

DWSRF/USDA-RD Model OTHER-AGENCY CONSULTATION LETTER

<Title> <FirstName> <LastName>
<JobTitle>
<Company>
<Address>
<City>, <State> <ZIP>

RE: Project
Borrower

Dear <FirstName> <LastName>:

The (**City/Village of _____**), Nebraska is in the final planning phase of developing a (**water/wastewater**) system improvement project, which could be partially funded by the Nebraska State Revolving Fund or USDA-Rural Development. The purpose of this letter is to request your review and response regarding any environmental impacts that your Agency may identify for this proposed project pursuant to the National Environmental Policy Act and the Historic Preservation Act.

The proposed project consists of (**Insert a short description of the project**). The project is being proposed to (**Insert a project need or justification statement**). Enclosed is a map (**U.S. Geological Survey map excerpt recommended**) that depicts the proposed project's improvements and area of potential effect for all construction activities and (**other documents if needed such as engineering report excerpts or cost estimates**) providing a description of the work involved.

(**If USDA-Rural Development is the lead Funding Agency add the following paragraph**)USDA-Rural Development requests the assistance of your office in identifying any structures eligible for the Historic Register. Please provide any recommendations you may have to mitigate or avoid these impacts, to properties that may be affected. The State Environmental Coordinator for USDA-Rural Development is Marty Norton at (402) 437-5560 or marty.norton@ne.usda.gov.

We request that you advise us of any comments that you may have regarding this project within 30 days, so the (**City/Village**) can proceed with finalizing the funding of this project and completion of the environmental assessment.

If you have any questions concerning this proposed project or if you need any further information, please feel free to advise this office at your convenience.

Sincerely,

Project Consulting Engineer

Encl

Cc: Borrower Representative
NDEQ CWSRF/DWSRF Engineer
Marty Norton, USDA-RD

DOCUMENTATION OF PUBLIC AGENCY CONSULTATION
for
SRF PROJECTS

Comments

Department of the Army
Omaha District Corps of Engineers
6014 U.S. Post Office & Courthouse
Omaha, NE 68102

(for Blue, or Republican River)
Planning Division
Kansas City District, Corps of Engineers
700 Federal Building
601 East 12th Street
Kansas City, MO 64106

Wally Jobman
Fish and Wildlife Service
203 West 2nd
Grand Island, NE 68801

Steve McMaster
Department of Natural Resources
P.O. Box 94676
Lincoln, NE 68509-4676

Frank Albrecht
Nebraska Game and Parks Commission
P.O. Box 30370
Lincoln, NE 68508

Director, Nebraska State Historical Society
P.O. Box 82554
Lincoln, NE 68508

State Conservationist
Natural Resources Conservation Service
Federal Building, Room 152
100 Centennial Mall North
Lincoln, NE 68508-3866

Local Natural Resource District

Native American Tribal Contact
Query web site by County of project
<http://web.cast.uark.edu/other/nps/nacd/>

PUBLIC NOTICE FOR EARLY PUBLIC REVIEW

(Name of Grantee) is proposing to expend federal funds in an area that is subject to flooding as identified by the Federal Emergency Management Administration. The subject funds are i.e. Community Development Block Grant administered by the Nebraska Department of Economic Development and USDA Rural Development. *

The project will convert approximately _____ acres of floodplain to non-flood plain. As required by National Environmental Policy Act, USDA Rural Development is preparing an Environmental Assessment evaluating the potential environmental affects and consequences. The village intends to adopt this environmental assessment as per NEPA. The (name of Grantee) is proposing to undertake the following activities in the area.

Describe the project, being specific as to location of proposed activities,

And total number of acres of floodplain involved.

The purpose of this notice is to give an early opportunity for interested agencies, persons, or groups to comment on the proposed action(s). The (name of Grantee) is desirous of considering any feasible alternatives or adjustments to the anticipated project, which might minimize any potential adverse effects upon the floodplain as a result of the project.

