

ENVIRONMENTAL REVIEW RECORD REFERENCE DOCUMENT

Published: June 2021

PROBLEM STATEMENT: grantees requested guidance for completion of their environmental review record (ERR) to help ensure the record is complete as required so as not to delay release of funds by the Department for compliance considerations. Previous tools developed by the Department to address this overarching issue include the relevant chapter in the Administration Manual, Timing Worksheets, and Project Description guidance, as well as ad-hoc guidance delivered via written correspondence to individual grantees (or applicants) and/or CDBG Certified Administrator (CA) mailing lists. Additionally, this document supplies a framework or “standard” to simplify the completion of each component of the environmental review and the Department’s review and acceptance of each response and associated documentation as supplied by the grantee (or applicant).

DISCUSSION & BEST PRACTICES: The following is an example of a completed environmental review record (ERR) for a fictitious project for street improvements taking place in Sodtown, Buffalo County, Nebraska. In this case, it was a Categorical Exclusion Subject To (CEST) that converts to Exempt (which is typical for a street improvement project). This example is not intended to be used to replace the discovery portion of a specific project subject to environmental review. As it is an example, do not assume it wholly considers the unique conditions of any project. Due diligence by the Preparer and Responsible Entity Certifying Officer is not delegated nor transferred by using this example as a framework for such review.

This is to be used as a guidance document only. It provides guidance on writing a project description and how to address the requirements of the ERR in a uniform manner. Ahead of issuing this guidance document, preparers took various approaches for meeting the same requirement, some of which likely took considerable, and often unnecessary, time and effort on their part. For example, the requirement of “Water Quality (i.e., sole source aquifers or SSA)” oftentimes would result in numerous ways of providing the data from different grantees – some preparers would send in a map of the United States showing SSA, others might provide a map of the community showing that there are no nearby SSAs, while others provided a map of the HUD region with a statement that there are no SSAs in the HUD region. With this, our example ERR, no exhibit is attached to address this area of review – but simply a statement: “The project is not located in an area where water is secured from a sole source aquifer, as no sole source aquifers exist in the States of EPA Region VII (which includes Nebraska). No exhibit attached. Qualified Data Source: <https://epa.maps.arcgis.com/apps/webappviewer/index.html>.” This is adequate.

HOW TO USE THIS DOCUMENT: Note that the ERR is in one document in this case whereas AmpliFund requires separate uploads of the documents – i.e. the project description, 58.5 requirements, 58.6 requirements, etc. If a MS Word document would be helpful, please contact your program representative and it can be provided.

Again, as this is a reference document only, the 58.5 checklist contains an *example* of how you might show compliance with the requirement (shown in **red text**), but also has notes that might be helpful (shown in **purple text**). For example, in the case of Sodtown, the red font would be appropriate for

street improvements, but in the case of a community center (as an example), more stringent requirements may apply, which are shown in the purple font.

Timing and order of completion of documents often lead to avoidable delays. Our example follows the rules. Please note the dating and order of signoff for each document. There should never be a case (at least with a CEST project) where the DLR is signed the same day as the 58.5, 58.6 or Finding of Exemption documents. The summary table below is relevant to this example ERR and may also be used as a reference for your ERR. Items are sequenced here as they should be in practice and order of completion by signature. NOTE: A Finding of Exempt Activity (HUD form 7015.15) should only be included where applicable. This document would not be required of a CEST converting to exempt and is included here for reference to projects requiring it.

Preparers must complete and submit with their ERR the appropriate Timing Worksheet and, as appropriate and available, publication documentation.

ITEM		DATED BY THE CHIEF ELECTED OFFICIAL (CEO)	DESCRIPTION
1	Determination of Level of Review (DLR)	December 5, 2021	This is always going to be the first document that is dated and needs to be signed by the certified administrator (CA) first and then the chief elected official (CEO) second (the CA and the EO can sign on the same day)
2	58.5	January 5, 2022	This can never be dated by the CA or the CEO the same day as the DLR. For example, it might take several days to receive clearance from the State Historic Preservation Officer (SHPO) and so it is not possible to have the DLR and the 58.5 checklist signed on the same day. If your ERR is an environmental assessment (EA), there should be a <i>minimum</i> of thirty (30) days between when the DLR is signed and other documents are signed. This is due to giving the Tribes at least that much time to respond.
3	58.6	January 5, 2022	This can never be dated by the CA or the CEO the same day as the DLR but can be dated the same day as the 58.5 checklist.
4	Finding of Exempt Activity (FOEA)	January 5, 2022	This can never be dated by the CA or the CEO the same day as the DLR but can be dated the same day as the 58.5 and 58.6 checklists.

ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: 22PW002

PROJECT NAME: Sodtown Street Improvement Project

DETERMINATION OF LEVEL OF REVIEW

ERR GRANT# 22PW022

Project Name: **City of Sodtown Street Improvement Project**

Program Year: **2022**

Project Location: **Sodtown, Buffalo County, Nebraska**

Project Description (*Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.*):

The City of Sodtown, Buffalo County, Nebraska (City) is preparing to implement a street improvement project within the municipal limits of the City. Two (2) streets will be improved: Sodtown Road and 310th Road, with the project beginning at the intersection of 295th Road and Sodtown Road, follows Sodtown Road, and ends at the intersection of 310th Road and Sioux Road (following 310th Road). The total project area covers a distance of approximately two (2) miles. These roads are owned and maintained by the City and are surrounded by a mix of commercial and residential usage. The streets are currently asphalt and have fallen into disrepair with severe deterioration and potholes.

Project activities include asphalt pavement installation which will include demolition and removal of the existing surface; grading and sloping; sub-base preparation and repair; installation of new asphalt and a final roll (which includes using a roller truck to ensure that the new asphalt pavement surface is compacted and smoothed). Roads will continue to be 22' wide (as they are currently) and asphalt will be 8" thick. Curb, gutter and intersections that are in poor condition will be replaced and sidewalk repairs (approximately 800 linear feet (LF)) will occur along 310th Road in compliance with the Americans with Disabilities Act (ADA).

Project impacts may include temporary road closures, noise and dust. Businesses, residents and emergency services will be notified of all road closures and will be routed to alleyways or other roads during construction. Project activities will take place during normal business hours.

Total project costs are estimated at \$1,000,000, including \$25,000 for general administration and \$10,000 for construction management. Funding sources include a Community Development Block Grant (CDBG) for \$435,000 and a match from the City of \$565,000. The project will primarily benefit low to moderate income (LMI) persons. Construction will be completed within two (2) years. No persons or businesses will be displaced as a result of the project activities.

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and the following determination with respect to the project is made:

- Exempt** from NEPA review requirements per 24 CFR 58.34(a)(____)
- Categorically Excluded NOT Subject** to §58.5 authorities per 24 CFR 58.35(b)(____)
- Categorically Excluded SUBJECT** to §58.5 authorities per 24 CFR 58.35(a)(1)
(A Statutory Checklist for the §58.5 authorities is attached.)
- An **Environmental Assessment** (EA) is required to be performed. (An Environmental Assessment performed in accordance with subpart E of 24 CFR Part 58 is attached.)
- An **Environmental Impact Statement** (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

<u>Yukon Cornelius</u> Preparer Name	<u><i>Yukon Cornelius</i></u> Signature
<u>Community Development Consultant</u> Title	<u>December 1, 2021</u> Date

<u>Ignacious Thistlewhite</u> Responsible Entity Certifying Officer	<u><i>Ignacious Thistlewhite</i></u> Signature
<u>Mayor, City of Sodtown</u> Title	<u>December 1, 2021</u> Date

STATUTORY CHECKLIST

**Use this worksheet only for projects that are CATEGORICALLY EXCLUDED SUBJECT TO (CEST)
Related Federal Statutes and Authorities [24 CFR §58.35(a)]**

GRANTEE: The City of Sometown, Buffalo County, Nebraska **GRANT# 22PW022**

A "Determination of Level of Review" form should be provided as a cover to this checklist. This checklist is a component of the Environmental Review Record (ERR) [§58.38]. In addition the "Requirements listed at 24 CFR §58.6" form must also be completed. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

DIRECTIONS – For each authority, check either Box "A" or "B" under "Status."

"A box" The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

"B box" The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data. Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §58.5	STATUS A B	Compliance Documentation
<p style="text-align: center;">1. Air Quality</p> <p>[Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]</p> <p style="color: purple; font-size: small;">Notes: make sure that your map is the most current – i.e. do NOT use a map from 2017 to show the non-attainment areas as they may have changed.</p>	<input checked="" type="checkbox"/> <input type="checkbox"/>	<p style="color: red;">Buffalo County is not in nonattainment or maintenance status for any criteria pollutants. The Environmental Protection Agency (EPA) <i>Green Book Nonattainment Areas for Criteria Pollutants</i> was reviewed to determine if the City of Sometown or Buffalo County had any EPA designated nonattainment or maintenance areas for any criteria pollutants.</p> <p style="color: red;">There are currently no designated nonattainment areas for any criteria pollutants in Nebraska. See Attachment 1. Qualified Data Source: https://www3.epa.gov/airquality/greenbook/map/mapnmpoll.pdf</p> <p style="color: red;">There is one lead maintenance area in Nebraska within a portion of Omaha, Douglas County, Nebraska. This maintenance area is bounded by Fourth Street on the south, Eleventh Street on the west, Avenue H and the Nebraska-Iowa border on the north, and the Missouri River on the east. Sometown, Nebraska is outside that maintenance area.</p>

<p>2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]</p> <p>Notes: I recommend “Google Maps” and then I typed in Sodtown (they didn’t have Sodtown, but they did have Sodtown Road) and then I clicked on “nearby” (left-hand pane) and then typed in “airport” and it came up with the maps.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is compatible with the airport hazards requirement, as the proposed street improvement project area is not within 15,000 feet (~2.84 miles) of a military airport or 2,500 feet (~0.47 mile) of a civilian airport. The nearest airport is the Kearney Regional Airport, which is 19.5 miles away. See Exhibit 2. Qualified Data Source: Exhibit 2.</p>
<p>3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]</p> <p>Note: this language can be used for all environmental reviews as there are no Coastal Zone Management Areas in the State of Nebraska</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not located in a Coastal Zone Management Area, as no coastal zone management programs exist in the States of HUD Region VII (which includes Nebraska), as established by National Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management. No exhibit attached. Qualified Data Source: https://coast.noaa.gov/czm/mystate/</p>
<p>4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]</p> <p>Note: NEPA Assist is a helpful tool and should be used. This response would be adequate for a street improvement project – however, if it were a new community center, senior center, etc., then we would require a visual inspection of the area. For example, “On July 1, 2022, John Pesek, Dale Link and Leonard Furtak walked a two-block radius surrounding the proposed community center area. There were no signs of any contamination or toxic substances.”</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not located near any sites that might pose health and safety problems or are toxic clean-up sites that are presently under analysis or remediation. NEPA Assist mapping was used to identify hazardous waste, air pollution, water discharge, toxic releases, superfund sites, brownfields, or other controlled toxic substances near the project site. The nearest sites for any of these are in Ravenna (approximately five (5) miles away) and Poole (approximately seven (7) miles away). See Exhibit 4 (NEPA Assist map). Qualified Data Source: NEPA Assist Tool.</p>

