Norfolk - Wisner

Project Number: S-275-6(1052)

Control Number: 32319

FINAL ENVIRONMENTAL ASSESSMENT – ERRATA

This Final Environmental Assessment has been prepared in accordance with provisions and requirements of 23 Code of Federal Regulations 771 and 774, relating to the implementation of the National Environmental Policy Act of 1969. The signatures below indicate verification that the content of the attached document/errata sheet accurately reflects the scope of this project.

RICHARD W FEDORA

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Date: 2024.05.22 12:05:56 -05'00'

for

U.S. Department of Transportation
Federal Highway Administration

Date

Brandie Neemann

for
Project Sponsor

NEBRASKA
Good Life. Great Journey.
DEPARTMENT OF TRANSPORTATION

May 20, 2024

Date

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Federal Highway Administration

Finding of No Significant Impact

for

Project Number: S-275-6(1052)
Control Number: 32319

Norfolk - Wisner

The Federal Highway Administration (FHWA) has determined that this project will not have any significant impact on the human environment or natural environment. This Finding of No Significant Impact (FONSI) is based on the enclosed Final Environmental Assessment, which has been independently evaluated by FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that that an Environmental Impact Statement is not required. FHWA takes full responsibility for the accuracy, scope, and content of the attached Final Environmental Assessment.

RICHARD W FEDORA Digitally signed by RICHARD W FEDORA
Date: 2024.05.22 12:07:06 -05'00'

Date | Division Administrator

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Abbreviations

ACM	asbestos containing material
BMP	best management practice
CFR	Code of Federal Regulations
CIA	community impact assessment
CWA	Clean Water Act of 1972
DHHS	Department of Health and Human Services
EA	Environmental Assessment
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
FR	Federal Register
HPM	Highway Project Manager
HSPP	Highway Salvage Paleontology Program
ISD	intersection sight distance
MM	mile marker
mph	miles per hour
N-	Nebraska Highway
NDEE	Nebraska Department of Environment and Energy
NDOT	Nebraska Department of Transportation
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NeSHPO	Nebraska State Historic Preservation Office
NGPC	Nebraska Game and Parks Commission
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resources Conservation Service
PEM	palustrine emergent
PM	Project Manager
PSS	palustrine scrub-shrub
ROW	right-of-way
SVE	soil vapor extraction
SWPPP	Stormwater Pollution Prevention Plan
Uniform Act	Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
US-	US Highway

USACE	US Army Corps of Engineers
USC	United States Code
USFWS	US Fish and Wildlife Service
UWAP	Unexpected Waste Action Plan
WIAS	Wetland in an Agricultural Setting

Chapter 1 Introduction

A Draft Environmental Assessment (EA) for the above-referenced project was submitted by the Nebraska Department of Transportation (NDOT) to the Federal Highway Administration (FHWA) and was signed and approved by FHWA on November 30, 2023. The Draft EA was made available at the following locations for review for a 30-day public comment period, which began on December 6, 2023, and ended on January 22, 2024:

- NDOT Headquarters (1500 Nebraska Parkway, Lincoln, NE)
- FHWA Nebraska Division (100 Centennial Mall North, Lincoln, NE)
- NDOT District 3 Headquarters (408 N. 13th Street, Norfolk, NE)
- Wisner Public Library (1015 Avenue E, Wisner, NE)
- Pilger Public Library (120 N. Main Street, Pilger, NE)

In addition, an electronic version of the Draft EA was available for review on the NDOT website at https://dot.nebraska.gov/projects/environment/environmental-documents/. Resource agencies, stakeholders, and other members of the public were notified via public notice and targeted mailer of the availability of the Draft EA and the public hearing. The public notification involved mailing a postcard to a distribution list of 508 residents, businesses, and public and private agencies with potential interest in the project area, including the Nebraska Trucking Association and emergency response agencies. A legal notice was placed in two newspapers recognized by the Nebraska Press Association: the Norfolk Daily News on December 6, 2023, and the West Point News on December 7, 2023.

The public hearing was held in the Wisner-Pilger Public Schools' Fine Arts Auditorium at 801 18th Street in Wisner, Nebraska, on Thursday, December 21, 2023, from 5:30 p.m. to 7:30 p.m. Temporary highway signs advertising the meeting were placed near the project location. Approximately 108 people attended the public hearing, including members of the public and personnel from NDOT, FHWA, and the consultants associated with the project. The public hearing began with an open house and continued with a formal presentation and forum for recorded public input. The presentation and public forum were followed by an open house providing additional opportunity for the public to provide input. The public was encouraged to make oral or written comments, or public statements during the hearing, if they desired.

After the public hearing, comments (written, email, phone calls) were accepted on the Draft EA until January 22, 2024. NDOT received and responded to approximately 42 public comments summarized in Chapter 2, Table 2-1 and in Appendix A.

A large number of comments were received regarding the restricted crossing U-turn intersections, also known as R-cut or J-turn intersections, at 568th Avenue, 569th Avenue, 570th Avenue, and 571st Avenue. A separate stakeholder meeting was held on January 16, 2024, with landowners and interested parties to discuss concerns with the intersections. As a result of this meeting, the proposed R-cut intersections were removed and the design modified to two-stage crossing intersections. Additional discussion about this change can be found in Chapter 3. A follow-up notification in the form of a targeted mailer was sent out to the public hearing distribution list and all other known interested parties on April 1, 2024, to inform the public of the intersection change.

This Final EA – Errata documents public comments from the public hearing and any other comments received during the 30-day review period of the Draft EA and documents any changes to the project design or analysis, as described in the Draft EA, resulting from the comments received. The Final EA –

Errata also documents the environmental review of the wetland mitigation site identified for the project.

The purpose of this Final EA – Errata is to respond to comments received during the hearing process and to provide additions or changes to the Draft EA where necessary, using this errata format. This document, in conjunction with the November 30, 2023, Draft EA document, constitutes the completed National Environmental Policy Act (NEPA) document.

Chapter 2 Public and Agency Involvement

2.1 Public Involvement

Public hearing attendees had the opportunity to submit written comments and provide verbal public testimony. Six public statements were given during the open forum. Comments were also accepted from the public via mail, email, and phone during the comment period. The Public Involvement Summary Memo is provided in Appendix A.

The memo includes the public hearing notifications, the materials presented to the public, the public hearing transcript, the public and agency comments received during the public comment period, and the official response letters. The response letters were mailed on April 1, 2024.

Table 2-1 summarizes all written and verbal public comments received at the public hearing and during the public comment period, and NDOT/FHWA responses. No agency correspondence or comments were received on the Draft EA.

2.2 Agency Coordination

Coordination with the US Army Corps of Engineers (USACE) and the Nebraska Department of Environment and Energy (NDEE) has been ongoing throughout project development. Since the publication of the Draft EA, NDOT met with USACE and NDEE on February 20, 2024, regarding project impacts and the permitting timeline. Notes from that meeting can be found in Appendix B.

NDOT submitted an application for a Section 404 Individual Permit to USACE on March 19, 2024, and the application is currently under review. NDOT also submitted a Section 401 Water quality certification request to NDEE on April 3, 2024, and is the request is currently under review. Wetland mitigation is proposed at an off-site location discussed in further detail in Section 3.3.

Table 2-1. Public and Agency Comments

Comment Number	Comment	Response
Verbal Comments from the Public Forum (Full Comment in Attached Transcript)		
1	Stakeholder's question is on the traffic accommodations. On 21st Street, they believe they heard NDOT say there is a right-hand turn lane that will be out there. Asked about traffic on the left-hand -- or, coming eastbound. Asked if there will be a turn lane from the eastbound for the eastbound traffic? Repeated that a presenter had mentioned something about a right-turn lane, but for the eastbound traffic but didn't mention anything for a left-turn lane. Stated that they've had quite a few accidents out on that intersection, and if you travel from east bound, you'll notice marks on the road. Stated that there was an accident a few days ago, and there have been some accidents with injury, as it's a heavily used intersection. They would like to have a turn lane put in at the school as there are sometimes three buses turning at the same time.	Appreciated input regarding the proposed projects. Stated that the proposed design provides several improvements, particularly at intersections. Stated that left-turn lanes will be provided for US-275 intersections with Nebraska Highway 57 (N-57), Nebraska Highway 15 (N-15), Nebraska Highway 51 (N- 51), and county roads, including for eastbound US-275 at 21st St in Wisner, which will allow eastbound left-turns to occur without blocking the through lanes. Stated that offset right-turn lanes will be provided at the US-275 intersections with N-15 and 21st Street to allow right turns without blocking through lanes and to improve sight distance for the state highway and street approaches to those intersections. Thanked stakeholder for feedback and participation on the project.
2	Stakeholder stated that they'd like to know how NDOT is going to take care of landowner center pivots and if NDOT will replace them. Stated that they live on 570th Avenue, which NDOT does not plan on making a corner where cars can go each way. Stated that they've got to go down the road and come around, and would like to know if there's enough room to turn semis that way.	Appreciated input regarding the proposed projects. Stated that if impacts are anticipated, project representatives will contact landowners during the final design and right-of-way negotiation and acquisition phases, which are anticipated to occur later this year. Stated that right-of-way negotiations will include discussion of impacts to center pivot systems, in addition to land and other property impacts. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Thanked stakeholder for feedback and participation on the project.

3	Stakeholder stated that the J turns are vastly undersized, including the current ones. Stated that they might accommodate a standard tractor-trailer, larger equipment with travels through here, and they need a bigger turning radius. Stated that they know it's probably standard by design and required, but the feels the inner shoulder needs to be more than 5 feet, for safety, especially when equipment is stuck in the ditch in the median, and also provides safety for fire and rescue.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Thanked stakeholder for feedback and participation on the project.
4	Stakeholder stated that what the previous landowner said about J turns is exactly right. Feels that they're terribly undersized and not safe. Stated that they don't accommodate truck traffic. Stated that they have, roughly, a 65 - 70-foot long tractor-trailer combination, and feels the current turn down by Humphrey is not remotely safe. Stated that they can barely make the U-turn, and then they struggle to accelerate and remerge. Stated that it's terrible and they're supposed to have an expressway system. Stated that NDOT should be doing overpasses like those by Fremont or in Omaha. Stated that NDOT has a bypass around Lincoln and a bypass around Fremont, and they deserve a bypass or overpass, not J turns.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Thanked stakeholder for feedback and participation on the project.
5	Stakeholder lives on 570 Avenue, and asks NDOT why J-turns aren't listed online \right now. Asked why the first acknowledgment is located at the meeting site. Asked why there wasn't more transparency to stakeholders, and if it was because NDOT was afraid they would have to relocate the J-turns. Stakeholder agrees with the statements about J-turns being unsafe. Stated that NDOT is dealing with gravel intersections, not dealing with traffic on 91. Stakeholder feels it's more of pain for the semis than having the median wide enough so drivers can get to the middle and wait. Stakeholder understands cross-traffic going 75 because they farm and own property along it.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Apologized for the difficulty encountered accessing the mosaic aerial files. Stated NDOT is allowing comments beyond the comment period deadline to accommodate this technical difficulty. Thanked stakeholder for feedback and participation on the project.

	Stated that when the four lane up by Norfolk and increased speed limit makes a difference in closing rates which drivers on the highway do not realize when coming up behind something.	
6	Stakeholder asked if a traffic study had been done on Highway 15 regarding truck traffic. Stakeholder lives in Pilger estimates 100-200 semis use Highway 15 on a daily basis, and a lot of that truck traffic has to exit and enter the intersection at US-275 and N-15. Stated that their concern is how long the exit and entry lanes are for semis. Asked if the lane is going to be long enough to hold four or five semis at a time trying to make the turn.	Appreciated input regarding the proposed projects. Stated that NDOT has performed a traffic study to determine intersection needs and turn lane lengths. Stated that some intersections would have longer turn lanes; for example, those where US-275 intersects with other state highways like N-15. Stated that as final design begins on the project, NDOT will continue to refine the intersection designs to make sure enough turn lane length is provided for deceleration and storage for trucks waiting to make their turns off US-275. Thanked stakeholder for feedback and participation on the project.

