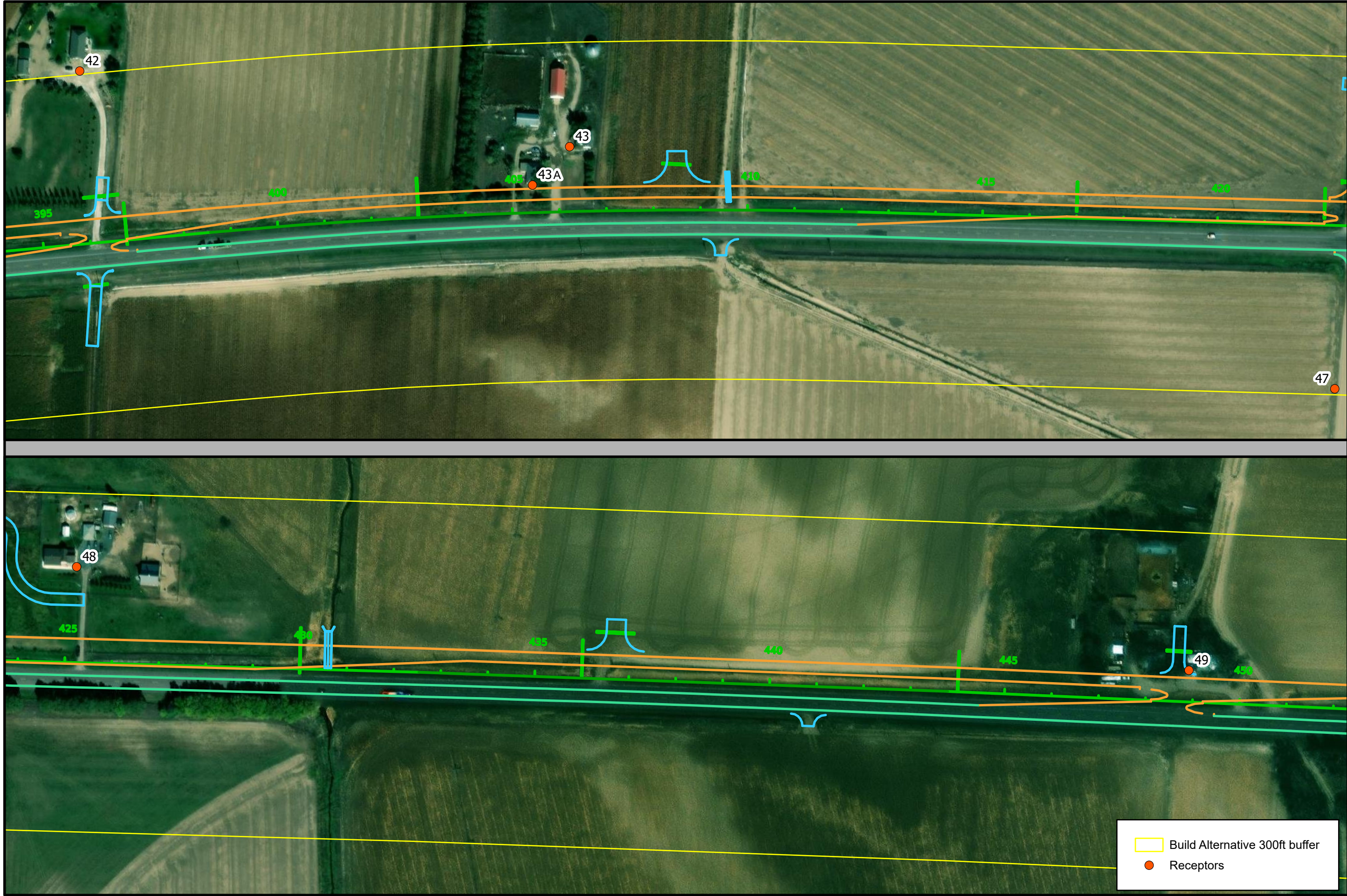
Figure 4

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



Minutaire to US-385
 Scottsbluff and Morrill County, Nebraska



Noise Receptor Locations

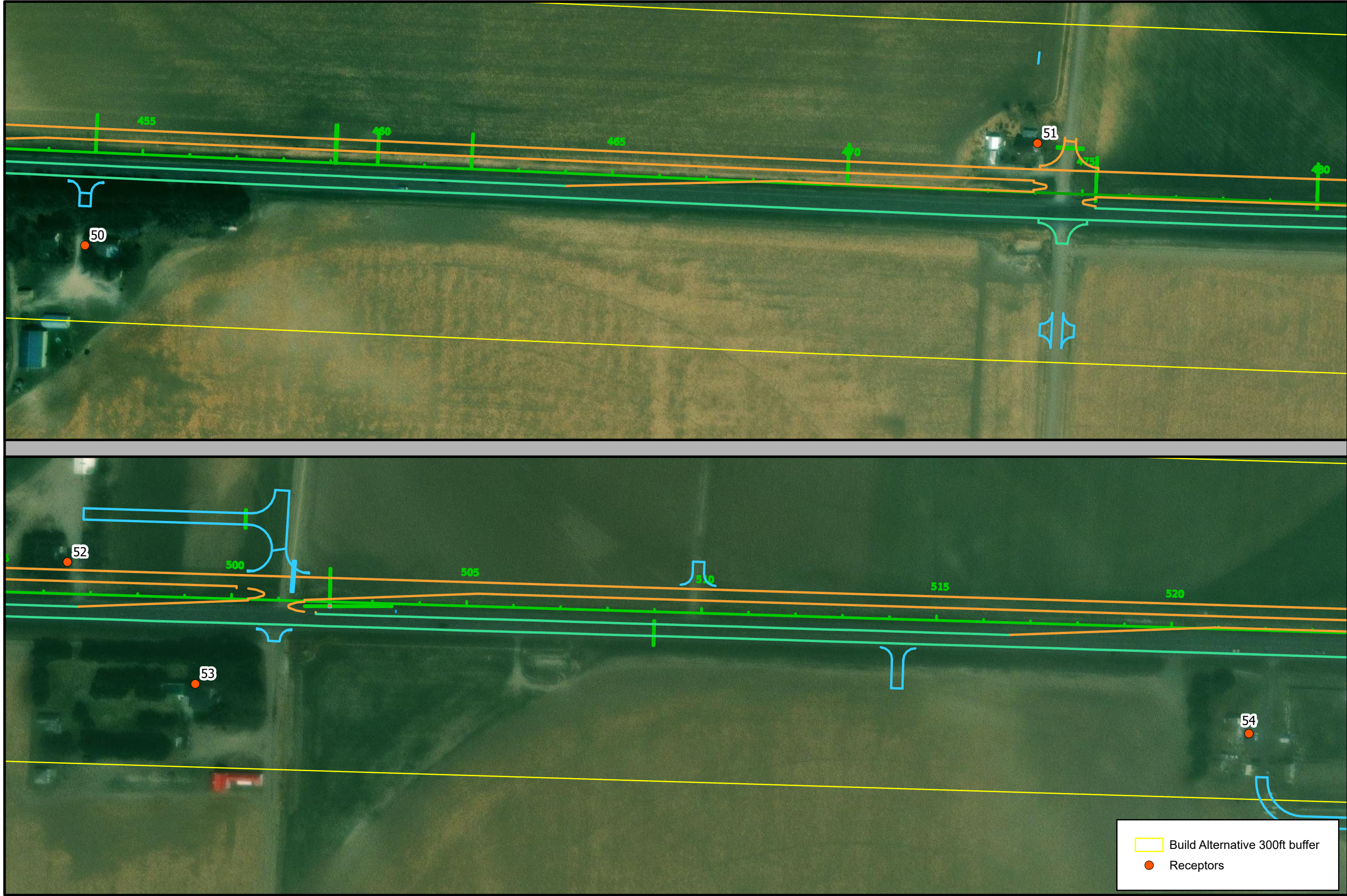
Figure 1

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



Minature to US-385
 Scottsbluff and Morrill County, Nebraska



ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Noise Receptor Locations

Figure 6

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



Minutaire to US-385
 Scottsbluff and Morrill County, Nebraska



Noise Receptor Locations

Figure 7

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