<p>5. Endangered Species [50 CFR 402]</p> <p>Going forward, the Conservation and Environmental Review Tool (CERT) program must be used for all projects. This is an on-line program (website below) sponsored by the Nebraska Game & Parks Commission.</p> <p>http://outdoornebraska.gov/environmentalreview/</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project will not impact any endangered species as it does not involve any activities that have a potential to affect species or habitats. The Nebraska Game & Parks Commission Conservation and Environmental Review Tool (CERT) program was utilized on December 15, 2021, and the resulting report stated the following: “It is unlikely this project will negatively impact listed species or their designated critical habitat. Please review all the information provided in this document.” See Exhibit 5. Qualified Data Source: CERT Report.</p>
<p>6. Environmental Justice [Executive Order 12898]</p> <p>Note: this language can be used for all environmental reviews as there are should be no instances where there adverse impacts – and therefore no environmental justice issues. Do not attach an exhibit.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project will not create an adverse impact – therefore, there are no environmental justice issues. No exhibit attached. Qualified Data Source: Project Description and Determination of Level of Review (DLR).</p>
<p>7. Explosive and Flammable Operations [24 CFR 51C]</p> <p>This response would be adequate for a street improvement project – however, if it were a new community center, senior center, etc., then we would require a visual inspection of the area. For example, “On July 1, 2022, John Pesek, Dale Link and Leonard Furtak walked a two-block radius surrounding the proposed community center area. There were no signs of any explosive or flammable operations.”</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project involves street improvements and does not include development, construction, rehabilitation that will increase residential densities, or conversion and therefore the requirements at 24 CFR 51C are not applicable to this project. No exhibit attached. Qualified Data Source: Project Description.</p>
<p>8. Farmland Protection [7 CFR 658]</p> <p>Because this project was in City limits, there were no issues with Farmland Protection.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project does not involve new construction, acquisition, or disposition of agricultural land, pasture, or forested land, but will be used for asphalt overlay improvements to streets that already serve the community. The project is located in a well-established residential and commercial area. Therefore, the threshold requirements of 7 CFR 658 of the Farmland Protection Policy Act are not triggered and no further action is required. No exhibit attached. Qualified Data Source: Project Description and maps of the proposed project area.</p>

<p>9. Floodplain Management [24 CFR 55, Executive Order 11988]</p> <p>Note: if the project area has not yet been mapped by FEMA, the Nebraska Department of Natural Resources map should be included. If there is no DNR map, the grantee must contact the Floodplain Administrator and have documentation from the Floodplain Administrator that the proposed project is not in the floodplain.</p> <p>Each applicant located in a county affected by DR-4420 in 2019 must include a statement relating to whether or not that event affected the project area and document how that determination was made (i.e. the phone call with the City Clerk in this example).</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project area is not located in a floodplain per FEMA floodplain maps. Buffalo County, Nebraska was impacted by the flooding event in 2019 (DR-4420), but the area proposed for street improvements was not impacted by this event per telephone conversation with Dale Link, City Clerk, on Monday, December 15, 2022. See Exhibit 9. Qualified Data Source: https://msc.fema.gov/portal/search?AddressQuery=sodtown%2C%20ne#searchresultsanchor</p>
<p>10. Historic Preservation [36 CFR 800] State Historic Preservation Office and Tribal Historic Preservation Office or Tribal contacts [24 CFR Part 58] https://egis.hud.gov/TDAT/</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The proposed project is in compliance with Section 106. The Nebraska State Historic Preservation Officer (SHPO) was contacted on April 28, 2021 and responded with a “No Potential to Cause Effects” determination. The “When To Consult With Tribes Under Section 106” form was reviewed and it was determined that Tribal Consultation was not necessary. See Exhibit 10. Qualified Data Source: SHOP response dated April 28, 2021 & “When To Consult With Tribes Under Section 106” Checklist</p>
<p>11. Noise Control [24 CFR 51B]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project does not involve any noise sensitive uses as the project does not include residential development but will be used for street improvements (asphalt overlay). Therefore, the threshold requirements of 24 CFR 51 are not triggered, and no further action is required. No exhibit attached. Qualified Data Source: Project Description.</p>
<p>12. Water Quality (Sole Source Aquifers) [40 CFR 149]</p> <p>Note: this language can be used for all environmental reviews as there are no sole source aquifers in the State of Nebraska. Do not attach an exhibit.</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not located in an area where water is secured from a sole source aquifer, as no sole source aquifers exist in the States of EPA Region VII (which includes Nebraska). No exhibit attached. Qualified Data Source: https://epa.maps.arcgis.com/apps/webappviewer/index.html</p>

<p>13. Wetland Protection [24 CFR 55, Executive Order 11990]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project does not meet the definition of “new construction” per Executive Order 11990 Section 7(b) as it does not involve “draining, dredging, channelizing, filling, diking, impounding, and related activities and any structures or facilities begun or authorized after the effective date of the Order”. Qualified Data Source: https://www.fws.gov/r9esnepa/NEPA_Handbook/EO_11990.pdf</p> <p>The “Wetlands Data Mapper” was utilized and there are three (3) small freshwater ponds that are in the vicinity of the project on 310th Road – however, these ponds are far enough from the road that they will not be impacted. See Exhibit 14. Qualified Data Source: https://www.fws.gov/wetlands/Data/Mapper.html</p>
<p>14. Wild and Scenic Rivers [36 CFR 297]</p>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>The project is not located near or adjacent any wild and scenic river, as the City of Sodtown is located in Buffalo County, Nebraska. The only counties that contain wild and scenic rivers in the State of Nebraska are Cherry, Keya Paha, Brown, Knox, Boyd, Cedar, Dixon and Rock. See Exhibit #14. Qualified Data Source: https://www.rivers.gov/nebraska.php</p>

DETERMINATION:

Box “A” has been checked for all authorities. The project can convert to Exempt, per §58.34(a)(12), since the project does not require any further compliance measure (e.g. consultation, mitigation, permit, or approval) with respect to any law or authority cited at §58.5. Complete Finding of Exempt Activity and document in writing per §58.34(a)(12) & (b); OR

Box “B” has been checked for one or more authorities. The project cannot convert to Exempt since one or more authorities require compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7015.15), and obtain HUD’s Authority to Use Grant Funds (HUD-7015.16) per §§58.70 & 58.71 before committing funds: OR

The unusual circumstances of this project may result in a significant environmental impact. The project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

Yukon Cornelius
Preparer Name

Yukon Cornelius
Preparer Signature

January 1, 2022
Date

Ignacious Thistlewhite
RE Certifying Officer Name

Ignacious Thistlewhite
RE Certifying Officer Signature

January 5, 2022
Date

24 CFR §58.6 – OTHER REQUIREMENTS

Use this worksheet for projects that are EXEMPT, CATEGORICALLY EXCLUDED SUBJECT TO (CEST), and CATEGORICALLY EXCLUDED NOT SUBJECT TO (CENST) Related Federal Statutes and Authorities.

This 58.6 Form is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

No. Cite or attach Source Documentation: **The project does not involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone. See Attachment #2.** [Project complies with 24 CFR 51.303(a)(3).]

Yes. Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

No. Cite or attach Source Documentation: **The project is not located in a coastal barrier resource area, as there are no Coastal Barriers Resources Act (CBRA) properties in Nebraska. Qualified Data Source: <http://www.fema.gov/nfip/cobra.shtm>** [Proceed with project.]

Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

No. Cite or attach Source Documentation: **The project does not involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA). See Attachment #9.** [Proceed with project.]

Yes. Cite or attach Source Documentation: _____
Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

No. Federal assistance may not be used in the Special Flood Hazard Area.

