

**Federal Highway Administration**

**Finding of No Significant Impact**

**For**

**STPC-3811(1) CN: 22209 and**

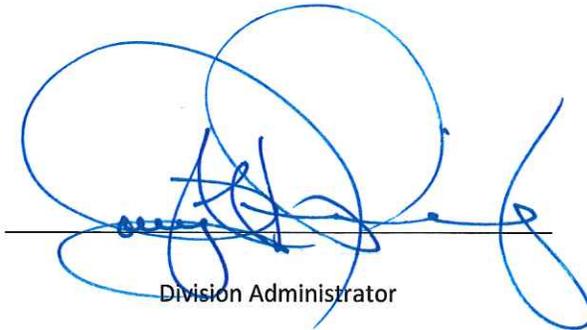
**STPC-3811(2) CN: 22210**

**168<sup>th</sup> Street Improvements  
Poppleton Avenue to Ehlers Street**

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 the 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. The FHWA takes full responsibility for the accuracy, scope, and content of the attached Final Environmental Assessment.

12-20-2017

Date



Division Administrator

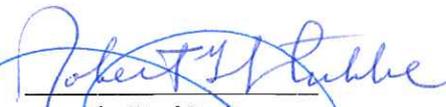
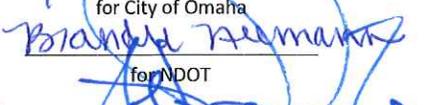
STPC-3811(1) CN: 22209 and  
STPC-3811(2) CN: 22210

168<sup>th</sup> Street Improvements  
Poppleton Avenue to Ehlers Street

Final Environmental Assessment

UNITED STATES DEPARTMENT OF TRANSPORTATION  
FEDERAL HIGHWAY ADMINISTRATION  
NEBRASKA DEPARTMENT OF TRANSPORTATION  
CITY OF OMAHA

12-5-17  
Date  
12/08/17  
Date  
12-20-2017  
Date

  
for City of Omaha  
  
for NDOT  
  
for FHWA

This environmental assessment has been prepared in accordance with provisions and requirements of 42 USC 4332 (2) (c) and 23 CFR 771 & 774, relating to the implementation of the National Environmental Policy Act (NEPA) of 1969. The signatures above indicate verification that the content of the attached document/errata sheet accurately reflects the scope of this project.

A Draft Environmental Assessment (DEA) for the above referenced project was submitted by the City of Omaha (City) and the Nebraska Department of Roads (NDOR) [now named the Nebraska Department of Transportation (NDOT)] to the Federal Highway Administration (FHWA), and was signed and approved by FHWA on February 27, 2017. The DEA was made available at the following locations for review for a 30-day Public Comment Period, which began on April 26, 2017:

- City of Omaha Public Works, 1819 Farnam Street, 6th Floor, Omaha, NE
- City of Omaha Equipment Maintenance, 5225 Dayton St, Omaha, NE
- City of Omaha Equipment Maintenance, 4040 South 96th Street, Omaha, NE
- City of Omaha Equipment Maintenance, 20567 Park Road, Omaha, NE
- Omaha Public Library, Millard Branch, 13214 Westwood Lane, Omaha, NE
- NDOT District 2 Office, 108th Street, Omaha, NE
- NDOT Headquarters, 1500 Highway 2, Lincoln, NE
- FHWA Nebraska Division, 100 Centennial Mall North, Lincoln, NE

The DEA was also made available online through NDOT's website at the following location:

\*<http://www.roads.nebraska.gov/projects/environment/pubs/project-docs/> and on the City's website at the following location: <https://publicworks.cityofomaha.org/public-works-projects>. Comments were accepted through the City's website. Links to the notice and Public Hearing information were also posted on social media platforms such as Facebook and Twitter by several news outlets, as well as by the Metropolitan Area Planning Agency (MAPA). Electronic Dynamic Message Sign boards were placed on either end of the corridor beginning on May 1, 2017, and stayed in place until the hearing.

Resource agencies and stakeholders were notified via email regarding the availability of the DEA and of the Public Hearing on May 2, 2017. No agency comments were received on this project during the comment period.

The City held a Public Hearing regarding the above referenced project at Russell Middle School at 5304 South 172<sup>nd</sup> Street, Omaha, NE 68135 on Thursday, May 11, 2017 from 6:30-8:30 PM. A copy of the Public Hearing Transcript is attached. Approximately 400 attendees signed in on the attendance sheets provided at the Public Hearing. Personnel from the City, FHWA, NDOT, and the Consultant team were present to receive comments and answer questions about the proposed project. Members of the public were allowed to make oral comments or public statements at the Public Hearing if they desired. After the Public Hearing, comments (written, email, or phone calls) were accepted on the DEA until May 26, 2017.

This Final Environmental Assessment (FEA) includes spoken comments from the Public Hearing and other written comments received regarding review of the DEA, as well as a description of any changes to the DEA (i.e., an errata) as a result of the public and agency comments. The purpose of this FEA is to respond to the comments received during the hearing process and to provide additions or changes to the DEA, where necessary, using this errata format. This document, in conjunction with the February 27, 2017 DEA document, constitutes the completed National Environmental Policy Act (NEPA) Document.

\* The previous NDOR website automatically re-directs to an updated NDOT website. Other references to documents published or approved by NDOR at the time remain referenced as published, while all other references are now NDOT.

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**1. PUBLIC COMMENTS AND RESPONSES**

Spoken and written comments received from the public at the Public Hearing and during the 30-day public comment period are presented below. Multiple comments may have been received on various topics, and they have been grouped into the following categories: General Project Questions, Design & Construction, Neighborhood Access, Pedestrian Access, Property/Noise Impacts, and General Meeting Comments.

Question/Concern	Response
<b>General Project Questions</b>	
<b>What considerations warrant the widening on 168<sup>th</sup> Street?</b>	Currently, 168 <sup>th</sup> Street carries double the preferred traffic volumes as intended, and was also originally designed as a “rural” section. A widened 168 <sup>th</sup> Street would better accommodate current and future traffic volumes. Improvements would also provide an urban cross-section, direct water into inlets, and provide curbs and pedestrian amenities.
<b>How is the need for traffic lights (signals) determined?</b>	The City of Omaha bases its decision to install traffic signals on criteria defined in the Manual on Uniform Traffic Control Devices (MUTCD). For widening projects, traffic signal warrants are checked based on existing traffic volumes, volumes projected 5 years out, and volumes projected approximately twenty years in the future (2040 in this case). In addition, several other factors such as pedestrian volumes and the crash history at the intersection are evaluated.
<b>Why is this a federally-funded project? Also, why is construction so far off?</b>	This project was selected for federal funding through the ProSeCom process (i.e. the established process for submittal and selection of projects for STP funding) as directed by MAPA.  A NEPA decision document is anticipated by the end of 2017. Final design is planned to begin soon after the decision document is issued. Right-of-way (ROW) acquisition would follow final design and must be completed prior to construction. Construction is currently programmed for 2021 and 2022.

*FINAL ENVIRONMENTAL ASSESSMENT – (ERRATA FROM DEA)  
168<sup>th</sup> Street, Poppleton Avenue to Ehlers Street*

<p><b>Is the construction of noise walls funded by a grant?</b></p> <p><b>Would also like a more detailed plan for noise wall construction dates in proximity to Leawood Southwest.</b></p>	<p>No, all construction for this project is being funded 80% by federal funds, and 20% by City of Omaha funds.</p> <p>The noise wall referred to by this commenter (NB07) is programmed to be constructed along with the reconstruction of 168<sup>th</sup> Street in 2022.</p>
<p><b>How does Omaha roadway development compare to other areas, such as Phoenix, AZ? Why aren't we building 6 lane arterials ahead of development?</b></p>	<p>Roadway construction in various parts of the country is handled very differently, and comparisons between cities is very difficult. Factors affecting how, when, and where roadways are improved, as well as the number of lanes, include population, density, travel patterns, private development, public funding, federal processes, and many others. In the case of the Phoenix metropolitan area, the network of arterial roadways and interstate highways is very different than in the Omaha metropolitan area. Thank you for the comment regarding building roadways ahead of development. The City of Omaha is exploring ways to finance roadway improvements ahead of development.</p>
<p><b>Why have other projects locally taken precedence over this 168<sup>th</sup> Street project?</b></p>	<p>There are numerous roadway projects currently in various stages of development in western Omaha, including 168<sup>th</sup> Street from West Dodge Road to West Maple Road, 156<sup>th</sup> Street from West Dodge Road to West Maple Road, and Blondo Street from 153<sup>rd</sup> Street to 162<sup>nd</sup> Street. Some of these are federally funded, while others are locally funded. Consideration of funding, detours, and other factors requires careful planning and constant balance to best facilitate traffic while they are being completed.</p> <p>In particular, the section of 168<sup>th</sup> Street from Poppleton Avenue to Ehlers Street is a federally funded project and the project is currently planned for construction beginning in 2021 based on the processes established to meet federal and state requirements. The other project along 168<sup>th</sup> Street between West Dodge Road and West Maple Road is a locally funded project utilizing Arterial Street Improvement Program (ASIP) funds, and therefore does not need to meet Federal regulations as they relate to NEPA. The 168<sup>th</sup> Street widening project north of West Dodge Road is also needed to provide a detour route for upcoming projects in northwest Omaha.</p>
<p><b>Will additional considerations be made for the ballfields located at Lake Zorinsky regarding turn lanes into and out of the complex, pedestrian walkways, traffic light sensors recognizing heavier traffic demands and access during construction?</b></p>	<p>The intersection of 168<sup>th</sup> Street and the South Lake access drive would be signalized with traffic sensors to accommodate all traffic movements as needed. The west leg of this intersection would have two approach lanes (i.e. one dedicated for left turns, and one for through traffic and right turns). Left turns from the ballfields would be allowed using a permissive signal (i.e. green ball or flashing yellow arrow), and if traffic volumes increase in the future, a dedicated signal phase for left turns (i.e. green arrow) could be installed. The signal would serve both vehicles and pedestrians.</p>

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	<p>Furthermore, 168<sup>th</sup> Street would be reconstructed with dedicated left-turn lanes at this intersection protected by a raised median, which is standard with arterial signalized intersections.</p> <p>With the traffic signal and additional capacity on 168<sup>th</sup> Street, it is anticipated that vehicles exiting the ballfields would be able to clear in less time than under current conditions.</p> <p>Access to the ballfields would be maintained during construction and 168<sup>th</sup> Street is planned to remain open during construction of the project.</p>
<p><b>Would you consider constructing a new road from the ballfields south to I Street at approximately 170<sup>th</sup> Street?</b></p>	<p>This comment has been forwarded to the City of Omaha Parks, Recreation and Public Property Department for future consideration as it is outside the scope of the project.</p>
<p><b>Are there special considerations being made for the increase in traffic on residential streets in surrounding neighborhoods?</b></p>	<p>The City has proposed the use of alternate routes for 168<sup>th</sup> Street traffic during the closure between Frances Street and East Pine Street. These routes include Bob Boozer Drive and 180<sup>th</sup> Street. Drivers may choose other routes depending on their ultimate destination. If additional cut through traffic is a problem during construction, please contact the City of Omaha Traffic Division at 402-444-5160 for assistance.</p>
<p><b>The City engineer's "current statistics" were from 2011. Is there a more recent traffic count?</b></p>	<p>Yes, traffic counts were updated in 2014 using accepted industry methods. Future traffic projections for this project, in 2040, are based on traffic counts and regional traffic models.</p>
<p><b>HOA representatives offered to meet with City representatives regarding the project.</b></p>	<p>The City will hold two additional public meetings prior to construction. Additional meetings with HOA representatives could be arranged by request.</p>
<p><b>Will the City coordinate with the ball fields at Zorinsky Lake during construction (specifically noted the heaviest use times from March to October)?</b></p> <p><b>Also noted a name change from "Kingswood Athletic Association" to "Millard United Sports" following a recent merger.</b></p>	<p>Yes, during construction, the City would notify the selected contractor to closely coordinate with Millard United Sports regarding scheduled events at the ballfields. While final phasing plans have not been developed at this time, the City would make reasonable efforts to allow full access (i.e. right and left turns) at this intersection during the final design phase. There would be continuous access (i.e. it would not be closed) at this intersection throughout construction.</p> <p>The EA has also been updated to properly refer to the merged organization.</p>

*FINAL ENVIRONMENTAL ASSESSMENT – (ERRATA FROM DEA)  
168<sup>th</sup> Street, Poppleton Avenue to Ehlers Street*

<p><b>In icy conditions, the residential side streets can become unnavigable. Will this project correct ice-related issues?</b></p> <p><b>Also concerned about access into and out of the neighborhood using Frances Street instead of Gold Street.</b></p>	<p>No, this project will not address snow or ice clearing issues on side streets. City streets are cleared of snow and ice under the street maintenance program; if icy conditions exist, a sand barrel for this area can be requested from the City of Omaha Street Maintenance Division at (402) 444-4919.</p> <p>Full access at Gold Street is being restricted to right-in/right-out due to its proximity to a major arterial roadway (i.e. West Center Road). Specifically, with the widening of 168<sup>th</sup> Street and the extension of the southbound to eastbound dual left turn lanes, leaving this access open would increase the potential for accidents from blind turns, interference with the stacking lengths for left turns onto West Center Road, and impairment of the level of service on 168<sup>th</sup> Street. For those residents wanting to enter the neighborhood by turning left onto Gold Street (southbound), they would still be able to turn left onto Frances Street to enter the neighborhood. For those residents wanting to leave the neighborhood and travel south on 168<sup>th</sup> Street, they would be able to do so by going north on 166<sup>th</sup> Street and exiting using Frances Street. Or, they could turn right from Gold Street onto 168<sup>th</sup> Street and travel north to make a U-turn at Lakeside Hills Plaza, and then go south on 168<sup>th</sup> Street. Please refer to Table 3.1 on pages 61 and 62 in the DEA for additional details regarding the out of distance travel for these options. As above, if these streets experience icy conditions, please contact the City of Omaha Street Maintenance Division to arrange for a sand barrel or to report un-cleared streets.</p>
<p><b>Is this project awaiting any final approvals from the City Council?</b></p>	<p>City Council approval would be needed for several items prior to construction, including the contracts for final design and construction, a Declaration of Use resolution for Pinewood Park, and potentially other items. This project is currently programmed for construction in 2021 and 2022. The Public Works Department would begin final design activities after a NEPA decision document is issued.</p>
<p><b>Does this project include widening 168<sup>th</sup> Street to four lanes to Harrison Street?</b></p>	<p>No. Although it is not part of this project, widening 168<sup>th</sup> Street from V Street to Harrison Street is in the City’s Capital Improvement Program (CIP) for the year 2022, and is not anticipated to be a federally funded project.</p>
<p><b>Does the crash data support the closure of medians on 168<sup>th</sup> Street?</b></p>	<p>Over a 7 year period along 168<sup>th</sup> Street, between Pacific Street and West Center Road, approximately 15% of all crashes were left turns or cross traffic, both of which crash types would be addressed by the construction of a median. These same crashes accounted for approximately 24% of the total injuries. One of the main benefits of implementing medians following the City of Omaha Arterial Access Management Policy is improving the safety of the traveling public by reducing the number of conflict points. Medians eliminate conflict point for turning traffic where used.</p>

*FINAL ENVIRONMENTAL ASSESSMENT – (ERRATA FROM DEA)  
168<sup>th</sup> Street, Poppleton Avenue to Ehlers Street*

<b>Design &amp; Construction</b>	
<b>When will we learn about our land purchase and when will construction start?</b>	This project is a federally funded project and it is estimated that the project would be ready for construction by 2021 based on the processes established to meet federal and state requirements. ROW acquisition is expected to be completed in 2019.
<b>When is construction expected to be completed?</b>	Construction is expected to be completed by 2022, although some portions may be completed prior to this time. Final construction phasing plans have not been developed for this project yet, but the City would present these plans at public pre-construction meetings in the future.
<b>Will Shirley Street concrete be upgraded due to increased traffic demands?</b>	Most of the diverted traffic to Shirley Street would consist of passenger vehicle traffic which does not deteriorate pavement as quickly as larger truck traffic. The City's Street Maintenance Division periodically and routinely reviews the pavement condition of all residential streets. Concrete repairs outside the project area would not be included in this project.
<b>Will concrete on 168<sup>th</sup> Street in areas that have already been widened to 4 lanes be replaced with this project?</b>	The City's Street Maintenance Division periodically and routinely reviews the pavement condition of arterial streets. Concrete repairs outside the project area would not be included in this project.
<b>Will 168<sup>th</sup> Street be closed during construction?</b>	Minor closures may be needed on 168 <sup>th</sup> Street for intersection or utility work. 168 <sup>th</sup> Street from Q Street to Frances Street would otherwise be open to traffic during construction with minimal impacts at the Q Street, West Center Road and Pacific Street intersections. From north of Frances Street to the east leg of Pine Street, 168 <sup>th</sup> Street would be closed to through traffic for approximately 90 days due to the need to replace a culvert and lower the road profile. This closure would be scheduled over the summer school break and the road would reopen at the start of the school year.
<b>How long will the bridge across Zorinsky Lake be closed during construction?</b>	The bridge would remain open at all times. The bridge is wide enough to shift traffic to either side while working on the opposite side during construction. As stated in the prior response, minor closures may be needed for intersection or utility work.
<b>Will the eastbound lane of Patterson Drive be widened (mentions the current width not being wide enough for two cars to pass without bumping rear view mirrors)?</b>	The City will review widening the eastbound lanes of Patterson Drive during final design to address the issue described in this comment.

*FINAL ENVIRONMENTAL ASSESSMENT – (ERRATA FROM DEA)  
168<sup>th</sup> Street, Poppleton Avenue to Ehlers Street*

<p><b>Will the profile of 168<sup>th</sup> Street (and Patterson Drive) be lowered to address icy conditions on Patterson Drive?</b></p>	<p>The City will review the profile of the 168<sup>th</sup> Street and Patterson Drive intersection. At this time, this intersection is planned to be lowered approximately one foot and will be reviewed in final design. As stated in other responses, if icy conditions exist, a sand barrel for this area can be requested from the City of Omaha Street Maintenance Division at (402) 444-4919.</p>
<p><b>Why is 168<sup>th</sup> Street not being designed with a two-way center left-turn lane?</b></p>	<p>As described in the DEA on Page 22, this particular design would meet some of the purpose and need of the project because it would result in a similar Level of Service (LOS) as the selected alternative; however, it would not match the already improved segments of 168<sup>th</sup> Street north and south of this segment, and would therefore not address the discontinuity of the adjacent roadways which are already four lane roads with raised medians. The selected alternative for 168<sup>th</sup> Street balances the needs of residents' access with overall city mobility, and regional mobility goals and safety.</p>
<p><b>Are there any plans to make improvements to alternative routes, such as 180<sup>th</sup> Street, prior to construction of the 168<sup>th</sup> Street project?</b></p>	<p>No, there are no current plans to widen 180<sup>th</sup> Street between Q Street and West Dodge Road within the next five years. As described in the DEA and at the Public Hearing, 168<sup>th</sup> Street from Q Street to West Center Road is planned to remain open during construction. Additionally, several alternate routes exist adjacent to the 168<sup>th</sup> Street corridor, including 180<sup>th</sup> Street, 156<sup>th</sup> Street/Bob Boozer Drive, Pacific Street, West Center Road, and Q Street. These routes provide adequate capacity for the additional traffic desiring to avoid 168<sup>th</sup> Street during construction. There are currently no plans for major improvements to these routes during the 168<sup>th</sup> Street project.</p>
<p><b>Will there be incentives and penalties for the construction to be completed in a timely manner?</b></p>	<p>Yes, the City would utilize “incentivized construction” methods to reduce the overall time of construction or specific phases of construction.</p>
<p><b>Could the completion be sped up by restricting through traffic, or by allowing only local traffic on 168<sup>th</sup> Street during construction?</b></p>	<p>Yes, construction could be sped up with a full closure. However, allowing local vehicles on 168<sup>th</sup> Street would not significantly reduce the construction schedule. A full closure would require local traffic to access neighborhoods from other locations, which would create a strain on other roadways and impacts to the local users.</p>
<p><b>When the culvert is replaced at Pinewood Park, will the north portion of the project be expedited to reduce the access impacts to the neighborhood?</b></p>	<p>The primary reason that 168<sup>th</sup> Street is being closed to through traffic is to replace the culvert at Pinewood Park and to lower the road profile between Frances and Shirley Streets. Construction of these elements is being planned for a three month closure over the summer. It is not possible to construct the entire northern portion of the project during this three month closure; however, upon completion of this phase, 168<sup>th</sup> Street would have at least two travel lanes (i.e. one in each direction), allowing access to the surrounding neighborhoods.</p>

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168<sup>th</sup> Street, Poppleton Avenue to Ehlers Street*

<b>At what time during the year will the Zorinsky Lake bridge construction take place?</b>	Construction phasing and other details would be determined during final design. Input through the public involvement process, including comments taken at the Public Hearing would assist in those details. Currently, the bridge construction is planned to take approximately one year.
<b>Is a two-year construction timeline aggressive for this project?</b>	Although final design would determine the details, the City does feel confident that construction can be completed in the two-year time frame that was presented.
<b>Will there be a grade change at 168<sup>th</sup> Street and Frances Street?</b>	There would be very minor grade changes at Frances Street.
<b>Will the level of Zorinsky Lake be lowered during the bridge construction?</b>	The bridge is currently anticipated to be constructed without lowering the lake.
<b>How will the bridge over the lake be widened and will it be widened to both sides?</b>	The bridge would remain open at all times. The bridge is wide enough to shift traffic to one side while working on the opposite side during construction. As stated in the prior response, minor closures may be needed for intersection or utility work. The new bridge, which will be approximately 52 feet wider than the existing bridge, would be situated generally along the same centerline, with a 12 foot shared use path on the east, two 13 foot northbound lanes, a ten foot median, two 13 foot southbound lanes, a 7 foot sidewalk, and a ledge for utilities on the west. Pedestrian/bicyclist paths and vehicular traffic lanes would be separated from each other by raised concrete barriers.
<b>Neighborhood Access</b>	
<b>How will traffic flow improve for residents exiting neighborhoods on to 168<sup>th</sup> Street?</b>	A combination of added through lanes and connected traffic signals along the project would allow for traffic platooning (i.e. grouping of cars) along the corridor and create better gap time for side road traffic to make the necessary movements. In some areas, sight distance would also be improved with the proposed paving/grading.
<b>Specifically mentions the H Circle/167<sup>th</sup> Avenue intersection for The Pointe and Bay Shores neighborhoods.</b>	Traffic signals are only installed at intersections that meet a minimum level of traffic demand based on established national standards. Future traffic projections at the intersection 400 feet to the north of H Circle (at the ball fields) indicate the need for signalization at that location. This would be where pedestrian traffic could safely cross 168 <sup>th</sup> Street between The Pointe and Bay Shores neighborhoods. While the H Circle/167 <sup>th</sup> Avenue intersection would not be signalized, due to minimal side-street demand, a four lane divided 168 <sup>th</sup> Street would be easier and safer for vehicles to access 168 <sup>th</sup> Street than it is today. This is due to the fact that a four-lane facility provides more suitable gaps in traffic to turn into than a two-lane facility. The gaps in traffic would be longer and with more frequency. The proposed signalized intersections on either side of H Circle/167 <sup>th</sup> Street would essentially meter traffic such that they provide even more gaps for traffic to safely turn into.

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<p><b>Will a signal be installed at Orchard Avenue?</b></p>	<p>Traffic signals are only installed at intersections that meet a minimum level of traffic demand based on established national standards. Future traffic projections at several intersections (including Orchard Avenue) along the 168<sup>th</sup> Street project do not meet the peak hour warrants for a traffic signal.</p> <p>Also, the design for the vertical hill profile of 168<sup>th</sup> Street at Orchard Avenue has been lowered to provide for better line of sight than exists today. This, along with more suitable gaps in traffic, which would be longer and more frequent, would improve the ability to enter and exit this intersection.</p>
<p><b>Will a signal be placed at Shirley Street for additional Pacific Heights traffic? Mentions a concern for large number of Pacific Heights and Shaker Heights neighborhood residents not being able to exit onto 168<sup>th</sup> Street southbound.</b></p>	<p>Traffic signals are only installed at intersections that meet a minimum level of traffic demand based on established national standards. Future traffic projections with all rerouted Pacific Heights traffic to this full access intersection would not meet the peak hour warrants for a traffic signal. With a four lane divided 168<sup>th</sup> Street it would be easier and safer for vehicles to access 168<sup>th</sup> Street from an un-signalized side street than it is today. This is due to the fact that a four-lane facility provides more suitable gaps in traffic to turn into than a two-lane facility. The gaps in traffic would be longer and with much more frequency. Upon project completion, the City would continue to monitor traffic volumes and install a traffic signal if one is warranted.</p> <p>Based on past project history the City of Omaha Public Works Department does not anticipate all of the households in this area to utilize the Hickory Street median break to go south on 168<sup>th</sup> Street. There are other options for residents to use in order to go south on 168<sup>th</sup> Street. Please refer to the “Proposed Access Changes” section of the DEA on Pages 61 to 66 for more information.</p>
<p><b>Could median breaks be allowed at Pine Street or Williams Street?</b></p>	<p>Raised medians provide an operational and safety benefit to the traveling public by creating a physical barrier and limiting the number of conflict points for traffic. The City’s policy is to limit median breaks because of the safety and operational benefits the median provides. Current policy limits median breaks on arterial streets to every quarter mile; however, some exceptions are made for large or special use developments that existed prior to implementing the policy, and those that have limited or no other access alternatives. The plans for Pine Street and Williams Street call for "right-in/right-out" access, which do limit access at those locations. However, trips can be patterned within the neighborhood to gain full access to/from 168<sup>th</sup> Street, Pacific Street and West Center Road. Poppleton Avenue could be utilized to gain entry into the neighborhood from the north. Also, when utilizing the Pine Street or William Street right-in/right-out access drives, U-turns can be made at the nearby median breaks to go south or to return home from the north. Lastly, depending on the origin/destination, there would be several options to pattern a trip outside the neighborhood on the City street system that would not require</p>

	<p>the need for a U-turn. Refer to Table 3.1 in the DEA for additional information on the trip length impacts of a right-in/right-out access at these locations.</p>
<b>Why was Hickory Street chosen as the Pacific Heights/Shaker Heights access point, rather than Pine Street?</b>	<p>The City of Omaha evaluated traffic conditions along 168<sup>th</sup> Street in the future, taking into consideration the effects of the median closures mentioned. The neighborhood streets, where they intersect with 168<sup>th</sup> Street, are not shown to have adverse traffic impacts. In the model, traffic that cannot use a closed access point re-routes itself to the nearest street, and other traffic may shift as well, but the neighborhood streets are not shown to exceed their capacity.</p> <p>One of the main reasons Hickory Street was selected over Pine Street was the advantage to provide full access to neighborhoods on both sides of 168<sup>th</sup> Street at the same intersection.</p> <p>The proposed design of 168<sup>th</sup> Street, including the full access intersection of Hickory Street/ Shirley Street and the closure of the median at East and West Pine Streets, is anticipated to result in only minor changes to traffic patterns within the neighborhood. While Hickory Street and Shirley Street would likely have an increase in traffic from diverted trips from other restricted access points, the scale of the increase would not exceed the existing capacity of existing neighborhood streets and intersections.</p> <p>Hickory Street is better suited to serve as a neighborhood access road because it has fewer conflict points. There are considerably fewer residential driveways on Hickory Street as compared to Pine Street, and on-street parking is not allowed on Hickory Street, unlike Pine Street. Both Hickory Street and Pine Street are designed to serve two lanes of traffic; Pine Street is wider than Hickory Street because it requires additional space for the designated on-street parking.</p>

<p><b>Can you reconsider allowing traffic to enter and exit on Gold Street from the 168<sup>th</sup> Street?</b></p>	<p>Raised medians provide an operational and safety benefit to the traveling public by creating a physical barrier and limiting the number of conflict points for traffic. The City’s policy is to limit median breaks because of the safety and operational benefits the median provides. Current policy limits median breaks on arterial streets to every quarter mile; however some exceptions are made for large or special use developments that existed prior to implementing the policy, and those that have limited or no other access alternatives. The plan for Gold Street calls for a "right-in/right-out" access, which does limit access at this location. However, trips can be patterned within the neighborhood to gain full access to/from 168<sup>th</sup> Street and West Center Road. When utilizing the Gold Street right-in/right-out access drive, U-turns can be made at the nearby Lakeside Hills Plaza median break to go south. Lastly, depending on the origin/destination, there would be several options to pattern a trip outside the neighborhood on the City street system that would not require the need for a U-turn. Refer to Table 3.1 in the DEA for additional information on the trip length impacts of a right-in/right-out access at this location.</p>
<p><b>The signal at 168<sup>th</sup> &amp; Oak Street only allows a few cars through at a time, can the sensor be adjusted?</b></p>	<p>The City of Omaha Traffic Division routinely checks the operating conditions of vehicle detection sensors and reviews the traffic volumes to examine the impacts of signal timing.</p>
<p><b>With the addition of raised medians, many homes along 168<sup>th</sup> Street will not be able to turn south.</b></p>	<p>Raised medians provide an operational and safety benefit to the traveling public by creating a physical barrier and by limiting the number of conflict points for traffic. The City’s policy is to limit median breaks because of the safety and operational benefits the median provides. Current policy limits median breaks on arterial streets to every ¼ mile, however some exceptions are made for large or special use developments that existed prior to implementing the policy and that have limited or no other access alternatives. The private, low-volume residential driveways referenced in this comment do not necessitate a break in the median. A two-way center left-turn lane in lieu of a median was considered in this area but the minimal amount of traffic utilizing the lane for these private driveways does not justify sacrificing the safety benefits of a median with additional traffic conflict points along the corridor. These drives are considered "right-in/right-out" access. U-turns can be made at the nearby median breaks to go south or to return home from the north. Also, depending on the origin/destination, there would be several options to pattern a trip without the need for a U-turn. Refer to Table 3.1 in the DAE for additional information on the trip length impacts of a right-in/right-out access at this location.</p>

<p><b>Could a street over the creek from East Pine to Hickory for the west end of Pacific Heights be considered?</b></p>	<p>A road over the creek (presumably to avoid driving around Pinewood Park to access Hickory Street) would require a new culvert, impacting the creek and park area, and would also require acquisition of one or more residences along Pine Street. Furthermore, Pine Street intersects with Hickory Street approximately one quarter mile (five blocks) to the east of 168<sup>th</sup> Street. Refer to Table 3.1 in the DEA for additional information on the trip length impacts of a right-in/right-out access at this location.</p>
<p><b>Pedestrian Access</b></p>	
<p><b>Will sidewalks be connected on both sides of 168<sup>th</sup> Street?</b></p>	<p>The proposed project would include Americans with Disability Act (ADA) compliant sidewalks along all portions of the study area, in accordance with city ordinances, providing safe access for pedestrians and bicyclists, especially to the elementary school, recreation areas and parks, and shopping centers. The selected alternative would also include connecting the sidewalks along 168<sup>th</sup> Street to the Zorinsky Lake Trail, providing a beneficial impact by improving pedestrian access and connectivity to this resource, as well as improving overall pedestrian access and connectivity in area.</p> <p>All existing east-west pedestrian crosswalks would be improved with ADA access, and signalized and/or marked east-west pedestrian crosswalks would be added at several intersections along 168<sup>th</sup> Street where none exist today, creating a beneficial impact for those wishing to cross 168<sup>th</sup> Street. Specifically, new east-west ADA accessible pedestrian crossings would be provided along 168<sup>th</sup> Street at the following locations: Shirley Street/Hickory Street, Frances Street, Lakeside Hills Plaza, Zorinsky Lake South Access Drive, Patterson Drive, and Rolling Ridge Road. With the exception of the Shirley Street/Hickory Street intersection, all of the east-west pedestrian crossings would be signalized.</p> <p>The improvements mentioned above would have beneficial impacts by improving pedestrian access, connectivity, and safety throughout the study area.</p>
<p><b>Will a pedestrian signal be installed to cross from H Circle to Bay Shores?</b></p>	<p>As part of this project, sidewalks would be installed along the east and west sides of 168<sup>th</sup> Street that would also connect to the existing sidewalks on the north and south sides of H Circle. According to MUTCD guidelines, a pedestrian signal does not currently meet the requirements at this location due to the low volume of pedestrians crossing at this location. Instead, pedestrians would be able to utilize the new sidewalks to access the Zorinsky Lake South drive signal to cross 168<sup>th</sup> Street safely.</p>
<p><b>Can consideration be made to installation of a mirror on the</b></p>	<p>The City of Omaha Parks, Recreation and Public Property Department maintains the trail system at Edward Zorinsky Recreation Area, and is</p>

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<p><b>trail under the Zorinsky Lake bridge to better see bike and pedestrian traffic utilizing the trail?</b></p>	<p>currently reviewing the installation of a similar concept at another location and plans to evaluate its effectiveness prior to installing a similar concept at this location. The decision to install such a device would be made by the Parks Department at a later date. For more information, please contact the Parks Department at 402-444-5900.</p>
<p><b>How wide are the proposed trails along Zorinsky Lake?</b></p>	<p>The shared-use paths along the east and west sides of 168<sup>th</sup> Street are planned to be 10-foot wide, with better connections and sight distances than currently exist. On the bridge itself, there will be a 12-foot-wide path on the east side, and a 7-foot-wide sidewalk on the west side.</p>
<p><b>How wide are the proposed sidewalks along 168<sup>th</sup> Street?</b></p>	<p>The proposed sidewalks, with the exception of the Zorinsky Lake shared-paths (which would be 10 feet wide), would be standard city width (which is five feet wide).</p>
<p><b>Can bicyclists ride along the roadway on 168<sup>th</sup> Street?</b></p>	<p>Bicyclists would be allowed to ride on the roadway of 168<sup>th</sup> Street consistent with state laws governing their operation. For more information, please see the following website: <a href="http://www.nebike.org/laws/">http://www.nebike.org/laws/</a>.</p>
<p><b>I love the (proposed) bridge over the lake.</b></p>	<p>Thank you.</p>
<p><b>Property/Noise Impacts</b></p>	
<p><b>Will stone privacy fencing be installed during the project to keep backyards quiet and private?</b></p>	<p>No, stone fences would not be constructed. Concrete panel noise walls would be constructed at locations that were found to meet the reasonableness and feasibility criteria. Noise walls would have a simulated stone fascia. Impacts to existing fencing would be handled in accordance with NDOT’s <i>Right of Way Manual</i>.</p>
<p><b>Questions why a wall (NB12) on the E side of 168<sup>th</sup> St from Pine to Williams St is not going to be built. Also asks if walls not in the current plan be re-evaluated in 2019?</b></p>	<p>Locations receiving a noise wall are anticipated to have a noise impact in the future build situation (i.e. in the year 2040). Noise wall locations have been evaluated for feasibility and reasonableness according to NDOT’s 2011 <i>Noise Analysis and Abatement Policy</i> and 23 CFR 772. Walls determined to be not reasonable or feasible in accordance with NDOT’s 2011 <i>Noise Analysis and Abatement Policy</i> are not eligible for federal funding, and would not be constructed. Noise impacts have been evaluated as part of the NEPA process, and would not be re-evaluated in the future, unless a new project were to be undertaken in this area.</p>
<p><b>Why are noise walls planned on one side of 168<sup>th</sup> Street (SB07/SB08) and not planned on the opposite side of 168<sup>th</sup> Street in some locations?</b></p>	<p>Noise wall locations must meet the feasible and reasonableness criteria that is defined by NDOT’s 2011 <i>Noise Analysis and Abatement Policy</i> and 23 CFR 772. The residences referenced in both of these comments (same location) were not impacted (i.e. future noise levels did not exceed impact thresholds) by the proposed construction. Consequently a noise wall was not studied at this location. Changes in the terrain, orientation of the receptors, distance from the roadway, and the proposed roadway profile, among other factors, can contribute to the differences in noise levels on</p>

