

ENVIRONMENTAL REPORT

VILLAGE OF . . .

WATER SYSTEM IMPROVEMENTS

Prepared for the United States Department of Agriculture – Rural Development

xx/xx/18

Prepared by xxxxxxxx

Overview

USDA Rural Development is made up of Rural Housing Service (RHS), Rural Business-Cooperative Service (RBS), and Rural Utilities Service (RUS) and is referred to as the “Agency”. The Agency is required to assess and consider the impacts of the provision of federal financial assistance to the human environment in accordance with the National Environmental Policy Act (NEPA), Section 106 of the National Historic Preservation Act (NHPA), Section 7 of the Endangered Species Act (ESA), and other applicable federal, state, and local environmental laws. When the applicant’s proposed actions are classified under § 1970.54, “Categorical Exclusions Involving Small-scale Development,” they must provide an Environmental Report (ER) with their application. The ER provides project-specific information including an evaluation of the proposal’s potential to impact specific environmental resources and historic properties so that the Agency can complete the required environmental review process or determine if additional analysis is needed due to extraordinary circumstances. An extraordinary circumstance may warrant a higher level of review (environmental assessment or environmental impact statement). The Agency will notify applicants if additional information or analyses are necessary beyond the ER.

No construction activities may begin until the Agency completes its environmental review process. Applicants are prohibited from taking actions “that may potentially have an environmental impact or would otherwise limit or affect the Agency’s decision until the Agency’s environmental review process is concluded.” If the proposed project involves construction activities, the applicant is generally prohibited from acquiring, rehabilitating, converting, leasing, repairing or constructing property or facilities, or committing or expending federal or non-federal funds that are subject to reimbursement by the Agency until after the Agency completes its environmental review process. If the applicant moves forward with any such activities prior to the Agency’s completion of the environmental review, and those activities affect the Agencies ability to conclude the NEPA analysis, the Agency may deny the request for financial assistance.

An applicant may use an environmental document that has been prepared when obtaining permits, approvals, or other financing for the proposed project from state, local or other federal agencies. Such material, to the extent determined to be relevant, may be incorporated by reference into the Agency’s environmental review. However, the Agency retains the right to request additional information or analyses as necessary.

The following sections provide specific guidance to applicants and their environmental consultants in preparing ERs. ERs must be submitted to the Agency along with applications for financial assistance and the Agency must complete the environmental review process prior to approving those applications. Applicants shall not reference items provided in other parts of the application package in the ER; all materials relevant to the ER must be integrated herein to facilitate timely review. If sections are not applicable to the project, please narrate how that decision was made.

Analysis

- (a) **Project Description and Location:** Provide a complete project description including a description of all project-related activities such as land purchase, easements/rights-of-way procurement, acreage/area, and proposed clearing, grading, excavation, paving, new construction, utility installations, fencing, etc. that will be involved with the project. Complete descriptions, locations, and maps must be provided for each site affected by project-related activities. Maps must be equivalent to a Geological Survey 7.5-minute quadrangle map at a map scale of 1: 24,000; larger scale maps may be provided for site-specific proposals. USGS maps may be obtained and purchased at <http://www.usgs.gov/pubprod/maps.html>. All project elements, if known at the time of the application, must be clearly shown on any map provided. If appropriate, photographs or aerial photographs of site-specific conditions may also be provided.

The project includes the construction of a redundant well (500 to 800 feet east of existing well), a transmission main to the existing wellhouse, a new water storage tank, looping mains on the N-S streets and service meters in new meter pits in front of all active residences and businesses.

- (b) **Land Ownership and Land Use:** The ER must describe the amount of property to be affected or disturbed by each project site(s) including the site's current land use and, if applicable, zoning.
- (1) The ER must document the land ownership (federal, state, or private) of each project site or rights-of-way (ROWs), including any formally classified lands such as parks, wilderness areas, state or national forests, etc. Land ownership will dictate with whom the Agency must consult with to determine whether there will be an adverse effect to such land areas or resources, or if any permits are needed. Further detail is found in 1970 Subpart L – "Land Use and Formally Classified Lands." For information on land ownership contact the county assessor's office. Most counties have contracted with GISWorkshop for online searchable database. Try <http://countyname.assessor.gisworkshop.com> for information on land ownership.
- (2) For all proposals except single family housing, the applicant must consider low income or minority populations that may be located within the vicinity of the proposal so that the Agency can document if they would be adversely affected by the proposal in accordance with 1970 Subpart E - Environmental Justice.
- (3) There is no formal Intergovernmental Review process in Nebraska. Therefore, it is not required. However, local government should be contacted for zoning and building permits for new construction.

The site for the new well will be small and outside the village limits. It is near the property line so not to interfere with agricultural operations. A purchase option is being sought now. The proposed tank would be located near the existing tank. It will be much taller and smaller in diameter to enhance water pressure in Morse Bluff. It will be located on or adjacent to the existing tank. Land rights are being clarified at this time. The loops and service meters will be located on existing Village right of way. The land over the proposed water mains will be returned to its existing condition.

- (c) **Historic Preservation:** The ER must describe all steps taken to identify historic properties as required under Section 106 of the National Historic Preservation Act (NHPA) and related legislation. Implementation guidelines are located at 1970 Subpart H – "Historic Preservation." Any correspondence with State Historic Preservation Officers (SHPOs) or Tribes should be part of the ER. In accordance with

NHPA, federal agencies are required to consider the effect of their undertakings on historic properties and provide the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on those effects. An “undertaking” is defined as a “project, activity or program funded in whole or part under the direct or indirect jurisdiction of a federal agency” i.e., Agency provision of Federal financial assistance to applicants is an undertaking.