The (name of Grantee) has additional information that USDA Rural Development is preparing an Environmental Assessment concerning this project available for public review and copying, upon a request, at (location). Any comments relative to this proposed expenditure of federal funds in an area identified as a flood hazard area should be submitted in writing to (Rural Development Specialist & Address) on or before (date**)

* Mention any other federal funds involved, if applicable.

** Must be 30 days after the date of publication (not counting day of publication).

SAMPLE

***NOTICE OF EXPLANATION OF PROJECT LOCATED IN A (FLOODPLAIN)**

The (name of Grantee), Community Development Block Grant and USDA Rural Development, has determined that there is not a practicable alternative in locating the proposed project described below in a (floodplain).

Description of project and project activities.

The improvements must be located in the (floodplain) because (state reason why the project must be located in the floodplain; including other alternatives that were considered and mitigation measure to be taken to minimize adverse effects.)

As required by the National Environmental Policy Act, the USDA Rural Development has prepared an Environmental Assessment that evaluated the potential environmental effects and consequences of the proposed project. This notice announces the availability of Environmental Assessment for public review and comment. (name of Grantee) and Community Development Block Grant intends to adopt this Environmental Assessment.

By publication of this notice, (name of Grantee) is inviting any final comments prior to undertaking the proposed action. The environmental documentation regarding this proposed project is available for review at (insert RDS address and address of Grantee). All comments should be addressed to (insert RDS name and address), not later than (date**).

- * This notice can be put in the paper after the Public Notice for Early Review has been published for 30 days.
- ** Not less than 7 days after date of publication

SAMPLE

**NOTICE TO PUBLIC OF FINDING OF NO SIGNIFICANT IMPACT
AND NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

Grantee:
Address:
Contact: (Name and Phone Number)

To All Interested Agencies, Groups and Persons:

The purpose of this notice is to identify two separate, but related actions taken by (Grantee). The first is that an official Finding of No Significant Impact has been made. Secondly, on or about (date*) the above-named entity will request that the Nebraska Department of Economic Development (DED) release i.e. Community Development Block Grant program funds for the following project:

Project Title or Name

Purpose of Nature of Project

Location (City or County) of Project

Estimated Cost of Project

Finding of No Significant Impact

USDA Rural Development
(insert Denise Brosius-Meeks or whoever signs the FONSI)
(insert RDS address)

An Environmental Assessment has been prepared and reviewed in accordance with the National Environmental Policy Act, as amended (42 U.S.C. 6941 et seq.); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions on the National Environmental Policy Act (40 CFR Parts 1500-1508); and 7 CFR Part 1794, rural Utilities Service's Environmental Policies and Procedures.

Upon review of the environmental documentation and the Environmental Assessment, it has been determined that the proposed project and Release of Funds will not have a significant impact on the human environment. Thus, an Environmental Impact Statement therefore will not be prepared.

An Environmental Assessment (EA) which documents the environmental review of the project, has been completed by USDA Rural Development and adopted by (insert the name of the grantee). The EA is on file at the above address and is available for public examination and copying, upon request during regular business hours.

No further environmental review of such project is proposed to be conducted prior to Request for Release of Funds.

Public Comments on Findings

All interested agencies, groups, and persons who disagree with the decision are invited to submit written comments for consideration by the (Grantee) to the above listed contact person. Such written comments should be received at the above address on or before

(date**). All such comments so received will be considered and the (Grantee) will not request release of funds or take any administrative action on the within project prior to the date specified in the preceding sentence.

Release of Funds

(Grantee) is certifying to the Department that (Chief Elected Officer), in her/his official capacity as (office) consents to accept the jurisdiction of the federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision-making and action, and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval (Grantee) may use the Community Development Block Grant funds and the State of Nebraska has satisfied its responsibilities under the National Environmental Policy Act of 1969.

