

A. OVERVIEW

The Nebraska Department of Transportation (NDOT) entered Categorical Exclusion (CE) Assignment pursuant to 23 USC 326 on September 5, 2018 (renewed September 17, 2021). The Consultant will assist NDOT with environmental services to be completed in accordance with Nebraska Categorical Exclusion Guidance and applicable NDOT technical resource guidance or procedures found at <https://dot.nebraska.gov/projects/environment/pubs/docs/>. Environmental services must be completed in accordance with all applicable local, state and federal laws and regulations. In the event the NEPA classification elevates from a CE to an Environmental Assessment (EA) or Environmental Impact Statement (EIS), NDOT reserves the right to terminate the Environmental task order under this contract. The consultant shall demonstrate experience and expertise in the following environmental disciplines:

1. Preparation or Re-evaluation of the Categorical Exclusion (CE) Determination Form for Federal-Aid Projects, to be completed in accordance with the NDOT Environmental Procedures Manual (EPM) and the Nebraska Categorical Exclusion (NE-CE) Guidance or as directed by NDOT.
2. The Consultant shall provide CE documentation by way of the NE-CE “Smart Form”, Nebraska Environmental Database System (NEDS) or equivalent, Re-Evaluation Guidance, Instruction, and applicable Forms, or as directed by NDOT.
3. Section 4(f) Determinations in accordance with NDOT’s Guidance for Completing the Section 4(f) Review Process in Nebraska for Federal-Aid Projects.
4. Hazardous Materials Reviews and Site Assessment in accordance with NDOT’s Hazardous Material Review Guidance Manual.
5. Noise Studies, to be completed in accordance with NDOT’s Noise Analysis and Abatement Policy and Guidance Manual including field measurement, Traffic noise modeling utilizing the current FHWA Traffic Noise Model, Abatement Analysis and Reporting.
6. Air Quality Analyses to be completed as directed by Nebraska Department of Environment & Energy (NDEE) Air Quality State Implementation Plan (SIP). The qualified consultant shall execute all air quality analysis of the SIP in support of the CE as directed by NDOT. the environmental review regulation issued by FHWA (23 CFR 771) and the current FHWA Mobile Source Air Toxics (MSAT) guidance. Depending on the project, the following topics may be included in the air quality analysis in a NEPA document. Task includes:
 - a. Comparative Analysis of MSAT Emissions
 - b. Comparative emissions analysis for pollutants with national standards (known as criteria pollutants)
 - c. Discussion of construction emissions and mitigation
 - d. Consideration of Green House Gas Emissions
 - e. Discussions of indirect and cumulative impacts on air quality

- f. Documentation of interagency coordination and public involvement
- g. Documentation of compliance with conformity requirements, including hot-spot analysis (If any areas of Nebraska are designated as non-attainment)
- 7. Threatened and Endangered Species Reviews in accordance with the Biological Evaluation Process (Matrix) for Federal-Aid Transportation Program in Nebraska as amended 2018 and other pertinent Biological Surveys and Assessments such as:
 - a. Migratory Bird Treaty Act Evaluation and Field Survey
 - b. Bald and Golden Eagle Protection Act Evaluation and Survey
 - c. Nebraska Non-game and Endangered Species Conservation Act Evaluation and Coordination
 - d. Desktop and/or Field Survey for State and Federally listed Threatened and Endangered Species, or other Wildlife Species of Concern as directed by NDOT
- 8. Historic Properties Survey and Evaluation in accordance with the Programmatic Agreement among the Federal Highway Administration, the Nebraska State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Nebraska Department of Transportation to Satisfy the Requirements of Section 106 for the Federal-Aid Highway Program in the State of Nebraska, as amended 2018. This does not include historic bridge recordation services.
- 9. Other related environmental services for the assessment of project impacts and appropriate agency coordination including, but not limited to the following:
 - a. Section 6(f) of the Land and Water Conservation Fund Act
 - b. Prime and Unique Farmlands (Farmland Protection Policy Act)
 - c. Wild and Scenic River Act
 - d. Floodplain Permitting
 - e. Socioeconomic studies
 - f. Environmental Justice assessments
- 10. Assistance with Public Involvement activities in accordance with the NDOT EPM Chapter 9 – Public Involvement Procedures and Tribal Coordination activities as directed by NDOT. Tasks may include preparation of public involvement materials and facilitation of public meetings.
- 11. Waterway Determination/Delineation and Permitting; Wetland Delineation/Determinations to be completed in accordance with NDOT Wetland and Water Resource Procedure Document, and the USACE 1987 Wetland Delineation Manual and appropriate Regional Supplements; USACE 2021 Nebraska Regional Conditions; USACE Nebraska Stream Condition Assessment Procedure; Waterway Permitting to be completed in accordance with Section 401 (State Water Quality Certification) and Section 404 of the Clean Water Act, Nebraska Regional-General Permit 11-02, Nationwide and General (Individual) Permit procedures, and/or NE State Title 117; Waterway Permitting in accordance with Section 9 (U.S. Coast Guard) and Section 10 (US Army Corps of Engineers) of the Rivers and Harbors Act as directed by NDOT. Tasks include the following:
 - a. Preparation of on-site Preliminary Wetland/WOUS Determinations and Preparation of Wetland/WOUS delineations using USACE 1987 Wetland Delineation Manual