<p><b>Also, does lowering the roadway profile increase noise levels?</b></p>	<p>opposite sides of the street. The proposed roadway profile was used to model the noise levels at this and other locations. For more information, please refer to the Traffic Noise Analysis in Appendix G in the DEA.</p>
<p><b>Can a noise wall be constructed to act as a barrier protecting my family in my backyard?</b></p> <p><b>Also, was a noise wall considered at this location to reduce noise levels?</b></p>	<p>This estimated cost for the wall at the location (NB12) referenced in this comment was \$45,016 per receptor, which is over the acceptable threshold of \$40,000, so this wall would not be considered reasonable in accordance with NDOT’s 2011 <i>Noise Analysis and Abatement Policy</i> and 23 CFR 772, and therefore is not eligible for federal funding.</p> <p>Furthermore, while they do provide a visual and physical barrier, walls are not considered for construction if they are not required for noise mitigation.</p>
<p><b>Are the decision of noise walls based on home values?</b></p>	<p>Home or property value is not factored in the decision of noise wall construction. Noise wall locations have been evaluated for feasibility and reasonableness according to NDOT’s 2011 <i>Noise Analysis and Abatement Policy</i> and 23 CFR 772 for their effectiveness to reduce future noise levels below defined impact thresholds.</p>
<p><b>How close to a noise wall can trees and other vegetation be planted? Will vines be allowed to grow on the noise wall?</b></p>	<p>The City of Omaha would obtain a permanent easement from property owners for a 5-foot area behind the noise walls to allow City representatives to enter this area and do necessary maintenance needed on the noise wall. Structures (e.g. sheds) or vegetation (e.g. trees, bushes, vines) planted in this area could be required to be removed if maintenance is needed.</p>
<p><b>Will noise walls be constructed on the property line or further onto the property?</b></p>	<p>The majority of the noise walls are planned to be constructed at the back of the property line. There are some locations (at corners and ends of the walls) where they extend further into private property. At these locations property would be acquired following NDOT’s <i>Right of Way Manual</i>.</p>
<p><b>Will a noise wall be constructed blocking the water-feature on Heritage at Legacy’s property?</b></p>	<p>This area is within the environmental study area and consequently it was necessary to review this property for noise abatement. Noise wall locations must meet the feasible and reasonableness criteria that is defined by NDOT’s 2011 <i>Noise Analysis and Abatement Policy</i> and 23 CFR 772. The proposed noise wall SB11 (Heritage at Legacy) meets the feasibility and reasonableness criteria and will be constructed.</p> <p>The Heritage at Legacy has an existing landscaping feature at the corner of 168<sup>th</sup> Street and Oak Street. The proposed noise wall would end just north of this feature in order to avoid direct impacts and to avoid blocking it from sight.</p>

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<p><b>How far into our yard will there be construction?</b></p>	<p>Specific details regarding the amount of permanent and temporary easements needed at various locations are not known at this time, but would be developed during final design. The City would contact affected property owners during the ROW acquisition phase of the project and would follow NDOT's <i>Right of Way Manual</i> to acquire property rights.</p>
<p><b>Do I need to remove our fence or will it be removed for us?</b></p>	<p>If the fence is still in place when the contractor begins work in that area it would be removed as part of the project by the contractor.</p>
<p><b>There are trees behind my house that provide some reduction of noise levels. Will the project pay for loss of trees?</b></p>	<p>While trees do provide a visual barrier to the roadway, and a perceived level of noise reduction, to provide measurable reductions they need to be very dense and have leaves on them year round. Conifers can provide this level of reduction, but they still need to be very deep to provide the levels of noise reduction that are provided by noise walls. Therefore, trees are not typically used as a noise abatement measure in urban situations.</p> <p>In the case of the noise receptors (homes) referred to in these comments (same location), they did not have increased noise levels exceeding the required impact threshold to evaluate noise abatement; therefore, noise walls were not considered. In the case of the trees at this location, they are actually within the existing ROW and would therefore not be replaced.</p> <p>As described in Sections 3.5, 3.12, and 3.19 in the DEA, trees on the public ROW would not be replanted, rather, the City would provide funding to the Parks Department to implement the Green Streets of Omaha plan. Trees impacted by the project on private property would be considered during the ROW acquisition process using NDOT's <i>Right of Way Manual</i> and the Uniform Act.</p>
<p><b>I do not believe the existing cross section properly reflects the slope of my property.</b></p>	<p>The cross sections shown on the plans displayed at the Public Hearing and in the DEA have an exaggerated vertical dimension to better illustrate various features. The City would review the cross sections to verify their accuracy during the final design of the project.</p>
<p><b>Can my driveway be lined up with the Lake Shore median, and an extended (driveway) skirt installed for mail delivery and garbage pick-up?</b></p>	<p>After further review, the City has determined to move the driveway north to align with the center of Patterson Drive as requested. The following commitment has been added regarding the commenter's request for additional paving for mail delivery and trash service:</p> <p><i>For the driveway at 4505 South 168<sup>th</sup> Street, the City shall relocate the driveway aligned with Patterson Drive, and shall discuss accommodations for mail delivery and trash service during the ROW acquisition phase of the project. (City of Omaha)</i></p>

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<p><b>Will utilities be protected during construction?</b></p>	<p>The City of Omaha works with public and private utilities to coordinate the required work needed to complete the construction of the infrastructure defined in the project plan with minimal disruption to the utilities located along the project. Some utilities would be relocated prior to construction of the roadway, while others would be constructed at the same time. Service outages would be minimized to the extent possible, and utility providers would be required to provide notice or alternatives for unavoidable outages.</p>
<p><b>Will pet safety be considered during the construction phase?</b></p>	<p>Yes, if there are special needs to provide for the safety of a pet, please notify the City of Omaha Public Works Department at (402) 444-5220. Temporary fences would be installed upon removal of existing fences and maintained throughout construction until permanent fences are installed. Impacts to fencing, landscaping, and sprinklers would be handled in accordance with NDOT’s <i>Right of Way Manual</i>.</p>
<p><b>Will subdivision signs need to be removed or moved due to this project? Specifically mentioned South Shore Heights monument signs.</b></p>	<p>All signs in the ROW need to be properly permitted, and permitted signs that are impacted would be assessed during the property acquisition phase of the project, and treated like a fence or other private property. Signs could be removed prior to construction and placed in new, properly permitted locations in the ROW or within easements on private property. Signs that remain in the ROW at the time of construction would be removed by the contractor. The City would be glad to work with homeowners associations to properly permit these signs and identify locations for replacement. The South Shore Heights monument sign would not be impacted by the proposed project.</p>
<p><b>Will the change in access to my driveway (full access to right-in/right-out) be reflected on property evaluations?</b></p>	<p>The Douglas County Assessor’s Office determines property valuations. A tax statement can be protested. When the City has the properties appraised for property rights needed during construction, if the appraiser feels that a property is being negatively impacted, the appraiser may award severance damage for compensation.</p>
<p><b>General Meeting Comments</b></p>	
<p><b>The meeting space was not well-planned for the number of people present. Seating, handout quantities and lighting were inadequate.</b></p>	<p>We apologize for running out of informational handouts. A handout was mailed to those individuals not receiving one, who signed in and provided an address, promptly following the meeting.</p>
<p><b>The materials and presentation aids were helpful.</b></p>	<p>Thank you.</p>
<p><b>Please send me a copy of the public handout.</b></p>	<p>A handout was mailed to the address provided promptly following the meeting.</p>

<b>Better bridge, turn lanes, divided lanes, better sidewalk, sidewalks across the bridge, all good! Long overdue.</b>	Thank you.
<b>Where can I find more project specifics and updates?</b>	<a href="https://sites.google.com/a/cityofomaha.org/opw-50417-51016---168th-st-widening---poppleton-to-ehlers/">https://sites.google.com/a/cityofomaha.org/opw-50417-51016---168th-st-widening---poppleton-to-ehlers/</a>

After reviewing the public comments received at the Public Hearing and during the Comment Period, there were **three main themes** that require further clarification. These concerns can be summarized as follows: **1)** the safety of using a median as compared to a continuous center turn lane; **2)** changes in access to neighborhoods; and **3)** the perceived interaction of this project and other projects in the area that may affect travel patterns.

The **first concern** relates to the use of a raised median instead of a continuous center turn lane, which would allow direct access to driveways primarily in the portion of the roadway north of Zorinsky Lake and south of West Center Road. There are approximately a dozen driveways in this segment of roadway, and there were several comments related to the difficulty of directly accessing these properties. The inclusion of a raised median would require these properties to travel longer distances to enter or exit their residences, or otherwise change their travel patterns. The trade-off of adding raised medians; however, is to reduce the potential for conflicts, and improve safety of the roadway. Vehicles exiting driveways with a continuous center turn lane would need to cross two lanes of through traffic, as well as the center turn lane to enter the nearest through lane in the opposite direction. Similarly, when entering their property, they would be faced with crossing two lanes of oncoming traffic to pull into their driveways. With the number of driveways that are situated opposite of each other, during peak times the potential exists for multiple vehicles entering and existing these driveways, which could cause higher accident rates. For more information, the following explanation is taken from the American Association of State Highway and Transportation Officials (AASHTO) guidelines on roadway design:

A median is the portion of a highway separating opposing directions of the traveled way. Medians are highly desirable on arterials [also called major streets] carrying four or more lanes. . . . The principal functions of a median are to separate opposing traffic, provide a recovery area for out of control vehicles, provide a stopping area in case of emergencies, allow space for speed changes or storage of left turning and U-turning vehicles, diminish headlight glare, and provide width for future lanes. Other potential benefits of a median in an urban area are that it may offer an open green space, may provide a refuge area for pedestrians crossing the street, and may control the location of intersection traffic conflicts. . . . Raised medians have application on arterial streets where it is desirable to regulate left-turn movements. They are also frequently used where the median is to be planted, particularly where the width is relatively narrow (AASHTO’s “Geometric Design of Highways and Streets, 2011 6<sup>th</sup> Edition”).

Raised medians provide an operational and safety benefit to the traveling public by creating a physical barrier and limiting the number of conflict points for traffic. The City's policy (Arterial Access Implementation Policy) is to limit median breaks because of the safety and operational benefits the median provides. Current policy limits median breaks on arterial streets to every quarter mile; however, some exceptions are made for large or special use developments that existed prior to implementing the policy, and those locations that have limited or no other access alternatives. For the subdivisions and developments around 168<sup>th</sup> Street, particularly between West Center Road and Pacific Street, these areas were developed prior to the access management policy being implemented, and are not all aligned at the ¼ mile spacing. Therefore, the City applied the policy to this corridor to the maximum extent practicable using the existing street layout, resulting in a limited number of selected side streets that provide the most beneficial operational and safety conditions.

The City of Omaha evaluated traffic conditions along 168<sup>th</sup> Street with the future traffic volumes and spacing of existing side streets, taking into consideration the effects of the median closures mentioned, when applying the median policy for the project. Traffic that cannot use a closed access point re-routes itself within the neighborhood to gain access to an adjacent arterial street, and other traffic may shift as well. The scale of the re-routed traffic from the median closures on 168<sup>th</sup> Street is minimal and is not shown to have adverse traffic impacts on neighborhood streets and intersections.

U-turns can be made at adjacent median breaks to gain access to street or driveways that are not at a median break. Depending on the origin/destination of drivers, there are several options to pattern a trip outside the neighborhood on the City street system that would not require the need for a U-turn. Refer to **Table 3.1** in the DEA for additional information on the trip length impacts of a right-in/right-out access at these locations.

The **second concern**, which is related to the first concern, is that entire neighborhoods would be affected by access changes along 168<sup>th</sup> Street, from the addition of a raised median and closure of full access points along the roadway. These concerns were more focused on the segment of roadway between West Center Road and Pacific Street. For the same reasons as presented for the driveways, medians present a safer condition for all vehicles and pedestrians using the corridor. Furthermore, the distances of out-of-direction travel for both the neighborhood access points and the individual residents ranges from approximately 200 feet to 3,300 feet, or approximately ½ mile. To accommodate these vehicles, the City would be allowing U-turns at several locations, or drivers could change their travel patterns to access 168<sup>th</sup> using other entrances/exits at signalized intersections along 168<sup>th</sup> Street, Pacific Street or West Center Road.

For details regarding the out-of-distance travel, **Table 3.1**, which was presented on **pages 61 and 62** in the DEA, itemizes each effected residence and neighborhood access point, and assigns each driveway/street a reference number that is illustrated on **Figures 3.8A through 3.8C** on **pages 64-66**.

The **third concern** is related to the potential for 168<sup>th</sup> Street to be closed to through traffic at the same time as other projects in the general vicinity are also being worked on. It should be noted that 168<sup>th</sup> Street would be open to through traffic at all times from Q Street to West Center Road, including the portion of

the roadway over Zorinsky Lake. Pedestrian and bicycle access would be limited across the bridge and around the lake at times, and boat access would be restricted under the bridge, but vehicular access would remain open with one lane in each direction throughout construction. The portion of the roadway that would be closed to through traffic would be from Frances Street on the south, to the east leg of Pine Street on the north. This closure would be limited to approximately three (3) months, and would be scheduled to occur over the summer while school is out of session. These impacts are described in more detail on **page 147** of the DEA, and illustrated on **Figure 3.21** that can be found on **page 151** of the DEA. Several alternate routes, using Pacific Street, 180<sup>th</sup> Street, West Center Road, and 156<sup>th</sup> Street/Bob Boozer Drive would be available for vehicular travel. The City has committed to ensuring that there are no other construction projects along these alternate routes during the closure. There are also no plans to widen 180<sup>th</sup> Street in this area (Q Street to Pacific Street) within the next five years.

Furthermore, there may have been some confusion about the location of other projects in the area, and how they would affect detours for this project. In particular, the closure of 168<sup>th</sup> Street **north** of West Dodge Road to West Maple Road will occur during the 2018 construction season, well ahead of this project.

## **2. CHANGES (ERRATA) TO THE DEA**

The following changes are hereby made universally to the DEA text (if not otherwise changed below): references to the “*Proposed Alternative*” are hereby changed to the “*Selected Alternative*” and references to “*would*” in connection with the now Selected Alternative are hereby changed to “*will*”, including the description of the now Selected Alternative, associated design features, the affected environment, and environmental consequences. In addition, all references to “*would*” in connection with the City or Contractor’s responsibility to comply with the required mitigation measures are hereby changed to “*shall*” to indicate their commitment to fulfilling them. References to “*Nebraska Department of Roads*” or “*NDOR*” are hereby changed to “*Nebraska Department of Transportation*” or “*NDOT*” where appropriate (current or future tense).

Other changes were also made to the mitigation measures in the DEA resulting from public comments or agency review, in order to further clarify, discuss, or make corrections. This section includes all of these changes. DEA text to be deleted is shown as ~~red strikeout~~, and revised or new text is shown as *red italicized text*.

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**Page 32** – Section 2.4 is revised as follows:

### *Project Funding*

The ~~Proposed~~ *Selected* Alternative to widen 168<sup>th</sup> Street to four lanes between Poppleton Avenue and Ehlers Street is currently estimated to cost *a total of* approximately ~~\$13.5M~~ *\$28.81M*, with the segment between Oak Street and Ehlers Street (CN 22209) estimated to cost approximately ~~\$8.5M~~ *\$19.77M*, and the segment between Poppleton Avenue and Gold Street (CN 22210) estimated to cost approximately ~~\$5M~~ *\$9.04M*. The bridge is expected to cost ~~\$1.7M~~ *an additional \$2M*. These estimates include

~~preliminary engineering, NEPA documentation, final design,~~ ROW acquisition, utility relocations, construction, and construction engineering.

The proposed projects ~~would~~ *will* be funded by a combination of funds from the City and FHWA. Federal funds are currently being provided through MAPA's TIP program. Federal funding guidelines for Local Public Agency (LPA) projects require a 20 percent match by the City, with the remaining 80 percent of the funds being provided by FHWA. Local and federal funds have been currently obligated for Preliminary Engineering by the City, MAPA, and FHWA for these projects, and construction is planned for ~~2018 2022~~ (CN 22210), and for ~~2018 2021~~ through ~~2019 2022~~ (CN 22209).

*Project Implementation (Phasing)*

The proposed project ~~would~~ *will* be implemented in two separate phases, occurring over ~~three two~~ construction seasons. Preliminary plans are for the ~~first construction season to focus on the construction of the~~ segment between Poppleton Avenue and Gold Street (CN 22210) *to be constructed in 2022*, and for ~~the second and third construction season to focus on the construction of~~ the segment between Oak Street and Ehlers Street (CN 22209) *to be constructed in 2021 and 2022*. These plans may be subject to change, pending project specifications developed for the final design and following constructability reviews by the contractor and the City. Specific details on construction phasing are provided in **Section ~~3.17~~ 3.20, Temporary Construction Related Considerations.**

The City ~~would~~ *will* coordinate the planned construction activities with the public throughout the construction process. Specifically, the City ~~would~~ *will* place door hangers on affected property owners' front doors prior to construction and ~~would~~ *will* hold ~~a public~~ pre-construction ~~public~~ meetings to discuss specific issues related to detours, access, and timing. *Final design updates will be provided at the first public pre-construction meeting. If you or someone you know may require special access or provisions during construction, please contact the City at 402-444-50005220.*

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**Page 44** – Insert the following text between the first and second paragraphs on this page:

*(The following excerpt was taken from <http://www.usace.army.mil/Missions/Civil-Works/Section408/>)*

*Through the Civil Works program the US Army Corps of Engineers (USACE) serves the public by providing the Nation with quality and responsive management of the Nation's water resources. As a result, USACE, in partnership with stakeholders, has constructed many Civil Works projects across the Nation's landscape. Given the widespread location of these projects, many embedded within communities, over time there may be a need for others outside of USACE to alter or occupy these projects and their associated lands. Reasons for alterations could include improvements or making repairs to the projects; relocation of part of the project; or installing utilities or other non-project features. Because these projects are in place for the benefit of the public, USACE will ensure that any alteration proposed will not be injurious to the public interest and will not affect the USACE project's ability to meet its authorized purpose. USACE accomplishes this through the*

*authority of Section 408 and its associated procedures outlined in a guidance document, Engineer Circular (EC) 1165-2-216. Both are further described below.*

*Section 14 of the Rivers and Harbors Act of 1899, as amended, and codified in 33 USC 408 (Section 408) provides that the Secretary of the Army may, upon the recommendation of the Chief of Engineers, grant permission to other entities for the permanent or temporary alteration or use of any USACE Civil Works project.*

*On July 31, 2014 USACE issued EC 1165-2-216, Policy and Procedural Guidance for Processing Requests to Alter U.S. Army Corps of Engineers Civil Works Projects Pursuant to 33 USC 408. The EC provides the requirements and procedures for an overall review process that can be tailored to the scope, scale, and complexity of individual proposed alterations, and provides infrastructure specific considerations for dams, levees, floodwalls, flood risk management channels, and navigation projects.*

*The USACE Missouri River Project Office has developed a checklist of the required information to comply with the Section 408 process, and performs these reviews using funding provided by Congress. In certain circumstances, when funding for Section 408 reviews has been depleted, or to expedite these reviews, the USACE may accept funds from non-federal public entities, public utility companies, or natural gas companies to conduct these reviews. In July 2017, the City of Omaha was informed by the USACE that the funding for Section 408 reviews had been nearly depleted, and that new funding was not expected in the current congressional authorization, nor was it likely to be reinstated in the near future. Therefore, the City of Omaha intends to enter into an agreement with the USACE to provide funds for the USACE to conduct the Section 408 review during the Final Design process. For more information on the details of the Section 408 purpose, applicability, authority, policies, procedures, requirements and funding arrangements, please visit [http://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC\\_1165-2-216.pdf?ver=2016-06-28-100552-103](http://www.publications.usace.army.mil/Portals/76/Publications/EngineerCirculars/EC_1165-2-216.pdf?ver=2016-06-28-100552-103).*

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#### **Pages 50 and 67**

All references to “*Kingswood Athletic Association*” or “*KWAA*” are hereby changed to “*Millard United Sports*” or “*MU*”, following a merger of the KWAA and Millard Athletic Association (MAA) in June 2016.

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**Page 59** – The 19<sup>th</sup> paragraph of Section 3.3.2 is revised as follows:

These driveway access changes are consistent with the City’s *Guidelines and Regulations for Driveways* ordinance that requires a separation of at least forty feet of full curb height between driveways serving a single parcel of property or serving any of several adjacent properties under single ownership. The driveway ordinance also requires that properties with less than 60 feet of roadway frontage be limited to one driveway and that no property shall be provided more than two driveways except for corner

properties (City of Omaha, 2011). Therefore, the realigned driveways are being planned to be more consistent with City guidelines, and to also provide better sight distances in compliance with ~~NDOR~~ *NDOT* and federal design guidelines. Driveways that ~~would will~~ be realigned at side streets with traffic signals (i.e. the driveways across from Patterson Drive and Lakeside Hills *Drive Plaza*) ~~would will also receive a sensor in the driveway pavement be designed with accommodations~~ to change the signal for vehicles to exit driveways more safely.

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**Page 89** – Last paragraph in “*Pinewood Park*” subsection of Section 3.7.2 is revised as follows:

These actions ~~would will~~ not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection, and constitute a *de minimis* “use” of a Section 4(f) resource. ~~Coordination with the Official with Jurisdiction (City of Omaha Parks, Recreation and Public Property Department) regarding the impacts to Pinewood Park has occurred and would continue throughout the NEPA process. Following the Public Hearing, and taking into consideration any public comments, the City of Omaha Parks, Recreation and Public Property Department (the Official with Jurisdiction) has concurred with the finding that the proposed project will not adversely affect the features, attributes, or activities that qualify this property for protection under Section 4(f), thereby meeting the criteria for a de minimis use of this Section 4(f) resource. See Appendix A in the Final Environmental Assessment for the concurrence letter and FHWA’s approval.~~

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**Page 92** – Last two paragraphs in “*Edward Zorinsky Recreation Area*” subsection of Section 3.7.2 are revised as follows:

The ~~Proposed Selected~~ Alternative ~~would will~~ have minor, temporary impacts to boaters at Zorinsky Lake. During construction activities on the Zorinsky Lake Bridge, boats ~~would will~~ not be allowed to pass under the bridge for safety reasons, which ~~would will~~ prevent boats from moving freely between the east and west basins of Zorinsky Lake. The boat ramp is located at the southeast corner of the east basin of the lake, so boat access to the main basin ~~would will~~ not be impacted. Although boaters ~~would will~~ not be allowed to access the west basin via the bridge underpass, boating ~~would will~~ still be allowed in the west basin. To access the west basin, boaters ~~would will~~ be able to carry and launch their boat from the shorelines of the west basin. The closure of the bridge underpass ~~would will~~ primarily impact larger boats as they ~~would will~~ not be able to access the west basin; however, this is only a minor impact as the more utilized east basin of the lake ~~would will~~ remain accessible throughout construction. The closure is anticipated to be in place for up to one year, with both projects taking approximately ~~3~~ *two* years overall. The City’s Parks, Recreation, and Public Property Department (Parks Department) has been informed of the closure. They indicated that west basin is primarily used by fishermen, and that individuals ~~would will~~ still be able to fish and launch small watercraft from the shores of the west basin. Additionally, the Parks Department indicated that providing a temporary boat ramp to mitigate the underpass closure was not desirable due to the cost and additional impacts from constructing a temporary ramp, as well as the need to cross Zorinsky Lake Trail when launching boats from the ramp (Dennis Bryers, personal communication,

October 19, 2016). The USACE ~~would be~~ *was* informed of this closure ~~after~~ *during* the Public Comment Period. The action of temporarily closing the bridge underpass to boaters ~~would~~ *will* not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection, and ~~would~~ *will* constitute a *de minimis* “use” of a Section 4(f) resource.

~~Coordination with the Officials with Jurisdiction (USACE and City of Omaha Parks, Recreation and Public Property Department) regarding the impacts to Edward Zorinsky Recreation Area (including Zorinsky Lake) has already occurred and would continue throughout the NEPA process. Following the Public Hearing, and taking into consideration any public comments, the USACE and the City of Omaha Parks, Recreation and Public Property Department (the Officials with Jurisdiction) have both concurred with the finding that the proposed project will not adversely affect the features, attributes, or activities that qualify this property for protection under Section 4(f), thereby meeting the criteria for a de minimis use of this Section 4(f) resource. See **Appendix A** in the Final Environmental Assessment for the concurrence letters and FHWA’s approval.~~

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**Page 95** – Last paragraph in the “Zorinsky Lake Trail” subsection of Section 3.7.2 is revised as follows:

~~Coordination with the Officials with Jurisdiction (USACE and City of Omaha Parks, Recreation and Public Property Department) regarding the impacts to the Zorinsky Lake Trail has already occurred and would continue throughout the NEPA process. Following the Public Hearing, and taking into consideration any public comments, the USACE and the City of Omaha Parks, Recreation and Public Property Department (the Officials with Jurisdiction) have both concurred with the finding that the proposed project will not adversely affect the features, attributes, or activities that qualify this property for protection under Section 4(f), thereby meeting the criteria for a de minimis use of this Section 4(f) resource. See **Appendix A** in the Final Environmental Assessment for the concurrence letters and FHWA’s approval.~~

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**Page 144** – The third paragraph in Section 3.19.2 is revised as follows:

Currently, the only neighborhood monument signs that ~~would~~ *will* need to be entirely removed are the *two “Rose Garden Estates” signs on the northwest and southwest corners of 168<sup>th</sup> Street and Shirley Street, as well as the one in the median of Pine Street (west of 168<sup>th</sup> Street); the two “Lakeshore” signs in the medians of Orchard Avenue and Patterson Drive (west of 168<sup>th</sup> Street); and the two “Leawood Southwest” signs at the northeast and southeast corners of 168<sup>th</sup> Street and Frances Street and the “Shaker Heights” sign on the northeast corner of 168<sup>th</sup> Street and Hickory Street.*\* Other neighborhood monument signs ~~would~~ *will* not need to be removed; however, the landscaping in front of them may need to be removed to allow for the reconstruction of sidewalks. Four entrance signs for Edward Zorinsky Recreation Area ~~would~~ *will* need to be relocated due to the excavation for the detention basins.

\* *This text was removed because the “Shaker Heights” sign has since been removed from this location.*

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Page 147 – Section 3.20.1 (beginning with the third paragraph) is revised as follows:

The ~~Proposed Selected~~ Alternative ~~would will~~ be constructed in phases. As mentioned previously, the two segments are programmed for ~~three two~~ separate construction seasons, with the ~~first construction season of 2017 focusing on the~~ segment between Poppleton Avenue and Gold Street (CN 22210) ~~being constructed in 2022~~, and the ~~second and third construction seasons of 2018 and 2019 focusing on the~~ segment between Oak Street and Ehlers Street (CN 22209) ~~being constructed in 2021 and 2022~~. Specifics of the phasing plan for each segment are presented below:

Poppleton Avenue to Gold Street (CN 22210) ~~(2017)~~ (2022)

- **Phase 1** – Remove and reconstruct southbound lanes between Gold Street and Frances Street, and between the east leg of Pine Street and Poppleton Avenue. Temporary paving used to maintain north/south travel in both directions.
- **Phase 2** – Shift north/south traffic to newly constructed southbound lanes, reconstruct northbound lanes (same segments).
- **Phase 3** – Full closure of 168<sup>th</sup> Street, between just south of the east leg of Pine Street to just north of Frances Street, for approximately 3 months to allow for ~~reconstruction~~ *replacement* of the culvert for the unnamed tributary, and lowering the roadway profile between Shirley Street and Frances Street (during the summer while school is out of session).
- **Phase 4** – Shift north/south traffic to outside lanes in each direction and construct medians.

Oak Street to Ehlers Street (CN 22209) ~~(2018-2019)~~ (2021-2022)

- **Phase 1** – Southbound lanes removed and reconstructed. Temporary paving used to maintain north/south travel in both directions.
- **Phase 2** – Shift north/south traffic to newly constructed southbound lanes, reconstruct northbound lanes.
- **Phase 3** – Shift north/south traffic to outside lanes in each direction and construct medians.

During construction, the existing dedicated left-turn lanes at Frances Street (northbound and southbound), Lakeside Hills Plaza (northbound), Patterson Drive (northbound), and Rolling Ridge Road (southbound), ~~would will~~ be maintained. The dedicated left-turn lane for Gold Street (southbound) ~~would will~~ be closed, primarily due to its proximity to the existing four-lane segment of 168<sup>th</sup> Street where traffic ~~would will~~ be transitioned during construction<sup>1</sup>. However, residents wanting to turn left onto Gold Street ~~would will~~ still be able to turn left onto Frances Street to access the neighborhood.

Phasing for the reconstruction of the bridge ~~would will~~ allow one lane in each direction to remain open for vehicular traffic throughout construction of the project (see **Appendix A**). Preliminary phasing plans for the bridge reconstruction first call for the railings on the bridge to be removed, the west portion of

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<sup>1</sup> The southbound left-turn lane for Gold Street will remain permanently closed upon project completion. This is discussed further in **Section 3.3**.

the existing bridge to be removed, and routing all traffic onto the east portion of the bridge while the western half of the new bridge deck is constructed. Once the reconstruction of the western half is completed, traffic ~~would will~~ be routed onto the new bridge deck, and the eastern portion of the existing bridge deck ~~would will~~ be removed and reconstructed. Finally, once the eastern half is completed, traffic ~~would will~~ then be routed to the outside lanes while the raised center median is constructed.

The reconstruction of the bridge ~~would will~~ require the closure of the Zorinsky Lake Trail across the bridge, so accommodations ~~would will~~ be made for at-grade crossings at the Zorinsky Lake North Access Drive and South Access Drive. In addition, because a signal ~~would will~~ be installed for the South Access Drive, the City ~~would will~~ use a temporary signal or ~~would will~~ have the permanent signal installed prior to the closure of the trail across the bridge.

Alternate routes ~~would will~~ be available during the full closure of 168<sup>th</sup> Street from the east leg of Pine Street to Frances Street, and ~~would will~~ use either Pacific Street or West Center Road and either Bob Boozer Drive or 180<sup>th</sup> Street. In addition, while not required, motorists ~~would will~~ be able to use other alternate routes of Q Street or Pacific Street and 156<sup>th</sup> Street or 180<sup>th</sup> Street to avoid the area completely during construction (**Figure 3.21**). No improvements ~~would will~~ be made to any of these routes.

Properties with direct access to 168<sup>th</sup> Street (i.e. those described in detail in **Section 3.3, Social and Economic Considerations**), as well as the following properties with direct access to side streets also affected by construction: 16815 Ontario Street, 16761 Frances Street, 16761 Pine Street<sup>2</sup>, and 16764 William Street, ~~would will~~ have minor and temporary access restrictions during construction, resulting from the need to reconstruct their driveways or private access roads.

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<sup>2</sup> This residence may be relocated due to impacts from the ~~Proposed Selected~~ Alternative. If this residence is relocated, the access restrictions and mitigation commitments for this residence may no longer be applicable.

Pages 157 and 158 – Rows 7 and 8 in **Table 3.5 Anticipated Permits and Approvals** are revised as follows:

Permit Name/Type	Permit Description	Issuing Agency	Permit Requirements
Temporary Construction License (Agency Approval)	Authorizes construction on USACE property	USACE Real Estate Division/USACE Missouri River Project Office	Submit a letter to the USACE describing the entire project, including the design plans for relevant portions on USACE property, timing, and construction methods. See USACE Easement/Application Checklist for items required when submitting the formal request. <i>This permit is subject to the USACE's approval of the proposed action under their Section 408 program (pursuant to 33 USC 408).</i>
Permanent Easement (Deed Restriction)	Official approval for use of USACE property outside the existing roadway easement	USACE Real Estate Division/USACE Missouri River Project Office	Submit a letter to the USACE describing the legal limits of the permanent easement, and include a description of the long-term maintenance plans for the property. See USACE Easement/Application Checklist for items required when submitting the formal request. <i>This permit is subject to the USACE's approval of the proposed action under their Section 408 program (pursuant to 33 USC 408).</i>

### 3. REQUIRED MITIGATION MEASURES

The following mitigation measures were presented in the DEA, and are listed below using similar formatting as the previous section to indicate changes. These mitigation measures shall be implemented by the City of Omaha and NDOT by incorporating them into the project's construction documents and Green Sheets. In addition to the mitigation measures listed below, the contractor shall be required to comply with NDOT's *Standard Specifications for Highway Construction* (NDOR, 2007). Among other requirements, these standard specifications contain provisions and standard practices to maintain environmental quality compliance during construction. The following mitigation measures and commitments are not subject to modification without the prior written approval of FHWA, and supersede any previous commitments documented in the DEA.

The mitigation measures are presented in association with the resource for which they most directly act to avoid or minimize impacts. Those that have already been completed are indicated with the word "**COMPLETED**" after them. Several new mitigation measures related to commitments that need to be adhered to in final design as a result of the Public Hearing have also been added to the list.