In accordance with 36 CFR § 800.2(d)(4) clarified by letters dated July 16, 2009 and August 14, 2012, the Agency issued a blanket delegation authorizing all its applicants to “initiate consultation.” This blanket delegation allows Applicants to consult if the applicant and consulting parties agree on the recommended finding of effect and any determinations of eligibility. The Agency retains responsibility to document findings and determinations as required and is likely to conclude consultation based on the agreed upon recommendations.

Federally recognized Indian tribes are legally considered sovereign nations entitled to a special government-to-government relationship with the federal government. Accordingly, the Agency may not delegate to an applicant the authority “to consult” with Indian tribes. However, an applicant may “work with”, “engage” or “involve” a federally recognized Indian tribe in NHPA review under delegated authority if the tribe is willing to participate. An applicant must involve the Agency in the review whenever a federally recognized Indian tribe requests that participation. The Agency encourages federally recognized Indian tribes to work with its applicants under delegated authority to become involved as early as possible. Applicants authorized under this blanket delegation are required to involve the Agency whenever there is an adverse effect, a disagreement between the applicant and consulting parties, an objection from a consulting party or the public, or a failure to adhere to regulatory requirements. Only the Agency can successfully resolve these issues in the public interest.

No standing structures will be demolished. All the land involved has been disturbed by previous utility installation, grading for roadways and drainage. The State Historic Preservation Office (SHPO) was contacted for information that we may have overlooked. They concurred in the “no historic resources affected”. The SHPO response is included in the Appendix.

Native American Grave Repatriation Act (NAGPRA) Coordinators identified with this county were also contacted and none responded.

USDA-RD will require a clause to the contract telling the contractor what to do if they discover buried cultural resources. The Clause will require the contractor to stop digging and contact USDA-RD and the SHPO. This is because there is a remote chance with any excavation that archeological resources may be uncovered.

- (d) **Threatened and Endangered Species/Biological Resources:** The applicant is to assist the Agency in making determinations of effect under S. 7 of the Endangered Species Act, and thus the ER must document whether any project sites and activities will directly or indirectly affect any threatened, endangered, proposed or candidate species, or would adversely affect designated critical habitat. Applicants must obtain and provide species and critical habitat lists (i.e. requisite habitat) from the Fish and Wildlife Service and Nebraska Games and Park’s website, <https://cert.outdoornebraska.gov/> for each area affected by construction. The applicant is to notify the Agency immediately should it appear that formal consultation with the Services will be required.

It is the responsibility of the applicant to comply with any requirements of the Migratory Bird Treaty Act and/or the Bald and Golden Eagle Protection Act. Refer to the Agency’s guidance for further information at 1970 Subpart N – “Biological Resources”.

This project is highly unlikely to affect biological resources. All disturbed land will be put back to pre-construction elevations and vegetation. The no additional water consumption is anticipated, the well is intended to be redundant. Water consumption may be reduced due to the higher water rates and metered usage. USFWS and Nebraska Games & Park Commission were contacted after a CERT directed us to contact them. They determined that no endangered or threatened species should be affected. The CERT and email are included in an appendix.

The Agency agreed to a mitigation measure to protect Northern Long Eared bats. No removal of trees greater than or equal to 6-inch dbh or removal of roosting structures between June 1 and July 31.

(e) **Wetlands:** The ER must document whether wetlands are present on or near project sites. Without having a wetland professional visit the site, mapped hydric soils are the best indicator of the presence of wetlands on a site. A map of hydric soils may be obtained from the Natural Resources Conservation Service website <http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>. Wetland maps are also available from the Fish and Wildlife Service's National Wetland Inventory <http://www.fws.gov/wetlands/>. Agency implementation guidelines for wetland protection are located at 1970 Subpart G – "Wetland Protection." If the presence of wetlands is suspected and they are potentially impacted, applicants may be asked to provide a wetland delineation to establish locations, proximity, and diagnostic environmental characteristics (U.S. Army Corps of Engineers (December 1987), Wetland Delineation Manual.) with respect to proposed project sites and obtain Section 404 of the Clean Water Act authorization through the issuance of a permits from the U.S. Army Corps of Engineers.

(1) **Nationwide General Permits (NWP):** NWPs are issued for minor temporary wetland impacts including buried and/or aerial utility lines/cables, outfalls, discharges, and maintenance activities etc. Typically no additional wetland information is necessary other than the NWP and verification that such actions are within the general conditions of the NWP. A wetland delineation and a search for alternatives to wetland impacts is not required for NWPs as long as the general conditions of the NWP are followed.

(2) **Regional General Permits:** Wetland impacts authorized through a Regional General Permit (excluding NWPs) are not considered extraordinary circumstances, however proposals with general permits typically require a wetland delineation, and require consideration and documentation of alternatives completed either by ACE or by RD if desired to avoid adverse effects.

(3) **Individual Permits:** Wetland impacts authorized through an individual permit are considered an extraordinary circumstance under 1970.52 and an Environmental Assessment must be completed rather than an ER. Public noticing will also be required.