- and appropriate Regional Supplements. Wetland/WOUS delineations shall also follow the NDOT Delineation Practices and Standards set forth by the NDOT Wetland and Water Resource Procedure Document.
- b. Preparation and acquisition of Preliminary or Final Jurisdictional Determination documentation for USACE review, concurrence, and approval.
 - c. Prepare Nationwide Permit (NWP) Pre-Construction Notification (PCN) utilizing the NDOT PCN Template and acquire project authorizations from the USACE.
 - d. Prepare Individual Permit (IP) applications and acquire 404 permit approvals; Prepare Section 404(b)(1) guideline analysis and reporting; Prepare USACE permits decision documentation if required.
 - e. Coordinate and acquire Section 401 Water Quality Certification and/or State Title 117 (NE Surface Water Quality Standards) signoff/approvals from the Nebraska Department of Environment and Energy (NDEE) as appropriate.
 - f. Coordinate, present and attend pre-application meetings as required.
 - g. Additional Services associated with 404 permit acquisitions that may be required on a limited basis including: USACE Section 10 authorization acquisition, coordination and acquisition of US Coast Guard permits, floodplain permit acquisition, coordination, and acquisition of Section 401 Water Quality Certifications from the EPA (tribal lands).
12. Wetland and Stream Mitigation Design and Monitoring, to include the following:
- a. Develop mitigation site suitability reports to identify potential onsite mitigation or mitigation bank site opportunities addressing existing and potential wetland and/or stream channel site characteristics.
 - b. Develop conceptual and/or final mitigation site grading plans and written mitigation site plans (12-point mitigation plan or Site Development Plan) in conjunction with NDOT and appropriate resource agencies, non-profit organizations (NPO's) and landowners.
 - c. Perform mitigation site monitoring using approved NDOT/USACE methods to include routine small site methods and large site transect methods.
13. Floodplain Permitting and agency coordination that may include support for the map revision process.
14. Water quality assessment, coordination and permitting associated with the National Pollutant Discharge Elimination System (NPDES) under Section 402 of the Clean Water Acts, and/or NDOT's Municipal Separate Storm Sewer System (MS4) program.
15. Assist, review and/or develop written requests to support coordination of Section 408 (33 USC 408) alterations to US Army Corps of Engineers Civil Works projects.

B. QUALIFICATIONS, KNOWLEDGE AND EXPERIENCE

1. NEPA/CE Documentation
 - a. The Consultant shall demonstrate experience and efficiency in preparation and coordination of CE documentation for the Nebraska Transportation program. The consultant's Principal Author shall demonstrate continued training and education

specifically associated with NDOT environmental guidance manuals and programmatic agreements.