Land Use and Zoning

- The **Proposed Selected** Alternative **would shall** be designed to be consistent with existing plans, such as future land use, future zoning, and *the Complete Streets Omaha Policy*. (City of Omaha)

Zorinsky Lake and Ed Zorinsky Recreation Area (Papillion Creek Dam Site 18)

- The City **would shall** submit the items identified in the USACE's Easement/License Application checklist (*pursuant to 33 USC 408*), which includes final plans, to the USACE for review and approval. (City of Omaha)
- Prior to construction, the City **would shall** obtain a *Section 408 approval for the* temporary construction license *and permanent deed restriction* from the USACE for project construction activities at and through Dam Site 18, including the excavation of the flood storage mitigation sites. (City of Omaha)
- Flood storage mitigation at Dam Site 18 **would shall** include the excavation of approximately 11,000 cu yds within the flood storage zone between elevations 1,110 feet msl and 1,128 feet msl at the proposed flood storage mitigation sites, which **would shall** be located at the northeast and southeast corners of the west basin of Zorinsky Lake. The excavation volumes needed **would shall** be determined during final design and permitting, and **would shall** be verified by a field survey before and after the excavation. (City of Omaha)
- The City **would shall** be responsible for designing the flood storage mitigation sites and ensuring the proper volumes are excavated. (City of Omaha)
- The City **would shall** obtain a new permanent easement from the USACE for the conversion of the flood storage mitigation sites into stormwater detention basins and for their long-term maintenance. (City of Omaha)
- Following excavation, the City **would shall** convert the flood storage mitigation sites into stormwater detention basins. (City of Omaha)
- The stormwater detention areas **would shall** be planted with appropriate flood-tolerant vegetation, and **would shall** be maintained by the Environmental Quality Control Division (EQCD) of the City's Public Works Department. A maintenance commitment with the EQCD **would shall** be in place prior to construction. (City of Omaha)
- Tree and vegetation removal at the excavation sites **would shall** be mitigated according to the proposed re-vegetation plan developed in coordination with the City's Parks, Recreation and Public Property Department. The re-vegetation plan **would shall** be submitted along with the USACE's Easement/License Application checklist for the USACE's review and approval. (City of Omaha)
- ~~A copy of this Draft Environmental Assessment, including the proposed revegetation plan, shall be provided to the USACE for review during the comment period. (City of Omaha)~~ **COMPLETED**

Social and Economic Considerations

- *The City shall hold public pre-construction meetings to discuss specific issues related to detours, access, and timing. Final design updates shall be provided at the first public pre-construction meeting. (City of Omaha)*

- Individuals directly affected by construction, Willowdale Elementary School, Russell Middle School, neighborhood associations, ~~Kingswood Athletic Association Millard United Sports~~, Living Hope Lutheran Church, the City's ~~Parks and Recreation Department Parks, Recreation and Public Property Department~~ (for Edward Zorinsky Recreation Area), and CHI Lakeside Hospital and the businesses at Lakeside Hills ~~would shall~~ be notified of the construction schedule approximately four weeks prior to construction. (City of Omaha)
- The City ~~would shall~~ notify the general public of the start of construction by placing notices in the newspaper at least 10 calendar days prior to construction, and dynamic message signs ~~would shall~~ be used along 168<sup>th</sup> Street prior to the beginning of construction activities. (City of Omaha)
- The City ~~would shall~~ notify emergency services such as police and fire departments before construction activities begin, as well as maintain continued coordination throughout construction. Emergency services providers ~~would shall~~ be invited to the pre-construction meetings for this project. (City of Omaha)
- The City ~~would shall~~ notify emergency services, CHI Health Lakeside Hospital, and online mapping providers prior to temporarily closing 168<sup>th</sup> Street. (City of Omaha)
- The City ~~would shall~~ place temporary sign covers on the "Hospital" street signs in the project vicinity during the temporary closure of 168<sup>th</sup> Street, and use dynamic message signs to direct drivers to alternate routes to CHI Health Lakeside Hospital. (City of Omaha, Contractor)
- Throughout construction, the City ~~would shall~~ continue to coordinate with Willowdale Elementary School, Russell Middle School, neighborhood associations, ~~Kingswood Athletic Association Millard United Sports~~, Living Hope Lutheran Church, the City's ~~Parks and Recreation Department Parks, Recreation and Public Property Department~~ (for Edward Zorinsky Recreation Area), and CHI Lakeside Hospital and the businesses at Lakeside Hills to provide up-to-date information regarding construction timing and maintenance of pedestrian and vehicular access. (City of Omaha)
- *During construction, the City shall notify the selected contractor to closely coordinate with Millard United Sports regarding scheduled events at the ballfields at Zorinsky Lake. While final phasing plans have not been developed at this time, the City shall make every reasonable effort to allow full access (i.e. right and left turns) at this intersection during the final design phase. There shall be continuous access (i.e. it will not be closed) at this intersection throughout construction. (City of Omaha, Contractor)*
- Temporary access ~~would shall~~ be provided for residents temporarily affected by construction through the use of existing side streets and on-street parking. (City of Omaha, Contractor)
- Residences with direct driveway access to 168<sup>th</sup> Street ~~would shall~~ be provided access to their property at all times. (Contractor)
- Phasing and alternate routes ~~would shall~~ be used to construct the portion of 168<sup>th</sup> Street between the east leg of Pine Street and Frances Street during the summer, most likely when school is out of session. (City of Omaha, Contractor)
- The Contractor ~~would shall~~ strive to limit the temporary road closure to the summer months when school is out of session. However, if temporary closures extend into the school year, they ~~would shall~~ be advertised. (City of Omaha, Contractor)

- Pedestrian access at the 168<sup>th</sup> Street crosswalk just north of P Street/Ehlers Street ~~would~~ shall be maintained at all times, and no barriers or equipment ~~would~~ shall be staged on the crossing. (City of Omaha, Contractor)
- Right-in/Right-out access ~~would~~ shall be maintained at 168<sup>th</sup> and P Streets while school is in session. (Contractor)
- The City ~~would~~ shall maintain the 25 mile per hour (mph) “school zone” on 168<sup>th</sup> Street for Willowdale Elementary School. (City of Omaha)
- Access to CHI Lakeside Hospital and Lakeside Hills from 168<sup>th</sup> Street ~~would~~ shall be maintained by keeping at least one of the direct access roads to and from 168<sup>th</sup> Street (i.e. Frances Street and Lakeside Hills Plaza) open at all times. Additionally, CHI Lakeside Hospital and Lakeside Hills ~~would~~ shall also remain accessible from West Center Road at all times. (City of Omaha, Contractor)
- Access to community mixed-use areas, gathering areas, and businesses ~~would~~ shall be maintained at all times. (City of Omaha, Contractor)
- The City ~~would~~ shall allow U-turns on 168<sup>th</sup> at the following locations: northbound to southbound at Lakeside Hills Plaza, northbound to southbound and southbound to northbound at West Center Road, and southbound to northbound at the Zorinsky Lake South Access Drive. These U-turns ~~would~~ shall be posted with signage and signals, and the intersection ~~would~~ shall be designed to properly accommodate turning vehicles. (City of Omaha, Engineer)

Right-of-Way, Acquisitions, and Relocations

- If the acquisition of the residence at 16761 Pine Street is found to be necessary, the acquisition and relocation ~~would~~ shall be conducted in accordance with the Uniform Act. (City of Omaha)
- The City ~~would~~ shall acquire all ROW and permanent and temporary easements in accordance with the Uniform Act and ~~NDOR's~~ ~~NDOT's~~ *Right of Way Manual*. (City of Omaha)
- Impacts to fencing, landscaping, neighborhood monuments, and sprinklers ~~would~~ shall be handled in accordance with ~~NDOR's~~ ~~NDOT's~~ *Right of Way Manual*. (City of Omaha)
- Impacts to trees on private property ~~would~~ shall be mitigated by compensating the owner during the acquisition process. (City of Omaha)
- Tree and vegetation removal at Edward Zorinsky Recreation Area and Pinewood Park (outside of the existing ROW and existing easements) ~~would~~ shall be mitigated according to the proposed re-vegetation plan developed in coordination with the City’s Parks, Recreation, and Public Property Department. (City of Omaha)
- ~~A copy of the re-vegetation plan would be provided to the USACE for review during the Draft Environmental Assessment comment period. (City of Omaha)~~ **COMPLETED**
- Tree impacts in the existing ROW for 168<sup>th</sup> Street ~~would~~ shall not be mitigated. Instead, the City’s Public Works Department ~~would~~ shall continue its practice of providing funding to the Planning Department to create tree planting projects to implement as necessary to meet the requirements of the *Green Streets Plan for Omaha*, in which 168<sup>th</sup> Street is considered as both a “Major Arterial” and a “Minor Arterial” Green Street. (City of Omaha)
- ROW impacts ~~would~~ shall be minimized through the use of retaining walls, to reduce the additional grading needed on adjacent property. (City of Omaha)

- Prior to construction, the City ~~would~~ shall obtain a *Section 408 approval for the* temporary construction license *and permanent deed restriction* from the USACE for project construction activities at and through Dam Site 18, including the excavation of the flood storage mitigation sites. (City of Omaha)
- The City ~~would~~ shall obtain a new permanent easement from the USACE for the conversion of the flood storage mitigation sites into stormwater detention basins and for their long-term maintenance. (City of Omaha)

**Standard Specifications (NDOR, 2007):**

- Standard Specification 104.05 - Scope of Work - Maintenance of Detours and Shooflies
  - Requires the Contractor, the extent practicable, to provide private dwellings, commercial properties, business, and public facilities access to the nearest public road.
- Standard Specification 104.08 - Scope of Work - Final Cleaning Up
  - Requires the Contractor to remove all rubbish, excess material, and equipment from the project site, and to leave the site in a neat and presentable condition. Also requires the Contractor to fill borrow sites.
- Standard Specification 105.12 - Control of Work - Use of Land
  - Requires the Contractor to leave any lands outside the ROW used for construction in a neat and presentable condition.
- Standard Specification 107.01 - Legal Relations and Responsibility to the Public - Laws to be Observed
  - Requires the Contractor to be fully informed of and observe local, state and federal laws and regulations.
- Standard Specification 107.09 - Legal Relations and Responsibility to the Public - Preservation and Restoration of Property, Trees, Monuments, etc.
  - Requires the Contractor to preserve, protect, and prevent damage to all public and private property, including utilities, structures, and facilities, and shall be responsible for damage from neglect or misconduct.
- Standard Specification 107.12 - Legal Relations and Responsibility to the Public - Responsibility for Damage, Injury, or Other Claims
  - Requires the Contractor to be responsible for all damage to property used during construction resulting from neglect or misconduct. The Contractor shall also be required to meet with local government entities to advise them of their intentions to use local roads, and is responsible for damage from such use.

**Special Provisions:**

- Status of Right-of-Way
  - Requires the Contractor to work only within the ROW until property acquisition is complete and easements are obtained, and to also verify this with the Engineer prior to entering any private property.

Pedestrians, Bicyclists, and Accessibility for Individuals with Disabilities

- During construction, existing pedestrian access ~~would~~ *shall* be maintained (i.e. sidewalks ~~would~~ *shall* be kept open) to the maximum extent practicable along the entire study area. If closures are necessary, temporary alternate routes or advanced notice of closures ~~would~~ *shall* be provided for pedestrians and bicyclists. (City of Omaha, Contractor)
- Pedestrian access at the 168<sup>th</sup> Street crosswalk just north of P Street/Ehlers Street ~~would~~ *shall* be maintained all times, and no barriers or equipment ~~would~~ *shall* be staged on the crossing. (City of Omaha, Contractor)
- Audible crossing signals for visually impaired persons ~~would~~ *shall* be installed if the individual requesting these devices provide the documentation required by the City’s policy. The City’s policy regarding the installation of audible crossing signals requires that the City be presented with medical documentation from a physician, physician’s assistant, or nurse practitioner for the individual’s impairment prior to installing the device. (City of Omaha)
- During construction, temporary at-grade crossings ~~would~~ *shall* be provided for trail users to maintain mobility between the east and west segments of the Zorinsky Lake Trail. These temporary crossings are planned to be located at the north and south lake access drives, and ~~would~~ *shall* be painted and signed during construction. Additionally, because the temporary at-grade crossing at the south access drive ~~would~~ *shall* become permanent following construction and ~~would~~ *shall* be signalized, the City ~~would~~ *shall* use a temporary signal or ~~would~~ *shall* have the permanent signal operational prior to closing the trail underpasses for bridge reconstruction. (City of Omaha, Contractor)
- The City ~~would~~ *shall* identify persons with individual concerns for special access during construction (e.g. elderly or disabled persons temporarily affected by driveway or sidewalk reconstruction) by placing door hangers on affected property owners’ front doors prior to construction. The City ~~would~~ *shall* coordinate directly with these individuals to arrange solutions to provide access during construction, which could including special timing, temporary paving, providing assistance for trips, or other acceptable measures. **If you or someone you know may require special access or provisions during construction, please contact the City at 402-444-50005220.** (City of Omaha, Contractor)

Parks, Recreation Areas, and Trails (Section 4(f) Resources)

- The City ~~would~~ *shall* construct a retaining wall along the western edge of Pinewood Park to minimize the extent of grading into the park. (City of Omaha, Contractor)
- The conversion of an approximately 17-foot-wide (or 0.04 acre) strip of Pinewood Park land from park use to ROW and the temporary construction limits at Pinewood Park ~~would~~ *shall* be defined in a Declaration of Use document that ~~would~~ *shall* be approved by the City Council. (City of Omaha)
- Prior to construction, the City ~~would~~ *shall* obtain a *Section 408 approval for the temporary construction license and permanent deed restriction* from the USACE for project construction activities at and through Dam Site 18, including the excavation of the flood storage mitigation sites. The flood storage mitigation sites ~~would~~ *shall* be located adjacent to 168<sup>th</sup> Street and the

northeast and southeast corners of the west basin of Zorinsky Lake. The area of impact at the north site ~~would shall~~ be no greater than two acres outside of the existing ROW and no greater than three acres outside the existing ROW at the south site. (City of Omaha)

- The City ~~would shall~~ obtain a new permanent easement from the USACE for the conversion of the flood storage mitigation sites into stormwater detention basins and for their long-term maintenance. (City of Omaha)
- During construction, temporary at-grade crossings ~~would shall~~ be provided for trail users to maintain mobility between the east and west segments of the Zorinsky Lake Trail. These temporary crossings are planned to be located at the north and south lake access drives, and ~~would shall~~ be painted and signed during construction. Additionally, because the temporary at-grade crossing at the south access drive ~~would shall~~ become permanent following construction and ~~would shall~~ be signalized, the City ~~would shall~~ use a temporary signal during construction, which ~~would shall~~ be operational prior to closing the trail underpasses for bridge reconstruction. (City of Omaha, Contractor)
- Prior to closing the Zorinsky Lake Trail segments along 168<sup>th</sup> Street, the City ~~would shall~~ construct the temporary trail segment near the southeast corner of Zorinsky Lake’s west basin in order to maintain connectivity between the east and west trail systems. (City of Omaha)
- The reconfiguration of the trail segment near the west end of the northwest parking lot ~~would shall~~ be completed prior to closing the 168<sup>th</sup> Street portions of the Zorinsky Lake Trail. (City of Omaha)
- The new sidewalk connections to the trail at the Zorinsky Lake North Access Drives ~~would shall~~ be completed prior to closing the 168<sup>th</sup> Street portions of the Zorinsky Lake Trail.
- If necessary, the City ~~would shall~~ use flaggers while vehicles or machinery are crossing the Zorinsky Lake Trail during excavation activities at the north flood storage mitigation site. The hauling of excavated material across the Zorinsky Lake Trail ~~would shall~~ occur at the locations of trail that are already being closed and ~~would shall~~ coincide with the reconfiguration of the trail alongside 168<sup>th</sup> Street to avoid additional trail impacts. If there is any unforeseen damage to the trail as a result of vehicles or machinery crossing it, the trail ~~would shall~~ be returned to as good or better condition than pre-construction. (City of Omaha, Contractor)
- The temporary closure of the 168<sup>th</sup> Street segments of the Zorinsky Lake Trail ~~would shall~~ be no longer than one year in duration. The duration of the closure ~~would shall~~ be less than the time needed for the construction of the overall project. (City of Omaha, Contractor)
- The project specifications ~~would shall~~ contain a “critical milestone” timeline for all work in the Edward Zorinsky Recreation Area, including the Zorinsky Lake Trail, from the Zorinsky Lake South Access Drive to the North Access Drive to be completed within one year from when the temporary trail and signal are operational. (City of Omaha)
- The temporary closure of the bridge underpass to boaters ~~would shall~~ be no longer than one year in duration. The duration of the closure ~~would shall~~ be less than the time needed for the construction of the overall project. (City of Omaha, Contractor)
- Tree and vegetation removal at Edward Zorinsky Recreation Area and Pinewood Park (outside of the existing ROW and existing easements) ~~would shall~~ be mitigated according to the proposed re-

vegetation plan developed in coordination with the City’s Parks, Recreation, and Public Property Department. (City of Omaha)

- ~~A copy of the re-vegetation plan would be provided to the USACE for review during the Draft Environmental Assessment comment period. (City of Omaha) COMPLETED~~
- ~~The City would obtain concurrence from the USACE that the utilization of the ROW easement at Dam Site 18/Edward Zorinsky Recreation Area would not constitute a use of a Section 4(f) property. (City of Omaha) COMPLETED~~
- ~~Following the public comment period for the Draft EA, the City would request concurrence from the USACE on the *de minimis* impact determinations for the use of the Zorinsky Lake Trail and Edward Zorinsky Recreation Area (including Zorinsky Lake). (City of Omaha) COMPLETED~~
- ~~Following the public comment period for the Draft EA, the City would request concurrence from the City’s Parks, Recreation, and Public Property Department on the *de minimis* impact determinations for the use of Pinewood Park, the Zorinsky Lake Trail, and Edward Zorinsky Recreation Area (including Zorinsky Lake). (City of Omaha) COMPLETED~~

#### Historic and Archeological Resources

- During construction, the City and Contractor **would shall** follow standard provisions of the unintended discovery of unknown artifacts, or unidentified human remains, in compliance with the *Nebraska Unmarked Human Burial Sites and Skeletal Remains Act*, and the *Native American Graves Protection and Repatriation Act*. (City of Omaha, Contractor)

#### **Standard Specifications (NDOR, 2007):**

- Standard Specification 107.01 - Legal Relations and Responsibility to the Public - Laws to be Observed
  - Requires the Contractor to be fully informed of and observe local, state and federal laws and regulations.
- Standard Specification 107.10 - Legal Relations and Responsibility to the Public - Archaeological and Paleontological Discoveries
  - In the event of a late discovery of archeological materials, this specification states “The Engineer shall be promptly notified when any such articles are uncovered and the Contractor shall suspend operations in the area involved until such time that arrangements are made for their removal and preservation.”

#### Water Resources and Water Quality

- Comply with the City’s MS4 Permit, including applying for and following all provisions of a Stormwater Pollution Prevention Plan (SWPPP) and Water Quality Certification from NDEQ; implementing BMPs as required by City, NDEQ, the P-MRNRD, and the USACE; and following design guidelines of the *Omaha Regional Stormwater Manual*. (City of Omaha, Contractor, Engineer)
- The City **would shall** obtain a Clean Water Act (CWA) Section 402 NPDES permit from NDEQ for grading activities greater than one acre in size and for new outfalls. The permit **would shall** require submission of a SWPPP, a Notice of Intent (NOI), and a Notice of Termination (NOT)

following re-vegetation of the site. All provisions of the permit ~~would~~ shall be incorporated into the construction specifications and ~~would~~ shall be implemented to minimize impacts to water quality. (City of Omaha, Engineer, Contractor)

- Permanent changes to runoff ~~would~~ shall be mitigated by following design guidelines in the *Omaha Regional Stormwater Manual*. (City of Omaha, Engineer)
- Following excavation, the flood storage mitigation sites ~~would~~ shall be converted to stormwater detention basins. (City of Omaha)
- The City ~~would~~ shall implement a Post-Construction Stormwater Management Plan (PCSMP) for the two permanent stormwater detention basins, which ~~would~~ shall include submitting design plans, construction certifications, an owner’s certification, and a long-term maintenance commitment from the City to the Environmental Quality Control Division (EQCD) of the Public Works Department. (City of Omaha)
- Prior to construction, the City ~~would~~ shall obtain a *Section 408 approval for the* temporary construction license *and permanent deed restriction* from the USACE for project construction activities at and through Dam Site 18, including the excavation of the flood storage mitigation sites. (City of Omaha)
- The City ~~would~~ shall obtain a new permanent easement from the USACE for the conversion of the flood storage mitigation sites into stormwater detention basins and for their long-term maintenance. (City of Omaha)
- The stormwater detention areas ~~would~~ shall be planted with appropriate flood-tolerant vegetation, and ~~would~~ shall be maintained by the Environmental Quality Control Division (EQCD) of the City’s Public Works Department. A maintenance commitment with the EQCD ~~would~~ shall be in place prior to construction. (City of Omaha)

**Standard Specifications (NDOR, 2007):**

- Standard Specification 107.01 - Legal Relations and Responsibility to the Public - Laws to be Observed
  - Requires the Contractor to be fully informed of and observe local, state and federal laws and regulations.

Wetlands and Waters of the United States

- Prior to letting the project for bids, the City ~~would~~ shall submit for and obtain a Clean Water Act (CWA) Section 404 Permit for impacts to the unnamed tributary to the West Papillion Creek and Zorinsky Lake and adjacent wetlands. (City of Omaha, Engineer)
- All provisions of the permit ~~would~~ shall be incorporated into the construction specifications and ~~would~~ shall be implemented to minimize impacts to wetlands. (City of Omaha, Contractor)
- Mitigation requirements contained in the Section 404 permit ~~would~~ shall be implemented. (City of Omaha, Contractor)
- BMP's for impacts to wetlands and waters of the U.S. ~~would~~ shall be implemented. (City of Omaha, Contractor)

- In order to minimize impacts to the stream at Shirley and Hickory Streets, permanent retaining walls ~~would shall~~ be constructed alongside both sides of 168th Street. (City of Omaha, Engineer, Contractor)
- Temporary fencing ~~would shall~~ be utilized to avoid impacts to the stream channel during construction. (City of Omaha, Engineer, Contractor)
- If an on-site or off-site mitigation site is needed, it ~~will shall~~ be evaluated for potential resource impacts as part of a re-evaluation of this EA. (City of Omaha, ~~NDOR~~ NDOT)

**Standard Specifications (NDOR, 2007):**

- Standard Specification 107.01 - Legal Relations and Responsibility to the Public - Laws to be Observed
  - Requires the Contractor to be fully informed of and observe local, state and federal laws and regulations.

Floodplains

- The City ~~would shall~~ acquire the proper floodplain permits, and ~~would shall~~ certify that the construction activities are in compliance with the State of Nebraska floodplain regulations, prior to starting construction. Standard provisions included in the required floodplain permit ~~would shall~~ be incorporated into the construction specifications, and ~~would shall~~ be followed to minimize impacts on the floodplain. (City of Omaha, Contractor, Engineer)

**Standard Specifications (NDOR, 2007):**

- Standard Specification 107.01 - Legal Relations and Responsibility to the Public - Laws to be Observed
  - Requires the Contractor to be fully informed of and observe local, state and federal laws and regulations.

Vegetation, Wildlife, and Habitat

- Impacts to riprap habitat for aquatic species (e.g. spawning, shelter, foraging) ~~would shall~~ be mitigated by replacing any riprap removed during construction. (City of Omaha, Contractor)
- The excavation sites ~~would shall~~ be converted into stormwater detention areas, which would create new habitat in these areas, and would improve water quality in Zorinsky Lake. (City of Omaha)
- The stormwater detention areas ~~would shall~~ be planted with appropriate flood-tolerant vegetation. (City of Omaha)
- Tree and vegetation removal at Edward Zorinsky Recreation Area and Pinewood Park (outside of the existing ROW and existing easements) ~~would shall~~ be mitigated according to the proposed re-vegetation plan developed in coordination with the City's Parks, Recreation, and Public Property Department. (City of Omaha)
- ~~A copy of the re-vegetation plan would be provided to the USACE for review during the Draft Environmental Assessment comment period. (City of Omaha)~~ **COMPLETED**

- Tree impacts in the existing ROW for 168th Street ~~would~~ *shall* not be mitigated. Instead, the City’s Public Works Department ~~would~~ *shall* continue its practice of providing funding to the Planning Department to create tree planting projects to implement as necessary to meet the requirements of the *Green Streets Plan for Omaha*. (City of Omaha)
- Impacts to trees on private property ~~would~~ *shall* be mitigated by compensating the owner during the acquisition process. (City of Omaha)
- The City ~~would~~ *shall* attempt to remove trees outside of the primary nesting season (April 1 – September 1). If the proposed construction project ~~would~~ *shall* occur during the primary nesting season or any other time which may result in the “take” of migratory birds, a qualified biologist ~~would~~ *shall* conduct a field survey in accordance with ~~NDOR’s~~ *NDOT’s* Avian Protection Plan (APP) and *Special Prosecution and Progress for Migratory Birds* (A-42-0807). (City of Omaha, Contractor)
- Water flow and the movement of aquatic organisms between the east and west basins of Zorinsky Lake ~~would~~ *shall* be maintained at all times during construction. (City of Omaha, Contractor)

**Standard Specifications (NDOR, 2007):**

- Standard Specification 905 - Rock Riprap
  - Describes the material requirements, construction methods, and other stipulations for the placement of rock riprap.
- Standard Specification 907 - Gabions and Revet Mattresses
  - Describes the materials, construction methods, and other stipulations for the placement of rock filled gabions.

Invasive Species

- The USACE ~~would~~ *shall* be consulted regarding any control measures that have been put in place to prevent reintroduction of zebra mussels, and these controls ~~would~~ *shall* be followed. (City of Omaha, Contractor)
- Prior to construction, precautions ~~would~~ *shall* be taken to inspect and wash if needed any machinery and materials that ~~would~~ *shall* be in direct contact with Zorinsky Lake to ensure that no zebra mussels are attached. (City of Omaha, Contractor)
- Machinery or materials that entered Zorinsky Lake ~~would~~ *shall* be inspected for zebra mussels and washed as necessary prior to leaving the construction site along Zorinsky Lake.
- If zebra mussels are found attached to machinery, riprap, debris, or along the shoreline at any time during construction, the proper authorities (i.e. USACE, NGPC) ~~would~~ *shall* be notified immediately. (City of Omaha, Contractor)
- The spread and transfer of invasive plant species ~~would~~ *shall* be prevented to the maximum extent practicable. If invasive plant species are excavated during construction, they ~~would~~ *shall* be disposed of properly offsite at designated areas. (Contractor)

The following standard specifications ~~would~~ *shall* be used to minimize the spread of invasive species and noxious weeds that could result from the ground disturbance and grading for the ~~Proposed~~ *Selected* Alternative.

**Standard Specifications (NDOR, 2007):**

- Standard Specification 107.01(6) Amended A-43-0210 - Legal Relations and Responsibility to the Public - Laws to be Observed
  - Requires the Contractor to prevent the transfer of invasive plant and animal species.
- Standard Specification 202.01(4)(d) - Clearing and Grubbing - Description
  - Trash, dead trees, and other vegetation in the ROW limits and beyond the limits of construction shall be disposed of by the Contractor.
- Standard Specification 803.02 - Seeding - Material Requirements
  - Specifies seeding methods, rates of application, and seed mixtures.
- Standard Specification 803.03 - Seeding - Construction Methods
  - Specifies planting seasons and methods.
- Standard Specification 806.02(4)(c) - Sodding - Material Requirements
  - Specifies that sod may not contain invasive plant species.
- Standard Specification 807 - Erosion Control
  - Specifies methods for erosion control.

Threatened, Endangered, and Protected Species

- The City ~~would~~ **shall** attempt to remove trees and clear nests from the Zorinsky Lake bridge outside of the primary nesting season (April 1 – September 1). If tree removal or other nest clearing ~~would~~ **shall** occur during the primary nesting season or any other time which may result in the “take” of migratory birds, a qualified biologist ~~would~~ **shall** conduct a field survey in accordance with ~~NDOR's~~ **NDOT's** Avian Protection Plan (APP) and *Special Prosecution and Progress for Migratory Birds* (A-42-0807). (City of Omaha, Contractor)
- If eagle nests are identified within the study area, ~~NDOR~~ **NDOT**, in coordination with the City, ~~would~~ **shall** coordinate with the USFWS and NGPC. (City of Omaha, Contractor)

The following “General Conservation Conditions for All Projects” provided by ~~NDOR~~ **NDOT** ~~would~~ **shall** also be incorporated into the specifications for this project, and implemented as appropriate (responsible parties are noted):

- A-1 Changes in Project Scope.** If there is a change in the project scope, the project limits, or environmental commitments, the ~~NDOR~~ **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 ~~would~~ **shall** 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 ~~NDOR~~ **NDOT** Environmental for approval of early start to ensure avoidance of listed species sensitive lifecycle timeframes. Work in these timeframes

~~would~~ shall 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 ~~NDOR~~ ~~NDOT~~ Environmental. Contact ~~NDOR~~ ~~NDOT~~ Environmental for a reference of federal and state listed species. (~~NDOR~~ ~~NDOT~~ Environmental, City of Omaha, Contractor)

**A-5 Refueling.** Refueling ~~would~~ shall 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 NGPC 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 ~~NDOR~~ ~~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 these areas must be environmentally cleared/permitted with the NGPC 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 ~~would~~ shall notify ~~NDOR~~ ~~NDOT~~ Environmental which ~~would~~ shall coordinate with FHWA for acceptance if needed. The contractor must receive notice of acceptance from ~~NDOR~~ ~~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. (~~NDOR~~ ~~NDOT~~ Environmental, District Construction, Contractor)

**A-7 Waste/Debris.** Construction waste/debris ~~would~~ shall be disposed of in areas or a manner which ~~will~~ shall not adversely affect state and/or federally listed species and/or designated critical habitat. (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, as 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 consultation shall be used for the project. (~~NDOR~~ NDOT Environmental)

The following specific conservation conditions for northern long-eared bat shall also be followed:

**NLEB-1** ~~Tree clearing, bridge deck joint replacements over the bridge deck, bridge/>5-ft box-culvert removal activities would be scheduled to occur between October 1<sup>st</sup> – March 31<sup>st</sup> to avoid impacts to the northern long-eared bat roosting period. (NDOR Environmental, Construction, Contractor) Tree clearing and bridge removal activities shall not occur between June 1st – July 31st to avoid impacts to the northern long-eared bat maternity roosting period. (NDOT Environmental, Construction, Contractor)~~

OR

**NLEB-2** ~~If tree clearing, bridge deck joint replacement over the bridge deck, or removal of bridge/>5-ft box-culvert structures occurs during the northern long-eared bat maternal roosting period (April 1<sup>st</sup> – September 30<sup>th</sup>), NDOR or a qualified biologist would perform surveys prior to the start of these activities at the following locations: entire length of the project (location of suitable habitat). If the species is absent, work may proceed. If the species is found, NDOR Environmental Section would consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOR Environmental, Construction, Contractor) If tree clearing or removal of bridge structures occurs during the northern long-eared bat maternity roosting period (June 1st – July 31st), NDOT personnel shall perform surveys prior to the start of these activities at the following locations: the entire length of the project (location of suitable habitat). If the species is absent, work may proceed. If the species is found, NDOT Environmental Section shall consult with the USFWS, NGPC, and FHWA prior to the start of construction. (NDOT Environmental, Construction, Contractor)~~

**Standard Specifications (NDOR 2007):**

- Standard Specification 107.01 – Legal Relations and Responsibility to the Public - Laws to be Observed
  - Requires the Contractor to be fully informed of and observe local, state and federal laws and regulations.

Utilities

- The City ~~would~~ *shall* send out coordination letters to all known utility companies that typically operate in the Omaha Area to make them aware of the project. The City ~~would~~ *shall* notify utility companies of the need for relocation during the design stage of the project so that utilities could be relocated ahead of roadway construction. Where relocations are required, designs to relocate the utility ~~would~~ *shall* be developed by the utility company. The cost of utility relocation and each

party's responsibilities ~~would shall~~ be determined through coordination with each utility company and evaluations of past agreements between the City and each utility company. The City's Construction Division ~~would shall~~ coordinate utility agreements with the utility companies prior to construction. (City of Omaha, Engineer)

- The Contractor shall follow the guidelines of ~~NDOR NDOT's~~ Policy for Accommodating Utilities on State Highway ROW (NDOR, 2001). (Contractor)
- The Contractor ~~would shall~~ be responsible for notifying utility companies of relocation needs during the construction phase of the project for utilities that were not relocated prior to construction. (City of Omaha, Contractor)
- Utility relocation or replacement using federal funds is not anticipated for the project. If utility relocation or replacement is required in a later phase of the project, a reevaluation 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, the project sponsor shall initiate the reevaluation prior to project letting. If the work is identified during construction, the project sponsor shall initiate the reevaluation prior to commencing utility work. (~~NDOR NDOT~~ Environmental, ~~NDOR NDOT~~ District)

If either one of the above two conditions does not apply, later relocation or replacement of utilities shall be coordinated through ~~NDOR NDOT~~ and the Contractor per ~~NDOR 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. (~~NDOR NDOT~~ District, Utility Provider(s))

**Standard Specifications (NDOR, 2007):**

- Standard Specification 105.06 - Control of Work - Cooperation with Utilities
  - Requires the City to notify all utility companies, pipeline owners, railroads, or other parties affected by the proposed work.
- Standard Specification 107.09 - Legal Relations and Responsibility to the Public - Preservation and Restoration of Property, Trees, Monuments, etc.
  - Requires the Contractor to preserve, protect, and prevent damage to all public and private property.
- Standard Specification 107.16 - Legal Relations and Responsibility to the Public - Contractor's Responsibility for Utility Property and Services
  - Requires the Contractor to verify the location of existing utilities.
- Standard Specification 107.12 - Legal Relations and Responsibility to the Public - Responsibility for Damage, Injury, or Other Claims
  - Requires the Contractor to be responsible for all damage to property used during construction resulting from neglect or misconduct. The Contractor shall also be required to meet with local government entities to advise them of their intentions to use local roads, and is responsible for damage from such use.

**Special Provisions:**

- Status of Utilities
  - Presents a detailed plan for utility company coordination, including names, telephone numbers, stationing for utility conflicts, and other pertinent information for the Contractor.

Noise Impacts

- Noise walls ~~would~~ **shall** be constructed at the following locations: NB01, NB02, NB07, NB08, NB09, NB10, NB13, SB0708, SB09, and SB11. (City of Omaha, Engineer)
- Noise walls designs ~~would~~ **shall** be consistent with other similar noise walls constructed recently around the City, and ~~would~~ **shall** consist of stamped or colored concrete, stone façades, or other similar materials. The front of the noise walls ~~would~~ **shall** be stained concrete, while the back side of the walls ~~would~~ **shall** be left unfinished. (City of Omaha, Engineer)

Hazardous Materials and Recognized Environmental Conditions

- If contaminated soils and/or water or hazardous materials are encountered, then all work within the immediate area of the discovered hazardous material ~~would~~ **shall** stop until ~~NDOR~~ **NDOT** / FHWA is notified and a plan to dispose of the Hazardous Materials has been developed. Then DEQ ~~would~~ **shall** be consulted and a remediation plan ~~would~~ **shall** be developed for this project. (City of Omaha, Contractor)
- The potential exists to have contaminants present resulting from minor spillage during fueling and service associated with construction equipment. Should contamination be found on the project during construction, the DEQ ~~would~~ **shall** be contacted for consultation and appropriate actions be taken. (City of Omaha, Contractor)
- If the property at 16761 Pine Street is acquired, the City ~~will~~ **shall** perform due diligence (i.e., a Phase I ESA) on the property to identify ~~any~~ potential contamination. (City of Omaha)

**Standard Specifications (NDOR, 2007):**

- Standard Specification 107.01 as Amended A-43-0210 - Legal Relations and Responsibility to the Public - Laws to be Observed
  - Requires the Contractor to notify the Engineer if previously unidentified hazardous materials are encountered during construction.

