

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

(rev 9 - 2022)

**ENVIRONMENTAL SERVICES**

PROJECT NO.: DPS-93(15)  
CONTROL NO.: 43010  
LOCATION: City of York  
STATE PC: Paul Kieper  
LPA POINT OF CONTACT: <LPA POC> Sue Crawford  
CONSULTANT: Olsson  
CONSULTANT POINT OF CONTACT: Susan Opperman  
STRUCTURE NUMBER(S): N/A

A. PROJECT DESCRIPTION

This scope provides for environmental services related to compliance with the Environmental National Policy Act (NEPA) for the Project named above. Consultant shall serve as the agent for City of York, hereafter referred to as the LPA (Local Public Agency), representing them in all matters related to environmental services for this Project.

B. LPA OR STATE, ON LPA'S BEHALF, TO PROVIDE (to the extent that the items listed are available or needed for the scope checklist above):

1. Project location, Program documents (NDOT-530, NDOT-53), NDOT-213 Purpose and Need statement, NDOT-182 Project Description, NDOT-173 Project Details, Threatened and Endangered species (T&E) Activity Checklist, and general project location map. When appropriate, detour route information will be provided (including a list of property owners along the project and detour route).
2. If available, electronic files of current aerial photographs with Project alignment and preliminary design, existing and new rights-of-way (ROW) and easements, topographic survey, utilities data, and Limits of Construction (LOC).
3. Roadway Feature File, Alignment File, Feature Codes and SMD (Simple Method Description) File (downloadable from NDOT's website).
4. County-wide plat (ownership) or TAM (occupancy) maps for Consultant's use if landowner notification is needed. A notification letter, on LPA's letterhead for the consultant's use in landowner contact and site access will also be provided.
5. Waterway Permit Data Sheet (NDOT 290)
6. E (aerial) plan Sheets from design consultant.
7. Wetland Delineation Data Sheets and Photographs (if already available and not part of this scope of work).
8. Environmental Justice/Limited English Proficiency Memo (provided by State).
9. Section 106 documentation (if not part of this scope of work)
10. Section 106 PQS Memo (provided by State).
11. HMR PQS Memo (provided by the State).
12. Threatened and Endangered Species PQS Memo (provided by State).

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

13. Wetlands PQS Memo (provided by State).
14. Floodplain PQS Memo

**C. APPLICABLE PUBLICATIONS:**

Work shall be done in accordance with the most current version of the following materials:

1. Nebraska Categorical Exclusion Guidance (October 2018).
2. Guidance for Completing the Section 4(f) Review Process in Nebraska for Federal-Aid Projects (September 2018).
3. Programmatic Categorical Exclusion Agreement between the Federal Highway Administration and the Nebraska Department of Transportation (April 2015).
4. Nebraska Department of Transportation. Hazardous Materials Review Guidance Manual (September 2018).
5. NDOT National Historic Preservation Act Section 106 Guidelines (October 2019).
6. Nebraska Biological Evaluation Process, Prepared in Support of the Programmatic Agreement that was developed and updated between FHWA, NDOT, USFWS and NGPC (January 2017).
7. Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1. Environmental Laboratory, Department of the Army Waterways Experiment Station, US Army Corps of Engineers, Vicksburg, Mississippi, 1987.
8. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Midwest Region, ERDC/EL TR-08-27. Wetlands Regulatory Assistance Program, US Army Engineer Research and Development Center, Vicksburg, Mississippi, 2010.
9. Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Great Plains Region, ERDC/EL TR-08-12. Wetlands Regulatory Assistance Program, US Army Engineer Research and Development Center, Vicksburg, Mississippi, 2010.
10. Regulatory Guidance Letter No. 05-05: Ordinary High Water Mark Identification. US Army Corps of Engineers, 2005.
11. Cowardin et al. Classification of Wetlands and Deepwater Habitats of the United States, FWS/OBS 79/31. Biological Services Program, Fish and Wildlife Service, US Department of the Interior, 1979.
12. Nebraska Department of Transportation. Wetland and Water Resource Procedure Document (April 2020).
13. USACE. 2016b. Nebraska Stream Condition Assessment Procedure (NeSCAP). Eds. M.C. Gilbert, K.L. Lawrence, and M.T Wray. CENWO-OD-RF Technical Report 05-12. Omaha District. October 2016.
14. Nebraska Department of Transportation. Nebraska Public Involvement Procedure. (September 2015).



**EXHIBIT "A"**  
**SCOPE OF SERVICES**

**D. PURPOSE AND NEED AND PROJECT DESCRIPTION:**

The NEPA Consultant will work with the design consultant to develop the "Purpose and Need" and "Project Description" for the Local Public Agency (LPA) project using the following guidance material:

- LPA Purpose and Need Statement Template
- LPA Project Details Template
- LPA Project Description Template
- LPA Project Details Definitions

The Purpose and Need and Project Description for the project will be used to complete the Local Public Agency (LPA) Project Programming Request, NDOT Form 530. The NEPA Consultant will work with the design consultant in completing the NDOT Form 530, NDOT-213 Purpose and Need statement (if applicable – Level 3 Categorical Exclusion (CE)), NDOT-182 Project Description, NDOT-173 Project Details.