Objections to State Release of Funds

The Department will accept objections to its approval of the release of funds and the certification only if it is on one of the following basis: (a) the certification was not executed by the Certifying Officer, or (b) the Grantee's environmental review record for the project indicates omission of a required decision, finding, or step applicable to the project in the environmental review process; or (c) the grant recipient has committed funds or incurred costs not authorized by 24 CFR Part 58 before approval of a release of funds by the Department; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedure (24 CFR Part 58). Such written comments should be received on or before (date***) at the following address:

Nebraska Department of Economic Development
Community and Rural Development Division
P.O. Box 94666
Lincoln, NE 68509-4666

Typed Name of Title of Environmental Certifying Officer

*No less than 16 days after date of this publication.

**No less than 15 days after the date of publication.

***No less than 31 days after the date of this publication.

None to Add

None to Add

This is a retyped copy of the Nebraska SRF document entitled: Exhibit 2J CHECK LIST FOR ENVIRONMENTAL INFORMATION DOCUMENT. According to Tom Fuenning at NDEQ this is the standard report format used by SRF in Nebraska.

- () 1. DESCRIPTION OF THE EXISTING ENVIRONMENT WITHOUT THE PROJECT
Includes for the delineated planning area the present environmental conditions relevant to the analysis of alternatives or determinations of the environmental impact of the proposed action. The description includes, but is not limited to discussion of whichever of the following area are applicable to this particular study.
 - () a. Topography, geology, soils, climate
 - () b. Population, housing, industrial and commercial development, transportation, economic and social profile, underdeveloped and vacant land.
 - () c. Floodplains, wetlands, wild and scenic rivers
 - () d. Cultural resources
 - () e. Plant and animal communities which may be affected, especially those containing threatened and endangered species
 - () f. Recreation and open space
 - () g. Agricultural and productive areas
 - () h. Air quality
 - () i. Surface and groundwater quality and quantity
 - () j. Water supply and use
 - () k. Odor and noise
 - () l. Solid Waste
 - () m. Energy availability, production and consumption
- () 2. DESCRIPTION OF THE FUTURE ENVIRONMENT WITHOUR THE PROJECT - - The future environmental conditions with the “no project” alternatives have been forecast, covering the same areas as shown in 1.a through j. above.

10.0 Exhibit E - Example of the Table of Contents for an Environmental Report

- () 3. DOCUMENTATION - - Sources of information used to describe the existing environment and to assess future environmental impacts have been documented. They include:
 - () a. Local and regional land use planning agencies for assessments of land use trends and population projections.
 - () b. The Nebraska Department of Natural Resources if the project involves a flood risk area identified by flood insurance maps.
 - () c. The management agency or agencies for Wild Scenic Rivers.
 - () d. The Secretary of the Interior or Secretary of Agriculture, if a wild and scenic river is affected.
 - () e. The Fish and Wildlife Service
 - () f. U.S. Army Corps of Engineers
 - () g. Nebraska State Historical Society.
 - () h. Natural Resource Commission
 - () i. U.S. Department of Agriculture, Soil Conservation Service impact on important farmland
- () 4. EVALUATION OF ALTERNATIVES - - This discussion includes a comparative analysis of feasible options and a systematic development of wastewater treatment alternatives, which have been screened as follows:
 - () a. Capital and operation and maintenance costs; salvage values;
 - () b. Significant primary and secondary environmental effect;
 - () c. Physical, legal or institutional constraints;
 - () d. Special attention has been given to long term impacts, irreversible impacts, and induced impacts such as development.
 - () e. Reasons for rejecting any alternatives have been presented in addition to any significant environmental benefits precluded by rejection of an alternative.
 - () f. If relevant, the evaluation considers - -
 - () (1) Flow and waste reduction measures, including I/I reduction.
 - () (2) Alternate locations, capacities, and construction phasing of facilities
 - () (3) Alternate waste management techniques, including treatment and discharge, wastewater reuse and land application.