Visual Impacts and Aesthetic Considerations

- Lighting ~~would~~ **shall** be designed to avoid intrusion into the back yards of residences. Specifically, lighting ~~would~~ **shall** only be installed at intersections. (City of Omaha)
- Noise walls designs ~~would~~ **shall** be consistent with other similar noise walls constructed recently around the City, and ~~would~~ **shall** consist of stamped or colored concrete, stone façades, or other similar materials. The front of the noise walls ~~would~~ **shall** be stained concrete, while the back side of the walls ~~would~~ **shall** be left unfinished. (City of Omaha, Engineer)
- Neighborhood monument signs impacted by the project ~~would~~ **shall** be mitigated in accordance with ~~NDOR~~ **NDOT's** *Right of Way Manual*. (City of Omaha)

- Four entrance signs for Edward Zorinsky Recreation Area ~~would shall~~ be relocated in accordance with the Parks Department’s Sign Manual. (City of Omaha)
- Landscaping and fencing removed by the project ~~would shall~~ be mitigated through the acquisition process, in coordination with the appropriate HOA or homeowner, whichever owns the landscaping or fencing. (City of Omaha)
- Mitigation measures being taken to reduce visual effects to the nearby residences include minimizing the removal of trees outside of the ROW to the extent possible, especially in those areas where homes front the roadway.
- Impacts to trees on private property ~~would shall~~ be mitigated by compensating the owner during the acquisition process. (City of Omaha)
- Tree impacts in the existing ROW for 168th Street ~~would shall~~ not be mitigated. Instead, the City’s Public Works Department ~~would shall~~ continue its practice of providing funding to the Planning Department to create tree planting projects to implement as necessary to meet the requirements of the Green Streets Plan for Omaha. (City of Omaha)
- Disturbed areas shall be re-vegetated with native species where appropriate. (City of Omaha, Contractor)
- Tree and vegetation removal at Edward Zorinsky Recreation Area and Pinewood Park (outside of the existing ROW and existing easements) ~~would shall~~ be mitigated according to the proposed re-vegetation plan developed in coordination with the City’s Parks, Recreation, and Public Property Department. (City of Omaha)
- ~~A copy of the re-vegetation plan would be provided to the USACE for review during the Draft Environmental Assessment comment period. (City of Omaha)~~ **COMPLETED**

Temporary Construction Impacts

- *The City shall utilize “incentivized construction” methods to reduce the overall time of construction or specific phases of construction. (City of Omaha)*
- Temporary fences ~~would shall~~ be installed upon removal of existing fences and maintained throughout construction until permanent fences are installed. Impacts to fencing, landscaping, and sprinklers ~~would shall~~ be handled in accordance with ~~NDOR~~ *NDOT’s Right of Way Manual*. (Contractor)
- Impacts to trees on private property ~~would shall~~ be mitigated by compensating the owner during the acquisition process for permanent and temporary easements. (City of Omaha)
- Neighborhood monument signs impacted by the project ~~would shall~~ be replaced in accordance with ~~NDOR~~ *NDOT’s Right of Way Manual*. (City of Omaha)
- ROW impacts ~~would shall~~ be minimized through the use of retaining walls, to reduce the additional grading needed on adjacent property. (City of Omaha, Engineer)
- Dust emissions ~~would shall~~ be controlled throughout the construction project in compliance with Nebraska State Code (Title 129, Chapter 32). (Contractor)
- During construction, temporary at-grade crossings ~~would shall~~ be provided for trail users to maintain mobility between the east and west segments of the Zorinsky Lake Trail. These temporary crossings are planned to be located at the Zorinsky Lake North and South Access

Drives, and ~~would shall~~ be painted and signed during construction. Additionally, because the temporary at-grade crossing at the South Access Drive ~~would shall~~ become permanent following construction and ~~would shall~~ be signalized, the City ~~would shall~~ use a temporary signal or ~~would shall~~ have the permanent signal operational prior to closing the trail underpasses for bridge reconstruction. (City of Omaha, Contractor)

- Residences with direct driveway access to 168<sup>th</sup> Street ~~would shall~~ be provided access to their property at all times. (Contractor)
- For those driveways (including private access roads) that are being reconstructed in place, the driveways ~~would shall~~ be constructed in phases (i.e. one side of the driveway would be removed and re-poured, and the other side would be removed and re-poured several days later to allow the concrete to cure) allowing for vehicular access at all times. For driveways that are to be relocated, the new driveway ~~would shall~~ be poured before the old driveway is removed. When traffic is shifted to the opposite side of the street, property owners ~~would shall~~ be provided with temporary surfacing or allowed to drive on the improved portions of 168<sup>th</sup> Street to access their driveways. These individuals ~~would shall~~ be contacted directly by the City to discuss specific accommodations that could be made to maintain access to their properties during construction. (City of Omaha, Contractor)
- The City ~~would shall~~ notify ~~the~~ trash haulers (~~currently Deffenbaugh~~) and the United States Postal Service prior to construction, and ~~would shall~~ make accommodations for the removal and replacement of mailboxes during the acquisition process. Trash pickup<sup>3</sup> and mail delivery ~~would shall~~ not be disrupted. (City of Omaha, Contractor)
- For individuals with concerns for special access (e.g. elderly or disabled persons temporarily affected by driveway or sidewalk reconstruction) along the study area, the City ~~would shall~~ identify these individuals by placing door hangers on affected property owners' front doors prior to construction. The City ~~would shall~~ coordinate with these individuals directly during the final design phase to work out solutions to provide access during construction. Examples of solutions may include special timing, temporary paving, providing assistance for trips, or other acceptable measures. **If you or someone you know may require special access or provisions during construction, please contact the City at 402-444-50005220.** (City of Omaha, Contractor)
- Temporary impacts to the traveling public ~~would shall~~ be mitigated by providing signage and information prior to lane closures, modifying side street access, making temporary alternate routes (i.e. detours) available using adjacent major roadways (e.g. 156<sup>th</sup> Street/~~Bob Boozer Drive~~, 180<sup>th</sup> Street, Pacific Street, West Center Road, Q Street), and/or other acceptable measures to provide safe vehicular access. No improvements ~~would shall~~ be made to the temporary alternate routes. (City of Omaha, Contractor)
- *Several alternate routes, using Pacific Street, 180<sup>th</sup> Street, West Center Road, and 156<sup>th</sup> Street/Bob Boozer Drive are available for vehicular travel. The City shall not schedule other construction*

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<sup>3</sup> ~~The currently scheduled days for trash service for properties along 168<sup>th</sup> Street are Monday and Tuesday.~~ For updated information regarding trash service, visit <http://www.wasteline.org/> or call 402-444-5238.

*projects along these alternate routes during the closure between Frances Street and the east leg of Pine Street. (City of Omaha)*

- Vehicular access ~~would~~ *shall* be maintained at all times in priority areas, particularly at Lakeside Hills and CHI Lakeside Hospital, the Edward Zorinsky Recreation Area access drives, the ~~KWAA~~ *Millard United Sports* Baseball Complex during times of peak usage (i.e. weekends and evenings from March to October), at Living Hope Lutheran Church on Sundays, and at Willowdale Elementary School while school is in session. (City of Omaha, Contractor)
- Pedestrian access ~~would~~ *shall* be maintained at all times in priority areas, particularly at the pedestrian crossing at 168<sup>th</sup> Street north of P Street/Ehlers Street, at Willowdale Elementary School when school is in session, and at the Zorinsky Lake Trail through the use of temporary at-grade crossings. (City of Omaha, Contractor)

**Standard Specifications (NDOR, 2007):**

- Standard Specification 104.05 - Maintenance of Detours and Shooflies
  - Requires the Contractor, the extent practicable, to provide private dwellings, commercial properties, business, and public facilities access to the nearest public road.
- Standard Specification 104.08 - Scope of Work - Final Cleaning Up
  - Requires the Contractor to remove all rubbish, excess material, and equipment from the project site, and to leave the site in a neat and presentable condition. Also requires the Contractor to fill borrow sites.
- Standard Specification 105.12 - Control of Work - Use of Land
  - Requires the Contractor to leave any lands outside the ROW used for construction in a neat and presentable condition.
- Standard Specification 107.01 - Legal Relations and Responsibility to the Public - Laws to be Observed
  - Requires the Contractor to be fully informed of and observe local, state and federal laws and regulations.
- Standard Specification 205.02 - Excavation and Embankment - Material Requirement
  - Specification for earthwork materials and borrow sites.
- Standard Specification 208 - Borrow and Waste Site Restoration
  - Specifications for restoration of borrow sites.
- Standard Specification 301.02(1a, 1b) - General Requirements - Equipment
  - Requires the Contractor to keep equipment in satisfactory working condition and to operate equipment in the manner it was intended.

**Special Provisions:**

- Disposition of Materials
  - Requirements for the Contractor to deliver surplus materials to the City, and disposal of all other waste materials.

Final Design Considerations

- *The City shall review widening the eastbound lanes of Patterson Drive during final design. (City of Omaha, Engineer)*
- *The City shall review the profile of the 168<sup>th</sup> Street and Patterson Drive intersection during final design. As presented at the Public Hearing, this intersection is already planned to be lowered approximately one foot. (City of Omaha, Engineer)*
- *During final design, the signal warrants shall be re-evaluated at the Hickory Street and 168<sup>th</sup> Street intersection to determine if a signal is warranted. (City of Omaha)*
- *Vehicle detection sensors shall be installed at the South Lake Access and 168<sup>th</sup> Street intersection to be utilized in the future if a dedicated left-turn signal is warranted. (City of Omaha)*
- *For the driveway at 4505 South 168<sup>th</sup> Street, the City shall relocate the driveway to align with Patterson Drive, and shall discuss accommodations for mail delivery and trash service with the property owner during the ROW acquisition phase of the project. (City of Omaha)*
- *During final design, the City shall re-consider the inclusion of a two-way center left-turn lane instead of a raised median on 168<sup>th</sup> Street between North Lake Access and Oak Street; while also complying with the City's Arterial Access Implementation Policy. (City of Omaha)*
- *Changes to the proposed project shall be re-evaluated under FHWA regulations (23 CFR 771.129) and NDOT policies prior to requests for further FHWA action or approvals. (City of Omaha)*



**APPENDIX A**  
**AGENCY CORRESPONDENCE**

NDOT/FHWA approved Section 4(f) De Minimis Forms (and supporting information)





## Section 4(f) *De Minimis* Form

May 20, 2015 (rev. 7/11/2017)

Project Name

168th Street Improvements

Project Number

STPC-3811(1) & STPC-3811(2)

Control No.

22209 and 22210

Project Location (Town, County, Street)

Omaha, Douglas County, NE (168th Street from Q Street to Pacific Street)

Project Description

The proposed design would consist of re-constructing approximately 1.5 miles of 168th Street, starting at Ehlers Street and extending north to just south of Oak Street, and approximately 0.80 miles of 168th Street starting at Gold Street and extending north to Poppleton Avenue. The intersections of 168th and West Center Road, Pacific Street, and Q Street would not be affected. The bridge over Zorinsky Lake would be rehabilitated and widened to allow for four lanes of vehicular traffic with a sidewalk on one side and a trail on the other. The proposed project would remove and re-construct the existing two-lane asphalt roadways to four-lane concrete roadways with raised medians. Additional auxiliary lanes would be added to accommodate turning movements and to increase the traffic capacity of the roadways. Other proposed features of the project include constructing new ADA compliant sidewalks and shared use paths, making traffic signal improvements, constructing noise walls and retaining walls, temporary impacts to fences and landscaping, re-location of utilities, and the replacement or extension of stormwater culverts. The current designs would require the acquisition of new right-of-way (ROW), permanent maintenance easements, and temporary construction easements throughout the project area. For more details see the Draft Environmental Assessment approved by FHWA on 2/27/17.

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

Pinewood Park

Official(s) with Jurisdiction

City of Omaha Parks, Recreation, and Public Property Department

Total Property Size (in acres)

4.1 acres

Permanent Impact (in acres)

0.04 acres (area of "Declaration of Use")

Temporary Impact (in acres)

0.25 acres (Temporary easement for culvert construction)

Property Description

The approximately 4.1 acre Pinewood Park is a City of Omaha park located east of 168th Street on the south side of Pine Street and Wood Drive. The western three-quarters of this park consists of a wooded ravine with a small creek and no park amenities or public access signage. The eastern one-quarter of the park contains the main park features including a playground and basketball court. The main park is located at the corner of Hickory Street and Wood Drive, well outside of the Study Area, and would not be affected by this project. The western section of the park abuts 168th Street.

---

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

---

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

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

N/A

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

Yes  No

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

Yes  No

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

Yes  No

Date(s):

5/11/2017

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

Yes  No

Date(s):

9/27/2017

---

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

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

N/A

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

Yes  No

Was the effect determination either "no historic properties affected" or "no adverse effect"? \*

Yes  No

PQS Date

SHPO Date

THPO Date

\* The PQS field will always be filled out. If there is a date in the SHPO or THPO field, this would indicate the entity is the Official with Jurisdiction and they were informed of FHWA's intent to apply *de minimis* via project-specific correspondence. The date in the field would be the date the entity concurred on the Section 106 effect

determination. A notation of "N/A" in the field indicates the entity was not the Official with Jurisdiction. "Programmatic" in the SHPO field indicates that a determination of "no historic properties affected" or "no adverse effect" was made for the project per the Section 106 Programmatic Agreement and the *de minimis* notification was provided via letter agreement with the SHPO.

---

### C. Additional Information

#### Description of Use (Temporary and/or Permanent)

In order to widen the roadway and construct the sidewalk and retaining wall along the east side of 168th Street, 0.04 acres of right-of-way would need to be acquired from Pinewood Park. Additionally, the replacement of the drainage structure (i.e. culvert) which carries a stream under 168th Street would involve a temporary occupancy of 0.25 acres of Pinewood Park property. Construction activities would also involve tree removal in the park. Improvements to Pinewood Park include:

- Fixing the ponding of the stream at the culvert outlet in Pinewood Park.
- Adding a retaining wall along the east side of 168th Street adjacent to Pinewood Park to preserve the stream that extends through Pinewood Park, and to prevent further erosion along the western edge of the park.
- Constructing a sidewalk along the east side of 168th Street adjacent to Pinewood Park.

Figure 3.11 in the attached excerpt from the Draft EA illustrates the temporary and permanent impacts to Pinewood Park.

Furthermore, the conversion of land from park use to roadway use would need to be approved by the City of Omaha City Council through a Declaration of Use. This approval would occur prior to construction.

#### Avoidance, Minimization, and Mitigation Measures

Constructing a retaining wall along the west side of the park results in less impacted acres of parkland. Additionally, the retaining wall minimizes stream channel impacts and prevents further erosion along the western edge of the park. Grading into the park at a 3:1 slope would have resulted in additional amounts of parkland being impacted and increased stream channel impacts. The main park features are situated away from the project area and would not be impacted by the proposed project. Trees removed for the construction of the retaining wall, sidewalk, and to gain access to rebuild the culvert would be replaced in accordance with a replanting plan that would be approved by your office. In summary, the proposed project has included all possible planning to minimize harm to the recreation area.

#### Comments

Pinewood Park is a public park that provides outdoor recreational opportunities. As such, Pinewood Park qualifies for certain protections under Section 4(f) of the Department of Transportation Act. The FHWA, in cooperation with the official with jurisdiction over the property, is responsible for making all decisions related to Section 4(f) compliance. FHWA may approve the use of a Section 4(f) property if it is determined that the use of the property will have a *de minimis* impact on the property (23 CFR 774.3(b)). 23 CFR 774.17 defines a *de minimis* impact for parks, recreation areas, and wildlife and waterfowl refuges as one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The area of Pinewood Park that would be affected is a steep wooded ravine that is not used for recreation, does not contain any recreational features, and is located roughly 1,500 feet from the main park features. Although trees would be removed in the park, they would be mitigated in accordance with a revegetation plan approved by the City of Omaha Parks, Recreation, and Public Property Department, or at an alternate location within the property. The OWJ has concurred that there would be no adverse effects to the features, attributes, or activities qualifying the property for Section 4(f) protection.

A public comment period was open from April 26 to May 26, 2017. A Public Hearing was held on May 11, 2017. Impacts to 4(f) properties were disclosed, and comments were taken during and following the meeting. No substantive comments regarding Pinewood Park were received. The Public Notice is attached.

**De Minimis Documentation**

Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?

Yes  No

Is documentation of public involvement attached?

Yes  No  N/A (for historic resources)

Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?

Yes  No

Additional Attachments (If Applicable)

**Approval Signatures**

The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use.

**Preparer**

**Date:**

 Craig Mielke, PWS

10/4/2017

**NDOT Environmental Manager**

**Date:**

**FHWA Environmental**

**Date:**



**Legend**

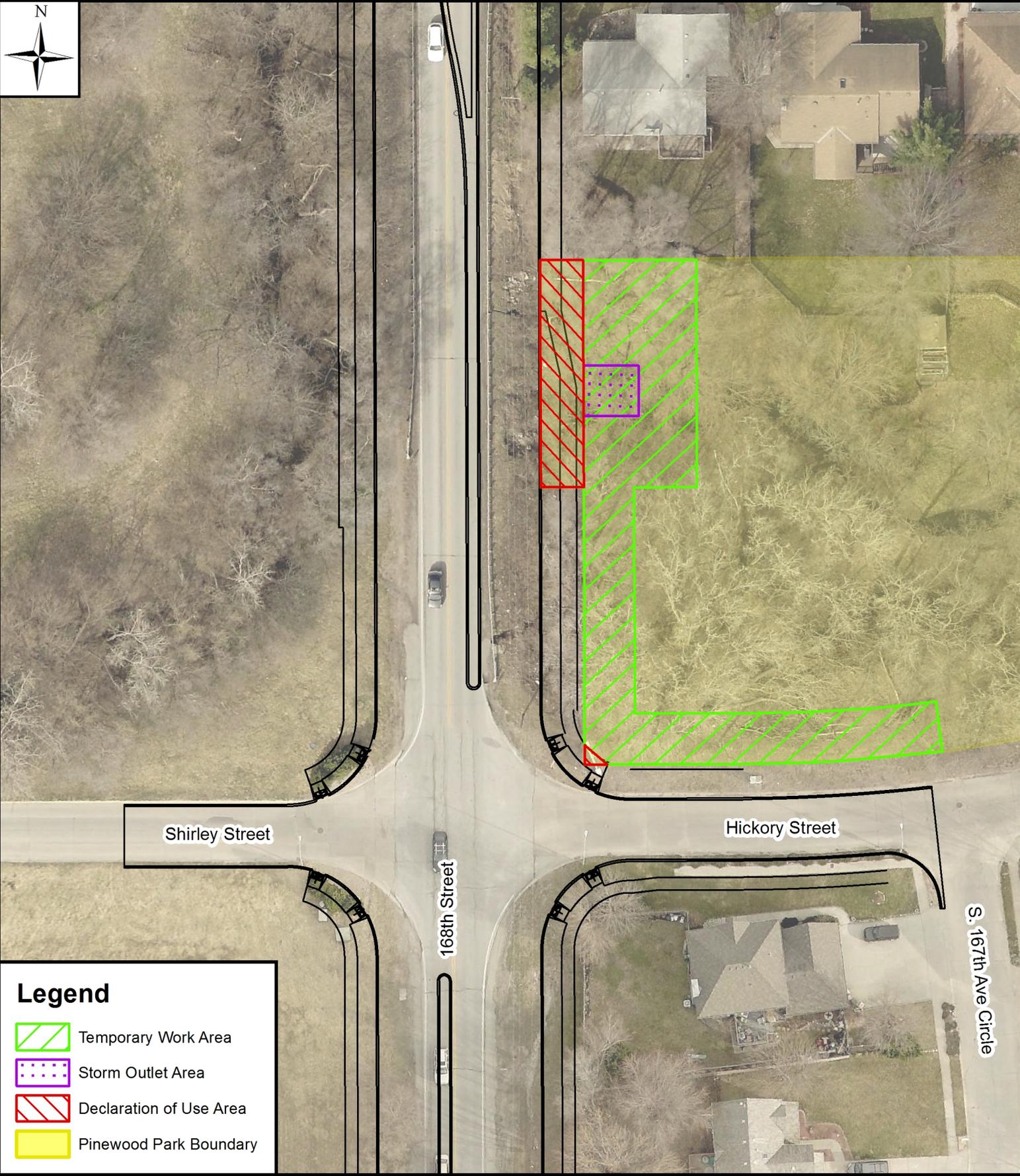
-  Trails
-  Parks
-  Privately Owned Outlots

**PARKS AND TRAILS**

0 1,000 2,000  
Feet

STPC-3811(1) CN:22209  
STPC-3811(2) CN:22210

168th Street - Poppleton Ave to Ehlers St  
Omaha, Douglas County, NE



**Legend**

-  Temporary Work Area
-  Storm Outlet Area
-  Declaration of Use Area
-  Pinewood Park Boundary

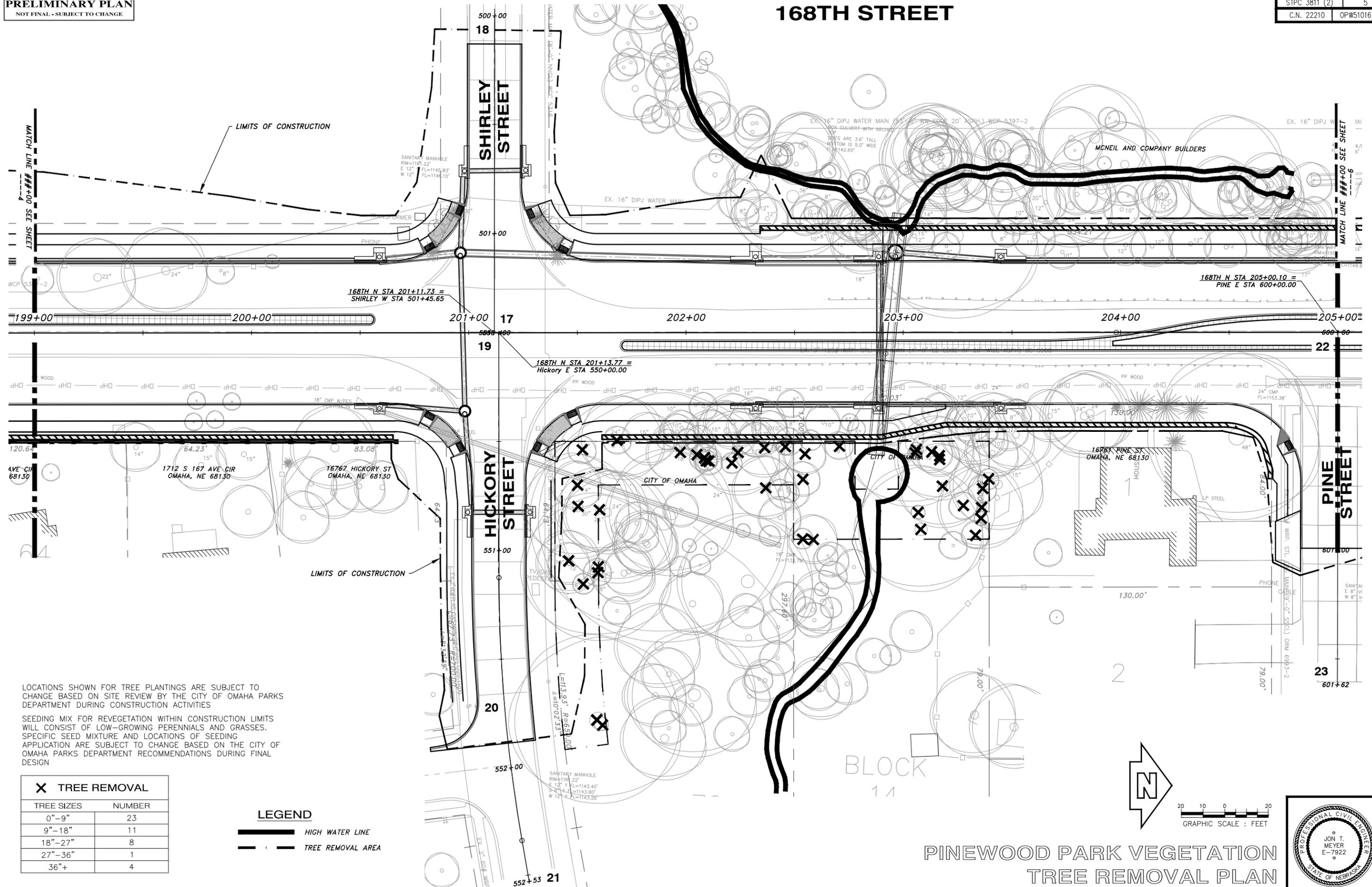


**PINEWOOD PARK**

STPC-3811(1) CN:22209  
STPC-3811(2) CN:22210

168th Street - Poppleton Ave to Ehlers St  
Omaha, Douglas County, NE

# 168TH STREET



LOCATIONS SHOWN FOR TREE PLANTINGS ARE SUBJECT TO CHANGE BASED ON SITE REVIEW BY THE CITY OF OMAHA PARKS DEPARTMENT DURING CONSTRUCTION ACTIVITIES

SEEDING MIX FOR REVEGETATION WITHIN CONSTRUCTION LIMITS WILL CONSIST OF LOW-GROWING PERENNIALS AND GRASSES. SPECIFIC SEED MIXTURE AND LOCATIONS OF SEEDING APPLICATION ARE SUBJECT TO CHANGE BASED ON THE CITY OF OMAHA PARKS DEPARTMENT RECOMMENDATIONS DURING FINAL DESIGN

X TREE REMOVAL	
TREE SIZES	NUMBER
0"-9"	23
9"-18"	11
18"-27"	8
27"-36"	1
36"+	4

**LEGEND**

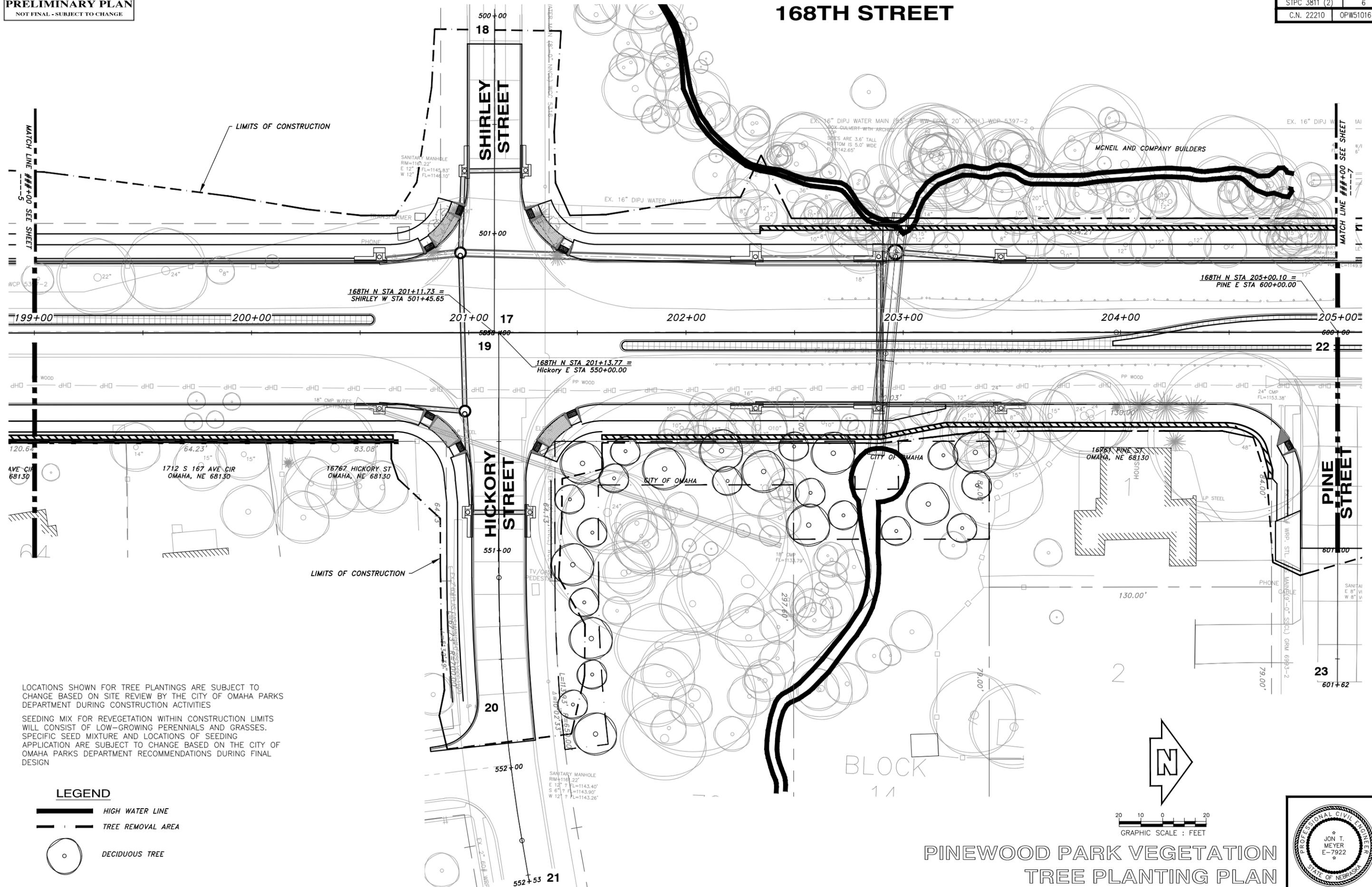
- HIGH WATER LINE
- TREE REMOVAL AREA



## PINEWOOD PARK VEGETATION TREE REMOVAL PLAN



# 168TH STREET

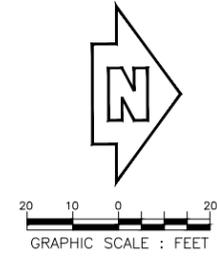


LOCATIONS SHOWN FOR TREE PLANTINGS ARE SUBJECT TO CHANGE BASED ON SITE REVIEW BY THE CITY OF OMAHA PARKS DEPARTMENT DURING CONSTRUCTION ACTIVITIES

SEEDING MIX FOR REVEGETATION WITHIN CONSTRUCTION LIMITS WILL CONSIST OF LOW-GROWING PERENNIALS AND GRASSES. SPECIFIC SEED MIXTURE AND LOCATIONS OF SEEDING APPLICATION ARE SUBJECT TO CHANGE BASED ON THE CITY OF OMAHA PARKS DEPARTMENT RECOMMENDATIONS DURING FINAL DESIGN

**LEGEND**

-  HIGH WATER LINE
-  TREE REMOVAL AREA
-  DECIDUOUS TREE



## PINEWOOD PARK VEGETATION TREE PLANTING PLAN



**PUBLIC NOTICES**

**APPLICATION FOR REGISTRATION OF TRADE NAME**  
 Trade Name: Corwin Toyota of Bellevue  
 Name of Applicant: Corwin Imports of NE LLC  
 Address: 201 40th Street South, PO Box 3005 Fargo ND 58103-3005

Applicant is a Limited Liability Company. If other than an individual, state under whose laws entity was formed: North Dakota  
 Date of first use of name in Nebraska:   
 Date of filing: 04/24/2017  
 General nature of business: Motor vehicle dealership  
 /s/Daniel M. Wilson  
 Applicant or Legal Representative

**Bid Notice**

umboldt Table Rock teinauer Public schools will be accepting bids to erect a 30 x 0 foot metal shop building, including drainage and concrete work. There will be a meeting for those interested on May 8th at :30 PM in the Board conference room at 10 Central Ave. in umboldt. Contact herri Edmundson, Superintendent, no later than Tuesday, May 2nd or an information packet. sherriedmunds n@htrsttians.org or 02-862-2151.

**NOTICE OF ANNUAL MEETING OF MEMBERS OF PACIFIC MUTUAL HOLDING COMPANY**

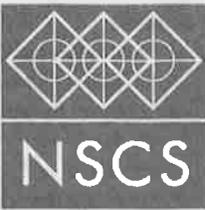
The Pacific Mutual Holding Company 2017 Annual Meeting of Members (Annual Meeting) will be held on Wednesday, May 24, 2017, at 11:30 a.m., Pacific Time, at 700 Newport Center Drive, Newport Beach, California 92660 and is open to Pacific Life Insurance Company policyholders and contract holders as members of Pacific Mutual Holding Company. The purpose of the Annual Meeting is the election of directors to the Pacific Mutual Holding Company Board of Directors and such other business as may properly come before the meeting.  
 Jane M. Guon, Secretary

**PUBLIC NOTICE**

**NOTICE OF MEETING VETERANS' ADVISORY COMMISSION**

The Veterans' Advisory Commission will hold a meeting on Wednesday, May 10, 2017 at 9:00 a.m. at the Nebraska Department of Veterans' Affairs, 301 Centennial Mall South, 1st Floor, Lincoln, Nebraska.

copy of the agenda will be available during the hours of 8:00 a.m. to 5:00 p.m. at the Nebraska Department of Veterans' Affairs, State Office Building, 301



Nebraska State College System

**REQUEST FOR PROPOSALS NOTICE**

The Board of Trustees of the Nebraska State Colleges seeks proposals for an Information Security Risk Assessment (ISRA) of information technology systems in accordance with the terms of a Request for Proposal (RFP). A copy of the RFP may be obtained by contacting the Nebraska State College System Office, 1327 H Street, Suite 200, Lincoln, NE 68508; (402) 471-2505; or by email to [shotovv@nscs.edu](mailto:shotovv@nscs.edu). The RFP is also available online at [www.nscs.edu](http://www.nscs.edu). To be considered, proposals must be received by 2:00 p.m. CDT, Thursday, June 1, 2017.

**REQUEST FOR PROPOSAL Adaptive Signal Control Technology Project for the City of Omaha, Nebraska**

Recipients of this Request for Proposal (RFP) are invited to prepare and submit a responsive proposal for the selection and deployment of an adaptive signal control technology system along the following two corridors in the City of Omaha area: Project No. HSIP-6-7(180) C.N. 22482 Dodge Street and Project No. HSIP-5023(18) C.N. 22695 84th Street. After a review of submitted proposal(s) and an interview of shortlisted Vendor(s), the City will enter into a contract with a single Vendor.

The Request for Proposal documents can be downloaded from the following website: [www.douglascountypurchasing.org](http://www.douglascountypurchasing.org)

Written questions are due no later than 4:00 p.m. CDT, on April 26, 2017, and should be sent to the procurement contact, Eric Carlson at [eric.carlson@douglascounty-ne.gov](mailto:eric.carlson@douglascounty-ne.gov)

Questions should be plainly labeled "Questions for RFP on Adaptive Signal Control Technology".

You can easily sell your sofa or other furnishings. Place a Home Furnishings ad.

Omaha World Herald Classifieds (402) 342-6633

**Construction &**

**CITY OF OMAHA  
 NOTICE OF HIGHWAY PUBLIC HEARING  
 STPC-3811(1) and STPC-3811(2) 168<sup>th</sup> Street Improvements –  
 Poppleton Avenue to Ehlers Street; CN 22209 and CN 22210  
 Thursday, May 11; 6:30 - 8:30 PM  
 Russell Middle School, 5304 S. 172<sup>nd</sup> Street, Omaha, NE**

The City of Omaha will hold a Public Hearing in an open house format regarding improvements to 168<sup>th</sup> Street from Poppleton Avenue to Ehlers Street (or more generally from Pacific Street to Q Street), in Omaha, Douglas County, Nebraska. The meeting will be held at Russell Middle School, on Thursday, May 11, 2017 and will include an Open House from 6:30-7:00 PM; a Formal Presentation from 7:00-7:30 PM; a Public Forum from 7:30-8:00 PM; and an Open House from 8:00-8:30.

The Public Hearing is being held to provide information to the public and receive input regarding the design and development of this project. Roadway and right-of-way plans will be further developed after the Public Hearing. The public is invited to attend and present comments and questions on the proposed project. Current design information will be displayed and personnel from the City of Omaha will be present to answer questions and receive comments.