Yukon Cornelius
Preparer Name

Yukon Cornelius
Preparer Signature

January 1, 2022
Date

Ignacious Thistlewhite
RE Certifying Officer Name

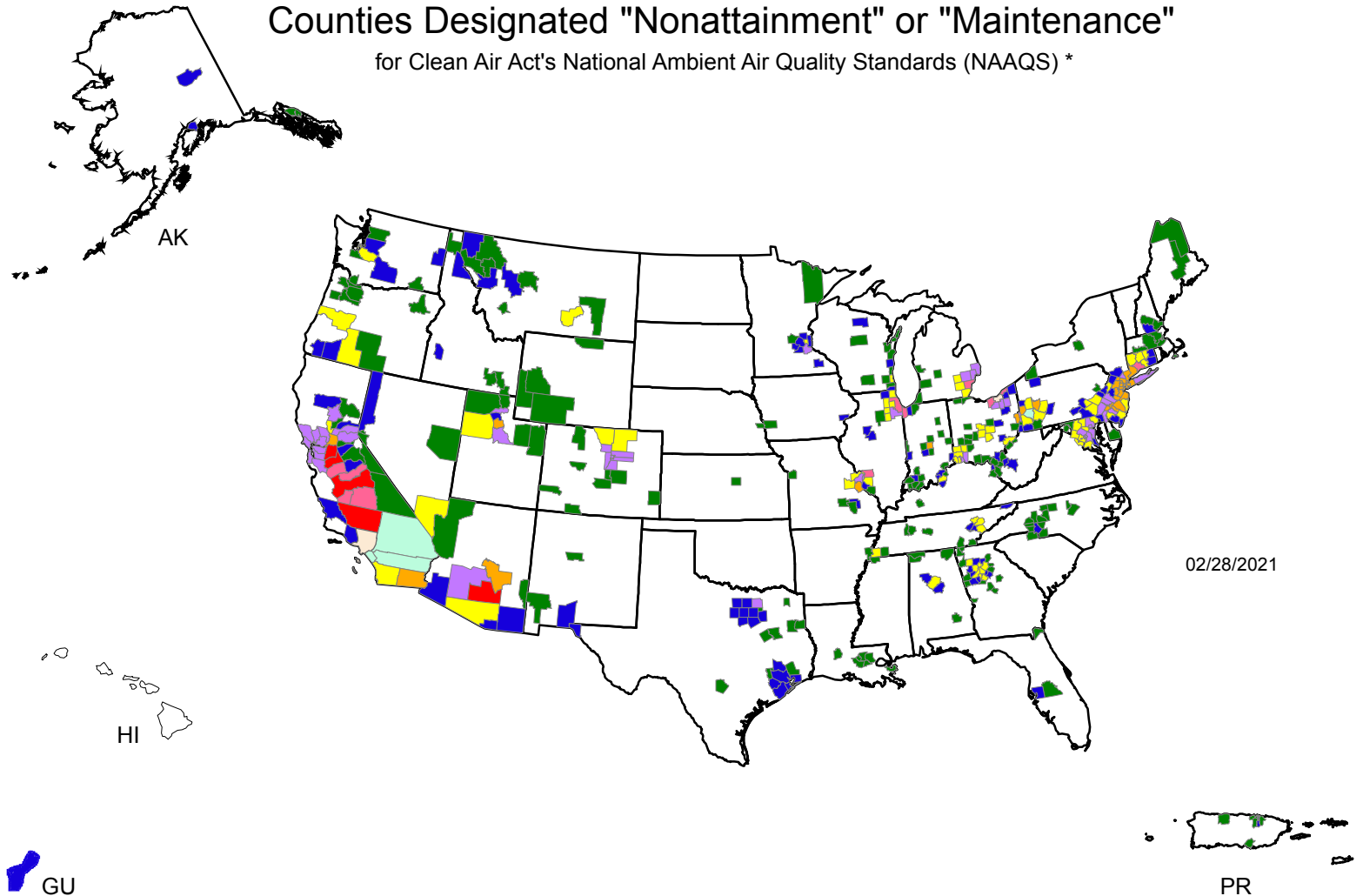
Ignacious Thistlewhite
RE Certifying Officer Signature

January 5, 2022
Date

Exhibit 1

Counties Designated "Nonattainment" or "Maintenance"

for Clean Air Act's National Ambient Air Quality Standards (NAAQS) *



Legend **

-  County Designated Nonattainment or Maintenance for 9 NAAQS Pollutants
-  County Designated Nonattainment or Maintenance for 8 NAAQS Pollutants
-  County Designated Nonattainment or Maintenance for 7 NAAQS Pollutants
-  County Designated Nonattainment or Maintenance for 6 NAAQS Pollutants
-  County Designated Nonattainment or Maintenance for 5 NAAQS Pollutants
-  County Designated Nonattainment or Maintenance for 4 NAAQS Pollutants
-  County Designated Nonattainment or Maintenance for 3 NAAQS Pollutants
-  County Designated Nonattainment or Maintenance for 2 NAAQS Pollutants
-  County Designated Nonattainment or Maintenance for 1 NAAQS Pollutants

* The National Ambient Air Quality Standards (NAAQS) are health standards for Carbon Monoxide, Lead (1978 and 2008), Nitrogen Dioxide, 8-hour Ozone (2008), Particulate Matter (PM-10 and PM-2.5 (1997, 2006 and 2012), and Sulfur Dioxide.(1971 and 2010)

** Included in the counts are counties designated for NAAQS and revised NAAQS pollutants. Revoked 1-hour (1979) and 8-hour Ozone (1997) are excluded. Partial counties, those with part of the county designated nonattainment and part attainment, are shown as full counties on the map.

Exhibit 2 – Airport Hazards

The nearest airport to the City of Sodtoun is the City of Kearney Regional Airport, which is 19.5 miles away.

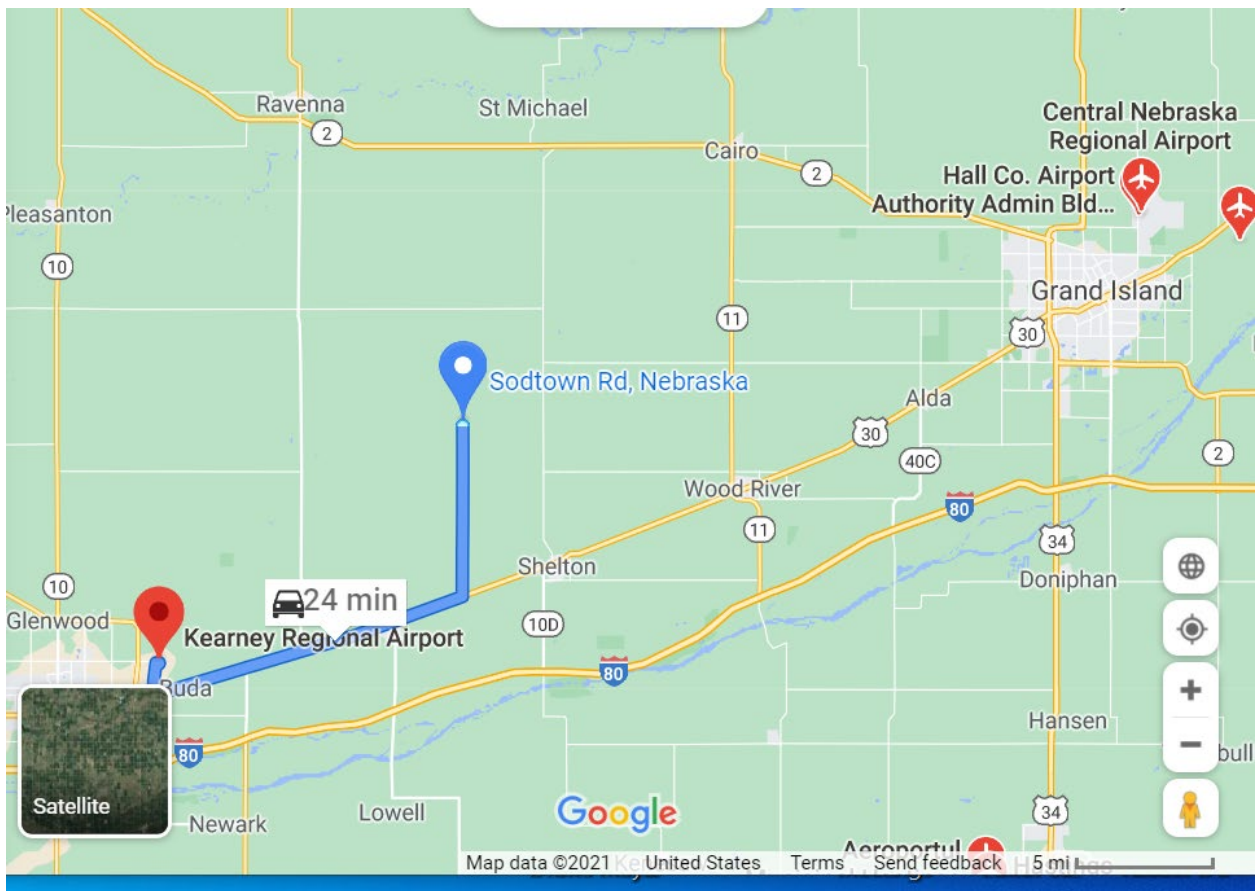
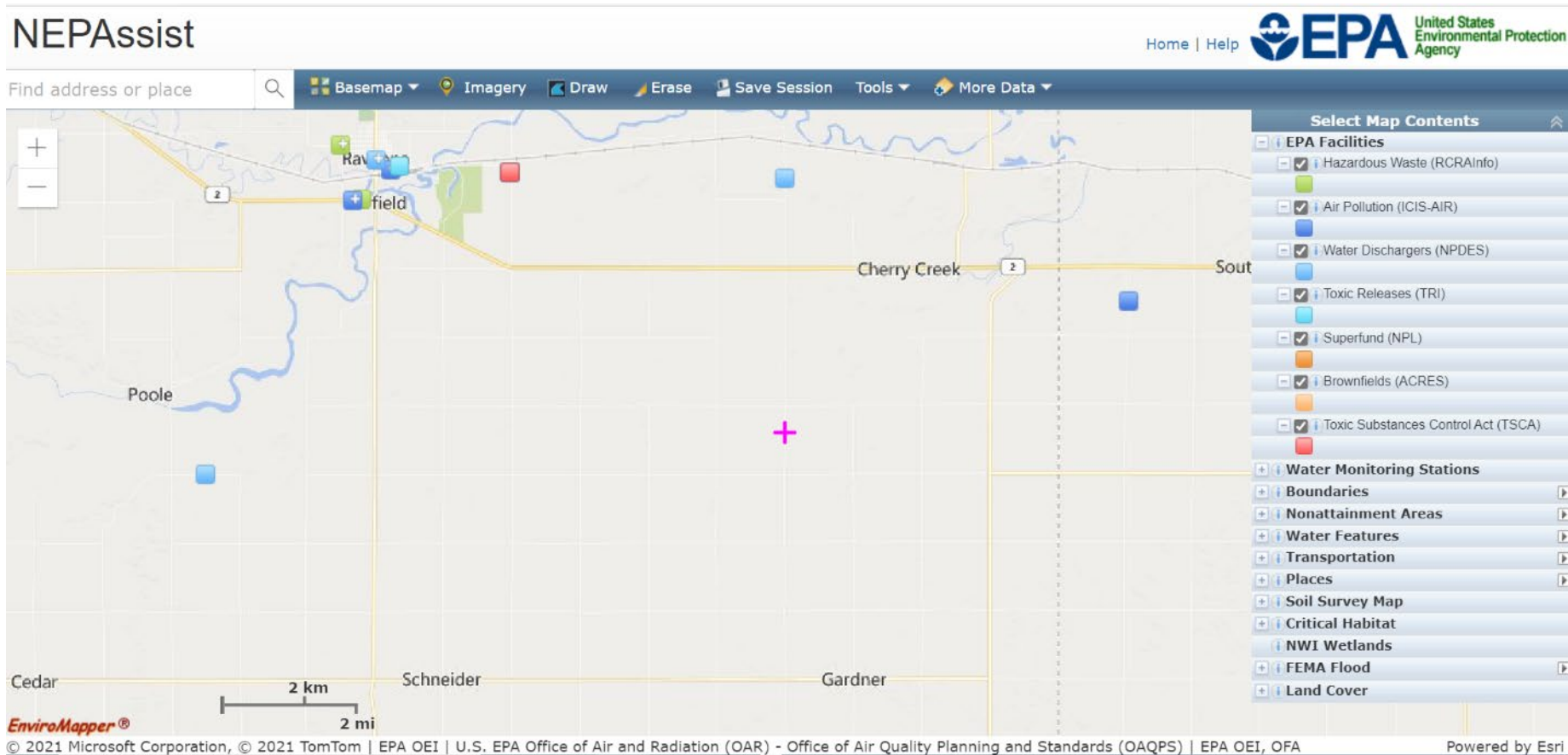


Exhibit 4

NEPA Assist map showing NEPA Assist map showing underground storage tanks, hazardous waste, air pollution, water discharge, toxic releases, superfund sites, brownfields, or other controlled toxic substances nearest to the project site. The nearest sites for any of these are in Ravenna (approximately five (5) miles away and Poole (approximately seven (7) miles away)).

