APPENDIX D

SECTION 106 AND TRIBAL COORDINATION/CONCURRENCE

U.S. Department of Transportation
Federal Highway Administration

NEBRASKA DIVISION

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February 18, 2014

Nebraska State Historic Preservation Office
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RECEIVED
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BY:

L. Robert Puschendorf
Deputy State Historic Preservation Officer
Nebraska State Historical Society
Box 82554
Lincoln, NE 68508

0704-120-01
HP# 0746
County DO
STA. X ARCHEO X
Resp. SPH Date 20140305

Dear Mr. Puschendorf:

Projects STPC-3811(1); STPC-3811(2), CN 22209, 22210
168th Street Improvements – Poppleton Ave to Ehlers Street
Douglas County
Supplemental Section 106 Concurrence
Cultural Resources Survey

Please review this document on historic resources for the subject project as required under Section 106 of the National Historic Preservation Act of 1966 as amended and implementing regulations at 36 CFR Part 800. The Iowa Tribe of Kansas and Nebraska is also a consulting party.

An evaluation of the potential for cultural resources, both archeology and standing structures, is included below [and in enclosures].

Previous Section 106 Consultation
Under HP # 0704-120-01, on May 10, 2007, the Nebraska State Historic Preservation Office (NeSHPO) made a determination of 'no historic properties affected' in a letter to HWS, a consulting firm in Omaha (Enclosure 1). The Federal Highway Administration (FHWA) or the Nebraska Department of Roads (NDOR) was not directly involved in this consultation effort and therefore the Section 106 consultation process is being re-initiated.

Project Description
The Proposed Alternative is a four-lane roadway, with raised medians and curbs, and separated, parallel sidewalks or combination sidewalk/bike paths as appropriate.

The proposed project would remove the existing two-lane rural asphalt roadway and construct a four- lane divided urban concrete roadway with raised medians. Additional auxiliary lanes would be added to accommodate turning movements and to improve the traffic capacity of the roadway. The typical four- lane divided roadway cross-sections would consist of two 12.5-foot-wide lanes (i.e. for a total of 25 feet from back-of-curb to back-of-curb) in each direction. The driving lanes would be separated by a 16-foot- wide median, for an overall total width of 66 feet. These medians are required to accommodate the addition of dedicated left-turn lanes at several locations. The proposed pavement would be ten inch (10") thick concrete with six inch (6") high

integral curbs. The medians would have, at a minimum, hard- surfaced "mow strips" (i.e. 28-inch-wide by six-inch-thick concrete) adjacent to the inside back of curb.

The proposed roadway shoulders would consist of 7.5-foot-wide grassed areas, with an adjacent 5-foot- wide concrete sidewalk and 1-foot-wide clear area. A 10-foot-wide bicycle trail would be constructed in place of the 8-foot-wide trail along the east and west sides of 168th Street through the Zorinsky Lake Recreation Area, and a 6-foot-wide sidewalk would be constructed along the west side of the roadway south of the lake, where no sidewalk exists today. On the bridge over Zorinsky Lake, there would be a 12-foot-wide trail on the east side, with a 6-foot-wide sidewalk on the west side. There would remain a 10-foot-wide trail under the bridge on both the north and south sides of the lake. Sidewalk ramps conforming to *Proposed Accessibility Guidelines for Pedestrian Facilities in the Public Right of Way (PROWAG)* would be constructed to accommodate pedestrians crossing at stop-controlled intersections.

Grading activities, storm sewer, and proposed roadway and sidewalk features would require utility relocations and retaining wall construction. The majority of construction would occur within existing right-of-way, with only minor strips of ROW required at a few locations. Retaining walls would be used to minimize the impacts to property outside the right-of-way. One house may be acquired due to the resulting proximity of the house to the edge of the new roadway. This house was built using county road ROW standards before the area was annexed by the City, and is also situated sideways along the roadway, rather than with its back yard facing the roadway. The acquisition process will follow the Uniform Act.