(4) **ConAct Programs:** Agency programs authorized under Section 363 of the Consolidated Farm and Rural Development Act may not utilize Agency funds to fill, alter or manipulate a wetland. If a Regional or Individual Permit is proposed, check with the Agency to ensure that the program you are applying can separate funds for wetland impacts.

The National Wetland Inventory (NWI) database was reviewed. It showed no wetlands in the proposed project area. From an on-site visit by myself, I concur that no area of hydrophilic vegetation, cattails or standing water was present in the project area. ACE was contacted and had no further insight. If wetlands are identified during construction, water mains can be relocated to avoid them. A Section 404 Utility Permit will be obtained from ACE if that does not prove possible. The wetland would be put back to resemble pre-construction conditions per the NWP 12.

- (f) **Floodplains:** The ER must document whether any project activities or facilities are located within a floodplain. This does not apply to buried and/or aerial utilities lines. If any project-related construction activities are within floodplains, a copy of a Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Map (FIRM) that shows the location of construction activities must be included. Information related to floodplains and National Flood Insurance Maps may be obtained from the Federal Emergency Management Agency's (FEMA) website, <http://msc.fema.gov/portal>. Guaranteed lenders must complete and submit with their applications a copy of FEMA Form 086-0-32. Actions that do not adversely affect the hydrologic character of a floodplain, such as installation of buried utility lines, telecommunication cables, subsurface pump stations, electric transmission lines, or purchase of existing structures within the floodplain, would not create an extraordinary circumstance, and would not require an EA, but may still require consideration of alternatives when determined appropriate by the Agency. If the proposal will convert, occupy, place fill, or modify the 100-yr floodplain, (or 500-yr floodplain for critical actions), or substantially improve structures within them, as defined in 1970 Subpart F – Floodplain Management, an extraordinary circumstance exists, and the proposal is not eligible for a categorical exclusion.

Critical actions include any activity for which even a slight chance of flooding would be too great. Examples include: An action a structure or facility producing and/or storing highly volatile, toxic, radioactive, or water-reactive materials; structures such as hospitals, nursing homes, prisons, and schools, where occupants may not be sufficiently mobile and have available transport capability to avoid loss of life and injury given the flood warning lead times available; essential or irreplaceable resources, utilities, or other functions that could be damaged beyond repair, destroyed, or otherwise made unavailable. These projects are held to the 500-year floodplain rather than the 100-year floodplain.

The Federal Emergency Management Agency (FEMA) has not identified any structures or project components in the Special Flood Hazard Area. Since no real estate is taken as security USDA-RD is not required to complete form FEMA 81-93 per procedure.

- (g) **Coastal Areas:** There are no coastal areas in Nebraska.

- (h) **Important Farmland:** The ER must document whether any project sites (except utility line construction) will convert agriculture lands defined as important farmland by the USDA Natural Resources Conservation Service (NRCS) to non-agricultural uses. NRCS uses a land evaluation and site assessment (LESA) system to establish a "farmland conversion impact rating" score on proposed project sites. This score is used as an indicator for applicants and the Agency to consider alternative sites if the potential adverse impacts on farmland exceed the recommended allowable level (if total points are equal or exceed 160, alternative sites must be considered). For specific information related to effects to farmland see NRCS's website, <http://www.nrcs.usda.gov/wps/portal/nrcs/main/national/landuse/>.

The assessment is completed on a NRCS form, AD-1006, Farmland Conversion Impact Rating. The portions on the form that are indicated to be completed by a federal agency can be inputted by applicants in coordination with the Agency. If over 160 points, the Applicant will submit Form AD-1006 to the NRCS for processing to Wayne.Vanek@ne.usda.gov. Implementation guidelines are located at 1970 Subpart L – "Land Use and Formally Classified Lands."

The State Conservationist of the USDA – Natural Resource Conservation Service (NRCS) was contacted and determined that no prime farmland was going to be disturbed. See Appendix H. There is no impact to the Farmland Protection Act.

- (i) **Environmental Risk Management:** The ER must document the affect hazardous materials, substances or wastes that may be released at, generated by, or required for the operation of a proposed facility may have in the context of a real estate transaction. In addition, the environmental condition of a property and any proposal's management and operation activities that use or create these materials or

wastes need to be evaluated to determine and manage risks to the environment and people. These risks include the presence of lead-based paints, asbestos, or mold.

Except in single family housing, In order to determine the environmental condition of a parcel of real estate, the applicant may be responsible for completing the ASTM E1528-14, Standard Practice for Limited Environmental Due Diligence: Transaction Screen Process; ASTM E1527-13, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process; or ASTM E2247-08, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessments for Forestland or Rural Property. If the proposal includes an existing facility, the applicant may be responsible for completing the ASTM E2107, Standard Practice for Environmental Regulatory Compliance Audits. Implementation of these processes, as well as those described in 1970 Subpart J, "Environmental Due Diligence", is defined by each RD program, so consult the Agency environmental staff for further guidance.

Since no real estate is taken as security, environmental due diligence is not required per RD policy. A visual survey did not see any obvious problems.

- (j) **Classified Lands:** Classified lands are areas set aside by federal, state or local governments for the use of citizens. There is usually tax money put into preservation, construction and encouraging tourism to these classified lands. Classified lands include, parks, monuments, wild and scenic rivers, etc. In addition to agency or resource-specific references, a useful screening tool is EPA's "NEPAssist" nepassisttool.epa.gov/nepassist/entry.