Written Comments and Phone Logs		
7a	Stakeholder is General Manager/President of Farmers Cooperative headquartered in Pilger and is concerned with this project and the not so popular J Turns that are in the plans. Stated that with ag equipment, traveling down US-275 is avoided because of the traffic. Stated that with so many county roads and bridges that are not passable, operators have to cross US-275 in multiple places. Stated that it has been preached to them by state employees that the J turns are safer than just simply crossing the highway. Stakeholder believes that in this case this will be much more unsafe for employees and ag equipment. Stated this will be unsafe for employees and very unsafe for customers during planting and harvest time. Stakeholder is 100% in favor of the four lanes but thinks this is a 'quick fix' to get US-275 completed. Stated that this project needs to be done the correct way, with all four lanes the same elevation so operators can simply and safely cross with equipment. Aware that NDOT has likely been told this many times, but this surrounding ag community and the stakeholder have contributed many dollars into this state and that their voices and opinions need to be taken into consideration. Stated that this project will have a huge impact for years to come, and they need to have a seat at this table.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st avenues to allow full access at each intersection. Stated that NDOT plans to build the two new lanes primarily on the south side of the existing highway. Stated specifically, near the US-275 and Nebraska Highway 15 (N-15) intersection leading to Pilger, the proposed improvements would include building the two new US-275 eastbound lanes south of the existing lanes, and the intersection would be reconstructed. Stated that a minor amount of right-of-way would be required from a few parcels north of the existing roadway. Stated that no residential or business acquisitions or relocations are anticipated. However, if right-of-way or farmland impacts occur, project representatives will contact landowners during the final design and right-of-way acquisition phases, anticipated to occur this year. Stated that construction is anticipated to begin in Spring 2025 with anticipated completion in 2028. Stated that county road access may be temporarily restricted during construction; however, no two consecutive county roads will be closed

7b	Stakeholder acknowledged the US-275 project has likely been a hot topic at NDOT since the public meeting in Wisner. Expressed concern about this project and the not so popular J Turns that are in the plans. Stated that with ag equipment, traveling down US-275 is avoided because of the traffic. Stated that with so many county roads and bridges that are not passable, operators have to cross US-275 in multiple places. Stated that it has been preached to them by state employees that the J turns are safer than just simply crossing the highway. Stakeholder believes that in this case this will be much more unsafe for employees and ag equipment. Stated this will be unsafe for employees and very unsafe for customers during planting and harvest time. Stakeholder is 100% in favor of the four lanes but thinks this is a 'quick fix' to get US-275 completed. Stated that this project needs to be done the correct way, with all four lanes the same elevation so operators can simply and safely cross with equipment. Stakeholder stated that this surrounding ag community and has contributed many dollars into this state and their voices and opinions need to be taken into consideration. Stated that this project will have a huge impact for years to come, and they think they need to have a seat at this table. Stakeholder has been told there are a few individuals trying to arrange a meeting and will be a part of that, but wonder if NDOT has any suggestions or advice on what can take place from this point. Stated they're looking for some help.	at the same time. Stated that construction is not anticipated on Nebraska Highway 57 (N-57) and traffic through its intersection with US-275 would be maintained during construction. Stated that NDOT and the contractor will work with landowners regarding temporary field access during construction. Thanked stakeholder for feedback and participation on the project.

7c	Stakeholder stated that they received a postcard in the mail about the US-275 project between N-57 and Wisner, and they have a couple of questions. Asked if NDOT plans on building on the north or south side of the existing highway, and how does NDOT plan on laying out the junction of 15/275 north of Pilger. Stated that building on the North will affect their personal property, and are concerned about that. Asked when the projected start date and completion date is. Stated they need access to gravel roads and field entrances and would like to know how that can be handled and coordinated. Stakeholder also has a liquid fertilizer plant on N-57, and the N-57 and US-275 junction is used pretty heavily in the springtime. Excited about four lanes, but trying to be as prepared.	
8a	Stakeholder is a landowner along the proposed four lanes from Wisner to Hwy 57. Stated that they own land and are also a shareholder in Bojak Inc. Stated that at the last meeting they had moved new construction by 15 south to the north side which had affected four homesites. Stakeholder asked if NDOT moved it back to south side where it had always been. Stated that they have supported the four lanes since it was first talked about in a meeting in Pilger in 1985.	Appreciated input regarding the proposed projects. Stated that NDOT plans to construct the two new lanes on the south side of the existing highway. Stated that between 575th Avenue in Stanton County and 2nd Road in Cuming County, the eastbound lanes would shift further to the south to avoid a waterway in the south ditch of the existing roadway. Stated that right-of-way would be acquired, primarily south of the existing roadway. Stated that NDOT's access policy places limitations on how close driveways can be to intersections and to each other. Stated that since the 1/2 mile access between 573rd and 574th avenues was too close to the adjoining property accesses, a consolidated drive serving their residence was proposed. However, project representatives will contact landowners during the final design and right- of-way acquisition phases, anticipated to occur this year. Stated that these discussions would include right-of-way negotiations to refine property access. Thanked stakeholder for feedback and participation on the project.

8b	Stakeholder stated they support this project and realize the need. Stated that they have attended every meeting including one held at Pilger Senior center in 1988 hosted by Sen Stan Schellpepper. Stated it's too bad it was not constructed then as Fremont to Norfolk was estimated to cost less than this section will cost. Stated that they did attend the J turn meeting on the 16th. Stakeholder has two concerns: 1) they do not want an access road coming across their front yard. They will work with the state and enhance the road that comes off 574th Ave. 2) There was no access on map at ½ mile line between 574th and 573rd avenues. Stated that the drive that is currently located there is used by trucks to haul to parts of 487 acres to the north. Stated that there can be up to 93 truckloads using that driveway. Stated that they cannot haul grain with grain cart to other drives. Stated again that up to 93 loads going an extra ½ mile behind a tractor to truck is unacceptable. Stakeholder farms seven farms that will be impacted by expressway and four pivots will be affected. One is in Cuming county at east end of wide Hwy by 15 north junction. Stated NDOT cannot remove all their ½ mile access points. Stakeholder listed names of those landowners they farm or rent.	
9	Stakeholder stated that they live in CO and is unable to attend public hearing. Stated that they own land south of the project, so have an interest in the project. Stated that people that farm the field likely already know about the meeting and the stakeholder plans to inform them. Suggested livestreaming meetings for landowners that may live out of state.	Appreciated input regarding the proposed projects. Stated that information regarding the proposed project, including a narrated presentation, is available at ndot.info/32319. Stated that those without internet access, information may be obtained at NDOT Headquarters: 1500 Nebraska Parkway, Lincoln, NE 68502, or by contacting: Kevin Domogalla, NDOT District 3 Engineer, at kevin.domogalla@nebraska.gov or (402) 370-3470. Thanked stakeholder for feedback and participation on the project.

10	Stakeholder requested circular intersections by the school and where blacktop south of town meets US-275.	Appreciated input regarding the proposed projects. Stated that traffic at the 21st Street and 18th Street intersections was evaluated, and improvements are proposed at these intersections; however, roundabouts are not included in the proposed improvements for this project due to property impacts. Stated that the area referenced near 13th Street is not included in this project. Thanked stakeholder for feedback and participation on the project.
11	Stakeholder stated that they understand that borrow for the project is something that contractors are responsible for acquiring and that sand may be used for borrow some extent. Stakeholder stated that the Wisner Yacht Club, Ltd. Owns +/- 180 acres located at 293 S Road, approximately 3 miles east of Wisner and 1 mile south of US-275 and may be interested in working with potential contractors to provide borrow. Stakeholder requested to be added as a contact for potential contractors.	Appreciated input regarding the proposed projects. Stated that stakeholder is correct that contractors are responsible for acquiring borrow for highway construction. However, NDOT cannot provide information to contractors that could affect highway contract bids. Thanked stakeholder for feedback and participation on the project.
12	Stakeholder owns the agricultural land to the NE of the west Junction of US-275 and N-15. Wants NDOT to know that there are three property owners in that corner. Stated that one owns agricultural land, another is a homeowner, and the last is an owner of the machine shop. Stated that they the large presentation showed, in yellow, new pavement/surfacing off the county road to the east to the machine shop and home. Stated that their questions were about easements, ROW for the new pavement, surfacing, and whether the new pavement/surfacing would be pavement or gravel. Stated that they know ROW will contact the three landowners about any easement or ROW agreements. Asked if someone can please verify the surfacing.	Appreciated input regarding the proposed projects. Stated that the proposed joint driveway would be constructed on the Garvin property with access easements provided for the Oertwich building and Marx residential properties. Stated that the proposed joint driveway would be surfaced with gravel. Thanked stakeholder for feedback and participation on the project.
13a	Stakeholder is glad to see this project getting started. Stated that roads should be safer through the Hills in Stanton County	Appreciated input regarding the proposed projects. Stated that the proposed design at the 18th Street intersection is

13b	Stakeholder enjoyed the public hearing on US-275 from Stanton to Hwy 37 to Wisner. Noted the right and left turn lanes into the school and asked why NDOT would give access to the school from a four-lane highway. Stated that there was an accident there already. Stakeholder asked why couldn't there be only one highway intersection instead of three. Stated that people would prefer an overpass. Stated that they are happy with the road NDOT is planning to build.	being evaluated to optimize geometrics and minimize impacts to school property. Stated that the proposed improvements, which include left-turn lanes and an offset right-turn lane at 21st Street, will improve safety for school traffic by improving sight lines and allowing drivers to turn out of US- 275 traffic away from through lanes. Thanked stakeholder for feedback and participation on the project.
14	Stakeholder stated that a circular intersection is needed by the school for safety and speed reductions, as well as a circular intersection where the blacktop meets US-275 & 13th St.	Appreciated input regarding the proposed projects. Stated that traffic at the US-275 intersections with 21st Street and 18th Street was evaluated, and improvements are proposed at these intersections. However, roundabouts are not included in the proposed improvements due to property impacts. Stated that the area referenced near 13th Street is not included this project. Thanked stakeholder for feedback and participation on the project.
15	Stakeholder requested pages 3-5 including figure 3-1 regarding access at S road relative to their property. Stakeholder would like full paper copy of each and info specifically noted above (page, access)	Appreciated input regarding the proposed projects. Stated that a copy of the requested pages from the Draft Environmental Assessment were mailed to them separately and to please reach out if they were not received or any additional information is needed. Thanked stakeholder for feedback and participation on the project.
16	Stakeholder requested NDOT square off 18th St at US-275 and add a pedestrian overpass at 18th St & US-275	Appreciated input regarding the proposed projects. Stated that the proposed design in this location would improve intersection geometrics while minimizing impacts to school property. Also noted that a pedestrian overpass in Wisner is not within the project scope. Thanked stakeholder for feedback and participation on the project.

17	Stakeholder asked why NDOT is going through Wisner (and they're assuming Beemer in the next phase)? Asked if it would be the intent of an expressway to go around and possibly tie into Hwy 51, following to the north, then going to US-275 east of Beemer. Stakeholder stated that would alleviate 25 mph traffic in Wisner and nearly as slow in Beemer.	Appreciated input regarding the proposed projects. Stated that bypasses around Wisner and Beemer are not within the project scope. Thanked stakeholder for feedback and participation on the project.
18	Stakeholder owns and operate Maas Feedlots LLC in Stanton county, and has two feedlot locations, one north of 568th Ave and US-275, and one located south of US-275 on 569th Ave. is concerned with proposed J turns placed off and on these two roads. Stated that the feedlot has 75+ trucks per week turning off and on these two roads loaded with anything from distillers, corn, cattle, plus a variety of other commodities. Stated that in addition to numerous tractors and implements that will not, in their opinion, be safe going down the highway to and through the J turn. Stakeholder stated that truck and equipment operators make every effort to go across US-275 rather than down the highway in order to maintain the flow of traffic in either direction. Stated that in those situations that this is not possible, with J turns in place, operators will be driving large, slow moving equipment that will take up both lanes to the J turn and back to either 568th or 569th avenues. Stakeholder feels the engineering of US-275, especially in regard to the J turns, does not take into consideration the amount of rural, large and slow moving equipment that travel up and down US-275. Again mentioned major safety concerns for operators and all those that may encounter them on the highway.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st avenues to allow full access at each intersection. Thanked stakeholder for feedback and participation on the project.