**D.E. CE DOCUMENT:**

1. CE Document and Resource Reviews. Consultant shall develop applicable documentations as determined in this contract in accordance with Nebraska Categorical Exclusion Guidance and applicable NDOT technical resource guidance or procedures found at <https://dot.nebraska.gov/projects/environment/pubs/docs/> unless specified elsewhere within this contract.
  - a. CE Documentation for Federal-Aid Projects. Consultant shall produce the required CE documentation using the NDOT CE Smartform. Consultant shall notify the NDOT NEPA PM if a threshold has been crossed which elevates the level of CE documentation. Consultant shall obtain or produce supplemental information to attach to the NDOT CE Smartform, or to be placed into the Project file as back-up reference material for the document. Figures and resource maps are required to be attached to the NEPA Form. If not required as an attachment, Consultant shall produce them for the NEPA project file.
  - b. Plan in Hand Site Visit. NEPA consultant shall coordinate with design consultant to prepare and submit agenda and meeting minutes to NDOT. NEPA consultant (one staff member) shall also attend the on-site or virtual Plan-in-Hand meeting coordinated and led by the design consultant and LPA Project Coordinator.
  - c. Project Location Maps. Consultant shall prepare Project location maps that include the following: An aerial image depicting the project location with start and end points labeled, an inset map with the project location or county identified within the state, North arrow, Scale bar, Legend, Project Name, Control Number, and Project Number.
  - d. Documentation and Revisions. CE documentation shall be submitted to NDOT for review and approval (assume 3 rounds of comments).

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

- e. NEPA Re-evaluations. Consultant shall complete up to 2 NEPA re-evaluations. Consultant's effort shall also include determining if there are any project changes that require additional resource reviews. Re-evaluations may be documented with the NDOT Re-evaluation Form, email, memo to file, or other written summary. Consultant shall coordinate with NDOT NEPA PM prior to completing any re-evaluation. Consultant assumes modifications needed during the reevaluations will be minor in nature. Revisions of any supporting studies or formal agency coordination outside of email correspondence would be negotiated as a Supplement to this Agreement.

2. Farmland.

- a. Farmland Conversion Form. If there is farmland located in the Project Environmental Study Area and its use may be converted to other purposes as part of the Project, Consultant shall prepare a Natural Resource Conservation Service (NRCS) Farmland Conversion Form CP-106.
- b. Consultant shall perform coordination with NRCS if needed. This additional coordination would be considered out-of-scope and additional hours will be negotiated as a Supplement to this Agreement.

3. ~~Section 106.~~

- a. ~~Section 106 Review Request Letter.~~ The NEPA Consultant shall complete the Section 106 Review Request Letter and submit it as a PDF to the State's Section 106 Professionally Qualified Staff (PQS), copy the LPA Project Coordinator and NDOT NEPA PM. The Section 106 Review Request Letter shall include a Vicinity Map and a Location Figure, showing the project's start and end points.

- a. ~~Section 106 Identification and Evaluation of Properties.~~ This task is for undertakings within the Omaha, Metropolitan Planning Agency (MAPA), Lincoln City and Lancaster County (LCLC) metropolitan planning area, and the South Sioux City Metro planning area.
  - 1) ~~The NEPA Consultant shall complete the cultural resource identification and evaluation in accordance with NDOT Section 106 guidance document: [https://dot.nebraska.gov/media/12086/ndot\\_section\\_106\\_guidelines.pdf](https://dot.nebraska.gov/media/12086/ndot_section_106_guidelines.pdf)~~
  - 2) ~~Cultural resource identification and evaluation shall be completed and/or supervised by individuals meeting or exceeding qualifications set forth by the U.S. Secretary of the Interior's Standards for Professional Qualification Standards [https://www.nps.gov/history/local-law/arch\\_stnds\\_9.htm](https://www.nps.gov/history/local-law/arch_stnds_9.htm). The qualifications (36 CFR 61) define minimum education and experience required to perform identification, evaluation, registration, and treatment~~

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**EXHIBIT "A"**  
**SCOPE OF SERVICES**

activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. Illustrative examples include an architectural historian with specialized experience in evaluating post-WWII architecture, a geoarchaeologist with specialized experience in assessing the potential for deeply buried cultural deposits in alluvial settings, or a paleobotanist with specialized experience in assessing floral material recovered from a prehistoric pit feature. The Principal Investigator (PI) shall submit their resume to the State's Section 106 PQS for review and approval prior to execution of this agreement.

- 3) ~~Area of Potential Effect.~~ Upon execution of this agreement, and prior to completing fieldwork, the NDOT Section 106 PQS shall review and approve the proposed area of potential effects (APE) as well as the proposed level of effort.
- 4) ~~NDOT Guidelines.~~ The NEPA Consultant and the PI shall follow the report guidelines discussed in NDOT's Section 106 Guidance document (2019) when compiling and submitting documentation, including identifying potential consulting parties. The identification of consulting parties shall be done in consultation with the NDOT Section 106 PQS.
- 5) ~~Consultation and Approval.~~ The report shall be submitted to the NDOT Section 106 PQS for review and approval. The State (or FHWA, when applicable) will complete all formal consultation, SHPO, tribal, etc. The State will complete the Section 106 PQS memo.

4. Section 4(f).

- a. NDOT Section 4(f) Initial Assessment Form. Consultant shall determine if adjacent Section 4(f) properties such as public parks, recreation areas, and wildlife/waterfowl refuges, or historic sites of local, state or national significance are present, as part of the resource review. Consultant shall prepare the NDOT Section 4(f) Initial Assessment Form and submit to NDOT NEPA PM for review and approval.
- b. Section 4(f) Documentation. If a Section 4(f) property is identified within the Project area, the project or undertaking must determine a 'use' of land from that property within the meaning of Section 4(f). Consultant shall determine a 'use' of land from the identified Section 4(f) property (assume one property) within the Project area. If it is determined that there is a 'use' of the land, then coordination with NDOT must occur and one or more of the following documents will be prepared by the Consultant:
  - 1) NDOT Section 4(f) Exceptions Form
  - 2) NDOT Section 4(f) De Minimis Form
  - 3) Coordinate with the Official With Jurisdiction for the Section 4(f) resource, to obtain concurrence that the impact will/will not adversely affect the resource. If more than one Section 4(f) property has a 'use' determined, analysis and

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

document preparation for the additional properties would be considered out of scope and the additional effort would be negotiated as a Supplement to this Agreement.

