

ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: 21HO35037

PROJECT NAME: 2021 CDBG Hubbard Housing Sustainability

DETERMINATION OF LEVEL OF REVIEW

ERR GRANT# 21-HO-35037

Project Name: Hubbard CDBG Owner-Occupied Rehab Program Year: 2021

Project Location: Within the village limits of Hubbard, NE – Scattered Sites

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

The Village of Hubbard is preparing to implement an owner-occupied rehabilitation program consisting of ten existing single-family residential housing units located within the Village of Hubbard, Nebraska. This program aligns with the Village's Comprehensive Plan goal of improving its housing stock. TIER II site specific reviews will be conducted for each housing unit selected for assistance. The Siouxland Interstate Metropolitan Planning Council will administer the program. All beneficiaries will be persons at or below 80% of the Area Median Income. The funding source for this project is a Community Development Block Grant (CDBG) of \$315,000. Project costs include \$250,000 for rehabilitation of ten existing housing units, \$30,000 for Housing Management costs, \$20,000 for General Administration costs and \$15,000 for Lead Based Paint costs. Estimated project cost total is \$315,000. There is no local cash match contribution toward this program, therefore the total project budget is \$315,000 in CDBG funds.

No more than \$24,999 of program funds will be expended towards the rehabilitation of each unit (i.e. the maximum allowable amount per unit). No more than \$1500 per unit will be expended in program funds for lead-based paint assessment and testing.

Eligible project activities are described in the program guidelines including the rehabilitation of existing residential dwellings for health and safety items, code compliance, structural stability, and energy efficiency. The project will primarily benefit low to moderate income persons. No persons will be displaced as a result of this program. This project is expected to be completed within 30 months of Notice of Award.

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)(3)
(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>Amanda Harper</u>	<u>Amanda Harper</u>
Preparer Name	Signature
<u>SIMPCO Housing Manager</u>	<u>1-5-2022</u>
Title	Date

<u>Jason Martineck</u>	<u>Jason Martineck</u>
Responsible Entity Certifying Officer	Signature
<u>Board Chairman</u>	<u>1-5-2022</u>
Title	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: Village of Hubbard GRANT# 21-HO-35037

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		Compliance Documentation
	A	B	
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project sites are NOT located in an EPA-designated non-attainment area or maintenance area for one or more of six "criteria pollutants," called National Ambient Air Quality Standards (NAAQS). Map documentation can be seen in Attachment 1. Air Quality or found at: https://www3.epa.gov/airquality/greenbook/map/mapnmpoll.pdf
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Village of Hubbard has proximity to six airports. However, the project sites are NOT located within 2,500 feet of the end of a civil airport runway or 15,000 feet of the end of a military airfield runway. HUD policy is to promote compatible land uses in RCZ/CZ/APZ. Names of nearby airports are available in Attachment 2.a Airport Hazards or at https://www.airnav.com/airports/ and distances from community were measured using Google Maps and are available in Attachment 2.b Airport Hazards.

3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No coastal zone management programs exist in the States of HUD Region VII, as established by Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management. (https://coast.noaa.gov/czm/mystate/)
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>The community is not expected to be affected by major contaminated or toxic substances. A field inspection, land use search, and review of environmental compliance were conducted EPA's EnviroMapper (https://enviro.epa.gov/enviro/em4ef.home) and Envirofacts Search (https://enviro.epa.gov/).</p> <p>Nebraska State Fire Marshal's Underground Storage Tanks list was searched: https://sfm.nebraska.gov/fuels-safety/underground-storage-tanks. Five regulated tanks are recorded within the Village of Hubbard, only three of which are currently in use while the other two are "Permanently Out of Use." These registered tanks are regularly inspected by the Fire Marshal Office. No leaking sites were documented.</p> <p>Once sites are selected, site specific TIER II will be completed. For example, selected sites for rehabilitation projects will be tested for radon and lead. Single family housing is exempt from asbestos testing.</p>
5. Endangered Species [50 CFR 402]	<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 potential to affect species or habitats. The Nebraska Game & Parks Commission's Conservation and Environmental Review Tool (CERT) was utilized on April 5, 2022 and the resulting report stated the following: "It is unlikely this project sill negatively impact listed species or their designated critical habitat."</p> <p>See Attachment 5. Qualified Data Source: CERT Report</p>
6. Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p>Project site or neighborhood does not suffer from adverse health or environmental effects which disproportionately impact a minority or low-income population relative to the community at large. Project will not involve acquisition of existing housing, acquisitions of land for development, or new construction. Project will assist low to moderate income persons for a better quality of life. See census statistics here.</p>
7. Explosive and Flammable Operations [24 CFR 51C]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<p>Housing rehabilitation of owner-occupied single family residential units is not considered to increase residential densities, convert a building for habitation or make a vacant building habitable. This program restricts CDBG funds to owner-occupied single family residential units.</p> <p>A Tier II evaluation will be done on each site as identified to confirm that no explosive and flammable operations are present at the project sites.</p>

8. Farmland Protection [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project location already has a structure on it, which will be rehabilitated as part of the funded project activity.
9. Floodplain Management [24 CFR 55, Executive Order 11988]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project location is NOT on the 100- or 500-year floodplain. Project is not located within "Flood Awareness Area" as demonstrated in Attachment 9. FEMA Flood Map. Consulted Floodplain Management Interactive Map maintained by the Nebraska Game & Parks: https://dnr.nebraska.gov/floodplain/interactive-maps
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/	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Tier II will be completed for each of the project sites once selected. The State Historic Preservation Office and Tribal Historic Preservation Office will be notified if applicable.
11. Noise Control [24 CFR 51B]	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A Tier II review will be conducted for each project site since the exact location of the housing units to be assisted within this project are not identified. Hubbard's location is NOT within 3,000 feet of railway. Project location is within 1,000 feet of a major/busy road (Nebraska Highway 35) and 15 miles of an airport. AADT data is not available for Highway 35 (which crosses diagonally through Hubbard from its northeast corner to its southwest corner) due to relatively low traffic volume and is therefore not expected to meet the threshold. None of the nearby airports are expected to meet DNL levels of concern due to low passenger boarding (enplanement) rates.
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is NOT located within area of an EPA-designated sole source aquifer, which includes Nebraska. Map of sole source aquifers in the United States in Attachment 12. Sole Source Aquifers Map and here: https://www.epa.gov/dwssa/map-sole-source-aquifer-locations
13. Wetland Protection [24 CFR 55, Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is NOT located within, or has impact upon, a wetland, as seen in Attachment 13. National Wetlands Inventory Map and here: http://www.fws.gov/wetlands/data/Mapper.html
14. Wild and Scenic Rivers [36 CFR 297]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is NOT located within one (1) mile of a designated Wild & Scenic River, or river being studied as a potential component of the Wild & Scenic River system. Of Nebraska's approximately 79,056 miles of river, only 197 miles are designated as wild & scenic. These designated miles are part of the Missouri River and the Niobrara River in other parts of the State: https://www.rivers.gov/nebraska.php

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.