The State Conservationist of the USDA – Natural Resource Conservation Service (NRCS) was contacted and determined that no prime farmland was going to be disturbed. No Nebraska State Park, National Park Service or other classified lands are near the project site.

- (k) **Other Resources:** Implementation guidelines are at 1970 Subpart O – "Other Protected Resources."

- The Nebraska Department of Environmental Quality (DEQ) is charged with regulating the Clean Water Act (CWA). When they responded to an inquiry, they had no mitigation measures just noting several permits that will be required.
- The Nebraska Department of Health, Human and Social Services (HHSS) are charged with regulating the Safe Drinking Water Act (SDWA). They are concerned that the present water supply has no backup water source. HHSS is promoting capacity development. Adding meters and new wells can help the Village have enough capacity and management to improve their situation.
- Air Quality: Air Quality will not be greatly increased by this project. All of Nebraska is considered Attainment Area.
- Transportation: Transportation along the Village Right of Ways and State Highway will be temporarily affected during construction. After construction is completed these rights-of-way will be returned to their original condition. Seeding and grading of these areas will be completed after the project to return them to original conditions.

Transportation will not change significantly. The operator will visit the site less than once per day on average. Due to long distances to airports, the elevated storage/ FAA conflicts will not exist.

- Noise: A Noise Assessment will not be needed since the project does not increase noise. There are no residences within ½ mile of the proposed well. There will be noise during construction; however, this will be limited to daylight hours, and a few days at any one location.
- Explosives will not be used on the project. Flammables will not be likely, and the contractor is responsible for safe handling practices. Where the major construction is not near homes, this is not anticipated to be a problem for residents.

Appendix A - Project Map



Appendix B – Communication

Rural Development • Nebraska

100 Centennial Mall North, Suite 308

Lincoln, NE 68508

Voice (402) 437-5551 • Fax (402) 0437-5408

USDA is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form (PDF), found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

July 10, 2018

NOTE: If you can use

https://history.nebraska.gov/sites/history.nebraska.gov/files/doc/hp/Section%20106%20Electronic%20Form_NEW.docx, please do.

Deputy State Historic Preservation Officer
State Historical Society
1500 "R" Street
P. O. Box 82554
Lincoln, NE 68501-2554

RE: *Applicant*
Short Description

Dear Sir/ Madam:

The *Applicant on behalf* of USDA-Rural Development is in the process of performing a Section 106 Review according to the National Historic Preservation Act for the USDA, Rural Development in order that it may assess the environmental impacts of Detailed Project Description in County, Nebraska. The project is being proposed to Project Need Statement. *Enclosed is an U. S. Geological Survey or FSA map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved (archeological type projects).* *Pictures of buildings that will be demolished (if any) with the project are also included (historical buildings type projects).*

Rural Development has made an initial determination of no adverse effect on historic properties. We are requesting your assistance in identifying historic properties that are listed or eligible for listing on the National Register of Historic Places and that may be affected by the project. Please provide any recommendations you may have to mitigate or avoid these impacts, to properties that may be affected. Rural Development, as the lead Federal agency, is responsible for compliance with Section 106 of the National Historic Preservation Act, and will provide findings of effect as appropriate during the consultation process. We are also notifying the tribes listed in the HUD database.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

NOTE: Start with <https://cert.outdoornebraska.gov/> and see if we can sign off on an Environmental Review Report

NOTE: Email to nebraskaes@fws.gov

Mr. Jeff Runge
U. S. Fish and Wildlife Service
9325 South Alda Road
Wood River, NE 68883

RE: *Applicant*
Short Description

Dear Mr. Runge:

The *Applicant on behalf of* USDA-Rural Development is in the process of performing an environmental review pursuant to the National Environmental Policy Act in order that it may assess the environmental impacts of *Detailed Project Description in County, Nebraska*. The project is being proposed to *Project Need Statement*. Enclosed is an *U. S. Geological Survey* map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved. This project is *a replacement well/ a replacement lagoon/ a new project with a water balance included/ a new project with a water balance not included or resulting in no new water consumption*.

To initiate the process, Rural Development has asked us to gather information regarding Federally-listed species, critical habitat, and migratory birds from your office. Rural Development, as the lead Federal agency, is responsible for compliance with Section 7(a)(2) of the Endangered Species Act, and will provide determinations of effect as appropriate during the consultation process. The proposal should not represent a "major construction activity" as defined in 50 CFR 402.02.

- IPAC is enclosed (<https://ecos.fws.gov/ipac/>)
- We request a list of any Federally-listed or proposed threatened or endangered species and designated or proposed critical habitat that may be present in the project area.

In addition, please advise us of any present concerns you may have related to possible effects of the project listed above on such species or critical habitat, as well as any other wildlife concerns.

We would appreciate a response within 30 days. A response after that time may not be included in RD's public noticing. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

NOTE: Start with <https://cert.outdoornebraska.gov/> and see if we can sign off on an Environmental Review Report

Ms. Carey Grell
Nebraska Game and Parks Commission
2200 North 33rd Street
Lincoln, NE 68503

RE: *Applicant*
Short Description

Dear Ms. Grell:

The *Applicant on behalf of* USDA-Rural Development (RD) is in the process of performing an environmental review pursuant to the National Environmental Policy Act in order that it may assess the environmental impacts of *Detailed Project Description in County, Nebraska*. The project is being proposed to *Project Need Statement*. Enclosed is an U. S. Geological Survey map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved. This project is a replacement well, a replacement lagoon, a new project with a water balance included, a new project with a water balance not included or resulting in no new water consumption.