- () (4) Alternative methods for disposal of sludge and other residual waste, including process options and final disposal options.
- () (5) Improving effluent quality through more efficient operation and management.
- () 5. ENVIRONMENTAL IMPACTS OF THE PROPOSED ACTION - - Describes primary and secondary impacts of the proposed action, giving special attention to unavoidable impacts, steps to mitigate adverse impacts, and irreversible or irretrievable commitments of sources to the project and the relationship between local short term uses of the environment and the maintenance and enhancement of long term productivity.
 - () a. Significance of land use impacts was based on - -
 - () (1) Current population of the planning area;
 - () (2) Design year population for the service area;
 - () (3) Percentage of the service area currently vacant;
 - () (4) Plans for staging facilities.
 - () b. Special attention was given to induced changes in population patterns and growth, degree of regionalization involved.
- () 6. STEPS TO MINIMIZE ADVERSE EFFECTS - - Describes structural and nonstructural measures, if any, to mitigate or eliminate significant adverse effects on human and natural environments.
- () 7. PUBLIC PARTICIPATION - - See Title 131 – Rules and Regulations for the Wastewater Treatment Facilities Construction Assistance Program for explanation of requirements.
- () 8. ADDITIONAL PROCEDURES - - An archeological survey has been conducted since the facility may affect properties with historic, architectural, archeological, or cultural value or may cause irreparable loss or destruction of significant scientific, prehistoric, historic or archeological data.

Reviewer _____ Date _____

1. Date of Environmental Assessment _____

2. Date of EIS, FNSI or Categorical Exclusion _____

None to Add

None to Add

WATER WASTEWATER PREAPPLICATIONS

General Requirements: Applicants anticipating the use of federal and/or state administered funds to finance water or sanitary sewer improvements must complete and submit an original and four (4) copies of the preapplication, consisting of the attached two page form and a preliminary engineering report, to one of the Water Wastewater Advisory Committee (WWAC) agencies. The WWAC agencies include:

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

Rick Zubrod
Department of Economic Development
301 Centennial Mall South
P.O. Box 94666
Lincoln, NE 68509-4666

Subhash Jha
Department of Health & Human Services
Regulation & Licensure
301 Centennial Mall South
P.O. Box 95007
Lincoln, NE 68509-5007

Denise M. Brosius-Meeks
USDA Rural Development
Room 152, Federal Building
100 Centennial Mall North
Lincoln, NE 68508

Review Procedure – Each preapplication will be reviewed by the WWAC as follows:

- 1) An original preapplication and four (4) copies are submitted to one of the WWAC agencies.
- 2) On receipt, agency distributes copies to the other WWAC members.
- 3) The WWAC will review the preapplication within 30-60 days after the submission.
- 4) Following its consideration, the WWAC will reply to the applicant by letter. For a suitable preapplication, the WWAC will recommend the preapplication be accepted and outline the logical funding sources to whom a full application should be submitted. The WWAC may, in the same or separate letter, list pertinent comments regarding technical, operational, or financial aspects of the projects. Substantive comments by the WWAC must be resolved before an application can be recommended for acceptance. Each agency on the WWAC will receive a copy of any WWAC correspondence.
- 5) Each funding agency will follow its own full application process. Applicants seeking funding for the same project from multiple agencies must submit a full application to the particular agencies.
- 6) If a full application varies significantly from the preapplication, or if the facts involving a project have changed such that the feasibility of the proposed solution warrants further investigation, any individual WWAC agency may request the full WWAC review the project again.
- 7) Assistance will be recommended only to the extent necessary to complete project activities over and above private/local efforts, and for solutions considered appropriate and feasible by the WWAC.