Victoria Halloran

Preparer Name



Preparer Signature

4/7/2022

Date

Jason Martineck

RE Certifying Officer Name



RE Certifying Officer Signature

4/7/2022

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: Project does not involve sale or acquisition of any properties. Names of nearby airports are available at <https://www.airnav.com/airports/> and distances of nearby airports from community were measured using Google Maps. [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: No CBRA's in Nebraska according to <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 sites will not be located in a FEMA-Identified SFHA. FEMA's [Nationa Flood Hazard Layer \(NFHL\) Viewer](#) and Nebraska Game & Parks' [Floodplain Management Interactive Map \(<https://dnr.nebraska.gov/floodplain/interactive-maps>\)](#) were referenced. [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.

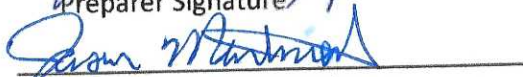
☐ **No.** Federal assistance may not be used in the Special Flood Hazard Area.

Victoria Halloran
Preparer Name


Preparer Signature

4/5/2022
Date

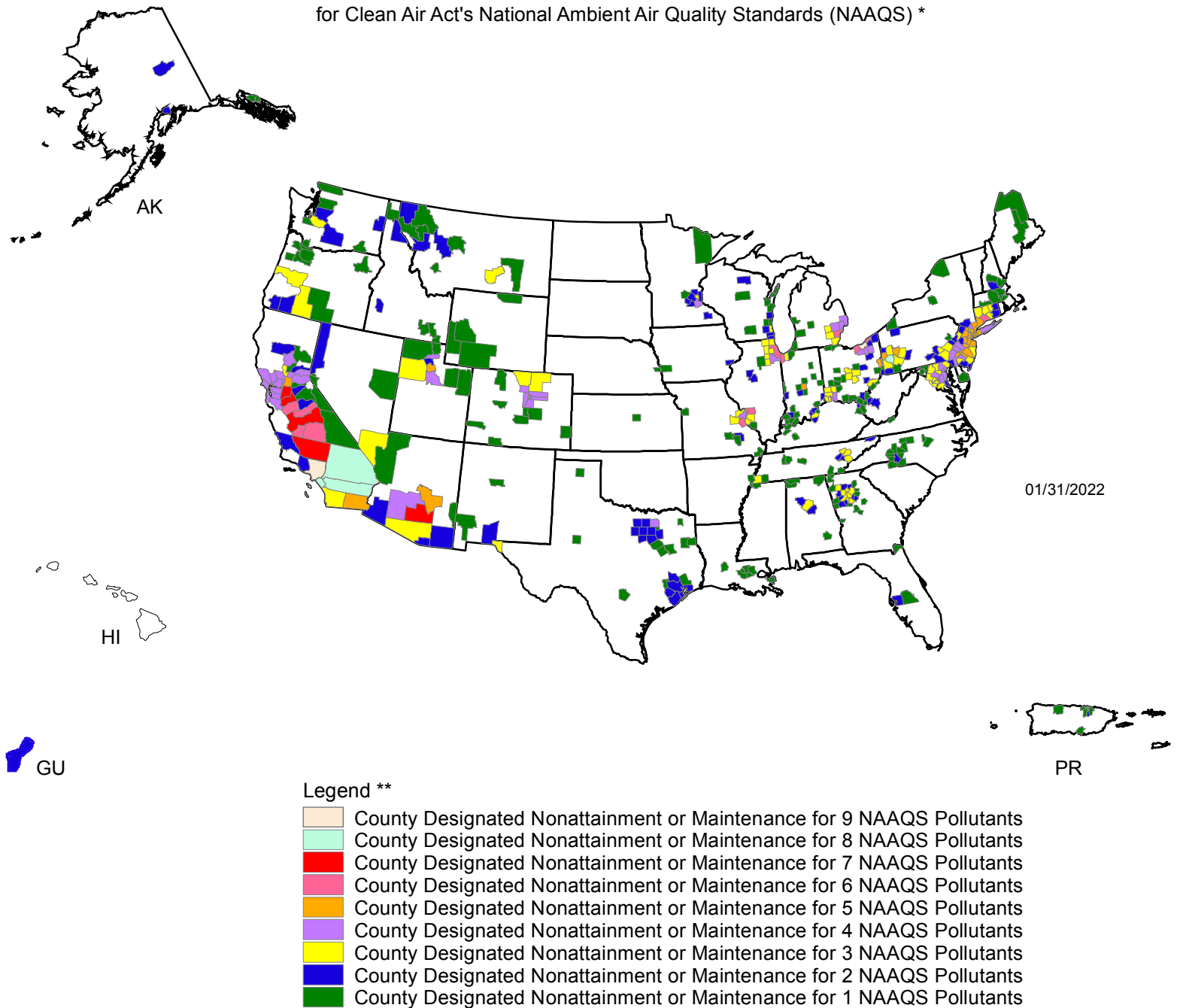
Jason Martineck
RE Certifying Officer Name


RE Certifying Officer Signature

4/7//2022
Date

Counties Designated "Nonattainment" or "Maintenance"

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








* 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.

Airport Search Results

5 airports found near Hubbard, NE

ID	CITY	AIRPORT NAME	WHERE
 7K8	SO SIOUX CITY, NE	MARTIN FIELD AIRPORT	6.6 nm NE
 SUX	SIOUX CITY, IA	SIOUX GATEWAY/BRIG GENERAL BUD DAY FIELD AIRPORT	9.1 nm E
 7K7	NORTH SIOUX CITY, SD	GRAHAM FIELD AIRPORT	10.3 nm NNE
 0C4	PENDER, NE	PENDER MUNICIPAL AIRPORT	17.5 nm SSW
 LCG	WAYNE, NE	WAYNE MUNICIPAL/ STAN MORRIS FIELD AIRPORT	19.5 nm WSW

Attachment 2.b: Airport Hazards

Figures 1-5 show Google Images of milage distance between Hubbard, NE and local airports

