

Project Name:  
Project Number:  
Control Number:



## CE Determination Form for Federal-Aid Projects

Project Name:

Project Number:

Control Number:

Location and Study Area:

Start Point(s):

End Point(s):

Highway Number, Street, etc.:

Project Description:

Purpose and Need *(include for Level 3, NWP 23, and Section 4(f) Programmatic Evaluation)*.

Action is identified in the current STIP dated:

Subsequent Phase:

Estimated Cost (\$):

MPO LRTP accurately reflects projects?

Yes     N/A

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

## Right of Way and Property Impacts

### Easements/ROW

1.1 Will the action require the acquisition of temporary easements?

Yes  No

1.2 Will the action require the acquisition of permanent right-of-way or easements ?

Yes (2)  No

1.3 Will the action result in acquisition of greater than 4 acres per linear mile (*estimated*) or the removal of major property improvements?

Yes (3)  No (2)

1.4 Describe the type of property required for ROW and/or potential impacts on major property improvements:

1.5 Estimated acres of permanent ROW and easements:

1.6 Estimated acres of temporary easements:

1.7 Will the action result in any residential or non-residential displacements?

Yes (3)  No

### Section 4(f)

2.1 Will the action result in a Section 4(f) use or qualify for Section 4(f) Exception?

Yes (2)  No

## Section 6(f)

3.1 Are there any Section 6(f) Land and Water Conservation Fund Act properties within the study area?

Yes  No  N/A

## Other Property Impacts

4.1 Will the action take place on or adjacent to tribal lands or other federal lands?

Yes  No

4.2 Will federal funds be used to relocate utilities, or will the project contractor be responsible for the relocation of the utilities?

Yes  No  Unknown

4.3 **Farmland** – Would the project convert prime or unique farmland or land of state importance to a non-farm use?

Yes  No

4.4 If Yes, does the affected property accumulate 60 points or more in Part VI of the appropriate NRCS Farmland Conversion Impact Rating Form?

Yes  No  N/A

## Water and Ecological Resources

### Wild Scenic/National Recreational

5.1 Will the action cross or occur within the boundaries of a designated Wild and Scenic River or a river listed on the Nationwide Rivers Inventory?

Yes  No

5.2 For actions processed under 23 CFR 771.117(c)(26), (27), or (28), a Level 3 review will be required.

Level 3 Required

5.3 Is the action considered an impact on the National System of Wild and Scenic Rivers by the Agency of Jurisdiction?

Yes (3)  No

## Floodplain/Floodway

6.1 Will the action occur within the boundary of a regulatory floodway, mapped base floodplain, or potential base floodplain in an unmapped community?

Yes  No

NDOT PQS Determination:

6.2 Will the action cause a greater than 1-foot rise in the Base Flood Elevation (BFE), an increase in the potential for property loss and hazard to life, or any rise in a regulatory floodway?

Yes (3)  No  N/A

6.3 Will the actions reviewed under 23 CFR 771.117(c)(26), (27), and (28) result in a floodplain encroachment other than functionally dependent uses or actions that facilitate open space use?

Yes (3)  No  N/A

## Wetlands/Waters of the U.S.

7.1 Are there wetlands, stream channels, or other waters within the study area?

Yes  No

NDOT PQS Determination:

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

Yes  No

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

Yes (2)  No  N/A

7.4 Estimated Permanent Wetlands Impacts (acres):

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

Yes (2)    No    N/A

7.6 Anticipated Nationwide Permit:

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

Yes (3)    No

7.8 Is the project within 500 feet from a U.S. Army Corps of Engineers certified levee or other Civil Works projects that may require coordination with the U.S. Army Corps of Engineers?

Yes    No

## Impaired Waters, MS4 and Section 402

8.1 Are there any impaired waters within or adjacent to (*0.5 mile*) the project study area?

Yes    No

8.2 Does the project occur within an MS4 community?

Yes    No

8.3 Does the project require a NPDES storm water permit (ground disturbance of 1 acre or more)?

Yes    No

## Threatened and Endangered Species

9.1 Will the action result in a "May Affect" determination per the Nebraska Biological Evaluation Process *Matrix* that requires further consultation with the resource agencies?