A Draft Environmental Assessment (DEA) has been prepared for this project in accordance with regulations of the National Environmental Policy Act (NEPA). The DEA will be made available for review at the Public Hearing, and will also be available for review for a 30 day comment period, beginning on April 26, 2017 and ending on May 26, 2017.

The proposed project is identified as **STPC-3811(1) and STPC 3811(2) 168<sup>th</sup> Street Improvements**. The proposed design would consist of re-constructing approximately 1.5 miles of 168<sup>th</sup> Street, starting at Ehlers Street and extending north to just south of Oak Street, and approximately 0.80 miles of 168<sup>th</sup> Street starting at Gold Street and extending north to Poppleton Avenue. The intersections of 168<sup>th</sup> and West Center Road, Pacific Street, and Q Street would not be affected. The bridge over Zorinsky Lake would be rehabilitated and widened to allow for four lanes of vehicular traffic with a sidewalk on one side and a trail on the other. Federal funds would be used for the project, and the Federal Highway Administration (FHWA) is the lead federal agency.

The purpose of this project is to improve local and regional mobility by enhancing the vehicular transportation system and improving connectivity, reducing driver delays, and improving pedestrian accessibility along the 168<sup>th</sup> Street corridor. The project is needed due to insufficient roadway capacity, inadequate bridge conditions, discontinuity with adjacent roadways and intersections, and inadequate pedestrian facilities within the corridor.

The proposed project would remove and re-construct the existing two-lane asphalt roadways to four-lane concrete roadways with raised medians. Additional auxiliary lanes would be added to accommodate turning movements and to increase the traffic capacity of the roadways. Construction is anticipated to begin in 2020, and would continue through 2021. Additional project information will be available at the Public Hearing.

Other proposed features of the project include constructing new ADA compliant sidewalks and shared use paths, making traffic signal improvements, constructing noise walls and retaining walls, temporary impacts to fences and landscaping, re-location of utilities, and the replacement or extension of stormwater culverts.

The current designs will require the acquisition of new right-of-way (ROW), permanent maintenance easements, and temporary construction easements throughout the project area.

There would be minor impacts to recreational properties as part of this project. These impacts are being considered under Section 4(f) of the Department of Transportation Act, and require public review prior to being approved. Specifically, these impacts include temporary access restrictions to the Zorinsky Lake Trail, the lake itself, the passive recreational grassland areas, as well as active recreation areas such as shelters and baseball fields, as well as a minor use of land from Pinewood Park for the re-construction of a culvert and to raise the road grade. These impacts have been considered by the City of Omaha Parks and Recreation Department and the United States Corps of Engineers, but also require public consideration.

Raising the roadway would have minor impacts to the Dam Site 18 (Zorinsky Lake) flood storage capacity, which would be offset by excavation of two areas on the west side of 168<sup>th</sup> Street, both north and south of the lake itself. These areas would be converted into permanent stormwater detention basins, and would treat stormwater runoff from the roadway before entering Zorinsky Lake.

Impacts to Lakeside Hospital have been considered and coordination has taken place with the hospital and emergency service providers, including the Omaha Fire Department. Measures will be taken to direct traffic and minimize impacts to the public accessing the hospital.

The Public Hearing is set up such that participants can gather as much information as they desire and leave as they wish. The "Open House" portions of the hearing will allow the public to gather pertinent information about the project and speak one-on-one with project personnel. The "Formal Presentation" portion of the hearing will include a prepared presentation with maps and other information about the project so that all participants receive the same basic project information. The "Public Forum" will allow individuals to express their opinions to all assembled and to hear other participants' comments and opinions. Comments will be recorded at the hearing, and will also be accepted for 15 days following the hearing, or until May 26, 2017.

The City of Omaha will make every reasonable accommodation to provide an accessible meeting facility for all persons. Appropriate provisions for the hearing or visually challenged, or for persons with limited English proficiency (LEP) will be made if the City of Omaha is notified by May 4, 2017. Requests for accommodations, inquiries, and public comments should be submitted to:

Jon Meyer  
 Design Division, Omaha Public Works Department  
 1819 Farnam St, Suite 604  
 Omaha, NE 68183  
 402-444-4191, [Jon.Meyer@cityofomaha.org](mailto:Jon.Meyer@cityofomaha.org)

The DEA will be available for review at the following locations:

- City of Omaha Public Works, 1819 Farnam Street, 6th Floor, Omaha, NE
- City of Omaha Equipment Maintenance, 5225 Dayton St, Omaha, NE
- Millard Library, 13214 Westwood Lane, Omaha, NE
- NDOR District 2 Office, 108th Street, Omaha, NE
- NDOR Headquarters, 1500 Highway 2, Lincoln, NE
- FHWA Nebraska Division, 100 Centennial Mall North, Lincoln, NE

For more information, or to review the DEA, visit <https://publicworks.cityofomaha.org/public-works-projects> and click on "168<sup>th</sup> Street Poppleton to Ehlers"



City of Omaha  
Jean Stothert, Mayor

**Public Works Department**  
Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220  
Fax (402) 444-5248

**Robert G. Stubbe, P.E.**  
Public Works Director

Mr. Brook Bench, Director  
City of Omaha Parks, Recreation, and Public Property Department  
1819 Farnam St Suite 701  
Omaha, NE 68183

RE: Section 4(f) Compliance – 168<sup>th</sup> Street Improvements Project-Pinewood Park  
City of Omaha  
Project Numbers: STPC-3811(1) & STPC-3811(2)  
Control Numbers: 22209 & 22210

Dear Mr. Bench,

As the official with jurisdiction over Pinewood Park, we are requesting your concurrence on the “use” of this resource in regards to Section 4(f) of the US Department of Transportation Act.

Specifically, we are requesting your concurrence that the permanent and temporary use of land at Pinewood Park for the proposed 168<sup>th</sup> Street Improvements project would not adversely affect any protected activities, features, or attributes that make the Park eligible for Section 4(f) protection as defined in 23 CFR 774.17. This use would involve the permanent incorporation of 0.04 acres of the park into a transportation facility. This project would also temporarily occupy 0.25 acres at Pinewood Park for construction of the project. Additional details on the requirements of Section 4(f) and a description of the proposed impacts to Pinewood Park are provided below.

#### **Section 4(f) Background**

Section 4(f) of the *U.S. Department of Transportation Act of 1966* states that the FHWA may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) **only if**

1. There is no prudent and feasible alternative to the use of land.
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

A “use” of a section 4(f) resource can be permanent (i.e. when land is actually incorporated into a transportation facility), temporary (i.e. when land is temporarily used for construction purposes and then restored), or constructive (i.e. where there is no physical use of the property, yet the proximity of the impacts to a nearby or adjacent property are so great that they substantially impair the property’s protected activities and features).

In order to qualify under Section 4(f) protection, a resource must meet the following criteria:

- Must be publicly owned;
- Must be open to the public;
- Major purpose must be for recreation; and
- Must be significant as a park or recreation area.

#### **Pinewood Park Information**

The approximately 4.1 acre Pinewood Park is a City of Omaha park located east of 168<sup>th</sup> Street on the south side of Pine Street and Wood Drive. The western three-quarters of this park consist of a wooded ravine with a small creek and no park amenities or public access signage. The eastern one-quarter of the park contains the main park features including a playground and basketball court. The main park is located at the corner of Hickory Street and Wood Drive, well outside of the Study Area, and would not be affected by this project. The western section of the park abuts 168<sup>th</sup> Street.

#### **Proposed Impacts to Pinewood Park**

For more details and explanations of the proposed impacts and mitigation commitments, please refer to the attached excerpt from the Draft Environmental Assessment, **Section 3.7, Parks, Recreation Areas, and Trails (Section 4(f) Resources)**.

In order to widen the roadway and construct the sidewalk and retaining wall along the east side of 168<sup>th</sup> Street, 0.04 acres of right-of-way would need to be acquired from Pinewood Park. Additionally, the replacement of the drainage structure (i.e. culvert) which carries a stream under 168<sup>th</sup> Street would involve a temporary occupancy of 0.25 acres of Pinewood Park property. Construction activities would also involve tree removal in the park. Improvements to Pinewood Park include:

- Fixing the ponding of the stream at the culvert outlet in Pinewood Park.
- Adding a retaining wall along the east side of 168<sup>th</sup> Street adjacent to Pinewood Park to preserve the stream that extends through Pinewood Park, and to prevent further erosion along the western edge of the park.
- Constructing a sidewalk along the east side of 168<sup>th</sup> Street adjacent to Pinewood Park.

**Figure 3.11** in the attached excerpt illustrates the temporary and permanent impacts to Pinewood Park. Furthermore, the conversion of land from park use to roadway use would need to be approved by the City of Omaha City Council through a Declaration of Use. This approval would occur prior to construction.

#### **Measures to Minimize Harm**

Constructing a retaining wall along the west side of the park results in less impacted acres of parkland. Additionally, the retaining wall minimizes stream channel impacts and prevents further erosion along the western edge of the park. Grading into the park at a 3:1 slope would have resulted in additional

amounts of parkland being impacted and increased stream channel impacts. The main park features are situated away from the project area and would not be impacted by the proposed project. Trees removed for the construction of the retaining wall, sidewalk, and to gain access to rebuild the culvert would be replaced in accordance with a replanting plan that would be approved by your office. In summary, the proposed project has included all possible planning to minimize harm to the recreation area.

**Section 4(f) De Minimis determination for Pinewood Park**

Pinewood Park is a public park that provides outdoor recreational opportunities. As such, Pinewood Park qualifies for certain protections under Section 4(f) of the Department of Transportation Act. The FHWA, in cooperation with the official with jurisdiction over the property, is responsible for making all decisions related to Section 4(f) compliance. FHWA may approve the use of a Section 4(f) property if it is determined that the use of the property will have a *de minimis* impact on the property (23 CFR 774.3(b)). 23 CFR 774.17 defines a *de minimis* impact for parks, recreation areas, and wildlife and waterfowl refuges as one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The area of Pinewood Park that would be affected is a steep wooded ravine that is not used for recreation, does not contain any recreational features, and is located roughly 1,500 feet from the main park features. Although trees would be removed in the park, they would be mitigated in accordance with a revegetation plan approved by your office, or at an alternate location within the property. It is our opinion that there would be no adverse effects to the features, attributes, or activities qualifying the property for Section 4(f) protection. Based upon the impacts and improvements to Pinewood Park, it appears that the 168<sup>th</sup> Street Improvements project would have no adverse effects and would qualify for a *de minimis* determination for Pinewood Park.

A Public Hearing was held on May 11, 2017 and a public comment period for the Draft EA ran from April 26, 2017 to May 25, 2017. Comments received have been provided to your office electronically via email.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact me at 402-444-4191.

Sincerely,

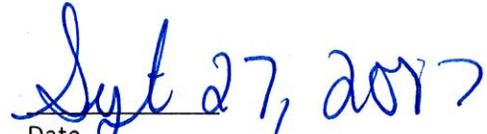


Jon Meyer, City of Omaha Public Works  
Responsible Charge

**Concurrence**

The City of Omaha Public Works Department is requesting the City of Omaha's Department of Parks, Recreation and Public Property, as the Official with Jurisdiction over Pinewood Park, to concur that the proposed 168<sup>th</sup> Street Improvements Project would not adversely affect any protected activities, features, or attributes that make the Park eligible for Section 4(f) protection. Please acknowledge your concurrence by signing on the line below.

  
\_\_\_\_\_  
Official with Jurisdiction

  
\_\_\_\_\_  
Date





## Section 4(f) *De Minimis* Form

May 20, 2015 (rev. 7/11/2017)

Project Name

168th Street Improvements

Project Number

STPC-3811(1) & STPC-3811(2)

Control No.

22209 and 22210

Project Location (Town, County, Street)

Omaha, Douglas County, NE (168th Street from Q Street to Pacific Street)

Project Description

The proposed design would consist of re-constructing approximately 1.5 miles of 168th Street, starting at Ehlers Street and extending north to just south of Oak Street, and approximately 0.80 miles of 168th Street starting at Gold Street and extending north to Poppleton Avenue. The intersections of 168th and West Center Road, Pacific Street, and Q Street would not be affected. The bridge over Zorinsky Lake would be rehabilitated and widened to allow for four lanes of vehicular traffic with a sidewalk on one side and a trail on the other. The proposed project would remove and re-construct the existing two-lane asphalt roadways to four-lane concrete roadways with raised medians. Additional auxiliary lanes would be added to accommodate turning movements and to increase the traffic capacity of the roadways. Other proposed features of the project include constructing new ADA compliant sidewalks and shared use paths, making traffic signal improvements, constructing noise walls and retaining walls, temporary impacts to fences and landscaping, re-location of utilities, and the replacement or extension of stormwater culverts. The current designs would require the acquisition of new right-of-way (ROW), permanent maintenance easements, and temporary construction easements throughout the project area. For more details see the Draft EA approved by FHWA on 2/27/17.

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

Zorinsky Lake Recreation Area

Official(s) with Jurisdiction

City of Omaha Parks, Recreation, and Public Property Department; United States Army Corps of Engineers

Total Property Size (in acres)

1,023 acres

Permanent Impact (in acres)

9.3 acres (permanent easement)

Temporary Impact (in acres)

approximately 5 acres (grading for retention basins)

Property Description

The property for Dam Site 18 is owned by the USACE. The Edward Zorinsky Recreation Area is managed by the City of Omaha, and is an overlay on top of the USACE owned land for Dam Site 18. Therefore, the recreation area boundaries are coincident with the property limits of the land owned by the Federal government. The recreation area totals 1,023 acres of land and water, with its boundaries generally extending from West Center Road at the northernmost limits to Rolling Ridge Road (north of Q Street) at its southernmost limits, and from 156th to 192nd Street. The west side of the recreation area (i.e. west of 168th Street) is primarily a mixture of moderately to heavily wooded land and open grassland areas, while the east side of the recreation is more heavily used for recreation and features more recreational facilities. The west

side of the recreation area includes the western basin of Zorinsky Lake, the Zorinsky Lake Trail, a baseball complex, and two parking areas. The east side of the recreation area includes the main basin of Zorinsky Lake, an aquatic center, Bauermeister Prairie, three playgrounds, three soccer fields, the Zorinsky Lake Trail, a fishing dock, a boat ramp, three fishing jetties, picnic shelters, restroom facilities, and multiple parking areas.

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

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

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

N/A

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

Yes  No

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

Yes  No

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

Yes  No

Date(s):

5/11/2017

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

Yes  No

Date(s):

9/27/2017; 10/3/2017

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

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

N/A

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

Yes  No

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

Yes  No

PQS Date

SHPO Date

THPO Date

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

---

### C. Additional Information

#### Description of Use (Temporary and/or Permanent)

The 168th Street Improvements project would require the placement of approximately 11,000 cu yds of fill material within the flood storage zone of Dam Site 18, in order to widen the road embankments to allow for a wider roadway and bridge as well as construct and reconfigure trails and sidewalks along 168th Street.

It is USACE Omaha District policy to have a balance of cut and fill, with no net loss of flood control storage on USACE reservoir lands. As such, USACE has requested the excavation of fill material from within the flood storage zone of Dam Site 18 (between 1110 mean sea level (msl) and 1128 msl) to offset the loss of flood storage capacity brought about by the 168th Street Improvements project.

Two excavation sites have been identified to meet the need to balance cut and fill and maintain the flood storage capacity at Dam Site 18. The excavation sites are located west of 168th Street at the northeast and southeast corners of the west basin of Zorinsky Lake. Figure 3.12 in the attached excerpt from the Draft EA illustrates the general location of the excavation sites. Excavating on the west side of 168th Street would avoid impacts to the more heavily used recreational facilities on the east side the roadway. Excavation would occur in upland areas above the existing ordinary high water mark (OHWM) of Zorinsky Lake and outside of wetlands to the maximum extent possible. The excavation would include the removal of approximately 11,000 cu yds of fill material from within the flood storage zone, which would offset the amount of fill needed to be placed in this zone as part of the 168th Street Improvements project. Excavation activities would also involve tree removal. The excavated material would be used elsewhere on the project site if deemed suitable to meet the necessary fill requirements for the project. If the fill material is deemed unsuitable for project requirements, it would be hauled off-site. Upon completion, the excavation sites would be converted into stormwater detention areas, to improve the quality of the road runoff water before being released into Zorinsky Lake. Currently, storm water flows directly off the asphalt roadway, into roadside ditches, and empties into Zorinsky Lake with minimal filtration. The construction of these storm water detention areas will increase filtration, reduce sedimentation, and improve overall water quality in Zorinsky Lake.

#### Avoidance, Minimization, and Mitigation Measures

The two excavation sites were selected in consultation with the USACE and the City of Omaha Parks, Recreation, and Public Property Department, and avoid impacts to wetlands, active recreation facilities (i.e. trails, parking lots, sports fields), as well as heavily wooded or landscaped areas. In addition, the amount of excavation has been reduced from original estimates of nearly 40,000 cu yds, which would have been needed if the bridge over Zorinsky Lake would have been replaced. These avoidance and minimization efforts were made possible by the City of Omaha and the Nebraska Department of Roads agreeing to maintain an 8 foot clearance for the trails under 168th Street, instead of requiring 10 feet of clearance. In summary, the proposed project has included all possible planning to minimize harm to the recreation site. The existing trail crossing under 168th Street would remain open following construction and would have an 8 foot vertical clearance. Although the recommended clearance for trail crossings is 10 feet, meeting the recommended clearance would have resulted in the need to excavate upwards of 40,000 cubic yards (cu yds) of fill at Zorinsky Recreation Area; whereas utilizing the 8 foot minimum trail clearance results in approximately 11,000 cu yds of excavation. Utilizing the 8 foot clearance allows the trail to remain open following construction, and results in less excavation. The decision to maintain the 8 foot minimum vertical clearance for the trails under 168th

Street was made in consultation with the City of Omaha Parks and Recreation Department and Nebraska Department of Roads.

**Comments**

The Edward Zorinsky Recreation Area is a public park used primarily for recreation. As such, the park qualifies for certain protections under Section 4(f) of the Department of Transportation Act. FHWA, in cooperation with the official with jurisdiction over the property, is responsible for making all decisions related to Section 4(f) compliance. FHWA may approve the use of a Section 4(f) resource if it is determined that, after taking into consideration public input, the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant will have a de minimis impact on the property (23 CFR 774.3(b)). 23 CFR 774.17 defines a de minimis impact for parks, recreation areas and wildlife and waterfowl refuges as one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The excavation sites do not contain any active recreational features, and are in areas that are otherwise not generally used for recreation. The proposed excavation is necessary to maintain the flood storage capacity of Dam Site 18, and satisfies USACE requirements to balance cut and fill at reservoir projects. Although trees would be removed within the recreation area, they would be mitigated according to the City of Omaha Parks and Recreation Department mitigation policy and the Green Streets Plan for Omaha at an alternate location within the property. Additionally, the conversion of the excavation sites to storm water detention areas would improve water quality in Zorinsky Lake by reducing the amount of sediment and other pollutants entering the lake from the roadway runoff. Based upon the minor nature of the excavation in comparison to the overall property, as well as the water quality improvements to Zorinsky Lake, it appears that the 168th Street Improvements project would have no adverse effects and would result in a de minimis impact to the property.

A public comment period was open from April 26 to May 26, 2017. A Public Hearing was held on May 11, 2017. Impacts to 4(f) properties were disclosed, and comments were taken during and following the meeting. No substantive comments regarding Zorinsky Lake Recreation Area were received. The Public Notice is attached.

**De Minimis Documentation**

Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?

Yes  No

Is documentation of public involvement attached?

Yes  No  N/A (for historic resources)

Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?

Yes  No

Additional Attachments (If Applicable)

\_\_\_\_\_

**Approval Signatures**

The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use.

**Preparer**

**Date:**

 Craig Mielke, PWS

10/4/2017

**NDOT Environmental Manager**

**Date:**

**FHWA Environmental**

**Date:**



**Legend**

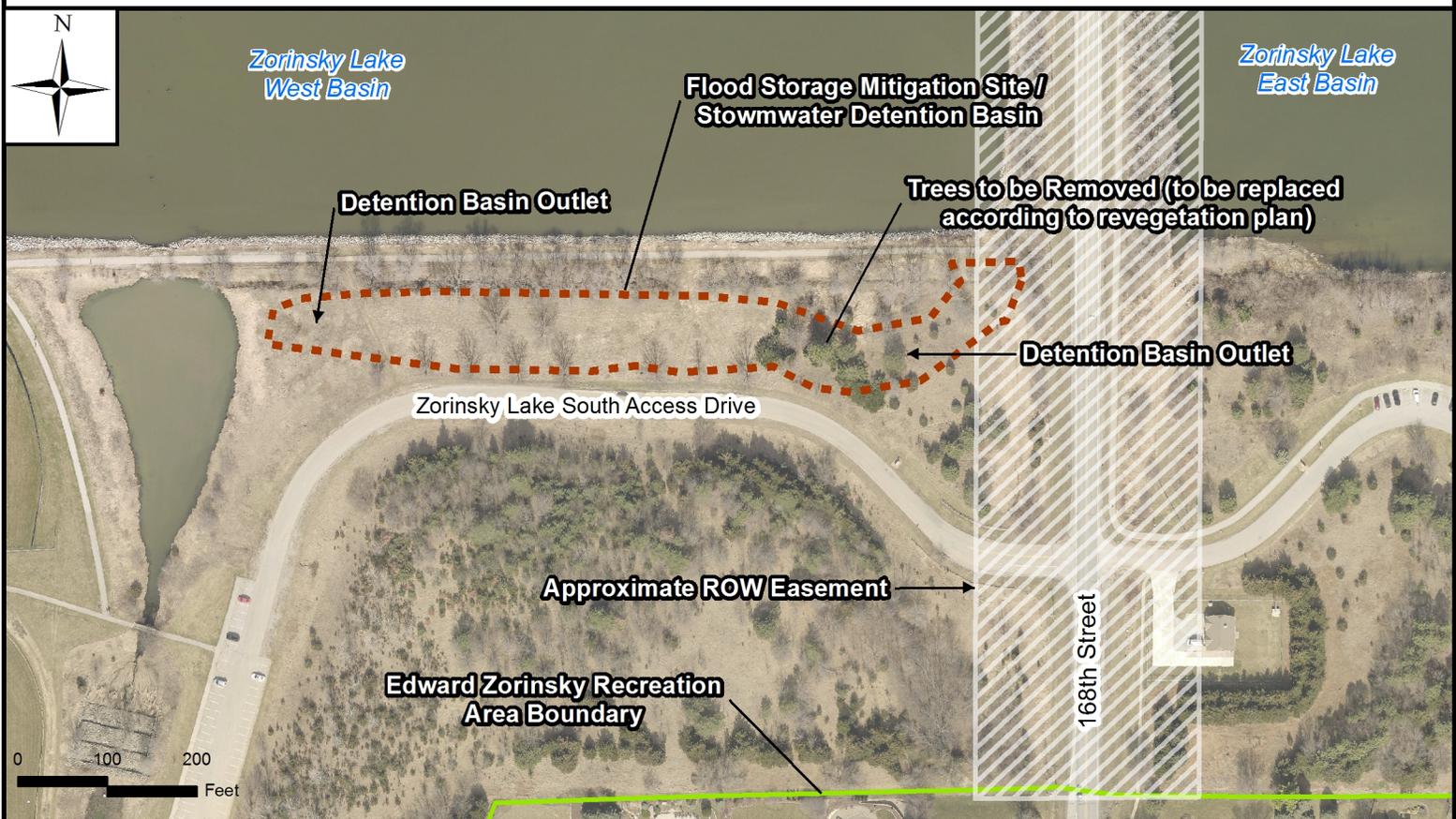
-  Trails
-  Parks
-  Privately Owned Outlots



**PARKS AND TRAILS**

STPC-3811(1) CN:22209  
STPC-3811(2) CN:22210

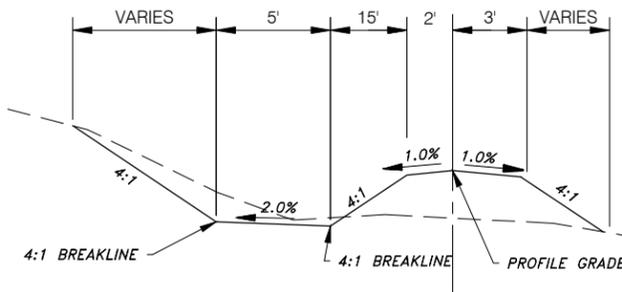
168th Street - Poppleton Ave to Ehlers St  
Omaha, Douglas County, NE



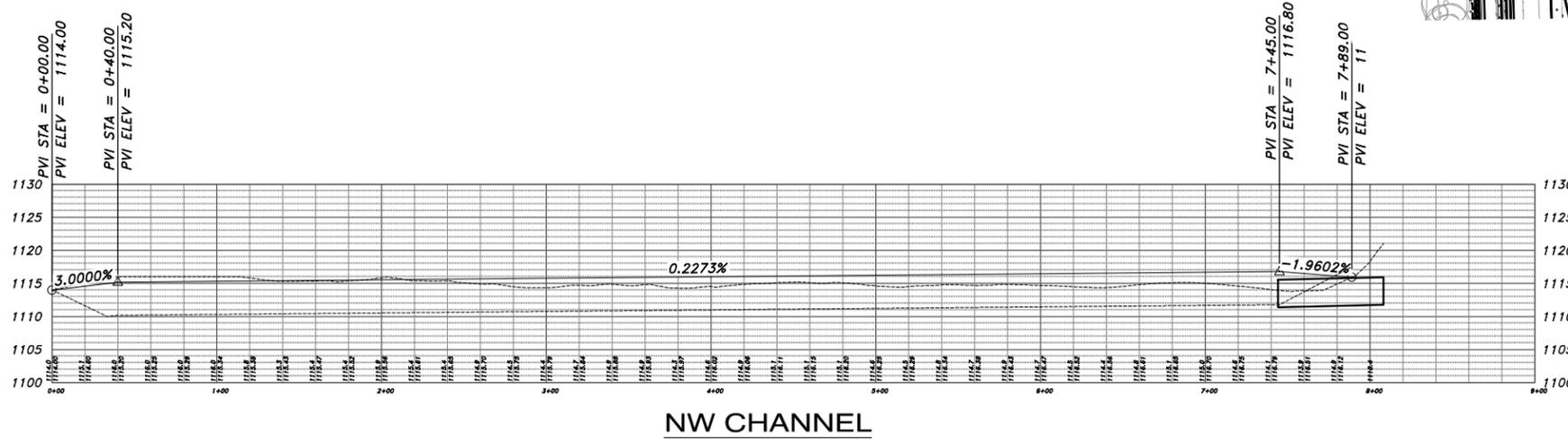
**EDWARD ZORINSKY RECREATION AREA**

STPC-3811(1) CN:22209  
 STPC-3811(2) CN:22210

168th Street - Poppleton Ave to Ehlers St  
 Omaha, Douglas County, NE



**LAKE ZORINSKY**



THE PRELIMINARY APPROXIMATION FOR EMBANKMENT REQUIRED FOR CONSTRUCTION IN FLOOD POOL AREA IS 11,000 CU. YDS

LOCATIONS SHOWN FOR TREE PLANTINGS ARE SUBJECT TO CHANGE BASED ON SITE REVIEW BY THE CITY OF OMAHA PARKS DEPARTMENT DURING CONSTRUCTION ACTIVITIES

SEEDING MIX FOR REVEGETATION WITHIN CONSTRUCTION LIMITS WILL CONSIST OF LOW-GROWING PERENNIALS AND GRASSES. SPECIFIC SEED MIXTURE AND LOCATIONS OF SEEDING APPLICATION ARE SUBJECT TO CHANGE BASED ON THE CITY OF OMAHA PARKS DEPARTMENT RECOMMENDATIONS DURING FINAL DESIGN

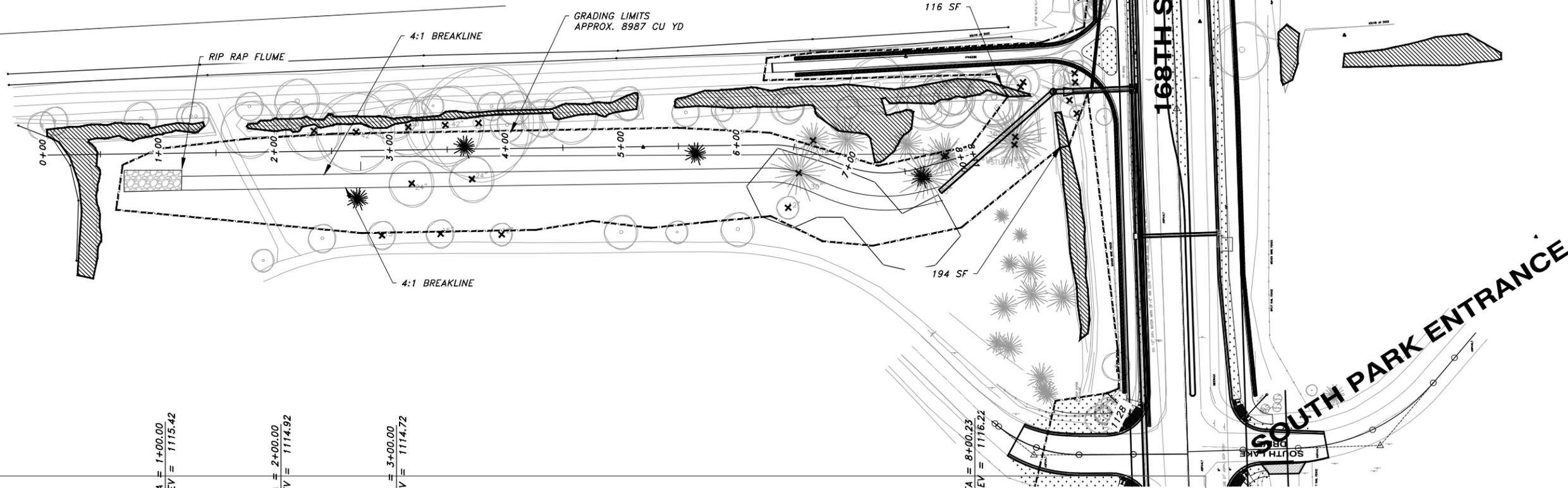
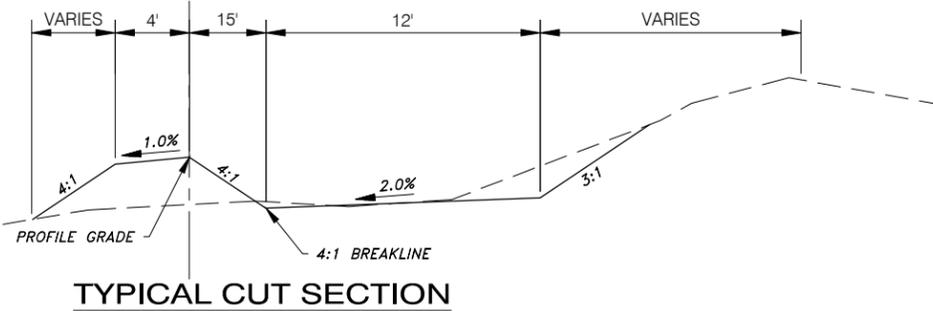
X TREE REMOVAL	
TREE SIZES	NUMBER
0"-9"	13
9"-18"	35
18"-27"	29
27"-36"	10
36"+	5



**NORTH WATER QUALITY  
BASIN TREE REMOVAL PLAN**

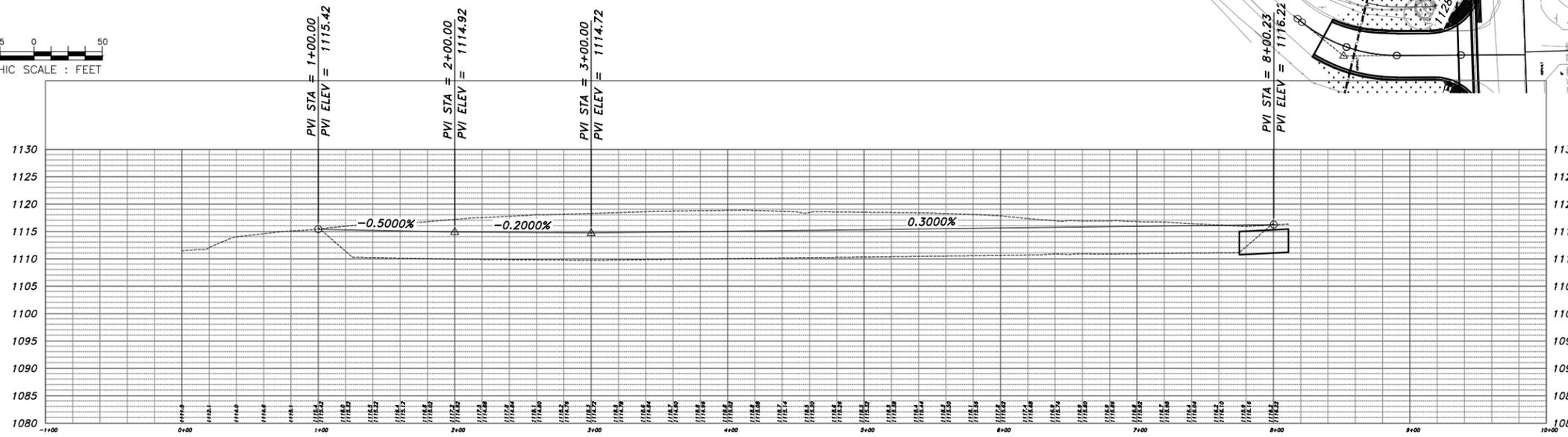
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 DATE PLOTTED: 11/18/2016 9:20 AM DRAWN BY: LIEKHUS PLOT SCALE: 1:2

**LAKE ZORINSKY**



**168TH STREET**

**SOUTH PARK ENTRANCE**



THE PRELIMINARY APPROXIMATION FOR EMBANKMENT REQUIRED FOR CONSTRUCTION IN FLOOD POOL AREA IS 11,000 CU. YDS

LOCATIONS SHOWN FOR TREE PLANTINGS ARE SUBJECT TO CHANGE BASED ON SITE REVIEW BY THE CITY OF OMAHA PARKS DEPARTMENT DURING CONSTRUCTION ACTIVITIES

SEEDING MIX FOR REVEGETATION WITHIN CONSTRUCTION LIMITS WILL CONSIST OF LOW-GROWING PERENNIALS AND GRASSES. SPECIFIC SEED MIXTURE AND LOCATIONS OF SEEDING APPLICATION ARE SUBJECT TO CHANGE BASED ON THE CITY OF OMAHA PARKS DEPARTMENT RECOMMENDATIONS DURING FINAL DESIGN

X TREE REMOVAL	
TREE SIZES	NUMBER
0"-9"	1
9"-18"	10
18"-27"	5
27"-36"	5
36"+	4



**SOUTH WATER QUALITY  
BASIN TREE REMOVAL PLAN**

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 DATE PLOTTED: 11/18/2016 9:18 AM DRAWN BY: LEKHUS PLOT SCALE: 1:2