19a	Stated that they recently reached out via phone on December 22nd 2023. Stated that hopefully NDOT made notes of their conversation, however they thought they would make some written comments as well. Stated that they are in full support of the US-275 widening and were one of the founding members of 4 Lanes 4 Nebraska group. Stated that they do have some concerns however with the plan to widen an area and have the water/drain ditch down the middle of the lanes. Stated that they see how this might seem reasonable many years ago, but not in today's current landscape conditions. Stated that numerous things have changed over the years to the properties on both sides of the widening area. Stated that most of the land on both north and south of the area has been tiled. Stated that many of the tiles drain into reservoirs and the water is lifted to the surface and then runs its natural course. Stated that they have learned how to farm the land, which for years was too wet to even get into the fields. Stated that the main drainage ditch that feeds the area has been blocked or redirected into a holding lagoon. Stated that this ditch is responsible for draining nearly 300 acres so that alone changes the water run to the affected area. Stated that the proposed plan moves the south lanes much further onto their property and other people's property. Stated that this has direct results of buying additional land, removing or changing tile lines, moving and changing center pivots, moving and changing reservoirs and lift stations, moving and changing electricity service, and changing drainage areas of the existing land. Stated that they are looking forward to the US-275 widening project and visiting with the engineers for the best results.	Appreciated input regarding the proposed projects and noted that an on-site meeting is scheduled for April 17, 2024, to discuss these concerns with the commentor. Thanked stakeholder for feedback and participation on the project. At the April 17, 2024 meeting, the stakeholder noted concerns with the widened median design and impacts to drain tile and center pivots within their fields. NDOT noted that they will be paid damages for their impacted facilities, and they would remediate on their own utilizing the damages paid by the State. The stakeholder also expressed concern about drainage during construction. NDOT noted that drainage must be maintained at all times per the plans. The stakeholder asked for staking of the new ROW boundary to be completed in fall 2024 after harvest. NDOT agreed and requested the stakeholder notify the State when the ground is ready to be staked.

19b	Stakeholder is a landowner near Humbug Creek and the east Highway 15 junction. Asked for additional or relocated drives. Stakeholder understands their controlled access policy and the desire to combine drives and reduce the number of entrances, but may want to pursue further ROW negotiations. Stakeholder's land has a drain tile and lift station. Also asked about the sight distance for 574th Avenue looking east. Claimed there is a dip in the highway that may lose sight of westbound vehicles.	
19c	Stakeholder is a landowner along US-275 and was unable to attend the public hearing regarding the information at the Wisner high school. Stated that they do have questions and comments and would appreciate a phone call back. During the phone call, stakeholder stated that they own land west of N-15 intersection, north and south of US-275. Stated that they have area blocked off from flood plain, so no water comes down that ditch and under the existing highway. Stated that very little continues to go through their property. Stated that they're not sure if median needs to be that wide. Stated that there is tile in the area as well, and neighbor has tile. Stated that their neighbor to the west's tile system can go into ditch, but the ditch that goes north and southwest of the N-15 has been essentially dammed up. Stated that lift station for tile on southeast portion of neighbor's property would drain into that ditch where it meets existing 275. Stated that they have tile on southeast corner of quarter north of the US-275/N-15 intersection, but that stays north of the highway and drains east. Stated that everything draining from property stays north of existing 275. Stated that drainage to the south doesn't occur from property until just west of N-15/275 intersection. Stated that south of 275 is pretty well tiled, and there's a lift station along the north side where there's wetland and proposed culvert. Stated that the proposed expansion would likely go over one or two tile lines and reservoirs. Stated that the tile has to be buried about 6 ft	

	deep into that reservoir because ground is so low in the area. Stated that the proposed project would require moving reservoir and tile. Stated that the other wetland that runs diagonally north and east connects to a ditch which currently drains into existing ditch, but there's no culvert. Stakeholder dug out ditch in order to allow drainage into the existing ditch if there's high water. Stated that the new proposed expansion would block drainage to the ditch and doesn't show a proposed culvert. Stakeholder's property stops at the Stanton/Cuming Co line.	
20	Stakeholder stated they would like an onsite meeting noting the new ROWs for utilities to have a better idea of where poles, wires and equipment can be set and not be located at the culvert or field entrance. Stakeholder would also like a clear explanation of dirt being removed or added in areas where location of utilities is happening, to prevent having wire not buried deep enough at highway crossings, as well as time frames of when each utility is expected to have their equipment relocated and old removed.	Appreciated input regarding the proposed projects. Stated that project representatives will reach out to individual utility owners as design and right-of-way plans are finalized. Stated that they will assist utility owners in evaluating impacts, including those due to grading, assessing whether relocated utilities can be accommodated on right-of-way, and determining the relocation timeframe. Thanked stakeholder for feedback and participation on the project.
21	Stakeholder stated that they are a resident in Wayne County on Hwy 15 (five miles south of Wayne) and commute to Norfolk four times a week. Stated that they are reaching out about a specific section of the project- both Hwy 15 intersections and the roadway between the north and south interchanges of HWY 15 on US-275. Restated they are a resident of Wayne County (reside five miles south of Wayne) and commute to Norfolk four times a week specifically traveling this area both directions. Stated that, the traffic on Hwy 15 has a large volume of cattle trucks commuting south to Schuyler from the North on Hwy 15. Stated that on US-275 between the north and south interchanges of N-15 provides the most concern on their commute. Stated that the trucks barely make it to 55 mph before turning onto N-15 into Pilger. Stated that with	Appreciated input regarding the proposed projects. Stated that the intersections on this project have been reviewed in accordance with NDOT's current practices for rural expressway design. Stated intersections are evaluated for many criteria, some of which include design vehicle, traffic volumes, design speed, type of traffic control, and proximity of accesses. Stated that the additional lanes will improve traffic flow by allowing passing of slower moving vehicles and the left-turn lanes at the Nebraska Highway 15 (N-15) intersections will be lengthened which will help trucks exit US-275 traffic sooner. Thanked stakeholder for feedback and participation on the project.

	new lanes, wider intersections, and trucks switching lanes they have more concerns about this. Stated that they wish they had a cheap idea on how to make this area be constructed. One solution for consideration would be round abouts with dividers so vehicles can't switch lanes prior to and during the commute through the roundabouts. Ideally, they would prefer the 15 intersections and road be reconstructed but the cost of the project would help Hwy 15 north to Wayne have passing lanes completed sooner. Stakeholder thanked NDOT for taking the time to read their comment and asked NDOT to look into solutions for their area of the commute in which they and many other Nebraskans travel.	
22a	Stakeholder asked numerous questions on the process for design and approval of design concepts. Stated that they are talking to all landowners and tenants from the Wayne county line south to the Elkhorn River. Stated that they have been trying to contact Commissioner Copple to set up a meeting to talk to him about his issues. Stated that he has been in touch with another landowner but did not say he has been invited to the meeting that person set up. Stated that they wanted a copy of the video recording of the meeting.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Thanked stakeholder for feedback and participation on the project.
22b	Stakeholder stated that they were surprised not everyone received a letter about the project. Stated that it wasn't put in bold print that the J intersections would be proposed and feels they may have to retain legal counsel. Stated that it's good to show on mosaic what roads lay to the north and south of the project, minimum maintenance roads and county roads especially. Stated that landowners they've spoken to from the Wayne Co. line to the Elkhorn River are opposed to the J turns. Stated that they wonder why J turns aren't spelled out in black ink anywhere.	

23	Stakeholder is very happy that completion of this projects is finally scheduled. Stated that their concern is with the four mile segment that doesn't allow left turns. Stated that there are many cattle trailer semis and farm equipment that take that stretch of US-275. Stated that not being able to cross that stretch of US-275 is going to cause problems as it gets a lot of semi tractor traffic. Stated that if traffic is backed up for a J turn it will cause problems. Stated that they Stakeholder thinks NDOT is seriously underestimating the amount of farm equipment that travels on US-275. There are many bridges in Stanton County that farm equipment can't travel over and are forced to take the highway.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Stated that improving county road bridges is not within the scope of this project, and is the responsibility of the respective county. Thanked stakeholder for feedback and participation on the project.
24	Stakeholder stated that they would like to see the proposed J turns on the US-275 project changed to regular intersections. Stated that they live in an agricultural community, and this will profoundly impact where they live and work. Stated that they try to avoid using the highway with their equipment, but this will force them onto the highway with slow moving equipment causing a safety concern for operators as well as other drivers, which the stakeholder felt was for no reason than to save some money on not correctly redoing the existing intersections. Stated that their neighbors would like someone to schedule a meeting to discuss the possibilities of moving away from the proposed J turns. Stated that it may not impact the commuters traveling down US-275, but it will cause a severe impact to those living in the area.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Thanked stakeholder for feedback and participation on the project.
25	Stakeholder stated that J turns are not necessary at every gravel road. Stated that it will impede traffic patterns and cause issues for the traffic that is utilizing these road ways.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Thanked stakeholder for feedback and participation on the project.

26	Stakeholder is a landowner and renter of 8 quarters of ground that will be affected by the highway expansion, and would like to voice their disapproval of the J-turn idea for 4 miles in a row. Those 4 miles are located by land they farm and own. Stakeholder would prefer dirt being moved on the existing lanes or the new West bound lanes. Especially with winter weather, they believe the state can do a better job of alleviating some of the drifting problems by moving dirt. The stakeholder's biggest concern is their equipment using the J-turns. Several trucks and large farm equipment will be affected by tight turning and it will take a toll on tires, axles, and twisting and binding. Agree that J-turns have a place on some roads, but not at these 4 intersections in a row. And not on county roads.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Stated that snow drifting is a known concern along the north side of the existing highway and will be addressed with the project. Multiple locations with steep slopes will be graded to flatten the slopes and reduce the drifting that currently exists. Thanked stakeholder for feedback and participation on the project.
27	Stakeholders are not in favor of the J-turns proposed. Stated that they are less convenient to make the turn especially with farm trucks and equipment. Stated that they do not own land in the vicinity but wanted to call in their opinion.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Thanked stakeholder for feedback and participation on the project.
28a	Stakeholder stated that the 570 intersection on US-275 should be handled the same way as the 568th & 569th intersections. Stated that farm machinery on Pilger to Stanton cut across road use this intersection to cross US-275. Stated that the 570 intersection provides the best visibility in both directions of any of the cross road intersections between Hwy 57 and 15. Stated that if the road height is made the same as the existing north lanes in this intersection, a 90 foot median with stop signs was added, this would be a very safe intersection crossing for agriculture machinery. Stakeholder lives north of US-275 on 570 Ave and have seen the volume of farm equipment that uses this route during each agriculture season, especially after a modern no weight limit 24' wide bridge was placed on 570 Ave making it the best road to take to go to the	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Stated that information regarding the proposed project, including a narrated presentation, is available at ndot.info/32319. Stated that for those without internet access, information may be obtained at NDOT Headquarters: 1500 Nebraska Parkway, Lincoln, NE 68502, or by contacting: Kevin Domogalla, NDOT District 3 Engineer, at kevin.domogalla@nebraska.gov or (402) 370-3470. Thanked stakeholder for feedback and participation on the project.

	north. Stated that they feel abandoning the safest cross intersection in this stretch of the 275 expressway would be a costly mistake. Stated that NDOT has a safe, useful intersection that serves the public well and should use it.	
28b	Stated that they object to the proposed J turn on the US-275 & 570 Ave. Stated that it will unfairly impact and lower the property values on property that relies on the 570 Ave US-275 intersection, compared to 568 and 569 avenues that will both have double stop 90 ft wide median intersections. Stated that the 570 Ave intersection needs this same type of intersection for agriculture and safety reasons. Stated that the 570 Ave with the double stop style intersection would be the safest of any of the intersections in the area. Stated that unlike the 568 & 569 intersections, no future work would be required as it will have a half mile or more visibility of oncoming traffic into the intersection from both directions. Stated that 568 & 569 both have severely reduced visibility t of the oncoming west bound traffic. Stated that there possibly will be serious accidents at both of these intersections without the removal of the hill blocking the view of oncoming west bound traffic. Stakeholder feels that the 570 Ave intersection, if done with a double stop 90 foot wide median, would be the last construction required for this intersection and it would be a truly safe expressway functioning intersection for everybody including agriculture, semi's, trucks & all vehicles. Stated that as of January 20 2024 at 3:30 p.m. the plot 1 on the mosaic aerial is only partially functioning, on this website. Stated that they cannot see the plans for their property due to it not working properly, with the comment period ending, the stakeholder would like this information provided to them as an affected landowner.	