Minutaire to US-385
 Scottsbluff and Morrill County, Nebraska



Noise Receptor Locations

Figure 8

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



Minutaire to US-385
 Scottsbluff and Morrill County, Nebraska



Noise Receptor Locations

Figure 9

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



Minature to US-385
 Scottsbluff and Morrill County, Nebraska



Noise Receptor Locations

Figure 10

ESRI Aerial Imagery
 Coordinate System: NAD 1983 StatePlane Nebraska FIPS 2600 Feet

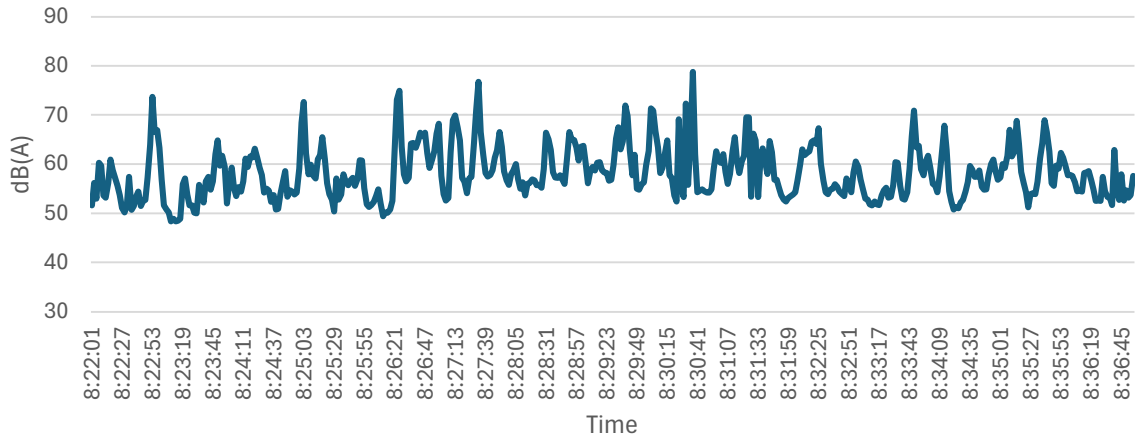
Nebraska Department of Transportation
 Project Number: NH-26-1(172)
 Control Number: 51521