Figure 1: Sioux Gateway Airport

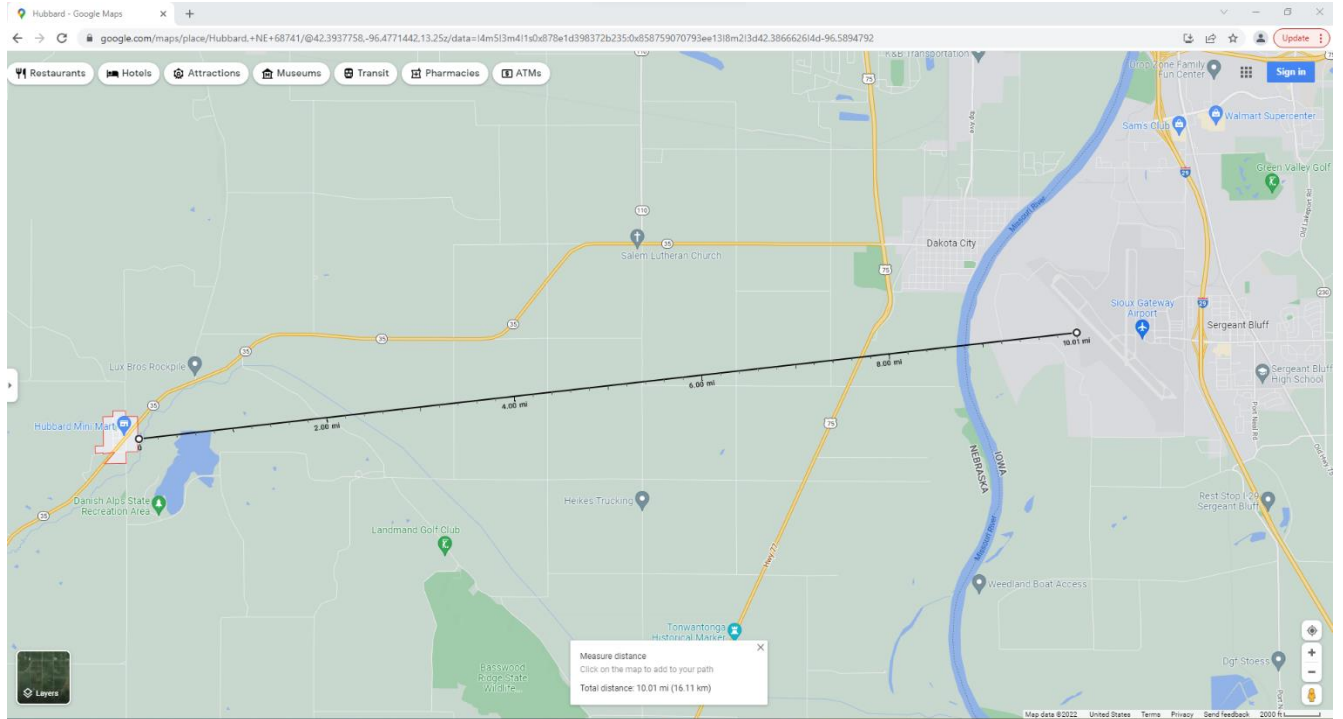


Figure 2: Martin Field Airport

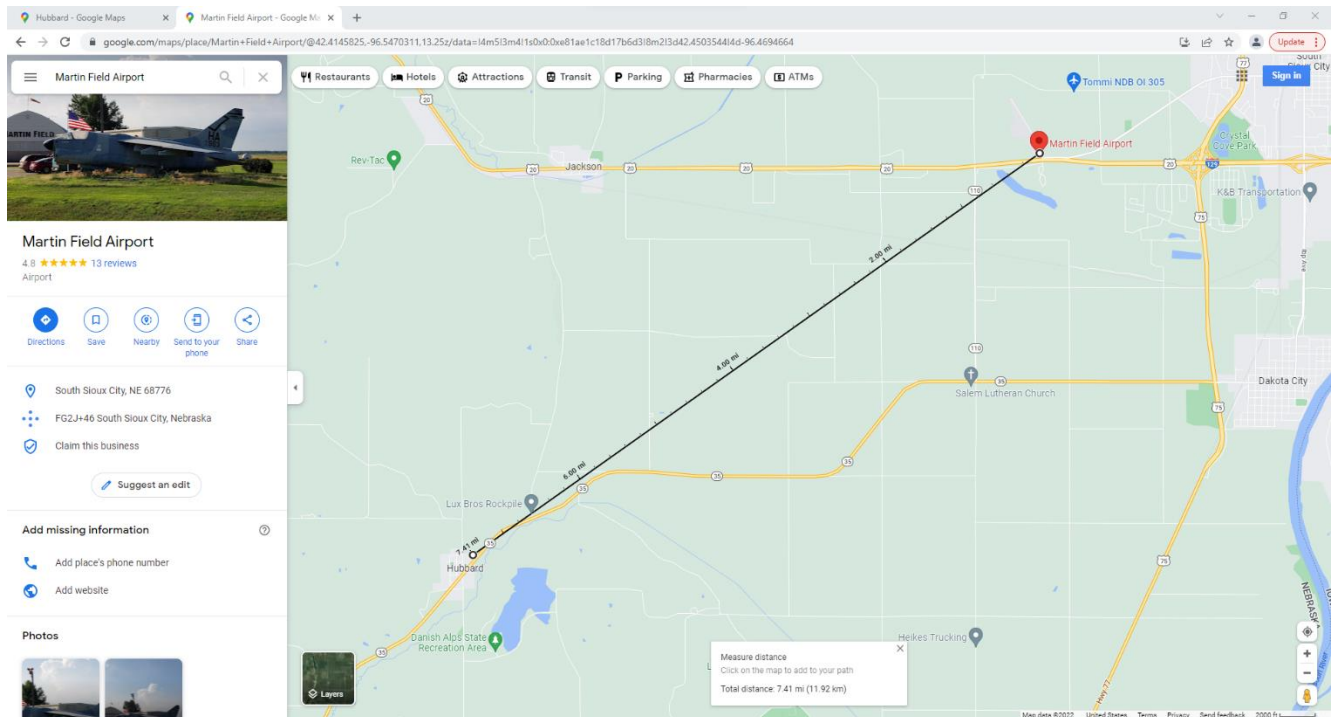


Figure 3: Graham Field-North Sioux Airport

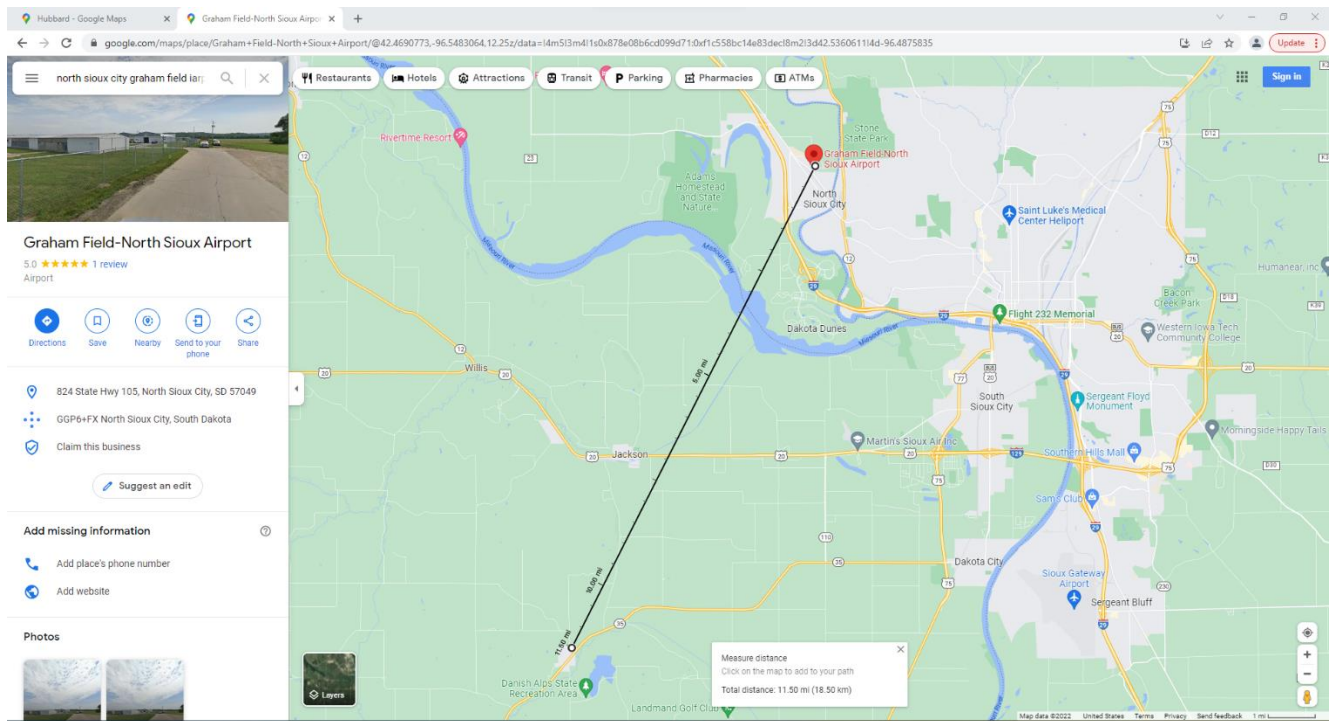


Figure 4: Pender Municipal Airport

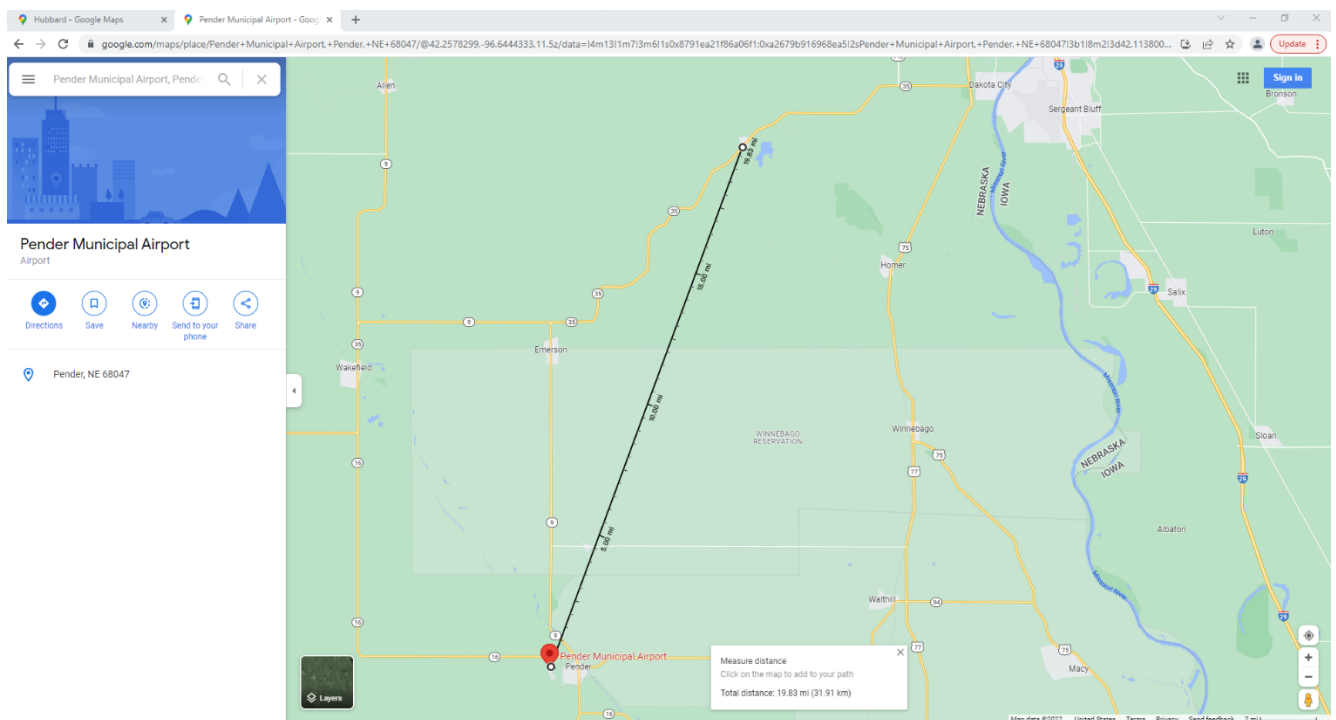
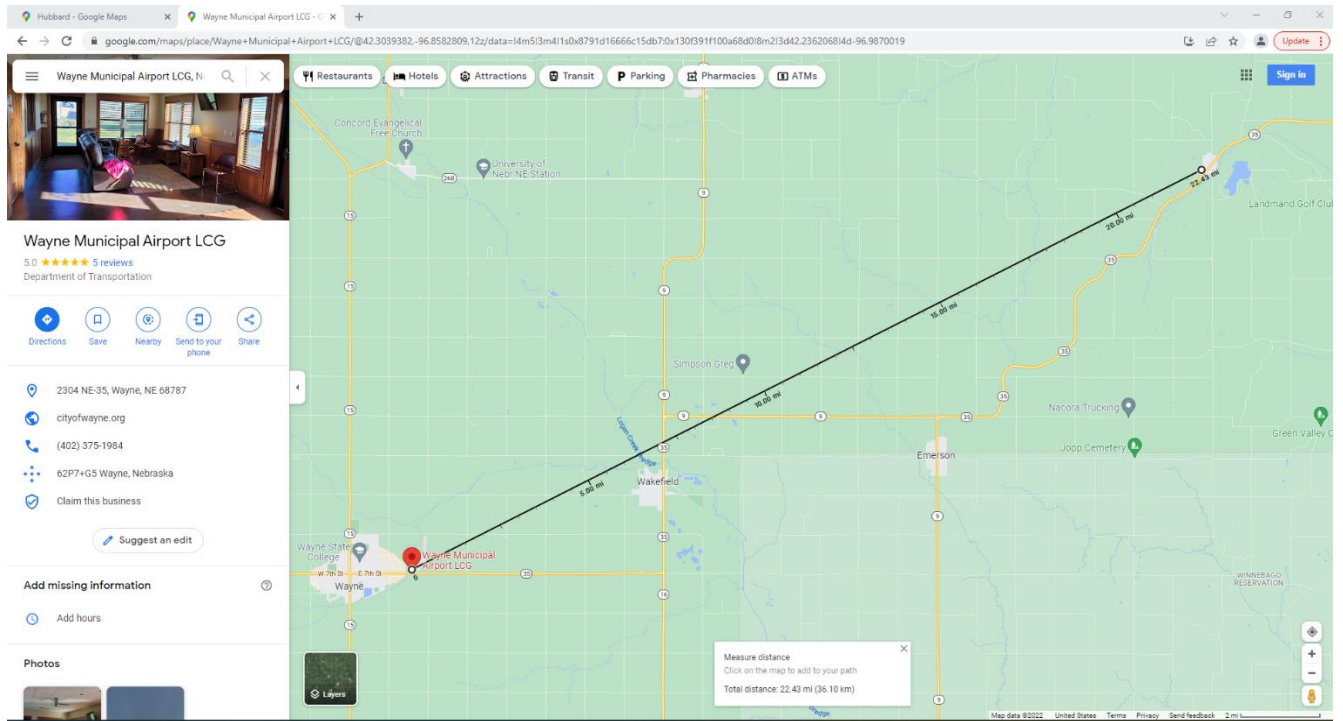


Figure 5: Wayne Municipal Airport LCG





Environmental Review Report

Project Information

Report Generation Date:	4/5/2022 01:39:16 PM
Project Title:	Village of Hubbard OOR
User Project Number(s):	21-HO-35037
System Project ID:	NE-CERT-006241
Project Type:	Development (ex: construction, housing, land development, etc.), Maintenance/rehabilitation of existing facilities
Project Activities:	None Selected
Project Size:	87.09 acres
County(s):	Dakota
Watershed(s):	Missouri Tributaries
Watershed(s) HUC 8:	Blackbird-Soldier
Watershed(s) HUC 12:	Pigeon Creek
Biologically Unique Landscape(s):	None
Township/Range and/or Section(s):	T28R07ES22; T28R07ES23
Latitude/Longitude:	42.386124 / -96.591395

Contact Information

Organization:	SIMPCO
Contact Name:	Victoria Halloran
Contact Phone:	7122238684
Contact Email:	victoria@simpco.org
Contact Address:	1122 Pierce Street Pierce Street Sioux City IA 51101
Prepared By:	Victoria Halloran
Submitted On Behalf Of:	Village of Hubbard, NE

Project Description

Owner-Occupied Rehabilitation Program consisting of ten single-family residential housing units located within the Village of Hubbard, NE. Sites are scattered. Sites will not be increasing in size.