An intermittent tributary along the west side of 168th Street between Hickory and Pine Streets would be avoided by using retaining walls. A new drainage structure (i.e. culvert) would be constructed to replace the existing culvert where this tributary passes under 168th Street. Erosion control best management practices (BMPs) would be used at the outlet of the culvert to minimize erosion. Additional storm sewers, inlets, and outlets would be constructed where open roadside ditches currently exist, and connections would be made to existing drainage facilities where necessary. These improvements would meet the drainage requirements of the Omaha Regional Stormwater Design Manual. Two permanent stormwater detention basins will be constructed, on the north and south sides of Zorinsky Lake, to treat runoff prior to it entering the lake, which are described in greater detail below.

The bridge over Zorinsky Lake would be reconstructed, using the existing piers, with a new, wider deck at a slightly higher elevation (i.e. maximum of approximately one foot), to achieve at least 8 feet of vertical clearance for the existing trails under the bridge. This would improve the clearance for the north trail, which is currently less than 8 feet. The reconstructed bridge would be four lanes wide, with sidewalks and trails as described above. The earthen embankment north and south of the bridge may be minimally raised and widened to accommodate the additional lanes, wider trail, and the required profile change. This fill would be minimized to the extent practicable using acceptable engineering design standards, retaining walls, and appropriate slopes as required by the Corps of Engineers to minimize runoff. Exposed slopes would be re-seeded with native vegetation.

The placement of fill material (for the slightly raised roadway profile) into the flood storage zone of Dam Site 18 (i.e. Zorinsky Lake Recreation Area) would result in a minor loss of flood storage capacity at this flood-control reservoir project. The Corps of Engineers requires a balance of cut and fill at reservoir projects; therefore, it would be necessary to mitigate for the loss of flood storage capacity. This mitigation would involve excavating fill material at two areas within the flood storage zone between the elevations 1110 mean sea level (msl) and 1128 msl. Excavation would occur in upland areas above the existing ordinary high water mark (OHWM) of Zorinsky Lake and outside of wetlands where possible. It is currently estimated that approximately 11,000 cubic yards would need to be excavated due to fill activities. The excavation sites are located west of 168th Street just north and south of the west basin of Zorinsky Lake. A management agreement would be signed with the USACE Operations Branch for the City to maintain these facilities. The excavated material would be used elsewhere on the project site if deemed suitable to meet the necessary fill requirements. If the fill material is deemed unsuitable for project requirements, it will be hauled off-site. After excavation, these sites would be utilized as stormwater detention areas to improve the water quality of the runoff before being released into Zorinsky Lake.

Alternate routes for through traffic will be posted using adjacent major roadways including 156th Street, 180th Street, Pacific Street, West Center Road, and Q Street. No improvements would be made to these routes.

Alternate routes would be available during the full closure of 168th Street from Frances Street to Pine Street, and would use West Center Road and either 156th Street or 180th Street. In addition, motorists would be able to use Q Street and Pacific Street to avoid the area completely during construction. No improvements would be made to these routes.

Construction is proposed to be accomplished in phases, with the entire project occurring over two construction seasons. The first construction season would focus on the construction of 168th Street from Poppleton Avenue to Gold Street. The second construction season would focus on the construction of 168th Street from Oak Street to Ehlers Street. Phasing for the re-construction of the bridge would allow one lane in each direction to remain open for vehicular traffic throughout construction of the project. Pedestrians would be diverted around the bridge, and would not be allowed under the bridge during construction. At-grade crossings would be provided both north and south of the bridge. Phasing for the roadway construction would allow one lane to remain open in both directions for all but a short closure (i.e. 3 months) to reconstruct 168th Street between Frances Street and the east leg of Pine Street. This closure is needed to lower the roadway profile. Alternate routes would be available using 156th Street, 180th Street, West Center Road, Pacific Street, and Q Street. No improvements would be made to the detour routes.

Enclosure 2 depicts the project location and the detour route.

Area of Potential Effects (APE)

The APE for archeological properties and standing structures was chosen to adequately identify any historic properties that may be potentially altered by this undertaking (Enclosure 3). The APE for *direct* effects includes all construction areas along the entire length of the project as

described above. In general, this includes an area about 50 feet beyond existing right-of-way. In addition, two proposed borrow areas on the north and south sides of Zorinsky Lake are included in the APE. The undertaking will expand roadways from 2-lanes to 4 lanes and therefore a broader potential *visual* impacts APE includes all properties adjacent to the roadways throughout the entire length of the project. There is no construction activity required for the detour routes and all pass through modern commercial and residential areas with all buildings less than 50 years in age. Therefore, the detour routes do not need to be considered in the APE definition. Definition of a broader APE for secondary or cumulative impacts is also not required in this instance.