Yes (2)    No

9.2 Will the action result in a "May Affect, Likely to Adversely Affect" determination for threatened or endangered species or designated critical habitat?

Yes (3)    No (2)

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NDOT PQS Determination  
Date:

USFWS Concurrence Date:

NGPC Concurrence Date:

9.3 Has it been determined that there is a suitable habitat within 0.5 mile of the environmental study area for bald or golden eagles?

Yes  No

9.4 This project will comply with the Migratory Bird Treaty Act (*MBTA*) in accordance with NDOT's Avian Protection Plan (*APP*) and Biological Evaluation *Matrix* Appendix A.

9.5 If a Section 404 Individual Permit is required, coordination under the Fish and Wildlife Coordination Act will occur during the permitting process.

Coordination Required  N/A

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

9.7 General Conservation Conditions from the Matrix PA

Yes  No

## Human and Social Resources

### Historic Properties

10.1 Are there any properties listed in, or eligible for listing in, the National Register of Historic Places (NRHP) in the area of potential effects (APE)?

Yes  No

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**10.2 Project Effects Determination**

NDOT PQS Determination Date:

Has coordination occurred with SHPO?

Yes  No

Has coordination occurred with THPO?

Yes  No

Has coordination occurred with CLG?

Yes  No

## Hazardous Materials

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

Yes  No

**11.3** There is potential for the project to encounter Lead Based Materials (LBM). LBM standard specifications shall apply to the proposed project.

Yes  N/A

**11.4** Asbestos Containing Materials (ACM) have been identified on bridge structures. ACM specifications will be included in the contract by special provisions.

Yes  N/A

**11.5** Will any soil disturbance occur below or beyond preexisting roadway fill within an active Superfund Site?

Yes (3)  No

NDOT PQS Determination Date:

## Traffic Noise

12.1 Does the project qualify as a Type I Project under NDOT's Noise Policy?

Yes (3)  No

12.2 Based on the noise analysis, does the project qualify for abatement?

Yes  No

## Air Quality

13.1 Will the action result in Level III Mobile Source Air Toxics effects or is it considered Regionally Significant within a designated non-attainment area?

Yes (3)  No  N/A

## Roadway

14.1 Will the action result in the addition of through-lane capacity?

Yes (3)  No

## Traffic Disruption

15.1 Will the action result in minor traffic disruptions requiring detours, temporary roads, or ramp closures that are greater than 30 working days?

Yes (2)  No

15.2 Will the action result in major traffic disruption requiring detours, temporary roads, or ramp closures that are greater than 135 working days?

Yes (3)  No (2)

15.3 Will temporary roads, detours, or ramp closures substantially change the environmental consequences of the action?

Yes (3)  No

15.4 Will the action result in adverse travel (*out-of-direction*) greater than 10 miles in urban areas or 30 miles in rural areas?

Yes (3)  No



15.5 Will the action result in temporary or permanent interference with known local special events or festivals?

Yes (3)  No

15.6 Will the action result in temporary or permanent adverse effects on through-traffic dependent business?

Yes (3)  No

15.7 Will the action result in permanent traffic pattern changes or disruptions?

Yes (3)  No

## Access Disruptions

16.1 Will the action require any access closures to businesses or residences?

Yes  No

16.2 Will the action result in complete closure to residential properties for greater than 5 working days?

Yes (2)  No

16.3 Will the action result in complete closure to residential properties for greater than 10 working days?

Yes (3)  No (2)

16.4 Will the action result in closure of business access during operational hours?

Yes (3)  No

16.5 Will the action result in access restrictions to emergency service facilities or providers?

Yes (3)  No

16.6 Will the action change the functionality of adjacent properties?

Yes (3)  No

## Environmental Justice

17.1 Are environmental justice populations present within the study area?

Yes  No

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17.2 Will the project have an adverse effect on environmental justice populations per NDOT's Environmental Justice Policy?

Yes (2)  No

17.3 Will the action result in a potential for disproportionately high and adverse effects on environmental justice populations?

Yes (3)  No (2)

NDOT Civil Rights Officer Determination Date:

## Public Involvement

18.1 Are Limited English proficiency (LEP) populations present within the study area?

Yes  No

## Unresolved Controversy

19.1 Based on public involvement carried out per NDOT's procedures, is there any known public or agency controversy on human, natural, or economic grounds associated with the action?