To initiate the process, RD has asked us to gather information regarding State-listed species, critical habitat, and migratory birds from your office. RD, as the lead Federal agency, is responsible for compliance with Section 7(a)(2) of the Endangered Species Act, and will provide determinations of effect as appropriate during the consultation process. The proposal should not represent a "major construction activity" as defined in 50 CFR 402.02.

IPAC is enclosed (<https://ecos.fws.gov/ipac/>)

We request a list of any Federally-listed or proposed threatened or endangered species and designated or proposed critical habitat that may be present in the project area.

In addition, please advise us of any present concerns you may have related to possible effects of the project listed above on such species or critical habitat, as well as any other wildlife concerns.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

Mr. Craig Derickson, State Conservationist
Natural Resource Conservation Service
Room 152, Federal Building
100 Centennial Mall North
Lincoln, NE 68508-3866

RE: *Applicant*
Short Description

Dear Mr. Derickson:

The *Applicant on behalf of* USDA-Rural Development is in the process of performing an environmental review pursuant to the National Environmental Policy Act in order that it may assess the environmental impacts of *Detailed Project Description in County*, Nebraska.

The project is being proposed to *Project Need Statement*. Enclosed is an *U. S. Geological Survey* map that depicts the proposed project's construction activities and a description of the work involved.

We are requesting information on the possible effects of the proposed project on important farmland and prime rangeland and any recommendations you may have to minimize or avoid these effects. We also seek your assessment of the compatibility of the proposed project with State and local government or any private programs and policies to protect important farmland.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

NOTE:

Mr. Mitch Paine, CFM
Nebraska Department of Natural Resources
Attn: Floodplain Division
301 Centennial Mall South
P. O. Box 94676
Lincoln, NE 68509-4676

RE: *Applicant*
Short Description

Dear Mr. Paine:

The *Applicant on behalf of* USDA-Rural Development is in the process of performing an environmental review pursuant to the National Environmental Policy Act in order that it may assess the environmental impacts of *Detailed Project Description in County*, Nebraska. The project is being proposed to *Project Need Statement*. Enclosed is an *U. S. Geological Survey* map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved.

The «*Applicant*» requests that your office review the proposed project for any effects on floodplains or any other natural resources under your jurisdiction. *This project is being constructed in the floodplain* *This project is not being constructed in a floodplain*. We are also notifying the local NRD.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

NOTE: NRD's and their managers can be found at: <http://www.nrdnet.org/>

???????, District Manager

?????????? Natural Resource District

?????

?????, NE ZIP

RE: *Applicant*
Short Description

Dear District Manager:

The *Applicant on behalf of* USDA-Rural Development is in the process of performing an environmental review pursuant to the National Environmental Policy Act in order that it may assess the environmental impacts of *Detailed Project Description in County*, Nebraska. The project is being proposed to *Project Need Statement*. Enclosed is an *U. S. Geological Survey* map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved. *This project is* *a replacement well,* *a replacement lagoon,* *a new project with a water balance included,* *a new project with a water balance not included or* *resulting in no new water consumption.*

The Applicant requests that your office review the proposed project for any effects on natural resources under your jurisdiction. If resources are affected please provide any recommendations you may have to mitigate or avoid these impacts. We are also notifying the Nebraska DNR.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

Mr. John Moeschen
U. S. Army Corps of Engineers
NE State Regulatory Office
8901 South 154th St, Suite 1
Omaha, NE 68138-0723

RE: *Applicant*
Short Description

Dear Mr. Moeschen:

The *Applicant on behalf of* USDA-Rural Development is in the process of performing an environmental review pursuant to the National Environmental Policy Act in order that it may assess the environmental impacts of *Detailed Project Description in County*, Nebraska. The project is being proposed to *Project Need Statement*. Enclosed is an U. S. Geological Survey map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved. *Waters of the US are identified and will be bored in order to avoid impact.*

The Applicant requests that your office review the proposed project to identify any Waters of the United States. *A wetland delineation* *has been completed and included or* *not completed or* *a soil survey has been included to help make this determination.* If Waters of the US are affected, please provide any recommendations you may have to mitigate or avoid these impacts, to properties that may be affected.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

NEPA Coordinator
Nebraska Department of Environmental Quality
1200 "N" Street, Suite 400
P. O. Box 98922
Lincoln, NE 68509-8922

RE: *Applicant*
Short Description

Dear Sir:

The *Applicant on behalf of* USDA-Rural Development is in the process of performing an environmental review pursuant to the National Environmental Policy Act in order that it may assess the environmental impacts of *Detailed Project Description in County*, Nebraska. The project is being proposed to *Project Need Statement*. Enclosed is an *U. S. Geological Survey* map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved. *Wastewater treatment will be provided by* *a licensed wastewater treatment plant or* *other.*

The Applicant requests that your office review the proposed project for any effects on the natural resources under your jurisdiction. Please provide any recommendations you may have to mitigate or avoid these impacts, to properties that may be affected.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

Mr. Howard Isaacs
Nebraska Health and Human Services
Drinking Water & Environmental Health
301 Centennial Mall South
P. O. Box 95026
Lincoln, NE 68509-5026

RE: *Applicant*
Short Description

Dear Mr. Isaacs:

The *Applicant on behalf of* USDA-Rural Development is in the process of performing an environmental review pursuant to the National Environmental Policy Act in order that it may assess the environmental impacts of *Detailed Project Description in County*, Nebraska. The project is being proposed to *Project Need Statement*. Enclosed is an *U. S. Geological Survey* map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved. *We will have* *25 or more employees, clients and public on site every day for at least 60 days or* *have less than 25.*

The Applicant requests that your office review the proposed project for any effects on the natural resources under your jurisdiction. Please provide any recommendations you may have to mitigate or avoid these impacts, to properties that may be affected.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

NOTE: Would accept email notification Scott_Blackburn@nps.gov

Scott Blackburn
Regional Environmental Coordinator
National Park Service
Planning and Compliance Division
601 Riverside Dr.
Omaha, NE 68102
(402) 661-1844

RE: *Applicant*
Short Description

Dear Mr. Blackburn:

The *Applicant on behalf of* USDA-Rural Development is in the process of performing an environmental review pursuant to the National Environmental Policy Act in order that it may assess the environmental impacts of *Detailed Project Description in County*, Nebraska. The project is being proposed to *Project Need Statement*. in County, Nebraska. The project is being proposed to Project Need Statement. Enclosed is an U. S. Geological Survey map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved. As is shown on the enclosed map, some of the construction may take place in the (*name of formally classified land unit*).

Although the submittal of a special use permit application at this time would be premature, we are seeking information on potential environmental effects from the project as an input to the Rural Development's decision-making process. We request your review of this project for potential impacts to officially designated areas within the (*name of land unit*), and any recommendations you may have to mitigate or avoid these effects.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

July 10, 2018

NOTE: Tribes can be found at: <https://egis.hud.gov/tdat/>

NOTE: USDA Rural Development has requested tribes to use email. Those that have agreed are listed in the table below with an E in the first column.

? Tribal Chair?

? Tribe?

? Address?

? City, State ZIP?

RE: *Applicant*
Short Description

Dear Tribal Chair:

The *Applicant on behalf of* USDA-Rural Development is in the process of initiating consultation pursuant to the National Historical Preservation Act with the tribe's consent. If the tribe does not consent. Please inform Martin Norton, PE of USDA Rural Development at (402)-437-5560 or marty.norton@ne.usda.gov. USDA Rural Development is assessing the impacts of *Detailed Project Description in County*, Nebraska. The project is being proposed to *Project Need Statement*. Enclosed is an *U. S. Geological Survey* map that depicts the proposed project's area of potential effect for all construction activities and a description of the work involved.

Please advise USDA Rural Development through their applicant or directly in accordance with Section 106 any historic properties that may be affected. USDA Rural Development will consult directly with the tribe if that is determined to be necessary. We are also notifying the tribes that show up on <https://egis.hud.gov/tdat/> And the Nebraska State Historic Preservation Office.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *Applicant's Environmental Specialist* at *Phone Number* and *Email Address*.

Sincerely,

Applicant's Environmental Specialist
Title

Enclosure

Enclosure – Delegation of Authority



**United States Department of Agriculture
Rural Development**

July 16, 2009

To: Federally Recognized Indian Tribes
State Historic Preservation Officers/Tribal Historic Preservation
Officers

From: Rural Business-Cooperative Service
Rural Housing Service
Rural Utilities Service

Subject: Delegation of Authority for Section 106 Review of Undertakings
Assisted by the U. S. Department of Agriculture, Rural
Development

The U.S. Department of Agriculture, Rural Development, which consists of three agencies - Rural Business-Cooperative Service (RBS), Rural Housing Service (RHS) and the Rural Utilities Services (RUS) - administers numerous programs from both its National Office in Washington, D.C., e.g., the Electric and Telecommunications Programs, and State Offices. Information about Rural Development State Offices is available at the following websites – http://www.rurdev.usda.gov/recd_map.html or <http://www.usda.gov/RuralDevelopment/water/states/usamap.htm>.

In order to streamline compliance with Section 106 of the National Historic Preservation Act and its implementing regulations, "Protection of Historic Properties" (36 CFR Part 800), Rural Development is authorizing its applicants to initiate consultation on behalf of its agencies, pursuant to 36 CFR § 800.2(c)(5). Effective immediately, Rural Development applicants and their authorized representatives may consult with the State Historic Preservation Officers (SHPO) to initiate the review process established under 36 CFR Part 800 and to carry out some of its steps. Specifically, Rural Development applicants are authorized to gather information to identify and evaluate historic properties, and to work with consulting parties to assess effects. Rural Development retains responsibility to document its findings and determinations in order to appropriately conclude Section 106 review.

Rural Development, however, remains responsible for initiating government-to-government consultation with federally recognized Indian tribes. Rural Development's responsibility to consult on a government-to-government basis with Indian tribes as sovereign nations is established through specific authorities and is explicitly recognized in 36 CFR Part 800. Accordingly, Rural Development

1400 Independence Ave. S.W. · Washington DC 20250-0700
Web: <http://www.rurdev.usda.gov>

Committed to the future of rural communities.

"USDA is an equal opportunity provider, employer and lender."
To file a complaint of discrimination, write USDA, Director, Office of Civil Rights,
1400 Independence Avenue, S.W., Washington, DC 20250-9410 or call (800) 795-3272 (Voice) or (202) 720-6382 (TDD).

may not delegate this responsibility to a non-federal party without the agreement of the tribe to do so. Where no such agreement exists, applicants must work directly with Rural Development to initiate and in some cases carry out tribal consultation. It is our hope, however, that to facilitate the expeditious conclusion of Section 106, Indian tribes will work directly with Rural Development applicants in carrying out the terms of this authorization.