The proposed project site is located near the pink "+" sign.





Environmental Review Report

Project Information

Report Generation Date: 12/15/2021 02:53:20 PM
Project Title: Sodtown Street Improvement Project
User Project Number(s): 22PW022
System Project ID: NE-CERT-004206
Project Type: Development, Maintenance/rehabilitation of existing facilities
Project Activities: None Selected
Project Size: 16.04 acres
County(s): Buffalo
Watershed(s): Loup
Watershed(s) HUC 8: South Loup
Watershed(s) HUC 12: Cherry Creek
Biologically Unique Landscape(s): None
Township/Range and/or Section(s): T11R13WS04; T12R13WS32; T12R13WS33; T12R13WS34
Latitude/Longitude: 40.974458 / -98.793465

Contact Information

Organization: Nebraska Department of Economic Development
Contact Name: Aaron Boucher
Contact Phone: 4024718605
Contact Email: aaron.boucher@nebraska.gov
Contact Address: 301 Centennial Mall South Lincoln NE 68509
Prepared By: Yukon Cornelius
Submitted On Behalf Of:

Project Description

The City of Sometown, Buffalo County, Nebraska (City) is preparing to implement a street improvement project within the municipal limits of the City. Two (2) streets will be improved: Sometown Road and 310th Road, with the project beginning at the intersection of 295th Road and Sometown Road, follows Sometown Road, and ends at the intersection of 310th Road and Sioux Road (following 310th Road). The total project area covers a distance of approximately two (2) miles. These roads are owned and maintained by the City and are surrounded by a mix of commercial and residential usage. The streets are currently asphalt and have fallen into disrepair with severe deterioration and potholes. Project activities include asphalt pavement installation which will include demolition and removal of the existing surface; grading and sloping; sub-base preparation and repair; installation of new asphalt and a final roll (which includes using a roller truck to ensure that the new asphalt pavement surface is compacted and smoothed). Roads will continue to be 22' wide (as they are currently) and asphalt will be 8" thick. Curb, gutter and intersections that are in poor condition will be replaced and sidewalk repairs (approximately 800 linear feet (LF)) will occur along 310th Road in compliance with the Americans with Disabilities Act (ADA). Project impacts may include temporary road closures, noise and dust. Businesses, residents and emergency services will be notified of all road closures and will be routed to alleyways or other roads during construction. Project activities will take place during normal business hours. Total project costs are estimated at \$1,000,000, including \$25,000 for general administration and \$10,000 for construction management. Funding sources include a Community Development Block Grant (CDBG) for \$435,000 and a match from the City of \$565,000. The project will primarily benefit low to moderate income (LMI) persons. Construction will be completed within two (2) years. No persons or businesses will be displaced as a result of the project activities.

Introduction

The Nebraska Game and Parks Commission (Commission) and the U.S. Fish and Wildlife Service (Service) have special concerns for endangered and threatened species, migratory birds, and other fish and wildlife and their habitats. Habitats frequently used by fish and wildlife species are wetlands, streams, riparian areas, woodlands, and grasslands. Special attention is given to proposed projects which modify wetlands, alter streams, result in loss of riparian habitat, convert/remove grasslands, or contaminate habitats. When this occurs, the Commission and Service recommend ways to avoid, minimize, or compensate for adverse effects to fish and wildlife and their habitats.

CONSULTATION PURSUANT TO THE NEBRASKA NONGAME AND ENDANGERED SPECIES CONSERVATION ACT (NESCA)

The Commission has responsibility for protecting state-listed endangered and threatened species under authority of the Nongame and Endangered Species Conservation Act (NESCA) (Neb. Rev. Stat. § 37-801 to 37-811). Pursuant to § 37-807 (3) of NESCA, all state agencies shall, in consultation with the Commission, ensure projects they authorize (i.e., issue a permit for), fund or carry out do not jeopardize the continued existence of state-listed endangered or threatened species or result in the destruction or modification of habitat of such species which is determined by the Commission to be critical. If a proposed project may affect state-listed species or designated critical habitat, further consultation with the Commission is required.

Informal consultation pursuant to NESCA can be completed by using the Conservation and Environmental Review Tool (CERT). The CERT analyzes the project type and location, and based on the analysis, provides information about potential impacts to listed species, habitat questions and/or conservation conditions.

- If project proponents agree to implement conservation conditions, as outlined in the report and applicable to the project type, then this document serves as documentation of consultation and the following actions can be taken to move forward with the project:
 - Sign the report in the designated areas.
 - Upload the signed PDF as part of their "final" project submittal.
 - By agreeing to and implementing the conservation conditions as outlined (if applicable), then further consultation with the Commission is not required.
- If the report indicates the project may have impacts on state-listed species, then the following actions must be taken:
 - Project proponent is required to contact and consult with the Commission. Contact information can be

found within this document.

TECHNICAL ASSISTANCE AND CONSULTATION PURSUANT TO THE ENDANGERED SPECIES ACT (ESA)

The Service has responsibility for conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act of 1973 (ESA); 2) Fish and Wildlife Coordination Act; 3) Bald and Golden Eagle Protection Act; and 4) Migratory Bird Treaty Act. The National Environmental Policy Act (NEPA) requires compliance with all of these statutes and regulations.

Pursuant to section 7(a)(2) of ESA, every federal agency, shall in consultation with the Service, ensure that an action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat.

If a proposed project may affect federally listed species or designated critical habitat, Section 7 consultation is required with the Service. It is the responsibility of the lead federal action agency to fully evaluate all potential effects (direct and indirect) that may occur to federally listed species and critical habitat in the action area. The lead federal agency provides their effect determination to the Service for concurrence. If federally listed species and/or designated/proposed critical habitat would be adversely affected by implementation of the project, the lead federal agency will need to formally request further section 7 consultation with the Service prior to making any irretrievable or irreversible commitment of federal funds (section 7(d) of ESA), or issuing any federal permits or licenses.

The information generated in this report DOES NOT satisfy consultation obligations between the lead federal agency and the Service pursuant to ESA. For the purposes of ESA, the information in this report should be considered as TECHNICAL ASSISTANCE, and does not serve as the Service's concurrence letter, even if the user signs and agrees to implement conservation conditions in order to satisfy the consultation requirements of NESCA.

Overall Results

The following result is based on a detailed analysis of your project.

- It is unlikely this project will negatively impact listed species or their designated critical habitat. Please review all the information provided in this document. Then, sign and date the "Certification" section and upload the signed document as "Final" in CERT. No additional correspondence with the Nebraska Game and Parks Commission is required unless otherwise indicated in the "Additional Information" section below. If the project involves a federal permit, action or funding, the lead federal agency should review the information provided in this report and make an "effect determination" pursuant to their obligations under ESA. Depending on the determination made by the lead federal agency, further consultation with the U.S. Fish and Wildlife Service may or may not be required.

Certification

I certify that ALL of the project information in this report (including project location, project size/configuration, project type, project activities, answers to questions) is true, accurate, and complete. If the project type, activities, location, size, or configuration of the project change, or if any of the answers to any questions asked in this report change, then this information is no longer valid and we recommend running the revised project through CERT to get an updated report.

Yukon Cornelius

Applicant/project proponent signature

December 15, 2021

Date

Additional Considerations

Bald and Golden Eagle Protection Act

The federal Bald and Golden Eagle Protection Act (Eagle Act) (16 U.S.C. 668-668c) provides for the protection of the bald eagle (*Haliaeetus leucocephalus*) and golden eagle (*Aquila chrysaetos*). Under the Eagle Act, “take” of eagles, their parts, nests or eggs is prohibited. Disturbance resulting in injury to an eagle or a decrease in productivity or nest abandonment by substantially interfering with normal breeding, feeding, or sheltering behavior is a form of “take.”

Bald eagles use mature, forested riparian areas near rivers, streams, lakes, and wetlands and occur along all the major river systems in Nebraska. The bald eagle southward migration begins as early as October and the wintering period extends from December-March. The golden eagle is found in arid open country with grassland for foraging in western Nebraska and usually near buttes or canyons which serve as nesting sites. Golden eagles are often a permanent resident in the Pine Ridge area of Nebraska. Additionally, many bald and golden eagles nest in Nebraska from mid-February through mid-July. Disturbances within 0.5-miles of an active nest or within line-of-sight of the nest could cause adult eagles to discontinue nest building or to abandon eggs. Both bald and golden eagles frequent river systems in Nebraska during the winter where open water and forested corridors provide feeding, perching, and roosting habitats, respectively. The frequency and duration of eagle use of these habitats in the winter depends upon ice and weather conditions. Human disturbances and loss of wintering habitat can cause undue stress leading to cessation of feeding and failure to meet winter thermoregulatory requirements. These affects can reduce the carrying capacity of preferred wintering habitat and reproductive success for the species.

To comply with the Eagle Act, it is recommended that the project proponent determine if the proposed project would impact bald or golden eagles or their habitats. This can be done by conducting a habitat assessment, surveying nesting habitat for active and inactive nests, and surveying potential winter roosting habitat to determine if it is being used by eagles. The area to be surveyed is dependent on the type of project; however for most projects we recommend surveying the project area and a ½ mile buffer around the project area. If it is determined that either species could be affected by the proposed project, the Commission recommends that the project proponent notify the Nebraska Game and Parks Commission as well as the Nebraska Field Office, U.S. Fish and Wildlife Service for recommendations to avoid “take” of bald and golden eagles.

