

Finding of No New Significant Impacts

Lincoln South Beltway

Lancaster County, Nebraska
DPU-LIN-2-6(120) CN 12578D

Introduction

On September 19th, 2002, the Federal Highway Administration (FHWA), issued a Record of Decision (ROD) based on the June 2002 Environmental Impact Statement (EIS) for the South and East Beltways in Lincoln, Nebraska. Since that time, project design and existing conditions have changed, necessitating a review of the EIS and ROD to determine if a Supplemental EIS may be warranted prior to progressing the Lincoln South Beltway (hereinafter referred to as the LSB Project) to the final design, Right-of-Way acquisition and construction phases.

When an EIS has been prepared for a proposed federal action and conditions change, a reevaluation, supplemental EIS, or revised ROD may be prepared. 23 CFR 771.130(c) allows the preparation of "appropriate environmental studies" when it is uncertain whether the impacts of any proposed changes, new information, or new circumstances relevant to environmental concerns are significant and, therefore, warrant the preparation of a supplemental EIS. This regulation also allows FHWA to prepare an Environmental Assessment (EA), when appropriate, to determine whether a Supplemental EIS is necessary.

Because of the time that had passed since the ROD was issued, the modifications to the project since the ROD, changes in wetland identification standards, the need to re-engage regulatory agencies and the public, and because of changes in existing conditions, FHWA determined the preparation of an EA would be the most appropriate method for determining whether a Supplemental EIS would be needed. Therefore, the Nebraska Department of Transportation (NDOT), the City of Lincoln, and Lancaster County, in conjunction with FHWA, have completed an EA for the LSB Project, to determine whether a Supplemental EIS is warranted.

The Administrative Draft of the Environmental Assessment (referred to as a DEA) was made available to the public and agencies for review, with a public hearing held on October 3, 2017. After the hearing phase concluded, NDOT and FHWA considered the input received from agencies and the public and issued an errata to the EA [referred to as a Final EA (FEA)] on February 20, 2018. The FEA also includes the Section 4(f) evaluation and *de minimis* finding. Collectively, the DEA and FEA will be referred to as the Environmental Assessment (EA) for the remainder of this document.

This document describes FHWA's decision-making process in determining whether to prepare a supplemental EIS for the LSB Project. Additionally, this document summarizes the analyses conducted to produce the EA for the LSB Project. It does not reiterate the information contained within the EA in detail; complete information on the studies conducted and the results of those studies can be found within the EA, EIS, and supporting technical documentation.

Background:

The LSB Project is a proposed new freeway south of Lincoln, Nebraska, that would provide additional travel options for local and regional trips in and around Lincoln. In 2002, the LSB Project and a proposed East Beltway were evaluated by the Federal Highway Administration (FHWA), Nebraska Department of Transportation (NDOT), the City of Lincoln, and Lancaster County in the *Final Environmental Impact Statement and Final Section 4(f) Statement, South and East Beltways, Lincoln, Nebraska* (EIS) and approved in the *Record of Decision for the South and East Beltways, Lincoln, Lancaster County, Nebraska* (ROD). As detailed in the EIS and ROD, the project would provide important regional and local transportation benefits by serving local traffic demand, providing additional north-south travel options through Lincoln, and diverting trucks and other through traffic away from the urban area's arterial streets. The EIS and ROD also describe the project's history as a component of a long-planned circumferential loop around Lincoln. The planned South and East Beltways would combine with United States Highway 77 (US-77) on the west and Interstate 80 (I-80) on the north to complete the south and east links of the perimeter loop.

After completing the EIS and ROD, the project was included in the *2040 Long-Range Transportation Plan Update* and in the *Lincoln/Lancaster County 2040 Comprehensive Plan* (LPLAN 2040), developed by the Lincoln Metropolitan Planning Organization. Progress on the design of the project (the South and the East Beltway) stopped in 2009 because construction funding could not be secured. In 2014, the LSB Project was reinitiated after it was included in the Build Nebraska Act 10-year plan and additional state funding was allocated for the Lincoln South Beltway, thereby making construction feasible. Funding for the East Beltway has yet to be identified and is currently not reasonably foreseeable.

Although the EIS envisioned that the Lincoln South Beltway could be advanced separately from the East Beltway, more than a decade has passed since the LSB Project was originally approved. Therefore, in addition to using the EA to determine whether new, unidentified significant impacts exist, the EA was also used to verify:

- The South Beltway is a stand-alone Project that has operational independence and independent utility, separate from the East Beltway;
- The needs for the project identified in the EIS remain valid; and,
- The LSB Project meets those identified transportation needs, regardless of whether the East Beltway is constructed.

In developing the EA, key considerations in comparing the EIS conclusions to the current LSB Project included the following:

- Changes in environmental laws, regulations, and/or policies since the ROD was signed;
- New circumstances, information, or changes to the affected environment since the ROD was signed; and,
- Evaluation of environmental impacts and mitigation included in the current design compared to those presented in the EIS and ROD.

Purpose and Need:

The purpose of the LSB Project is to improve east-west connectivity for regional and interstate travel through Nebraska and to reduce conflicts along existing urban streets in Lincoln between local and through traffic, including heavy truck traffic. The needs specific to the project were outlined in the EIS as follows:

- **Increased travel demand on Lincoln's transportation network from regional population and traffic growth.** Population and traffic volumes in Lincoln and Lancaster County increased steadily. New development was concentrated on the edges of Lincoln, with strong growth projected to the south and east where road system capacity was limited.
- **Potential impacts of conflicts between local and regional trips along Nebraska Highway through Lincoln. Nebraska Highway is an Urban Principal Arterial and a link in the regional N-2 rural expressway.** Nebraska Highway served local traffic within Lincoln and regional traffic passing through Lincoln. Nebraska Highway traversed the urban area diagonally between S. 120th Street and US-77. The roadway had signal-controlled intersections and many driveways with direct access to private properties, which provided important local access but made through travel inefficient in comparison to a freeway-type facility. Also, adding regional through traffic to local trips increased volumes and congestion on Nebraska Highway, slowing both local and regional travel.
- **Unique challenges associated with heavy truck traffic through Lincoln.** Nebraska Highway through Lincoln presented a bottleneck in uninterrupted freight travel, as roadways east and west of the urban area (N-2 and US-77) were upgraded to expressway standards. Frequent stops and slow acceleration and deceleration of trucks on Nebraska Highway through Lincoln disrupted traffic flow, impeded mobility, and presented safety concerns for both freight and local travelers.