Authorized applicants must involve Rural Development in consultation whenever:

- Either the Rural Development applicant or the SHPO/THPO believes that the Criteria of Adverse Effect pursuant to 36 CFR § 800.5, apply to the proposal under consideration by Rural Development;
- There is a disagreement between an applicant or its authorized representative and the SHPO/THPO about the scope of the area of potential effects, identification and evaluation of historic properties and/or the assessment of effects;
- There is an objection from a consulting party or the public regarding their involvement in the review process established by 36 CFR Part 800, Section 106 findings and determinations, or implementation of agreed upon measures; or
- There is the potential for a foreclosure situation or anticipatory demolition as defined under 36 CFR § 800.9(b) and 36 CFR § 800.9(c), respectively.

Rural Development expects its applicants that are so authorized to involve consulting parties in Section 106 findings and determinations and to carry out the exchange of documentation and information in a respectful, consistent and predictable manner.

If you have any questions please contact Laura Dean, Ph.D., the Federal Preservation Officer for RUS, at 202-720-9634 or laura.dean@wdc.usda.gov or Linda Rodgers, the Federal Preservation Officer for RHS/RBS, at 202-720-9647 or linda.rodgers@wdc.usda.gov.

Sincerely,



Mark S. Plank
Director
Engineering and Environmental Staff
Water and Environmental Programs
Rural Utilities Service



Richard A. Davis
Director *Acting*
Program Support Staff
Facilities Programs
Rural Business-Cooperative
Service
Rural Housing Service

All Section 106 Tribal Contacts

Apache Tribe of Oklahoma				http://www.apachetribe.org/	
	HUD	Lyman Guy, Chairman	PO Box 1330 Anadarko, OK 73005	(405) 247-9493	lguy93@hotmail.com
Arapaho Tribe of the Wind River Reservation, Wyoming				http://www.northernarapaho.com/	
	HUD	Dean Goggles, Chairman	PO Box 396 Fort Washakie, WY 82514-0396	(307) 332-6120	
	HUD	Yufna Soldier Wolf, THPO	PO Box 67 St. Stevens, WY 82524	(307) 856-1628	Yufnanathpo@gmail.com
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota				www.sioux.org	
	HUD	Harold Frazier, Chairperson	PO Box 590 Eagle Butte, SD 57625	(605) 964-4155	haroldcfrazier@yahoo.com
	HUD	Steven Vance, THPO	PO Box 590 Eagle Butte, SD 57625	(605) 964-7554	Stevev.crstpres@outlook.com
Cheyenne and Arapaho Tribes				www.c-a-tribes.org	
M	HUD	Eddie Hamilton, Governor	PO Box 167 Concho, OK 73022	(405) 422-7734	ehamilton@c-a-tribes.org
M	RD	Max Bear, THPO	100 Red Moon Circle Concho, OK 73022	(405)-422-7714	mbear@c-a-tribes.org
Comanche Nation, Oklahoma				www.comanchenation.com	
	HUD	William Nelson, Chairman	PO Box 908 Lawton, OK 73502	(508) 492-3251	williamn@comanchenation.com
	HUD	Martina Callahan, THPO	6 SW D Ave Lawton, OK 73502	(508) 595-9618	martinac@comanchenation.com
	RD	Jimmy Arterberry			jimmya@comanchenation.com
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota				http://www.crowcreekconnections.org/	
	HUD	Roxanne Sazue, Chairperson	PO Box 50 Fort Thompson, SD 57339	(605) 245-2221	
	HUD	Darrell Zephier, THPO	PO Box 50 Fort Thompson, SD 57339	(605) 245-2221	darrellzephier78@gmail.com
Iowa Tribe of Kansas and Nebraska				http://iowatribeofkansasandnebraska.com/	
	HUD	Tim Rhodd, Chairperson	3345 B Thrasher Rd. White Cloud, KS 66094	(785) 595-3258	trhodd@iowas.org
	HUD	Lance Foster, THPO	3345 B Thrasher Rd. White Cloud, KS 66094	(785) 595-3258	lfoster@iowas.org
Iowa Tribe of Oklahoma				http://bahkhoje.com/	
	HUD	Bobby Walkup, Chairman	335588 E 750 Rd Perkins, OK 74059-3268	(405) 547-2402	bwalkup@iowanation.org