Yes (3)  No

## Contract Provisions Required

20.1 Wellhead Protection Special Provisions

Yes  No

20.2 Federal Aviation Administration (FAA) Form 7460-1

Yes  No

The proposed action will be carried out in compliance with Executive Order 13112 (*Invasive Species*). The project contractor shall comply with Special Provision A-43-2010 amending NDOT Specification 107.01 to include the following: The Contractor shall prevent the transfer of invasive plant and animal species. The Contractor shall wash equipment at the Contractor's storage facility prior to entering the construction site. The Contractor shall inspect all construction equipment and remove all attached vegetation and animals prior to leaving the construction site.

## Cumulative and Indirect Impacts

### 21.1 No Indirect or Cumulative Impacts

This box can be checked if after careful consideration of the Indirect and Cumulative Impact analysis guidance in the CE instructions and the facts of the project, the following statement is determined to be true:

*“Indirect effects from this project are not anticipated. This project will not induce growth, change land uses, substantially change travel patterns within a community, or substantially impact water quality, drainage patterns, or other resources of concern. Because no substantial human, environmental, or economic impacts have been identified for this project; no cumulative impacts are expected.”*

## Project Mitigation

### 23.1

**General Threatened and Endangered Species Conservation Conditions:**

**A-1 Changes in Project Scope.** If there is a change in the project scope, the project limits, or environmental commitments, the NDOT Environmental Section must be contacted to evaluate potential impacts prior to implementation. Environmental commitments are not subject to change without prior written approval from the Federal Highway Administration. (District Construction, Contractor)

**A-2 Conservation Conditions.** Conservation conditions are to be fully implemented within the project boundaries as shown on the plans. (District Construction, Contractor)

**A-3 Early Construction Starts.** Request for early construction starts must be coordinated by the Project Construction Engineer with NDOT Environmental for approval of early start to ensure avoidance of listed species sensitive lifecycle timeframes. Work in these timeframes will require approval from the Federal Highway Administration and could require consultation with the USFWS and NGPC. (District Construction, Contractor)

**A-4 E&T Species.** If federal or state listed species are observed during construction, contact NDOT Environmental. Contact NDOT Environmental for a reference of federal and state listed species. (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 Chapter 11 of the Matrix (on NDOT's website), where species survey protocol can be found, to estimate the level of effort and timing requirements for surveys.

Any project related activities that occur outside of the project limits must be environmentally cleared/permitted with the Nebraska Game and Parks Commission as well as any other appropriate agencies by the contractor and those clearances/permits submitted to the District Construction Project Manager prior to the start of the above listed project activities. The contractor shall submit information such as an aerial photo showing the proposed activity site, a soil survey map with the location of the site, a plan-sheet or drawing showing the location and dimensions of the activity site, a minimum of 4 different ground photos showing the existing conditions at the proposed activity site, depth to ground water and depth of pit, and the "Platte River depletion status" of the site. The District Construction Project Manager will notify NDOT Environmental which will coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from NDOT, 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 which will not adversely affect state and/or federally listed species and/or designated critical habitat. (Contractor)

**A-8 Post Construction Erosion Control.** Erosion control activities that may take place by NDOT Maintenance or Contractors after construction is complete, but prior to project close-out, shall adhere to any standard conservation conditions for species designated for the project area during construction. (NDOT Maintenance, District Construction, Contractor)

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The proposed project qualifies as a Categorical Exclusion Level indicated below in accordance with NDOT Policies and Procedures and under the following activity found in 23 CFR 771.117:

CE Review Level

1     2     3

Paragraph:

Activity:

## Document Author

Name:

Organization:

Phone:

Email:

Signature:

Date:

## Project Sponsor:

Name:

Organization:

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Title:

Signature:

Date:

The State has determined that this project has no significant impact(s) on the environment and that there are no unusual circumstances as described in 23 CFR 771.117(b). As such, the project is categorically excluded from the requirements to prepare an environmental assessment or environmental impact statement under the NEPA. The State has been assigned, and hereby certifies that it has carried out, the responsibility to make this determination pursuant to 23 U.S.C. §326 and a Memorandum of Understanding dated September 5, 2018, executed between FHWA and the State.

NDOT Approver:

Date: