
FINDING OF NO SIGNIFICANT IMPACT (FONSI)
DEPARTMENT OF VETERANS AFFAIRS
PROPOSED OMAHA NATIONAL CEMETERY
SARPY COUNTY, NEBRASKA

Introduction

A Final Programmatic Environmental Assessment (PEA), included herein by reference, was prepared to identify, analyze, and document the potential physical, environmental, cultural, and socioeconomic effects associated with the Department of Veterans Affairs' (VA's) selection and acquisition of a site suitable for the future proposed construction and operation a new National Cemetery. Preparation of the PEA was required in accordance with the National Environmental Policy Act of 1969 ([NEPA]; 42 United States Code [USC] 4321 *et seq.*), the President's Council on Environmental Quality (CEQ) Regulations Implementing the Procedural Provisions of NEPA (40 Code of Federal Regulations [CFR] Parts 1500-1508), and 38 CFR Part 26 (*Environmental Effects of the Department of Veterans Affairs Actions*).

In accordance with CEQ Regulations at 40 CFR Part 1502.20, VA will complete a subsequent, site-specific, tiered EA (i.e., tiered from the PEA) analyzing the potential environmental effects of the construction and operation of the proposed National Cemetery on the selected site. The tiered Site-Specific EA (SEA) will be completed during the site-specific design process, anticipated in 2013, when additional information is available. That subsequent NEPA process will be completed prior to any construction activities associated with the proposed National Cemetery.

The *purpose* of the Proposed Action is to select and acquire a suitable site for the proposed future construction and operation of a National Cemetery within a 25-mile radius of the interchange of Interstate 80 and Interstate 680 near Omaha, Nebraska.

A new National Cemetery is *needed* to better serve the needs of Veterans and their families in eastern Nebraska and western Iowa. The new cemetery would provide additional capacity, as well as improved access to Veterans and their families (i.e., reduced travel time to a National Cemetery), and would balance the currently unequal geographic distribution of National Cemeteries in the region. There are currently no National Cemeteries located within 150 miles of Omaha, Nebraska. A new cemetery in the Omaha area would help equalize the distribution of National Cemeteries in the region. In addition, the new National Cemetery is needed for VA to comply with the Service Members Civil Relief Act.

1. Description of the Proposed Action and Alternatives

Proposed Action

VA's Proposed Action is to select and acquire a site on which to ultimately establish a new National Cemetery, including the necessary infrastructure, on at least 200 contiguous acres within a 25-mile radius of the interchange of Interstate 80 and Interstate 680 near Omaha, Nebraska. The proposed cemetery would provide additional capacity, as well as improved access to Veterans and their families and would balance the currently unequal geographic distribution of National Cemeteries in the region.

Alternatives Considered

VA undertook a sequential planning and screening process, seeking reasonable alternatives for the Proposed Action. This process is summarized below:

- After identifying a need for a new National Cemetery in the Omaha area, VA advertised its need for an appropriate new site. VA identified that a reasonable site needs to be: at least 200 contiguous acres of land, located within a 25-mile radius of the interchange of Interstate 80 and Interstate 680 in eastern Nebraska or western Iowa. VA identified Douglas, Sarpy, and Saunders Counties in Nebraska, and Pottawattamie County in Iowa as preferred locations. In addition, VA required that the site must not contain unacceptable title encumbrances, be easily accessible via existing or planned major roadways, and that appropriate utility service and road access must already exist or be approved/planned by the appropriate jurisdiction. VA required full disclosure of any hazardous or toxic wastes or materials at the site.

- VA received numerous responses (i.e., offering of sites) to the solicitation. A VA Site Selection Board (SSB), composed of VA professionals from various disciplines, visited each site that met the minimum advertised requirements. Each member of the SSB evaluated and scored each of the sites based on specific site selection criteria. Site ranking was determined by the aggregate scores of each individual SSB member for each site.
- Through this screening process, VA determined that an approximately 235-acre site located at the northeast corner of South 144th Street (Highway 50) and Schram Road in Sarpy County, Nebraska (Preferred Action Alternative Site) most reasonably met the selection criteria. The other sites offered to VA and evaluated by VA, either did not score as highly as the Preferred Action Alternative or VA was unable to proceed further with a potential alternative site, for various reasons.

The PEA examined in-depth two alternatives, the Preferred Action Alternative and the No Action Alternative, defined as follows:

- **Preferred Action Alternative:** Establish the proposed National Cemetery on approximately 235 acres of land located at the northeast corner of South 144th Street (Highway 50) and Schram Road in Sarpy County, Nebraska (the Site). The Site includes mostly unimproved agricultural and vacant land with six former farmstead buildings located in the south-central portion. Under this alternative, VA would acquire the site for the development of a National Cemetery that would be owned, developed, and operated by the VA.
- **No Action Alternative:** Do not implement the Proposed Action as identified and continue with operations as currently conducted. The existing National Cemeteries in Nebraska, Iowa, Kansas, and Missouri would continue to service VA, but would leave Veterans and their families in eastern Nebraska and western Iowa underserved. The Preferred Action Alternative Site likely would be developed for other uses by others, in accordance with local zoning regulations.

The Preferred Action Alternative effectively provides the option that most closely meets the requirements of VA. The No Action Alternative would not enable VA to provide adequate, long-term cemetery facilities in eastern Nebraska and western Iowa or comply with the requirements of the Service Members Civil Relief Act. However, the No Action Alternative was assessed in the PEA to provide a comparative baseline analysis, as required under the CEQ Regulations.

2. Environmental Analysis

Based on the analysis contained in the Final PEA, VA concludes that there would be no significant adverse impact, either individually or cumulatively, to the local environment or quality of life associated with implementation of the Preferred Action Alternative, provided the management, avoidance, and regulatory compliance measures described in the PEA are implemented. VA will implement these measures.

Specifically, the Preferred Action Alternative could result in potential less-than-significant adverse impacts to aesthetics, air quality, cultural resources, geology and soils, hydrology and water quality, wildlife and habitat, noise, land use, solid and hazardous materials, transportation, and utilities. With the exception of hydrology and water quality (Waters of the US), all of these potential impacts would be further reduced through careful implementation of the general best management practices (BMPs) and management measures, and compliance with regulatory requirements.

The PEA identified that the Preferred Action Alternative could result in adverse impacts to Waters of the US at the Site. Westmont Creek crosses the northwestern portion of the Site and includes approximately 1,350 linear feet on-site. However, VA anticipates that through environmentally sensitive site design and following good engineering practices, as well as consultation with pertinent Federal, State, and local regulatory agencies, these potential significant impacts would be avoided or managed to less-than-significant levels. Waters of the US would be avoided to the extent possible during the site design process. This issue will be specifically analyzed and addressed within the subsequent, tiered site-specific SEA.

Under the No Action Alternative, the Proposed Action would not be implemented and 112,333 Veterans in eastern Nebraska and western Iowa would continue to reside greater than 75 miles from the nearest National Cemetery. No positive impacts attributable to the Preferred Action Alternative

would occur, and a significant adverse effect to the socioeconomic environment would occur. Specifically, VA's ability to provide essential cemetery facilities to the region's Veterans would be compromised, resulting in a significant adverse socioeconomic impact. In addition, VA would not comply with the Service Members Civil Relief Act.

The PEA also examined the potential cumulative effects of implementing each of the considered alternatives. This analysis finds that implementation of the Preferred Action Alternative, with the implementation of the avoidance and management measures specified in the PEA, would not result in significant adverse cumulative impacts to onsite or regional natural or cultural resources, and would maintain or enhance the socioeconomic environment of the area through long-term provision of required cemetery facilities in the Omaha area. The No Action Alternative would not produce these potential positive socioeconomic gains.

Mitigation

The analysis did not identify any Mitigation Measures required to reduce potential impacts to less than significant. Regardless, VA will implement the following routine BMPs and management measures to reduce identified potential effects. VA will:

- **Aesthetics.** Comply, to the extent practical, with Sarpy County Zoning and Subdivision Regulations.
- **Air Quality.** Control fugitive dust emissions during construction and obtain required air quality emissions construction and operations permits (if any are necessary based on the final design) from the Nebraska Department of Environmental Quality (NDEQ).
- **Cultural Resources.** Properly address any unknown cultural resources discoveries during Site development.
- **Geology and Soils.** Control soil erosion and sedimentation impacts during construction by complying with the NDEQ, National Pollutant Discharge Elimination System (NPDES) and Sarpy County permitting processes. Complete the required Farmland Conversion Impact Rating (Form AD-1006) and submit to the Natural Resources Conservation Service (NRCS).
- **Hydrology and Water Quality.** As part of the design of the cemetery, conduct a Drainage Study to identify stormwater management requirements. Control soil erosion and sedimentation impacts during construction by complying with the NDEQ NPDES and Sarpy County permitting processes. Include sufficient stormwater management during project design. Properly abandon the out-of-service water wells associated with the former on-site farmstead.
- **Wildlife and Habitat.** Avoid impacts to migratory birds, revegetate with native species, and avoid impacts to Westmont Creek.
- **Noise.** Manage construction activities and schedules to minimize noise impacts.
- **Solid and Hazardous Materials.** Remove regulated asbestos containing materials (ACMs) from site buildings prior to demolition. Implement construction and operational best management practices to minimize effects and to comply with applicable regulations.
- **Transportation and Parking.** As part of the design of the cemetery, conduct a Traffic Impact Study (TIS) to identify future traffic impacts on area roads. Work with Nebraska Department of Roads (NDOR) and Sarpy County to implement required improvements identified by this analysis. Manage construction and operation activities.
- **Utilities.** Comply with utility provider requirements.

VA will implement the following design avoidance measures to reduce potential effects to the Waters of the US (Westmont Creek) to acceptable, less-than-significant levels. These avoidance measures would be more fully developed as part of the subsequent, site-specific, tiered SEA, concurrent with site design efforts. VA will:

- **Waters of the US.** Avoid the onsite and adjacent surface water resources to the extent possible during the site design process. Consult with and obtain permits, as necessary, from the US Army Corps of Engineers (USACE) under Section 404 of the Clean Water Act and NDEQ

under Section 401 of the Clean Water Act to minimize adverse effects to jurisdictional surface water resources prior to construction. VA anticipates that final cemetery design will maintain a buffer of undisturbed land around the identified surface water resources. However, in those cases where impacts to the Waters of the US cannot be avoided, if any, VA will obtain and comply with all necessary permits from State (NDEQ) and Federal (USACE) agencies.

VA will implement the above measures, as identified in the PEA, to ensure all adverse effects will be minimized and maintained at acceptable, less-than-significant levels.

3. Regulations

The Proposed Action will not violate the NEPA, the CEQ Regulations, 38 CFR Part 26, or other Federal, State, or local environmental regulations. This will be achieved by implementing the management and avoidance measures identified above.

4. Commitment to Implementation

VA affirms its commitment to implement the avoidance and management measures identified in the Final PEA and this FONSI, in accordance with the NEPA, CEQ Regulations, and 38 CFR Part 26. Implementation is dependent on funding. VA will ensure that adequate funds are requested in future years' budget(s) to achieve the goals and objectives set forth in the Final PEA and this FONSI, and to fund the commitments described above.

5. Agency and Public Involvement

VA has consulted with appropriate Federal, State, and local regulatory agencies, and has attempted to consult with federally recognized Native American Tribes identified as having ancestral ties to the Sarpy County area, including potentially the Preferred Action Alternative Site. This consultation is documented in the PEA. Concerns expressed by pertinent regulatory agencies and tribes have been addressed in the PEA.

In addition, VA published and distributed the Draft PEA for a 30-day public comment period as announced by a Notice of Availability (NOA) published in the *Omaha World-Herald* from September 21 through September 23, 2012. Review copies were made available for public review at the Papillion Public Library in Papillion, Nebraska. VA also made a copy available for download via a link on the VA internet website. VA received:

- Sixty public comments were received via email. No other public comments were received. None of the comments received were in opposition with the Proposed Action (establishing a new National Cemetery near Omaha); the comments pertained to the site selection for the proposed cemetery. Many of the comments appeared to be in response to an email sent by the Bellevue, Nebraska Chamber of Commerce to its members that encouraged recipients to send emails to VA requesting that VA consider selecting a property near the intersection of 36th Street (South County Road G37) and Highway 370 (Strategic Air Command Memorial Highway) near Offutt Air Force Base in Bellevue for the proposed cemetery.

Forty-one of the responders commented that the location noted by the Bellevue Chamber of Commerce would be a better location for the National Cemetery. Eighteen responders indicated a preference for the Preferred Action Alternative Site detailed in the PEA. One responder recommended a completely different (but not offered) alternative location in Ashland, Nebraska.

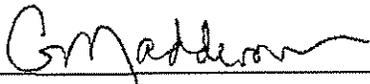
As detailed in the PEA, after identifying a need for a new National Cemetery in the Omaha area, VA advertised its need for an appropriate new site. VA received numerous responses (i.e., offering of sites) to this solicitation, including the Preferred Action Alternative Site and the site in Bellevue near the Offutt Air Force Base. A VA Site Selection Board (SSB) objectively evaluated and scored each of the sites based on specific site selection criteria. Site ranking was determined by the aggregate scores of each individual SSB member for each site. Through this analysis, VA identified one suitable site (the Preferred Action Alternative Site) that most reasonably met VA's screening criteria. None of the other sites offered to and evaluated by VA, including the site in Bellevue, were as able to fulfill VA's screening criteria as well as the Preferred Action Alternative Site.

Where applicable, the PEA was modified to reflect the public comments.

6. Finding of No Significant Impact

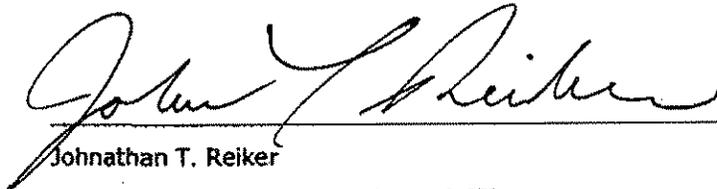
After careful review of the PEA, I have concluded that implementation of the Preferred Action Alternative would not generate significant controversy or have a significant impact on the quality of the human or natural environment, provided VA implements the management and avoidance measures identified in the PEA. VA will implement these measures. VA will complete a subsequent, site-specific, tiered SEA that analyzes the potential environmental effects of the construction and operation of the proposed National Cemetery on the Preferred Action Alternative Site. The identified management and avoidance measures will be incorporated and more fully developed in that tiered SEA.

Therefore, per the NEPA, the CEQ Regulations, and 38 CFR Part 26, I am signing this FONSI. This analysis fulfills the requirements of the NEPA and the CEQ Regulations. An Environmental Impact Statement will not be prepared.



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