29	Stakeholder stated that they will be happy with the new highway, but very against the J turn that is being proposed. Stated that it will be a big inconvenience for the farmers in the area. Stated that it will be difficult to turn a loaded semi on this type of turn.	Appreciated input regarding the proposed projects. Stated that after considering public feedback, NDOT has reevaluated the county road intersections with restricted turning movements, (often referred to as J turns or R-cut intersections) and has decided to modify the proposed design from 568th to 571st Avenues to allow full access at each intersection. Thanked stakeholder for feedback and participation on the project.
30	Stakeholder owns land on the south side of US-275. Asked why 20 acres one mile east of US-275 and N-15 is considered a wetland. Stated that they own land on the south side of Pilger with sand. Asked if sand and gravel could be pumped out and used for the project. Asked if their 20 acres will be taken and if they could just take everything and make a lake on the stakeholder's property south of Pilger.	Appreciated input regarding the proposed projects. Stated that agricultural wetlands are determined based on review of several years of aerial imagery to identify wet signatures and soil types. Stated that NDOT does not specify source materials for highway construction as they are provided by the contractor. Thanked stakeholder for feedback and participation on the project.
31	Stakeholder has concerns on how NDOT will be handling the center pivots on the land that is selected for the new roadway. Asked how NDOT will be handling the changes on property when NDOT has to take away a driveway. Stated that they have concern that the turning lanes in the middle of the four lane will be large enough to handle a semi-truck and trailer safely.	Appreciated input regarding the proposed projects. Stated that if right-of-way or farmland impacts occur, project representatives will contact landowners during the final design and right-of-way acquisition phases, anticipated to occur this year. These discussions will include specific property impacts such as center pivots and changes to access. Stated that the new median breaks for county roads and rural residence access are designed to allow at least one truck to wait for gaps without blocking through lanes. Stated that some intersections would have longer turn lanes; for example, those where US-275 intersects with other state highways. Stated that the intersection designs are checked using software that simulates truck turning to verify sufficient pavement will be constructed. Thanked stakeholder for feedback and participation on the project.

32	Stakeholder stated that their farmland will be directly affected by the US-275 Norfolk-Wisner project. Stated that their land is west of the Wisner Dollar General and borders Highway 51. Stated that they are living in Michigan and were unable to attend the public hearing in December. Stated that they have a few questions related to the US- 275 project. 1. From the information posted online, it appears that the new portion of the highway will be constructed north of the existing highway and are wondering why that was chosen rather than the south side. 2. Asked how much of their land, an estimated by feet and acres will be affected. Stated that this is all prime farmland and like others, there will be a loss of income. Stated that NDOT's answers to these questions will be greatly appreciated.	Appreciated input regarding the proposed projects. Stated that the new portion of the highway would be constructed south of the existing highway. Stated that project representatives will contact landowners during the final design and right-of-way acquisition phases, anticipated to occur this year. Thanked stakeholder for feedback and participation on the project.
33	Stakeholder stated that they attended the meeting in Wisner discussing the projected four-lane development of US-275. Stated that they are the tenants of the farm at the intersection of Hwy 15 N & 275 on SE corner. Stated that they have a concern on the number of acres the roadway is going to use along this section of the road. They believe the concern on NDOT's end was the wetlands in this area, and would like to inform NDOT that this farm has had a considerable amount of tiling done and they know the farms around them have done a considerable amount as well. Stated that they wanted NDOT to be aware of this before making final decisions on design. Stated that if NDOT has any questions, please feel free to contact them.	Appreciated input regarding the proposed projects. Stated that if right-of-way or farmland impacts occur, project representatives will contact landowners during the final design and right-of-way acquisition phases, anticipated to occur this year. Stated that these discussions will include specific property impacts such as tiling. Thanked stakeholder for feedback and participation on the project.

34	Stakeholder is secondary owner of Alexander Cattle & Farms in Pilger. Stated that they are fully in support of the highway expansion to help increase safe, and logistical productivity to the economy of northeast Nebraska as a whole. Stated that they are not in favor of fully expanding/extra widening of the drainage ditch around the junctions of the highway 15 corridor. Stated that they now contain and control the majority of the water that used to run through that drainage area. With the addition of their lagoon and containment facilities, the water from the surrounding northern acres are controlled, contained, and distributed well via center pivot irrigation on their property on the north side of 275. Stated that they have also extensively tiled and managed their land south of 275. Stated that by widening for drainage, it will be very costly and timely for the stakeholder and the state. Stakeholder is also the father of three children who travel US-275 most days to Wisner for school or activities. Feels there are some safety issues that need to be addressed, especially for those youths that are new to driving, with increased risk of crossing lanes, and higher traffic flow. Stated that they look forward to visiting with engineers to help make the new highway project the best possible version, with the least amount of change and cost to the stakeholder and the public.	Appreciated input regarding the proposed projects. Stated that if right-of-way or farmland impacts occur, project representatives will contact landowners during the final design and right-of-way acquisition phases, anticipated to occur this year. These discussions will include specific property impacts such as tile lines, center pivots, reservoirs and lift stations, electricity service and drainage areas. Stated that the proposed design provides several improvements, particularly at intersections. Stated that left-turn lanes will be provided at the US-275 intersections with Nebraska Highway 15 (N-15), Nebraska Highway 51 (N-51), and 21st Street in Wisner, which will allow those turns to occur without blocking through lanes. Stated that offset right-turn lanes will be provided at the N-15 and 21st intersections on US-275 to allow right-turns without blocking through lanes and to improve sight distance for the approaches to those intersections. Stated that these features, in addition to wider medians that allow drivers to negotiate eastbound and westbound US-275 separately, will result in an improved facility, particularly near Wisner-Pilger Schools. Thanked stakeholder for feedback and participation on the project.

Chapter 3 Errata Sheet – Changes to the Draft EA

The following pages of the Final EA – Errata include additions or alterations to the Draft EA as a result of public and agency input and associated design revisions and identification of the wetland mitigation site. Discussion is provided below with reference to the pages from the Draft EA.

3.1 Universal Changes to the Draft EA

Several universal changes apply to the Draft EA text:

- References to "Preferred Alternative" are hereby changed to "Selected Alternative."
- References to "would" in the Preferred Alternative are hereby changed to "will," including the description of the Selected Alternative, design features, affected environment, and environmental consequences.
- In the Environmental Commitments and Mitigation chapter, all references to "would" in connection with NDOT or the Contractor's responsibility to comply with required mitigation measures are hereby changed to "will" and "shall."

3.2 Design Changes Resulting from Public Comment

The initial project design presented in the DEA included restricted crossing U-turn intersections (also known as R-cut or J-turn intersections) at 568th Avenue, 569th Avenue, 570th Avenue, and 571st Avenue. The R-cut intersections were designed to facilitate mainline left-turns and side road through movements while addressing limited sight distance along the existing US-275, which will become the westbound lanes of the Selected Alternative. However, during the public hearing in December 2023, members of the public and adjacent landowners expressed concerns about this design, particularly about slow-moving vehicles such as agricultural equipment and heavily loaded trucks merging with fast-moving traffic.

In response to these concerns, NDOT removed the R-cut intersections from the design, and instead, two-stage crossings were introduced at all four consecutive county road locations (Figure 2-1). This change allows vehicles to cross eastbound and westbound US-275 in two separate movements, which reduces the required intersection sight distance (ISD) and allows both sides to meet ISD criteria. To accommodate the two-stage crossings, the medians at the intersections will be widened. The west two intersections, 568th Avenue and 569th Avenue, already have a 92-foot-wide median that can facilitate a two-stage crossing. The median at the two east intersections, 570th Avenue and 571st Avenue, were previously planned to be 78 feet wide and will be widened to 92 feet. This will provide storage for a single semitruck with a 53-foot-long trailer in the median break.

The elimination of the restricted R-cut intersections, in addition to the median widening at 570th Avenue and 571st Avenue, will facilitate direct two-stage side road crossings of US-275. This design aligns with recent changes to NDOT design criteria, which allow consideration of two-stage crossings of intersections in wider median sections. It also better aligns with driver expectations because other county road intersections in the corridor will be conventional median break designs. This decision demonstrates NDOT's commitment to addressing the community's concerns and prioritizing safety.

The following resources were reviewed in this Final EA as a result of this design change:

- Land Use: Four additional acres of land to be acquired will be from farmland and will be compatible with land use plans.

- Farmland: Four additional acres of land will be acquired from farmland. This additional acreage will not create additional impacts on farm improvements. The updated NRCS CPA-106 farmland analysis can be found in Appendix C. The widened median will not change the impacts on center pivots as described in the Draft EA.
- Right-of-way and Relocations: Four additional acres of land will be acquired from farmland. Landowners will be compensated for the removal or relocation of the center pivots and storage buildings as described in the Draft EA.
- Community Impact Assessment: The acquisition of four additional acres of ROW will not change the determination that the Project will result in minor, short-term, adverse impacts on the tax base in and near the CIA Study Area. The updated Community Impact Assessment can be found in Appendix D.
- Transportation: Following input during the public hearing, and as discussed above, the R-cut intersections have been removed.
- Historic Properties: The NDOT historic properties professionally qualified staff (PQS) reviewed the design changes on March 21, 2024. The median widening increased the Area of Potential Effect (APE) but NDOT's historic properties PQS reviewed the additional area and confirmed that the 2023 effects determination remains appropriate. The supplemental review can be found in Appendix E.
- Noise: There are three receptors between 569th Avenue and 572nd Avenue where the median widening will occur for the two-stage intersections, all of which are located north of US-275. The two-stage intersections will result in the new lanes being placed further south of the location proposed in the Draft EA. There will be no additional noise impacts because of the median widening for the two-stage crossing intersections.
- Wetlands and Water Resources: An additional 0.02 acre of impacts on Wetland in an Agricultural Setting (WIAS) will result from the median widening. These additional impacts will be permitted in compliance with Section 404 of the Clean Water Act.
- Cumulative Impacts: The cumulative impacts memo in the Draft EA evaluated cumulative impacts on farmland, communities, the transportation network, and wetlands and water resources with regard to this project and the Scribner-West Point and Wisner-West Point North projects. The additional impact on these resources from the revised design will not change the determination that cumulative impacts on these resources are expected to be beneficial. The updated Cumulative Impacts Memo can be found in Appendix F.