Archeology

An archeological assessment for this undertaking was completed in two phases. Stacy Stupka-Burda, then affiliated with Historic Resources Group, Inc. (HRG), completed a review of the Nebraska Cultural Resources Geographic Information System and archeological site files in January, 2014. This review determined that three archeological sites (25DO28, 25DO39, and 25DO41) were previously discovered in the central portion of the APE during cultural resource studies associated with Zorinsky Lake (Fisher and Shipman 2011 and Peterson and Pepperl 1981). An HRG field visit resulted in a determination that these three properties no longer retain the sufficient research potential or physical integrity required for National Register eligibility (see Enclosure 4).

Other portions of the APE had not been formally evaluated for the presence of archeological properties. Those project areas were the subject of a field investigation completed by Highway Archeology Program Manager, Rob Bozell on January 19, 2014. Some project areas had been extensively modified through suburban development (deep cuts) with no potential for intact archeological deposits and these tracts were not examined. All other tracts were examined with negative results (see Enclosure 5.

There are no archeological historic properties in the expanded APE.

Standing Structures

A consideration of standing structures was completed through a field reconnaissance undertaken by Melissa Dirr Gengler of HRG in January of 2014. All structures within the APE were constructed in the 1980s and later and do not meet the minimum age threshold to qualify for listing in the National Register of Historic Places (see Enclosure 4).

There are no structural or architectural historic properties in the expanded APE.

Recommended Effects

The proposed undertaking will not affect historic properties and the Federal Highway Administration has made a determination of "no historic properties affected" and respectfully requests NeSHPO concurrence with this finding.

If you have any questions regarding this information, please do not hesitate to contact me at your earliest convenience.

Sincerely yours,

for Melissa Maiefski
Program Delivery Team Lead

Enclosures

CONCUR:

Jill Dolberg for BP 3-13-14

Deputy Historic Preservation Officer Date

REFERENCES CITED:

Fisher, Toni and Rebecca Shipman
2011 *Archeological Survey and Assessment: Papillion Creek Projects Glen Cunningham Lake Recreation Area North of Highway 36, Zorinsky Lake Recreation Area and Standing Bear Lake Recreation Area, Douglas County, Nebraska.* U.S. Army Corps of Engineers (Omaha District). On file, Nebraska State Historical Society.

Peterson, J.E. and R.E. Pepperl
1981 *Cultural Resources Investigation within Proposed Structures 18 and 20: Papillion Creek Tributaries Project, Douglas and Sarpy Counties, Nebraska.* University of Nebraska-Lincoln, Department of Anthropology (Division of Archeological Research) Technical Report 81-01. On file, Nebraska State Historical Society.

NDOR
Nebraska
Department of Roads

Memorandum

DATE April 2, 2014

TO Jill Thomann, Environmental Specialist, Planning and Project Development

FROM Stacy Stupka-Burda, Section 106 Specialist, Planning and Project Development SSB

SUBJECT Tribal Consultation CN 22209_STPC-3811(1)_ 168th Street Improvements
Tribal Consultation CN 22210_STPC-3811(2)_Poppleton Ave-Ehlers St

A Section 106 consultation letter was sent to the Iowa Tribe of Kansas and Nebraska by FHWA regarding the projects referenced above on 2/18/2014. To date, a response from the Iowa Tribe of Kansas and Nebraska has not been received.

An email from FHWA dated 06/05/2012 provides guidance regarding the Section 106 Tribal Coordination process. Item 1 indicates that "if, based on the nature of the work, there is no potential to effect Native American sites (archaeological/historic/TCP), but the project is on tribal lands or within a known tribal affiliated area, then tribal coordination would consist of one letter with a 30-comment period asking for their concurrence. If they do not respond within 30 days, the FHWA would assume the tribe has no concerns for the project and no further coordination is required, keeping in mind that a tribe may voice concerns at any time in the life of the project."

The 30-day comment period for the letter sent to the Iowa Tribe of Kansas and Nebraska has passed without receiving their response. Therefore, these projects may proceed as planned.