- c. Individual Section 4(f) Evaluation is not included as part of this scope of work. If an individual Section 4(f) Evaluation is determined to be necessary, a Supplement to this Agreement would be required.

5. Section 6(f).

- a. Section 6(f) Review. Consultant shall conduct coordination with the Nebraska Game and Parks Commission (NGPC) to determine if LWCF funds were used for the property requiring the additional Section 4(f) analysis. If Section 6(f) resources are present, then Consultant will determine if a conversion will occur.
- b. Coordination. If replacement land is needed, coordination with the jurisdictional agencies would be required, as well as additional Section 6(f) documentation. This additional Section 6(f) coordination and documentation as a result of a conversion would be considered out-of-scope and additional hours will be negotiated as a Supplement to this Agreement.

6. Quality Control

- a. Consultant QC Certification Statement. At the time of CE submittal to NDOT, the consultant shall submit to NDOT a "QC Certification Statement" in accordance with NDOT's NEPA Documentation Quality Assurance/Quality Control Manual which will attest to the accuracy and completeness of each NEPA document submitted for NDOT review.
- b. QC Comment/Response Matrix. The consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.

7. Floodplain Review

- a. Consultant will research and document whether the project is located within a Zone A floodplain.
- b. Consultant will draft a Floodplain PQS memo with supporting documentation and mapping for review and approval by NDOT. Consultant assumes that the project shall not encroach upon mapped floodplain. The Floodplain PQS memo shall be compiled by a licensed water resources and hydrology engineer.
- c. If a floodplain encroachment will occur due to the project, the analysis and floodplain permitting would be considered out-of-scope and additional hours will be negotiated as a Supplement to this Agreement.

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**EXHIBIT "A"**  
**SCOPE OF SERVICES**

7.8. Deliverables for the CE Document and Resource Review task include:

- a. The CE documentation (and supporting attachments and file data)
- b. Farmland Conversion Form CP-106, if applicable
- c. Section 106 Review Request Letter
- d. NDOT Section 4(f) Initial Assessment Form
- e. 4(f) Exception/De Minimis Documentation, if applicable
- f. Section 6(f) Documentation, if applicable
- g. Floodplain Memo
- g.h. Quality Control Documentation

E.F. THREATENED AND ENDANGERED SPECIES (T&E) REVIEW

1. Resource Reviews. Consultant shall review the project for T&E species impacts (both state and federally listed species) protected by the Endangered Species Act and the Nebraska Non-game and Endangered Species Conservation Act. The Consultant will also review the project for impacts to bald and golden eagles protected by the Bald and Golden Eagle Protection Act.
2. The consultant shall determine if a review under the Fish and Wildlife Coordination Act is required. If the project has wetlands/waters of the U.S. impacts that require an Individual Permit Application to the U.S. Army Corps of Engineers, coordination is needed. At the direction of NDOT, the consultant will summarize any consultation comments or recommendations between NDOT and USFWS and document in the Overview of Effects and Required Conversation Conditions form.
  - a. ~~Consultant shall determine if American Burying Beetle (ABB) early coordination with the U.S. Fish and Wildlife Service and the Nebraska Game and Parks Commission is required. Projects with any soil disturbing activities that occur outside the hinge point within the USFWS and/or the NGPC range for ABB requires early coordination. Consultant shall utilize most recent guidance from USFWS and NGPC to assess permanent and temporary soil disturbances in suitable and unfavorable habitat, and estimate potential ABB take. If early coordination is required for ABB, Consultant shall, on behalf of NDOT, initiate early coordination by providing ABB early coordination memo, spreadsheet of habitat disturbances, and Google Earth KMZ file of habitat disturbances to the USFWS and NGPC. Consultant shall assume one round of comment/response with the resource agencies. If early coordination for ABB is required, this additional coordination would be considered out of scope and would be either supplemented to this Agreement or if available, hours from the Reserve would be approved upon request.~~
3. Biological Assessment. Consultant shall prepare the Biological Assessment and related documentation, submit them (in Word and Excel format as well as a compiled PDF), to NDOT, and revise them in response to NDOT comments as needed. If all of the Species

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**EXHIBIT "A"**  
**SCOPE OF SERVICES**

Evaluation Parameter (SEP) questions are checked "No", Consultant will prepare the Overview of Effects and Required Conservation Conditions (OERCC). If any of the SEP questions are checked "Yes", Consultant will prepare the Matrix Spreadsheet for those species and the activities found in the Activity Checklist. If the Matrix determination is "No Effect", Consultant will submit the Matrix, SEP Form and OERCC Form. If determination for an individual species is Not Likely to Adversely Affect with Conservation Conditions (NLAA-CC), then Consultant prepares the OERCC Form with appropriate Conservation Conditions included for those species. Consultant's effort shall also include up to 3 progress meetings with NDOT, by telephone.

- a. Individual Project Level Evaluation (will be supplemented as necessary). If the determination for an individual species is "May Affect", Consultant will notify NDOT as soon as possible and will prepare an Individual Project Level Evaluation (IPLE) supported by figures, literature review, and other supplemental information such as aerial photos and resource agency correspondence, including appropriate conservation conditions in the OERCC for species with a "May Affect" determination. If the determination for an individual species is "MA" or "NLAA-CC" but this determination appears wrong due to existing habitat conditions, species range information, or other factors, an IPLE shall be prepared by the Consultant to justify a change in determination. If a resource agency meeting is required, such meeting would be considered out-of-scope and would be either supplemented to this Agreement or, if available, hours from the Reserve would be approved upon request.