Based on updated traffic analysis, the EA validated that the needs presented in the EIS still exist, and that the stand-alone LSB Project will satisfy those needs.

Alternatives:

The updated traffic analysis and review of the purpose and need was also used to review the alternatives considered during the EIS to verify conditions haven't changed to the point of calling into question the alternative selected in the EIS. Importantly, the review of previously eliminated alternatives was also completed to satisfy U.S. Army Corps of Engineers' and the Environmental Protection Agency's requirements to verify, considering current conditions, that the Least Environmentally Damaging Practicable Alternative (LEDPA) was not eliminated during the EIS.

The alternatives development and screening in the EIS considered a range of alternatives for south and east links of a beltway around Lincoln. Alternatives for the Lincoln South Beltway were developed and evaluated between 1996 and 2002 within a broad study area in southern Lincoln. Beltway and non-beltway alternatives were considered also.

The range of alternatives considered within the EIS included broad corridor alignments within geographically close, mid, and far corridor locations that were narrowed through a screening

process that compared the effectiveness of alternatives in meeting transportation needs while considering environmental and social impacts, cost, and other factors, such as constructability. Through each screening, remaining alternatives were refined and improved, and alternatives that did not meet project purpose and need or resulted in unacceptable environmental impacts were eliminated.

The EA review of the EIS South Beltway alternatives show that under current conditions, the EIS/ROD selected Lincoln South Beltway alignment (which is reflected by the LSB Project) remains the NEPA environmentally preferred alternative. The conclusions from the review are:

- The non-beltway alternatives do not meet the purpose and need of the project because they do not serve regional travel demand nor reduce congestion on local roads.
- The farther south alternatives still do not meet the purpose and need for the project because they do not draw enough traffic to reduce pressures on local roads and these alternatives also increase travel times of regional trips compared to closer alternatives.
- The northern alternatives and one of the central alternatives still would use Wilderness Park. Because other feasible and prudent alternatives exist that would avoid this use, these alternatives cannot be selected due to Section 4(f) requirements. In addition, these alternatives had greater impacts to wetlands and other waters of the United States compared to other alternatives, and would result in higher costs and community disruption due to acquisition of developed right-of-way (ROW).
- The other unselected central alternatives had greater impacts to waters of the United States and require more relocations than the selected LSB alternative.

The LSB Project meets the EIS purpose and need, has less impacts to wetlands and waters of the United States than other alternatives that were considered in the EIS process, does not require use of Section 4(f) land (other than a *de minimis* use), and has less social, environmental, and economic impacts than the other alternatives. Therefore, the re-analysis confirms the LSB alternative selected in the EIS is still appropriate considering current conditions.

Summary of Environmental Impacts:

The EA analyzed the impacts of the LSB Project and compared them to impacts identified in 2002 for the Record of Decision (ROD) to determine if the LSB Project would result in any new significant impacts not disclosed in the EIS. In that event, a supplemental EIS would be prepared.

The EA analyses uses new and revised local, state, and federal planning documents, policies, guidance, and regulations. In addition, changes in LSB Project design, public outreach and involvement procedures, environmental resource analysis methodologies, and permitting requirements have been considered. A summary comparison between the EA analyses and the results of the EIS analyses appears by main subjects in the following sections.

Socioeconomics:

The impacts identified in the EA were consistent with those disclosed in the EIS. The EIS identified the need to acquire three residences and one business, which is the same under the

current design. This is because the land within the LSB Project alignment was placed under corridor protection by the state; therefore, new development in the study area was limited.

Construction-related effects of detours and temporary disruption of travel were not addressed in detail in the EIS because project design to that detail was not available at that time. As design has progressed, enough information is now available to analyze construction-related impacts in more detail. As outlined within the EA, commitments have been made to avoid and minimize construction-related impacts to the extent practicable and no significant construction-related impacts are expected.

Title VI and Environmental Justice Populations:

The impacts identified in the EA were consistent with those disclosed in the EIS. As determined in 2002, the project would not result in disproportionately high and adverse human health or environmental effects on minority and low-income populations. Construction-related impacts, both negative and positive, would be expected and would primarily affect those closest to the study area where minority and low-income populations are not present.

Impacts identified in the EA are primarily beneficial, resulting from mobility and safety improvements resulting from the LSB Project. These benefits would be distributed across all segments of the population. Therefore, the LSB Project would not exclude persons from participation in the LSB Project, deny persons the benefits of the LSB Project, or subject persons to discrimination because of their race, color, national origin, age, sex, or disability status.

Land Use:

The impacts presented in the EA were relatively consistent with those disclosed in the EIS. The EA stated that 909 acres of land uses would be converted because of the LSB Project, an increase over the 730 acres noted in the EIS; however, the difference was largely because of changes in the project footprint that resulted from advancing the LSB Project design and defining the new east connection with Nebraska Highway. In 2002, most impacts were to cropland (506 acres) and pasture/hay land (66 acres). These land use categories continued to account for most impacts with the conversion of 727 acres of agriculture uses and 138 acres of pasture/grassland. The EIS identified impacts to 23 acres of residential land uses compared to 20 acres of impacts in the EA.