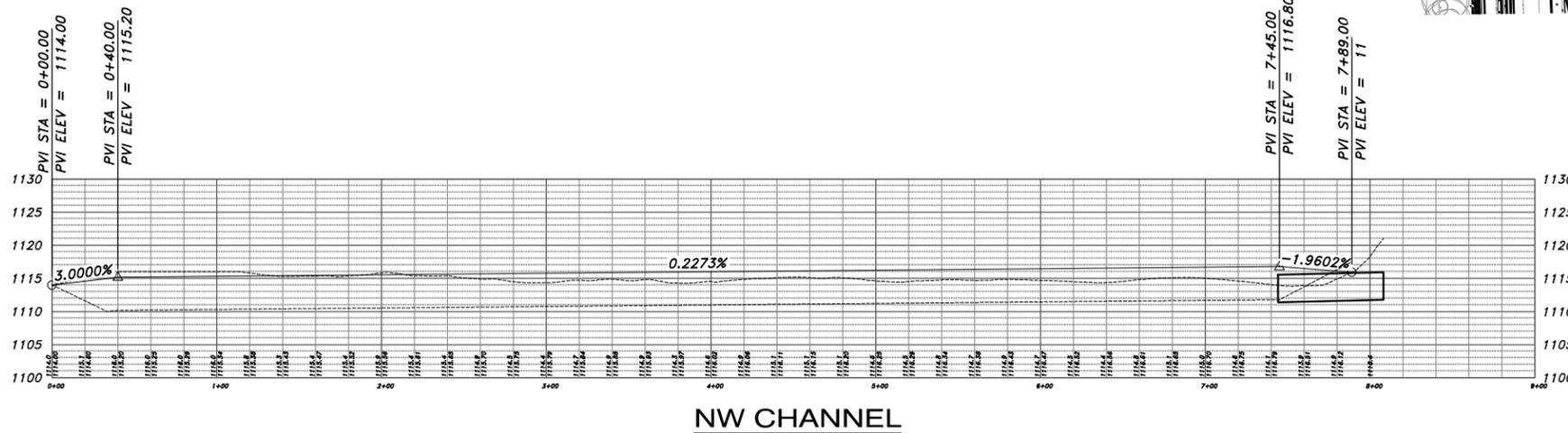


**LAKE ZORINSKY**



**LEGEND**

-  CONIFER TREE
-  DECIDUOUS TREE



THE PRELIMINARY APPROXIMATION FOR EMBANKMENT REQUIRED FOR CONSTRUCTION IN FLOOD POOL AREA IS 11,000 CU. YDS

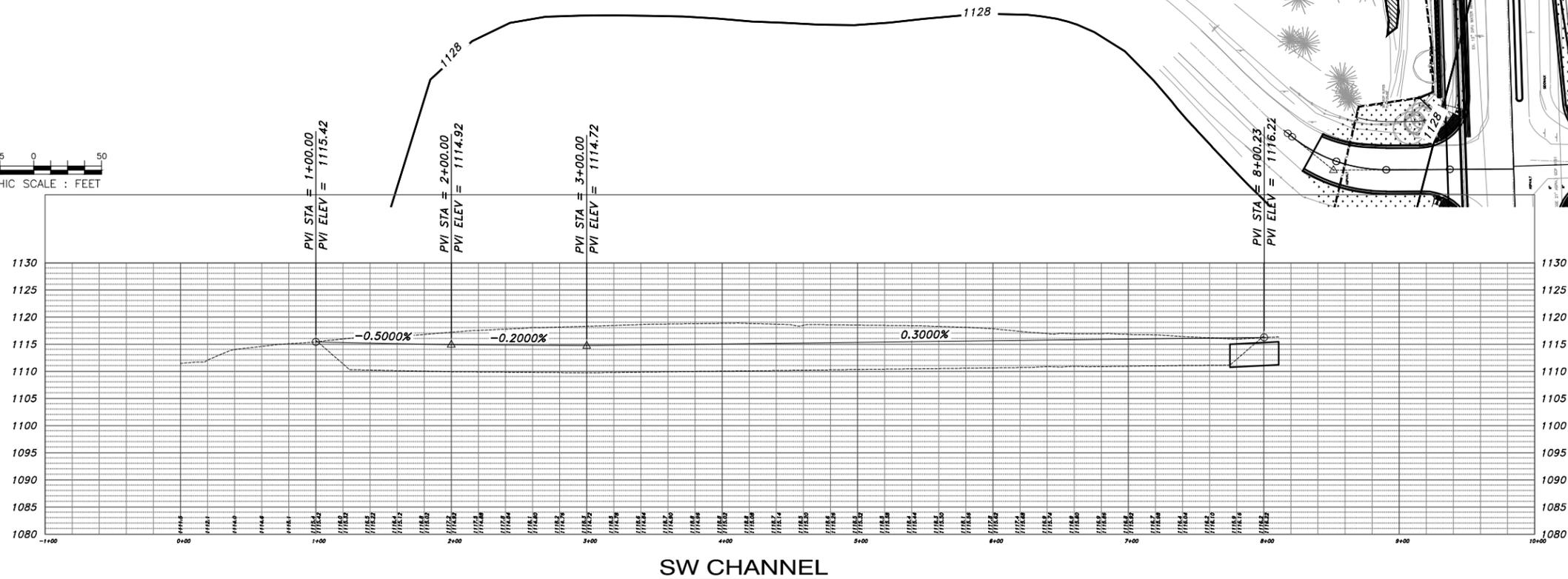
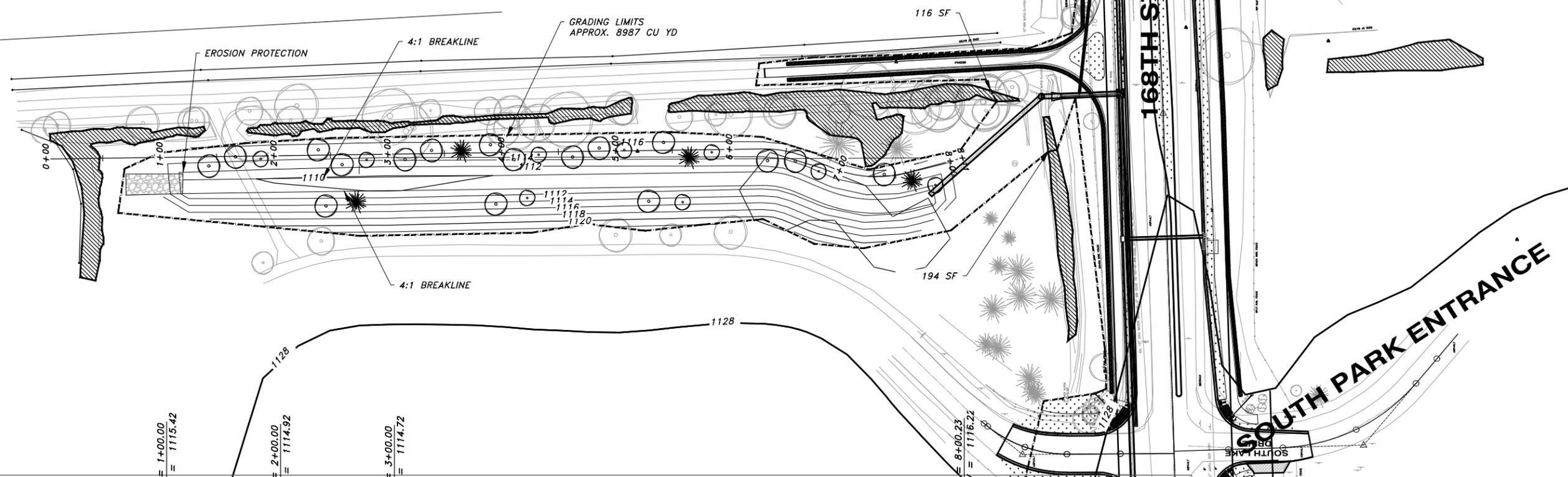
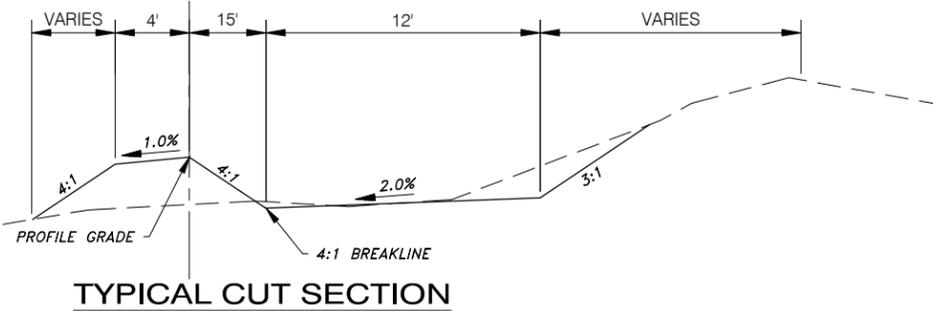
LOCATIONS SHOWN FOR TREE PLANTINGS ARE SUBJECT TO CHANGE BASED ON SITE REVIEW BY THE CITY OF OMAHA PARKS DEPARTMENT DURING CONSTRUCTION ACTIVITIES

SEEDING MIX FOR REVEGETATION WITHIN CONSTRUCTION LIMITS WILL CONSIST OF LOW-GROWING PERENNIALS AND GRASSES. SPECIFIC SEED MIXTURE AND LOCATIONS OF SEEDING APPLICATION ARE SUBJECT TO CHANGE BASED ON THE CITY OF OMAHA PARKS DEPARTMENT RECOMMENDATIONS DURING FINAL DESIGN

**NORTH WATER QUALITY  
BASIN TREE PLANTING PLAN**



**LAKE ZORINSKY**



THE PRELIMINARY APPROXIMATION FOR EMBANKMENT REQUIRED FOR CONSTRUCTION IN FLOOD POOL AREA IS 11,000 CU. YDS

LOCATIONS SHOWN FOR TREE PLANTINGS ARE SUBJECT TO CHANGE BASED ON SITE REVIEW BY THE CITY OF OMAHA PARKS DEPARTMENT DURING CONSTRUCTION ACTIVITIES

SEEDING MIX FOR REVEGETATION WITHIN CONSTRUCTION LIMITS WILL CONSIST OF LOW-GROWING PERENNIALS AND GRASSES. SPECIFIC SEED MIXTURE AND LOCATIONS OF SEEDING APPLICATION ARE SUBJECT TO CHANGE BASED ON THE CITY OF OMAHA PARKS DEPARTMENT RECOMMENDATIONS DURING FINAL DESIGN

**LEGEND**

- CONIFER TREE
- DECIDUOUS TREE

**SOUTH WATER QUALITY BASIN TREE PLANTING PLAN**



FILENAME: X:\\_C3D Vault Projects\OPW 51016\_168th-Combined\CAD\Source Drawings\OPW50417\_Drainage Tree Removal and Planting.dwg  
 DATE PLOTTED: 11/18/2016 9:15 AM DRAWN BY: LK/HUS PLOT SCALE: 1:2

**PUBLIC NOTICES**

**APPLICATION FOR REGISTRATION OF TRADE NAME**  
 Trade Name: Corwin Toyota of Bellevue  
 Name of Applicant: Corwin Imports of NE LLC  
 Address: 201 40th Street South, PO Box 3005 Fargo ND 58103-3005

Applicant is a Limited Liability Company. If other than an individual, state under whose laws entity was formed: North Dakota  
 Date of first use of name in Nebraska:  
 Date of filing: 04/24/2017  
 General nature of business: Motor vehicle dealership  
 /s/Daniel M. Wilson  
 Applicant or Legal Representative

**Bid Notice**

umboldt Table Rock teinauer Public schools will be accepting bids to erect a 30 x 0 foot metal shop building, including drainage and concrete work. There will be a meeting for those interested on May 8th at :30 PM in the Board conference room at 10 Central Ave. in umboldt. Contact herri Edmundson, Superintendent, no later than Tuesday, May 2nd or an information packet. sherriedmunds n@htrsttians.org or 02-862-2151.

**NOTICE OF ANNUAL MEETING OF MEMBERS OF PACIFIC MUTUAL HOLDING COMPANY**

The Pacific Mutual Holding Company 2017 Annual Meeting of Members (Annual Meeting) will be held on Wednesday, May 24, 2017, at 11:30 a.m., Pacific Time, at 700 Newport Center Drive, Newport Beach, California 92660 and is open to Pacific Life Insurance Company policyholders and contract holders as members of Pacific Mutual Holding Company. The purpose of the Annual Meeting is the election of directors to the Pacific Mutual Holding Company Board of Directors and such other business as may properly come before the meeting.  
 Jane M. Guon, Secretary

**PUBLIC NOTICE**

**NOTICE OF MEETING VETERANS' ADVISORY COMMISSION**

The Veterans' Advisory Commission will hold a meeting on Wednesday, May 10, 2017 at 9:00 a.m. at the Nebraska Department of Veterans' Affairs, 301 Centennial Mall South, 1st Floor, Lincoln, Nebraska.

copy of the agenda will be available during the hours of 8:00 a.m. to 5:00 p.m. at the Nebraska Department of Veterans' Affairs, State Office Building, 301



Nebraska State College System

**REQUEST FOR PROPOSALS NOTICE**

The Board of Trustees of the Nebraska State Colleges seeks proposals for an Information Security Risk Assessment (ISRA) of information technology systems in accordance with the terms of a Request for Proposal (RFP). A copy of the RFP may be obtained by contacting the Nebraska State College System Office, 1327 H Street, Suite 200, Lincoln, NE 68508; (402) 471-2505; or by email to [shotovv@nscs.edu](mailto:shotovv@nscs.edu). The RFP is also available online at [www.nscs.edu](http://www.nscs.edu). To be considered, proposals must be received by 2:00 p.m. CDT, Thursday, June 1, 2017.

**REQUEST FOR PROPOSAL Adaptive Signal Control Technology Project for the City of Omaha, Nebraska**

Recipients of this Request for Proposal (RFP) are invited to prepare and submit a responsive proposal for the selection and deployment of an adaptive signal control technology system along the following two corridors in the City of Omaha area: Project No. HSIP-6-7(180) C.N. 22482 Dodge Street and Project No. HSIP-5023(18) C.N. 22695 84th Street. After a review of submitted proposal(s) and an interview of shortlisted Vendor(s), the City will enter into a contract with a single Vendor.

The Request for Proposal documents can be downloaded from the following website: [www.douglascountypurchasing.org](http://www.douglascountypurchasing.org)

Written questions are due no later than 4:00 p.m. CDT, on April 26, 2017, and should be sent to the procurement contact, Eric Carlson at [eric.carlson@douglascounty-ne.gov](mailto:eric.carlson@douglascounty-ne.gov)

Questions should be plainly labeled "Questions for RFP on Adaptive Signal Control Technology".

You can easily sell your sofa or other furnishings. Place a Home Furnishings ad.

Omaha World Herald Classifieds (402) 342-6633

**Construction &**

**CITY OF OMAHA  
 NOTICE OF HIGHWAY PUBLIC HEARING  
 STPC-3811(1) and STPC-3811(2) 168<sup>th</sup> Street Improvements – Poppleton Avenue to Ehlers Street; CN 22209 and CN 22210  
 Thursday, May 11; 6:30 - 8:30 PM  
 Russell Middle School, 5304 S. 172<sup>nd</sup> Street, Omaha, NE**

The City of Omaha will hold a Public Hearing in an open house format regarding improvements to 168<sup>th</sup> Street from Poppleton Avenue to Ehlers Street (or more generally from Pacific Street to Q Street), in Omaha, Douglas County, Nebraska. The meeting will be held at Russell Middle School, on Thursday, May 11, 2017 and will include an Open House from 6:30-7:00 PM; a Formal Presentation from 7:00-7:30 PM; a Public Forum from 7:30-8:00 PM; and an Open House from 8:00-8:30.

The Public Hearing is being held to provide information to the public and receive input regarding the design and development of this project. Roadway and right-of-way plans will be further developed after the Public Hearing. The public is invited to attend and present comments and questions on the proposed project. Current design information will be displayed and personnel from the City of Omaha will be present to answer questions and receive comments.

A Draft Environmental Assessment (DEA) has been prepared for this project in accordance with regulations of the National Environmental Policy Act (NEPA). The DEA will be made available for review at the Public Hearing, and will also be available for review for a 30 day comment period, beginning on April 26, 2017 and ending on May 26, 2017.

The proposed project is identified as **STPC-3811(1) and STPC 3811(2) 168<sup>th</sup> Street Improvements**. The proposed design would consist of re-constructing approximately 1.5 miles of 168<sup>th</sup> Street, starting at Ehlers Street and extending north to just south of Oak Street, and approximately 0.80 miles of 168<sup>th</sup> Street starting at Gold Street and extending north to Poppleton Avenue. The intersections of 168<sup>th</sup> and West Center Road, Pacific Street, and Q Street would not be affected. The bridge over Zorinsky Lake would be rehabilitated and widened to allow for four lanes of vehicular traffic with a sidewalk on one side and a trail on the other. Federal funds would be used for the project, and the Federal Highway Administration (FHWA) is the lead federal agency.

The purpose of this project is to improve local and regional mobility by enhancing the vehicular transportation system and improving connectivity, reducing driver delays, and improving pedestrian accessibility along the 168<sup>th</sup> Street corridor. The project is needed due to insufficient roadway capacity, inadequate bridge conditions, discontinuity with adjacent roadways and intersections, and inadequate pedestrian facilities within the corridor.

The proposed project would remove and re-construct the existing two-lane asphalt roadways to four-lane concrete roadways with raised medians. Additional auxiliary lanes would be added to accommodate turning movements and to increase the traffic capacity of the roadways. Construction is anticipated to begin in 2020, and would continue through 2021. Additional project information will be available at the Public Hearing.

Other proposed features of the project include constructing new ADA compliant sidewalks and shared use paths, making traffic signal improvements, constructing noise walls and retaining walls, temporary impacts to fences and landscaping, re-location of utilities, and the replacement or extension of stormwater culverts.

The current designs will require the acquisition of new right-of-way (ROW), permanent maintenance easements, and temporary construction easements throughout the project area.

There would be minor impacts to recreational properties as part of this project. These impacts are being considered under Section 4(f) of the Department of Transportation Act, and require public review prior to being approved. Specifically, these impacts include temporary access restrictions to the Zorinsky Lake Trail, the lake itself, the passive recreational grassland areas, as well as active recreation areas such as shelters and baseball fields, as well as a minor use of land from Pinewood Park for the re-construction of a culvert and to raise the road grade. These impacts have been considered by the City of Omaha Parks and Recreation Department and the United States Corps of Engineers, but also require public consideration.

Raising the roadway would have minor impacts to the Dam Site 18 (Zorinsky Lake) flood storage capacity, which would be offset by excavation of two areas on the west side of 168<sup>th</sup> Street, both north and south of the lake itself. These areas would be converted into permanent stormwater detention basins, and would treat stormwater runoff from the roadway before entering Zorinsky Lake.

Impacts to Lakeside Hospital have been considered and coordination has taken place with the hospital and emergency service providers, including the Omaha Fire Department. Measures will be taken to direct traffic and minimize impacts to the public accessing the hospital.

The Public Hearing is set up such that participants can gather as much information as they desire and leave as they wish. The "Open House" portions of the hearing will allow the public to gather pertinent information about the project and speak one-on-one with project personnel. The "Formal Presentation" portion of the hearing will include a prepared presentation with maps and other information about the project so that all participants receive the same basic project information. The "Public Forum" will allow individuals to express their opinions to all assembled and to hear other participants' comments and opinions. Comments will be recorded at the hearing, and will also be accepted for 15 days following the hearing, or until May 26, 2017.

The City of Omaha will make every reasonable accommodation to provide an accessible meeting facility for all persons. Appropriate provisions for the hearing or visually challenged, or for persons with limited English proficiency (LEP) will be made if the City of Omaha is notified by May 4, 2017. Requests for accommodations, inquiries, and public comments should be submitted to:

Jon Meyer  
 Design Division, Omaha Public Works Department  
 1819 Farnam St, Suite 604  
 Omaha, NE 68183  
 402-444-4191, [Jon.Meyer@cityofomaha.org](mailto:Jon.Meyer@cityofomaha.org)

The DEA will be available for review at the following locations:

- City of Omaha Public Works, 1819 Farnam Street, 6th Floor, Omaha, NE
- City of Omaha Equipment Maintenance, 5225 Dayton St, Omaha, NE
- Millard Library, 13214 Westwood Lane, Omaha, NE
- NDOR District 2 Office, 108th Street, Omaha, NE
- NDOR Headquarters, 1500 Highway 2, Lincoln, NE
- FHWA Nebraska Division, 100 Centennial Mall North, Lincoln, NE

For more information, or to review the DEA, visit <https://publicworks.cityofomaha.org/public-works-projects> and click on "168<sup>th</sup> Street Poppleton to Ehlers"



City of Omaha  
Jean Stothert, Mayor

**Public Works Department**  
Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220  
Fax (402) 444-5248

**Robert G. Stubbe, P.E.**  
Public Works Director

Mr. Brook Bench, Director  
City of Omaha Parks, Recreation, and Public Property Department  
1819 Farnam St Suite 701  
Omaha, NE 68183

RE: Section 4(f) Compliance – 168<sup>th</sup> Street Improvements Project  
City of Omaha  
Project Numbers: STPC-3811(1) & STPC-3811(2)  
Control Numbers: 22209 & 22210

Dear Mr. Bench,

As an official with jurisdiction over the Zorinsky Lake Trail and the Edward Zorinsky Recreation Area, we are requesting your concurrence on the “use” of these resources in regards to Section 4(f) of the US Department of Transportation Act.

Specifically, we are requesting your concurrence that the temporary closure and reconfiguration of the Zorinsky Trail for the proposed 168<sup>th</sup> Street Improvements project would not adversely affect any protected activities, features, or attributes that make the properties eligible for Section 4(f) protection as defined in 23 CFR 774.17. The proposed project would temporarily close and reconfigure the existing segments of the Zorinsky Lake Trail adjacent to 168<sup>th</sup> Street, as well as construct new segments of trail and sidewalk to improve pedestrian and bike mobility. Additional details on the requirements of Section 4(f) and a description of the proposed impacts to the Zorinsky Trail and Edward Zorinsky Recreation Area are provided below.

#### **Section 4(f) Background**

Section 4(f) of the *U.S. Department of Transportation Act of 1966* states that the FHWA may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) **only if**

1. There is no prudent and feasible alternative to the use of land.
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

A “use” of a section 4(f) resource can be permanent (i.e. when land is actually incorporated into a transportation facility), temporary (i.e. when land is temporarily used for construction purposes and then restored), or constructive (i.e. where there is no physical use of the property, yet the proximity of the impacts to a nearby or adjacent property are so great that they substantially impair the property’s protected activities and features).

In order to qualify under Section 4(f) protection, a resource must meet the following criteria:

- Must be publicly owned;
- Must be open to the public;
- Major purpose must be for recreation; and
- Must be significant as a park or recreation area.

**Edward Zorinsky Recreation Area, Zorinsky Lake Trail, and Zorinsky Lake**

The property for Dam Site 18 is owned by the USACE. The Edward Zorinsky Recreation Area is managed by the City of Omaha, and is an overlay on top of the USACE owned land for Dam Site 18. Therefore, the recreation area boundaries are coincident with the property limits of the land owned by the Federal government. The recreation area totals 1,023 acres of land and water, with its boundaries generally extending from West Center Road at the northernmost limits to Rolling Ridge Road (north of Q Street) at its southernmost limits, and from 156<sup>th</sup> to 192<sup>nd</sup> Street. The west side of the recreation area (i.e. west of 168<sup>th</sup> Street) is primarily a mixture of moderately to heavily wooded land and open grassland areas, while the east side of the recreation is more heavily used for recreation and features more recreational facilities. The west side of the recreation area includes the western basin of Zorinsky Lake, the Zorinsky Lake Trail, a baseball complex, and two parking areas. The east side of the recreation area includes the main basin of Zorinsky Lake, an aquatic center, Bauermeister Prairie, three playgrounds, three soccer fields, the Zorinsky Lake Trail, a fishing dock, a boat ramp, three fishing jetties, picnic shelters, restroom facilities, and multiple parking areas.

The Zorinsky Lake Trail surrounds Zorinsky Lake for a total trail length of 7.4 miles. This trail also runs along both sides of 168<sup>th</sup> Street, and passes under the 168<sup>th</sup> Street bridge. The trail is generally split into an east and west side by 168<sup>th</sup> Street, but retains connectivity via the trail crossing under the 168<sup>th</sup> Street bridge. The 168<sup>th</sup> Street bridge also has a pedestrian crossing on the east side of the bridge which allows pedestrians and trail users to cross over Zorinsky Lake; there is not a pedestrian crossing on the west side of the bridge.

Boating is also a popular activity at the 255 acre lake; however, boats at Zorinsky Lake are restricted to 5 mph (no wake). Since it is a no wake lake, the primary recreational boating at Zorinsky Lake consists of canoeing, kayaking, and sailing, although fishing boats are often used on the lake as well. Boating primarily occurs in the east basin as it is larger, deeper, and more easily accessible than the west basin, and because the only boat ramp is located at the east basin. Boaters wanting to access the west basin must either pass under the Zorinsky Lake Bridge or launch their boat from the shores of the west basin. For this reason, larger boats are generally more restricted to the east basin.

### **Proposed Impacts**

For more details and explanations of the proposed impacts and mitigation commitments, please refer to the attached excerpt from the Draft Environmental Assessment, **Section 3.7, Parks, Recreation Areas, and Trails (Section 4(f) Resources)**.

#### *Dam Site 18/Edward Zorinsky Recreation Area Impacts*

The 168<sup>th</sup> Street Improvements project would require the placement of approximately 11,000 cu yds of fill material within the flood storage zone of Dam Site 18, in order to widen the road embankments to allow for a wider roadway and bridge as well as construct and reconfigure trails and sidewalks along 168<sup>th</sup> Street.

It is USACE Omaha District policy to have a balance of cut and fill, with no net loss of flood control storage on USACE reservoir lands. As such, USACE has requested the excavation of fill material from within the flood storage zone of Dam Site 18 (between 1110 mean sea level (msl) and 1128 msl) to offset the loss of flood storage capacity brought about by the 168<sup>th</sup> Street Improvements project.

Two excavation sites have been identified to meet the need to balance cut and fill and maintain the flood storage capacity at Dam Site 18. The excavation sites are located west of 168<sup>th</sup> Street at the northeast and southeast corners of the west basin of Zorinsky Lake. **Figure 3.12** in the attached excerpt from the Draft EA illustrates the general location of the excavation sites. Excavating on the west side of 168<sup>th</sup> Street would avoid impacts to the more heavily used recreational facilities on the east side the roadway. Excavation would occur in upland areas above the existing ordinary high water mark (OHWM) of Zorinsky Lake and outside of wetlands to the maximum extent possible. The excavation would include the removal of approximately 11,000 cu yds of fill material from within the flood storage zone, which would offset the amount of fill needed to be placed in this zone as part of the 168<sup>th</sup> Street Improvements project. Excavation activities would also involve tree removal. The excavated material would be used elsewhere on the project site if deemed suitable to meet the necessary fill requirements for the project. If the fill material is deemed unsuitable for project requirements, it would be hauled off-site. Upon completion, the excavation sites would be converted into stormwater detention areas, to improve the quality of the road runoff water before being released into Zorinsky Lake. Currently, storm water flows directly off the asphalt roadway, into roadside ditches, and empties into Zorinsky Lake with minimal filtration. The construction of these storm water detention areas will increase filtration, reduce sedimentation, and improve overall water quality in Zorinsky Lake.

#### *Zorinsky Lake Trail Impacts*

The proposed project would widen and reconstruct the roadway and bridge through Zorinsky Lake and Recreation Area (Zorinsky Lake recreation area). The proposed project would also reconfigure existing segments of the Zorinsky Lake Trail adjacent to 168<sup>th</sup> Street and construct new segments of trail and sidewalk to improve pedestrian and bike mobility. Additionally, the proposed project

would involve two excavation sites west of 168<sup>th</sup> Street at the northeast and southeast corners of the west basin of Zorinsky Lake. These construction activities would result in the need to temporarily close the Zorinsky Lake Trail. The proposed project would temporarily impact approximately one mile of the estimated 7.4-mile Zorinsky Lake Trail. Improvements to the Zorinsky Lake Trail include:

- Constructing a 10-foot-wide trail in place of the existing 8-foot-wide trail along the east and west sides of 168<sup>th</sup> Street through Zorinsky Recreation Area.
- Constructing a 7-foot-wide sidewalk for a west access connection to the bridge and constructing a 6-foot sidewalk on the west side of the bridge.
- Constructing a 12-foot-wide multi-use path on the east side of the bridge.
- Constructing sidewalks which provide connectivity from the north and south to the Zorinsky Lake Trail.
- Constructing a signalized at-grade crossing at the Zorinsky Lake South Access Road.

Upon project completion, the existing 10-foot-wide trails under the bridge on the north and south embankments would remain to provide connectivity between the east and west side of the trail.

**Figure 3.12** in the attached excerpt from the Draft EA illustrates the temporary and permanent trail impacts.

#### Zorinsky Lake Impacts

The Proposed Alternative would have minor, temporary impacts to boaters at Zorinsky Lake. During construction activities on the Zorinsky Lake Bridge, boats would not be allowed to pass under the bridge for safety reasons, which would prevent boats from moving freely between the east and west basins of Zorinsky Lake. The boat ramp is located at the southeast corner of the east basin of the lake, so boat access to the main basin would not be impacted. Although boaters would not be allowed to access the west basin via the bridge underpass, boating would still be allowed in the west basin. To access the west basin, boaters would be able to carry and launch their boat from the shorelines of the west basin. The closure of the bridge underpass would primarily impact larger boats as they would not be able to access the west basin; however, this is only a minor impact as the more utilized east basin of the lake would remain accessible throughout construction. The closure is anticipated to be in place for up to one year, with both projects taking approximately two years overall. The City's Parks, Recreation, and Public Property Department has been informed of the closure. They indicated that west basin is primarily used by fishermen, and that individuals would still be able to fish and launch small watercraft from the shores of the west basin.

#### **Measures to Minimize Harm**

The two excavation sites were selected in consultation with the USACE and the City of Omaha Parks, Recreation, and Public Property Department, and avoid impacts to wetlands, active recreation facilities (i.e. trails, parking lots, sports fields), as well as heavily wooded or landscaped areas. In addition, the

amount of excavation has been reduced from original estimates of nearly 40,000 cu yds, which would have been needed if the bridge over Zorinsky Lake would have been replaced. These avoidance and minimization efforts were made possible by the City of Omaha and the Nebraska Department of Roads agreeing to maintain an 8 foot clearance for the trails under 168<sup>th</sup> Street, instead of requiring 10 feet of clearance. In summary, the proposed project has included all possible planning to minimize harm to the recreation site. The existing trail crossing under 168<sup>th</sup> Street would remain open following construction and would have an 8 foot vertical clearance. Although the recommended clearance for trail crossings is 10 feet, meeting the recommended clearance would have resulted in the need to excavate upwards of 40,000 cubic yards (cu yds) of fill at Zorinsky Recreation Area; whereas utilizing the 8 foot minimum trail clearance results in approximately 11,000 cu yds of excavation. Utilizing the 8 foot clearance allows the trail to remain open following construction, and results in less excavation. The decision to maintain the 8 foot minimum vertical clearance for the trails under 168<sup>th</sup> Street was made in consultation with the City of Omaha Parks and Recreation Department and Nebraska Department of Roads.

A temporary at-grade crossing would be provided for trail users to maintain mobility between the east and west segments of the trail during construction. This temporary crossing would be located at the Zorinsky Lake North Access Road, and would be painted and signed during construction. Additionally, it is intended to have the signalized at-grade crossing at the Zorinsky Lake South Access Road completed prior to the closing of the trail under the bridge in order to maintain mobility between the east and west segments of the trail during construction. The signalized at-grade crossing would result in future improved mobility between the east and west segments upon completion of construction.

To minimize harm from the closure of boat access under the bridge, boats would be allowed to be put into the west basin using the parking lot on South Lake Access Road. The Parks Department indicated that providing a temporary boat ramp to mitigate the underpass closure was not desirable due to the cost and additional impacts from constructing a temporary ramp, as well as the need to cross Zorinsky Lake Trail when launching boats from the ramp (Dennis Bryers, personal communication, October 19, 2016). The action of temporarily closing the bridge underpass to boaters would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

In summary, the proposed project has included all possible planning to minimize harm to the recreation site.

#### **Section 4(f) De Minimis Determination**

The Edward Zorinsky Recreation Area is a public park used primarily for recreation. As such, the park qualifies for certain protections under Section 4(f) of the Department of Transportation Act. FHWA, in cooperation with the official with jurisdiction over the property, is responsible for making all decisions related to Section 4(f) compliance. FHWA may approve the use of a Section 4(f) resource if it is determined that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant will have a *de minimis* impact on the property (23 CFR 774.3(b)). 23 CFR 774.17 defines a *de minimis* impact for parks,

recreation areas and wildlife and waterfowl refuges as one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The excavation sites do not contain any active recreational features, and are in areas that are otherwise not generally used for recreation. The proposed excavation is necessary to maintain the flood storage capacity of Dam Site 18, and satisfies USACE requirements to balance cut and fill at reservoir projects. Although trees would be removed within the recreation area, they would be mitigated according to the City of Omaha Parks and Recreation Department mitigation policy and the Green Streets Plan for Omaha at an alternate location within the property. Additionally, the conversion of the excavation sites to storm water detention areas would improve water quality in Zorinsky Lake by reducing the amount of sediment and other pollutants entering the lake from the roadway runoff. Based upon the minor nature of the excavation in comparison to the overall property, as well as the water quality improvements to Zorinsky Lake, it appears that the 168<sup>th</sup> Street Improvements project would have no adverse effects and would qualify for a *de minimis* determination for the Edward Zorinsky Recreation Area.

The Zorinsky Lake Trail is a shared-use path designated primarily for recreation. As such, the Zorinsky Lake Trail qualifies for certain protections under Section 4(f). Based upon the impacts and improvements to the Zorinsky Lake Trail stated above, it appears that the 168<sup>th</sup> Street Improvements project would have no adverse effects and qualify for a *de minimis* determination for the Zorinsky Lake Trail.

Zorinsky Lake is a recreational waterway, used by boaters and anglers. As such, it qualifies for certain protections under Section 4(f). Based on the impacts and measures to minimize harm during construction as stated above, it appears that the 168<sup>th</sup> Street Improvements project would have no adverse effects and qualify for a *de minimis* determination for the lake itself.

A Public Hearing was held on May 11, 2017 and a public comment period for the Draft EA ran from April 26, 2017 to May 25, 2017. Comments received have been provided to your office electronically via email.

We would appreciate a response on these matters within 30 days. If you need any further information or wish to discuss the project, please contact me at 402-444-4191.

Sincerely,



Jon Meyer, City of Omaha Public Works  
Responsible Charge

**Concurrence**

The City of Omaha Public Works Department is requesting the City of Omaha's Department of Parks, Recreation and Public Property, as the Official with Jurisdiction over the Zorinsky Lake Recreation Area, Zorinsky Lake, and the Zorinsky Lake Trail, to concur that the proposed 168<sup>th</sup> Street Improvements Project would not adversely affect any protected activities, features, or attributes that make these properties eligible for Section 4(f) protection. Please acknowledge your concurrence by signing on the line below.