4. Quality Control Documentation

- a. Quality Control Statement
- b. QC Comment/Response Matrix. The consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.

5. Deliverables for the T&E Review Include:

- a. Biological Assessment and related documentation
- b. Individual Project Level Evaluation, if applicable
- c. Quality Control Documentation
- d. ~~ABB Early Coordination Documentation, if applicable~~
- e. ~~ABB early coordination memo, if applicable~~
- f. ~~Excel spreadsheet of habitat disturbances, if applicable~~
- g. ~~Google Earth KMZ file of habitat disturbances, if applicable~~

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**EXHIBIT "A"**  
**SCOPE OF SERVICES**

**F.G. HAZARDOUS MATERIALS REVIEW (HMR).**

1. Consultant shall complete an HMR within the HMR Study Area in accordance with the NDOT Hazardous Material Review Guidance Manual. This includes review of sites that are known to be, or may potentially be, contaminated with hazardous materials. Conditions that indicate an existing release, a past release, or a material threat of a release, of any hazardous substances or petroleum products into structures, on the property or into the soils, groundwater, or surface water should be evaluated and assessed for potential impacts on the Project, and discussed in the HMR technical report.
2. Consultant shall conduct and review local, state and federal environmental database records, searching for regulated sites within the HMR Study Area. Databases include: the NDEE interactive web-based interpretive tool, the EPA's EnviroMapper tool, the National Response Center, and the Nebraska State Fire Marshal's registered tank databases
3. Consultant shall conduct an on-site visual site reconnaissance survey and complete the HMR Visual Reconnaissance Form and photo log.
4. The scope of the HMR does not include conducting additional analysis per the HMR guidance. The scope of the HMR does not include conducting additional analysis per the HMR guidance. Additional analysis may include (1) conducting a regulatory file review (NDEE, SFM, etc.) (2) reviewing readily available historical record sources (aerial photographs, topographic maps, Sanborn Fire Insurance maps, etc.) and/or (3) conducting interviews with local agencies and regulators. Should additional analysis be required a Supplement to this Agreement would be required.
5. A subsurface investigation is not included as part of this scope of work. If a subsurface investigation is determined to be necessary, a Supplement to this Agreement would be required.
6. Consultant shall prepare a written Hazardous Materials Review Report. The Report shall be submitted by the Consultant to NDOT's HazMat PQS, copy the LPA Project Coordinator and NDOT NEPA PM. The Consultant shall revise materials per NDOT comments and resubmit subsequent drafts to NDOT for review and approval.
7. Quality Control Documentation
  - a. Quality Control Statement
  - b. QC Comment/Response Matrix. The Consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.
8. Deliverables for the Hazardous Materials Review Include:
  - a. Hazardous Materials Review Report
  - b. Quality Control Documentation

**G.H. NOISE STUDY AND REPORT.**

1. ~~Consultant shall review the Noise Analysis and Abatement Policy to determine if a noise study is required (definition of a Type I project). The NDOT PQS will verify that a noise study is needed. When no noise analysis is required, the NDOT Noise PQS and/or NDOT NEPA Environmental PM will forward the Noise PQS memo to the Consultant. Consultant~~

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**EXHIBIT "A"**  
**SCOPE OF SERVICES**

shall cite the date of the Noise PQS Memo in the appropriate block of the CE Form and attach it to the document.

2. When a noise study is required, Consultant shall follow the NDOT Noise Analysis and Abatement Policy and provide a Noise Study Report including, but not limited to the following:
  - a. General information regarding the nature of noise and measurement of sound, 23 CFR Part 772 Standards, noise abatement criteria and noise prediction method used;
  - b. Project Description;
  - c. Table showing existing and future (at least 20+ years from date of construction) traffic counts (Average Daily Traffic and Design Hourly Volume) as well as medium and heavy truck percentages, all to be used in conjunction with FHWA's Traffic Noise Model (TNM);
  - d. Field noise measurements are required; Consultant shall prepare a table to include such items as location, distance from Project centerline, noise levels, and other appropriate information;
  - e. Information about land use adjacent to Project;
  - f. Table showing the following:
    - 1) receptor ID (home address or business name if possible);
    - 2) modeled existing noise level (TNM results);
    - 3) predicted future no-build noise level (TNM results);
    - 4) predicted future build noise level (TNM results);
    - 5) Leq noise abatement criteria (66 or 71 dBA);
    - 6) Specify if build situation approaches or exceeds Leq criteria (if substantial noise increase > 15dBa) (yes or no).
  - g. Analyze noise abatement for feasibility and reasonableness if necessary (determined by noise impacts);
  - h. Address construction noise.
  - i. Provide setback recommendations to local officials.
  - j. Consultant will provide conclusions stating findings (how many impacted receptors in existing, no-build and build situations, noise abatement results).
  - k. List references.



**EXHIBIT "A"**  
**SCOPE OF SERVICES**

- I. Prepare diagram using aerials or topographic map identifying:
  - 1) Receivers adjacent to project;
  - 2) Areas for possible noise abatement;
  - 3) 66 and 71 dBA noise contour lines
3. The Consultant shall submit the Noise Study to the NDOT Noise Specialist. Consultant shall revise materials per NDOT comments and resubmit subsequent drafts to NDOT for review and approval.
4. Quality Control Documentation
  - a. Quality Control Statement
  - b. ~~QC Comment/Response Matrix.~~ The Consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.
5. Deliverables for the Noise Study and Report Include:
  - a. Noise Study Report
  - b. Quality Control Documentation