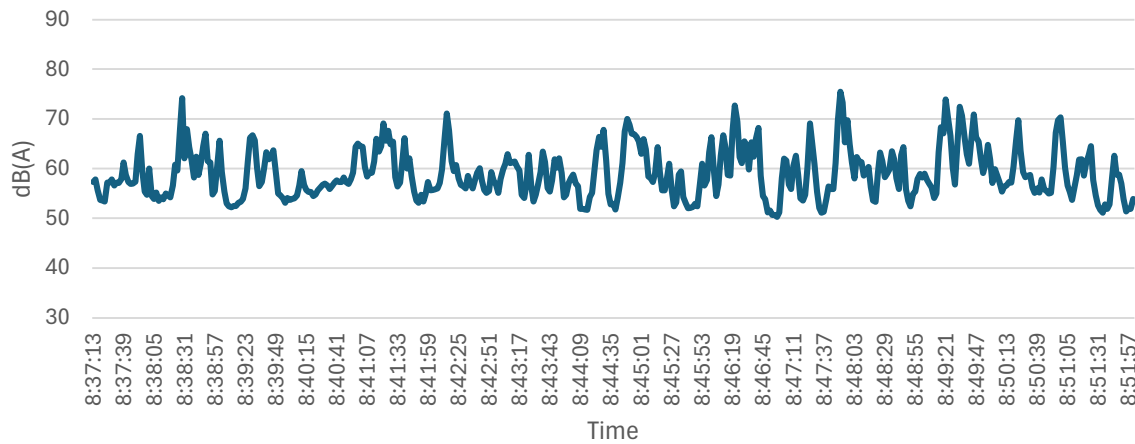
Minature to US-385
 Scottsbluff and Morrill County, Nebraska

	7:22AM - 7:37AM	7:37AM - 7:52AM	7:52AM - 8:07AM
Average Leq	58.17282851	59.02117117	55.4106576
LAeq for Study	57.5		