<p>User Information:</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 30%;"></th> <th style="width: 20%; text-align: center;">Water</th> <th style="width: 20%; text-align: center;">Wastewater</th> </tr> </thead> <tbody> <tr> <td>Number of residential users: _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Non-Residential</td> <td></td> <td></td> </tr> <tr> <td>Number of ¾" meters: _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Number of 1" meters: _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Number of 1½" meters: _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Number of 2" meters: _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Number of 3" meters: _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Number of 4" meters: _____</td> <td>_____</td> <td>_____</td> </tr> <tr> <td>Other _____</td> <td>_____</td> <td>_____</td> </tr> </tbody> </table> <p>NOTE: Indicate water meter sizes for Non-Residential wastewater users</p>		Water	Wastewater	Number of residential users: _____	_____	_____	Non-Residential			Number of ¾" meters: _____	_____	_____	Number of 1" meters: _____	_____	_____	Number of 1½" meters: _____	_____	_____	Number of 2" meters: _____	_____	_____	Number of 3" meters: _____	_____	_____	Number of 4" meters: _____	_____	_____	Other _____	_____	_____	<p>Does water/wastewater system currently use meters (circle one):</p> <p style="text-align: center;">YES NO</p> <p>Nonmetered Water Rates ____/mo Nonmetered Sewer Rates ____/mo</p> <p>Metered Water Rates ____/mo for ____ gallons Overage charges _____</p> <p>Metered Sewer Rates ____/mo for ____ gallons Overage charges _____</p>
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Other _____	_____	_____																													

COST CLASSIFICATION	ESTIMATED TOTAL COST
1. Administrative and legal expenses	
2. Land, structures, right-of-ways, appraisals, etc.	
3. Relocation expenses and payments	
4. Architectural and engineering fees	
5. Project inspection fees	
6. Site work, demolition and removal	
7. Construction	
8. Equipment	
9. Miscellaneous	
10 SUBTOTAL (sum of lines 1-9)	
11. Contingencies	
12. SUBTOTAL	
13. Less project (program) income	
14. TOTAL PROJECT COSTS	

<p>The undersigned representative of the applicant certifies that the information contained herein and the attached statements, exhibits, and reports, are true, correct and complete to the best of my knowledge and belief.</p>	
Applicant Signature: _____	Date: _____
Preapplication Preparer Signature: _____	Date: _____

PRELIMINARY ENGINEERING REPORT (PLAN OF STUDY)
FOR WASTEWATER OR WATER FACILITIES
Revised 04/11/00

GENERAL. The following may be used as a guide for preparation of Preliminary Engineering Reports to be submitted with the combined State/Federal preapplication for water and wastewater type projects. Preliminary Engineering Reports must be signed, sealed and dated by a professional engineer.

- A. **Area to be served.** Describe – give natural boundaries, major obstacles, elevations, need for facilities, population demographics, and other pertinent information. Use maps, photographs, and sketches.
- B. **Existing Facilities.** Describe – include physical condition, capacity, inadequacy for continued use of facilities now owned by the applicant. Provide the basis for a strong need statement.
- C. **Alternatives.** Evaluate and rank proposed design alternatives. Evaluation should include a cost-effectiveness analysis on the alternatives including a 20 year present worth of annual operation and maintenance costs. In addition, an engineering evaluation including reliability, ease of use, and appropriate wastewater or water treatment technology for the community's management capability should be conducted. Anticipated environmental impacts should also be compared.
- D. **Proposed facilities and services.**
- 1) General description of the proposed facility, including design criteria utilized. Basic hydraulic calculations should be listed in tabular form. Also materials and any design problems should be discussed such as subsurface rock, high water table or others which may effect cost of construction or operation of the facility.
 - 2) Land – include amount required, locations, and alternate locations. Also easements, permits, or other evidence of rights-of-way meeting Departments of Health & Human Services, Environmental Quality, and other agency requirements.
 - 3) Environmental Impacts – Include discussion of direct and indirect impacts such as floodplains, wetlands, prime farmland, endangered species, historic preservation, etc.
- E. **Cost Estimate.** Include development, land and rights, legal, engineering, interest, equipment, contingencies, refinancing and other.
- F. **Annual Operating Budget.**
- 1) Income – Include rate schedule and realistic project income.
 - 2) Operation and maintenance Costs – In the absence of other data, base annual O&M costs on actual costs of other existing systems of similar size and complexity. Include facts in the report to substantiate operation and maintenance cost estimates. Include salaries, wages, taxes, accounting, legal, interest, utilities, gas-oil-fuel, insurance, repairs and maintenance, supplies, office expenses, and miscellaneous.
 - 3) Capital improvements.
 - 4) Debt repayment and reserve requirements.
 - 5) Impact to existing user charges and derivation of proposed rates.
 - 6) Provide a copy of the most recent financial statements on the water or sewer fund (whichever is applicable).
- G. **Maps, drawing, sketches, and photographs.**
- 1) Maps – Show locations, boundaries, elevations, population distribution, existing and proposed systems, right-of-way, and land ownership. For wastewater lagoons, distance to individual or municipal drinking water wells and habitation within a quarter mile radius should be shown.
 - 2) Drawings and sketches. Show preliminary treatment design and layout, elevations.
- H. **Conclusions, recommendations, and implementation schedule.**
Readiness to proceed should be evaluated including land acquisition needs and likely land acquisition method of either negotiation or eminent domain.