The LSB Project was and continues to be incorporated into land use planning for the region as indicated in LPLAN 2040. In addition, efforts to protect the corridor from development have been implemented through corridor protection.

Right-of-Way:

The Right-of-way (ROW) impacts presented in the EA were consistent with those disclosed in the EIS. The number and type of residential (3 properties) and commercial (1 property) displacements were the same as what was anticipated in 2002. The greater acreage of land acquisitions identified in the EA (813 acres) over that of the EIS (730 acres) was largely a result of the larger project footprint resulting from advancing the design and defining the new east connection with Nebraska Highway. The total acreage of undeveloped land and farmland

needed for the LSB project remains a very low percentage of the available undeveloped land and farmland in Lancaster County. In addition, the total number of relocations for a project of this scale is very low. Therefore, the increase of land acquisition needed between the acreage disclosed in the EIS and what is needed now for the LSB project does not rise to a level of significance.

Farmlands:

Impacts to farmland identified in the EA were consistent with those disclosed in the EIS. The EIS identified impacts to 1,139 acres of prime and important farmland for the South and East Beltways combined. This is compared to 751 acres of prime or important farmland reported in the EA for the LSB Project alone. Because the EIS calculated impacts to prime and important farmland for the combined Lincoln South Beltway and East Beltway, the impacts presented in the EIS were higher. However, more farmland would be affected by the LSB Project alone because of a larger project footprint. Overall, LSB Project impacts represented less than 1 percent of total farmland in Lancaster County; therefore, these impacts would not be significant to the overall farmland available in the County.

Pedestrians and Bicycle Resources:

The EIS identified impacts to the Jamaica North Trail, but the trail was still in the planning stages and had not yet been constructed. The Jamaica North Trail was constructed before the EA effort began; therefore, impacts were better understood and quantified. In addition, public involvement that occurred since the EIS revealed that connections between the LSB Project, US-77, Nebraska Highway, and Saltillo Road were areas of special concern to the bicycle community. Therefore, the EA evaluated potential impacts to trail resources not addressed in detail in the EIS. Overall, the LSB Project was designed to minimize impacts to bicycle and pedestrian resources and support future connectivity with planned facilities. Temporary construction-related impacts identified in the EA did not deviate meaningfully from that presented in the EIS.

During construction, pedestrians and bicyclists would experience construction-related nuisances and inconveniences. A Traffic Management Plan would be implemented to maintain bicycle connections through accommodations and detours, particularly along US-77, which was identified by the bicycling community as an important regional route. The Jamaica North Trail or a suitable detour trail will remain open during construction.

Recreational Resources

The impacts identified in the EA were consistent with those presented in the EIS. The LSB Project was and continues to be designed to avoid impacts to Wilderness Park, and no other impacts to recreational resources were identified. The EA documented the potential for short-term construction-related impacts to Wilderness Park not disclosed in the EIS. These impacts

primarily resulted from the refinement of the LSB Project implementation details rather than changes to the design or environmental conditions.

Visual Resources:

The impacts identified in the EA were consistent with those presented in the EIS. The LSB Project as evaluated in the EIS and the EA was expected to alter the visual characteristics of the study area due to proposed bridges, overpasses, and interchanges and from freeway lighting and headlights from vehicles traveling on the LSB Project. Although visual impacts were not evaluated in detail in 2002, visual impacts would be expected to be the same as those described in the EA and would be highly localized and short-term in duration. No significant impacts to viewsheds or visual resources would result from the LSB Project.

Historic Properties:

The EIS found that the project would result in an adverse effect on the Henry Wunibald farmstead. A Memorandum of Agreement (MOA) was developed to mitigate these adverse effects and the stipulations of the MOA were completed. However, the supplemental cultural resources survey conducted for the EA determined that the property was no longer eligible for listing in the National Register of Historic Properties (NRHP) because it lost integrity; therefore, the LSB Project no longer results in an adverse effect on this property. No other historic properties, either listed or eligible for listing in the NRHP, are present in the LSB project area. Therefore, the LSB Project would have no effect on above ground historic properties. Neither the EIS nor the EA found any effects on archaeological historic properties. The Nebraska State Historic Preservation Office (NeSHPO) concurred with the determination of no historic properties affected.

Wildlife and Threatened and Endangered Species:

Threatened and Endangered Species

The EIS indicated that no threatened and endangered species inhabited the study area; therefore, there was no effect on threatened and endangered species. The Biological Assessment prepared for the EA indicated that the LSB Project may affect, but is not likely to adversely affect the Northern long-eared bat (NLEB), and would have no effect on all other threatened and endangered species or critical habitat. The NLEB was listed as a threatened species in May 2015, and therefore was not analyzed in the EIS.

Migratory Birds

Impacts to migratory birds were not reviewed in the EIS; however, mitigation measures were addressed for activities that may have impacted nesting birds. These mitigation measures were reiterated in the EA and would prevent substantial impacts to migratory birds.

Bald and Golden Eagles

The EIS reviewed potential impacts to bald eagles under the Endangered Species Act because the bald eagle was formerly listed as threatened. The EA reviewed the eagle under the Bald and Golden

Eagle Protection Act. There will be no impacts to bald or golden eagles because no habitat exists for these species in the study area.

Fish and Other Wildlife

The EIS indicated that construction of bridges and culverts would result in waterbody modifications; however, the structures caused no adverse long-term impacts to wildlife that utilize the waterbodies other than a loss of riparian habitat where it was present. The primary impacts to wildlife stated in the EIS were temporary construction-related impacts, such as disturbances to wildlife and increased turbidity in waterbodies. Similar loss of riparian habitat and temporary construction-related impacts were noted in the EA.