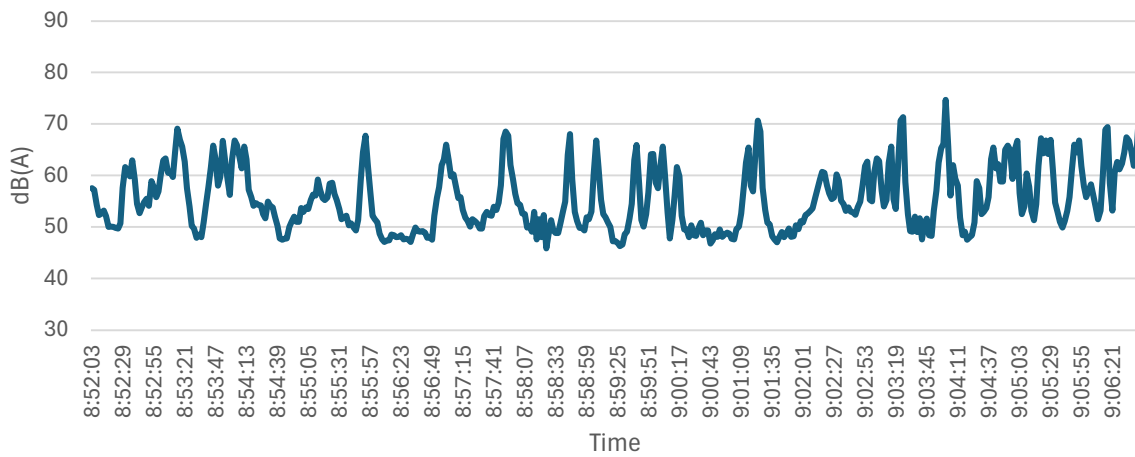
NV1-First 15 Minute Measurement



NV1-Second 15 Minute Measurement

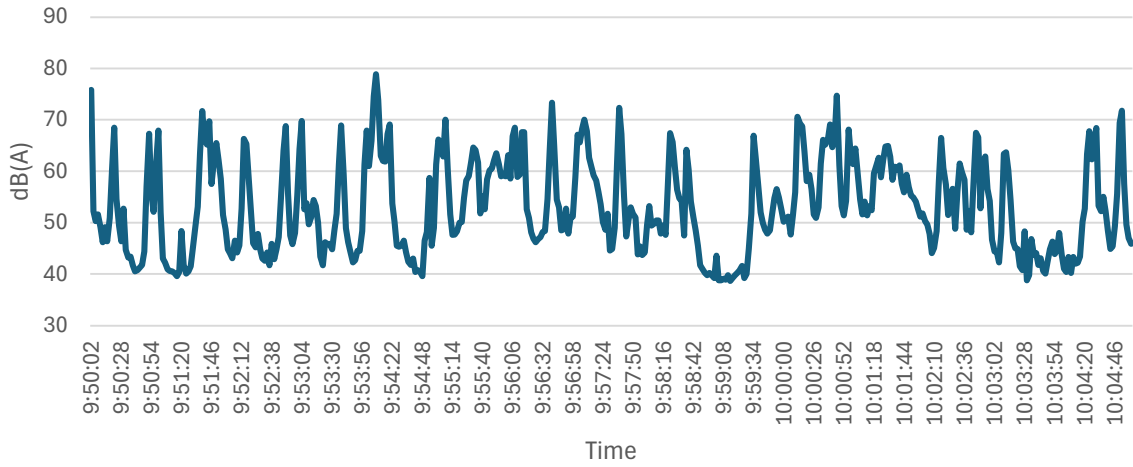


NV1-Third 15 Minute Measurement

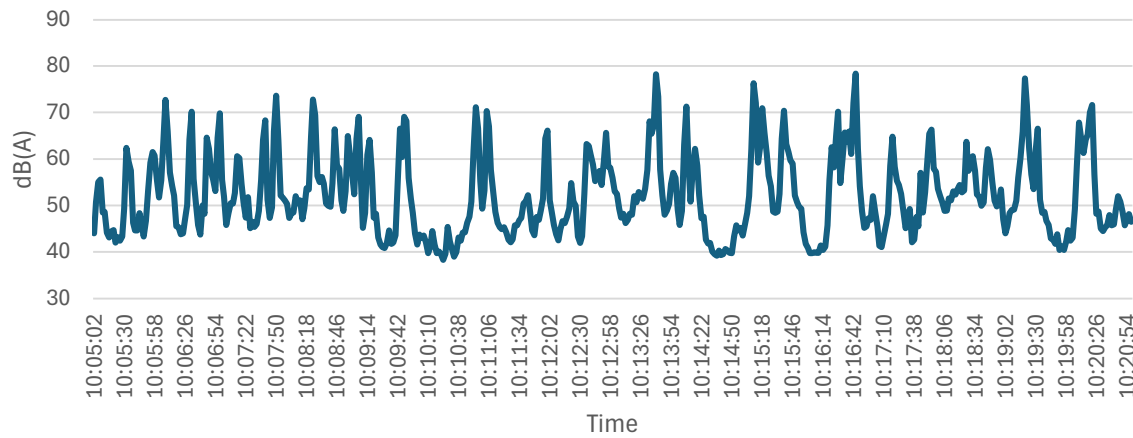


	8:50AM - 9:05AM	9:05AM - 9:20AM	9:20AM - 9:35AM
Average Leq	53.00688889	52.068	54.70133333
LAeq for Study	53.2		