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.


Applicant/project proponent signature

4/5/22
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.

Agency Contact Information

Nebraska Game and Parks Commission

Environmental Review Team

2200 North 33rd Street

Lincoln, NE 68503

phone: (402) 471-5554

email: ngpc.envreview@nebraska.gov

U.S. Fish and Wildlife Service

Nebraska Ecological Services

9325 South Alda Road

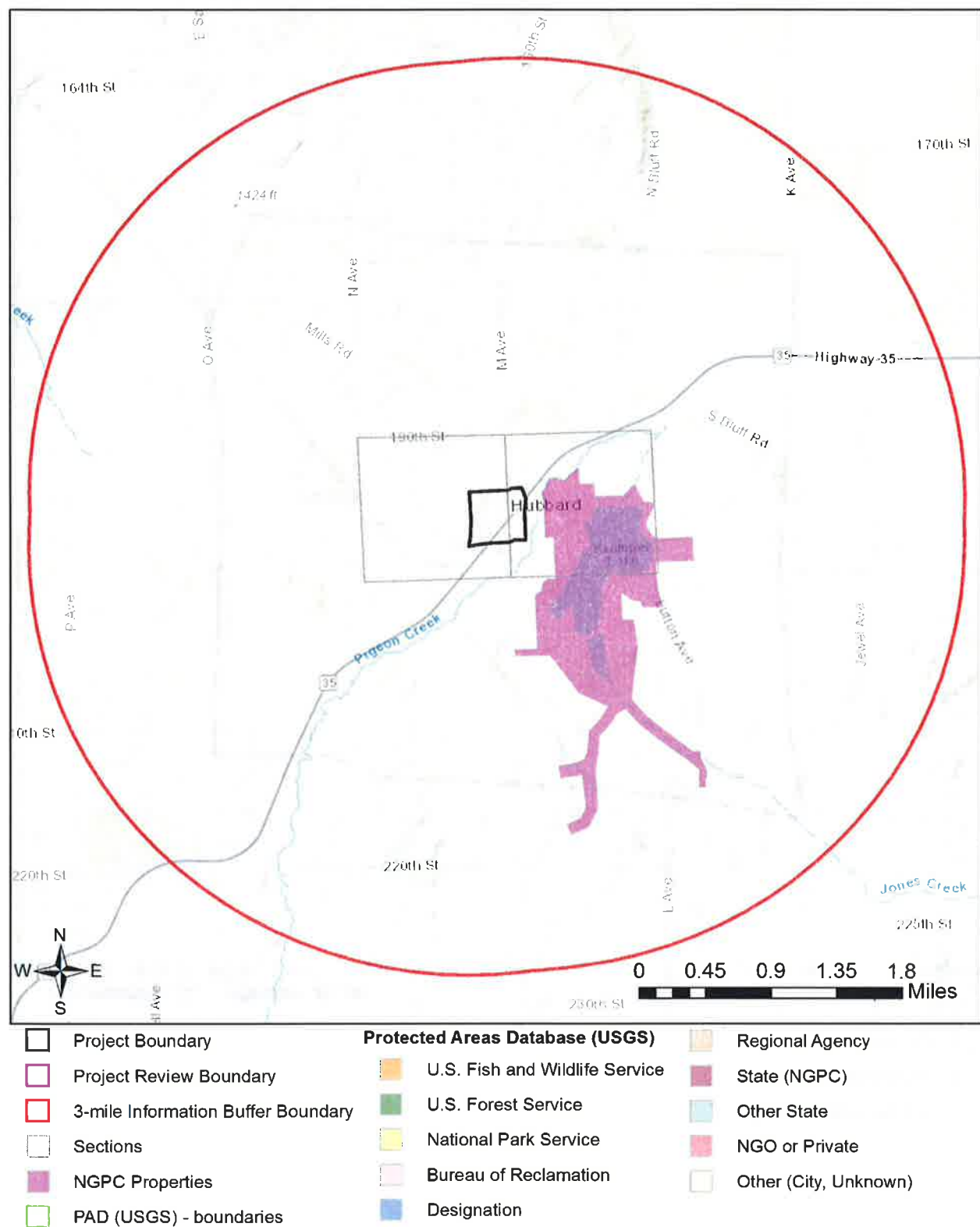
Wood River, NE 68883

phone: (308) 382-6468

email: nebraskaes@fws.gov

Village of Hubbard OOR

Topographic Basemap With Sections and Protected Areas



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 selected special areas

This table has no results.