Figure 3-1: Intersection Design Modifications, Sheet 1

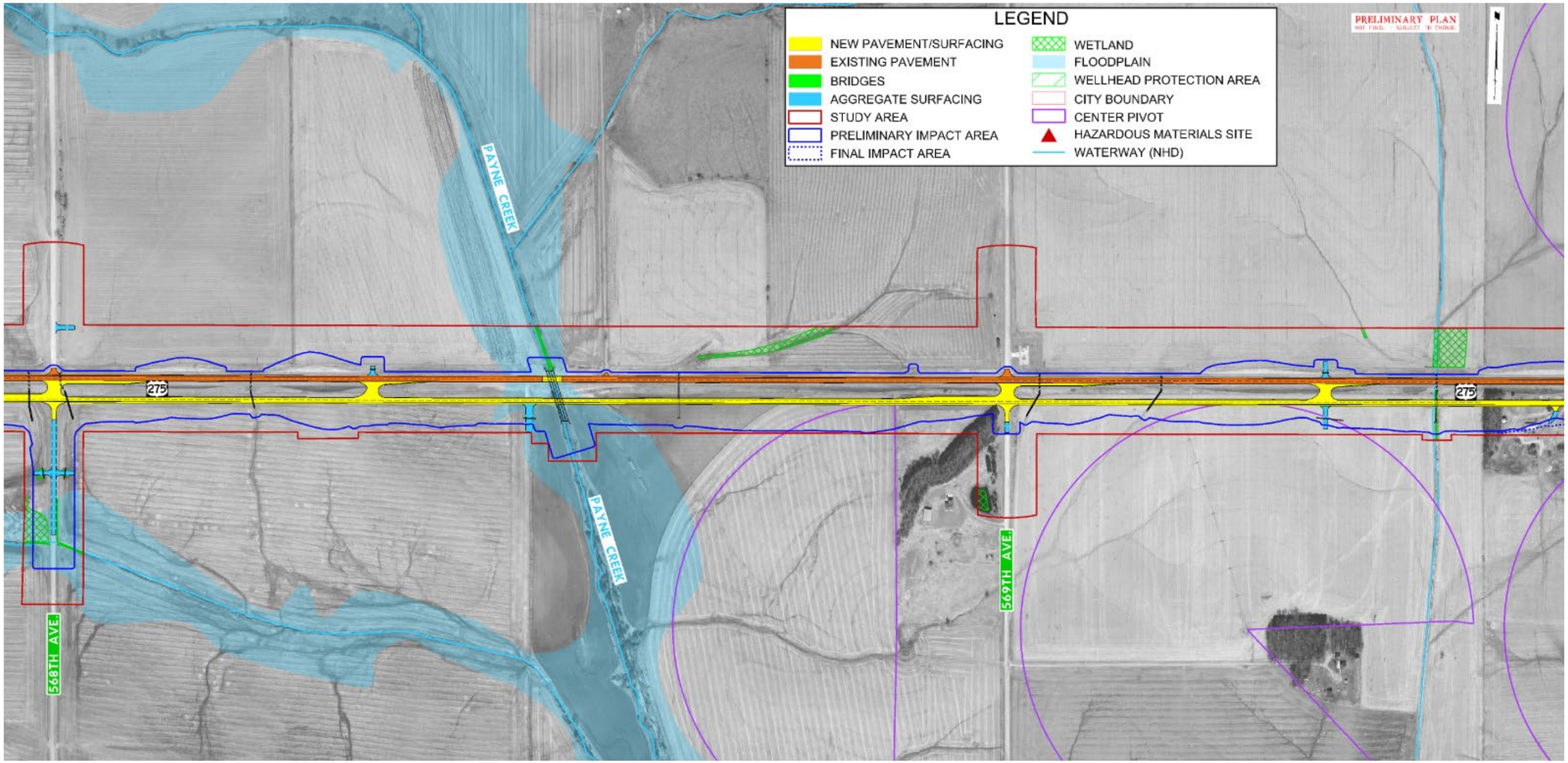
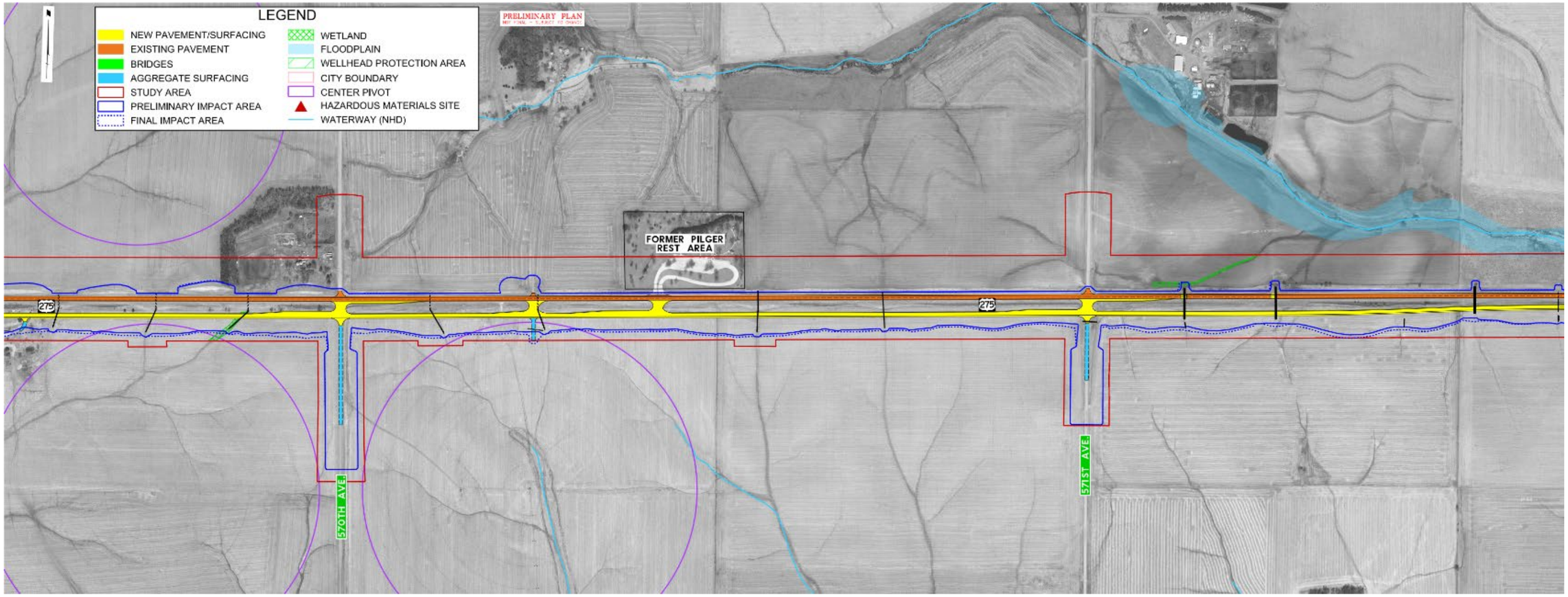


Figure 3-1: Intersection Design Modifications, Sheet 2



3.3 Analysis Related to Identification of the Wetland Mitigation Site

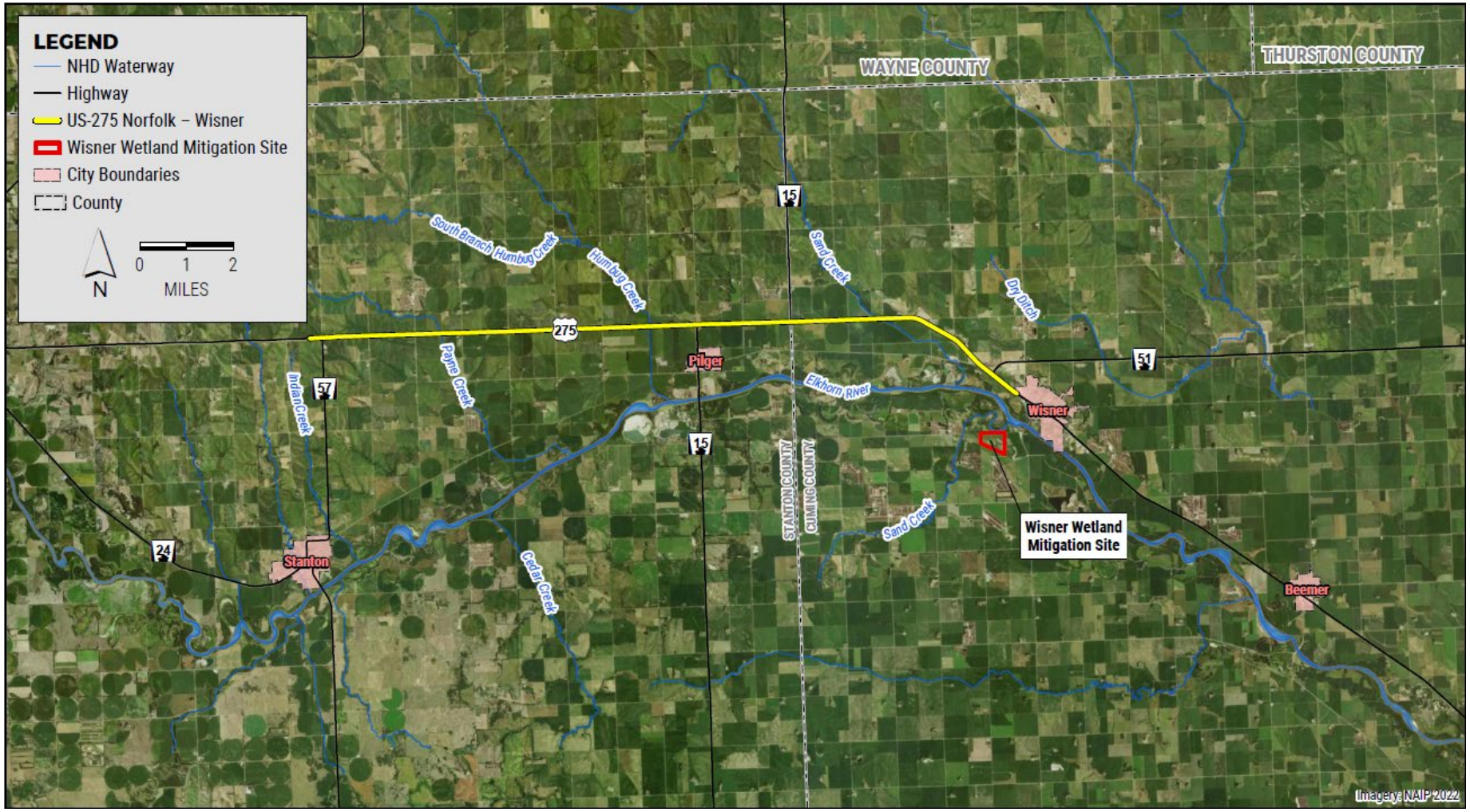
The Draft EA discussed the need for wetland mitigation and noted that it would likely be located off-site. Since the Draft EA was completed and publicly available, a suitable site, known as the Wisner Wetland Mitigation Site, was identified and purchased by NDOT utilizing state funds. The Wisner Mitigation Site is proposed as an Advanced Permittee Responsible Mitigation site and is approximately 112 acres located southwest of Wisner (Figure 3-2).

The Wisner Mitigation Site is not adjacent to the Project; therefore, the resource reviews associated with the mitigation site are discussed collectively below. The following resources were reviewed in this Final EA as a result of the site. These reviews can be found in Appendix G Other resources discussed in the Draft EA would not be affected by construction of the mitigation site.

- Land Use: The mitigation site lies within the Elkhorn River floodplain and includes row crops, alfalfa and a remnant river oxbow. Following construction of the mitigation site, it will be planted with an appropriate wetland and upland seed mix. Conversion from farmland to floodplain wetlands will be compatible with land use plans adjacent to the Elkhorn River.
- Farmland: The mitigation site is predominantly farmland with row crops in the northeast half and alfalfa in the southwest half. The mitigation site is split by a remnant oxbow of the Elkhorn River. The NRCS reviewed the site via the AD-1006 form on March 26, 2024. The score for the site was 111. The Farmland Protection Policy Act states that sites resulting in a score of greater than 160 require additional consideration. As the Site was below 160, no further consideration for protection and no additional evaluation is needed. The NRCS AD-1006 farmland analysis and rationale for the mitigation site can be found in Appendix G.
- Right-of-way and Relocations: Approximately 112 acres of private land was purchased for the mitigation site utilizing state funds in accordance with applicable laws and regulations.
- Historic Properties: The NDOT historic properties PQS reviewed the mitigation site on March 21, 2024, and found that there are no National Register of Historic Places eligible properties or archeological sites within or adjacent to the site. The supplemental review can be found in Appendix E.
- Hazardous Materials: The NDOT hazardous materials PQS reviewed the mitigation site and adjacent land on March 14, 2024, and found that there are no hazardous material sites of concern within or adjacent to the site.
- Paleontology: The Highway Paleontology Program reviewed the mitigation site on May 1, 2024, and noted one vertebrate paleontology locality from the Elkhorn River floodplain approximately 1 mile south and 2.5 miles east of the site. Alluvial sediments have a higher potential for fossil resources but are usually isolated occurrences. There may be fossils in the proposed mitigation area, but they would be salvaged as needed during construction.
- Floodplain: The NDOT floodplain PQS reviewed the mitigation site on March 14, 2024, and found no floodplain issues with the site.
- Water Quality: The NDOT water quality PQS reviewed the mitigation site on March 5, 2024, and found that the site will not alter water quality impacts identified in the Draft EA.

