

BNSF RAILWAY COMPANY
SUPPLEMENTAL AGREEMENT NO. BN-256

Project No.: RRX-76(51)

State Control No. 13514

Location: Crete West BNSF Crossing

County: Saline

BNSF File No. BF-20603303

DOT No.: 073314X

Mile Post: 80.680

State of Nebraska, Department of Transportation

BNSF Railway Company

City of Crete

THIS SUPPLEMENT, made and entered into by and between BNSF Railway Company, hereinafter referred to as the "Company", and the State of Nebraska, Department of Transportation, hereinafter referred to as the "State", City of Crete, hereinafter referred to as the "City" IT IS HEREBY AGREED, by and between the parties hereto as follows:

1. The parties hereto agree to accept all provisions and conditions of the Master Agreement, NDOR No. VP9139, dated July 26, 1991, by and between The Burlington Northern Railroad Company and the State of Nebraska, Department of Roads. The Company hereby agrees that the State will have the right of inspection on behalf of the Federal government of any work covered under this agreement.
2. The parties hereto understand that all work to be accomplished on this project will be on Company right of way. If additional right of way is required, the City shall acquire right of way, permanent or temporary easements in accordance with the procedures outlined in the current Nebraska Right of Way Manual approved by Federal Highway Administration and such acquisition cost shall be born by the City without any reimbursement by the State.
3. The City hereby agrees to install advance warning signs and place pavement markings in accordance with the current approved edition of the "Manual on Uniform Traffic Control Devices".

4. Pursuant to the provisions of and in accordance with the terms and conditions of the Master Agreement, the parties hereto desire to install flashing lights, gates, and constant warning circuitry at Arizona Ave in Crete at BNSF DOT No.073314X, BNSF Railway Mile Post No. 80.680, in Saline County as shown on attached **Exhibit "B"**.
5. The estimated cost of the work covered by this supplemental Agreement is \$1,048,200 for the crossing signals. Said estimate was prepared by the Company, attached hereto, identified as **Exhibit "A"** and made a part hereof.
6. The Company will be reimbursed for costs incurred by the Company in connection with work covered by this Supplemental Agreement in conformance with the terms of the Master Agreement on an actual cost basis. Active warning devices will be funded with 100% Federal Section 130 Rail Safety Funds.
7. During the work associated with the construction of this project, the environmental commitments stated in **Exhibit "C"** shall be followed.
8. Projects that use federal aid funds can only be authorized to proceed if the steel or iron materials that are to be permanently incorporated in the project are manufactured in the United States. This includes the application of a coating to the iron and steel products. Exceptions or waiver procedures are described in the Code of Federal Regulation 23CFR635.410.
9. The State share shall be billed to:

Local Assistance Division-Railroad
Nebraska Department of Transportation
P.O. Box 94759
Lincoln, NE 68509-4759
NDOT.Rail@nebraska.gov

| | | | |
|--|-------------|---------|-----------|
| X REM HSE - BUNGALOW 8X8 W/ AC | 1.0 LS N | 17,249 | |
| X REM HSE - BUNGALOW MATERIAL | 1.0 LS N | 14,545 | |
| X REM HSE - BUNGALOW, WIRE AND TEST | 1.0 LS N | 5,433 | |
| X REM HSE - CABLE, 2C/6 TW | 700.0 FT N | 1,435 | |
| X REM HSE - CABLE, 3C/2 | 250.0 FT N | 1,955 | |
| X REM HSE - CABLE, 7C/14 | 4000.0 FT N | 13,080 | |
| X REM HSE - CHARGER, 12/80 (20/40/60) | 2.0 EA N | 3,964 | |
| X REM HSE - CONSTANT WARNING, XP4, 2TK | 2.0 EA N | 60,030 | |
| X REM HSE - CONVERTOR, 10-10 | 5.0 EA N | 1,031 | |
| X REM HSE - ELECTRICAL MATERIAL | 1.0 EA N | 4,000 | |
| X REM HSE - FIELD MATERIAL | 1.0 LS N | 2,235 | |
| X REM HSE - FILL DIRT | 20.0 CY N | 1,000 | |
| X REM HSE - INDUCTOR, DUMMY LOAD | 1.0 EA N | 892 | |
| X REM HSE - RELAY, DAX | 5.0 EA N | 7,015 | |
| X REM HSE - SHUNT, NBS | 5.0 EA N | 5,240 | |
| X REM HSE - SHUNT, WBS | 4.0 EA N | 4,036 | |
| X REM HSE - SURFACE ROCK | 10.0 CY N | 1,000 | |
| Y-MP 80.00 - CABLE, 7C/14 | 2500.0 FT N | 8,175 | |
| Y-MP 80.00 - FILTER, TRACK | 1.0 EA N | 268 | |
| Y-MP 80.00 - RELAY, DAX | 1.0 EA N | 1,403 | |
| USE TAX | | 24,205 | |
| OFFLINE TRANSPORTATION | | 4,191 | |
| | | <hr/> | |
| TOTAL MATERIAL COST | | 362,892 | 362,892 |
| ***** | | | |
| OTHER | | | |
| ***** | | | |
| AC POWER SERVICE | 1.0 EA N | 15,000 | |
| CONTRACT ENGINEERING | 1.0 LS N | 15,000 | |
| CONTRACT FLAGGING/ SIGNS/ CONES | 1.0 LS N | 5,000 | |
| MACHINE RENTAL | 1.0 LS N | 11,250 | |
| X REM HSE - AC POWER SERVICE | 1.0 EA N | 7,500 | |
| | | <hr/> | |
| TOTAL OTHER ITEMS COST | | 53,750 | 53,750 |
| PROJECT SUBTOTAL | | | 943,474 |
| CONTINGENCIES | | | 94,347 |
| BILL PREPARATION FEE | | | 10,379 |
| | | | <hr/> |
| GROSS PROJECT COST | | | 1,048,200 |
| LESS COST PAID BY BNSF | | | 0 |
| | | | <hr/> |
| TOTAL BILLABLE COST | | | 1,048,200 |