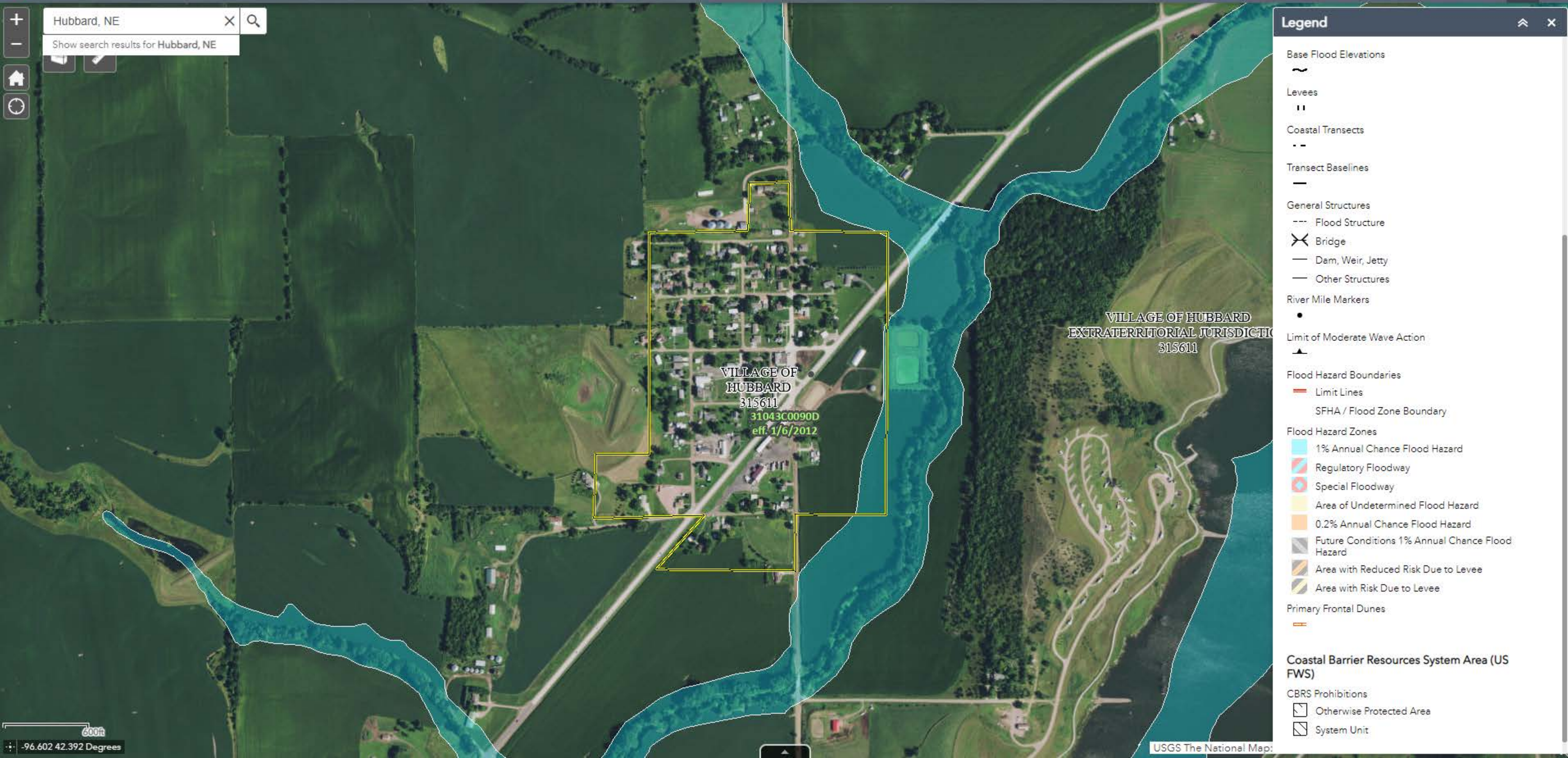
Table 3

Regional Documented Occurrences of Species within 1 Mile of Project Review Area:
Tier 1 and 2 at-risk species and additional S1-S3 plants

Scientific Name	Common Name	USFWS	State	SGCN	SRank	GRank	Taxonomic Group
Acipenser fulvescens	Lake Sturgeon		T	Tier 1	S1	G3G4	Vertebrate Animal - Fishes
Anguilla rostrata	American Eel			Tier 2	SNR	G4	Vertebrate Animal - Fishes
Aralia racemosa	Spikenard			Tier 2	S1	G5	Vascular Plant - Dicots
Boechera dentata	Short's Rock Cress			Tier 2	S2	G5	Vascular Plant - Dicots
Cirsium discolor	Field Thistle				S1S2	G5	Vascular Plant - Dicots
Cypleptus elongatus	Blue Sucker			Tier 1	S1	G3G4	Vertebrate Animal - Fishes
Haliaeetus leucocephalus	Bald Eagle			Tier 2	S3	G5	Vertebrate Animal - Birds
Hybognathus placitus	Plains Minnow			Tier 1	S2	G4	Vertebrate Animal - Fishes
Lilium michiganense	Turk's Cap Lily				S2S4	G5	Vascular Plant - Monocots
Macrhybopsis gelida	Sturgeon Chub		E	Tier 1	S1	G3	Vertebrate Animal - Fishes
Macrhybopsis meeki	Sicklefin Chub			Tier 1	S1	G3	Vertebrate Animal - Fishes
Patis racemosa	Black-seed Ricegrass			Tier 2	S2	G5	Vascular Plant - Monocots
Pimephales notatus	Bluntnose Minnow			Tier 2	S3	G5	Vertebrate Animal - Fishes
Platygobio gracilis	Flathead Chub			Tier 1	S2	G5	Vertebrate Animal - Fishes
Polyodon spathula	Paddlefish			Tier 2	S2	G4	Vertebrate Animal - Fishes
Scaphirhynchus albus	Pallid Sturgeon	E	E	Tier 1	S1	G2	Vertebrate Animal - Fishes
Ulmus thomasi	Rock Elm				S2S4	G5	Vascular Plant - Dicots

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
Perimyotis subflavus	Tricolored Bat	Range			Tier 1	S3	G2G3	Vertebrate Animal - Mammals
Platygobio gracilis	Flathead Chub	Range			Tier 1	S2	G5	Vertebrate Animal - Fishes
Speyeria idalia	Regal Fritillary	Range			Tier 1	S3	G3?	Invertebrate Animal - Butterflies and Skippers

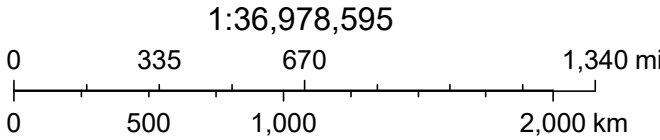


Sole Source Aquifers



4/5/2022, 2:04:40 PM

 Sole_Source_Aquifers



Esri, HERE, Garmin, NGA, USGS



U.S. Fish and Wildlife Service






National Wetlands Inventory

Village of Hubbard, NE



March 29, 2022

Wetlands

	Estuarine and Marine Deepwater		Freshwater Emergent Wetland		Lake
	Estuarine and Marine Wetland		Freshwater Forested/Shrub Wetland		Other
			Freshwater Pond		Riverine

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

Notice of Intent to Request Release of Funds [Tiered Reviews]

NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS FOR TIERED PROJECTS AND PROGRAMS

Date of Posting: 4/11/2022

Village of Hubbard, NE

313 E. Main St. P.O. Box 100

Hubbard, NE 68741

402-632-4150

On or after 22 April 2022 the Village of Hubbard will submit a request to the Nebraska Department of Economic Development (DED) for the release of Community Development Block Grant (CDBG) funds under Title I of the Housing and Community Development Act of 1974, as amended through 1981 and 24 CFR 570, the State of Nebraska Department of Economic Development (the Department) to undertake the following project:

Tier 1 Broad Review Project/Program Title: *2021 CDBG Hubbard Housing Sustainability Program*

Purpose: *Assist Hubbard with preserving existing housing stock through the three owner-occupied rehabilitation areas of focus: energy efficiency, exterior improvements, and removal of architectural barriers to allow aging in home.*

Location: *Ten sites within the boundary of the Village of Hubbard, NE.*

Project/Program Description: *An owner-occupied rehabilitation program for 10 sites in Hubbard, NE. All beneficiaries will be persons at or below 80% of the Area Medium Income. Eligible project activities include rehabilitation of existing residential dwellings for health and safety items, code compliance, structural stability, and energy efficiency. The project will primarily benefit low to moderate income persons. No persons will be displaced as a result of this program. This project is expected to be completed within 30 months of Notice of Award.*

Tier 2 site specific reviews will be completed for those laws and authorities not addressed in the tier 1 broad review for each address under this program when addresses become known.