Migratory Bird Treaty Act and Nebraska Revised Statute §37-540

We recommend the project proponent comply with the Migratory Bird Treaty Act (16 U.S.C. 703-712: Ch. 128 as amended) (MBTA). The project proponent should also comply with Nebraska Revised Statute §37-540, which prohibits take and destruction of nests or eggs of protected birds (as defined in Nebraska Revised Statute §37-237.01). Construction activities in grassland, wetland, stream, woodland, and river bank habitats that would result in impacts on birds, their nests or eggs protected under these laws should be avoided. Although the provisions of these laws are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period of April 1 to July 15. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15, whereas sedge wrens, which occur in some wetland habitats, normally nest from July 15 to September 10. If development in this area is planned to occur during the primary nesting season or at any other time which may result in impacts to birds, their nests or eggs protected under these laws, we request that the project proponent arrange to have a qualified biologist conduct a field survey of the affected habitats to determine the absence or presence of nesting migratory birds. If a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities, the Nebraska Game and Parks Commission and the Nebraska Field Office, U.S. Fish and Wildlife Service should be contacted immediately. For more information on avoiding impacts to migratory birds, their nests and eggs, or to report active bird nests that cannot be avoided by planned construction activities, please contact the U.S. Fish and Wildlife Service and/or the Nebraska Game and Parks Commission (contact information within report). Adherence to these guidelines will help avoid unnecessary impacts on migratory birds.

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA) requires consultation with the U.S. Fish and Wildlife Service (Service) and the State fish and wildlife agency (i.e., Nebraska Game and Parks Commission) for the purpose of preventing loss of and damage to fish and wildlife resources in the planning, implementation, and operation of federal and federally funded, permitted, or licensed water resource development projects. This statute requires that federal

agencies take into consideration the effect that the water related project would have on fish and wildlife resources, to take action to prevent loss or damage to these resources, and to provide for the development and improvement of these resources. The comments in this letter are provided as technical assistance only and are not the document required of the Secretary of the Interior pursuant to Section 2(b) of FWCA on any required federal environmental review or permit. This technical assistance is valid only for the described conditions and will have to be revised if significant environmental changes or changes in the proposed project take place. In order to determine whether the effects to fish and wildlife resources from the proposed project are being considered under FWCA, the lead federal agency must notify the Service in writing of how the comments and recommendations in this technical assistance letter are being considered into the proposed project.

Section 404 of the Clean Water Act

In general, the Nebraska Game and Parks Commission and the U.S. Fish and Wildlife Service have concerns for impacts to wetlands, streams and riparian habitats. We recommend that impacts to wetlands, streams, and associated riparian corridors be avoided and minimized, and that any unavoidable impacts to these habitats be mitigated. If any fill materials will be placed into waterways or wetlands, the U.S. Army Corps of Engineers Regulatory Office in Omaha should be contacted to determine if a 404 permit is needed.

Agency Contact Information

Nebraska Game and Parks Commission

Shannon Sjolie
2200 North 33rd Street
Lincoln, NE 68503
phone: (402) 471-5423
email: shannon.sjolie@nebraska.gov

Melissa Marinovich
2200 North 33rd Street
Lincoln, NE 68503
phone: (402) 471-5422
email:
melissa.marinovich@nebraska.gov

U.S. Fish and Wildlife Service




Nebraska Ecological Services
9325 South Alda Road
Wood River, NE 68883
phone: (308) 382-6468
email: nebraskaes@fws.gov

Jessica Tapp
2200 North 33rd Street
Lincoln, NE 68503
phone: (402) 471-5554
email: jessica.tapp@nebraska.gov

Sodtown Street Improvement Project

Aerial Image Basemap With Locator Map



-  Project Boundary
-  Project Review Boundary
-  3-mile Information Buffer Boundary

Project Size (acres): 16.04

Lat/Long (DD): 40.9745 / -98.7935

County(s): Buffalo

BUL(s):

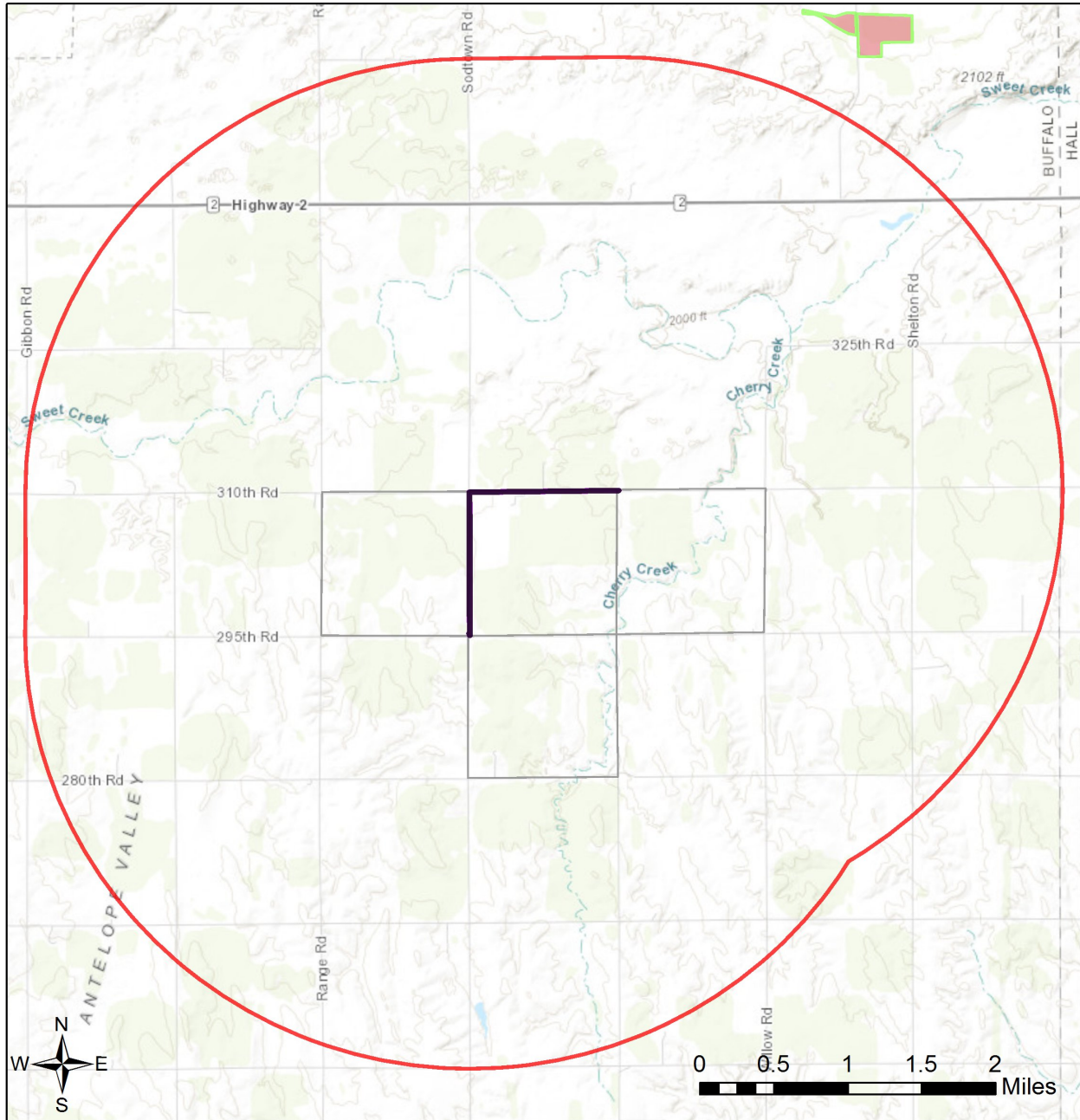
Township/Range/Section(s): T11R13WS04; T12R13WS32; T12R13WS33; T12R13WS34



Service Layer Credits: Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community
Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Sodtown Street Improvement Project

