



Date: April 16, 2015  
Subject: Template Environmental Consultation Letters  
To: All Nebraska Rural Development Staff  
Applicants for Rural Development funds  
Environmental Consultants working on RD funded projects

Purpose/Intended Outcome:

This unnumbered letter is to keep you/ your office informed of the addresses and names of the Regulatory Agencies that may need consultation during the environmental review process outlined in RD instruction 1940-G and RD Instruction 1794. The template language helps the writer confirm that major issues are addressed prior to consultation. It helps the regulatory agencies have consistency in what they see.

Comparison with Previous Unnumbered Letters:

This unnumbered letter updates names and addresses from the April 13, 2013 issuance of this unnumbered letter.

Instructions:

The body of the letter is set up to identify key issues that the regulatory agencies want to know. Italics identify notes and text that needs to be edited. RD staff can use the RD letterhead. All others must copy onto their own letterhead and include the language Applicant on the behalf of USDA. If you have any questions call the State Environmental coordinator Marty Norton (402) 437-5560 or the Assistant State Environmental Coordinator Troy Pomajzl (402) 437 5569 for guidance.

MAXINE MOUL  
State Director

EXPIRATION DATE: October 1, 2016

FILING: Preceding RD Instruction  
1940-G and RD Instruction 1794

Rural Development • Nebraska  
100 Centennial Mall North, Suite 308  
Lincoln, NE 68508  
Voice (402) 437-5551 • Fax (402) 0437-5408

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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](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 of 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](mailto:program.intake@usda.gov).



January 25, 2016

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

RE: *Applicant*  
*Short Description*

Dear Mr. Puschendorf:

*[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 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, renovated, the area of potential affect and description of work are also included (historical buildings type projects).*

Rural Development has made an initial determination of no adverse effect on historic properties. Please advise Rural Development in accordance with Section 106. We are also notifying the tribes listed in the NAGPRA database.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure

**Rural Development • Nebraska**

100 Centennial Mall North, Suite 308  
Lincoln, NE 68508  
Voice (402) 437-5551 • Fax (402) 0437-5408

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January 25, 2016

NOTE: Prefers email [nebraskaes@fws.gov](mailto:nebraskaes@fws.gov)

Mr. Jeff Runge  
U. S. Fish and Wildlife Service  
Federal Building  
203 West 2<sup>nd</sup> Street  
Grand Island, NE 68801-5907

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.*

The proposed project does not represent a "major construction activity" as defined in 50 CFR 402.02. USDA  *does*  *does not think* the project will result in an undertaking of any Federally-listed or proposed threatened or endangered species. Please advise us of any concerns you may have related to possible effects of the project listed above on such species or critical habitat. Nebraska Games and Parks have also been notified.

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 *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure

January 25, 2016

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

RE: *Applicant*  
*Short Description*

Dear Ms. Grell:

*[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 proposed project does not represent a "major construction activity" as defined in 50 CFR 402.02. USDA does not think the project will result in an undertaking of any State-listed or proposed threatened or endangered species. Please advise us of any concerns you may have related to possible effects of the project listed above on such species or critical habitat. USFWS has also been consulted.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure

January 25, 2016

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 area of potential effect for all 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 *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure

January 25, 2016

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.

RD believes that this construction will not affect protected natural resources. We request that your office review the proposed project for 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 *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure

January 25, 2016

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.*

USDA-Rural Development does not believe that the project will affect a protected natural resource under your jurisdiction. The Applicant requests that your office review the proposed project for any effects on natural resources under your jurisdiction. If resources are affected please contact USDA-Rural Development so we can mitigate or avoid these impacts. We are also notifying the Nebraska Department of Natural Resources.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure

January 25, 2016

Mr. John Moeschen  
U. S. Army Corps of Engineers  
NE State Regulatory Office  
8901 South 154<sup>th</sup> 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.*

We request 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.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure



January 25, 2016

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.*

We request 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.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure

January 25, 2016

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.*

We request 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.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure

January 25, 2016

NOTE: Would accept email notification [Nicholas.Chevance@nps.gov](mailto:Nicholas.Chevance@nps.gov)

National Park Service  
Long Distance Trails  
Nick Chevance  
Regional Environmental Coordinator  
601 Riverside Dr.  
Omaha, NE 68102

RE: *Applicant*  
*Short Description*

Dear Mr. Chevance:

*[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. Pictures of buildings that will be demolished (if any) with the project are also included.

Our research shows no adverse impact to the National Trail System. We request that your office review the proposed project for any effects on Federally-listed National Trails. Please provide any recommendations you may have to mitigate or avoid these impacts.

We would appreciate a response within 30 days. If you need any further information or wish to discuss the project, please contact *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*Title*

Enclosure

January 25, 2016

NOTE: Tribes can be found at: <http://grantsdev.cr.nps.gov/Nagpra/NACD/>

? 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 performing an environmental review pursuant to the National Historical Preservation Act in order that it may assess the environmental impacts of *[Detailed Project Description]* in *[County]*, Nebraska. Applicants can consult directly per the delegation letter attached. 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.  *Pictures of buildings that will be demolished (if any) with the project are also included.*

USDA-Rural Development has determined a finding of no adverse effect on historic properties and recommends that the project proceed. Please advise Rural Development in accordance with Section 106 if you have any concerns. Rural Development will consult directly with the tribe to remedy any concerns as outlined in the delegation letter attached. We are also notifying 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 *[RD Specialist]* at *[RDS Phone Number]* or *[RDS Email Address]*.

Sincerely,

*RD Specialist or Author of Letter*  
*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](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](mailto: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](mailto: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