Vegetation, Noxious Weeds, and Invasive Species:

The EA identified the potential for the spread of noxious weeds and invasive species during construction, however the LSB project will incorporate measures to avoid and minimize this risk. The risk identified in the EA would be comparable the risk in 2002. Significant impacts based on noxious or invasive species were not identified.

Wetlands and Waters of the United States:

The EIS assumed that all wetlands and waters of the United States within the study area at that time would be impacted by the LSB Project. This would have resulted in a total impact to 18.9 acres of wetlands and seven major stream channels. However, because of the preliminary nature of the delineation, the stream channel impacts presented in the EIS may not have accurately reflected all streams that were present at that time. The stream channels identified for the EA were overlaid on the EIS footprint and approximately 12 channels would have been impacted by the Project as designed in 2002. The difference in the number of stream impact locations between the EIS (12 locations) and the EA (22 locations) was largely because of different delineation methods and a larger estimated project footprint, larger interchanges, and the additional extent of work proposed on local roads since the alternative was selected in the EIS.

The EA noted that impacts to wetlands and waters of the United States were less than identified in the EIS. Specifically, the LSB Project would result in 15.5 acres of wetland impacts, which is approximately 3.4 acres less than the 18.9 acres projected in the EIS. The EA noted that stream impacts associated with the LSB Project (11,360 linear feet) were 4,360 linear feet less than were identified in the alignment based on the EIS (15,720 linear feet).

Floodplains:

The EIS stated that four floodplains would have been crossed by the LSB Project. The EA, however, identified six floodplains that would be crossed. The six floodplains identified in the EA were:

- Area 1 – This floodplain, near US-77 and Rokeby Road, was located outside the study area at the time of the EIS. Since that time, the floodplain extent decreased in size, but the

study area changed to include the floodplain. This additional floodplain encroachment noted in the EA would comply with local and federal regulations.

- Area 2 - The impacts at this location were approximately the same, if not less than, those in the EIS.
- Area 3 - While the floodplain extent in this area was larger than in 2002, the LSB Project would meet minimum floodplain standards; therefore, the impacts were similar.
- Area 4 - The floodplain extent of the mapped floodplain was larger than in 2002; therefore, the impacts at this location increased. The LSB Project impacts, however, meet minimum floodplain standards; therefore, the impacts are similar.
- Area 5 - The floodplain extent is larger than in 2002; however, the impacts at this location are approximately the same, if not less, than in the EIS.
- Area 6 - This floodplain and floodway, west of S. 120th Street, was not identified as an impact in the EIS because the floodplain and floodway for Stevens Creek was not delineated until 2005. At the time of the FEA, a hydraulic and hydrologic study was underway at this location to comply with local and federal regulations. If the presence of the floodway necessitates a change to the Flood Insurance Rate Map, then a Conditional Letter of Map Revision and Letter of Map Revision would be submitted to the Federal Emergency Management Agency (FEMA) for review and approval.

Although the analysis conducted for the EA identified floodplain and floodway involvement that was not identified in the EIS, the difference was largely the result of new information, more detailed design, and the use of a more quantitative approach to impact assessment. NDOT would still be required to obtain required floodplain permits, comply with the requirements of Lincoln's floodplain ordinance, comply with FEMA regulations, and address FHWA's floodplain regulations in 23 CFR 650.111. Through these efforts, plus efforts to limit the construction footprint, impacts to floodplains will not rise to a level of significance.

Water Quality:

The impacts identified in the EA were consistent with those presented in the EIS. The EIS concluded there would be no adverse effects on groundwater and no impacts to groundwater wells were identified. The EA stated that the LSB Project may encounter wells, but the wells would be abandoned and decommissioned per applicable regulations and requirements, thus preventing potential groundwater contamination. The EA stated additionally that because the LSB Project would construct bridge piers, culverts, retaining walls, and other roadway features, groundwater could be encountered. In those areas, best management practices would be used to protect groundwater.

Air Quality:

As determined in 2002 and confirmed by the analysis conducted for the EA, no adverse air quality impacts occurred with the LSB Project. The EA analysis discussed mobile source air toxics and

greenhouse gas impacts that were not assessed in the EIS and concluded that impacts would not be adverse.

Noise:

The impacts identified in the EA were consistent with those presented in the EIS. The EIS identified impacts to five residential receptors but did not recommend noise barriers as feasible mitigation for these impacts. The analysis conducted for the EA identified noise impacts at eight additional receptors but also did not recommend noise barriers as feasible mitigation for these impacts. The increase in the number of affected receptors is likely a result of a combination of factors including modifications to the design, updated traffic data and modeling techniques, and changes to the overall project footprint; however, because of the LSB Project's rural setting, these impacts are not significant.

Hazardous Materials:

The impacts identified in the EA were consistent with those presented in the EIS. The EIS identified similar environmental risk sites where contamination could be encountered, including the UST facilities at Shoemaker's Truck Stop South and Major Oil Company, as well as the Phillips 66 Bulk Fuel Facility spill site. The other three potential spill sites identified in the EIS as potentially impacting the Project (AF Agronomy and two Magellan Pipeline sites) were either not identified as a hazardous materials site in the EA investigations (AF Agronomy) or were determined have a low potential to impact the LSB Project (Magellan Pipeline sites).

Utilities:

The impacts identified in the EA were consistent with those presented in the EIS. Both evaluations identified impacts to utilities, primarily relocations, and relied on final design to complete the assessment.

Section 4(f) Resources:

The EIS determined that the Project would not result in the use of Section 4(f) property. Because the Jamaica North Trail and Homestead Trail had not yet been constructed, the EIS did not evaluate Section 4(f) use of these resources. The analysis conducted for the EA included an assessment of impacts to both trails and determined a *de minimis* use of the Jamaica North Trail and no use of the Homestead Trail.