Topographic Basemap With Sections and Protected Areas

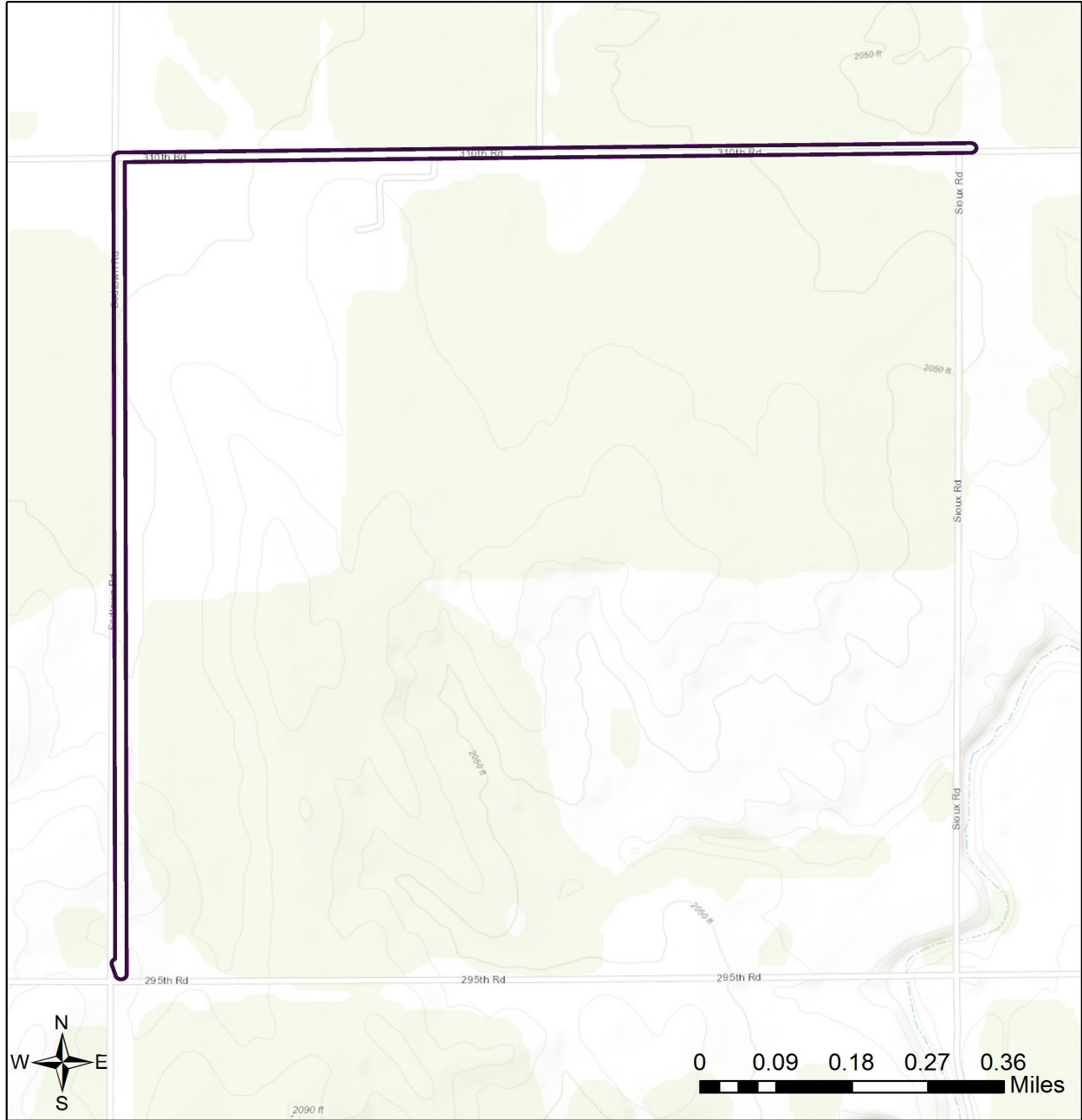


- | | | |
|------------------------------------|--|-----------------------|
| Project Boundary | Protected Areas Database (USGS) | Regional Agency |
| Project Review Boundary | U.S. Fish and Wildlife Service | State (NGPC) |
| 3-mile Information Buffer Boundary | U.S. Forest Service | Other State |
| Sections | National Park Service | NGO or Private |
| NGPC Properties | Bureau of Reclamation | Other (City, Unknown) |
| PAD (USGS) - boundaries | Designation | |

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Sodtown Street Improvement Project

Web Map As Submitted By User



- Project Boundary
- Project Review Boundary

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community

Table 1
Protected Areas in Immediate Vicinity of Project (project review area)

This table has no results.

Table 2
Documented Occurrences in Immediate Vicinity of Project (project review area):
Natural communities and special areas

This table has no results.

Table 3
Regional Documented Occurrences of Species within 1 Mile of Project Review Area

Scientific Name	Common Name	USFWS	State	SGCN	SRank	GRank	Taxonomic Group
<i>Agrimonia parviflora</i>	Southern Agrimony				S2S4	G5	Vascular Plant - Dicots
<i>Cygnus buccinator</i>	Trumpeter Swan			Tier 2	S2	G4	Vertebrate Animal - Birds
<i>Emydoidea blandingii</i>	Blanding's Turtle		NC	Tier 1	S4	G4	Vertebrate Animal - Turtles
<i>Fundulus sciadicus</i>	Plains Topminnow			Tier 1	S3	G4	Vertebrate Animal - Fishes
<i>Grus americana</i>	Whooping Crane	E	E	Tier 1	S1	G1	Vertebrate Animal - Birds
<i>Haliaeetus leucocephalus</i>	Bald Eagle			Tier 2	S3	G5	Vertebrate Animal - Birds
<i>Hybognathus argyritis</i>	Western Silvery Minnow			Tier 1	S2	G4	Vertebrate Animal - Fishes
<i>Hybognathus placitus</i>	Plains Minnow			Tier 1	S2	G4	Vertebrate Animal - Fishes
<i>Macrhybopsis hyostoma</i>	Shoal Chub			Tier 2	S3	G5	Vertebrate Animal - Fishes
<i>Platygobio gracilis</i>	Flathead Chub			Tier 1	S2	G5	Vertebrate Animal - Fishes

Table 4
Potential Occurrences in Immediate Vicinity of Project (project review area):
Special status species (Tier 1 at-risk species and Bald and Golden Eagle), based on models or range maps

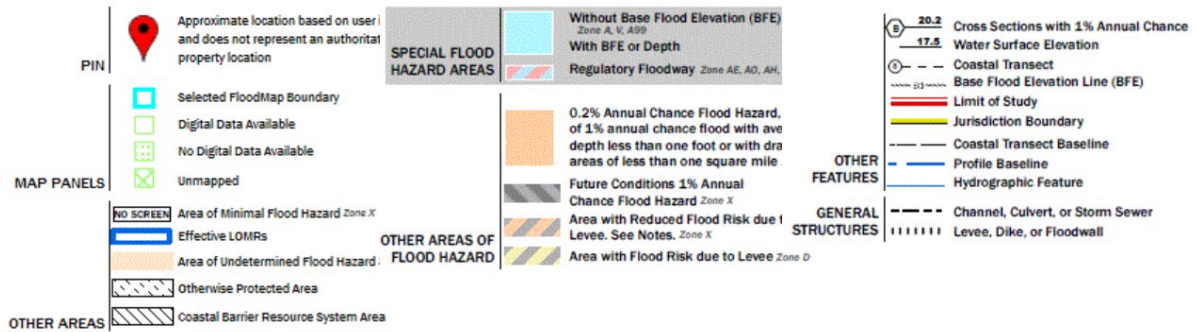
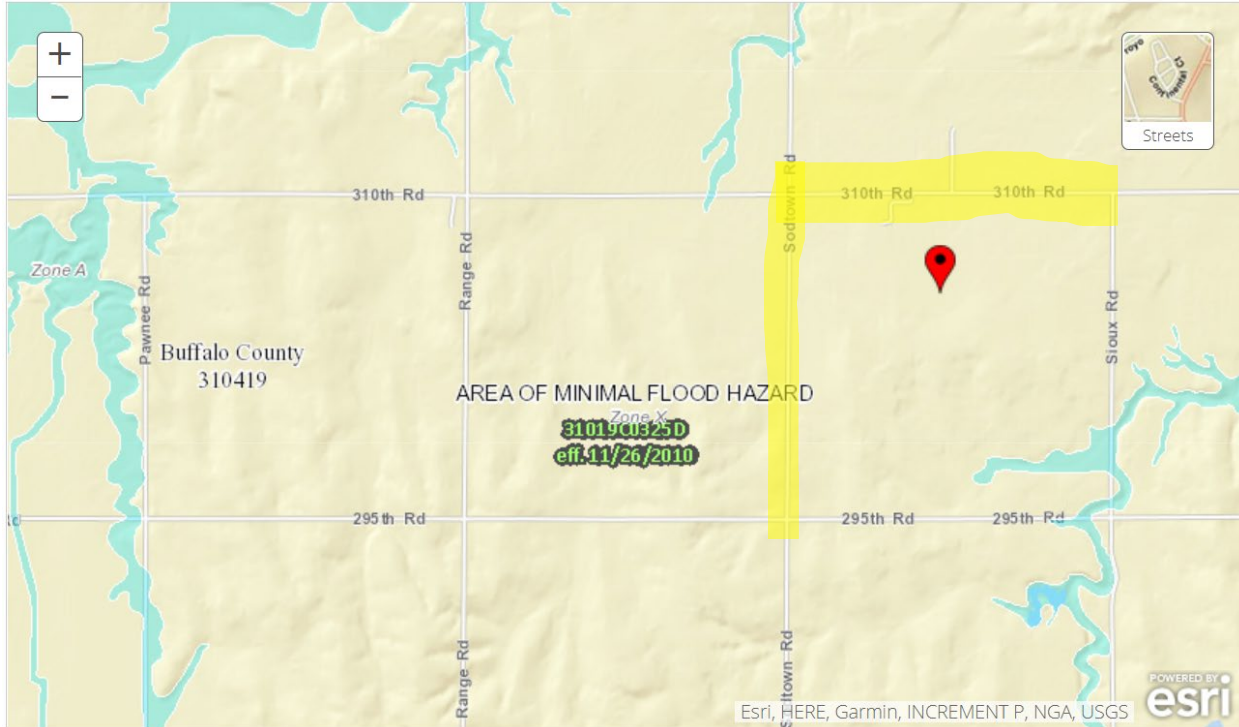
Scientific Name	Common Name	Data Type	USFWS	State	SGCN	SRank	GRank	Taxonomic Group
Asio flammeus	Short-eared Owl	Range			Tier 1	S2	G5	Vertebrate Animal - Birds
Athene cucularia	Burrowing Owl	Range			Tier 1	S2	G4	Vertebrate Animal - Birds
Atrytone arogos iowa	Iowa Skipper	Range			Tier 1	S1	G2G3T2T3	Invertebrate Animal - Butterflies and Skippers
Boloria selene nebraskensis	Nebraska Fritillary	Range			Tier 1	SNR	G5T3T4	Invertebrate Animal - Butterflies and Skippers
Boloria selene sabulocollis	Kohler's Fritillary	Range			Tier 1	S1S2	G5T3	Invertebrate Animal - Butterflies and Skippers

Table 4
Potential Occurrences in Immediate Vicinity of Project (project review area):
Special status species (Tier 1 at-risk species and Bald and Golden Eagle), based on models or range maps