**H.I. WETLAND AND STREAM DELINEATION SERVICES.**

1. Site Visit. The Consultant shall visit the Project site to determine if waters of the United States (US), including wetlands, are present within the Project Delineation Limits as described below. The site visit will be conducted by a qualified wetland scientist and during the recognized growing season unless otherwise approved by the NDOT Wetlands Project Manager. Delineation methods shall be in accordance with the 1987 US Army Corps of Engineers (USACE) Wetland Delineation Manual; appropriate USACE Regional Supplement (Midwest or Great Plains); and the "NDOT: Wetland and Water Resource Procedure Document" (April 2020).
2. Review Existing Resources/Databases. Consultant shall review existing resources prior to field delineation. For projects requiring new Right of Way (ROW) beyond existing, into agricultural land, NDOT Wetlands PM shall be contacted for direction. In some cases, at State's direction, delineation of agricultural wetlands may be needed. The consultant shall follow the Natural Resources Conservation Service (NRCS) standard method for agricultural wetlands delineation.
3. Wetlands in an Agricultural Setting (WIAS) Review. Consultant shall review WIAS historic aerial photography with recorded wetland delineations when required for permitting.
4. Nebraska Stream Condition Assessment Procedure (NeSCAP). Consultant shall complete the USACE-developed assessment of streams and floodplain/riparian areas to determine functional units of impacts and mitigation stream channels (USACE 2016b). NeSCAP shall include the collection of desktop and on-site data.
5. A Wetland Mitigation Plan is not included as part of this scope of work. If a Wetland Mitigation Plan is determined to be necessary, a Supplement to this Agreement would be required.

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**EXHIBIT "A"**  
SCOPE OF SERVICES

6. Delineation Limits. For purpose of scope and fee development, the Consultant shall assume the following study area for a Full Delineation. Along the project alignment, the study area extends 50 feet beyond LOCs or within ROW whichever is farther from the roadway centerline. At bridge or bridge-sized structures along the project alignment, the study area extends 150 feet beyond designed LOCs or 150 feet beyond ROW, whichever is farther from the roadway centerline.
7. Plot Boundaries. Consultant shall plot the data on aerial photographs. Data plotted on aerial photographs will include project wetland delineation limits (environmental study area), roadway alignment and mile markers. Data will include wetland boundaries (hollow line-style), wetland I.D., wetland types, OHWM for channels (and channel name if available), other water resources, and location of data and photo collection points. NEPA Consultant will be provided Design Consultant's survey files prior to delineation.
8. Documentation of Findings. Consultant shall prepare documents according to NDOT procedures (April 2020).
9. Electronic Files (GIS). Consultant shall submit the delineation materials in electronic format plot(s) to NDOT Wetlands PM, copy the LPA Project Coordinator and NDOT NEPA PM. Submittal shall include environmental study area boundaries, wetland delineation boundaries, wetland types, acres, other water resources and location of data collection points and photo points in NDOT's GIS file Geodatabase (.gdb). Coordinate system projections for all submittals shall be: NAD 1983 State Plane Nebraska FIPS 2600 (Feet). The submittal will include a completed attribute table with relevant information, such as wetland name and type, for each feature, as described in NDOT (2020) procedure. All geospatial data shall be post-processed to correct GPS data inaccuracies, compile all required information in the NDOT geodatabase attribute tables, and checked for completeness, accuracy, and conformance to NDOT data standards. Geospatial data shall provide an accurate representation of field observations.
10. Coordination. Consultant shall coordinate with Design Consultant to create wetland .dgn file to be used in E (aerial) plan sheets. This effort may include creating a .dgn file and labeling the wetlands/water resources.
11. Quality Control Documentation
  - a. Quality Control Statement
  - b. QC Comment/Response Matrix. The consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.
12. Deliverables for Wetland and Water Resource Delineation Services Include:
  - a. Wetland Delineation Report and associated geospatial data
  - b. ~~Wetland in an Agricultural Setting (WIAS) Report~~
  - c. NeSCAP Documentation
  - d. Quality Control Documentation

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I.J. SECTION 404 PERMITTING SERVICES

1. Pre-Application Meeting. Consultant shall discuss with the State the necessity of a pre-application meeting. If required, Consultant shall arrange for, attend, and conduct, a pre application meeting with the USACE and other interested resource agencies to discuss



**EXHIBIT "A"**  
**SCOPE OF SERVICES**

the wetland delineation and other issues relating to fill and disturbance impacts. Consultant shall prepare and distribute minutes. This activity would be considered in-scope, however Consultant must obtain written approval from the LPA or State when acting on the LPA's behalf, to attend and conduct the meeting. **With LPA or State approval, Consultant will be able to use the estimated hours for the meeting attendance and documentation.**

2. 404 Nationwide Permit Application Package.
  - a. Consultant shall prepare a 1st Draft of the 404 Permit Application Package consisting of 404 Permit Application and Wetland Delineation Report. Electronic files of the documents will be submitted to NDOT Wetlands PM for review and approval. The Consultant shall revise materials per NDOT comments and resubmit subsequent drafts to NDOT for review and approval. Preparation of a mitigation plan is not included in this scope of work.
  - b. Consultant shall prepare and submit to LPA, or State on LPA's behalf, the electronic files and hard copies of all materials. For the final package, the Consultant shall submit one bound copy to LPA and electronic files to State on NDOT's ftp site. The Consultant shall submit a hard copy of the 404 permit application package to the USACE and NDEE (when required) unless otherwise directed by LPA, or State on LPA's behalf.
3. Agency Coordination. Consultant shall correspond with the USACE, whether in writing or personal contact documented in a telephone memo or meeting notes.
  - a. Consultant shall be available to provide additional information and answer questions. All correspondence with the USACE and other agencies, if necessary, shall be submitted to the NDOT in draft form for approval from LPA, or State on LPA's behalf at least 10 days before final submittal.
  - b. If needed, Consultant shall coordinate with NDEE and obtain a letter of 401 Water Quality Certification. If wetlands are non-jurisdictional, Consultant shall obtain a Letter of Opinion from NDEE, stating compliance with the non-degradation clause of Title 117 Nebraska Surface Water Quality Standards.
4. Quality Control Documentation
  - a. Quality Control Statement
  - b. QC Comment/Response Matrix. The consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.
5. Section 404 Individual Permit Application
  - a. ~~Alternatives Analysis and Sequencing Demonstration.~~ If required, all tasks specified above for Nationwide permits also apply to Individual Permits with the following additional tasks: ~~Consultant shall prepare an Alternatives Analysis and Sequencing Demonstration for inclusion in the Individual Permit Application. This task involves incorporating materials provided by the LPA's design consultant. The Consultant will also coordinate activities with the USACE and other regulatory and resource agencies, as needed.~~
  - b. ~~Public Comments.~~ Consultant shall respond to public comments from the USACE Public Notice comment period.