- b. The Consultant team must demonstrate Training and/or Experience with NDOT processes and guidance for the following: Historic Properties Assessment and Section 106 Coordination, Section 4(f) Coordination, Hazardous Materials Evaluation, Threatened and Endangered Species Survey and Evaluation, Public Involvement Plan Development and Coordination, and Social/economic evaluation.
2. Noise and Air
 - a. The Consultant must have experience in preparing noise studies using the latest FHWA-approved version of the Traffic Noise Model (TNM), and in preparing air quality studies using the latest FHWA-approved version of the Mobile Vehicle Emissions Simulator (MOVES). Work experience must be demonstrated for air quality studies in non- attainment areas as it relates to transportation conformity.
 - b. The proposal should reference certificates of training for the latest Traffic Noise Model (TNM) and the latest Mobile Vehicle Emissions Simulator (MOVES) for key project personnel that were included with the NEPA certification submittal.
 - c. The Consultant should also demonstrate knowledge of, or experience and training using current FHWA or EPA approved software for air dispersion and intersection modeling.
 3. Wetland and Waterway Permitting
 - a. The Consultant's wetland scientist(s) must meet NDOT's definition of "Qualified Scientist."
 - b. The Consultant's wetland scientist(s) must also have Nebraska experience with proficiency in wetland delineation/wetland monitoring principals; and Section 404 permitting experience with the USACE Nebraska Regulatory office.
 - c. The Consultant must demonstrate a high level of proficiency in wetland mitigation site planning, design, and development.
 4. The Consultant must demonstrate a high-level knowledge of transportation engineering concepts, transportation planning, and technical writing.
 5. The Constant must demonstrate an effective Quality Assurance and Quality Control program that has resulted in minimal repeat field work and document resubmittals.

C. SOFTWARE AND EQUIPMENT REQUIREMENTS

1. The Consultant must have Google Chrome web browser to complete the CE Smart Form using NDOT's web-based application ("Smart Form", NEDS database or equivalent).
2. The Consultant must have an ANSI Type I or 2 noise meter to obtain accurate field measurements of noise levels. The field equipment must be capable of measuring decibels weighted with the A-level frequency response referred to as dB(A).
3. Consultant may be required to use prepare modeling input files, conduct modeling, and provide results using the latest version of the following software:
 - a. Motor Vehicle Emission Simulator (MOVES), and Traffic Noise model (TNM)

- b. Current FHWA or EPA approved software for air dispersion and intersection modeling

- 4. Consultant shall employ the use of a GPS unit capable of achieving sub-meter accurate data (differentially corrected). All geospatial data shall be post-processed to correct GPS data inaccuracies, compile all required information in the State geodatabase attribute tables, and checked for completeness, accuracy, and conformance to State data standards. Specific post-processing methods are dependent upon the applied software application. Commonly applied (and acceptable) software applications include Trimble® GPS Pathfinder® Office and ESRI's ArcPad® GPSCorrect® GPS Analyst®.

D. EXPECTATIONS FOR THE DELIVERABLES

- 1. The CE documentation must conclude with a CE Determination Form, complete with required attachments, signed by the Consultant Principal Author. The document submittal must be by way of the NE-CE "Smart Form" application, NEDS database or equivalent, or as directed by NDOT. All technical documents generated by the Consultant must be in Microsoft Office, ESRI (or equivalent .kmz files) and/or Adobe Acrobat formats. The final CE submittal must be accompanied by file data, not included as an attachment, to support the CE document. The Consultant must submit documentation of QA/QC review by a qualified NEPA Principal Author.
- 2. State funded projects will be supported through generation of technical specialty reports as outlined in Section A.4. through A.15. All technical documents generated by consultant must be in Microsoft Office, ESRI (or equivalent .kmz files) and/or Adobe Acrobat formats. The Consultant must submit documentation of QA/QC review by a qualified technical specialist.
- 3. All technical specialty reports and studies must conclude with a report and executive summary suitable to support the project environmental document.
- 4. Consultant will submit all wetland delineation geospatial data in the NDOT Wetland Geodatabase Template (.gdb). Coordinate system projections for all submittals shall be NAD 1983 State Plane Nebraska FIPS 2600 (Feet). The submittal will include a completed attribute table with relevant information, such as wetland name and type, for each feature. The Consultant must submit documentation of QA/QC review by a qualified Wetland Scientist.
- 5. The Consultant shall conduct on-site visits required to support all environmental studies, assessments, evaluations and permitting actions. All documents must be presented to NDOT for review, comment, and approval. NDOT reserves the right to make all decisions concerning the conclusions, findings and recommendations of the documents created by Consultant.
- 6. As applicable, plans, permits, studies and other documents provided by the Consultant will be incorporated into State project plans and/or used to obtain environmental clearances as needed to bid and construct State projects.
- 7. All project deliverables shall be uploaded to NDOT's ShareFile site. Upon upload, Consultant shall email NDOT project delivery team. Consultant shall include NDOT project Control Number and Project Name in email subject line.