Scientific Name	Common Name	Data Type	USFWS	State	SGCN	SRank	GRank	Taxonomic Group
Calidris subruficollis	Buff-breasted Sandpiper	Range			Tier 1	S2N	G4	Vertebrate Animal - Birds
Catocala nuptialis	Married Underwing	Range			Tier 1	SNR	G3	Invertebrate Animal - Underwing Moths
Catocala whitneyi	Whitney Underwing	Range			Tier 1	S1	G2G3	Invertebrate Animal - Underwing Moths
Coccyzus erythrophthalmus	Black-billed Cuckoo	Range			Tier 1	S3	G5	Vertebrate Animal - Birds
Cypripedium candidum	Small White Lady's Slipper	Range		T	Tier 1	S1	G4	Vascular Plant - Flowering Plants
Danaus plexippus	Monarch	Range			Tier 1	S2	G4	Invertebrate Animal - Butterflies and Skippers
Ellipsoptera lepida	Ghost Tiger Beetle	Range			Tier 1	S2	G3G4	Invertebrate Animal - Beetles
Emydoidea blandingii	Blanding's Turtle	Range		NC	Tier 1	S4	G4	Vertebrate Animal - Turtles
Euphyes bimacula illinois	Two-spotted Skipper	Range			Tier 1	S3	G4T1T2	Invertebrate Animal - Butterflies and Skippers
Fundulus sciadicus	Plains Topminnow	Range			Tier 1	S3	G4	Vertebrate Animal - Fishes
Grus americana	Whooping Crane	Range	E	E	Tier 1	S1	G1	Vertebrate Animal - Birds
Haliaeetus leucocephalus	Bald Eagle	Range			Tier 2	S3	G5	Vertebrate Animal - Birds
Hesperia ottoe	Ottoe Skipper	Range			Tier 1	S2	G3	Invertebrate Animal - Butterflies and Skippers
Lanius ludovicianus	Loggerhead Shrike	Range			Tier 1	S3	G4	Vertebrate Animal - Birds
Lasiurus borealis	Eastern Red Bat	Range			Tier 1	S3	G3G4	Vertebrate Animal - Mammals
Lasiurus cinereus	Hoary Bat	Range			Tier 1	S3	G3G4	Vertebrate Animal - Mammals
Lethe eurydice fumosus	Smoky-eyed Brown	Range			Tier 1	S3	G5T3T4	Invertebrate Animal - Butterflies and Skippers
Myotis septentrionalis	Northern Long-eared Myotis	Range	T	T	Tier 1	S1S2	G1G2	Vertebrate Animal - Mammals
Perimyotis subflavus	Tricolored Bat	Range			Tier 1	S3	G2G3	Vertebrate Animal - Mammals
Perlesta golconda	Two-lined Stonefly	Range			Tier 1	SNR	G2G3	Invertebrate Animal - Stoneflies
Speyeria idalia	Regal Fritillary	Range			Tier 1	S3	G3?	Invertebrate Animal - Butterflies and Skippers

Exhibit 9 Floodplain Map Sodtown, Buffalo County, Nebraska

Proposed street improvements are highlighted in **yellow**





Submission of a completed Project Information Form with adequate information and attachments constitutes a request for review pursuant to Section 106 of the National Historic Preservation Act of 1966 (as amended). More information may be required to adequately complete the Section 106 process. Submit completed form to HN.HP@nebraska.gov.

NOTE: Section 106 regulations provide for a 30-day response time by the Nebraska State Historic Preservation Office from the date of receipt.

PROJECT NAME (if applicable) The City of Sodtown (Buffalo County) Nebraska Street Improvement Project
COUNTY Buffalo STREET ADDRESS (No P.O. Box Numbers) Sodtown Rd. and 310th Rd. will be improved (see below) CITY Sodtown
FEDERAL AGENCY OR DESIGNEE US Dept. of Housing & Urban Development / Nebraska Department of Economic Development (DED)
CONTACT PERSON Yukon Cornelius CITY, STATE ZIP 319 North Pole Blvd., Sodtown, NE 68869 TELEPHONE +1 (308) 452-3163
EMAIL (for response) YukonCornelius@yahoo.com

PROJECT DESCRIPTION

Briefly describe the overall project.

The City of Sodtown, Buffalo County, Nebraska (City) is preparing to implement a street improvement project within the municipal limits of the City. Two (2) streets will be improved: Sodtown Road and 310th Road, with the project beginning at the intersection of 295th Road and Sodtown Road, follows Sodtown Road, and ends at the intersection of 310th Road and Sioux Road (following 310th Road). The total project area covers a distance of approximately two (2) miles. Project activities include asphalt pavement installation which will include demolition and removal of the existing surface; grading and sloping; sub-base preparation and repair; installation of new asphalt and a final roll (which includes using a roller truck to ensure that the new asphalt pavement surface is compacted and smoothed).

DESIGNATIONS

To the best of your knowledge, is the structure any of the following?

- Listed Individually on the National Register
Listed within a National Register Historic District
Designated Local Landmark
Designated Local Landmark District

PHOTOGRAPHS

Please provide photographs of all structures. Photographs of neighboring or nearby buildings are helpful. Go to page 2 to insert photo(s).

NESHPO USE ONLY

Nebraska SHPO Determination

Site Number: _____

- No potential to cause effects
Adverse effect (More consultation needed)
No historic properties affected
The SHPO requests additional information (see attached)
No adverse effect

Signature of Review & Compliance Coordinator, State Historic Preservation Office, Nebraska State Historical Society

Date 4-29-2021

Click to Submit Completed PDF by Email

or save then email to:
hn.hp@nebraska.gov



Recommended: File size of photos should be reduced to less than 2 mb per image



When To Consult With Tribes Under Section 106

Section 106 requires consultation with federally-recognized Indian tribes when a project may affect a historic property of religious and cultural significance to the tribe. Historic properties of religious and cultural significance include: archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, traditional cultural places, traditional cultural landscapes, plant and animal communities, and buildings and structures with significant tribal association. The types of activities that may affect historic properties of religious and cultural significance include: ground disturbance (digging), new construction in undeveloped natural areas, introduction of incongruent visual, audible, or atmospheric changes, work on a building with significant tribal association, and transfer, lease or sale of properties of the types listed above.

If a project includes any of the types of activities below, invite tribes to consult:

- significant ground disturbance (digging)**
Examples: new sewer lines, utility lines (above and below ground), foundations, footings, grading, access roads
- new construction in undeveloped natural areas**
Examples: industrial-scale energy facilities, transmission lines, pipelines, or new recreational facilities, in undeveloped natural areas like mountaintops, canyons, islands, forests, native grasslands, etc., and housing, commercial, and industrial facilities in such areas
- incongruent visual changes**
Examples: construction of a focal point that is out of character with the surrounding natural area, impairment of the vista or viewshed from an observation point in the natural landscape, or impairment of the recognized historic scenic qualities of an area
- incongruent audible changes**
Examples: increase in noise levels above an acceptable standard in areas known for their quiet, contemplative experience
- incongruent atmospheric changes**
Examples: introduction of lights that create skyglow in an area with a dark night sky
- work on a building with significant tribal association**
Examples: rehabilitation, demolition or removal of a surviving ancient tribal structure or village, or a building or structure that there is reason to believe was the location of a significant tribal event, home of an important person, or that served as a tribal school or community hall
- transfer, lease or sale of a historic property of religious and cultural significance**
Example: transfer, lease or sale of properties that contain archeological sites, burial grounds, sacred landscapes or features, ceremonial areas, plant and animal communities, or buildings and structures with significant tribal association
- None of the above apply**

Sodtown Street Improvement Project

Project

Yukon Cornelius

Reviewed By

December 28, 2021

Date

Exhibit 13 Wetland Protection

Wetlands Data Mapper map showing the relation of the project to wetland areas. The project site is highlighted in yellow. There are three (3) small freshwater ponds that are located near the section of 310th Road but are not close enough to the road to be affected.

Source: <https://www.fws.gov/wetlands/Data/Mapper.html>

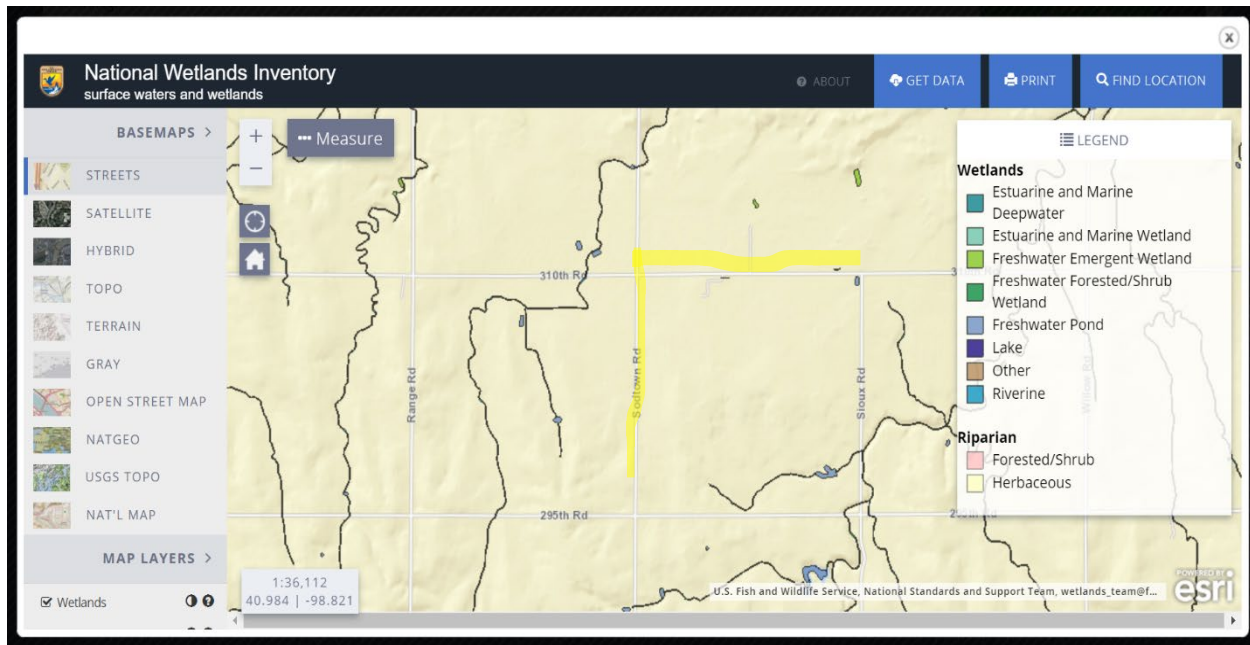
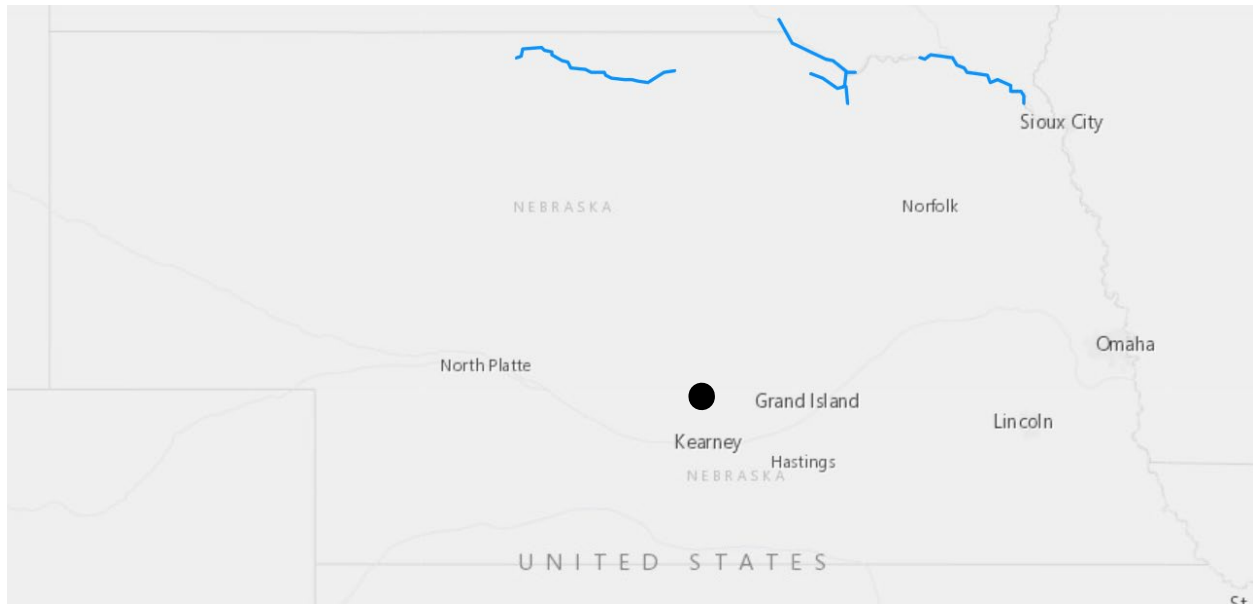


Exhibit 14

City of Sodtown Relation to Wild & Scenic Rivers of Nebraska



Blue lines represent designated Wild & Scenic Rivers of Nebraska.
The black dot represents the location of Sodtown.