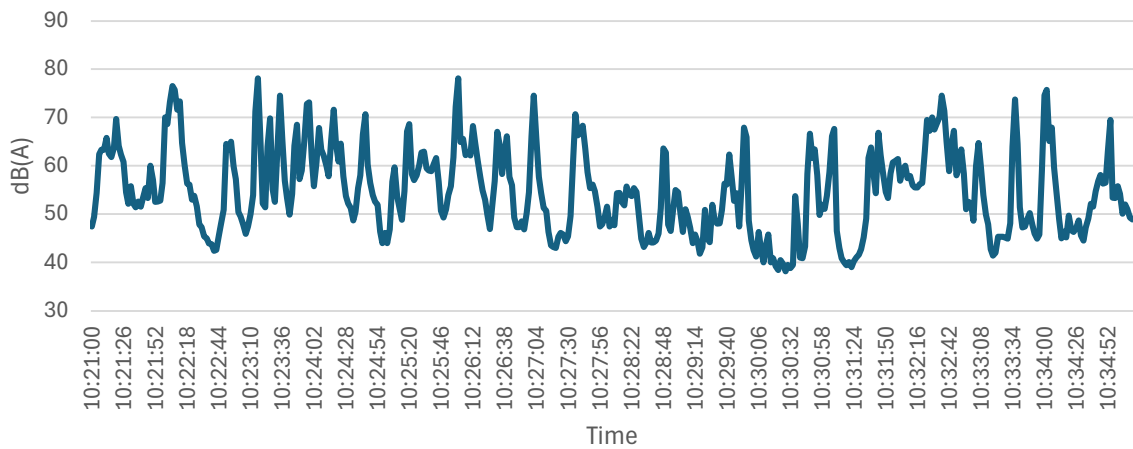
NV2-First 15 Minute Measurement



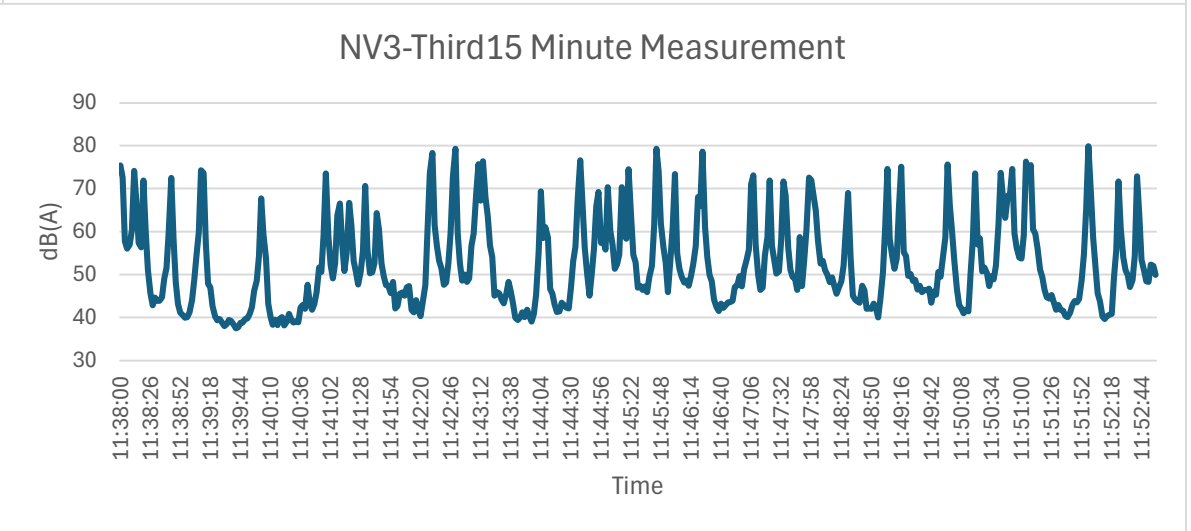
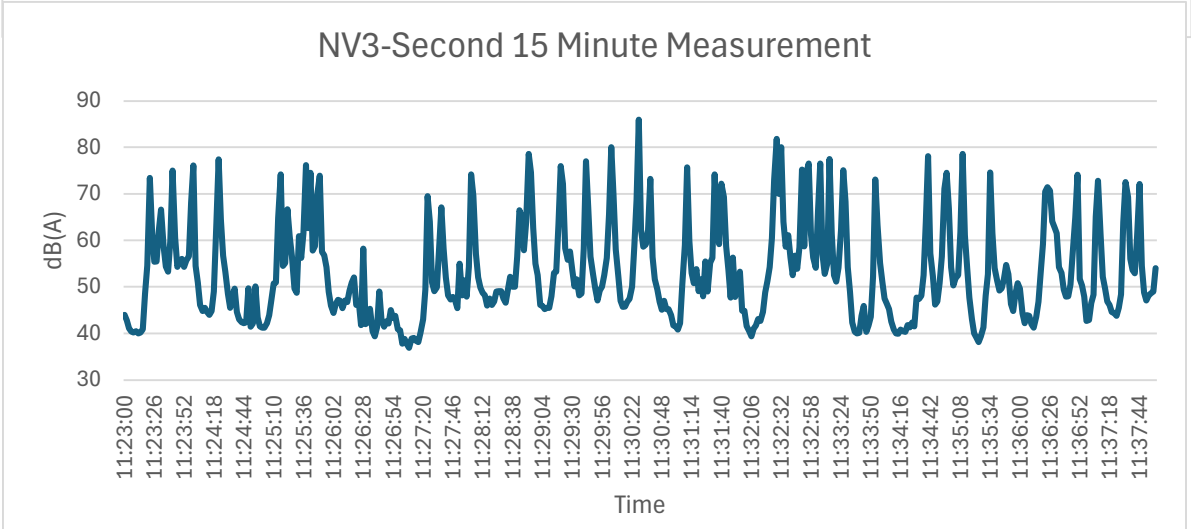
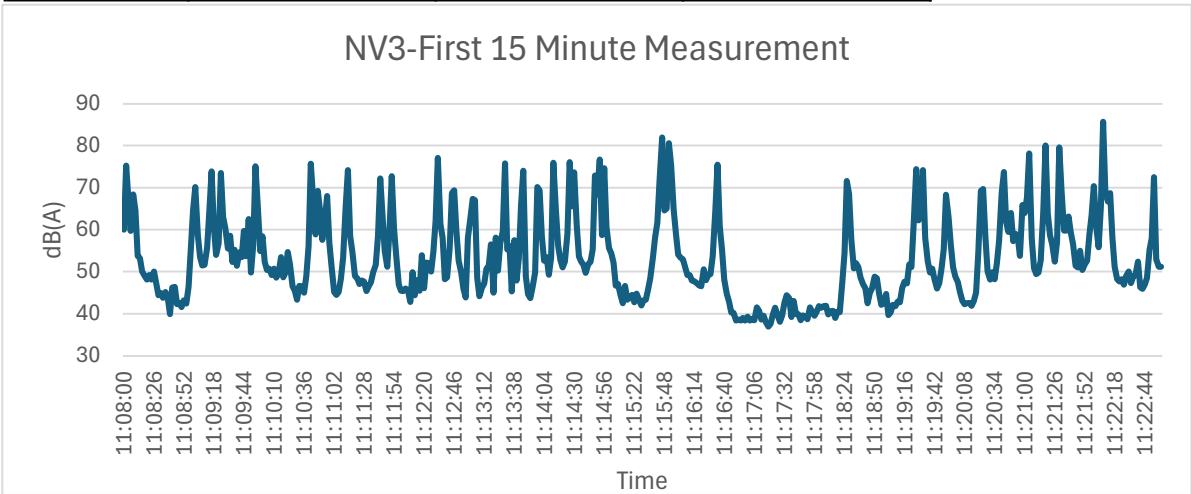
NV2-Second 15 Minute Measurement