Indirect and Cumulative Effects:

The EIS concluded that the South and East Beltways would not result in cumulative or indirect effects. Land use policy was identified as the primary determinant of growth patterns and growth was expected to occur regardless of South and East Beltway construction. The analysis conducted for the EA resulted in similar conclusions. Cumulative effects on pedestrian and bicycle resources, farmlands, and wetlands were identified in the EA; however, the LSB Project's contribution to these effects was not substantial.

The EA documented an extensive effort to coordinate with agency and local experts as part of the indirect effects analysis. This coordination and the accompanying analyses indicated that the LSB Project would not result in indirect growth-related effects. Major ridgelines near the LSB Project

would limit access to gravity-fed water systems and this lack of utility services would limit growth near the LSB Project.

Mitigation and Minimization Commitments:

The FEA presented the final mitigation measures for the LSB Project, including those mitigation measures that were changed or added in response to public and agency comments on the DEA. These mitigation measures shall be implemented by NDOT by incorporating them into the LSB Project construction documents. In addition to the mitigation measures listed in the FEA, the contractor shall be required to comply with NDOT's Standard Specifications for Highway Construction. Among other requirements, the standard specifications contain provisions and standard practices to maintain environmental quality compliance during construction. The mitigation measures are final and are not subject to modification without the prior written approval of FHWA. LSB Project changes resulting from final design refinements will be reevaluated by NDOT and FHWA and, if necessary, mitigation measures associated with impacts of project changes will be revisited and updated.

Public Involvement:

FHWA reviewed NDOT's responses to public comments, which are documented in both the DEA and FEA. FHWA has determined NDOT's responses adequately addressed the substantive comments received. The EA mitigation measures commit NDOT to provide continued public and agency involvement through LSB Project construction.

Agency involvement was extensive for the LSB Project. As discussed in the EA and summarized above, the U.S. Army Corps of Engineers (USACE) and the U.S. Environmental Protection Agency (USEPA) were involved in the re-analysis of alternatives to ensure that the LSB Project was indeed the LEDPA for impacts to waters of the United States and wetlands. As discussed in the following *Evaluation of Significance* Section, coordination with agencies on issues under their purview resulted in agreement on the results of EA analyses and needed mitigation measures.

Evaluation of Significance:

The EA was prepared in accordance with 23 CFR Part 771.130(c) to determine if changes to the Project would result in significant impacts that were not evaluated in the EIS and to determine whether new information or circumstances relevant to environmental concerns and bearing on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS, thereby requiring the preparation of a supplemental EIS. This section of the regulation also indicates that a supplemental EIS is not necessary if changes to the proposed action, new information or circumstances would result in a lessening of adverse environmental impacts evaluated in the EIS without causing new environmental impacts that are significant.

The preceding assessment demonstrates that the environmental impacts from the LSB Project will be lower than or comparable to the impacts documented in the EIS.

Although the LSB Project impacts documented in the EA are lower than or comparable to the impacts documented in the EIS, FHWA must consider whether new impacts associated with the

LSB Project are significant. The Council on Environmental Quality's regulations (40 CFR Part 1508.27) identifies ten criteria that are considered in determining if the intensity of a project's impacts are significant enough to warrant the preparation of an EIS, or, in this case a supplemental EIS. Those ten criteria are discussed below in relation to the LSB Project:

1. Impacts that may be both beneficial and adverse –

The discussion above focuses on adverse impacts and documents that significant adverse impacts beyond those described in the EIS were not uncovered in the analyses performed for the EA. The LSB Project, however, will also have beneficial impacts. For example, the LSB Project will improve traffic operations, and general mobility. Although these benefits are substantive, they are not considered significant.

2. The degree to which the Project affects public health or safety –

During construction, minor, temporary impacts may occur due to traffic delays, detours, construction dust and noise, but these impacts will not rise to a level of significance. During construction, emergency service access will be accommodated at all times. There will also be permanent impacts to traffic patterns through permanent relocation of access points to a few low volume local roads. However, access will be maintained, permanent out-of-direction travel will be minimal, and emergency service response time impacts will be minimal.

The LSB Project will affect public safety positively. Trucks and passenger vehicles have differing stopping distances, lane change requirements, "blind spots", and acceleration and deceleration distances. The diversion of freight trips, which comprise nearly 19 percent of the current traffic stream, is projected to decrease daily truck volumes on Nebraska Highway by 2,070 vehicles, effectively diverting over 77 percent of the daily truck volume on Nebraska Highway to the LSB Project. The positive effects on mobility and safety due to fewer trucks on Nebraska Highway is magnified because the size and operating characteristics of one truck is equivalent to three or more passenger vehicles.

Under 23 CFR 650.113, a proposed action which includes a "significant encroachment" within the limits of the base floodplain, shall not be approved unless FHWA finds that the proposed significant encroachment is the only practicable alternative. The proposed encroachments have been designed in coordination with local and federal regulations, and would meet all applicable design standards.

Furthermore, according to 23 CFR 650.115, the design selected for an encroachment shall be supported by analyses of design alternatives with consideration given to capital costs and risks, and to other economic, engineering, social and environmental concerns. The site-specific hydraulic and hydrologic (H&H) studies prepared for each of the proposed encroachments will have followed applicable regulations and meet these requirements. For those areas within Zone A Floodplains, the H&H studies would ensure that no more than a 1-foot rise in the 100-year flood elevation occurs due to the project. For those areas with floodways, the H&H studies would ensure that no rise in the 100-year flood elevations would occur due to the project.

During Final Design, bridges and culverts would be designed in accordance with NDOT guidance and criteria, as well as applicable local ordinances, ensuring that these structures are appropriately sized at floodplain or floodway crossings. Certifications would be required from the NDOT Design Hydraulics Section and/or the Bridge Hydraulics Section confirming the project conforms to floodplain regulations and would be included in the floodplain permit application.