- Wetlands and Water Resources: The NDOT wetlands PQS reviewed the mitigation site on March 13, 2024, and indicated that the site will be included in the Section 404 permit submittal to USACE.
- Threatened and Endangered Species: The NDOT threatened and endangered species PQS reviewed the mitigation site on March 14, 2024, and found that the mitigation site will not alter the threatened and endangered species determination for the Norfolk – Wisner project of "May Affect, Not Likely to Adversely Affect" for the northern long-eared bat.
- Cumulative Impacts: The cumulative impacts memo in the Draft EA evaluated cumulative impacts on farmland, community cohesion, the transportation network, and wetlands and water resources with regard to this project and the Scribner-West Point and Wisner-West Point North projects. The need for offsite mitigation was considered the Cumulative Impacts Memo and was noted as a beneficial impact. Selection of the Wisner Mitigation Site will not change the determination that cumulative impacts on these resources will be beneficial. The Cumulative Impacts Memo can be found in Appendix F.

Figure 3-2: Wisner Wetland Mitigation Site



3.4 Changes to the Draft EA by Section

To provide the relevant context for each edit or change other than the universal edits, the entire original Draft EA paragraph has been included. The section numbering below corresponds with the same section number in Chapter 3 of the Draft EA. Only original Draft EA paragraphs with non-universal edits or changes are reproduced here. Draft EA text to be deleted is shown as strikeout text (~~strikeout~~), and additions to the Draft EA text are *italicized*.

DEA.3.2.3 Land Use

The ~~Preferred~~ *Selected* Alternative ~~would~~ *will* convert approximately ~~333~~ *337* acres of private property to NDOT ROW. Acquired land ~~would~~ *will* primarily consist of agricultural land with some land acquisition from residential farmsteads. Conversion of this land ~~would~~ *will* be compatible with land use plans, and adjacent land use is expected to remain in agriculture.

DEA.3.3.3 Farmland

The ~~Preferred~~ *Selected* Alternative ~~would~~ *will* convert ~~324~~ *328* acres of farmland to highway ROW. Due to the large size of farmed parcels, conversion of this farmland ~~would~~ *will* not substantially affect farming operations on individual farms. Approximately ~~216~~ *217* acres of this farmland are listed as prime or unique. The NRCS-CPA-106 forms show that the Part VI score for Stanton and Cuming Counties is 57 and 59 for each county, respectively. Combined with an assumed maximum Part V score of 100, the 160-point site assessment threshold for additional site consideration and protection is not reached. Therefore, no coordination with NRCS is required.

The Wisner Wetland Mitigation Site will result in the conversion of 112 acres of farmland into a wetland mitigation site. The NRCS reviewed the AD-1006 form on March 26, 2024, and assigned a score of 111 for the site. As such, the Site is below the 160-point threshold and no further consideration for protection and no additional evaluation is necessary. The NRCS AD-1006 farmland analysis and rationale for the Site can be found in Appendix G.

The ~~Preferred~~ *Selected* Alternative has the potential to impact 12 existing center pivot irrigation systems and two storage buildings on one farmstead approximately 5 miles west of Pilger. Three center pivots may require relocation; the final determination on whether they ~~would~~ *will* require relocation ~~would~~ *will* be made during final design. These center pivots are located 0.35 mile east of the N-15 east junction, 0.35 mile west of 4th Road, and 0.35 mile west of S Road. Nine center pivots ~~would~~ *will* be shortened but ~~would~~ *will* remain functional following construction of the ~~Preferred~~ *Selected* Alternative. Landowners ~~would~~ *will* be compensated for the removal or relocation of the center pivots and storage buildings as described in Section 3.4, Right-of-Way and Relocations.

DEA.3.4.3 Right-of-Way and Relocations

The ~~Preferred~~ *Selected* Alternative ~~would~~ *will* require the acquisition of approximately ~~333~~ *337* acres of new ROW and permanent easements from approximately 90 parcels, primarily south of the existing roadway with a minor amount of ROW required from a few parcels north of the existing roadway. Minor acquisitions, generally less than 10 percent of the total parcel, ~~would~~ *will* be needed. Some acquisitions from small parcels may be moderate, with acquisition of up to 35 percent of the total parcel. Existing land use of these parcels is predominantly irrigated and dry cropland. Acquisitions from a few rural farmsteads as well as Wisner-Pilger Public Schools practice fields ~~would~~ *will* also be needed but ~~would~~ *will* be minor. This new ROW ~~would~~ *will* be needed to construct the two new traffic lanes, county road realignments, bridges, culverts, snow drift mitigation, and access driveways. *Additionally, the Wisner Wetland Mitigation Site required the full acquisition of a single 112-acre parcel.*

DEA.3.5.3 Community Impact Assessment

Tax Base

Minor, short-term, adverse impacts on the tax base ~~would~~ *will* occur in and near the CIA Study Area as portions of property parcels are acquired for expansion of US-275. As discussed in Section 3.4, the ~~Preferred~~ *Selected* Alternative ~~would~~ *will* require acquisition of approximately ~~333~~ *337* acres of land. These acquisitions generally represent less than 10 percent of the respective parcels and 1 percent of the total assessed value in these counties. As design progresses, impacts on adjacent properties in both Stanton and Cuming Counties ~~would~~ *will* be minimized or eliminated to the extent practicable. Increased development along US-275 and in adjacent communities ~~would~~ *will* increase the tax base in Nebraska, in both Stanton and Cuming Counties, and in local communities such as Pilger and Wisner.

DEA.3.7.3 Transportation

~~Four county roads would have restricted R-cut intersections: 568th Avenue, 569th Avenue, 570th Avenue, and 571st Avenue. R-cut intersections are used on divided highways and require approaching motorists on side roads to "turn right onto the highway and then make a U-turn at a designated median opening" (NDOT, n.d.). The addition of this type of intersection would result in negligible out-of-direction travel for motorists but would provide greater safety benefits due to fewer conflict points.~~

DEA.3.9.3 Historic Resources

The Preferred Alternative would have no impact on the Former Pilger Rest Area but would adversely impact the Sharpe Homestead Site. Approximately 1.53 acres of the 3.5-acre Sharpe Homestead Site would be impacted as part of the Project. Unavoidable impacts on the site would include grading for the roadway and ditches. These impacts would be minimized through the use of special shallower ditches. Despite minimization, the Preferred Alternative would result in an Adverse Effect on the Sharpe Homestead Site. NeSHPO concurred with the Adverse Effect finding on June 22, 2023. ~~Adverse effects would be resolved through a Memorandum of Agreement with the NeSHPO.~~ *Adverse effects to the Sharpe Homestead Site will be resolved through archeological data recovery, as detailed in a Memorandum of Agreement with NeSHPO, executed on May 20, 2024. The agreement can be found in Appendix H.*

DEA.3.11.3 Section 4(f)

Approximately 0.22 acre of ROW ~~would~~ *will* be acquired from the Wisner-Pilger Public Schools property at the 21st and 18th Street intersections for intersection improvements. A portion of the practice field in the southwest corner of the property ~~would~~ *will* be acquired, and the shot put/discus pad ~~would~~ *will* be relocated within the practice field. The location ~~would~~ *will* be determined through coordination with Wisner-Pilger Public Schools. The field ~~would~~ *will* still be useable for practice activities. The shot put/discus pad in the southeast corner of the property ~~would~~ *will* be removed. Based on coordination with school representatives, this pad is not a significant feature of the practice fields and is no longer used. Impacts on the property ~~would~~ *will* be considered a "use" under Section 4(f). The ROW acquisition represents less than 2 percent of the entire 14.16-acre recreational property. These actions ~~would~~ *will* not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection and ~~would~~ *will* improve access to the school and thus to the recreation facilities. Coordination with the Official with Jurisdiction, the Wisner-Pilger Public Schools superintendent, has occurred regarding the potential impacts on the Wisner-Pilger Public Schools, as discussed in Chapter 4~~, and would continue throughout the NEPA process~~. *Impacts on the Wisner-Pilger Public Schools were presented to the public during the December 21, 2023, public hearing. Five comments were received pertaining to traffic in and around the school property, with no comments*

received regarding the impacts on the school's recreational facilities or use. The Official with Jurisdiction of the Wisner-Pilger Public Schools concurred that the project will not adversely affect the protected activities, features, and attributes of the Wisner-Pilger Public Schools on March 21, 2024. As such, the impact is considered to be a *de minimis* under 23 CFR 774.5(b)(2)(ii). *Section 4(f) documentation can be found in Appendix I.* ~~Concurrence from the official with jurisdiction would be obtained after receiving public input during the public comment period for the Draft EA.~~

DEA.3.17 Paleontology

DEA 3.17.1 Affected Environment

One vertebrate paleontology locality from the Elkhorn River floodplain is located approximately 1 mile south and 2.5 miles east of the wetland mitigation site. Alluvial sediments have a higher potential for fossil resources but are usually isolated occurrences.

DEA 3.17.3

The paleontology review included in Appendix K of the Draft EA referenced the Wisner – West Point North project which is not within the scope of this project. The findings related to that project have been removed and an updated memo can be found in Appendix J.

There may be fossils in the proposed wetland mitigation site but they would be salvaged as needed during construction. Coordination with the University of Nebraska State Museum can be found in Appendix G.

DEA.3.21.3 Wetlands and Water Resources

The ~~Preferred~~ *Selected* Alternative ~~would~~ *will* affect approximately ~~13.15~~ *13.17* acres of wetlands and approximately 4,359 linear feet (0.61 acre) of 15 waterways, as shown in Table 3-4. As discussed in Chapter 2 *of the Draft EA*, the ~~Preferred~~ *Selected* Alternative ~~would~~ *will* shift the eastbound lanes to the south to minimize impacts on the unnamed intermittent waterway south of the N-15 east junction. Construction of the ~~Preferred~~ *Selected* Alternative ~~would~~ *will* require a CWA Section 404 Individual Permit from USACE.

Table 3-4. Wetland and Water Resource Impacts

Wetland Impacts		Waterway Impacts	
Wetland Type[1]	Acreage	Waterway Type	Linear Feet / Acreage
PEMA/C	7.59	Ephemeral	248 / 0.01
PEMF	0.06	Intermittent	1,887 / 0.18
PSSA	0.007	Perennial	2,224 / 0.42
WIAS (PEMA/C)	~~5.49~~ *5.51*		
Total	~~13.15~~ *13.17*	Total	4,359 / 0.61

[1] PEMA/C = Palustrine Emergent Temporarily / Seasonally Flooded; PEMF = Palustrine Emergent Semi-Permanently Flooded; PSSA = Palustrine Scrub-Shrub Temporarily Flooded; WIAS = Wetland in an Agricultural Setting.

The 112-acre Wisner Wetland Mitigation Site will be the location for offsite wetland mitigation for the Project. A wetland delineation was conducted in July 2021 and identified 25.57 acres of PEMA/C wetlands, 11.54 acres of WIAS (PEMA/C) wetlands, 4.67 acres of PEMF wetlands, and 1 acre of PSSA wetlands. The existing PEMF and PSSA wetlands will be preserved following site construction. Additionally, the mitigation site will preserve some of the existing PEMA/C wetlands while enhancing

other portions of PEMA/C wetlands. The existing WIAS (PEMA/C) wetlands will be restored into PEMA/C wetlands. Overall, the Wisner Mitigation Site is expected to support approximately 111 acres of wetlands. The Wisner Mitigation Site will be included with the Section 404 Individual Permit for the Project.

Chapter 4 Mitigation Measures

The following mitigation measures were presented in the Draft EA and are listed here in their final version. These mitigation measures will be implemented by NDOT by incorporating them into either the project construction documents or the final design. These mitigation measures supersede any of those identified in the Draft EA. The following mitigation measures and commitments are not subject to modification without the prior written approval of FHWA. Each mitigation measure is presented in association with the resource to which it most directly applies; although some of the listed measures apply to multiple resources, they are listed only under the resource that they most directly benefit. In addition to the mitigation measures listed herein, NDOT Standard Specifications will be applied to the Selected Alternative and will result in impact avoidance and minimization on resources.