Project Location Map
 Flashing lights, gates & constant warning circuitry
 DOT# 073314X
 RRMP 80.680
 2150 Road (a.k.a., Arizona Ave)
 BNSF Crossing – Crete West, Saline County

EXHIBIT B

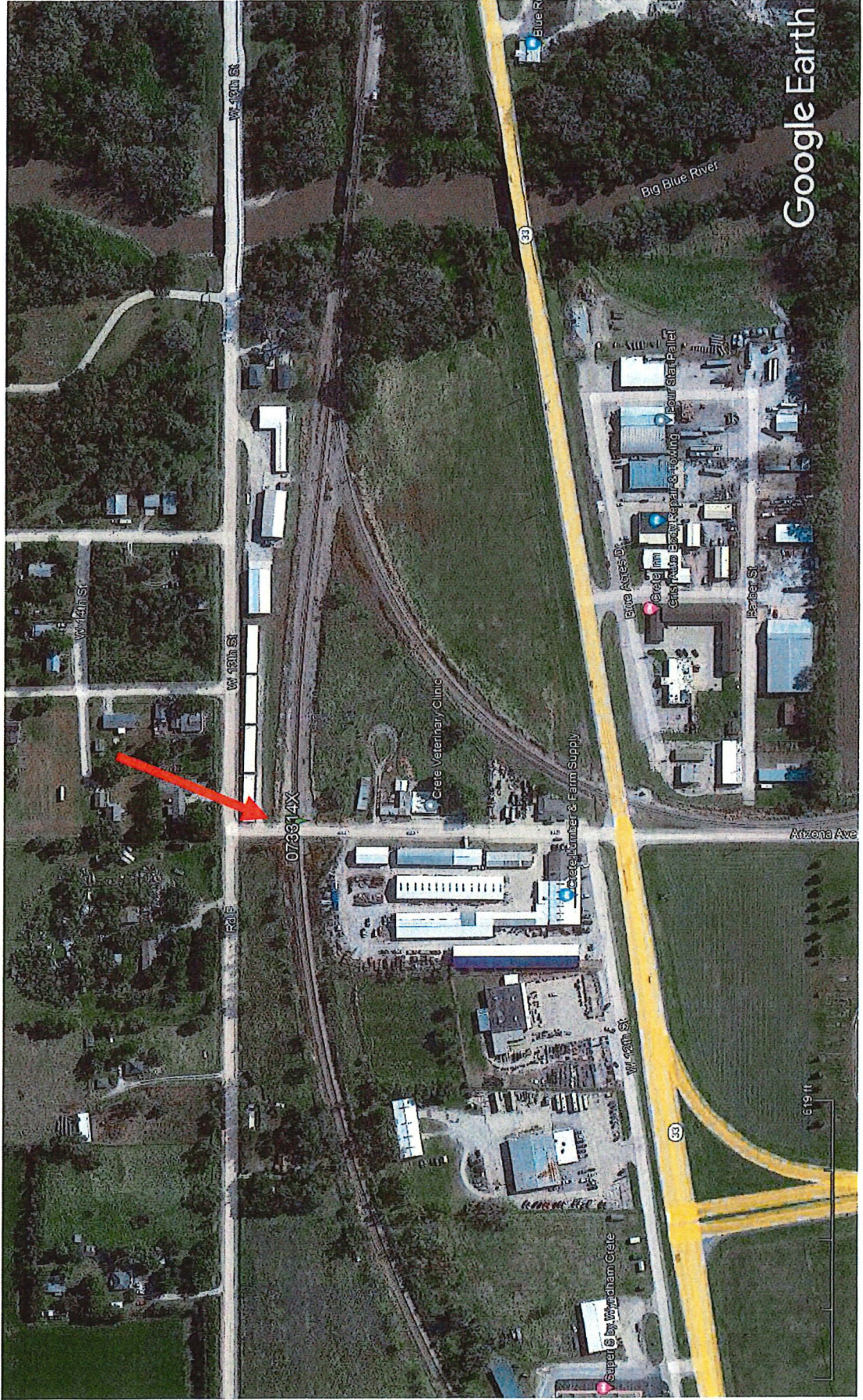


EXHIBIT C

NEBRASKA

Good Life. Great Journey.

DEPARTMENT OF TRANSPORTATION

Minor Categorical Exclusion
for
At-Grade Railroad Crossing
Improvements

Under the *Memorandum of Understanding Between Federal Highway Administration, Nebraska Division and the Nebraska Department of Transportation, State Assumption of Responsibility for Categorical Exclusions*, as authorized by 23 USC §326 (herein referred to as the CE MOU and CE Assignment), the Federal Highway Administration (FHWA) has delegated approval authority of certain Categorical Exclusion (CE) actions to the Nebraska Department of Transportation (NDOT).

NDOT has developed this programmatic Minor Categorical Exclusion (MCE) for document review and approval of certain activities listed under 23 CFR 771.117(c)(8) that, based on past experiences with similar actions, do not involve significant environmental impacts to natural, social, and economic resources.

A Threatened & Endangered Species (T&E) determination of "No Effect" is categorically given to the activities permitted in this MCE through Section I.A.i of the T&E Programmatic Agreement (PA) and a T&E PQS memo is not required. A Section 106 determination of *no historic properties affected* is allowable with the MCE as activities permitted in this MCE pose little potential to cause effects to historic properties per Stipulation VII.B(3)(a) of the Statewide Section 106 PA. A program-wide Section 106 PQS memo has been completed and is attached to the document titled *Instructions for Completing the Minor Categorical Exclusion (MCE) for At-Grade Railroad Crossing Improvements*. Activities addressed by this MCE, which are not part of a larger undertaking, shall be administered in accordance with the following criteria to satisfy NDOT's CE assignment responsibilities.

Scope of Work

Please indicate which of the following activity categories the proposed project best fits:

- Installing/replacing light bulbs
- Installing/replacing signs on existing posts
- Installing signs on new posts within the existing fill section
- Installing/replacing lights, gates, circuitry, or structures within the existing fill section, not to exceed the depth of previously disturbed soils within the railroad right-of-way (including circuitry bungalows, etc.)
- Traffic control, including road closures/detours lasting less than seven (7) calendar days total
- Other (please explain):

Based on the nature of *At-Grade Railroad Crossing Improvement* activities, NDOT does not anticipate negative impacts to natural, cultural, historic or recreational resources; these activities do not negatively impact air, noise, water quality, hazardous materials, or travel patterns, and do not present any negative reasonably foreseeable impacts. NDOT has determined that *At-Grade*

EXHIBIT C

Minor Categorical Exclusion for At-Grade Railroad Crossing Improvements

Railroad Crossing Improvement activities do not affect listed species, historic properties, wetlands or Waters of the U.S., nor do they use Section 4(f) properties. NDOT experience has demonstrated that these types of activities do not generate controversy on environmental grounds.

Application of this MCE is dependent upon adherence with the following commitments. References to "Contractor" shall include the identified Sponsor Railroad Company and/or other contractors completing the work on behalf of the Sponsor Railroad Company. These Commitments shall be included in project agreement documents.

To eliminate possible indirect impacts to Threatened & Endangered Species:

- Nighttime work with lights within fully developed, urbanized areas is permitted. If nighttime work is planned between April 15 and August 15, beyond fully developed, urbanized areas, lighting shall be limited to a Nominal CCT of 3000 +/- 300 K, shielded, and directed away from the suitable habitat.
- If federal or state listed species are observed during construction, the Railroad Project Representative will contact NDOT Environmental Section to determine if species conservation conditions would be required prior to continuing project construction activities. Contact NDOT Environmental Section for a reference of federal and state listed species. Coordination with U. S. Fish and Wildlife Service and Nebraska Game & Parks Commission may be required depending on the species identified and construction activities.
- Construction waste/debris will be disposed of in areas or a manner that will not adversely affect state and/or federally listed species and/or designated critical habitat.

To avoid impacts to the community:

- Any closures to the roadway will be for short duration (less than seven (7) calendar days total). Closures or detours shall be adequately signed. Emergency services shall be given adequate notice of any closures.
- If access to public parks, recreation areas, and wildlife refuges is closed, the length of closure should be minimized to the greatest extent possible and coordinated with the affected facility manager.

To avoid unanticipated wetland impacts:

- The Contractor shall not stage, store, waste or stockpile materials and equipment in known/potential wetlands and/or known/potential streams that exhibit a clear "bed and bank" channel. Potential wetland areas consist of any area that is known to pond water, swampy areas or areas supporting known wetland vegetation or areas where there is a distinct difference in vegetation (at lower elevations) from the surrounding upland areas.

To avoid Hazardous Material concerns:

- The Contractor shall follow all applicable Federal, State, and local regulations, as appropriate.

Individual projects actions approved under this MCE shall be reviewed to ensure unusual circumstances as outlined by 23 CFR 771.117(b) do not exist. If an unusual circumstance is identified, a project-specific NEPA document, in compliance with NDOT's Environmental Procedure Manual (EPM) and Nebraska Categorical Exclusion (NECE) guidelines shall be developed to approve the action.

EXHIBIT C

Minor Categorical Exclusion for At-Grade Railroad Crossing Improvements

This MCE is consistent with the Statewide Transportation Improvement Program (STIP), and applicable Metropolitan or Rural Planning Organizations' Transportation Improvement Programs (TIPs) and is exempt from regional air quality conformity determinations (40 CFR parts 51 and 93).

Use of this MCE is only allowed if all criteria set forth herein are met.

NDOT Project Specific Verification

Date: 10/28/25

List of Attachments:

Project Name/Activity: Crete West BNSF

Site Map

Project Number: RRX-76(51)

Floodplain PQS memo or email

Control Number: 13514

Other (please describe):

T&E No Effect Memo

The above listed project has been determined to comply with the terms and conditions of this MCE and NDOT has verified the following:

- The Project Sponsor has verified the project activities are not part of larger undertaking.
- The Project Sponsor will verify that Environmental Commitments listed in this MCE have been included in appropriate project agreement documents.
- The NDOT NEPA Specialist has verified that no unusual circumstances have been identified.
- The NDOT NEPA Specialist has verified these activities are consistent with 23 CFR 771.117(c)(8).

Project Sponsor:

Travis Haberman

Haberman,
Travis

Digitally signed by Haberman,
Travis
Date: 2025.10.28 15:24:01
-05'00'

PLEASE PRINT

Signature

Date

This is a stand-alone NEPA determination for this project; no further environmental analysis is required. If there is a change in environmental conditions or scope of work, coordination with NDOT Environmental is required to determine if this determination remains valid.

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

NDOT NEPA Specialist:

Courtney Ziska

Courtney Ziska

Digitally signed by Courtney
Ziska
Date: 2025.10.28 16:31:55
-05'00'

10/28/25

PLEASE PRINT

Signature

Date



Nebraska Department of Transportation

Project Description

| | | | |
|-----------------------|--------------------------|-----------------------------|--|
| Project Name: | Crete West BNSF Crossing | | |
| Project No.: | RRX-76(51) | | |
| Control No.: | 13514 | | |
| Initial Draft: | Date: 9/6/24 | Written By: Travis Haberman | |

Updates/Reviews

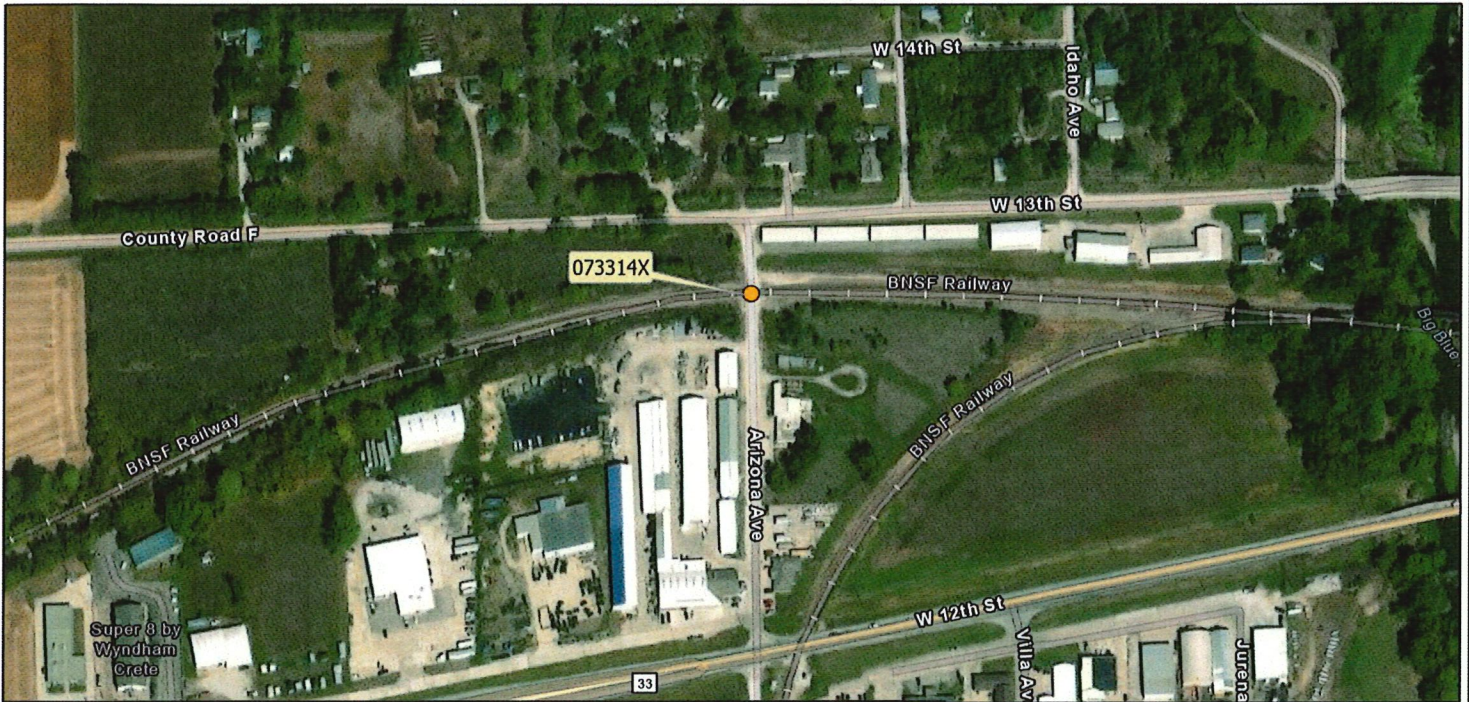
| Date | Update/Review By (name) | Items Updated | Plan Level (PIH, etc.) |
|----------|-------------------------|-------------------------------------|------------------------|
| 10/22/25 | Nicole Taylor | removed county ROW from description | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
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| | | | |