NV3-Third 15 Minute Measurement



	10:08AM - 10:23AM	10:23AM - 10:38AM	10:38AM - 10:53AM
Average Leq	53.05333333	52.94177778	52.28841871
LAeq for Study	52.7		





NV1 –
Looking
Northeast



NV1 –
Looking
North



NV1-
Looking
North



NV2-
Looking
West



NV3-
Looking
Northwest



NV4-
Looking
Northeast

Noise Measurement Record

Project Name: <u>Minatore</u>		Project No.: <u>51521</u>
Site ID: <u>A St - NV1</u>		Measurement No.: <u>#1</u>
Conducted by: <u>SQ FO</u>		Date: <u>4-3-24</u>
Start Time: <u>0722</u>	Stop Time: <u>8:07</u>	Leq Range: <u>Auto</u>
Length of Measurement: <u>3x15 min</u>		Microphone Height: <u>5'</u>

Site Address: North Terminus of Ast in Minatore

	Sound Level Meter	Microphone	Calibrator
Model:	<u>SL4033SD</u>		<u>A28930</u>
Serial No.:	<u>Q699171</u>		<u>2400029</u>

Calibration Check: ✓ 96db

Winds	Temperature	Humidity	Precipitation
<u>0-4</u>	<u>29°F</u>	<u>85%</u>	<u>N/A</u>

Noticeable Events

Source	dBA	Source	dBA
<u>7:31 AM Train Horn</u>	<u>78</u>		
<u>7:32 Train Horn</u>			
<u>7:39 Train Horn</u>			

Optional

Leq at 5 minutes:	dBA <u>50.2</u>	L1:	dBA
Leq at 10 minutes:	dBA <u>55</u>	L10:	dBA
Leq at 15 minutes:	dBA	L50:	dBA
Leq at 20 minutes:	dBA	L90:	dBA

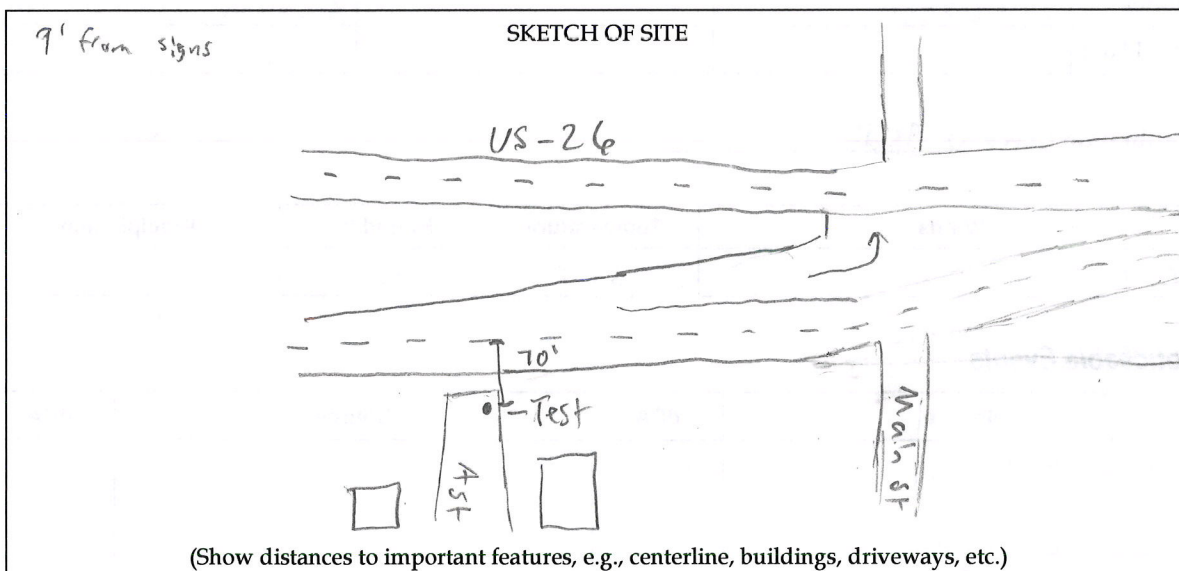
Overall Leq:

Traffic (Optional)

	Roadway:		Roadway:		Roadway:	
	Counted	Hr. Equiv.	Counted	Hr. Equiv.	Counted	Hr. Equiv.
Autos	=		=		=	
Medium Trucks	=		=		=	
Heavy Trucks	=		=		=	
Speed						

Noise Sources Other than Traffic Noise: Train

Elevation of Roadway in Relation to Elevation of Ground at Measurement Site: 2' below rdwy



Supplementary Information

Comments:

Noise Measurement Record

Project Name: <u>Minuteman</u>		Project No.: <u>51521</u>
Site ID: <u>US-26 & L62A - NV2</u>		Measurement No.: <u>2</u>
Conducted by: <u>SR FO</u>		Date: <u>4-3-24</u>
Start Time: <u>850</u>	Stop Time: <u>935</u>	Leq Range: <u>Auto</u>
Length of Measurement: <u>3x15 min</u>		Microphone Height: <u>5'</u>

Site Address: SE corner of US-26 and L62A

	Sound Level Meter	Microphone	Calibrator
Model:	<u>SL 4033SD</u>		<u>A2 8930</u>
Serial No.:	<u>Q699171</u>		<u>2400029</u>

Calibration Check: 93.8 / 94 db calibrated 850AM Cold

Winds	Temperature	Humidity	Precipitation
<u>0-4</u>	<u>45</u>	<u>78%</u>	<u>N/A</u>

Noticeable Events

Source	dBA	Source	dBA
<u>9:02 - Plane Fly by 30 seconds</u>	<u>62 db</u>		

Optional

Leq at 5 minutes:	dBA	L1:	dBA
Leq at 10 minutes:	dBA	L10:	dBA
Leq at 15 minutes:	dBA	L50:	dBA
Leq at 20 minutes:	dBA	L90:	dBA

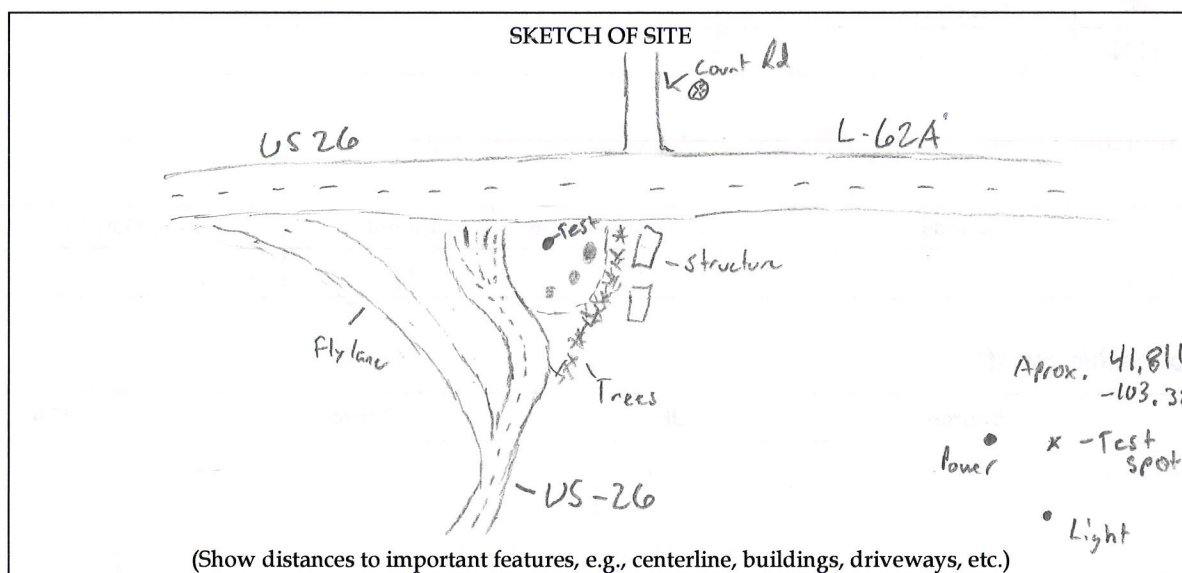
Overall Leq:

Traffic (Optional)

	Roadway: W		Roadway:		Roadway:	
	Counted	Hr. Equiv.	Counted	Hr. Equiv.	Counted	Hr. Equiv.
Autos	=		=		=	
Medium Trucks	=		=		=	
Heavy Trucks	=		=		=	
Speed						

Noise Sources Other than Traffic Noise: _____

Elevation of Roadway in Relation to Elevation of Ground at Measurement Site: 4' below rdwy



Supplementary Information

Comments:

Noise Measurement Record

Project Name: <i>Alhatore</i>		Project No.: <i>51521</i>
Site ID: <i>CR 79 - NV3</i>		Measurement No.: <i>3</i>
Conducted by: <i>SR FO</i>		Date: <i>4-3-24</i>
Start Time: <i>10:08</i>	Stop Time: <i>10:54</i>	Leq Range: <i>Auto</i>
Length of Measurement: <i>3x15 minute</i>		Microphone Height: <i>5'</i>

Site Address: *L-62A and CR 79*

	Sound Level Meter	Microphone	Calibrator
Model:	<i>SL 40335D</i>		<i>A28930</i>
Serial No.:	<i>Q699171</i>		<i>2400029</i>

Calibration Check: *✓ 94db*

Winds	Temperature	Humidity	Precipitation
<i>0-5</i>	<i>47°</i>	<i>46%</i>	<i>N/A</i>

Noticeable Events

Source	dBA	Source	dBA
<i>1045 Loud Horn tractor</i>			
<i>1049 Tractor beeping</i>			

Optional

Leq at 5 minutes:	dBA	L ₁ :	dBA
Leq at 10 minutes:	dBA	L ₁₀ :	dBA
Leq at 15 minutes:	dBA	L ₅₀ :	dBA
Leq at 20 minutes:	dBA	L ₉₀ :	dBA

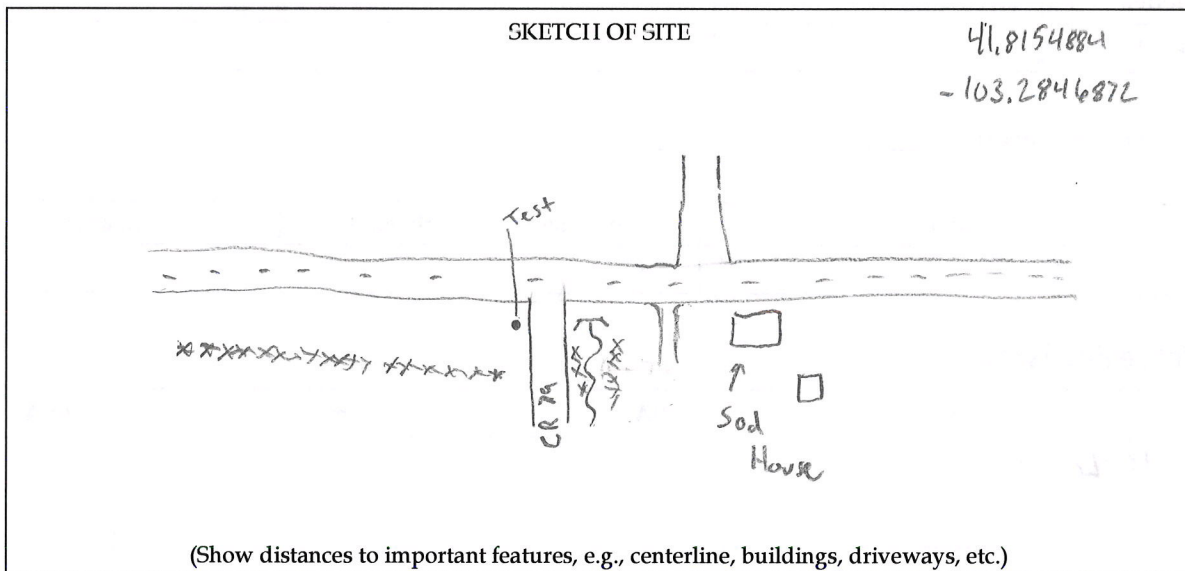
Overall Leq:

Traffic (Optional)

	Roadway:		Roadway:		Roadway:	
	Counted	Hr. Equiv.	Counted	Hr. Equiv.	Counted	Hr. Equiv.
Autos	=		=		=	
Medium Trucks	=		=		=	
Heavy Trucks	=		=		=	
Speed						

Noise Sources Other than Traffic Noise: _____

Elevation of Roadway in Relation to Elevation of Ground at Measurement Site: - 1' below Rd



Supplementary Information

Comments:

Site is much louder than others, more level with roadway, 65mph traffic