4.3 Farmland

NDOT shall compensate the landowners and/or current leaseholders for impacts on the center pivot irrigation systems. Compensation will include, but not be limited to, relocating the center pivot system, modifying the center pivot equipment, and/or relocating the well supplying the center pivot system. NDOT shall coordinate with the landowner during the ROW process. (NDOT)

4.4 Right-of-Way and Relocations

ROW acquisitions, types, and amounts will be further refined and minimized to the extent possible during the final design phase of the Project. (NDOT)

Access to adjacent properties shall be maintained throughout construction. Access restrictions shall be coordinated with the property owner prior to the restriction. (NDOT, Contractor)

Property rights acquisition shall be conducted by paying fair market value for the property rights and damages that may occur. ROW acquisition shall 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.). (NDOT)

Relocation or removal of the small grain bin and a metal outbuilding will be determined during final design and the ROW phase. NDOT shall coordinate with the property owner(s) to determine whether the buildings will be relocated or removed and compensated for. (NDOT)

4.5 Community Impact Assessment

Short-term adverse effects on the community resulting from construction (e.g., traffic, noise, dust) shall be addressed or minimized through NDOT's Standard Specifications for Highway Construction. No project-specific mitigation with respect to the community will be required or is proposed for the Project.

4.7 Transportation

For county roadway realignments, county roads adjacent to the closed roadway shall not be closed at the same time and shall remain open to traffic. (NDOT, Contractor)

Access to properties may be limited at times throughout construction but shall remain open. The Contractor shall coordinate with property owners to maintain access to fields and residences. (Contractor)

4.8 Recreation Facilities

The work occurring adjacent to the Wisner-Pilger Public Schools may be minimized further during the final design process. If changes occur within the property, the impacts shall be re-evaluated, and additional coordination with the school will be conducted. (NDOT)

The Contractor shall not complete work or stage, stockpile, or store materials beyond the boundaries of the acquired ROW and temporary easements at the Wisner-Pilger Public Schools. If it is determined that additional temporary or permanent ROW is required outside of the designated boundaries or if access is restricted to a Section 4(f) property, coordination shall occur with NDOT Environmental. (Contractor)

Access to the Wisner-Pilger Public Schools shall remain open at one of the intersections, either 21st Street or 18th Street, during the closure of the other. The Contractor and the NDOT District shall coordinate with the Wisner-Pilger Public Schools prior to affecting traffic near the school. (NDOT, Contractor)

The shot put/discus pad in the northeast corner of the US-275 and 21st Street intersection shall be relocated within the practice field in coordination with the Wisner-Pilger Public Schools during the ROW process. (NDOT)

4.9 Historic Properties

The former Pilger Rest Area has been identified as a Sensitive Area on the north side of existing US-275 from MM 90.43 to MM 90.59. This Sensitive Area shall be indicated on Project plans. (NDOT Design)

A Sensitive Area (the former Pilger Rest Area) has been identified on the north side of existing US-275 from MM 90.43 to MM 90.59. No grading or Project activities, including, but not limited to, working, staging, borrowing, stockpiling, or storing material and/or equipment, shall occur within the boundary of the Sensitive Area(s). (Contractor)

NDOT shall ensure that geoarcheological investigations and mitigation of the adverse effect on the Sharpe Homestead Site are completed as per the stipulations outlined in the Memorandum of Agreement executed on May 20, 2024. (NDOT Environmental)

COMPLETE. ~~A Memorandum of Agreement would be drafted and executed to implement the Data Recovery Plan approved by FHWA and concurred upon by NeSHPO to mitigate the adverse effect on the Sharpe Homestead Site. (NDOT Environmental)~~

~~A Project-level Programmatic Agreement will be drafted to ensure geoarcheological investigations are completed. (NDOT Environmental)~~

4.11 Section 4(f)

COMPLETE. ~~Following the public comment period for the Draft EA, NDOT would request concurrence from the Wisner-Pilger Public Schools superintendent on the *de minimis* impact determination for the use of the Wisner-Pilger Public Schools property. (NDOT Environmental)~~

4.13 Utilities

The Contractor shall follow the guidelines of NDOT's Policy for Accommodating Utilities on State Highway ROW (NDOT 2001). It is NDOT's responsibility to notify utility companies of the need for relocation during the design stage of the Project. The NDOT Utility Section will coordinate utility

agreements with the utility companies prior to construction. It is the Contractor's responsibility to notify utility companies of relocation needs during the construction phase of the Project for utilities that were not relocated before construction. (NDOT, *Contractor*, Utility Provider(s))

If utility relocation or replacement is required in a later phase of the Project, a re-evaluation shall be required if (1) federal funds will be used for the utility work, or (2) the Project construction contractor will be responsible for the work.

If this utility work is identified during final design, NDOT shall initiate the re-evaluation prior to Project letting. If the work is identified during construction, NDOT shall initiate the re-evaluation prior to commencing utility work. (NDOT Environmental, NDOT District)

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

4.14 Air Quality

Short-term adverse effects on air quality resulting from construction shall be addressed or minimized through NDOT's Standard Specifications for Highway Construction. No project-specific mitigation with respect to air quality shall be required or is proposed for the Project.

4.15 Noise

Exhaust and muffler systems on construction equipment shall be in good working order. Construction equipment shall be maintained on a regular basis, and equipment may be subject to inspection by the construction project manager to ensure maintenance. (Contractor, NDOT Project Manager [PM])

The Contractor shall locate noise-emitting stationary equipment (for example, compressors, generators) to avoid unnecessary impacts on residents and businesses. (Contractor, NDOT PM)

4.16 Hazardous Materials

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 use the NDOT Unexpected Waste Action Plan (UWAP) to coordinate appropriate actions. The actions to be carried out by the HPM are, but are not limited to, verification that the Contractor has suspended construction activities in the area of the discovery, contacting the Environmental Section Manager, and making an entry into Site Manager that an unexpected waste discovery was made. The HPM shall then use the UWAP Notification Form (NDOT Form 691) to properly document the extent and type of waste. The HPM shall ensure that proper disposal of the waste and any required health and safety mitigation is implemented by the Contractor. The Contractor shall handle and dispose of regulated material in accordance with NDOT's Standard Specification Section 107.11 (Hazardous Material Discoveries) and applicable laws.

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 would notify the NDOT 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 use the NDOT Unexpected Waste Action Plan to coordinate appropriate actions. The Contractor is required by NDOT's Standard Specifications for Highway Construction, Subsection 107.11 (Hazardous Material

Discoveries) to handle and dispose of regulated material in accordance with applicable laws. (Contractor)

There is a medium potential for petroleum contamination to be present in the soils/groundwater southwest of the intersection of 17th Street North and US-275. The Contractor shall be aware of the possibility of encountering contamination in this area during construction activities and shall look for signs such as odor and/or discolored soil. The NDOT HPM shall be notified when construction occurs in the suspect area. If contamination is discovered, all work in the immediate area shall be stopped until NDEE and NDOT are notified, and a materials and management plan has been developed and approved. The Contractor shall manage the waste in accordance with Nebraska Administrative Code Title 132, Integrated Solid Waste Management Regulations. The Contractor is required by NDOT's Standard Specifications for Highway Construction, Section 107 (legal relations and responsibilities to the public) to handle and dispose of contaminated material in accordance with applicable laws. (Contractor)

There are one or more monitoring wells and/or soil vapor extraction (SVE) wells located near the Cattleman's Lodge and Suites in Wisner around RP 121+80. The monitoring/SVE wells shall be located and marked by the HPM / State Representative in the field. Construction activities near the wells shall 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 shall 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 shall upload documentation of the Contractor's remediation to OnBase (NDOT Dist. Environmental).

The Contractor shall avoid damaging any monitoring or SVE well as marked in plans or in the field. In the event that a monitoring/SVE well is damaged, the Contractor shall stop work at that location and notify the HPM immediately. The Contractor shall comply with the Engineer's direction concerning remediation of damaged monitoring/SVE wells and shall not continue construction activities near the damaged well until notified by the Engineer. (Contractor)

The following bridge structure(s) tested positive for asbestos containing material (ACM): S275 08742 black expansion joint at the center of concrete deck (45 square feet). Removal and disposal of the ACM shall be in accordance with Nebraska Department of Health and Human Services (DHHS) Nebraska Asbestos Control Program Regulations in Nebraska Administrative Code Title 178. The Contractor shall develop a removal and disposal plan in coordination with a licensed asbestos removal contractor and NDOT. The Contractor shall contact DHHS no later than 10 business days prior to removal of the ACM for guidelines on disposal. If the asbestos cannot be kept in a non-friable condition upon removal, the Contractor shall use a licensed asbestos removal contractor. A list of licensed asbestos removal contractors can be found at http://dhhs.ne.gov/Pages/Asbestos.aspx. ACM shall be disposed of at a landfill approved for handling asbestos. The Contractor shall provide landfill receipts to the NDOT HPM within 10 working days of disposal. (Contractor)

The HPM shall upload disposal documentation (that is, landfill receipts or other documentation provided by the Contactor) to OnBase. (NDOT District)

The Contractor shall submit a written National Emissions Standards for Hazardous Air Pollutants (NESHAP) notification to NDEE and a 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 postmarked, hand delivered, or picked up by a commercial delivery service. Faxing documents is prohibited. The Contractor shall provide the NDOT HPM copies of the notifications and their submittal date prior to demolition/renovation activities.

The HPM shall upload NDEE NESHAP and DHHS Form 5 documentation to OnBase.

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 Specifications for Highway Construction, Section 732 (Lead-based Paint Removal) and Nebraska Administrative Code Title 128, Nebraska Hazardous Waste Regulations. The Contractor's implementation plan shall be provided to the HPM and documented in OnBase. (NDOT District, Contractor)

The bridge structures S275 08742, S275 09309, S275 09423, and S275 09644 shall be replaced or repaired. The Contractor shall create an implementation plan to recycle any lead-bearing plates and/or lead shims at a legitimate recycling facility as found in paragraph 3 (lead plate recycling) in the Standard Specifications for Highway Construction, Section 203.01, and in accordance with Nebraska Administrative Code Title 128, Nebraska Hazardous Waste Regulations. The Contractor's implementation plan shall be provided to the HPM and documented in OnBase. (NDOT District, Contractor)

4.17 Paleontology

For paleontological resources, additional field surveys and test excavations shall be conducted prior to construction by the Highway Salvage Paleontology Program (HSPP). The HSPP shall be informed throughout the planning process with regard to alignment choice, grading details, and borrow pit locations. On-site monitoring and the fossil mitigation plan shall be implemented throughout all phases of construction*, including construction of the wetland mitigation site*. (NDOT, Contractor)

In the event of a discovery of paleontological materials during construction, NDOT Standard Specifications for Highway Construction, Subsection 107.10 (2017, pg. 64) states, "The Engineer shall be immediately notified when any such articles are uncovered, and the Contractor shall immediately suspend operations in the area involved until such time that arrangements are made for their removal and preservation." (Contractor)

4.19 Floodplains

The US-275 roadway and bridges shall be designed to adequately convey flood flows along existing drainage patterns. Construction of the Project shall have floodplain encroachment, but Project impacts shall be certified that floodplain regulations are met, and a Floodplain Development Permit shall be obtained from Stanton County, Cuming County*, the Village of Pilger, and the City of Wisner* prior to construction to certify that the proposed Project shall not raise the base flood elevation more than 1 foot. All conditions of the permit shall be adhered to during construction. (NDOT Environmental, Contractor)

4.20 Water Quality

With the implementation of BMPs, no mitigation is required. The following permits shall be obtained prior to construction: (1) CWA Section 404 permit; (2) CWA Section 401 Water Quality Certification; and (3) NPDES permit, with implementation of a SWPPP, to address impacts resulting from disturbance of more than 1 acre of land during construction.