3. **Unique characteristics of the geographical area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers or ecologically critical areas –**

The LSB Project would have no effect to wild and scenic rivers because none exist within the study area.

The LSB Project would have no effect on above ground or archaeological historic properties. The NeSHPO concurred with the determination of no historic properties affected.

Farmland

During LSB Project construction, farming operations will be temporarily affected by construction-related impacts such as travel delays, the presence of heavy vehicles, noise, and dust. Two farm ponds would be filled and potentially up to four other farm ponds would also be filled. A cattle operation will be acquired. In addition, each farm maintains a system of onsite utilities needed for operations, such as irrigation systems and power supplies, that could be disrupted by the LSB Project during construction.

The LSB Project would directly impact 683 acres of soils classified as prime or important farmland. Of these, 612 acres are classified as prime farmland and 71 acres are classified as farmland of statewide importance. An additional 68 acres of soils classified as prime or important farmland would be impacted in locations where access closures would require additional property acquisitions. These impacts consist of 60 acres of prime farmland and 8 acres of farmland of statewide importance. No impacts to unique farmlands would occur because none are present in the project area. Total impacts to prime or important farmland (751 acres) represent less than 1 percent of the total 489,023 acres of farmland within Lancaster County.

The U.S. Department of Agriculture's Natural Resources Conservation Service completed a Farmland Conversion Impact Rating for Corridor Type Projects in September 2016. The impact score for the LSB Project was below the threshold that would require additional consultation with the Natural Resources Conservation Service.

The LSB Project is expected to bisect approximately 18 farms. Non-farmable remnants could be created on some of these properties because of access limitations. The EA analysis indicates that of the 18 farms, access to all the properties could be maintained; however, approximately 10 would be affected by out-of-direction travel to access portions of their properties.

In locations where the LSB Project crosses over local roadways, structures are expected to be tall enough and wide enough to accommodate agricultural equipment. Connecting roadways and intersections would also accommodate farm equipment. Lighting from the new facility has the potential to impact crop production, but because lights would be limited to system interchange locations and a few service interchanges, light from the LSB Project is not expected to reach crop production areas.

To mitigate the impacts to farmlands, NDOT committed to: limiting the amount of ROW acquired to only that necessary to meet roadway design standards and project elements; working with individual property owners and or tenants to minimize potential access or utility disruptions; minimizing remnants and non-farmable parcels; maintaining access during construction; developing and implementing a Traffic Management Plan for construction along Saltillo Road, US-77, and Nebraska Highway. Because of this mitigation, the impacts to farmland described in the EA would be similar to the construction of a comparable facility in any predominantly rural farming area.

Wetlands and Waters of the United States

The LSB Project would temporarily and permanently impact wetlands and waters of the United States through excavation and fill activities, installation of culverts and bridges, protecting stream banks and culvert outlets with erosion-control materials, grading activities at the edge of fill or evacuation areas, movement of machinery and equipment access, use of cofferdams in streams to construct bridge piers, temporary impoundments, rerouting or diverting water during culvert construction, and accumulation of silt behind erosion-control barriers. These activities would impact approximately 15.5 acres of wetlands and 11,360 linear feet of waters of the United States. Approximately 22 stream channels would be impacted. The LSB Project was shifted away from several larger wetlands and waterbodies to reduce wetland and stream impacts.

Wetlands and waters of the United States impacts would be finalized during the final design and Section 404 permitting stages of the project. These impacts are expected to be authorized by an Individual Section 404 Permit. While not all impacts are avoidable, the impacts are likely to be further reduced during final design and permitting efforts.

The EA proposed onsite mitigation for impacts to wetlands; a potential 30-acre mitigation site was identified within the floodplain of Salt Creek in an existing agriculture field. If constructed, this wetland mitigation site would serve to replace beneficial wetland functions and values lost within the project area from the LSB Project.

The impacts to wetlands and waters of the United States would be mitigated by: obtaining a Section 404 permit; incorporating all provisions of the permit into the construction specifications and special provisions; implementing these specifications and provisions; coordinating with the USACE throughout design to further avoid, minimize and mitigate; implementing best management practices to minimize impacts to wetlands and waters of the United States during construction; conducting a functional classification for applicable

stream segments; providing compensatory mitigation options; and receiving USACE approval for a final mitigation plan.

Park Lands and Ecologically Critical Areas

The LSB Project's encroachment into Wilderness Park was a source of substantial public and agency concern. The Park was a significant and highly valued public space owned by Lancaster County and managed by the City of Lincoln. At nearly 1,500 acres, it was the region's largest park, comprising more than one-third of the total park area in and around Lincoln. Wilderness Park served an important role in regional flood control, had important ecological functions with intact natural prairies and diverse wetland communities, and was noted to be home to several sensitive wildlife and plant species.

An ecological study conducted for the *Wilderness Park Subarea Plan* identified the park's valued ecological qualities as: important wetland communities in depressions and old oxbows within the riparian corridor of Salt Creek, including Palustrine Forested, Silver Maple/Cottonwood community with few herbaceous species; Palustrine Forested communities with silver maple, cottonwood, peachleaf willow with wetland herbaceous species; and un-forested Palustrine Emergent wetland communities; and locations of rare plants and nesting locations for rare birds. The study also established that the southern two-thirds of the park was especially important to the aquatic, wildlife, and aesthetic values of the park and to the regional ecosystem.

In addition to potentially disturbing sensitive ecological areas, crossing the park conflicts with the substantive requirements to avoid transportation encroachment into (use of) significant parks contained in Section 4(f) of the Transportation Act of 1966. Unless such use was *de minimis*, regulations require selection of an alternative that avoids impacts to Section 4(f) properties, if such avoidance alternatives are feasible and prudent. The LSB Project is designed; therefore, to avoid the use of Wilderness Park property. The LSE Project would have no effects to Wilderness Park.