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**EXHIBIT "A"**  
**SCOPE OF SERVICES**

6. Deliverables for Section 404 Permitting Services Include:

- a. 404 Nationwide Permit Application
- b. ~~404 Individual Permit Application including Alternatives Analysis and Sequencing Demonstration, if applicable~~
- c. Section 404 Authorization Letter
- d. Quality Control Documentation

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J.K. PUBLIC INVOLVEMENT

1. In accordance with the NDOT's 2015 "Nebraska Public Involvement Procedure" <https://dot.nebraska.gov/media/3964/ndor-public-involvement-procedure.pdf>, the Consultant shall prepare for a Public Information Meeting. The Client shall provide:

- a. If applicable, cover any costs associated with securing or using meeting venue(s)
- b. Distribution list of stakeholders and contiguous property owners
- c. Press Release to be sent two weeks prior to public information meeting (optional)
- d. Temporary signage to be installed 15 days prior to public information meeting (if needed)
- e. Templates for standard reports, legal notices, handouts, comment response letters, etc., for materials being developed for Client

2. Consultant shall provide the following services:

- a. Consultant will work with the Client to develop a Public Involvement Plan to address public notification, develop a database of project stakeholders and plan for the PIM, one-on-one meetings, or agency meetings that might be necessary. Consultant will assist the Client in establishing a Project Steering Committee, conducting a Design Charrette, Stakeholder Meetings and Public Information Meetings (PIM) including setup, facilitation and teardown.
- 1) **Establish Project Steering Committee.** The Consultant will work with the City of York to establish steering committee members and their role and goals related to the project.
- 2) **Design Charrette.** The Consultant will conduct a two-day planning and design charrette with the City, NDOT, the Project Steering Committee and additional identified stakeholders. The purpose of the charrette will be to review all previous planning and public outreach efforts, understand the goals for the project and define the proposed alignments and location of features of the project. The charrette will conclude with an informal public open house at the end of day two to gather feedback on the proposed alignments and location of

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**EXHIBIT "A"**  
**SCOPE OF SERVICES**

project features. The anticipated schedule and activities would be included in the Public Involvement Plan.

The Consultant will:

- a) Identify venue and arrange for booking. Provide a meeting venue floor plan including identification of ADA compliant access routes, location of display and presentation materials, and seating arrangement, if applicable;
- b) Prepare Materials such as maps, aerials, character images, etc.;
- c) Prepare and Distribute Postcard Notification for the public open house to potentially affected property owners;
- d) Prepare a Charrette Memorandum summarizing the charrette process, activities and findings including public comments and concerns, photographs of the event and any displays.

3) **Stakeholder Meeting.** The Consultant will prepare for and conduct one four-hour meeting with potentially affected businesses and property owners to share the preliminary design of the project. Stakeholders would be invited to attend a timeslot based on their location. The content of the information would be consistent throughout all timeslots except to share location-specific design information. It is anticipated the stakeholder meeting will be held three to four weeks prior to the Public Information Meeting. The Consultant will:

- e) Invite property owners and other stakeholders
- f) Secure a suitable location for the meeting
- g) Prepare for and attend the meeting
- h) Prepare an overview presentation to provide consistent information. Prepare preliminary exhibits and comment sheets to allow stakeholders to provide their initial comments or concerns to be reviewed by the project team.
- i) Provide a summary of general comments and written comments received. Responses to comments received at the stakeholder meetings will not be prepare.
- j) Review comments with project team to determine if it is feasible and reasonable to modify the design to address the stakeholders' concerns.

4) **Public Information Meeting.** The Consultant will conduct a Public Information Meeting to inform the public of the results of the charrette, the preliminary design, NEPA process and resources and gather feedback. The Consultant will:

- a) Identify venue and arrange for booking. Provide a meeting venue floor plan including identification of ADA compliant access routes, location of

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**EXHIBIT "A"**  
**SCOPE OF SERVICES**

display and presentation materials, and seating arrangement, if applicable;