  
\_\_\_\_\_  
Official with Jurisdiction

  
\_\_\_\_\_  
Date



City of Omaha  
Jean Stothert, Mayor

**Public Works Department**  
Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220  
Fax (402) 444-5248

**Robert G. Stubbe, P.E.**  
Public Works Director

U.S. Army Corps of Engineers  
Missouri River Project Office  
9901 John J Pershing Drive  
Omaha, NE 68112-1547

RE: Section 4(f) Concurrence – 168th Street Improvements Project  
City of Omaha  
Project Numbers: STPC-3811(1) & STPC-3811(2)  
Control Numbers: 22209 & 22210

Dear Mr. David F. Sobczyk,

As an official with jurisdiction over Papillion Creek Dam Site 18, also known as Zorinsky Lake and Edward Zorinsky Recreation Area, we are requesting your concurrence on the “use” of this resource in regards to Section 4(f) of the US Department of Transportation Act.

Specifically, we are requesting your concurrence that the “use” of land at Edward Zorinsky Recreation Area for the proposed 168th Street Improvements project would not adversely affect any protected activities, features, or attributes that make the properties eligible for Section 4(f) protection as defined in 23 CFR 774.17. The proposed project would impact approximately 4 acres of land by excavating approximately 11,000 cubic yards (cu yds) of fill material (i.e. soil) in order to maintain the flood storage capacity of Dam Site 18. Following excavation, these sites would be converted into permanent stormwater detention areas to improve the quality of runoff from the roadway before being released into Zorinsky Lake. Additional details on the requirements of Section 4(f) and a description of the proposed impacts are provided below.

#### **Section 4(f) Background**

Section 4(f) of the *U.S. Department of Transportation Act of 1966* states that the FHWA may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) **only if**

1. There is no prudent and feasible alternative to the use of land.
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

A “use” of a section 4(f) resource can be permanent (i.e. when land is actually incorporated into the transportation facility), temporary (i.e. when land is temporarily used for construction purposes and then restored), or constructive (i.e. where there is no physical use of the property, yet the proximity of the impacts to a nearby or adjacent property are so great that they substantially impair the property’s protected activities and features).

In order to qualify under Section 4(f) protection, a resource must meet the following criteria:

- Must be publicly owned;
- Must be open to the public;
- Major purpose must be for recreation; and
- Must be significant as a park or recreation area.

**Edward Zorinsky Recreation Area, Zorinsky Lake Trail, and Zorinsky Lake**

The property for Dam Site 18 is owned by the USACE. The Edward Zorinsky Recreation Area is managed by the City of Omaha, and is an overlay on top of the USACE owned land for Dam Site 18. Therefore, the recreation area boundaries are coincident with the property limits of the land owned by the Federal government. The recreation area totals 1,023 acres of land and water, with its boundaries generally extending from West Center Road at the northernmost limits to Rolling Ridge Road (north of Q Street) at its southernmost limits, and from 156th to 192nd Street. The west side of the recreation area (i.e. west of 168th Street) is primarily a mixture of moderately to heavily wooded land and open grassland areas, while the east side of the recreation is more heavily used for recreation and features more recreational facilities. The west side of the recreation area includes the western basin of Zorinsky Lake, the Zorinsky Lake Trail, a baseball complex, and two parking areas. The east side of the recreation area includes the main basin of Zorinsky Lake, an aquatic center, Bauermeister Prairie, three playgrounds, three soccer fields, the Zorinsky Lake Trail, a fishing dock, a boat ramp, three fishing jetties, picnic shelters, restroom facilities, and multiple parking areas.

The Zorinsky Lake Trail surrounds Zorinsky Lake for a total trail length of 7.4 miles. This trail also runs along both sides of 168th Street, and passes under the 168th Street bridge. The trail is generally split into an east and west side by 168th Street, but retains connectivity via the trail crossing under the 168th Street bridge. The 168th Street bridge also has a pedestrian crossing on the east side of the bridge which allows pedestrians and trail users to cross over Zorinsky Lake; there is not a pedestrian crossing on the west side of the bridge.

Boating is also a popular activity at the 255 acre lake; however, boats at Zorinsky Lake are restricted to 5 mph (no wake). Since it is a no wake lake, the primary recreational boating at Zorinsky Lake consists of canoeing, kayaking, and sailing, although fishing boats are often used on the lake as well. Boating primarily occurs in the east basin as it is larger, deeper, and more easily accessible than the west basin, and because the only boat ramp is located at the east basin. Boaters wanting to access the west basin

must either pass under the Zorinsky Lake Bridge or launch their boat from the shores of the west basin. For this reason, larger boats are generally more restricted to the east basin.

### **Proposed Impacts**

For more details and explanations of the proposed impacts and mitigation commitments, please refer to the attached excerpt from the Draft Environmental Assessment, **Section 3.7, Parks, Recreation Areas, and Trails (Section 4(f) Resources)**.

The underlying reason for the proposed impacts and excavation is to offset the placement of fill material for the reconstruction of 168th Street through Dam Site 18. This related action is exempt from Section 4(f) requirements because 168th Street was an existing Douglas County road when Dam Site 18 was originally built, and the USACE entered into an agreement with the county to allow them to make future improvements to the roadway. This agreement was subsequently transferred to the City of Omaha, and specifically grants a 250 foot wide easement for the maintenance, construction, and improvement of 168th Street through the land owned by the USACE. The Section 4(f) impacts described below occur outside this easement, or affect areas outside this easement, hence the request for your concurrence.

### **Dam Site 18/Edward Zorinsky Recreation Area Impacts**

The 168th Street Improvements project would require the placement of approximately 11,000 cu yds of fill material within the flood storage zone of Dam Site 18, in order to widen the road embankments to allow for a wider roadway and bridge as well as construct and reconfigure trails and sidewalks along 168th Street.

It is USACE Omaha District policy to have a balance of cut and fill, with no net loss of flood control storage on USACE reservoir lands. As such, USACE has requested the excavation of fill material from within the flood storage zone of Dam Site 18 (between 1110 mean sea level (msl) and 1128 msl) to offset the loss of flood storage capacity brought about by the 168th Street Improvements project.

Two excavation sites have been identified to meet the need to balance cut and fill and maintain the flood storage capacity at Dam Site 18. The excavation sites are located west of 168th Street at the northeast and southeast corners of the west basin of Zorinsky Lake. Figure 3.12 in the attached excerpt from the Draft EA illustrates the general location of the excavation sites. Excavating on the west side of 168th Street would avoid impacts to the more heavily used recreational facilities on the east side the roadway. Excavation would occur in upland areas above the existing ordinary high water mark (OHWM) of Zorinsky Lake and outside of wetlands to the maximum extent possible. The excavation would include the removal of approximately 11,000 cu yds of fill material from within the flood storage zone, which would offset the amount of fill needed to be placed in this zone as part of the 168th Street Improvements project. Excavation activities would also involve tree removal. The excavated material would be used

elsewhere on the project site if deemed suitable to meet the necessary fill requirements for the project. If the fill material is deemed unsuitable for project requirements, it would be hauled off-site. Upon completion, the excavation sites would be converted into stormwater detention areas, to improve the quality of the road runoff water before being released into Zorinsky Lake. Currently, storm water flows directly off the asphalt roadway, into roadside ditches, and empties into Zorinsky Lake with minimal filtration. The construction of these storm water detention areas will increase filtration, reduce sedimentation, and improve overall water quality in Zorinsky Lake.

#### Zorinsky Lake Trail Impacts

The proposed project would widen and reconstruct the roadway and bridge through Zorinsky Lake and Recreation Area (Zorinsky Lake recreation area). The proposed project would also reconfigure existing segments of the Zorinsky Lake Trail adjacent to 168th Street and construct new segments of trail and sidewalk to improve pedestrian and bike mobility. Additionally, the proposed project would involve two excavation sites west of 168th Street at the northeast and southeast corners of the west basin of Zorinsky Lake. These construction activities would result in the need to temporarily close the Zorinsky Lake Trail. The proposed project would temporarily impact approximately one mile of the estimated 7.4-mile Zorinsky Lake Trail. Improvements to the Zorinsky Lake Trail include:

- Constructing a 10-foot-wide trail in place of the existing 8-foot-wide trail along the east and west sides of 168th Street through Zorinsky Recreation Area.
- Constructing a 7-foot-wide sidewalk for a west access connection to the bridge and constructing a 6-foot sidewalk on the west side of the bridge.
- Constructing a 12-foot-wide multi-use path on the east side of the bridge.
- Constructing sidewalks which provide connectivity from the north and south to the Zorinsky Lake Trail.
- Constructing a signalized at-grade crossing at the Zorinsky Lake South Access Road.

Upon project completion, the existing 10-foot-wide trails under the bridge on the north and south embankments would remain to provide connectivity between the east and west side of the trail. **Figure 3.12** in the attached excerpt from the Draft EA illustrates the temporary and permanent trail impacts.

#### Zorinsky Lake Impacts

The Proposed Alternative would have minor, temporary impacts to boaters at Zorinsky Lake. During construction activities on the Zorinsky Lake Bridge, boats would not be allowed to pass under the bridge for safety reasons, which would prevent boats from moving freely between the east and west basins of Zorinsky Lake. The boat ramp is located at the southeast corner of the east basin of the lake, so boat access to the main basin would not be impacted. Although

boaters would not be allowed to access the west basin via the bridge underpass; boating would still be allowed in the west basin. To access the west basin, boaters would be able to carry and launch their boat from the shorelines of the west basin. The closure of the bridge underpass would primarily impact larger boats as they would not be able to access the west basin; however, this is only a minor impact as the more utilized east basin of the lake would remain accessible throughout construction. The closure is anticipated to be in place for up to one year, with both projects taking approximately two years overall. The City's Parks, Recreation, and Public Property Department has been informed of the closure. They indicated that west basin is primarily used by fishermen, and that individuals would still be able to fish and launch small watercraft from the shores of the west basin.

### **Measures to Minimize Harm**

The two excavation sites were selected in consultation with the USACE and the City of Omaha Parks, Recreation, and Public Property Department, and avoid impacts to wetlands, active recreation facilities (i.e. trails, parking lots, sports fields), as well as heavily wooded or landscaped areas. In addition, the amount of excavation has been reduced from original estimates of nearly 40,000 cu yds, which would have been needed if the bridge over Zorinsky Lake would have been replaced. These avoidance and minimization efforts were made possible by the City of Omaha and the Nebraska Department of Roads agreeing to maintain an 8 foot clearance for the trails under 168th Street, instead of requiring 10 feet of clearance. In summary, the proposed project has included all possible planning to minimize harm to the recreation site. The existing trail crossing under 168th Street would remain open following construction and would have an 8 foot vertical clearance. Although the recommended clearance for trail crossings is 10 feet, meeting the recommended clearance would have resulted in the need to excavate upwards of 40,000 cubic yards (cu yds) of fill at Zorinsky Recreation Area; whereas utilizing the 8 foot minimum trail clearance results in approximately 11,000 cu yds of excavation. Utilizing the 8 foot clearance allows the trail to remain open following construction, and results in less excavation. The decision to maintain the 8 foot minimum vertical clearance for the trails under 168th Street was made in consultation with the City of Omaha Parks and Recreation Department and Nebraska Department of Roads.

A temporary at-grade crossing would be provided for trail users to maintain mobility between the east and west segments of the trail during construction. This temporary crossing would be located at the Zorinsky Lake North Access Road, and would be painted and signed during construction. Additionally, it is intended to have the signalized at-grade crossing at the Zorinsky Lake South Access Road completed prior to the closing of the trail under the bridge in order to maintain mobility between the east and west segments of the trail during construction. The signalized at-grade crossing would result in future improved mobility between the east and west segments upon completion of construction.

To minimize harm from the closure of boat access under the bridge, boats would be allowed to be put into the west basin using the parking lot on South Lake Access Road. The Parks Department indicated that providing a temporary boat ramp to mitigate the underpass closure was not desirable due to the

cost and additional impacts from constructing a temporary ramp, as well as the need to cross Zorinsky Lake Trail when launching boats from the ramp (Dennis Bryers, personal communication, October 19, 2016). The action of temporarily closing the bridge underpass to boaters would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

In summary, the proposed project has included all possible planning to minimize harm to the recreation site.

#### **Section 4(f) De Minimis Determination**

The Edward Zorinsky Recreation Area is a public park used primarily for recreation. As such, the park qualifies for certain protections under Section 4(f) of the Department of Transportation Act. FHWA, in cooperation with the official with jurisdiction over the property, is responsible for making all decisions related to Section 4(f) compliance. FHWA may approve the use of a Section 4(f) resource if it is determined that, after taking into consideration public input, the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant will have a *de minimis* impact on the property (23 CFR 774.3(b)). 23 CFR 774.17 defines a *de minimis* impact for parks, recreation areas and wildlife and waterfowl refuges as one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The excavation sites do not contain any active recreational features, and are in areas that are otherwise not generally used for recreation. The proposed excavation is necessary to maintain the flood storage capacity of Dam Site 18, and satisfies USACE requirements to balance cut and fill at reservoir projects. Although trees would be removed within the recreation area, they would be mitigated according to the City of Omaha Parks and Recreation Department mitigation policy and the *Green Streets Plan for Omaha* at an alternate location within the property. Additionally, the conversion of the excavation sites to storm water detention areas would improve water quality in Zorinsky Lake by reducing the amount of sediment and other pollutants entering the lake from the roadway runoff. Based upon the minor nature of the excavation in comparison to the overall property, as well as the water quality improvements to Zorinsky Lake, it appears that the 168th Street Improvements project would have no adverse effects and would qualify for a *de minimis* determination for the Edward Zorinsky Recreation Area.

The Zorinsky Lake Trail is a shared-use path designated primarily for recreation. As such, the Zorinsky Lake Trail qualifies for certain protections under Section 4(f). Based upon the impacts and improvements to the Zorinsky Lake Trail stated above, it appears that the 168th Street Improvements project would have no adverse effect and qualify for a *de minimis* determination for the Zorinsky Lake Trail.

Zorinsky Lake is a recreational waterway, used by boaters and anglers. As such, it qualifies for certain protections under Section 4(f). Based on the impacts and measures to minimize harm during construction as stated above, it appears that the 168th Street Improvements project would have no adverse effects and qualify for a *de minimis* determination for the lake itself.

A Public Hearing was held on May 11, 2017 and a public comment period for the Draft EA ran from April 26, 2017 to May 25, 2017. Comments received have been provided to your office electronically via email.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact me at 402-444-4191.

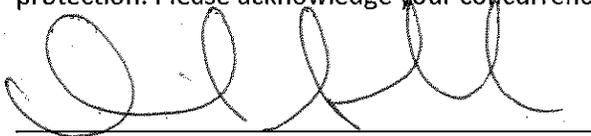
Sincerely,



Jon Meyer, City of Omaha Public Works  
Responsible Charge

**Concurrence**

The City of Omaha Public Works Department is requesting the U.S. Army Corps of Engineers, as the Official with Jurisdiction over the Zorinsky Lake Recreation Area, Zorinsky Lake, and the Zorinsky Lake Trail, to concur that the proposed 168<sup>th</sup> Street Improvements Project would not adversely affect any protected activities, features, or attributes that make these properties eligible for Section 4(f) protection. Please acknowledge your concurrence by signing on the line below.



Official with Jurisdiction

10/3/17

Date



## Section 4(f) *De Minimis* Form

May 20, 2015 (rev. 7/11/2017)

Project Name

168th Street Improvements

Project Number

STPC-3811(1) & STPC-3811(2)

Control No.

22209 and 22210

Project Location (Town, County, Street)

Omaha, Douglas County, NE (168th Street from Q Street to Pacific Street)

Project Description

The proposed design would consist of re-constructing approximately 1.5 miles of 168th Street, starting at Ehlers Street and extending north to just south of Oak Street, and approximately 0.80 miles of 168th Street starting at Gold Street and extending north to Poppleton Avenue. The intersections of 168th and West Center Road, Pacific Street, and Q Street would not be affected. The bridge over Zorinsky Lake would be rehabilitated and widened to allow for four lanes of vehicular traffic with a sidewalk on one side and a trail on the other. The proposed project would remove and re-construct the existing two-lane asphalt roadways to four-lane concrete roadways with raised medians. Additional auxiliary lanes would be added to accommodate turning movements and to increase the traffic capacity of the roadways. Other proposed features of the project include constructing new ADA compliant sidewalks and shared use paths, making traffic signal improvements, constructing noise walls and retaining walls, temporary impacts to fences and landscaping, re-location of utilities, and the replacement or extension of stormwater culverts. The current designs would require the acquisition of new right-of-way (ROW), permanent maintenance easements, and temporary construction easements throughout the project area. For more details see the Draft EA approved by FHWA on 2/27/17.

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

Zorinsky Lake Trail

Official(s) with Jurisdiction

City of Omaha Parks, Recreation, and Public Property Department; United States Army Corps of Engineers

Total Property Size (in acres)

7.4 miles

Permanent Impact (in acres)

none

Temporary Impact (in acres)

approximately 1 mile

Property Description

The Zorinsky Lake Trail surrounds Zorinsky Lake for a total trail length of 7.4 miles. This trail also runs along both sides of 168th Street, and passes under the 168th Street bridge. The trail is generally split into an east and west side by 168th Street, but retains connectivity via the trail crossing under the 168th Street bridge. The 168th Street bridge also has a pedestrian crossing on the east side of the bridge which allows pedestrians and trail users to cross over Zorinsky Lake; there is not a pedestrian crossing on the west side of the bridge.

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

---

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

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

N/A

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

Yes  No

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

Yes  No

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

Yes  No

Date(s):

5/11/2017

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

Yes  No

Date(s):

9/27/2017; 10/3/2017

---

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

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

N/A

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

Yes  No

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

Yes  No

PQS Date

SHPO Date

THPO Date

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

---

## C. Additional Information

### Description of Use (Temporary and/or Permanent)

The proposed project would widen and reconstruct the roadway and bridge through Zorinsky Lake and Recreation Area (Zorinsky Lake recreation area). The proposed project would also reconfigure existing segments of the Zorinsky Lake Trail adjacent to 168th Street and construct new segments of trail and sidewalk to improve pedestrian and bike mobility. Additionally, the proposed project would involve two excavation sites west of 168th Street at the northeast and southeast corners of the west basin of Zorinsky Lake. These construction activities would result in the need to temporarily close the Zorinsky Lake Trail. The proposed project would temporarily impact approximately one mile of the estimated 7.4-mile Zorinsky Lake Trail. Improvements to the Zorinsky Lake Trail include:

- Constructing a 10-foot-wide trail in place of the existing 8-foot-wide trail along the east and west sides of 168th Street through Zorinsky Recreation Area.
- Constructing a 7-foot-wide sidewalk for a west access connection to the bridge and constructing a 6-foot sidewalk on the west side of the bridge.
- Constructing a 12-foot-wide multi-use path on the east side of the bridge.
- Constructing sidewalks which provide connectivity from the north and south to the Zorinsky Lake Trail.
- Constructing a signalized at-grade crossing at the Zorinsky Lake South Access Road.

Upon project completion, the existing 10-foot-wide trails under the bridge on the north and south embankments would remain to provide connectivity between the east and west side of the trail. Figure 3.12 in the attached excerpt from the Draft EA illustrates the temporary and permanent trail impacts.

### Avoidance, Minimization, and Mitigation Measures

A temporary at-grade crossing would be provided for trail users to maintain mobility between the east and west segments of the trail during construction. This temporary crossing would be located at the Zorinsky Lake North Access Road, and would be painted and signed during construction. Additionally, it is intended to have the signalized at-grade crossing at the Zorinsky Lake South Access Road completed prior to the closing of the trail under the bridge in order to maintain mobility between the east and west segments of the trail during construction. The signalized at-grade crossing would result in future improved mobility between the east and west segments upon completion of construction.

### Comments

The Zorinsky Lake Trail is a public park used primarily for recreation. As such, the trail qualifies for certain protections under Section 4(f) of the Department of Transportation Act. FHWA, in cooperation with the official with jurisdiction over the property, is responsible for making all decisions related to Section 4(f) compliance. FHWA may approve the use of a Section 4(f) resource if it is determined that, after taking into consideration public input, the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant will have a de minimis impact on the property (23 CFR 774.3(b)). 23 CFR 774.17 defines a de minimis impact for parks, recreation areas and wildlife and waterfowl refuges as one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The Zorinsky Lake Trail is a shared-use path designated primarily for recreation. As such, the Zorinsky Lake Trail qualifies for certain protections under Section 4(f). Based upon the impacts and improvements to the Zorinsky Lake Trail stated above, it appears that the 168th Street Improvements project would result in a de minimis impact to the Zorinsky Lake Trail.

A public comment period was open from April 26 to May 26, 2017. A Public Hearing was held on May 11, 2017. Impacts to 4(f) properties were disclosed, and comments were taken during and following the meeting. No substantive comments regarding Zorinsky Lake Trail were received. The Public Notice is attached.

**De Minimis Documentation**

Are detailed maps included, showing current and proposed right-of-way, property boundaries, access, and existing and planned property features?

Yes  No

Is documentation of public involvement attached?

Yes  No  N/A (for historic resources)

Is concurrence from the Official(s) with Jurisdiction (and Consulting Parties, for historic properties) attached?

Yes  No

Additional Attachments (If Applicable)

[Empty box for additional attachments]

**Approval Signatures**

The project involves a *de minimis* use of the Section 4(f) property. Harm to the park, recreation land, wildlife or waterfowl refuge, or historic property has been avoided or mitigated to minimize impacts to the qualifying characteristics and/or functions of the resource. Based on the scope of the undertaking, the fact that the undertaking does not adversely affect the function/qualities of the Section 4(f) property on a permanent or temporary basis, and with agreement from the Official(s) with Jurisdiction, the proposed action constitutes a *de minimis* use.

**Preparer**

**Date:**

 Craig Mielke, PWS

10/4/2017

**NDOT Environmental Manager**

**Date:**

[Empty box for NDOT Environmental Manager signature]

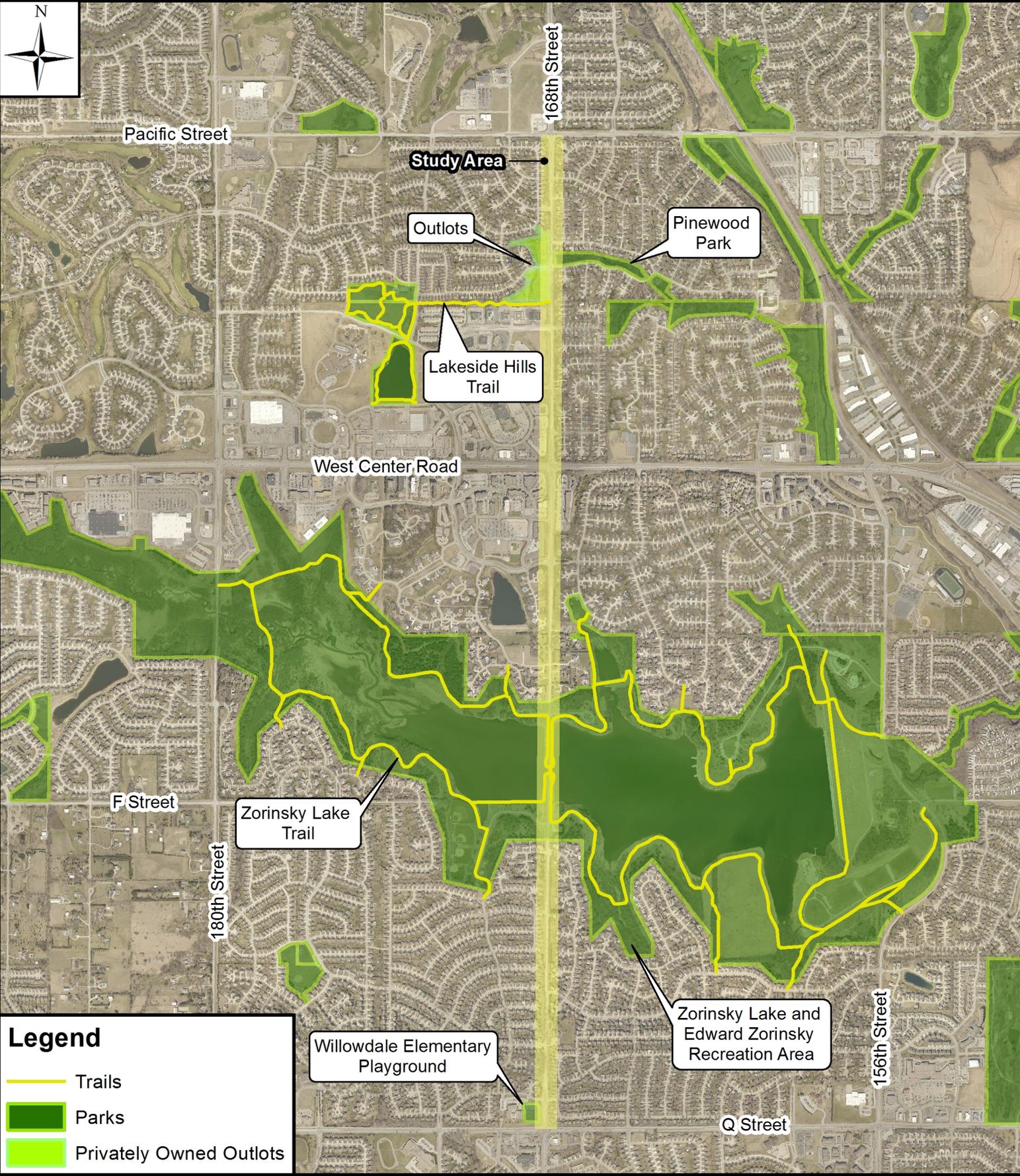
[Empty box for NDOT Environmental Manager date]

**FHWA Environmental**

**Date:**

[Empty box for FHWA Environmental signature]

[Empty box for FHWA Environmental date]



**Legend**

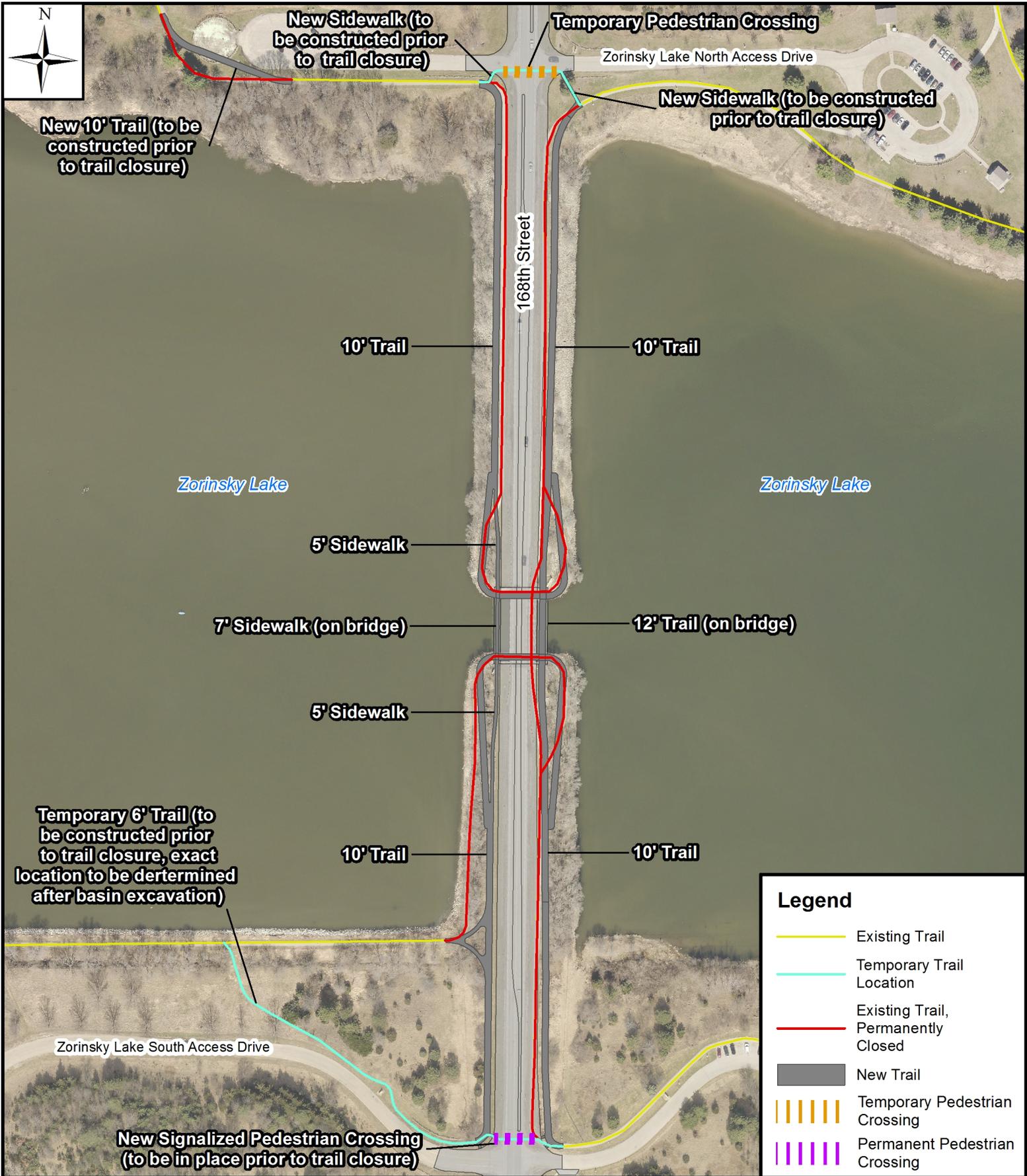
-  Trails
-  Parks
-  Privately Owned Outlots

**PARKS AND TRAILS**

0 1,000 2,000  
Feet

STPC-3811(1) CN:22209  
STPC-3811(2) CN:22210

168th Street - Poppleton Ave to Ehlers St  
Omaha, Douglas County, NE



**PUBLIC NOTICES**

**APPLICATION FOR REGISTRATION OF TRADE NAME**  
 Trade Name: Corwin Toyota of Bellevue  
 Name of Applicant: Corwin Imports of NE LLC  
 Address: 201 40th Street South, PO Box 3005 Fargo ND 58103-3005

Applicant is a Limited Liability Company. If other than an individual, state under whose laws entity was formed: North Dakota  
 Date of first use of name in Nebraska:   
 Date of filing: 04/24/2017  
 General nature of business: Motor vehicle dealership  
 /s/Daniel M. Wilson  
 Applicant or Legal Representative

**Bid Notice**

umboldt Table Rock teinauer Public hools will be accept- ing bids to erect a 30 x 0 foot metal shop uilding, including rainage and concrete ork. There will be a meeting for those in- terested on May 8th at :30 PM in the Board onference room at 10 Central Ave. in umboldt. Contact herri Edmondson, Superintendent, no later than Tuesday, May 2nd or an information cket. sherriedmonds n@htrsttians.org or 02-862-2151.

**NOTICE OF ANNUAL MEETING OF MEMBERS OF PACIFIC MUTUAL HOLDING COMPANY**

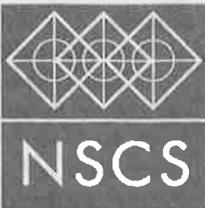
The Pacific Mutual Holding Company 2017 Annual Meeting of Members (Annual Meeting) will be held on Wednesday, May 24, 2017, at 11:30 a.m., Pacific Time, at 700 Newport Center Drive, Newport Beach, California 92660 and is open to Pacific Life Insurance Company policyholders and contract holders as members of Pacific Mutual Holding Company. The purpose of the Annual Meeting is the election of directors to the Pacific Mutual Holding Company Board of Directors and such other business as may properly come before the meeting.  
 Jane M. Guon, Secretary

**PUBLIC NOTICE**

**NOTICE OF MEETING VETERANS' ADVISORY COMMISSION**

The Veterans' Advisory Commission will hold a meeting on Wednesday, May 10, 2017 at 9:00 a.m. at the Nebraska Department of Veterans' Affairs, 301 Centennial Mall South, 1st Floor, Lincoln, Nebraska.

copy of the agenda will be available during the hours of 8:00 a.m. to 5:00 p.m. at the Nebraska Department of Veterans' Affairs, State Office Building, 301



Nebraska State College System

**REQUEST FOR PROPOSALS NOTICE**

The Board of Trustees of the Nebraska State Colleges seeks proposals for an Information Security Risk Assessment (ISRA) of information technology systems in accordance with the terms of a Request for Proposal (RFP). A copy of the RFP may be obtained by contacting the Nebraska State College System Office, 1327 H Street, Suite 200, Lincoln, NE 68508; (402) 471-2505; or by email to [shotovv@nscs.edu](mailto:shotovv@nscs.edu). The RFP is also available online at [www.nscs.edu](http://www.nscs.edu). To be considered, proposals must be received by 2:00 p.m. CDT, Thursday, June 1, 2017.

**REQUEST FOR PROPOSAL Adaptive Signal Control Technology Project for the City of Omaha, Nebraska**

Recipients of this Request for Proposal (RFP) are invited to prepare and submit a responsive proposal for the selection and deployment of an adaptive signal control technology system along the following two corridors in the City of Omaha area: Project No. HSIP-6-7(180) C.N. 22482 Dodge Street and Project No. HSIP-5023(18) C.N. 22695 84th Street. After a review of submitted proposal(s) and an interview of shortlisted Vendor(s), the City will enter into a contract with a single Vendor.

The Request for Proposal documents can be downloaded from the following website: [www.douglascountypurchasing.org](http://www.douglascountypurchasing.org)

Written questions are due no later than 4:00 p.m. CDST, on April 26, 2017, and should be sent to the procurement contact, Eric Carlson at [eric.carlson@douglascounty-ne.gov](mailto:eric.carlson@douglascounty-ne.gov)

Questions should be plainly labeled "Questions for RFP on Adaptive Signal Control Technology".

You can easily sell your sofa or other furnishings. Place a Home Furnishings ad.

Omaha World Herald Classifieds (402) 342-6633

**Construction &**

**CITY OF OMAHA  
 NOTICE OF HIGHWAY PUBLIC HEARING  
 STPC-3811(1) and STPC-3811(2) 168<sup>th</sup> Street Improvements –  
 Poppleton Avenue to Ehlers Street; CN 22209 and CN 22210  
 Thursday, May 11; 6:30 - 8:30 PM  
 Russell Middle School, 5304 S. 172<sup>nd</sup> Street, Omaha, NE**

The City of Omaha will hold a Public Hearing in an open house format regarding improvements to 168<sup>th</sup> Street from Poppleton Avenue to Ehlers Street (or more generally from Pacific Street to Q Street), in Omaha, Douglas County, Nebraska. The meeting will be held at Russell Middle School, on Thursday, May 11, 2017 and will include an Open House from 6:30-7:00 PM; a Formal Presentation from 7:00-7:30 PM; a Public Forum from 7:30-8:00 PM; and an Open House from 8:00-8:30.

The Public Hearing is being held to provide information to the public and receive input regarding the design and development of this project. Roadway and right-of-way plans will be further developed after the Public Hearing. The public is invited to attend and present comments and questions on the proposed project. Current design information will be displayed and personnel from the City of Omaha will be present to answer questions and receive comments.