- 4. The degree to which the effects on the environment are expected to be highly controversial** - Public meetings on the LSB Project have been well attended and many comments have been received. The public and agencies commented on four main areas of concern. The public concerns expressed relate to Wilderness Park, bicycle facilities, farmland impacts, and access. Agencies were concerned with Wilderness Park [U.S. Fish and Wildlife Service (USFWS), Nebraska Game and Parks Commission (NGPC), USACE], wildlife connectivity (USFWS, NGPC), urban sprawl (EPA), and wetlands and waters of the United States (EPA and USACE). Wilderness Park, farmland, and wetlands and waters of the United States were discussed above and need not be reiterated here. The remainder of the issues are discussed below.

Bicycle Facilities

The bicycle community emphasized the importance of the corridor for long-distance bicycle movements. US-77, Nebraska Highway, and N-2 would remain open to both bicycle and vehicular traffic throughout construction, but travel on these roadways could be inconvenienced by lane closures or construction activities. Bicycles could also be

affected by construction activities on other roads. Access to the Wilderness Park Trail System, Homestead Trail, and the Jamaica North Trail would be maintained throughout construction. If needed, a Jamaica North Trail detour would be provided to protect trail users' safety for short periods during construction when the bridge girders are set and while the bridge deck is poured above the trail. In addition, the LSB Project includes grade-separated underpasses on the north side of the LSB Project in six locations. These structures will provide options for future trails that are currently in the conceptual planning phases.

The FEA contains the finding of *de minimis* use of the Jamaica North Trail, a resource protected under Section 4(f).

Bicycles will travel along US-77 using paved shoulders, as they do today. Bicycles will be provided adequate space to ride on the ramp shoulders adjacent to vehicular traffic through the new interchange. Westbound riders on N-2 would be allowed to continue to travel along the new LSB Project interchange ramp to a new connection to Nebraska Highway and Lincoln.

For safety reasons, state statutes and NDOT policies do not allow bicycle access on interstate highways or freeways, such as the proposed LSB Project. Although the LSB Project will not accommodate bicycles directly, the LSB Project includes accommodations for bicyclists and pedestrians to cross and connect to existing and planned trails and on-street routes.

Through a separate action, NDOT plans at some point in the future to upgrade US-77 which will change its designation from expressway to freeway status. This change would mean that bicycles would no longer be permitted to travel on US-77 in the future. The loss of the regional bicycle route along US-77 would present a cumulative impact to bicycle connectivity because the LSB project will grade separate one of the current at-grade intersections of US-77 (at Saltillo Road). To address the future loss of the US-77 bicycle route, NDOT committed to work with the bicycling community (Bicycle Alliance or others) to find acceptable alternative routes that would maintain regional bicycle connectivity in the future. Cumulative effects on pedestrian and bicycle resources were identified in the EA; however, the LSB Project's contribution to these effects was not substantial.

Access

The LSB Project will change how people access the transportation system. Out-of-direction travel for some people will increase. In locations where access and circulation would be permanently modified, NDOT will coordinate design and location of new accesses with property owners. This will occur during the final design and ROW processes, when details regarding access requirements for individual properties will be determined.

The public expressed a desire for more direct access to the Nebraska Highway. The primary concerns were a perceived loss of rapid access to medical facilities and more out-

of-direction access to small businesses and emergency medical services. NDOT will explore alternative access points between S. 120th Street and Nebraska Highway during final design; this commitment was added as a mitigation measure to the EA. The EA stated the LSB Project will improve emergency response times because of reduced traffic volumes on Nebraska Highway. To ensure public concerns related to project phasing and access during construction are identified and addressed, NDOT will coordinate with emergency service providers at the start of final design, again before construction, and throughout construction; this commitment was added as a mitigation measure in the EA.

Wildlife Connectivity

The LSB Project could have an impact to wildlife connectivity (crossings and corridors) and potentially create habitat fragmentation from the roadway and associated ROW fencing. USFWS and NGPC expressed concern that the LSB Project could impede wildlife movement through Salt Creek in the western portion of the study area and cause deer to cross the LSB Project, resulting in wildlife/vehicle collisions.

NDOT analyzed the bridge designs at major channel locations likely to be used by wildlife to determine if they provided adequate passage for wildlife. Using suggestions from USFWS and NGPC, NDOT will design the bridges in the western project area to provide wildlife passage under the LSB Project. At other locations, culverts will provide passage for terrestrial wildlife under roads, depending on the culvert size. Although the LSB Project will construct a new roadway on a new alignment, most of the habitat in the study area is already fragmented due to agricultural practices, railroad corridors, and existing secondary roadways. In addition, a potential 30-acre wetland mitigation site will have a beneficial impact to wildlife by creating habitat in an area that currently consists of cropland.

Because of questions raised about the potential for animal/vehicle collisions along the LSB Project, NDOT will collect and review animal crash information annually along Salt Creek for 5 years after the LSB Project is open to traffic. This information will be reported to the NDOT Safety Committee, who will determine if the incidence of animal/vehicle collisions warrants further study or mitigation. This information will be shared annually with the NGPC and FHWA.

Induced Growth (Urban Sprawl)

The indirect effects analysis was conducted over several months through workshops and coordination with local experts and agencies. Through this effort, the agencies reached consensus on the area to be included in the study and the methodology to be used. The analysis examined existing growth and development trends, determined what land was available for development, and identified environmental resources that could be sensitive to growth-related impacts. Local experts and agency representatives indicated that wetlands and other waters of the United States, recreational resources, farmlands, and wildlife would be most susceptible to growth-related impacts.