- b) Prepare a Legal Notice of meeting to include project location, purpose and need, planned construction, state if additional right of way or easements will be needed to construct the project, additional impacts and construction schedule;
- c) Prepare for Public Notice Publication, verify local newspaper distribution schedule and critical dates and submittal information related to legal advertisements. Consultant will place advertising for the public notice in one local (Nebraska Press Association (NPA) certified paper at least 15 days prior to event with one affidavit of publication;
- d) Postal Outreach Prepare and distribute invitations to property owners directly adjacent to the project and other project stakeholders from a list approved by the Client; anticipate up to 150 invitations sent through the U.S. Postal Service;
- e) Af Informational Poster, up to 2 posters showing publicly owned park and recreation areas that are open to the general public, publicly owned wildlife and waterfowl refuges, and public or privately owned historic sites. The term historic sites include prehistoric and historic districts, sites, buildings, structures or objects listed in, or eligible for, the National Register of Historic Places, if applicable;
- f) Prepare Aerials with proposed alternative(s) and potential impacts;
- g) Prepare Posters to display relevant project information; up to 8 other informational posters are anticipated, including typical section, project location and construction detour (if applicable), project milestones or schedule;
- h) Develop Advertising for public meeting — radio ads, — website
- i) Prepare a Fact Sheet suitable for a mailer or handout at the PIM; The Fact Sheet will be similar to the legal notice and include the project location, purpose and need, scope of work, traffic volumes, construction schedule, accommodations of traffic, ROW, potential impacts, additional costs, location map/detour map and appropriate logos (FHWA, NDOT, Clients logo, Preliminary Plan Stamp – NO consultant logos / branding);
- j) Prepare for and Attend the Public Meeting including a pre-meeting approximately 15 minutes prior to the public meeting to review key facts / information and to go over any potential issues and to provide suggestions on how to approach questions and/or conflict;
- k) Prepare a Matrix summarizing general comments and concerns from the public meeting and written comments. The client will identify those comments which warrant a response. The Consultant will prepare up to

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**EXHIBIT "A"**  
**SCOPE OF SERVICES**

12 draft responses and revise them as needed based on the Clients review comments. The approved responses will be mailed by U.S. Postal Service;

- l) Prepare a Summary Memo summarizing public outreach activities to involve and inform the public of the proposed improvements and to solicit the public's comments and concerns. A table of general public comments and responses, submitted public comments and responses would also be included;
- m) Prepare a Public Involvement Report including a summary of the outreach activities (tools used, information about the distribution list, legal notice publication dates, specified comment period date, etc.), a table of summarized comment/responses, and attachments that consist of what the public received in their project information packet, the comments received, and the final signed responses to the comments. The public involvement report/summary memo and attachments shall be attached to the CE;
- n) Prepare a Public Information Packet, which would include a cover letter, comment form, legal notice and fact sheet.
- o) Prepare Postcard Notification for the public information meeting.;
- p) Postcard Distribution. Consultant will coordinate the mailing of the postcard using a distribution list provided by the Client. The Client will coordinate hand delivery of packets to the businesses and property owners adjacent to the project

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b. Prepare and Attend Related Meetings including:

- 1 Kickoff meeting
- 1 Project status meeting(s)
- 1 Design charrette
- 1 Stakeholder meeting
- 1 Public meeting
- 1 Comment review meeting(s)
- One on one meeting(s)
- Agency meeting(s)

- 3. The Consultant will provide project information for the City of York website including project description, location map, schedule graphic and contact information.
- 4. Presentations to Community Groups. The Consultant, in coordination with the LPA and NDOT, will prepare for and participate in project presentations to community groups as might be requested and agreed upon by the LPA and NDOT. Six such presentations are included in this scope of services. The Consultant will work the the LPA and NDOT to prepare applicable materials for these meetings.

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

5. Quality Control Documentation

- a. Quality Control Statement
- b. QC Comment/Response Matrix. The consultant shall provide a completed QC Comment/Response Matrix or other approved review method with each document submittal that is responding to NDOT review comments.

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6. Deliverables for Public Involvement Include:

- a. Public Involvement Plan
- b. Distribution List
- c. Public Notice
- d. Design Charrette
- e. Stakeholder Meeting
- f. Public Information Meeting
- g. Public Involvement Summary Memo (one memo per PI event)
- h. Public Involvement Report
- i. Materials for Website

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- 1. Consultant shall serve as the agent for LPA representing the Client in all matters related to public involvement services for this project, with the exception of: \_\_\_\_\_
  - a. Civil Rights Analysis
- 2. It is anticipated that the project will require the following major tasks: \_\_\_\_\_
  - a. Project Management and QA/QC
  - b. Targeted Outreach Mailing. The Consultant shall prepare the public notice, informational flyers, cover letter, handouts, or other environmental materials for use in the Targeted Mailing effort. For all levels of CE, that meet the specified considerations for the lowest level of Public Involvement, a targeted outreach mailing will be prepared (when requested by the LPA, or State on LPA's behalf, after coordination with the NDOT Public Involvement Coordinator). A Public Involvement Plan will be submitted to the NDOT Public Involvement Coordinator for review and approval prior to further development of outreach materials. (The outreach materials will be created with assistance from the LPA, State and the LPA's design consultant.) Approved agency and LPA logos must be included on all project materials provided to the public.



**EXHIBIT "A"**  
**SCOPE OF SERVICES**

- 1) ~~Distribution List. Consultant shall compile names and mailing addresses for local officials, as well as contiguous property and business owners along the Project and any designated detour routes. Consultant shall coordinate with the County Assessor, online GIS map servers, or NDOT to obtain this information. Consultant will develop a mailing list for public distribution, which will be reviewed and approved by NDOT's Public Involvement Office.~~
  - 2) ~~Public Notice and Official Legal Notice. Consultant shall draft a Public Notice that includes information on the following: Project description, right-of-way or easements, detour, construction schedule, map (detour and location), and contacts. Consultant shall physically print and mail the Notices using the distribution list developed in Task J.2.b.1, only after approval by NDOT's Public Involvement Office.~~
  - 3) ~~Project Information Packet. Consultant will prepare the Targeted Mailing which includes a cover letter, fact sheet, map(s), and blank public comment sheet. The fact sheet should include project location, purpose and need, scope of work, traffic volumes, construction schedule, accommodation of traffic (detour if needed), right-of-way or easements needed, potential impacts, and estimated cost. Also included in the Targeted Mailing is a map showing project location and any detour(s). Materials will be sent to the LPA and State for review/comment. The Consultant will physically print and mail the cover letter, fact sheet, map(s), and blank public comment sheet only after approval by NDOT's Public Involvement Office. Comments received during the public involvement period (30 calendar days) will be directed to the LPA and State for review and response. Copies of comments received and responses will be forwarded to the Consultant. Comments received during the public involvement period will be directed to the LPA and State for review and response. Consultant may be requested to assist the LPA in preparing responses. Copies of comments received and responses will be forwarded to the Consultant.~~
  - 4) ~~Public Involvement Summary Memo and Report. Consultant shall compose a Summary Report to document public outreach performed in association with the Project. Comments received and any responses will be included in the Summary Report. These items would be attached to the CE document.~~
3. ~~Additional hours will be negotiated with the Consultant, by supplement to this Agreement, for preparation of additional public involvement materials required to support increased levels of Public Involvement.~~
  4. ~~Work shall be done in accordance with the most current version of the following materials. The most current versions of the NDOT materials can be obtained from the NDOT website.~~
    - a. ~~NDOT Public Involvement Procedure~~