FINDING OF EXEMPT ACTIVITY [24 CFR 58.34(a)]

GRANTEE: **The City of Sodtown**

GRANT # **22PW022**

DIRECTIONS: Certain CDBG, HOME, and NAHTF funded activities, which do not have a physical impact, require a grantee, as defined at 24 CFR Part 58.2, to determine whether the proposed activity is Exempt from the National Environmental Policy Act of 1969 (NEPA), as amended, and not subject to the environmentally-related statutory authorities listed at 24 CFR Parts 58.5.

This form provides a grantee with a format to make this determination. A description of the activity (or project) should be attached to this form and the documentation maintained in the Environmental Review Record (24 CFR Part 58.38). Note that the 24 CFR 58.6 requirements will also need to be completed. Consult HUD's environmental regulation (24 CFR Part 58) as necessary.

Check a single box that best describes or fits the proposed activity. Submit the completed form to your Responsible Entity Certifying Officer for review.

- Environmental and other studies, resource identification and the development of plans and strategies **[58.34(a)(1)]**.
- Information and financial services **[58.34(a)(2)]**.
- Administrative and management activities **[58.34(a)(3)]**.
- Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs **[58.34(a)(4)]**.
- Inspections and testing of properties for hazards or defects **[58.34(a)(5)]**.
- Purchase of insurance **[58.34(a)(6)]**.
- Purchase of tools **[58.34(a)(7)]**.
- Engineering or design costs **[58.34(a)(8)]**.
- Technical assistance and training **[58.34(a)(9)]**.
- Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration **[58.34(a)(10)]**.
- Payment of principal or interest on loans made or obligations guaranteed by HUD **[58.34(a)(11)]**.
- Any of the categorical exclusions listed in §58.35(a) provided there are no circumstances which require compliance with any other Federal laws and authorities cited in §58.5 **[58.34(a)(12)]**.

PROJECT DESCRIPTION: Provide a description of all project activities including those activities funded by sources other than CDBG, HOME, or NAHTF: (Attach additional pages as necessary.)

See the complete project description below.

In accordance with the provisions of 24 CFR 58.34(a), the grantee has determined that the subject CDBG, HOME, or NAHTF-assisted activity (or program) explained above is Exempt from the National Environmental Policy Act of 1969 (NEPA), as amended.

DETERMINATION BY (PREPARER)

Yukon Cornelius	<i>Yukon Cornelius</i>	January 1, 2022
PRINT NAME	SIGNATURE	DATE

RESPONSIBLE ENTITY CERTIFYING OFFICER

Ignacious Thistlewhite	<i>Ignacious Thistlewhite</i>	January 5, 2022
PRINT NAME	SIGNATURE	DATE

22PW022
City of Sodtown Street Improvements
Sodtown, Buffalo County, Nebraska
Project Description

The City of Sodtown, Buffalo County, Nebraska (City) is preparing to implement a street improvement project within the municipal limits of the City. Two (2) streets will be improved: Sodtown Road and 310th Road, with the project beginning at the intersection of 295th Road and Sodtown Road, follows Sodtown Road, and ends at the intersection of 310th Road and Sioux Road (following 310th Road). The total project area covers a distance of approximately two (2) miles. These roads are owned and maintained by the City and are surrounded by a mix of commercial and residential usage. The streets are currently asphalt and have fallen into disrepair with severe deterioration and potholes.

Project activities include asphalt pavement installation which will include demolition and removal of the existing surface; grading and sloping; sub-base preparation and repair; installation of new asphalt and a final roll (which includes using a roller truck to ensure that the new asphalt pavement surface is compacted and smoothed). Roads will continue to be 22' wide (as they are currently) and asphalt will be 8" thick. Curb, gutter and intersections that are in poor condition will be replaced and sidewalk repairs (approximately 800 linear feet (LF)) will occur along 310th Road in compliance with the Americans with Disabilities Act (ADA).

Project impacts may include temporary road closures, noise and dust. Businesses, residents and emergency services will be notified of all road closures and will be routed to alleyways or other roads during construction. Project activities will take place during normal business hours.

Total project costs are estimated at \$1,000,000, including \$25,000 for general administration and \$10,000 for construction management. Funding sources include a Community Development Block Grant (CDBG) for \$435,000 and a match from the City of \$565,000. The project will primarily benefit low to moderate income (LMI) persons. Construction will be completed within two (2) years. No persons or businesses will be displaced as a result of the project activities.

Request for Release of Funds and Certification

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB No. 2506-0087
(exp. 08/31/2023)

This form is to be used by Responsible Entities and Recipients (as defined in 24 CFR 58.2) when requesting the release of funds, and requesting the authority to use such funds, for HUD programs identified by statutes that provide for the assumption of the environmental review responsibility by units of general local government and States. Public reporting burden for this collection of information is estimated to average 36 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless that collection displays a valid OMB control number.

Part 1. Program Description and Request for Release of Funds (to be completed by Responsible Entity)

1. Program Title(s) Community Development Block Grant	2. HUD/State Identification Number B-22-DC-31-0001	3. Recipient Identification Number (optional) 22PW022
4. OMB Catalog Number(s) Assistance Listing 14.228	5. Name and address of responsible entity The City of Sodtown, 319 North Pole Blvd., Sodtown, NE 68869	
6. For information about this request, contact (name & phone number) Yukon Cornelius 308.452.3163		
8. HUD or State Agency and office unit to receive request Nebraska Dept. of Economic Development 245 Fallbrook Blvd, Ste 002 Lincoln, NE 68521	7. Name and address of recipient (if different than responsible entity) 	

The recipient(s) of assistance under the program(s) listed above requests the release of funds and removal of environmental grant conditions governing the use of the assistance for the following

9. Program Activity(ies)/Project Name(s) Sodtown Street Improvement Project	10. Location (Street address, city, county, State) The paving will occur on parts of Sodtown Road and 310th Road, Sodtown, Buffalo County, Nebraska
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11. Program Activity/Project Description

See the attachment for a complete project description.

Part 2. Environmental Certification (to be completed by responsible entity)

With reference to the above Program Activity(ies)/Project(s), I, the undersigned officer of the responsible entity, certify that:

1. The responsible entity has fully carried out its responsibilities for environmental review, decision-making and action pertaining to the project(s) named above.
2. The responsible entity has assumed responsibility for and complied with and will continue to comply with, the National Environmental Policy Act of 1969, as amended, and the environmental procedures, permit requirements and statutory obligations of the laws cited in 24 CFR 58.5; and also agrees to comply with the authorities in 24 CFR 58.6 and applicable State and local laws.
3. The responsible entity has assumed responsibility for and complied with and will continue to comply with Section 106 of the National Historic Preservation Act, and its implementing regulations 36 CFR 800, including consultation with the State Historic Preservation Officer, Indian tribes and Native Hawaiian organizations, and the public.
4. After considering the type and degree of environmental effects identified by the environmental review completed for the proposed project described in Part 1 of this request, I have found that the proposal did did not require the preparation and dissemination of an environmental impact statement.
5. The responsible entity has disseminated and/or published in the manner prescribed by 24 CFR 58.43 and 58.55 a notice to the public in accordance with 24 CFR 58.70 and as evidenced by the attached copy (copies) or evidence of posting and mailing procedure.
6. The dates for all statutory and regulatory time periods for review, comment or other action are in compliance with procedures and requirements of 24 CFR Part 58.
7. In accordance with 24 CFR 58.71(b), the responsible entity will advise the recipient (if different from the responsible entity) of any special environmental conditions that must be adhered to in carrying out the project.

As the duly designated certifying official of the responsible entity, I also certify that:

8. I am authorized to and do consent to assume the status of Federal official under the National Environmental Policy Act of 1969 and each provision of law designated in the 24 CFR 58.5 list of NEPA-related authorities insofar as the provisions of these laws apply to the HUD responsibilities for environmental review, decision-making and action that have been assumed by the responsible entity.
9. I am authorized to and do accept, on behalf of the recipient personally, the jurisdiction of the Federal courts for the enforcement of all these responsibilities, in my capacity as certifying officer of the responsible entity.

Signature of Certifying Officer of the Responsible Entity

Ignacious Thistlewhite

X

Title of Certifying Officer

Mayor of Sodtown

Date signed

[Date of Signature]

Address of Certifying Officer

319 North Pole Boulevard, Sodtown, Nebraska, 68869.

Part 3. To be completed when the Recipient is not the Responsible Entity

The recipient requests the release of funds for the programs and activities identified in Part 1 and agrees to abide by the special conditions, procedures and requirements of the environmental review and to advise the responsible entity of any proposed change in the scope of the project or any change in environmental conditions in accordance with 24 CFR 58.71(b).

Signature of Authorized Officer of the Recipient

Yukon Cornelius

X

Title of Authorized Officer

Date signed

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

HUD Form 7015.15 (Continued)
City of Sodtown 22PW022
Complete Project Description

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