The Project spans through the Pilger Wellhead Protection Area and the Wisner Wellhead Protection Area. NDOT's Standard Specifications for Highway Construction, Subsections 107.01, 107.09, and 107.16, address the Contractor's responsibility to keep fully informed of, observe, and comply with all federal, state, and local laws and ordinances that affect the conduct of the work. (Contractor)

NDOT shall coordinate with the owners of wells that shall be directly impacted by the Project during the ROW process. If the well is actively used, NDOT shall have the well relocated and replaced. If a well is not currently in use, the Contractor shall decommission the well, as needed, during construction in accordance with Nebraska Administrative Code Title 178, Chapter 13. (NDOT Right-of-Way, Contractor)

4.21 Wetlands and Water Resources

Throughout the preliminary design process, efforts were made to minimize impacts on wetlands and other waters of the US. Avoidance and minimization measures shall be further refined during the final design process as appropriate. The design shall comply with the policy of Executive Order 11990 (42 FR 26961) regarding impacts on wetlands. Additionally, any project using federal transportation funds must adhere to the net gain of wetland policy (23 CFR 777.11(g)), where there shall be no net loss of wetlands across the program in a given year. (NDOT Roadway Design, NDOT Environmental)

Based on the preliminary impacts, wetland and stream mitigation shall be necessary. Where wetland impacts could not be avoided or minimized, mitigation shall occur at ratios determined by USACE and at locations approved by USACE. Mitigation ratios are determined based on the type and location of mitigation proposed for the affected wetlands. Required mitigation shall be completed at a minimum 1:1 ratio. Wetland mitigation is proposed to be at *the off-site Wisner Wetland Mitigation Site* ~~an off-site mitigation area~~. The *Wisner Wetland Mitigation Site* ~~mitigation site~~ shall be designed and constructed as part of *the* Project. A Nebraska Stream Condition Assessment Procedure shall be completed as part of the CWA Section 404 permitting process to determine stream mitigation needs.

Prior to construction activities, a CWA Section 404 permit shall be obtained. An Individual Permit shall likely be the mechanism for authorization of permanent and temporary impacts related to construction access. All terms and conditions of the permit shall be implemented, and no work shall occur prior to obtaining the permit. (NDOT Environmental)

All wetlands within the Project limits that are not permitted for impacts shall be marked on the Project plans and on the E Sheet as avoidance areas. (NDOT Roadway Design, NDOT Environmental)

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

4.22 Fish, Wildlife, and Vegetation

In accordance with NDOT’s Avian Protection Plan (NDOT 2018), NDOT shall make every effort to schedule clearing and grubbing, large tree removal, or other work activities that may impact migratory bird nests, outside of the primary Nebraska nesting season of April 1 to September 1. If any of the aforementioned activities shall be required during this period, a nesting survey shall be completed by a qualified biologist prior to work commencing. Specific to bridge and culvert work, the required survey period extends through September 30. *(NDOT Environmental, Contractor)*

~~NDOT shall use the Bald Eagle Survey Protocol to determine when a survey for nests and/or roosts shall be conducted. If construction shall begin between February 1 and April 15, a nest survey must be completed at least 1 day but not more than 14 days prior to construction. If construction shall begin between April 15 and October 1, a nest survey completed in March is sufficient because nests shall likely already be constructed if nesting were to occur that year. However, a nest survey may be completed any time during this timeframe as long as it is completed prior to construction. If bald eagles are nesting in the area, consultation with NGPC and USFWS shall be required, and construction shall not commence prior to agency approval. Eagle roosting surveys shall be conducted if construction shall occur between October 1 and January 31.~~

In efforts to maintain aquatic wildlife connectivity, the ~~Preferred~~ *Selected* Alternative may use temporary structures during construction. The use of temporary structures shall facilitate aquatic life movements during construction in accordance with CWA Section 404 Nationwide Permit General Condition No. 2: Aquatic Life Movements. Proposed structures shall be constructed at appropriate sizes and elevations so as not to impede aquatic life movements. *(NDOT Environmental, Contractor)*

To avoid impacts on fish and other aquatic organisms, an erosion control plan and a SWPPP shall be developed and implemented. In accordance with the SWPPP and the requirements in the General Construction Storm Water Permit, NDOT shall inspect all erosion and sediment control BMPs every 14 days and after every precipitation event of 0.5 inch or greater. Any BMP adjustments and repairs shall occur within 7 days of the inspection to ensure that water quality is being protected to the maximum extent practicable. The SWPPP shall be maintained, and discharge points shall be monitored by NDOT until the site is 70 percent revegetated. *(NDOT Environmental, Contractor)*

According to NDOT's Standard Specifications for Highway Construction, Subsection 202.01(2)(b), the Contractor shall be responsible for disposal of all vegetation for NDOT ROW and the limits of construction. Disturbed areas shall be seeded in accordance with NDOT's Standard Specifications, Subsection 803.02. Revegetation of the area following construction shall occur using seed mixtures containing native grasses, legumes, and forbs to appropriately landscape the region, as specified in NDOT's *Plan for the Roadside Environment* for a rural highway corridor (NDOT 2008). *(NDOT Environmental, Contractor)*

As stated in NDOT's Standard Specifications for Highway Construction, Subsection 107.12, "The Contractor shall prevent the transfer of invasive plant and animal species and shall wash all equipment at the Contractor's storage facility prior to entering the construction site. The Contractor shall inspect all construction equipment and remove all attached vegetation and animal prior to leaving the construction site." *(NDOT Environmental, Contractor)*

As stated in NDOT's Standard Specifications for Highway Construction, Subsection 809.02, "Appropriate mulching materials, as defined in Subsection 806.02(1) of NDOT's Standard Specifications, shall be applied and shall not include brome hay or reed canarygrass. All sod, if required, to be applied to the Project shall be free from noxious weeds and all other weeds. *(NDOT Environmental, Contractor)*

4.23 Threatened and Endangered Species

To minimize any potential impacts on protected species, specific conservation conditions shall be implemented during design and construction (see *Draft EA* Appendix P):

- A-1 Changes in Project Scope. If there is a change in the project scope, the project limits, or environmental commitments, the Highway Project Manager shall coordinate with the NDOT Environmental Section to evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from the NDOT Environmental Section. (District Construction)

- A-2 Conservation Conditions. Conservation conditions are to be fully implemented within the project limits as shown on the plans. (District Construction, Contractor)
- A-3 Early Construction Starts. Contractor requests for early construction starts must be coordinated by the Project Construction Engineer with the NDOT Environmental Section for approval to ensure avoidance of listed species sensitive lifecycle timeframes. Early start requests may require consultation with the USFWS and NGPC. Agency coordination time will vary depending on species and project location. (District Construction, Contractor)
- A-4 T&E Species. If federal or state listed species are observed during construction, the Highway Project Manager will contact NDOT Environmental Section to determine if additional species conservation conditions would be required prior to continuing project construction activities. Contact NDOT Environmental for a reference of federal and state listed species. Coordination with the USFWS and NGPC may be required depending on the species identified and construction activities. (NDOT Environmental, District Construction, Contractor)
- A-5 Refueling. Refueling will be conducted outside of those sensitive areas identified on the plans, in the contract, and/or marked in the field. (Contractor)
- A-6 Restricted Activities. The following project activities shall, to the extent possible, be restricted to between the beginning and ending points (stationing, reference posts, mile markers, and/or section-township-range references) of the project, within the right-of-way designated on the project plans: borrow sites, burn sites, construction debris waste disposal areas, concrete and asphalt plants, haul roads, stockpiling areas, staging areas, and material storage sites.

  For activities outside the project limits, the contractor should refer to the Nebraska Game and Park Commission website to determine which species ranges occur within the off-site area. The contractor should plan accordingly for any species surveys that may be required to approve the use of a borrow site, or other off-site activities. The contractor should review the T&E Matrix agreement (on NDOT's website), where species survey protocols can be found, to estimate the level of effort and timing requirements for surveys.

  Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above-listed project activities. The contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The contractor must receive notice of acceptance from NDOT environmental, prior to starting the above-listed project activities. These project activities cannot adversely affect state and/or federally listed species or designated critical habitat. (NDOT Environmental, District Construction, Contractor).
- A-7 Waste/Debris. Construction waste/debris will be disposed of in areas or a manner that will not adversely affect state and/or federally listed species and/or designated critical habitat. (Contractor)
- A-8 Post Construction Erosion Control. Erosion control activities carried out by NDOT Maintenance or others after construction is complete, but prior to project close-out, shall adhere to any standard conservation conditions for species designated for the project limits during construction. (NDOT Maintenance, District Construction, Contractor)

- S-1 Fencing. When project-related fence construction/relocation work is required to be done prior to the start of construction and if the fence work occurs outside urban or cropland areas not within swift fox or mountain plover range, then fencing can be installed/relocated at any time using the following criteria:
    a. the fencing is temporary in nature and/or consists of only hand-driven posts
    b. the work does not compact the soils (ex. through the use of heavy equipment) or cause soil disturbance beyond the driving of posts
    c. within the whooping crane migration corridor, work occurring within a half of a mile of wetlands or perennial waters will occur between the hours of 10:00 am to 4:00pm when the work is between March 6 – April 29 or October 9 – November 15

  If the fencing work cannot meet these criteria, then NDOT Right-of-Way Division shall coordinate with NDOT environmental prior to the completion of Right-of-way negotiations.
- S-2 Platte River Depletions. All efforts will be made to design the project and select borrow sites to prevent depletions to the Platte River. If there is any potential to create a depletion, NDOT (during design) and the contractor (for borrow sites) shall follow the current Platte River depletion protocols for coordination, minimization, and mitigation. In general the following are considered de minimis depletions, but may still require agency coordination; a project which: a) creates an annual depletion less than 0.1 acre feet, b) creates a detention basin that detains water for less than 72 hours, c) any diverted water will be returned to its natural basin within 30 days, or d) creates a one-time depletion of less than 10 acre feet. (NDOT Roadway Design, Contractor)
- S-3 Revegetation. All permanent seeding and plantings (excluding managed landscaped areas) shall use species and composition native to the project vicinity as shown in the Plan for the Roadside Environment. However, within the first 16 feet of the road shoulder, and within high erosion prone locations, tall fescue or perennial ryegrass may be used at minimal rates to provide quick groundcover to prevent erosion, unless state or federally listed threatened or endangered plants were identified in the project area during surveys. If listed plants were identified during survey, any seed mix requirements identified during resource agency consultations shall be used for the project. (NDOT Environmental)
- S-4 Sensitive Areas. Environmentally Sensitive Areas will be marked on the plans, in the field, or in the contract by NDOT Environmental for avoidance. (NDOT Environmental, District Construction)
- S-5 Species Surveys. If species surveys are required for this project, results will be sent by NDOT to the USFWS, NGPC, and if applicable COE. (NDOT Environmental, District Construction)
- Northern Long-Eared Bat

  GENERAL AMM 1

  Ensure all operators, employees, and contractors working in areas of known or presumed bat habitat are aware of all FHWA/FRA/FTA (Transportation Agencies) environmental commitments, including all applicable Avoidance and Minimization Measures. *(NDOT Environmental, District, Contractor)*

TREE REMOVAL AMM 1

Modify all phases/aspects of the Project (e.g., temporary work areas, alignments) to avoid tree removal in excess of what is required to implement the project safely. *(Design, District, Contractor)*

TREE REMOVAL AMM 2

Apply time of year (TOY) restrictions for tree removal (when bats are not likely to be present (November 1- March 31)), or Limit tree removal to 10 or fewer trees per project at any time of year within 100 feet of the existing road/rail surface and outside of documented roosting/foraging habitat or travel corridors; visual emergence survey must be conducted with no bats observed. *(NDOT Environmental, District, Contractor)*

TREE REMOVAL AMM 3

Ensure tree removal is limited to that specified in Project plans and ensure that contractors understand clearing limits and how they are marked in the field (e.g., install bright colored flagging/fencing prior to any tree clearing to ensure contractors stay within clearing limits). *(District, Contractor)*

LIGHTING AMM 1

Direct temporary lighting away from suitable habitat during the active season (April 1- October 31). *(District, Contractor)*

LIGHTING AMM 2

When installing new or replacing existing permanent lights, use downward-facing, full cut-off lens lights (with same intensity or less for replacement lighting); or for those transportation agencies using the BUG system developed by the Illuminating Engineering Society, be as close to 0 for all three ratings with a priority of “uplight” of 0 and “backlight” as low as practicable. *(District, Contractor)*

- Suitable Bald Eagle nesting and/or roosting habitat exists within 0.5 miles of the Environmental Study Area. If construction will begin between February 1 and April 15, a nest survey must be completed at least 1 but not more than 14 days prior to construction. If construction will begin between April 15 and October 1, a nest survey completed in March is sufficient, as nests will likely already be constructed if nesting will occur that year. However, a nest survey may be completed anytime during this timeframe, as long as it is completed prior to construction. If bald eagles are nesting in the area, consultation with NGPC and USFWS will be required prior to beginning construction activities. Eagle roosting surveys will be conducted if construction occurs between October 1 and January 31. (NDOT Environmental, Contractor)