**CONSULTANT SHALL PROVIDE:**

1. ~~Preparation and Distribution of a Project Information Packet~~
  - b. ~~Public Information Packet. Consultant will development of a Public Information Packet, as described by NDOT's Public Involvement Procedure. Consultant will:~~
    - 1) ~~Prepare Cover Letter~~

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

- 2) — Develop Public Information Sheet
- 3) — Develop Comment Form
- 4) — Prepare Legal Notice
  - e. — Legal Notice Coordination. Consultant will publish legal notice once in local paper (Nebraska Press Association Certified). This shall occur at/around the same time the public is expected to receive the mailers, starting the official comment period.
  - d. — Packet Distribution. Consultant will coordinate the mailing of the Public Information Packet, using a distribution list they produce. Anticipate up to 150 mailers.
5. — Public Involvement Summary Memo and Report
  - a. — Public Comments. Consultant will review and prepare responses to public comments for NDOT and Client review and approval.
    - 1) — Consultant will provide a summary document of the public comments, including identification of comments and potential responses with assistance from the Client.
    - 2) — Client will review, finalize, and disseminate (up to 25) responses to public comments.
  - b. — Summary Memo and Report. Consultant will prepare Public Involvement Summary Memo and Report, in accordance with NDOT standards.
  - e. — DELIVERABLES: —
    - 1) — Project Public Involvement Schedule
    - 2) — Monthly Invoices and Progress Reports
    - 3) — Distribution List of project stakeholders and contiguous property owners
    - 4) — Public Information Packet, including cover letter, public information sheet, comment form, and legal notice
    - 5) — Public Involvement Summary Memo and Report
    - 6) — \*Expect to see potential changes to this process in Fall of 2023 due to implementation of the new NDOT PI Procedures

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**K.L. PROJECT MANAGEMENT**

1. This task includes activities to initiate and monitor project schedules, workload assignments and internal cost controls throughout the project. Also included are efforts to prepare and process invoices, prepare project correspondence with the LPA or State on LPA's behalf, and maintain project records. Monthly Progress Reports shall be prepared and submitted according to the schedule provided by LPA, which may or may not coincide with Consultant's invoicing schedule.



**EXHIBIT "A"**  
**SCOPE OF SERVICES**

2. Consultant will meet with the LPA and NDOT to discuss the status of plan development and coordinate design activities at different stages throughout the project. The consultant should anticipate ~~sevensix~~ meetings (PCMs 0, 20, 30, 35, 50, 70, and 90). This task includes time for one Olsson environmental staff member to attend up to six PCM meetings, as needed, including preparation and required follow-up.
3. Send Deliverables to the LPA Project Coordinator and applicable NDOT Resource Project Manager

**L.M. TRAVEL TIME**

1. Site Visits. Consultant will (as needed) conduct up to 2 site visits for such things as, but not limited to the HMR, wetlands and stream review, and/or threatened and endangered species review. The visits should be combined when possible, for efficiency. If the NEPA document is a Level 1 CE, then no site visit will occur.

**M.N. DATA TRANSFER**

1. It shall be the Consultant's responsibility to obtain the necessary software to translate to and from the specified format for all electronic files supplied by the LPA and/or NDOT and for all electronic files prepared by the Consultant and supplied to the LPA and/or NDOT.
2. For wetland delineations - plot(s) showing wetland boundaries, environmental study area boundaries, wetland types, acres, waters of US and location of data collection points and photo points, will be submitted in GIS Geodatabase (.mdb or .gdb). Coordinate system projections for all submittals shall be: NAD 1983 State Plane Nebraska FIPS 2600 (Feet). The submittal will include a completed attribute table with relevant information, such as wetland name and type, for each feature, as described in State's (2020) procedure.
3. Electronic files shall be submitted with each submittal or revision. PDF copies of all materials and final electronic files (i.e. geodatabases for wetland delineations) as stated above. All supporting information shall be submitted to the NDOT via NDOT's Sharefile site (and/or email when requested by NDOT).

**N.O. COMMUNICATION**

1. Files shall be accompanied by a transmittal letter or email with Project Name, Project Number, and Control Number in the subject line and body.
2. **All correspondence regarding scope items outlined in this section shall be addressed to the NDOT LPA Project Coordinator and applicable NDOT Resource PM.**

**O.P. ASSUMPTIONS**

1. Wetland Delineations assume 2 staff for field work.
2. Consultant shall coordinate/consolidate site visits, as appropriate.
3. Tasks that are shown stricken-through are not considered part of this scope of services. If these tasks are required at a later date, they may be added through a supplemental agreement.

**EXHIBIT "A"**  
**SCOPE OF SERVICES**

**P-Q. SCHEDULE**

- 2. Notice to Proceed: TBD\*
- 1. Contract End Date: **TBD**

\*The dates will be determined after the supplement has been fully executed and Notice-to-Proceed issued.