Using this information, NDOT predicted locations where development could occur over the next 25 years. Three areas along the LSB Project were identified for possible

development: along the LSB Project between Salt Creek and S. 56th Street; along Saltillo Road between Salt Creek and S. 70th Street; and near the LSB Project and S. 120th Street. Local experts and agency representatives indicated that outside of these areas, the LSB Project will have little effect on growth in Lincoln because:

- infrastructure could not support development;
- there were few areas that would have sufficient residential development to support commercial development;
- commercial services are already available within the existing service boundary;
- some developments are expected to expand south into the future urban service boundary regardless of whether the LSB Project is constructed; and,
- areas east of S. 56th Street lack services and water infrastructure.

The results of the analysis indicated that the LSB Project would not result in indirect growth because locations of anticipated development were limited and generally occurred within the area where growth was planned with or without the LSB Project. Few sensitive environmental resources were in these areas and impacts to these resources were expected to be minimized through development review and permitting requirements.

5. **The degree to which the effects on the quality of the human environment are highly uncertain or involve unique or unknown risks** -There are no effects on the quality of the human environment associated with the LSB Project that can be considered highly uncertain or involve unique or unknown risks. The potential impacts from the LSB Project have been identified using standard and accepted scientific methods and/or approaches for assessing environmental impacts.
6. **The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration** - This action will not establish a precedent for future projects with significant effects or represent a decision in principle about a future project. The impacts associated with the LSB Project are not unique and instead, are common for transportation improvements in rural areas. Finally, using an EA to determine the need for a supplemental EIS does not establish any precedent; FHWA routinely prepares EAs to determine the need for a supplemental EIS as allowed by 23 CFR Part 771.130(c).
7. **Whether the action is related to other actions with individually insignificant but cumulatively significant impacts** – The EIS and this EA document a thorough analysis of the impact on the environment that results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions. Land use policy was identified in the EIS as the primary determinant of growth patterns and growth and this growth was expected to occur regardless of South and East Beltway construction. The analysis conducted for the EA resulted in similar conclusions. Cumulative effects on pedestrian and bicycle resources, farmlands, and wetlands were identified in the NEPA documentation; however, the LSB Project's contribution to these effects is not substantial.

8. **The degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss of significant scientific, cultural, or historic resources** - The EIS found that the Project would result in an adverse effect on the Henry Wunibald farmstead. A Memorandum of Agreement (MOA) was developed to mitigate these adverse effects and the stipulations of the MOA were completed. However, the supplemental cultural resources survey conducted for the EA determined that the property was no longer eligible for listing in the National Register of Historic Properties (NRHP) because it had lost integrity; therefore, the LSB Project would no longer result in an adverse effect on this property. No other historic properties, either listed or eligible for listing in the NRHP, are present in the area. Therefore, the LSB Project will have no effect on above ground historic properties or on archaeological historic properties.
9. **The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act** – The EIS indicated that no threatened and endangered species inhabited the study area; therefore, there was no effect on threatened and endangered species. The Biological Assessment prepared for the EA indicated that the LSB Project may affect, but is not likely to adversely affect the Northern long-eared bat and would have no effect on all other threatened and endangered species or critical habitat.
10. **Whether the action threatens a violation of Federal, State, or local law or requirements imposed for the protection of the environment** – The LSB Project does not threaten a violation of any Federal, State, or local law for the protection of the environment. The EIS and EA discuss permits required and compliance with applicable laws.

In developing this finding, key considerations in comparing the EIS conclusions to the current LSB Project EA included the following:

- Changes in LSB Project design, environmental laws, regulations, and/or policies since the ROD was signed;
- New circumstances, information, or changes to the affected environment since the ROD was signed; and,
- Evaluation of environmental impacts and mitigation included in the current design compared to those presented in the EIS and ROD.

Although the EIS envisioned that the LSB Project could be advanced separately from the East Beltway, more than a decade passed since the LSB Project was originally approved. Therefore, this finding reaffirms:

- The LSB Project is a stand-alone project that has operational independence and independent utility;
- The needs for the LSB Project identified in the EIS remain valid; and,
- The LSB Project addresses those identified transportation needs.

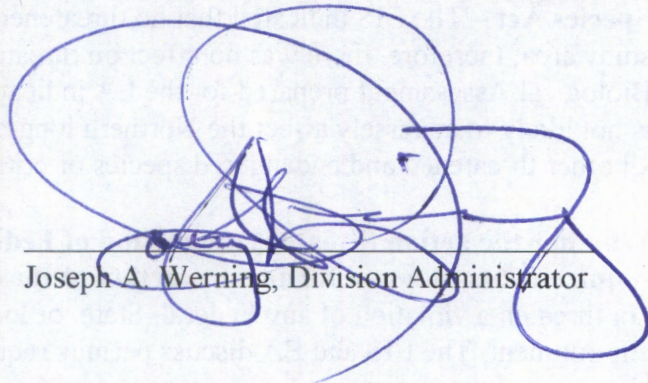
Conclusion

Based on the information contained in the EA and other supporting documentation provided by NDOT, FHWA has determined that the changes to the LSB Project design will not result in significant environmental impacts that were not evaluated in the EIS. Additionally, the new information or circumstances relevant to environmental concerns and bearing on the LSB Project or its impacts will not result in a significant environmental impact that was not evaluated in the EIS. There are, therefore, no new significant impacts on the human environment.

This finding of no new significant impacts is based on the EA prepared for the LSB Project, which was independently evaluated by FHWA and determined to adequately and accurately assess changes since the ROD was issued in 2002. With implementation of the commitments contained in the LSB EA, these documents provide sufficient evidence and analysis for determining that a Supplemental EIS is not required.

3-27-2018

Date



Joseph A. Werning, Division Administrator