DATE: *Date*

SUBJECT: *Applicant*
Water/Wastewater System Improvements
Lead Agency for Environmental Review Requirements

TO: *File*

CDBG Recipient: _____ CDBG Contract Number: _____

This project is anticipated to be jointly funded by the Nebraska Department of Economic Development (NDED) through the Community Development Block Grant program, and USDA Rural Development (USDA-RD). A preapplication has been received and applications are pending. *NDED or USDA-RD* shall act as lead Federal Agency in fulfilling the collective responsibilities under 36 CFR Part 800 Section 106 (National Historic Preservation Act (NHPA) and 40 CFR Parts 1500-1508 National Environmental Policy Act (NEPA) for the three parties below.

NDED or USDA-RD shall complete an Environmental Report (ER) for the above project. The ER is classified as an Environmental Assessment by all parties. It is anticipated that the applicant will hire a consultant to complete the consultation and ER using *NDED or USDA-RD* funding. If mitigation measures are needed, NDED & USDA-RD should be contacted to assist.

After the ER is completed, a copy of the documentation will be submitted to USDA-RD and a copy of the Environmental Assessment Checklist will be submitted to NDED. The non-lead agency must independently review the ER and determine that its own NEPA procedures have been satisfied. If not, they will be responsible to satisfy those procedures.

Public notification shall be coordinated between NDED & USDA-RD.

This is agreed to by the following parties:

USDA Rural Development Date

CDBG Recipient Date

NDED Project Manager Date

Attached: CDBG Environmental Assessment Checklist

PROPERTY

Ash Hollow Cave, Garden County

Arbor Lodge, (J. Sterling Morton House), Otoe County

Coufal Site, Howard County

Fort Atkinson, Washington County

Fort Robinson & Red Cloud Agency, Dawes County

Leary Site, Richardson County

Nebraska State Capitol, Lancaster County

George Norris House, Red Willow County

Palmer Site, (Skidi Pawnee Village), Webster County

Pike-Pawnee Village Site, (Hill Site), Webster County

Robidoux Pass, Scotts Bluff County

Schultz Site, Valley County

Signal Butte, Scotts Bluff County

Walker Gilmore Site, (Sterns Creek Site), Cass County

Boys Town, (Father Flanagan's Boys Home), Douglas County

Willa Cather House, Webster County

William Jennings Bryan House, Lancaster County

U. S. S. Hazard, Douglas County

Captain Meriwether Lewis, Nemaha County

NATIONAL MONUMENTS

PROPERTY

Chimney Rock National Historic Site, Morrill County

Scotts Bluff National Monument, Scotts Bluff County

Homestead National Monument, Gage County

Agate Fossil Beds National Monument, Sioux County

NATIONAL NATURAL LANDMARKS

PROPERTY

Fontenelle Forest, Sarpy County

Nebraska Sand Hills, Grant County

Valentine National Wildlife Refuge, Cherry County

Dissected Loess Plains, Lincoln County