Appendix B
Communication

	HUD	Amy Scott, THPO	335588 E 750 Rd Perkins, OK 74059-3268	(405) 547-2402	ascott@iowanation.org
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota				http://www.lbst.org/	
	RD	Vacant, Vice Chairperson	187 Oyate Circle Lower Brule, SD 57548-8500	(605) 473-5561	
	HUD	Vacant			
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana				www.cheyennation.com	
	HUD	Llevando Fisher, Chairperson	PO Box 128 Lame Deer, MT 59043	(406) 477-6284	llevando.fisher@cheyennation.com
	HUD	Teanna Limpy, THPO	PO Box 128 Lame Deer, MT 59043	(406) 477-4839	Teanna.Limpy@cheyennation.com
Oglala Sioux Tribe				www.oglalalakotatnation.org	
	HUD	John Yellowbird Steele, President	PO Box 2070 Pine Ridge, SD 57770	(605) 867-5821	johns@oglala.org
	HUD	Dennis Yellowthunder, THPO	PO Box 419 Pine Ridge, SD 57770	(605) 455-1225	oglalathpo@goldenwest.net (mailbox is full)
Omaha Tribe of Nebraska				http://omaha-nsn.gov/	
	HUD	Amen Sheridan, Chairperson	P.O. Box 368 Macy, NE 68039	(402) 837-5391	asheridan@omahatribe.com
	HUD	Calvin R. Harlan, THPO	P.O. Box 368 Macy, NE 68039	(402) 837-5391	CJHarlan59@yahoo.com
Otoe-Missouria Tribe of Indians, Oklahoma				www.omtribe.org	
	HUD	John Shotton, Chairman	8151 Highway 177 Red Rock, OK 74651-0348	(580) 723-4466	jshotton@omtribe.org
	HUD	Galen Springer, THPO	8151 Highway 177 Red Rock, OK 74651-0348	(580) 723-4466	
Pawnee Nation of Oklahoma				http://www.pawneenation.org	
E	HUD	Misty Nuttle, President	PO Box 470 Pawnee, OK 74058	(918) 762-3621	cbutler@pawneenation.org
E	RD	Matt Reed, THPO	PO Box 470 Pawnee, OK 74058	(918) 762-3227	jreed@pawneenation.org
Ponca Tribe of Indians of Oklahoma				http://www.ponca.com	
E	HUD	Earl Howe, Chairman	20 White Eagle Dr. Ponca City, OK 74601	(580) 762-8104	thowe@ponca.com
E	RD	Halona Clawson, THPO	20 White Eagle Dr. Ponca City, OK 74601	(580) 762-8104	halona.clawson@ponca.com

Appendix B
Communication

Ponca Tribe of Nebraska				http://www.poncatribene.org	
	HUD	Larry Wright, Chairman	PO Box 288 Niobrara, NE 68760	(402) 857-3391	ldwrightjr@gmail.com
	HUD	Randy Teboe, THPO	PO Box 288 Niobrara, NE 68760	(402) 857-3319	rteboe@poncatribene.org
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota				http://www.rosebudsiouxtribe-nsn.gov	
M	HUD	William Kindle, President	PO Box 430 Rosebud, SD 57570-0430	(605) 747-2381	william.kindle@rst-nsn.gov
M	RD	Russell Eagle Bear, THPO	PO Box 430 Rosebud, SD 57570-0430	(605) 747-4255	rstthpo@yahoo.com
Sac & Fox Nation of Missouri in Kansas and Nebraska				http://www.sacandfoxks.com	
	HUD	Edmore Green, Chairman	305 N. Main St. Reserve, KS 66434	(785) 742-0053	egreen@sacandfoxcasino.com
	HUD	Vacant			
Sac & Fox Nation, Oklahoma				http://sacandfoxnation-nsn.gov	
	HUD	George Thurman, Chairman	920883 South Highway 99 Building A Stroud, OK 74079	(918) 968-3526	chief@sacandfoxnation-nsn.gov
	HUD	Sandra Massey, THPO	920883 South Highway 99 Building A Stroud, OK 74079	(918) 968-3526	smassey@sacandfoxnation-nsn.gov
Sac & Fox Tribe of the Mississippi in Iowa				http://www.meskwaki.org	
	HUD	Judith Bender, Chairperson	349 Meskwaki Rd. Tama, IA 52339	(641) 484-4678	chair.council@msn.com
	HUD	Vacant			
Santee Sioux Nation, Nebraska				http://www.santeedakota.org	
	HUD	Roger Trudell, Chairperson	425 Frazier Ave. N. Suite 2 Niobrara, NE 68760-8605	(402) 857-2772	rtrudell@santeedakota.org
	HUD	Richard Thomas, THPO	108 Spirit Lake Avenue West Niobrara, NE 68760	(402) 857-2351	rick_thpo02@yahoo.com
Standing Rock Sioux Tribe of North & South Dakota				http://www.standingrock.org	
	RD	, Chairperson	PO Box D Fort Yates, ND 58538	(701) 854-7201	
	RD	, Tribal Preservation Officer	PO Box D Fort Yates, ND 58538	(701) 854-2138	
Winnebago Tribe of Nebraska				www.winnebagoTribe.com	
F	HUD	Darla LaPointe, Chairperson	PO Box 687 Winnebago, NE 68071	(402) 878-3129	darla.lapointe@winnebagoTribe.com

Appendix B
Communication

F	RD	Randy Teboe, THPO	PO Box 687 Winnebago, NE 68071	(402) 878-3313	Randy.teboe@winnebagotribe.com
Yankton Sioux Tribe of South Dakota					
	HUD	Robert Hawk, Chairperson	PO Box 1153 Wagner, SD 57380	(605) 384-3641 ext. 1015	robertflyinghawk@gmail.com
	HUD	Perry Little, THPO	PO Box 1153 Wagner, SD 57380	(605) 384-3641 ext. 1011	yst.thpo@gmail.com

Preferred method of consultation

- E- Email is ok
- M – Mail is preferred
- F – Face to Face

HUD records checked on 6/28/18 and updated with Troy's research as of 6/28/18

Appendix D – CERT & FWS Communication

Appendix F – FEMA Floodplain Map

Appendix H – NRCS Communication

Appendix I – Fire Marshall Communication

Appendix J – Misc. Communication