Project Description: This railroad safety project is located in Crete, Nebraska on Arizona Ave., Saline County. The project calls for the installation of flashing light signals, gates, and constant warning circuitry. The crossing is on the Burlington Northern Santa Fe (BNSF) Railway system at DOT# 073314X, Railroad Mile Post 80.680. The project will require the installation of a signal house, mast poles, automatic gates, and constant warning circuitry at the crossing. All construction will occur on railroad right-of-way. This work will be done under traffic with no road closures. Funding for the signal installation will be 100% Federal Section 130 Rail Safety Funds. The estimated cost for the signals is \$925,000.

EXHIBIT C

Crete West BNSF Crossing

Control No. 13514
Project No. RRX-76(51)

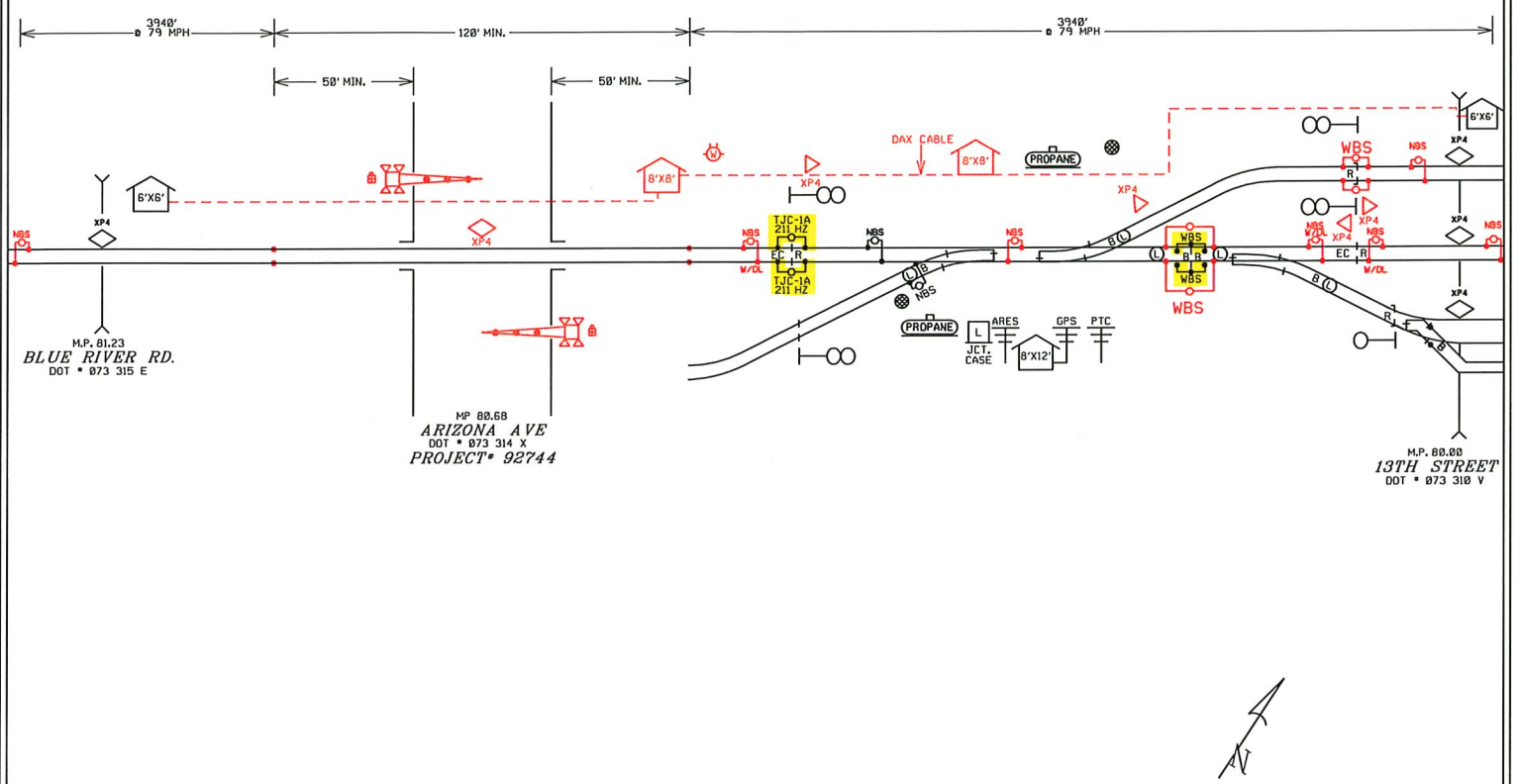


| | | | |
|--|-----------------------------|------------------------------|--|
| | <p>Seward</p> <p>Saline</p> | <p>Lancaster</p> <p>Gage</p> | <p>0 0.05 0.1 Miles</p> <p>● Crete West BNSF Crossing #073314X</p> |
|--|-----------------------------|------------------------------|--|

EXHIBIT C

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BNSF RAILWAY COMPANY



| DRAWING SYMBOLS | | | |
|-----------------|--|--|--|
| | | | |
| | | | |
| | | | |

| SCOPE OF WORK |
|-------------------------------------|
| INSTALL: FLASHERS, GATES & BUNGALOW |
| CONTROL DEVICES: CONSTANT WARNING |
| SALVAGE: NONE |

| GENERAL INFORMATION | |
|---------------------|------------------------|
| LOCATION | CRETE, NE |
| STREET | ARIZONA AVE |
| LINE SEGMENT | 0002 |
| MILEPOST | 80.68 |
| DOT# | 073 314 X |
| DIVISION | POWDER RIVER |
| SUBDIVISION | HASTINGS |
| OFFICE | LENEXA, KS |
| SCALE | NOT TO SCALE |
| DATE | 06/26/2024 |
| FILE | 92744-STATESKETCH-.DGN |
| DRAW | AMW |

RED = IN YELLOW = OUT

EXHIBIT C

From: [Ramirez, Julie](#)
To: [Ziska, Courtney](#)
Cc: [Harvey, Kirk](#); [Urkoski, Chris](#); [Dayton, Jason](#)
Subject: RE: Floodplains Review Request - Rail Project #13514 in Saline County
Date: Thursday, October 16, 2025 11:12:41 AM

Courtney,

This location is not located within a floodplain. No floodplain PQS memo, cert or permit will be needed.

This correspondence will be placed in Onbase under the Floodplain PQS document type.

Julie A. Ramirez, P.E.

From: Ziska, Courtney <Courtney.Ziska@nebraska.gov>
Sent: Tuesday, October 14, 2025 3:09 PM
To: Urkoski, Chris <chris.urkoski@nebraska.gov>
Cc: Harvey, Kirk <kirk.harvey@nebraska.gov>; Ramirez, Julie <julie.ramirez@nebraska.gov>
Subject: Floodplains Review Request - Rail Project #13514 in Saline County

Hi Chris,

We have a rail project in Saline County that is in need of a Floodplains review. A project location map is included in the project description document, and plan sheets (StateSketch) have been provided by BNSF to indicate the extent of the proposed work at each rail location.

Please let us know if you have any questions or need any additional information for your review.

Thanks,
Courtney Ziska
NEPA Team Lead

Nebraska Department of Transportation
1500 Nebraska Parkway, Lincoln, NE 68502
OFFICE 402-479-4890
courtney.ziska@nebraska.gov
dot.nebraska.gov

NEBRASKA

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DEPARTMENT OF TRANSPORTATION

EXHIBIT C

Memorandum

DATE 10/27/2025
TO FILE
FROM Matthew Greiner, Highway Biologist II
SUBJECT Crete West BNSF Crossing; RRX-76(51); CN 13514
Threatened & Endangered Species Evaluation

This railroad project occurs within the city of Crete, Nebraska. This project is within range of the northern long-eared bat, piping plover, and western prairie fringed orchid.

Northern long-eared bat (NLEB) was evaluated through the FHWA, FRA, FTA Programmatic Biological Opinion/Conference Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-eared Bat, Tricolored Bat on IPaC. This project received a "No Effect" consistency letter for NLEB 10/27/2025.

This project location or surrounding areas do not contain suitable habitat for the piping plover or western prairie fringed orchid, therefore, the project would have "No Effect" to these species.

Determination

NDOT has determined that the project will have "No Effect" to all state or federally listed species or their habitat.

Project Description

This railroad safety project is located in Crete, Nebraska on Arizona Ave., Saline County. The project calls for the installation of flashing light signals, gates, and constant warning circuitry. The crossing is on the Burlington Northern Santa Fe (BNSF) Railway system at DOT# 073314X, Railroad Mile Post 80.680. The project will require the installation of a signal house, mast poles, automatic gates, and constant warning circuitry at the crossing. All construction will occur on railroad right-of-way. This work will be done under traffic with no road closures. Funding for the signal installation will be 100% Federal Section 130 Rail Safety Funds. The estimated cost for the signals is \$925,000.

EXHIBIT C



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Nebraska Ecological Services Field Office
9325 B South Alda Rd., Ste B
Wood River, NE 68883-9565
Phone: (308) 382-6468 Fax: (308) 384-8835

In Reply Refer To:

10/27/2025 14:00:08 UTC

Project code: 2026-0008657

Project Name: Crete West BNSF Crossing; RRX-76(51); CN 13514

Subject: No Effect Technical Assistance letter for the 'Crete West BNSF Crossing; RRX-76(51); CN 13514' project under the December 13, 2024, FHWA, FRA, FTA Programmatic Biological Opinion for Transportation Projects within the Range of the Indiana Bat, Northern Long-eared Bat, and Tricolored Bat.

To whom it may concern:

This letter records the determination of effects to federally listed (or proposed) bat species anticipated to result from Crete West BNSF Crossing; RRX-76(51); CN 13514 (the Project). This determination is based upon information you entered into the assisted determination key (Dkey) associated with the above referenced Programmatic Biological Opinion/Conference Opinion (PBO/PCO) in the U.S. Fish and Wildlife Service's (Service) Information for Planning and Consultation (IPaC) system on the date listed above.

Ensuring Accurate Determinations When Using IPaC:

The Service developed the IPaC system and this Dkey in accordance with the ESA and based on the PBO/PCO. All information submitted by the project proponent into IPaC must accurately represent the full scope and details of the Project.

Failure to accurately represent or implement the Project as detailed in the Dkey invalidates this letter.

Determinations:

Based on the information you provided (Project Description shown below), you have determined that the Project will have the following effect determinations:

| Species | Listing Status | Determination |
|---|----------------|---------------|
| Northern Long-eared Bat (<i>Myotis septentrionalis</i>) | Endangered | No effect |

EXHIBIT C

If the Project is not modified, **no consultation is required for these species**. If the Project is modified, or new information reveals that it may affect the Indiana bat, northern long-eared bat, or tricolored bat in a manner or to an extent not considered in the PBO/PCO, further review to conclude the requirements of ESA section 7(a)(2) may be required.

For Proposed Actions that include bridge/culvert or structure removal, replacement, and/or maintenance activities:

If your initial bridge, culvert, or structure assessment failed to detect Indiana bat, northern long-eared bat, or tricolored bat use or occupancy, yet bats are later detected prior to, or during construction, promptly notify the local Service Field Office within 2 working days of the discovery. In addition, please document whether incidental take occurred, and if so, the type (i.e. kill or harm) and amount (i.e. number of individuals) and submit documentation to the local Service Field Office within 5 working days from the completion of the bridge, culvert, or structure construction (use Appendix E - Post Assessment Discovery of Bats at Bridge/Culvert or Structure Form in the [User's Guide](#)). In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service. In these instances, potential incidental take of Indiana bats, northern long-eared bats, or tricolored bats may be exempted provided that the take is reported to the Service.

If the Project may affect any other federally listed or proposed species and/or designated critical habitat, additional consultation between the lead Federal action agency and this Service Field Office is required for those species/designated critical habitat. If the Project has the potential to take bald or golden eagles, additional coordination with the Service under the Bald and Golden Eagle Protection Act may also be required. In either of these circumstances, please advise the lead Federal action agency to contact this Service Field Office

The following species may occur in your project area and **are not** covered by this determination:

- Monarch Butterfly *Danaus plexippus* Proposed Threatened
- Piping Plover *Charadrius melodus* Threatened
- Suckley's Cuckoo Bumble Bee *Bombus suckleyi* Proposed Endangered
- Western Prairie Fringed Orchid *Platanthera praeclara* Threatened
- Western Regal Fritillary *Argynnis idalia occidentalis* Proposed Threatened

Project code: 2026-0008657

IPaC Record Locator: 837-172012822

10/27/2025 14:00:08 UTC

PROJECT DESCRIPTION

The following project name and description was collected in IPaC as part of the endangered species review process.

NAME

Crete West BNSF Crossing; RRX-76(51); CN 13514

DESCRIPTION

This railroad safety project is located in Crete, Nebraska on Arizona Ave., Saline County. The project calls for the installation of flashing light signals, gates, and constant warning circuitry. The crossing is on the Burlington Northern Santa Fe (BNSF) Railway system at DOT# 073314X, Railroad Mile Post 80.680. The project will require the installation of a signal house, mast poles, automatic gates, and constant warning circuitry at the crossing. All construction will occur on railroad right-of-way. This work will be done under traffic with no road closures. Funding for the signal installation will be 100% Federal Section 130 Rail Safety Funds. The estimated cost for the signals is \$925,000.

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@40.624798049999995,-96.9804844671705,14z>



EXHIBIT C

DETERMINATION KEY RESULT

EXHIBIT C

Based on the information you provided, you have determined that the Proposed Action will have no effect on the species covered by this determination key. Therefore, no consultation with the U.S. Fish and Wildlife Service pursuant to Section 7(a)(2) of the Endangered Species Act of 1973 (87 Stat. 884, as amended 16 U.S.C. 1531 et seq.) is required for those species.

QUALIFICATION INTERVIEW

1. Which Federal Agency is the lead federal agency the action?

D) FHWA/FRA Program Assignment State or Categorical Exclusion Assignment State for Assigned Project

2. Does the Action Area intersect the species list area of the Northern long-eared bat?

Automatically answered

Yes

3. [Semantic] Is any portion of the action area within a 0.5 mile radius of an entrance/opening to any known NLEB or TCB hibernacula?

Note: The map queried for this question contains proprietary information and cannot be displayed. If you need additional information, please contact the Field Office listed in the letterhead of this letter.

Automatically answered

No

4. Does your project's activities include raising the road profile above the tree canopy in documented habitat for the Indiana bat, NLEB, or TCB?

Note: For the definition of documented habitat, refer to Appendix A: <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat>

No

5. Is your project located within a karst area?

No

6. Will the project include bridge, culvert, or structure removal, replacement, and/or alteration activities?

Note: For definitions of bridge, culvert, and structure, refer to Appendix A: <https://www.fws.gov/media/users-guide-range-wide-programmatic-consultation-indiana-bat-and-northern-long-eared-bat>.

No

7. Do your project's activities involve tree removal/trimming, temporary lighting, new/additional permanent lighting, ground disturbance, percussives that involves noise/vibration above existing background levels, vibrations, or slash pile burning?

No

8. Does the Action Area intersect the species list area of the tricolored Bat (TCB)?

Automatically answered

No

Project code: 2026-0008657

IPaC Record Locator: 837-172012822

10/27/2025 14:00:08 UTC

9. Does the Action Area intersect the species list area of the northern long-eared bat (NLEB)?

Automatically answered

Yes

PROJECT QUESTIONNAIRE

1. Have you made a No Effect determinations for all other species included on the FWS IPaC generated species list?

No

2. Have you made a May Affect determination for any other species on the FWS IPaC generated list?

No

DETERMINATION KEY DESCRIPTION: FHWA, FRA, FTA PROGRAMMATIC CONSULTATION FOR TRANSPORTATION PROJECTS AFFECTING IBAT, NLEB, OR TCB

This key was last updated in IPaC on September 11, 2025. Keys are subject to periodic revision.

This decision key is intended for projects/activities funded or authorized by the Federal Highway Administration (FHWA), Federal Railroad Administration (FRA), and/or Federal Transit Administration (FTA), which may require consultation with the U.S. Fish and Wildlife Service (Service) under Section 7 of the Endangered Species Act (ESA) and may affect the federally listed endangered Indiana bat (*Myotis sodalis*), northern long-eared bat (*Myotis septentrionalis*), and/or federally proposed endangered tricolored bat (*Perimyotis subflavus*).

This decision key should only be used to verify project applicability with the Service's Programmatic Biological Opinion/Conference Opinion for Transportation Projects in the Range of the Indiana bat, northern long-eared bat, and tricolored bat, dated December 13, 2024. The programmatic consultation limited transportation activities that may affect the covered bat species and addresses situations that are both likely and not likely to adversely affect the covered bat species. This decision key will assist in identifying the effect of a specific project/activity and the applicability of the programmatic consultation. The programmatic consultation is not intended to cover all types of transportation actions. Activities outside the scope of the programmatic consultation, or that may affect ESA-listed species other than the Indiana bat, northern long-eared bat, or tricolored bat, or their designated critical habitat, may require additional ESA Section 7 consultation.

Project code: 2026-0008657

IPaC Record Locator: 837-172012822

10/27/2025 14:00:08 UTC



IPAC USER CONTACT INFORMATION

Agency: Nebraska Department of Transportation

Name: Matthew Greiner

Address: 1500 Nebraska Parkway

City: Lincoln

State: NE

Zip: 68502

Email: matthew.greiner@nebraska.gov

Phone: 4024794419