Level of Environmental Review Citation: *Categorically excluded SUBJECT to 5.5 authorities per 24 CFR Part 58.5(a)(3)(i)*

Tier 2 Site Specific Review: *The site-specific reviews will cover the following laws and authorities not addressed in the Tier 1 broad review: Contamination and Toxic Substances [24 CFR 58.5(i)(2)]; Explosive and Flammable Operations [24CFR 51C]; Historic Preservation [36 CFR 800;] and Noise Control [24 CFR 51B].*

Mitigation Measures/Conditions/Permits (if any): *The State Historic Preservation Office will review the sites via Section 106 regulations to ensure no historic properties are disturbed. The EPA, DEQ, and State Fire Marshal will be consulted regarding the Contaminated and Toxic Substances as well as the Explosive and Flammable Operations reviews. Each site will require an inspection showing exactly how far its location is from busy/major roadways, railway, and airports for the Noise Control requirement.*

Estimated Project Cost: *Project costs include \$250,000 for rehabilitation of ten existing housing units, \$30,000 for Housing Management costs, \$20,000 for General Administration costs and \$15,000 for Lead Based Paint costs. Estimated project cost total is \$315,000. There is no local cash match contribution toward this program, therefore the total project budget is \$315,000 in CDBG funds.*

The activity/activities proposed are categorically excluded under HUD regulations at 24 CFR Part 58 from National Environmental Policy Act (NEPA) requirements per 24 CFR Part 58.5(a)(3)(i). An Environmental Review Record (ERR) that documents the environmental determinations for this project is on file at the Village of Hubbard Office (313 E. Main St. P.O. Box 100, Hubbard, NE 68741) and may be examined or copied Tuesdays and Thursdays 9:00 A.M to 11:00 A.M. The ERR will be made available to the public for review either electronically or by U.S. mail. Please submit your request by U.S. mail to the address above or by email to villageofhubbard@nntc.net. If the RE chooses to send the ERR to the public for review via U.S. mail, the RE will establish a timeframe for accepting comments with the person requesting the ERR. *The ERR can be accessed online at the following website: <https://www.hubbardne.com/>*

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Village of Hubbard. All comments received by 22 April 2022 will be considered by the Village of Hubbard prior to authorizing submission of a request for release of funds.

ENVIRONMENTAL CERTIFICATION

The Village of Hubbard certifies to Nebraska DED that Jason Martineck, Certifying Officer, in his capacity as Village Board Chairman consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. State's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Village of Hubbard to use HUD program funds.

OBJECTIONS TO RELEASE OF FUNDS

NDED will accept objections to its release of fund and the Village of Hubbard's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Village of Hubbard; (b) the Village of Hubbard has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by NDED; 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 via email in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Nebraska Department of Economic Development (DED) at PO Box 94666, Lincoln, NE 68509-4666. Potential objectors should contact NDED to verify the actual last day of the objection period.*

Jason Martineck, Village Board Chairman, Certifying Officer

Note: The seven or ten-day public comment periods are the minimum time periods required by regulation prior to submission of a Request for Release of funds and Certification (form HUD-7015.15 to HUD/State. The Responsible Entity may choose to allow a longer comment period. The fifteen-day objection period is a statutory requirement. The objection period follows the submission date specified in the Notice or the actual date of receipt by HUD/State, whichever is later.

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) 21-HO-35037	2. HUD/State Identification Number B-21-DC-310001	3. Recipient Identification Number (optional) 21-HO-35037
4. OMB Catalog Number(s) 24 CFR Part 58.5(a)(3)(i)	5. Name and address of responsible entity Village of Hubbard 313 E. Main St. P.O. Box 100 Hubbard, NE 68741	
6. For information about this request, contact (name & phone number) Lisa Bousquest, 402-632-4150		
8. HUD or State Agency and office unit to receive request Nebraska Department of Economic Development	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) 2021 CDBG Hubbard Housing Sustainability Program	10. Location (Street address, city, county, State) Hubbard (Dakota County), NE
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11. Program Activity/Project Description

An owner-occupied rehabilitation program consisting of ten existing single-family residential housing units located within the Village of Hubbard, Nebraska. This program aligns with the Villages Comprehensive Plan goal of improving its housing stock. TIER II site specific reviews will be conducted for reach housing unit selected for assistance. The Siouxland Interstate Metropolitan Planning Council (SIMPCO) will administer the program. All beneficiaries will be persons at or below 80% of the Area Median Income. The funding source for this project is a Community Development Block Grant (CDBG) of \$315,000. Project costs include \$250,000 for rehabilitation of ten existing housing units, \$30,000 for Housing Management costs, \$20,000 for General Administration costs, and \$15,000 for Lead Based Paint costs. Estimated project cost total is \$315,000. There is no local cost match contribution toward this program, therefore the total project budget is \$315,000 in CDBG funds.

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

X

Title of Certifying Officer

Board Chairman

Date signed

Address of Certifying Officer

313 E. Main St. P.O. Box 100
Hubbard, NE 68741

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

X

Title of Authorized Officer

Regional Planner

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)

Tier II: Site Specific Environmental Review

Community Development Block Grant

Grant Number: 21HO35037

Grantee: Village of Hubbard

Property Address 313 E. Main St. P.O. Box 100

Activity Description

The Village of Hubbard will rehabilitate 10 owner-occupied homes in village limits. Homeowners served must meet HUD's low-moderate income guidelines. Projects will focus on code updates and requirements, health and safety items, deferred maintenance, and energy efficiency needs

Cost:

- Projected Acquisition Cost \$0.00 (no property acquisition will take place)
- Projected Rehab Cost \$ 24,999 (Rehab hard costs per unit within project)
- Projected All Cost \$315,000 (Total costs of project)

1. **Air Quality** [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93] Steps used to address Radon must match rehab process as outlined in the program guidelines.

[Click or tap here to enter text.](#)

2. **Airport Hazards** [24 CFR 51D] Also provide a map showing the direct line distance between airport and each housing unit proposed for assistance.

[Click or tap here to enter text.](#)

4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]

- Visual review and pictures of site and surroundings conducted by [Enter Name](#) on [Enter Date](#).
- The site review identified the following concerns on or adjacent to the project site:
[Click or tap here to enter text.](#)
- The EPA, <https://www.epa.gov/nepa/nepassist>, mapping web-tool was used. The following sites were identified on or near the site that may be a concern for the project
[Explain and Attach Documentation](#)
- The DEQ, <http://deqims2.deq.state.ne.us/deqflex/DEQ.html>, mapping web-tool was used. The following sites were identified on or near the site that may be a concern for the project
[Explain and Attach Documentation](#)
- The Fire Marshall was sent a letter on [Enter Date](#). and is [attached](#).
- The Agency response letter noted that:
 - ☐ There were no Underground Storage Tanks (UST's) on or near the site.
 - ☐ There were Underground Storage Tanks (UST's) on or near the site.
 - These UST's included those located at:
[Click or tap here to enter text.](#)
- The following Attachments have also been included:
 - ☐ Photographs
 - ☐ Website

- ☐ Letter sent to Agency
☐ Response received back from Agency

- ☐ Maps
☐ Aerials

5. Endangered Species [50 CFR 402]

[Click or tap here to enter text.](#)

- ☐ Website
☐ Letter sent to Agency
☐ Response received back from Agency

6. Environmental Justice [Executive Order 12898]

- Is the proposed site located in or around a low-income or minority neighborhood?
☐ Yes ☐ No

The EPA, <https://www.epa.gov/ejscreen>, website tool was used. The following sites were identified on or near the site that may be a concern for the project

[Explain and Attach Documentation](#)

- Based on the above information, is the site located in a suitable, safe, and sanitary living environment?
☐ Yes ☐ No (Site should be rejected)

7. Explosive and Flammable Operations [24 CFR 51C]

- Visual review and pictures of site and surroundings conducted by Enter Name on _____[date].
☐ No known explosive or flammable operations were visible on or near the site.
☐ Explosive or flammable operations were visible on or near the site.[Complete the remaining info]
- The site review identified the following concerns on or adjacent to the project site: _____
 - [Determine the type of operation, the distance from the operation, and calculate the Acceptable Separation Distance. Attach as separate documentation]