A Draft Environmental Assessment (DEA) has been prepared for this project in accordance with regulations of the National Environmental Policy Act (NEPA). The DEA will be made available for review at the Public Hearing, and will also be available for review for a 30 day comment period, beginning on April 26, 2017 and ending on May 26, 2017.

The proposed project is identified as **STPC-3811(1) and STPC 3811(2) 168<sup>th</sup> Street Improvements**. The proposed design would consist of re-constructing approximately 1.5 miles of 168<sup>th</sup> Street, starting at Ehlers Street and extending north to just south of Oak Street, and approximately 0.80 miles of 168<sup>th</sup> Street starting at Gold Street and extending north to Poppleton Avenue. The intersections of 168<sup>th</sup> and West Center Road, Pacific Street, and Q Street would not be affected. The bridge over Zorinsky Lake would be rehabilitated and widened to allow for four lanes of vehicular traffic with a sidewalk on one side and a trail on the other. Federal funds would be used for the project, and the Federal Highway Administration (FHWA) is the lead federal agency.

The purpose of this project is to improve local and regional mobility by enhancing the vehicular transportation system and improving connectivity, reducing driver delays, and improving pedestrian accessibility along the 168<sup>th</sup> Street corridor. The project is needed due to insufficient roadway capacity, inadequate bridge conditions, discontinuity with adjacent roadways and intersections, and inadequate pedestrian facilities within the corridor.

The proposed project would remove and re-construct the existing two-lane asphalt roadways to four-lane concrete roadways with raised medians. Additional auxiliary lanes would be added to accommodate turning movements and to increase the traffic capacity of the roadways. Construction is anticipated to begin in 2020, and would continue through 2021. Additional project information will be available at the Public Hearing.

Other proposed features of the project include constructing new ADA compliant sidewalks and shared use paths, making traffic signal improvements, constructing noise walls and retaining walls, temporary impacts to fences and landscaping, re-location of utilities, and the replacement or extension of stormwater culverts.

The current designs will require the acquisition of new right-of-way (ROW), permanent maintenance easements, and temporary construction easements throughout the project area.

There would be minor impacts to recreational properties as part of this project. These impacts are being considered under Section 4(f) of the Department of Transportation Act, and require public review prior to being approved. Specifically, these impacts include temporary access restrictions to the Zorinsky Lake Trail, the lake itself, the passive recreational grassland areas, as well as active recreation areas such as shelters and baseball fields, as well as a minor use of land from Pinewood Park for the re-construction of a culvert and to raise the road grade. These impacts have been considered by the City of Omaha Parks and Recreation Department and the United States Corps of Engineers, but also require public consideration.

Raising the roadway would have minor impacts to the Dam Site 18 (Zorinsky Lake) flood storage capacity, which would be offset by excavation of two areas on the west side of 168<sup>th</sup> Street, both north and south of the lake itself. These areas would be converted into permanent stormwater detention basins, and would treat stormwater runoff from the roadway before entering Zorinsky Lake.

Impacts to Lakeside Hospital have been considered and coordination has taken place with the hospital and emergency service providers, including the Omaha Fire Department. Measures will be taken to direct traffic and minimize impacts to the public accessing the hospital.

The Public Hearing is set up such that participants can gather as much information as they desire and leave as they wish. The "Open House" portions of the hearing will allow the public to gather pertinent information about the project and speak one-on-one with project personnel. The "Formal Presentation" portion of the hearing will include a prepared presentation with maps and other information about the project so that all participants receive the same basic project information. The "Public Forum" will allow individuals to express their opinions to all assembled and to hear other participants' comments and opinions. Comments will be recorded at the hearing, and will also be accepted for 15 days following the hearing, or until May 26, 2017.

The City of Omaha will make every reasonable accommodation to provide an accessible meeting facility for all persons. Appropriate provisions for the hearing or visually challenged, or for persons with limited English proficiency (LEP) will be made if the City of Omaha is notified by May 4, 2017. Requests for accommodations, inquiries, and public comments should be submitted to:

Jon Meyer  
 Design Division, Omaha Public Works Department  
 1819 Farnam St, Suite 604  
 Omaha, NE 68183  
 402-444-4191, [Jon.Meyer@cityofomaha.org](mailto:Jon.Meyer@cityofomaha.org)

The DEA will be available for review at the following locations:

- City of Omaha Public Works, 1819 Farnam Street, 6th Floor, Omaha, NE
- City of Omaha Equipment Maintenance, 5225 Dayton St, Omaha, NE
- Millard Library, 13214 Westwood Lane, Omaha, NE
- NDOR District 2 Office, 108th Street, Omaha, NE
- NDOR Headquarters, 1500 Highway 2, Lincoln, NE
- FHWA Nebraska Division, 100 Centennial Mall North, Lincoln, NE

For more information, or to review the DEA, visit <https://publicworks.cityofomaha.org/public-works-projects> and click on "168<sup>th</sup> Street Poppleton to Ehlers"



City of Omaha  
Jean Stothert, Mayor

**Public Works Department**  
Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220  
Fax (402) 444-5248

**Robert G. Stubbe, P.E.**  
Public Works Director

Mr. Brook Bench, Director  
City of Omaha Parks, Recreation, and Public Property Department  
1819 Farnam St Suite 701  
Omaha, NE 68183

RE: Section 4(f) Compliance – 168<sup>th</sup> Street Improvements Project  
City of Omaha  
Project Numbers: STPC-3811(1) & STPC-3811(2)  
Control Numbers: 22209 & 22210

Dear Mr. Bench,

As an official with jurisdiction over the Zorinsky Lake Trail and the Edward Zorinsky Recreation Area, we are requesting your concurrence on the “use” of these resources in regards to Section 4(f) of the US Department of Transportation Act.

Specifically, we are requesting your concurrence that the temporary closure and reconfiguration of the Zorinsky Trail for the proposed 168<sup>th</sup> Street Improvements project would not adversely affect any protected activities, features, or attributes that make the properties eligible for Section 4(f) protection as defined in 23 CFR 774.17. The proposed project would temporarily close and reconfigure the existing segments of the Zorinsky Lake Trail adjacent to 168<sup>th</sup> Street, as well as construct new segments of trail and sidewalk to improve pedestrian and bike mobility. Additional details on the requirements of Section 4(f) and a description of the proposed impacts to the Zorinsky Trail and Edward Zorinsky Recreation Area are provided below.

#### **Section 4(f) Background**

Section 4(f) of the *U.S. Department of Transportation Act of 1966* states that the FHWA may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) **only if**

1. There is no prudent and feasible alternative to the use of land.
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

A “use” of a section 4(f) resource can be permanent (i.e. when land is actually incorporated into a transportation facility), temporary (i.e. when land is temporarily used for construction purposes and then restored), or constructive (i.e. where there is no physical use of the property, yet the proximity of the impacts to a nearby or adjacent property are so great that they substantially impair the property’s protected activities and features).

In order to qualify under Section 4(f) protection, a resource must meet the following criteria:

- Must be publicly owned;
- Must be open to the public;
- Major purpose must be for recreation; and
- Must be significant as a park or recreation area.

**Edward Zorinsky Recreation Area, Zorinsky Lake Trail, and Zorinsky Lake**

The property for Dam Site 18 is owned by the USACE. The Edward Zorinsky Recreation Area is managed by the City of Omaha, and is an overlay on top of the USACE owned land for Dam Site 18. Therefore, the recreation area boundaries are coincident with the property limits of the land owned by the Federal government. The recreation area totals 1,023 acres of land and water, with its boundaries generally extending from West Center Road at the northernmost limits to Rolling Ridge Road (north of Q Street) at its southernmost limits, and from 156<sup>th</sup> to 192<sup>nd</sup> Street. The west side of the recreation area (i.e. west of 168<sup>th</sup> Street) is primarily a mixture of moderately to heavily wooded land and open grassland areas, while the east side of the recreation is more heavily used for recreation and features more recreational facilities. The west side of the recreation area includes the western basin of Zorinsky Lake, the Zorinsky Lake Trail, a baseball complex, and two parking areas. The east side of the recreation area includes the main basin of Zorinsky Lake, an aquatic center, Bauermeister Prairie, three playgrounds, three soccer fields, the Zorinsky Lake Trail, a fishing dock, a boat ramp, three fishing jetties, picnic shelters, restroom facilities, and multiple parking areas.

The Zorinsky Lake Trail surrounds Zorinsky Lake for a total trail length of 7.4 miles. This trail also runs along both sides of 168<sup>th</sup> Street, and passes under the 168<sup>th</sup> Street bridge. The trail is generally split into an east and west side by 168<sup>th</sup> Street, but retains connectivity via the trail crossing under the 168<sup>th</sup> Street bridge. The 168<sup>th</sup> Street bridge also has a pedestrian crossing on the east side of the bridge which allows pedestrians and trail users to cross over Zorinsky Lake; there is not a pedestrian crossing on the west side of the bridge.

Boating is also a popular activity at the 255 acre lake; however, boats at Zorinsky Lake are restricted to 5 mph (no wake). Since it is a no wake lake, the primary recreational boating at Zorinsky Lake consists of canoeing, kayaking, and sailing, although fishing boats are often used on the lake as well. Boating primarily occurs in the east basin as it is larger, deeper, and more easily accessible than the west basin, and because the only boat ramp is located at the east basin. Boaters wanting to access the west basin must either pass under the Zorinsky Lake Bridge or launch their boat from the shores of the west basin. For this reason, larger boats are generally more restricted to the east basin.

### **Proposed Impacts**

For more details and explanations of the proposed impacts and mitigation commitments, please refer to the attached excerpt from the Draft Environmental Assessment, **Section 3.7, Parks, Recreation Areas, and Trails (Section 4(f) Resources)**.

#### *Dam Site 18/Edward Zorinsky Recreation Area Impacts*

The 168<sup>th</sup> Street Improvements project would require the placement of approximately 11,000 cu yds of fill material within the flood storage zone of Dam Site 18, in order to widen the road embankments to allow for a wider roadway and bridge as well as construct and reconfigure trails and sidewalks along 168<sup>th</sup> Street.

It is USACE Omaha District policy to have a balance of cut and fill, with no net loss of flood control storage on USACE reservoir lands. As such, USACE has requested the excavation of fill material from within the flood storage zone of Dam Site 18 (between 1110 mean sea level (msl) and 1128 msl) to offset the loss of flood storage capacity brought about by the 168<sup>th</sup> Street Improvements project.

Two excavation sites have been identified to meet the need to balance cut and fill and maintain the flood storage capacity at Dam Site 18. The excavation sites are located west of 168<sup>th</sup> Street at the northeast and southeast corners of the west basin of Zorinsky Lake. **Figure 3.12** in the attached excerpt from the Draft EA illustrates the general location of the excavation sites. Excavating on the west side of 168<sup>th</sup> Street would avoid impacts to the more heavily used recreational facilities on the east side the roadway. Excavation would occur in upland areas above the existing ordinary high water mark (OHWM) of Zorinsky Lake and outside of wetlands to the maximum extent possible. The excavation would include the removal of approximately 11,000 cu yds of fill material from within the flood storage zone, which would offset the amount of fill needed to be placed in this zone as part of the 168<sup>th</sup> Street Improvements project. Excavation activities would also involve tree removal. The excavated material would be used elsewhere on the project site if deemed suitable to meet the necessary fill requirements for the project. If the fill material is deemed unsuitable for project requirements, it would be hauled off-site. Upon completion, the excavation sites would be converted into stormwater detention areas, to improve the quality of the road runoff water before being released into Zorinsky Lake. Currently, storm water flows directly off the asphalt roadway, into roadside ditches, and empties into Zorinsky Lake with minimal filtration. The construction of these storm water detention areas will increase filtration, reduce sedimentation, and improve overall water quality in Zorinsky Lake.

#### *Zorinsky Lake Trail Impacts*

The proposed project would widen and reconstruct the roadway and bridge through Zorinsky Lake and Recreation Area (Zorinsky Lake recreation area). The proposed project would also reconfigure existing segments of the Zorinsky Lake Trail adjacent to 168<sup>th</sup> Street and construct new segments of trail and sidewalk to improve pedestrian and bike mobility. Additionally, the proposed project

would involve two excavation sites west of 168<sup>th</sup> Street at the northeast and southeast corners of the west basin of Zorinsky Lake. These construction activities would result in the need to temporarily close the Zorinsky Lake Trail. The proposed project would temporarily impact approximately one mile of the estimated 7.4-mile Zorinsky Lake Trail. Improvements to the Zorinsky Lake Trail include:

- Constructing a 10-foot-wide trail in place of the existing 8-foot-wide trail along the east and west sides of 168<sup>th</sup> Street through Zorinsky Recreation Area.
- Constructing a 7-foot-wide sidewalk for a west access connection to the bridge and constructing a 6-foot sidewalk on the west side of the bridge.
- Constructing a 12-foot-wide multi-use path on the east side of the bridge.
- Constructing sidewalks which provide connectivity from the north and south to the Zorinsky Lake Trail.
- Constructing a signalized at-grade crossing at the Zorinsky Lake South Access Road.

Upon project completion, the existing 10-foot-wide trails under the bridge on the north and south embankments would remain to provide connectivity between the east and west side of the trail.

**Figure 3.12** in the attached excerpt from the Draft EA illustrates the temporary and permanent trail impacts.

#### Zorinsky Lake Impacts

The Proposed Alternative would have minor, temporary impacts to boaters at Zorinsky Lake. During construction activities on the Zorinsky Lake Bridge, boats would not be allowed to pass under the bridge for safety reasons, which would prevent boats from moving freely between the east and west basins of Zorinsky Lake. The boat ramp is located at the southeast corner of the east basin of the lake, so boat access to the main basin would not be impacted. Although boaters would not be allowed to access the west basin via the bridge underpass, boating would still be allowed in the west basin. To access the west basin, boaters would be able to carry and launch their boat from the shorelines of the west basin. The closure of the bridge underpass would primarily impact larger boats as they would not be able to access the west basin; however, this is only a minor impact as the more utilized east basin of the lake would remain accessible throughout construction. The closure is anticipated to be in place for up to one year, with both projects taking approximately two years overall. The City's Parks, Recreation, and Public Property Department has been informed of the closure. They indicated that west basin is primarily used by fishermen, and that individuals would still be able to fish and launch small watercraft from the shores of the west basin.

#### **Measures to Minimize Harm**

The two excavation sites were selected in consultation with the USACE and the City of Omaha Parks, Recreation, and Public Property Department, and avoid impacts to wetlands, active recreation facilities (i.e. trails, parking lots, sports fields), as well as heavily wooded or landscaped areas. In addition, the

amount of excavation has been reduced from original estimates of nearly 40,000 cu yds, which would have been needed if the bridge over Zorinsky Lake would have been replaced. These avoidance and minimization efforts were made possible by the City of Omaha and the Nebraska Department of Roads agreeing to maintain an 8 foot clearance for the trails under 168<sup>th</sup> Street, instead of requiring 10 feet of clearance. In summary, the proposed project has included all possible planning to minimize harm to the recreation site. The existing trail crossing under 168<sup>th</sup> Street would remain open following construction and would have an 8 foot vertical clearance. Although the recommended clearance for trail crossings is 10 feet, meeting the recommended clearance would have resulted in the need to excavate upwards of 40,000 cubic yards (cu yds) of fill at Zorinsky Recreation Area; whereas utilizing the 8 foot minimum trail clearance results in approximately 11,000 cu yds of excavation. Utilizing the 8 foot clearance allows the trail to remain open following construction, and results in less excavation. The decision to maintain the 8 foot minimum vertical clearance for the trails under 168<sup>th</sup> Street was made in consultation with the City of Omaha Parks and Recreation Department and Nebraska Department of Roads.

A temporary at-grade crossing would be provided for trail users to maintain mobility between the east and west segments of the trail during construction. This temporary crossing would be located at the Zorinsky Lake North Access Road, and would be painted and signed during construction. Additionally, it is intended to have the signalized at-grade crossing at the Zorinsky Lake South Access Road completed prior to the closing of the trail under the bridge in order to maintain mobility between the east and west segments of the trail during construction. The signalized at-grade crossing would result in future improved mobility between the east and west segments upon completion of construction.

To minimize harm from the closure of boat access under the bridge, boats would be allowed to be put into the west basin using the parking lot on South Lake Access Road. The Parks Department indicated that providing a temporary boat ramp to mitigate the underpass closure was not desirable due to the cost and additional impacts from constructing a temporary ramp, as well as the need to cross Zorinsky Lake Trail when launching boats from the ramp (Dennis Bryers, personal communication, October 19, 2016). The action of temporarily closing the bridge underpass to boaters would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

In summary, the proposed project has included all possible planning to minimize harm to the recreation site.

#### **Section 4(f) De Minimis Determination**

The Edward Zorinsky Recreation Area is a public park used primarily for recreation. As such, the park qualifies for certain protections under Section 4(f) of the Department of Transportation Act. FHWA, in cooperation with the official with jurisdiction over the property, is responsible for making all decisions related to Section 4(f) compliance. FHWA may approve the use of a Section 4(f) resource if it is determined that the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant will have a *de minimis* impact on the property (23 CFR 774.3(b)). 23 CFR 774.17 defines a *de minimis* impact for parks,

recreation areas and wildlife and waterfowl refuges as one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The excavation sites do not contain any active recreational features, and are in areas that are otherwise not generally used for recreation. The proposed excavation is necessary to maintain the flood storage capacity of Dam Site 18, and satisfies USACE requirements to balance cut and fill at reservoir projects. Although trees would be removed within the recreation area, they would be mitigated according to the City of Omaha Parks and Recreation Department mitigation policy and the Green Streets Plan for Omaha at an alternate location within the property. Additionally, the conversion of the excavation sites to storm water detention areas would improve water quality in Zorinsky Lake by reducing the amount of sediment and other pollutants entering the lake from the roadway runoff. Based upon the minor nature of the excavation in comparison to the overall property, as well as the water quality improvements to Zorinsky Lake, it appears that the 168<sup>th</sup> Street Improvements project would have no adverse effects and would qualify for a *de minimis* determination for the Edward Zorinsky Recreation Area.

The Zorinsky Lake Trail is a shared-use path designated primarily for recreation. As such, the Zorinsky Lake Trail qualifies for certain protections under Section 4(f). Based upon the impacts and improvements to the Zorinsky Lake Trail stated above, it appears that the 168<sup>th</sup> Street Improvements project would have no adverse effects and qualify for a *de minimis* determination for the Zorinsky Lake Trail.

Zorinsky Lake is a recreational waterway, used by boaters and anglers. As such, it qualifies for certain protections under Section 4(f). Based on the impacts and measures to minimize harm during construction as stated above, it appears that the 168<sup>th</sup> Street Improvements project would have no adverse effects and qualify for a *de minimis* determination for the lake itself.

A Public Hearing was held on May 11, 2017 and a public comment period for the Draft EA ran from April 26, 2017 to May 25, 2017. Comments received have been provided to your office electronically via email.

We would appreciate a response on these matters within 30 days. If you need any further information or wish to discuss the project, please contact me at 402-444-4191.

Sincerely,

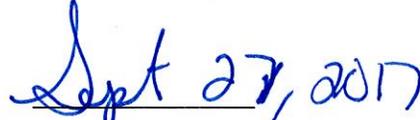


Jon Meyer, City of Omaha Public Works  
Responsible Charge

**Concurrence**

The City of Omaha Public Works Department is requesting the City of Omaha's Department of Parks, Recreation and Public Property, as the Official with Jurisdiction over the Zorinsky Lake Recreation Area, Zorinsky Lake, and the Zorinsky Lake Trail, to concur that the proposed 168<sup>th</sup> Street Improvements Project would not adversely affect any protected activities, features, or attributes that make these properties eligible for Section 4(f) protection. Please acknowledge your concurrence by signing on the line below.

  
Official with Jurisdiction

  
Date



City of Omaha  
Jean Stothert, Mayor

**Public Works Department**  
Omaha/Douglas Civic Center  
1819 Farnam Street, Suite 601  
Omaha, Nebraska 68183-0601  
(402) 444-5220  
Fax (402) 444-5248

**Robert G. Stubbe, P.E.**  
Public Works Director

U.S. Army Corps of Engineers  
Missouri River Project Office  
9901 John J Pershing Drive  
Omaha, NE 68112-1547

RE: Section 4(f) Concurrence – 168th Street Improvements Project  
City of Omaha  
Project Numbers: STPC-3811(1) & STPC-3811(2)  
Control Numbers: 22209 & 22210

Dear Mr. David F. Sobczyk,

As an official with jurisdiction over Papillion Creek Dam Site 18, also known as Zorinsky Lake and Edward Zorinsky Recreation Area, we are requesting your concurrence on the “use” of this resource in regards to Section 4(f) of the US Department of Transportation Act.

Specifically, we are requesting your concurrence that the “use” of land at Edward Zorinsky Recreation Area for the proposed 168th Street Improvements project would not adversely affect any protected activities, features, or attributes that make the properties eligible for Section 4(f) protection as defined in 23 CFR 774.17. The proposed project would impact approximately 4 acres of land by excavating approximately 11,000 cubic yards (cu yds) of fill material (i.e. soil) in order to maintain the flood storage capacity of Dam Site 18. Following excavation, these sites would be converted into permanent stormwater detention areas to improve the quality of runoff from the roadway before being released into Zorinsky Lake. Additional details on the requirements of Section 4(f) and a description of the proposed impacts are provided below.

#### **Section 4(f) Background**

Section 4(f) of the *U.S. Department of Transportation Act of 1966* states that the FHWA may approve a transportation program or project requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance, or land of an historic site of national, State, or local significance (as determined by the Federal, State, or local officials having jurisdiction over the park, area, refuge, or site) **only if**

1. There is no prudent and feasible alternative to the use of land.
2. The program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

A “use” of a section 4(f) resource can be permanent (i.e. when land is actually incorporated into the transportation facility), temporary (i.e. when land is temporarily used for construction purposes and then restored), or constructive (i.e. where there is no physical use of the property, yet the proximity of the impacts to a nearby or adjacent property are so great that they substantially impair the property’s protected activities and features).

In order to qualify under Section 4(f) protection, a resource must meet the following criteria:

- Must be publicly owned;
- Must be open to the public;
- Major purpose must be for recreation; and
- Must be significant as a park or recreation area.

**Edward Zorinsky Recreation Area, Zorinsky Lake Trail, and Zorinsky Lake**

The property for Dam Site 18 is owned by the USACE. The Edward Zorinsky Recreation Area is managed by the City of Omaha, and is an overlay on top of the USACE owned land for Dam Site 18. Therefore, the recreation area boundaries are coincident with the property limits of the land owned by the Federal government. The recreation area totals 1,023 acres of land and water, with its boundaries generally extending from West Center Road at the northernmost limits to Rolling Ridge Road (north of Q Street) at its southernmost limits, and from 156th to 192nd Street. The west side of the recreation area (i.e. west of 168th Street) is primarily a mixture of moderately to heavily wooded land and open grassland areas, while the east side of the recreation is more heavily used for recreation and features more recreational facilities. The west side of the recreation area includes the western basin of Zorinsky Lake, the Zorinsky Lake Trail, a baseball complex, and two parking areas. The east side of the recreation area includes the main basin of Zorinsky Lake, an aquatic center, Bauermeister Prairie, three playgrounds, three soccer fields, the Zorinsky Lake Trail, a fishing dock, a boat ramp, three fishing jetties, picnic shelters, restroom facilities, and multiple parking areas.

The Zorinsky Lake Trail surrounds Zorinsky Lake for a total trail length of 7.4 miles. This trail also runs along both sides of 168th Street, and passes under the 168th Street bridge. The trail is generally split into an east and west side by 168th Street, but retains connectivity via the trail crossing under the 168th Street bridge. The 168th Street bridge also has a pedestrian crossing on the east side of the bridge which allows pedestrians and trail users to cross over Zorinsky Lake; there is not a pedestrian crossing on the west side of the bridge.

Boating is also a popular activity at the 255 acre lake; however, boats at Zorinsky Lake are restricted to 5 mph (no wake). Since it is a no wake lake, the primary recreational boating at Zorinsky Lake consists of canoeing, kayaking, and sailing, although fishing boats are often used on the lake as well. Boating primarily occurs in the east basin as it is larger, deeper, and more easily accessible than the west basin, and because the only boat ramp is located at the east basin. Boaters wanting to access the west basin

must either pass under the Zorinsky Lake Bridge or launch their boat from the shores of the west basin. For this reason, larger boats are generally more restricted to the east basin.

### **Proposed Impacts**

For more details and explanations of the proposed impacts and mitigation commitments, please refer to the attached excerpt from the Draft Environmental Assessment, **Section 3.7, Parks, Recreation Areas, and Trails (Section 4(f) Resources)**.

The underlying reason for the proposed impacts and excavation is to offset the placement of fill material for the reconstruction of 168th Street through Dam Site 18. This related action is exempt from Section 4(f) requirements because 168th Street was an existing Douglas County road when Dam Site 18 was originally built, and the USACE entered into an agreement with the county to allow them to make future improvements to the roadway. This agreement was subsequently transferred to the City of Omaha, and specifically grants a 250 foot wide easement for the maintenance, construction, and improvement of 168th Street through the land owned by the USACE. The Section 4(f) impacts described below occur outside this easement, or affect areas outside this easement, hence the request for your concurrence.

### **Dam Site 18/Edward Zorinsky Recreation Area Impacts**

The 168th Street Improvements project would require the placement of approximately 11,000 cu yds of fill material within the flood storage zone of Dam Site 18, in order to widen the road embankments to allow for a wider roadway and bridge as well as construct and reconfigure trails and sidewalks along 168th Street.

It is USACE Omaha District policy to have a balance of cut and fill, with no net loss of flood control storage on USACE reservoir lands. As such, USACE has requested the excavation of fill material from within the flood storage zone of Dam Site 18 (between 1110 mean sea level (msl) and 1128 msl) to offset the loss of flood storage capacity brought about by the 168th Street Improvements project.

Two excavation sites have been identified to meet the need to balance cut and fill and maintain the flood storage capacity at Dam Site 18. The excavation sites are located west of 168th Street at the northeast and southeast corners of the west basin of Zorinsky Lake. Figure 3.12 in the attached excerpt from the Draft EA illustrates the general location of the excavation sites. Excavating on the west side of 168th Street would avoid impacts to the more heavily used recreational facilities on the east side the roadway. Excavation would occur in upland areas above the existing ordinary high water mark (OHWM) of Zorinsky Lake and outside of wetlands to the maximum extent possible. The excavation would include the removal of approximately 11,000 cu yds of fill material from within the flood storage zone, which would offset the amount of fill needed to be placed in this zone as part of the 168th Street Improvements project. Excavation activities would also involve tree removal. The excavated material would be used

elsewhere on the project site if deemed suitable to meet the necessary fill requirements for the project. If the fill material is deemed unsuitable for project requirements, it would be hauled off-site. Upon completion, the excavation sites would be converted into stormwater detention areas, to improve the quality of the road runoff water before being released into Zorinsky Lake. Currently, storm water flows directly off the asphalt roadway, into roadside ditches, and empties into Zorinsky Lake with minimal filtration. The construction of these storm water detention areas will increase filtration, reduce sedimentation, and improve overall water quality in Zorinsky Lake.

#### Zorinsky Lake Trail Impacts

The proposed project would widen and reconstruct the roadway and bridge through Zorinsky Lake and Recreation Area (Zorinsky Lake recreation area). The proposed project would also reconfigure existing segments of the Zorinsky Lake Trail adjacent to 168th Street and construct new segments of trail and sidewalk to improve pedestrian and bike mobility. Additionally, the proposed project would involve two excavation sites west of 168th Street at the northeast and southeast corners of the west basin of Zorinsky Lake. These construction activities would result in the need to temporarily close the Zorinsky Lake Trail. The proposed project would temporarily impact approximately one mile of the estimated 7.4-mile Zorinsky Lake Trail. Improvements to the Zorinsky Lake Trail include:

- Constructing a 10-foot-wide trail in place of the existing 8-foot-wide trail along the east and west sides of 168th Street through Zorinsky Recreation Area.
- Constructing a 7-foot-wide sidewalk for a west access connection to the bridge and constructing a 6-foot sidewalk on the west side of the bridge.
- Constructing a 12-foot-wide multi-use path on the east side of the bridge.
- Constructing sidewalks which provide connectivity from the north and south to the Zorinsky Lake Trail.
- Constructing a signalized at-grade crossing at the Zorinsky Lake South Access Road.

Upon project completion, the existing 10-foot-wide trails under the bridge on the north and south embankments would remain to provide connectivity between the east and west side of the trail. **Figure 3.12** in the attached excerpt from the Draft EA illustrates the temporary and permanent trail impacts.

#### Zorinsky Lake Impacts

The Proposed Alternative would have minor, temporary impacts to boaters at Zorinsky Lake. During construction activities on the Zorinsky Lake Bridge, boats would not be allowed to pass under the bridge for safety reasons, which would prevent boats from moving freely between the east and west basins of Zorinsky Lake. The boat ramp is located at the southeast corner of the east basin of the lake, so boat access to the main basin would not be impacted. Although

boaters would not be allowed to access the west basin via the bridge underpass; boating would still be allowed in the west basin. To access the west basin, boaters would be able to carry and launch their boat from the shorelines of the west basin. The closure of the bridge underpass would primarily impact larger boats as they would not be able to access the west basin; however, this is only a minor impact as the more utilized east basin of the lake would remain accessible throughout construction. The closure is anticipated to be in place for up to one year, with both projects taking approximately two years overall. The City's Parks, Recreation, and Public Property Department has been informed of the closure. They indicated that west basin is primarily used by fishermen, and that individuals would still be able to fish and launch small watercraft from the shores of the west basin.

### **Measures to Minimize Harm**

The two excavation sites were selected in consultation with the USACE and the City of Omaha Parks, Recreation, and Public Property Department, and avoid impacts to wetlands, active recreation facilities (i.e. trails, parking lots, sports fields), as well as heavily wooded or landscaped areas. In addition, the amount of excavation has been reduced from original estimates of nearly 40,000 cu yds, which would have been needed if the bridge over Zorinsky Lake would have been replaced. These avoidance and minimization efforts were made possible by the City of Omaha and the Nebraska Department of Roads agreeing to maintain an 8 foot clearance for the trails under 168th Street, instead of requiring 10 feet of clearance. In summary, the proposed project has included all possible planning to minimize harm to the recreation site. The existing trail crossing under 168th Street would remain open following construction and would have an 8 foot vertical clearance. Although the recommended clearance for trail crossings is 10 feet, meeting the recommended clearance would have resulted in the need to excavate upwards of 40,000 cubic yards (cu yds) of fill at Zorinsky Recreation Area; whereas utilizing the 8 foot minimum trail clearance results in approximately 11,000 cu yds of excavation. Utilizing the 8 foot clearance allows the trail to remain open following construction, and results in less excavation. The decision to maintain the 8 foot minimum vertical clearance for the trails under 168th Street was made in consultation with the City of Omaha Parks and Recreation Department and Nebraska Department of Roads.

A temporary at-grade crossing would be provided for trail users to maintain mobility between the east and west segments of the trail during construction. This temporary crossing would be located at the Zorinsky Lake North Access Road, and would be painted and signed during construction. Additionally, it is intended to have the signalized at-grade crossing at the Zorinsky Lake South Access Road completed prior to the closing of the trail under the bridge in order to maintain mobility between the east and west segments of the trail during construction. The signalized at-grade crossing would result in future improved mobility between the east and west segments upon completion of construction.

To minimize harm from the closure of boat access under the bridge, boats would be allowed to be put into the west basin using the parking lot on South Lake Access Road. The Parks Department indicated that providing a temporary boat ramp to mitigate the underpass closure was not desirable due to the

cost and additional impacts from constructing a temporary ramp, as well as the need to cross Zorinsky Lake Trail when launching boats from the ramp (Dennis Bryers, personal communication, October 19, 2016). The action of temporarily closing the bridge underpass to boaters would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

In summary, the proposed project has included all possible planning to minimize harm to the recreation site.

#### **Section 4(f) De Minimis Determination**

The Edward Zorinsky Recreation Area is a public park used primarily for recreation. As such, the park qualifies for certain protections under Section 4(f) of the Department of Transportation Act. FHWA, in cooperation with the official with jurisdiction over the property, is responsible for making all decisions related to Section 4(f) compliance. FHWA may approve the use of a Section 4(f) resource if it is determined that, after taking into consideration public input, the use of the property, including any measure(s) to minimize harm (such as any avoidance, minimization, mitigation, or enhancement measures) committed to by the applicant will have a *de minimis* impact on the property (23 CFR 774.3(b)). 23 CFR 774.17 defines a *de minimis* impact for parks, recreation areas and wildlife and waterfowl refuges as one that will not adversely affect the features, attributes, or activities qualifying the property for protection under Section 4(f).

The excavation sites do not contain any active recreational features, and are in areas that are otherwise not generally used for recreation. The proposed excavation is necessary to maintain the flood storage capacity of Dam Site 18, and satisfies USACE requirements to balance cut and fill at reservoir projects. Although trees would be removed within the recreation area, they would be mitigated according to the City of Omaha Parks and Recreation Department mitigation policy and the *Green Streets Plan for Omaha* at an alternate location within the property. Additionally, the conversion of the excavation sites to storm water detention areas would improve water quality in Zorinsky Lake by reducing the amount of sediment and other pollutants entering the lake from the roadway runoff. Based upon the minor nature of the excavation in comparison to the overall property, as well as the water quality improvements to Zorinsky Lake, it appears that the 168th Street Improvements project would have no adverse effects and would qualify for a *de minimis* determination for the Edward Zorinsky Recreation Area.

The Zorinsky Lake Trail is a shared-use path designated primarily for recreation. As such, the Zorinsky Lake Trail qualifies for certain protections under Section 4(f). Based upon the impacts and improvements to the Zorinsky Lake Trail stated above, it appears that the 168th Street Improvements project would have no adverse effect and qualify for a *de minimis* determination for the Zorinsky Lake Trail.

Zorinsky Lake is a recreational waterway, used by boaters and anglers. As such, it qualifies for certain protections under Section 4(f). Based on the impacts and measures to minimize harm during construction as stated above, it appears that the 168th Street Improvements project would have no adverse effects and qualify for a *de minimis* determination for the lake itself.

A Public Hearing was held on May 11, 2017 and a public comment period for the Draft EA ran from April 26, 2017 to May 25, 2017. Comments received have been provided to your office electronically via email.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact me at 402-444-4191.

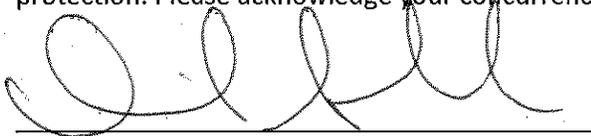
Sincerely,



Jon Meyer, City of Omaha Public Works  
Responsible Charge

**Concurrence**

The City of Omaha Public Works Department is requesting the U.S. Army Corps of Engineers, as the Official with Jurisdiction over the Zorinsky Lake Recreation Area, Zorinsky Lake, and the Zorinsky Lake Trail, to concur that the proposed 168<sup>th</sup> Street Improvements Project would not adversely affect any protected activities, features, or attributes that make these properties eligible for Section 4(f) protection. Please acknowledge your concurrence by signing on the line below.



Official with Jurisdiction

10/3/17

Date