8. Farmland Protection [7 CFR 658]

[Click or tap here to enter text.](#)

9. Floodplain Management [24 CFR 55, Executive Order 11988]

- Site is not located within a SFHA (100 year floodplain).
- The attached FEMA FIRM map _____[Map #, Panel #] was reviewed and indicates the site is not located in a Special Flood Hazard Area (SFHA). [\[Attach the FIRM Map\]](#)
- No FIRM map was available for the site. _____ was contacted on _____ and the attached information indicates the site is not located in a Special Flood Hazard Area (SFHA). [\[Attach source\]](#)
- Site is located within a SFHA (100 year floodplain).
- The attached FEMA FIRM map _____[Map #, Panel #] was reviewed and indicates the site is located in a Special Flood Hazard Area (SFHA). [\[Attach the FIRM Map\]](#)
- No FIRM map was available for the site. _____ was contacted on _____ and the attached information indicates the site is located in a Special Flood Hazard Area (SFHA). [\[Attach source\]](#)

- Complete the 8-Step Process prior to acquisition. Attach the 8-Step Process Form.
- Review DED's website for additional guidance within the related funding source manual.
- The following Attachments have also been included:
 - FIRM Map
 - Other _____

10. Historic Preservation [36 CFR 800]

- The structure was built in the year: [Enter Year](#)
- A site review and photos of the property were completed on the following date: [Enter Date](#)
- Based on the review, it has been determined that the structure is:
 - ☐ Historic
 - ☐ Not historic
- It has also been determined that the rehab activities proposed in the project
 - ☐ Will not impact any historic resources.
 - ☐ May impact historic resources which may include the home or nearby houses or structures.
- A letter determining whether or not any historic resources might be impacted by the project, along with photos of the site, an aerial map of the residence, and a list of proposed activities were sent to the
 - SHPO on the following date: [Enter Date](#)
 - THPO on the following date: [Enter Date](#)
- SHPO response was received back on the following date: [Enter Date](#)
- SHPO noted [Click or tap here to enter text.](#)
- THPO response was received back on the following date: [Enter Date](#)
- THPO noted [Click or tap here to enter text.](#)
- The following Attachments have also been included:

<input type="checkbox"/> Photographs	<input type="checkbox"/> Documentation showing SHPO was contacted
<input type="checkbox"/> Website	<input type="checkbox"/> Documentation showing THPO was contacted
<input type="checkbox"/> Maps	<input type="checkbox"/> Response received back from Nebraska SHPO
	<input type="checkbox"/> Aerials

11. Noise Control [24 CFR 51B]

- The proposed site is located within
 - _____ Feet of a busy/major roadway
 - _____ Feet of a railway
 - _____ Miles from a civil airport or military airfield
 - _____ Miles from any community airport
- ☐ Attach an aerial map(s), which includes the site marked, and map scale as documentation.
- ☐ Based on the above mentioned review, the proposed site is located within an acceptable noise environment, and no further evaluation is needed.
- Based on the above mentioned review, the proposed site is located within
 - ☐ 1,000 feet of a busy/major roadway
 - ☐ 3,000 feet of a railway
 - ☐ 15 miles from a civil airport or military airfield

- The site may be located within a normally unacceptable or unacceptable noise environment.
- A description of the noise attenuation measures that will be incorporated during the rehabilitation include:
[Click or tap here to enter text.](#)
- The comprehensive scope of weatherization improvements include:
[Click or tap here to enter text.](#)

13. Wetland Protection [24 CFR 55, Executive Order 11990]

[Click or tap here to enter text.](#)

14. Wild and Scenic Rivers [36 CFR 297]

[Click or tap here to enter text.](#)

58.6 Requirements, Flood Disaster Protection Act

- ☐ Site is not located within a SFHA (100 year floodplain).
- The attached FEMA FIRM map _____ [Map #, Panel #] was reviewed and indicates the site is not located in a Special Flood Hazard Area (SFHA). [\[Attach the FIRM Map\]](#)
 - No FIRM map was available for the site. _____ was contacted on _____ and the attached information indicates the site is not located in a Special Flood Hazard Area (SFHA). [\[Attach source\]](#)
- ☐ Site is located within a SFHA (100 year floodplain).
- The attached FEMA FIRM map _____ [Map #, Panel #] was reviewed and indicates the site is located in a Special Flood Hazard Area (SFHA). [\[Attach the FIRM Map\]](#)
 - No FIRM map was available for the site. _____ was contacted on _____ and the attached information indicates the site is located in a Special Flood Hazard Area (SFHA). [\[Attach source\]](#)
 - Due to the location of the site, the property
 - ☐ Does not require the purchase of flood insurance
 - ☐ Requires the purchase of flood insurance. [\[Attach evidence the community is participating in the National Insurance Program and a copy of the flood insurance policy\]](#)

A site specific environmental review has been performed at the above location in compliance with HUD environmental review regulations (24 CFR 58) and related laws, authorities, and requirements. The review has been performed prior to the commitment of HUD or non-HUD funds, as required by 24 CFR 58.22(a) and (c).

This review shall be retained as a component of the project's ERR. Consult the Tier I for further information as to compliance with other laws and authorities for this HUD-assisted project.

Preparer Name

Preparer Signature

Date

DIAGRAM
CEST | Post

Timing Worksheet | Name of Grantee: Hubbard | Grant #: 21-HO-35037

STAGE 3			Day 1	Day 2	Day 3	Day 4
Date the <i>Determination of Level of Review</i> (DLR) is Signed <u>1/5/2022</u>	Date Statutory & 58.6 Checklists Signed by RE Certifying Officer <u>4/7/2022</u>	Date of Posting of the NOI-RROF <small>[No earlier than day after Stat Checklist & 58.6 Checklist signed by RE Certifying Officer]</small> <u>4/11/2022</u>	<u>4/12/2022</u>	<u>4/13/2022</u>	<u>4/14/2022</u>	<u>4/15/2022</u>
Day 5	Day 6	Day 7	Day 8	Day 9	Day 10	
<u>4/16/2022</u>	<u>4/17/2022</u>	<u>4/18/2022</u>	<u>4/19/2022</u>	<u>4/20/2022</u>	Last Day of Comment Period <u>4/21/2022</u>	Earliest Day for RROF/Cert Completion <small>[No earlier than the day after the end of the comment period]</small> <u>4/22/2022</u>
		Day 1	Day 2	Day 3	Day 4	Day 5
Date RROF/Cert signed <u>4/22/2022</u>	RROF/Cert & Documentation Sent to DED & Rec'd by DED <u>4/22/2022</u>	<u>4/23/2022</u>	<u>4/24/2022</u>	<u>4/25/2022</u>	<u>4/26/2022</u>	<u>4/27/2022</u>
Day 6	Day 7	Day 8	Day 9	Day 10	Day 11	Day 12
<u>4/28/2022</u>	<u>4/29/2022</u>	<u>4/30/2022</u>	<u>5/1/2022</u>	<u>5/2/2022</u>	<u>5/3/2022</u>	<u>5/4/2022</u>
Day 13	Day 14	Day 15				
<u>5/5/2022</u>	<u>5/6/2022</u>	Last Day of Comment Period <u>5/7/2022</u>	Earliest Day to receive environmental clearance <small>No earlier than day after end of HUD Objection Period</small> <u>5/8/2022</u>			