EXECUTIVE SUMMARY

Introduction

Fort McPherson National Cemetery is about four miles south of Maxwell, Nebraska in Lincoln County. The cemetery, administered by the United States Department of Veterans Affairs (VA), encompasses 20 acres of gently-rolling landscape and has over 10,000 interments. The Fort McPherson National Cemetery is one of two national cemeteries in the State of Nebraska.

The Fort McPherson National Cemetery was established in 1873 and include the remains interred from 23 post cemeteries in Wyoming, Colorado, South Dakota, and Nebraska. The last of these was moved from Fort Robinson when it was closed in 1947.

The VA proposes to expand the Fort McPherson National Cemetery capacity of burial sites by acquiring the north adjoining property consisting of approximately 18 acres. The purpose of the Proposed Action is to comply with the VA mission to accommodate the needs of the armed forces and their families for acceptable burial options in the future. The need is to ensure a sufficient capacity of interment sites.

Proposed Action

The Proposed Action is to construct and maintain additional interment areas and roadways on approximately 18 acres of undeveloped land north of and adjacent to the existing Fort McPherson National Cemetery in accordance with VA national cemetery guidelines. Development of the Proposed Action would occur in a phased manner over the next 50+ years, with the initial phase of development planned to be initiated in approximately 3 years. The Proposed Action site would remain as agricultural land until development.

No Action Alternative

Under the No Action Alternative, the property acquisition and future cemetery expansion would not be implemented. Once the remaining available space for burial sites on the existing cemetery property are utilized, the veteran population would no longer have reasonable access to burial options at the Fort McPherson National Cemetery.

Environmental Consequences

Implementation of the Proposed Action would have negligible adverse impacts on the natural and human environments. All applicable state and Federal permits would be obtained prior to site preparation activities. Best Management Practices would be utilized during construction to prevent fugitive dust and erosion. All clearing of vegetation would be done outside of the nesting season, or nesting bird surveys would be carried out prior to site preparation and any active nests would be protected until the young have fledged. When design and construction plans for the parcel are developed, additional evaluation and consultation are anticipated.
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APPENDIX B – CORRESPONDENCE
1.0 INTRODUCTION

This Environmental Assessment (EA) has been prepared in accordance with the requirements of the National Environmental Policy Act (NEPA) of 1969 (PL 91-190), Council on Environmental Quality (CEQ) regulations, and the United States Department of Veterans Affairs (VA) NEPA implementation regulations, as promulgated at 38 Code of Federal Regulations (CFR) Part 26. NEPA is a Federal environmental law establishing procedural requirements for all Federal agency actions and directs the VA to disclose the environmental effects of its proposed activities to the public and to the officials who must make decisions regarding the Proposed Action.

The VA has the responsibility to provide programs for veterans’ health and medical needs, disability compensation, insurance for service persons and veterans, vocational rehabilitation for disabled veterans, and burial benefits. In 1973, the operation/maintenance of the National Cemetery Administration (NCA) (formerly known as National Cemetery System) was transferred to the VA from the Department of the Army (except for Arlington National Cemetery and Soldier’s Home National Cemetery). The NCA maintains approximately 3.3 million gravesites at 136 national cemeteries, one national veterans’ burial ground, and 33 soldiers’ lots and monument sites in 40 states and Puerto Rico. The VA is also charged with marking of graves of all persons in national and state cemeteries (and the graves of veterans in private cemeteries, upon request), as well as administering the State Cemetery Grants Program.

The Fort McPherson National Cemetery is administered by the VA, and the VA proposes to expand the capacity of cemetery by acquiring and developing the north adjoining property, which consists of approximately 18 acres, and is the subject of the Draft Environmental Assessment.

1.1 Background

Fort McPherson was built in 1863 and a cemetery was associated with the post. The post cemetery and about 50 interred remains were later moved from the original to the current cemetery location. The Fort McPherson National Cemetery was established in 1873. Other remains interred from 23 post cemeteries in Wyoming, Colorado, South Dakota, and Nebraska were also moved to the Fort McPherson National Cemetery. The last of these was moved from Fort Robinson when it was closed in 1947.

Fort McPherson National Cemetery is about four miles south of Maxwell, Nebraska in Lincoln County (Exhibit 1, Appendix A). The cemetery, administered by the VA, encompasses 20 acres of gently-rolling landscape and has over 10,000 interments. The Fort McPherson National Cemetery is one of two national cemeteries in the State of Nebraska. The other VA cemetery in Nebraska is Omaha National Cemetery, which was dedicated on August 5, 2016.
1.2 Proposed Action

Under current conditions, the Fort McPherson National Cemetery is nearing its capacity for burial requests for eligible individuals and sufficient on-site parking to support the needs of staff and Veterans. The Proposed Action is to acquire approximately 18 acres of undeveloped land directly adjacent to Ft McPherson National Cemetery as needed for future construction and perpetual maintenance of additional interment areas and roadways.

Development of the Proposed Action would occur in a phased manner over the next 50+ years, with the initial phase of development planned to be initiated in approximately 3 years. The Proposed Action site would remain as agricultural land until development.

1.3 Purpose and Need

The purpose of the Proposed Action is to comply with the VA’s mission to provide interment services to U.S. veterans and their families. The need is to ensure a sufficient capacity of various types of interment sites including inground cremations, casket crypts, and columbaria.
2.0 ALTERNATIVES

Alternative actions discussed in this Draft EA are based on their potential to satisfy the purpose and need, specifically to provide expanded capacity for interment services at Fort McPherson National Cemetery. As viewed by the CEQ, an alternative is considered reasonable if it is deemed to be “practical or feasible” from a technical and economic standpoint. The draft EA includes the No Action and Preferred Alternatives.

2.1 No Action Alternative

The No Action Alternative typically describes the baseline of current operations that will be used to compare against the Proposed Action. Under the No Action Alternative, none of the development or cemetery expansion would be implemented. Fort McPherson National Cemetery currently has about two acres of land for burial sites and columbaria. Once this land or space is used, the Fort McPherson veteran population would no longer have burial options within the Fort McPherson National Cemetery.

2.2 Preferred Alternative: Cemetery Expansion

The Preferred Alternative is to acquire approximately 18 acres of undeveloped land directly adjacent to Ft McPherson National Cemetery as needed for future construction and perpetual maintenance of additional interment areas and roadways on approximately 18 acres of undeveloped land north of and adjacent to the existing Fort McPherson National Cemetery in accordance with VA national cemetery guidelines. Development of the Preferred Alternative would occur in a phased manner over the next 50+ years, with the initial phase of development planned to be initiated in approximately 3 years. The Proposed Action site would remain as agricultural land until development.
3.0 AFFECTED ENVIRONMENT AND ENVIRONMENTAL CONSEQUENCES OF ALTERNATIVES

This section of the draft EA describes the natural and human environments that exist within the project area and the potential impacts of the Proposed Action. The effects of the Proposed Action include impacts associated with the cemetery expansion. Per CEQ guidance (40 CFR, Part 1502.7[3]), only those resources that have the potential to be impacted by the Proposed Action or any of the alternatives considered are analyzed in this EA.

Impacts (consequence or effect) can be either beneficial or adverse and can be either directly related to the action or indirectly caused by the action. Direct impacts are those effects that are caused by the action and occur at the same time and place (40 CFR, Part 1508.8[a]). Indirect impacts are those effects that are caused by the action and are later in time or further removed in distance, but that are still reasonably foreseeable (40 CFR, Part 1508.8[b]). The Proposed Action may create temporary (lasting the duration of construction), short-term (up to 3 years), long-term (greater than 3 years), or permanent impacts or effects.

Impacts on each resource can vary in degree or magnitude from a slightly noticeable change to a substantial change in the environment. The intensities of impacts are classified as negligible, minor, moderate, or major. The intensity thresholds are defined as follows:

- **Negligible**: A resource would not be affected or the effects would be at or below the level of detection, and changes would not result in any measurable or perceptible consequences.

- **Minor**: Effects on a resource would be detectable, although the effects would be localized, small, and of little consequence to the sustainability of the resource. Mitigation measures, if needed to offset adverse effects, would be simple and achievable.

- **Moderate**: Effects on a resource would be readily detectable, long-term, localized, and measurable. Mitigation measures, if needed to offset adverse effects, would be extensive and likely achievable.

- **Major**: Effects on a resource would be obvious, long-term, and would have substantial consequences on a regional scale. Extensive mitigation measures to offset the adverse effects would be required and success of the mitigation measures would not be guaranteed.

The following resources would not be affected by the Proposed Action and are not addressed in this EA:

- **Aesthetics**: The Proposed Action would not change the aesthetics of the area. The area consists of agricultural cropland, wetlands and undeveloped fallow land, scattered
farmsteads, and the Fort McPherson National Cemetery. The proposed cemetery expansion would retain the same aesthetic values that currently exist.

- **Air Quality:** Currently, all areas in Nebraska are in attainment or are unclassifiable indicating that each of the priority pollutants are below the levels established by the National Ambient Air Quality Standards (NAAQS). A temporary increase in fugitive dust from soil disturbance and a temporary increase in emissions from construction equipment and private vehicles used during the construction of the Proposed Action would occur; however, the levels would be expected to be below *de minimis* thresholds. After completion, the cemetery expansion area would be converted from agricultural land to maintained and grass covered lawns further reducing fugitive dust.

- **Floodplains and Coastal Zone Management:** There are no designated coastal zones within the proposed construction areas. No portion of Preferred Action is within the 100-year floodplain as shown on the Nebraska Department of Natural Resources (NDNR) floodplain map (Exhibit 2a, Appendix A) and the Federal Emergency Management Agency (FEMA) Flood Insurance Map (Exhibit 2b, Appendix A).

- **Wetlands:** Terracon prepared a Wetlands and Waters of the United States (WOUS) Delineation Report dated August 23, 2018. No wetlands or WOUS were delineated on the site. In a letter dated October 11, 2018 (Appendix B), the United States Army Corps of Engineers (USACE) indicated that an approved jurisdictional determination has been completed and documents that the site is comprised wholly of dry land. Additionally, the activity is not subject to the USACE regulatory authorities and no permit pursuant to Section 404 is required.

- **Noise:** There would be a temporary and minor increase in the ambient noise levels resulting from the heavy machinery, vehicles, and tools used during the construction of the Proposed Action. This noise would be intermittent, temporary, and limited to daylight hours. This construction noise is not expected to effect the surrounding land uses.

- **Community Services:** There would be no impact from the Proposed Action on existing police, fire, and other agencies serving Fort McPherson National Cemetery. The cemetery expansion would be conducted in areas outside the State Highway right-of-way.

- **Solid and Hazardous Materials:** There would be no impact on solid and hazardous materials. No hazardous materials would be generated by the Proposed Action. All waste associated with construction would be disposed of in accordance with policies of the cemetery.
Terracon’s Phase 1 Environmental Site Assessment (ESA) dated September 25, 2018 concluded that no Recognized Environmental Conditions (RECs) were associated with the Proposed Action. The Phase 1 ESA discussed previous environmental concerns including a gasoline underground storage tank site closed with “No Further Action” in 1990, and a January 2006 Pre-CERCLIS Site Screening Assessment report noting that arsenic, lead, copper, and zinc were used in embalming fluids at historical cemeteries, but the likelihood of a metals release is low. Additionally, the existing cemetery was delisted from hazardous waste databases that are maintained by the USACE and Department of Defense (DOD).

- **Transportation and Parking:** There would be no anticipated impact on the transportation infrastructure providing access to Fort McPherson National Cemetery. The Proposed Action is not anticipated to increase the daily use of Fort McPherson National Cemetery. The current use is approximately 285 to 300 services per year. Parking and drives within the cemetery expansion would be planned prior to construction.

- **Utilities:** The Proposed Action will use the same utilities that currently service the Fort McPherson National Cemetery. As such, there would be no impact from the Proposed Action on the use of potable water (provided by an on-site well), propane, electric, septic tank for sewer, or communications infrastructure serving Fort McPherson National Cemetery. Natural gas service is not available at the cemetery. It is anticipated that the Proposed Action would decrease the amount of irrigation water used on agricultural land compared to the irrigation water used for croplands.

- **Environmental Justice:** The Preferred Action is on land used as agricultural cropland and is surrounded by agricultural cropland, pastures, fallow land, the Fort McPherson National Cemetery, and a State Highway 56A. There are no minorities or low-income population groups living adjacent to the cemetery, and the Proposed Action would have no impacts on environmental justice.

### 3.1 Cultural Resources

#### 3.1.1 Affected Environment

Section 106 of the National Historic Preservation Act (16 U.S.C. 470(f)) requires a Federal agency to consider the effects of the agency’s undertakings on properties included on or eligible for the National Register of Historic Places (NRHP) and prior to approval of an undertaking, to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on the undertaking.

The Fort McPherson National Cemetery which is adjacent to and south of the Proposed Action was listed in the NRHP in 2012 (NR #1200075) for its significance as a post-Civil War era national...
cemetery. The contributing resources to the cemetery include grave markers, superintendent’s lodge, support buildings, and section of the surrounding walls.

3.1.2 Environmental Consequences

3.1.2.1 No Action Alternative
There would be no change to the site and no adverse impact on cultural resources.

3.1.2.2 Preferred Alternative: Cemetery Expansion
The July 2018 Initial Cultural Resource Impact Study conducted by Row 10 concluded that there would be no adverse impact on historic properties including NHL-listed or NRHP-listed properties, archaeological sites, and historic landmarks from acquisition of this parcel. Information was submitted by the VA to the Nebraska State Historical Preservation Office (NeSHPO).

In a letter dated August 28, 2018 (Appendix B), the NeSHPO indicated that a determination of No Historic Properties Affected is appropriate, and the project should continue as planned. The letter further stated that the proposed property to be acquired by the VA and the NCA does not contain currently identified cultural resources, and it is unlikely that the action will directly impact prehistoric or historic cultural resources listed on the National Register of Historic Places, or eligible for such a listing. The NeSHPO requested to be notified for comment and review before any ground disturbing activities are slated to occur within the property boundary.

If archaeological features or human remains are inadvertently discovered during construction activities, all work would be halted in that area and the State Historic Preservation Officer would be contacted, and appropriate measures would be implemented to mitigate an adverse impact.

3.2 Land Use and Zoning

3.2.1 Affected Environment
The proposed cemetery expansion parcel (Parcel No. 0071845) is currently owned by Ms. Donna Sundstrom and used for agricultural cropland. This parcel is zoned as TA-1 Transitional Agricultural by the Lincoln County Zoning Department.

3.2.2 Environmental Consequences

3.2.2.1 No Action Alternative
The site would continue to be farmed, and there would be no change in the land use under the No Action Alternative.
3.2.2.2 Preferred Alternative: Cemetery Expansion

The Lincoln County Planning Department has zoning jurisdiction for the proposed cemetery expansion site. Because the parcel is currently zoned as agriculture and the Proposed Action is to use the property as a cemetery, a request to change the zoning is needed. To change the zoning of the site from agricultural land to a cemetery, the applicant must complete and submit a Conditional-Use Permit (which is attached in Appendix B) to the Lincoln County Planning Department. The application includes providing information requested on the attached Forms A, B, C, and D.

The parcel would continue to be used for cropland or hayfield until development of the parcel.

In a letter dated October 16, 2018 (Appendix B), the Nebraska Game and Parks Commission (NGPC) also stated that the project will not impact any NGPC State Park, State Recreation Area, or State Wildlife Management Areas. Additionally, in a letter dated October 17, 2018 (Appendix B), the NGPC also stated that there are no properties associated with Land and Water Conservation Fund (LWCF) Act, 54 U.S.C. 200305(f)(3) (formerly LWCF Section 106(f)(3)).

3.3 Soils

3.3.1 Affected Environment

Based on the site boundaries and the Natural Resource Commission Services (NRCS) Web Soil Survey website, the on-site surface soils include about 90 percent Lawet silt loam, drained, occasionally flooded; about 8 percent Cozad silt loam, 0 to 1 percent slopes soils; and 2 percent Platte-Alda complex, occasionally flooded. The soil map for the Proposed Action is provided as Exhibit 3, Appendix A. The Lawet silt loam and the Platte-Alda Complex are typically found in or near floodplains, are somewhat poorly drained, and are not considered prime farmland. The Cozad silt loam is typically well drained and considered prime farmland.

Additional information regarding subsurface soils were obtained from the Terracon Geotechnical Report dated August 29, 2018. A boring location diagram and a graphical representation of the general characterization of the subsurface soils and groundwater conditions encountered while drilling is provided as Exhibit 4, Appendix A. Three borings (B-1, B-2, and B-3) were advanced in the northern half of the site. The soils encountered in the three borings were clays and silts to depths of 5 to 8 feet below the ground surface, underlain by loose, medium to the bottom of the borings, and the depth to groundwater ranged from 3.5 to 4.5 feet below the ground surface.

Two borings (B-4 and B-5) were advanced near the southern property boundary. The soils encountered include clays and silts to at least 13 feet below the ground surface. Sand was encountered in one boring at 13 feet. The depth to groundwater in the two boings ranged from 8 to 9 feet below the ground surface.
3.3.2 Environmental Consequences

3.3.2.1 No Action Alternative
The site would continue to be farmed, and there would be no appreciable change on soils under the No Action Alternative.

3.3.2.2 Preferred Alternative: Cemetery Expansion
The Proposed Action would disturb soils on the site. Temporary and negligible impacts on soils may consist of possible erosion during construction activities and earthwork activities. Best Management Practices (BMPs) would be utilized to control soil movement. The BMPs would include, but are not limited to: watering, silt fences, waddles, and covering soil stockpiles. After earthwork activities, the disturbed soil would be seeded with grasses to develop a permanent ground cover. These BMPs would also control fugitive dust. All appropriate permits, including a National Pollution Discharge Elimination System (NPDES) General Construction Permit (GCP), would be obtained prior to construction.

The Farmland Protection Policy Act (FPPA) of 1981 (7 U.S.C. § 9601) attempts to limit Federal actions that diminish, reduce, or convert farmland from agricultural use to non-agricultural use. Based on the NRCS determination, the Proposed Action would not adversely affect prime or unique farmland. (See NRCS email dated October 31, 2018, Appendix B and USDA Farmland Conversion Impact Rating dated October 24, 2018, Appendix B)

The VA should consider which areas have unsaturated soils at appropriate depths for burials and which areas burials should be avoided.

3.4 Hydrology and Water Quality

3.4.1 Affected Environment
Groundwater wells are used for drinking water and irrigation in the areas around the Proposed Action. The water bearing aquifers are the Platte River alluvium and the Dakota Aquifer. Registered water wells in the vicinity report a static water level of 10 to 15 feet and a pumping rate of about 700 gallons per minute.

3.4.2 Environmental Consequences

3.4.2.1 No Action Alternative
There would be no adverse impacts on the hydrology or water quality under the No Action Alternative.
3.4.2.2 Preferred Alternative: Cemetery Expansion
Adverse impacts to the hydrology and water quality are not anticipated; however, because the depth to groundwater on the site is relatively shallow (3.5 to 9 feet below the ground surface), burials should occur in appropriate areas. The groundwater has the potential for interaction with buried cadavers and embalming fluids, and chemicals released may migrate to the potable groundwater. The burials that occur in unsaturated soils, would minimize the potential for water interaction with buried cadavers and embalming fluids, and any chemicals released would not migrate to the potable aquifer.

All appropriate permits, including a NPDES GCP, would be obtained prior to construction. Appropriate BMPs would be utilized to prevent surface water runoff during construction activities. These include, but are not limited to, watering, silt fences, waddles, and covering soil stockpiles. Additionally, soil would be seeded with native grasses to develop a permanent ground cover.

3.5 Wildlife and Habitat

3.5.1 Affected Environment
In a letter dated October 16, 2018 (Appendix B), the NGPC stated, the project site appears to have been previously disturbed and lacking native vegetation. Therefore, the project does not appear that it would have any major impacts of fish or wildlife resources. Additionally, the project lacks suitable habitat and is not likely to have adverse impacts on the state-listed endangered and threatened species.

3.5.1.1 Vegetation
When design and construction plans for the Preferred Alternative are developed, considerations should be given to selecting a plant community for the local climate. Common plants include, but not limited to, native grasses, rough cocklebur (Xanthium strumarium), blackeyed Susan (Rudbeckia hirta), western ragweed (Ambrosia psilostachya), blazing star (Liatris sp.), and goldenrod (Solidago altissima). Common trees and shrubs include privet (Ligustrum sp.), osage orange (Maclura pomifera), honey locust (Gleditsia triacanthos), honey mesquite (Prosopis glandulosa), sugarberry (Celtis laevigata), cedar elm (Ulmus crassifolia), and juniper.

3.5.1.2 Wildlife
Common wildlife found near the Proposed Action includes whitetail deer (Odocoileus virginianus), fox (Vulpes vulpes), turkey (Meleagris gallopavo), pheasant (Phasianus colchicus), coyote (Canis latrans), squirrel (Sciurus sp.), and eastern cottontail rabbit (Sylvilagus floridanus). The Proposed Action could also be utilized by bird species, such as raptors, songbirds, and waterfowl, which are protected from harm or harassment under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. § 703).
3.5.1.3 Threatened and Endangered Species

The Endangered Species Act (ESA) of 1973 (16 U.S.C. §1531 et seq.) requires that a discretionary Federal action not put into jeopardy the continued existence of a listed species, and not destroy or adversely modify their critical habitat. The NGPC and the U.S. Fish and Wildlife Survey (USFWS) maintain lists of state and Federal species considered to be threatened with extinction or in danger of becoming extinct, as well as species’ critical habitat designations. Correspondences from the NGPC (dated October 16, 2018) and USWFS (dated October 18, 2018) are provided in Appendix B. Table 3-1 shows the Federally and state listed species in Lincoln County, Nebraska, and their potential to inhabit Fort McPherson National Cemetery property.

Table 3-1. Federal and State Listed Threatened and Endangered Species Known to Occur in Lincoln County, Nebraska

<table>
<thead>
<tr>
<th>Species</th>
<th>Federal Status</th>
<th>State Status</th>
<th>Potential to Inhabit the Project Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>American burying beetle</td>
<td>Endangered</td>
<td>Endangered</td>
<td>Yes, but unlikely. Current information suggests that this species lives in many types of habitat, with a slight preference for grasslands, scrubland, and open understory oak hickory forests.</td>
</tr>
<tr>
<td>Blowing Penstemon (Penstemon hydenii)</td>
<td>Endangered</td>
<td></td>
<td>No. Habitat not present. Occurs only in open sand habitats, called blowouts, in the Sandhills of north-central Nebraska and the Great Divide Basin in Wyoming</td>
</tr>
<tr>
<td>Interior least tern (Sterna antillarum)</td>
<td>Endangered</td>
<td></td>
<td>No. Habitat not present. Nests along sand and gravel bars within braided streams and rivers. Also known to nest on man-made structures.</td>
</tr>
<tr>
<td>Piping plover (Charadrius melodus)</td>
<td>Threatened</td>
<td></td>
<td>No. Habitat not present. Prefers beaches and bayside mud or salt flats.</td>
</tr>
<tr>
<td>River Otter (Lontra cadadensis)</td>
<td>Threatened</td>
<td></td>
<td>No. Habitat not present. Prefers lakes or rivers.</td>
</tr>
<tr>
<td>Western prairie fringed orchid</td>
<td>Threatened</td>
<td></td>
<td>No. Occur in wet, unplowed, tall-grass prairies or meadows, but have nee found in old fields and roadside ditches.</td>
</tr>
<tr>
<td>Whooping crane (Grus Americana)</td>
<td>Endangered</td>
<td>Endangered</td>
<td>Yes, but unlikely. Potential migrant throughout most of the state. Winters in coastal marshes.</td>
</tr>
</tbody>
</table>

Additional information, referred to as an Information for Planning and Consultation (IPaC) report, dated October 15, 2018 (Appendix B) provides lists of endangered species, critical habitat, migratory birds, wildlife refuges, and wetlands under the USFWS jurisdiction that are known or expected to be on or near the project area.

3.5.2 Environmental Consequences
3.5.2.1 No Action Alternative
Under the No Action Alternative, there would be no additional impacts on vegetation, wildlife, migratory birds, or threatened and endangered species or their habitat.

3.5.2.2 Preferred Alternative: Cemetery Expansion
The USFWS stated that it would be unlikely that the Proposed Action would result in adverse impact to federally protected, threatened or endangered species, or to any critical habitat designated for such species.

The bald eagle and the whooping crane could potentially be found on Fort McPherson National Cemetery property during migration. These are migratory species and unlikely visitors to the cemetery. There are no known bald eagle nests within the cemetery.

To avoid adverse effects on migratory birds from the Proposed Action, site preparation activities within the native vegetated areas would occur outside of the nesting season (typically mid-February through September) or the area would be surveyed for nesting birds prior to site preparation activities. If active nests are encountered, the nests would be protected until the young have fledged.

3.6 Socioeconomics

3.6.1 Affected Environment
Until 2016, the Fort McPherson National Cemetery was the only National Cemetery in Nebraska, and the cemetery served veterans throughout the state and surrounding areas. The cemetery still anticipates servicing the needs of veterans throughout the state especially in the western portion of the Nebraska and surrounding states. The U.S. Census estimates show that in 2016, there are 127,340 veterans living in Nebraska. In addition to these veterans, eligible dependents could be buried at the cemetery.

3.6.2 Environmental Consequences

3.6.2.1 No Action Alternative
Under the No Action Alternative, after the remaining burial sites are utilized at the Fort McPherson National Cemetery, veterans and their eligible dependents would seek other options. The closest national cemetery, Omaha National Cemetery, is approximately 286 miles away. Veterans and their families would be required to travel substantial distances, resulting in minor to moderate adverse impacts on veterans and their families.

3.6.2.2 Preferred Alternative: Implement Expansion
Under the Preferred Alternative, there would be temporary, minor, beneficial impacts associated with the planned construction and repairs. Temporary, minor, beneficial impacts in the form of jobs and income for area residents, revenues to local businesses, and sales taxes to the State
of Nebraska and local municipalities could be realized if construction materials are purchased locally or local construction workers are hired for land preparation and construction. Additional employees could be hired for maintaining or working at the proposed cemetery expansion property.

### 3.7 Cumulative Impacts

Cumulative impacts are defined as the impacts on the environment or resources that result from the incremental impact of the Proposed Action when added to other past, present, and reasonably foreseeable future actions. The primary cumulative impacts include those associated with the increased development of land used for agricultural purposes. Development of the Proposed Action would occur in a phased manner over the next 50+ years, with the initial phase of development planned to be initiated in approximately 3 years. The Proposed Action site would remain as agricultural land until development. Other reasonably foreseeable impacts are not anticipated.

### 3.8 Potential for Generating Substantial Controversy

Controversy from implementation of the Proposed Action is not anticipated. The landowner is willing to provide for land for the cemetery expansion. The cemetery expansion would fit harmoniously with the existing aesthetics. Additionally, the veteran community would continue to be served for the future generations.

There could be controversy if the Proposed Action is not undertaken. Once the cemetery is filled, veterans and their families would be required to travel substantial distances to other VA cemeteries if they wish to utilize a VA national cemetery.


4.0 COMMENTS AND COORDINATION

The VA invites public participation in the NEPA process. Consideration of the views and information of all interested persons promotes open communication and enables better decision making. Public participation opportunities with respect to the EA, as well as decision making on the Proposed Action, are guided by 38 CFR Part 26.

Coordination letters were sent to the following agencies, and the responses received are provided in Appendix B:

- U.S. Fish and Wildlife Service (USFWS)
- U.S. Environmental Protection Agency (USEPA)
- U.S. National Park Service (NPS)
- Nebraska Natural Resource Conservation Service (NRCS)
- Nebraska Department of Environmental Quality (NDEQ)
- Nebraska Game and Parks Commission (NGPC)
- Nebraska State Historical Preservation Office (NeSHPO)
- Native American Tribes

4.1 Native America Tribes

The VA contacted the following 12 Native American Tribes to describe the proposed project and provide the opportunity for comments. Responses from the Tribes are attached in Appendix B.

- Apache Tribe of Oklahoma,
- Arapaho Tribe of the Wind River Reservation, Wyoming
- Cheyenne and Arapaho Tribes
- Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
- Crow and Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
- Ogala Sioux Tribe
- Pawnee Nation of Oklahoma
- Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
- Santee Sioux Nation, Nebraska
- Standing Rock Sioux Tribe of North & South Dakota

The Apache Tribe of Oklahoma responded by email dated September 19, 2018 that Bob Komardley is the chairman and has been for over two years (Appendix B).
The Crow Creek Sioux Tribe responded by email dated September 4, 2018 indicating that they would like to be notified in the event of an inadvertent discovery of remains and artifacts associated with the find (Appendix B).

The Cheyenne and Arapaho Tribes responded by email dated August 23, 2018 and requested to have a mailing address on the project information/letters sent to the Tribe and to update the VA records to include Max Bear as the current THPO for the Tribe. As requested and on the same day, August 23, 2018, the VA’s records were updated to include Max Bear, and the mailing address was provided to the Tribe and Max Bear (Appendix B).

The Northern Cheyenne Tribe (Kristina Quaempts) responded by email dated September 13, 2018 with a Consultation Request, which included a request for survey and a copy of draft EA. The Consultation Request also requested documents for future projects, if possible, to include the SHPO letter of determination with a file search, any reports (Class I, II, and III, a minimum of a Class I with JPEG pictures and maps), a legal description (UTMs, Townships, Address), project-reference name and number, and contact person. Additional correspondence was not conducted (Appendix B).

The Northern Cheyenne Tribe (Teanna Limpy) also responded by email dated September 26, 2018 and requested survey reports previously conducted in areas associated with the land acquisition and cemetery (Appendix B). Additional correspondence was not conducted.
5.0 CONCLUSIONS

Implementation of the Proposed Action would have negligible adverse impacts on the natural and human environments. The Proposed Action would result in beneficial impacts on the human environment by allowing Fort McPherson National Cemetery to continue to serve the Fort McPherson veteran community for many more years.

Potential environmental impacts of the Preferred Alternative and the No Action Alternative would be those primarily associated with the ground disturbance required to construct the pre-placed crypts, ossuary, columbaria, memorial wall, and parking lot.

Per CEQ guidance (40 CFR, Part 1502.7[3]), only those resources that have the potential to be impacted by the Proposed Action or any of the alternatives considered are analyzed in this EA. The resources that have no potential for impact are the following: Aesthetics, Air Quality, Floodplains and Coastal Zone Management, Noise, Community Services, Solid and Hazardous Materials, Transportation and Parking, Utilities, Wetlands, and Environmental Justice.

Table 5-1 presents a summary of the impacts expected to occur under each alternative.

<table>
<thead>
<tr>
<th>Resource</th>
<th>No Action Alternative</th>
<th>Preferred Alternative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultural Resource</td>
<td>No change or adverse effects on cultural resources would occur.</td>
<td>No adverse impact on historic properties and a determination of No Historic Properties Affected. NeSHPO requested to be notified for comment and review before any ground disturbing activities are slated to occur.</td>
</tr>
<tr>
<td>Land Use and Zoning</td>
<td>No change or adverse effects on land use would occur.</td>
<td>A Conditional-Use Permit request would be required to change the zoning; however, no adverse effects on land use would occur.</td>
</tr>
<tr>
<td>Soils</td>
<td>No adverse effects on soils would occur.</td>
<td>Temporary and negligible effects on soils would occur during development. BMPs would be used to control soil erosion. Permits would be needed for construction.</td>
</tr>
<tr>
<td>Hydrology and Water Quality</td>
<td>No adverse effects on hydrology or water quality would occur.</td>
<td>No adverse effects on hydrology or water quality are anticipated for burials in unsaturated soils. Minor effects may be possible if groundwater would interact with interment sites. BMPs would be used to control soil erosion during construction. Permits would be obtained prior to construction.</td>
</tr>
<tr>
<td>Wildlife and Habitat</td>
<td>No adverse effects on vegetation, wildlife, or threatened and endangered species would occur.</td>
<td>No adverse effects on vegetation, wildlife, or threatened and endangered species would occur. Appropriate mitigation would be taken to avoid adverse effect on migratory birds.</td>
</tr>
<tr>
<td>Resource</td>
<td>No Action Alternative</td>
<td>Preferred Alternative</td>
</tr>
<tr>
<td>---------------------------</td>
<td>----------------------------------------------------------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Socio-economics</td>
<td>Minor to moderate adverse effects would occur because interment services would be eliminated. This would require that veterans and their families travel long distances if they wished to be services by a VA cemetery.</td>
<td>No adverse effects on socioeconomics would occur. Services to veterans and their families would continue. Temporary, minor, beneficial effects would occur during construction and maintenance as local expenditures on labor, fuel, and food would occur.</td>
</tr>
<tr>
<td>Cumulative Effects</td>
<td>No adverse cumulative effects would occur.</td>
<td>No adverse cumulative effects would occur.</td>
</tr>
<tr>
<td>Potential for generating substantial controversy</td>
<td>There is a potential for controversy when the existing cemetery has no room. The veterans and their families be required to travel substantial distances to other VA cemeteries.</td>
<td>Property owner are in favor of providing land for the cemetery expansion. Additional information was requested by The Northern Cheyenne Tribe before they would provide comment:</td>
</tr>
</tbody>
</table>
6.0 LIST OF PREPARERS

The following people were primarily responsible for the preparation of this EA.

<table>
<thead>
<tr>
<th>Name</th>
<th>Agency / Organization</th>
<th>Discipline / Expertise</th>
<th>Experience</th>
<th>Role in Preparing EA</th>
</tr>
</thead>
<tbody>
<tr>
<td>David Jordan</td>
<td>Terracon Consultants</td>
<td>Geology, Hydrogeology and NEPA Studies</td>
<td>24 years of NEPA and Environmental Studies</td>
<td>Project Manager and EA Preparation</td>
</tr>
<tr>
<td>Ginger Horn</td>
<td>Terracon Consultants</td>
<td>NEPA/Natural Resource Management</td>
<td>30 years of EA and EIS preparation and review</td>
<td>Senior Project Manager and EA review</td>
</tr>
<tr>
<td>Jessica Engelbart</td>
<td>Terracon Consultants</td>
<td>NEPA Specialist</td>
<td>6 years of Natural Resources and NEPA studies</td>
<td>EA preparation and analysis</td>
</tr>
<tr>
<td>Phil Lind</td>
<td>Terracon Consultants</td>
<td>Biology</td>
<td>3 years of Wetland Delineation</td>
<td>Wetlands</td>
</tr>
<tr>
<td>Ed Brodnicki</td>
<td>Terracon Consultants</td>
<td>Cultural Resources Archaeology</td>
<td>35 years of Archaeology Surveys and Management</td>
<td>Cultural resources review</td>
</tr>
<tr>
<td>Patti Iske</td>
<td>Terracon Consultants</td>
<td>AutoCAD and GIS Graphics</td>
<td>20 years of GIS/graphics experience</td>
<td>GIS analysis and graphics</td>
</tr>
</tbody>
</table>
7.0 LIST OF ACRONYMS AND ABBREVIATIONS

Table 7.1. List of Acronyms and Abbreviations

<table>
<thead>
<tr>
<th>Abbreviation / Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>BMP</td>
<td>Best Management Practice</td>
</tr>
<tr>
<td>CEQ</td>
<td>Council on Environmental Quality</td>
</tr>
<tr>
<td>CFR</td>
<td>Code of Federal Regulations</td>
</tr>
<tr>
<td>CERCLIS</td>
<td>Comprehensive Environmental Response, Compensation, and Liability Information System</td>
</tr>
<tr>
<td>CGP</td>
<td>Construction General Permit</td>
</tr>
<tr>
<td>DOD</td>
<td>Department of Defense</td>
</tr>
<tr>
<td>DC</td>
<td>District of Columbia</td>
</tr>
<tr>
<td>EA</td>
<td>Environmental Assessment</td>
</tr>
<tr>
<td>EIS</td>
<td>Environmental Impact Statement</td>
</tr>
<tr>
<td>ESA</td>
<td>Endangered Species Act of 1973</td>
</tr>
<tr>
<td>ESA</td>
<td>Phase 1 Environmental Site Assessment</td>
</tr>
<tr>
<td>FEMA</td>
<td>Federal Emergency Management Agency</td>
</tr>
<tr>
<td>FPPA</td>
<td>Farmland Protection Policy Act of 1981</td>
</tr>
<tr>
<td>GIS</td>
<td>Geographic Information System</td>
</tr>
<tr>
<td>IPaC</td>
<td>Information for Planning and Consultation</td>
</tr>
<tr>
<td>LWCF</td>
<td>Land and Water Conservation Funds</td>
</tr>
<tr>
<td>MBTA</td>
<td>Migratory Bird Treaty Act</td>
</tr>
<tr>
<td>NAAQS</td>
<td>National Ambient Air Quality Standards</td>
</tr>
<tr>
<td>NCA</td>
<td>National Cemetery Administration</td>
</tr>
<tr>
<td>NEPA</td>
<td>National Environmental Policy Act of 1969</td>
</tr>
<tr>
<td>NHL</td>
<td>National Historic Listing</td>
</tr>
<tr>
<td>NPDES</td>
<td>National Pollution Discharge Elimination System</td>
</tr>
<tr>
<td>NPS</td>
<td>National Park Service</td>
</tr>
<tr>
<td>NRHP</td>
<td>National Register of Historic Places</td>
</tr>
<tr>
<td>NRCS</td>
<td>Natural Resource Conservation Service</td>
</tr>
<tr>
<td>NDEQ</td>
<td>Nebraska Department of Environmental Quality</td>
</tr>
<tr>
<td>NDNR</td>
<td>Nebraska Department of Natural Resources</td>
</tr>
<tr>
<td>NGPC</td>
<td>Nebraska Game and Parks Commission</td>
</tr>
<tr>
<td>NeSHPO</td>
<td>Nebraska State Historic Preservation Office</td>
</tr>
<tr>
<td>RECs</td>
<td>Recognized Environmental Conditions</td>
</tr>
<tr>
<td>SHPO</td>
<td>State Historic Preservation Office</td>
</tr>
<tr>
<td>THPO</td>
<td>Tribal Historic Preservation Officer</td>
</tr>
<tr>
<td>USACE</td>
<td>United States Army Corps of Engineers</td>
</tr>
<tr>
<td>USC</td>
<td>United States Code</td>
</tr>
<tr>
<td>USDA</td>
<td>United States Department of Agriculture</td>
</tr>
<tr>
<td>USEPA</td>
<td>United States Environmental Protection Agency</td>
</tr>
<tr>
<td>USFWS</td>
<td>United States Fish and Wildlife Service</td>
</tr>
<tr>
<td>USGS</td>
<td>United States Geological Survey</td>
</tr>
<tr>
<td>VA</td>
<td>United States Department of Veterans’ Affairs</td>
</tr>
<tr>
<td>WOUS</td>
<td>Waters of the United States</td>
</tr>
</tbody>
</table>
APPENDIX A - EXHIBITS
APPENDIX B - CORRESPONDENCE
Exhibit 2a. NDNR Floodplain Map
Fort McPherson National Cemetery Expansion
Maxwell, Nebraska
Exhibit 3. Soil Map
Fort McPherson National Cemetery Expansion
Maxwell, Nebraska

Soil Map may not be valid at this scale.
### Map Legend

**Area of Interest (AOI)**
- Area of Interest (AOI)

**Soils**
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

**Special Point Features**
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Special Point Features

**Water Features**
- Streams and Canals

**Transportation**
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

**Background**
- Aerial Photography

### Map Information

The soil surveys that comprise your AOI were mapped at 1:24,000.

**Warning:** Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

**Source of Map:** Natural Resources Conservation Service

**Web Soil Survey URL:**

**Coordinate System:** Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

**Soil Survey Area:** Lincoln County, Nebraska

**Survey Area Data:** Version 17, Sep 13, 2018

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

**Date(s) aerial images were photographed:** Aug 17, 2014—Nov 12, 2016

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.
## Map Unit Legend

<table>
<thead>
<tr>
<th>Map Unit Symbol</th>
<th>Map Unit Name</th>
<th>Acres in AOI</th>
<th>Percent of AOI</th>
</tr>
</thead>
<tbody>
<tr>
<td>6337</td>
<td>Lawet silt loam, drained, occasionally flooded</td>
<td>22.6</td>
<td>66.8%</td>
</tr>
<tr>
<td>8567</td>
<td>Platte-Alda complex, occasionally flooded</td>
<td>7.7</td>
<td>22.8%</td>
</tr>
<tr>
<td>8815</td>
<td>Cozad silt loam, 0 to 1 percent slopes</td>
<td>3.5</td>
<td>10.5%</td>
</tr>
<tr>
<td><strong>Totals for Area of Interest</strong></td>
<td></td>
<td><strong>33.8</strong></td>
<td><strong>100.0%</strong></td>
</tr>
</tbody>
</table>
Water Levels Recorded in Soil Borings During Drilling (Day After Drilling)

5ft. (4ft.)
B-2

5ft. (3.5 ft.)
B-1

5ft. (4.5 ft.)
B-3

8ft. (8 ft.)
B-4

8ft. (9 ft.)
B-5

DIAGRAM IS FOR GENERAL LOCATION ONLY, AND IS NOT INTENDED FOR CONSTRUCTION PURPOSES

AERIAL PHOTOGRAPHY PROVIDED BY MICROSOFT BING MAPS
GeoModel
Fort McPherson National Cemetery Expansion
Maxwell, NE
8/29/2018
Terracon Project No. A3185048

This is not a cross section. This is intended to display the Geotechnical Model only. See individual logs for more detailed conditions.

<table>
<thead>
<tr>
<th>Model Layer</th>
<th>Description</th>
<th>General Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Lean Clay</td>
<td>Soft, trace sand to sandy</td>
</tr>
<tr>
<td>2</td>
<td>Silt</td>
<td>Soft to stiff, trace sand</td>
</tr>
<tr>
<td>3</td>
<td>Lean to Fat Clay</td>
<td>Soft, trace sand</td>
</tr>
<tr>
<td>4</td>
<td>Sand</td>
<td>Loose, medium to coarse grained</td>
</tr>
</tbody>
</table>

Legend

USCS Soil Classification

- Lean Clay
- Silt
- Poorly-graded Sand
- Lean Clay/Fat Clay
- Sandy Lean Clay

First Water Observation
Second Water Observation
Final Water Observation

Groundwater levels are temporal. The levels shown are representative of the date and time of our exploration. Significant changes are possible over time. Water levels shown are as measured during and/or after drilling. In some cases, boring advancement methods mask the presence/absence of groundwater. See individual logs for details.

Notes:
Layering shown on this figure has been developed by the geotechnical engineer for purposes of modeling the subsurface conditions as required for the subsequent geotechnical engineering for this project. Numbers adjacent to soil column indicate depth below ground surface.
Mr. Philip Lind  
Terracon  
15080 A Circle  
Omaha, Nebraska 68144  

RE: NWO-2018-01554-WEH  

Dear Mr. Lind:  

We have reviewed the information for the above-referenced project received in this office on August 29, 2018. The project involves the expansion of Fort McPherson National Cemetery. The project is located at approximately 41.0279°, -100.5258°, in Section 9, Township 12 North, Range 28 West, Lincoln County, Nebraska.  

An approved jurisdictional determination (JD) has been completed and is attached documenting the proposed discharge site is comprised wholly of dry land. The JD will posted on our website at http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska/JurisdictionalDetermination.aspx. The JD will be available on the website within 30 days. If you are not in agreement with the JD, you may request an administrative appeal under U.S. Army Corps of Engineers regulations found at 33 C.F.R. 331. The Request for Appeal must be received within 60 days from the date of this correspondence. If you would like more information on the jurisdictional appeal process, contact this office. It is not necessary to submit a Request for Appeal, if you do not object to the JD.  

This jurisdictional determination remains valid for five years, unless new information warrants revision of the determination before the expiration date.  

Based on the information provided we have determined that the project will not involve a regulated discharge of dredged or fill material under Section 404 of the Clean Water Act. Therefore, the activity is not subject to Department of the Army (DA) regulatory authorities and no permit pursuant to Section 404 is required from the U.S. Army Corps of Engineers.  

If, in the future, you plan to place fill material in any waters of the United States please provide this office with an application for review for possible permit requirements.  

Although a DA permit is not required for this project, this does not eliminate the requirement that you obtain any other applicable Federal, State, Tribal or local permits as required.  

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at http://corpsmap.usace.army.mil/cm_apex/f?p=regulatory_survey. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.
If you have any questions regarding this determination, please contact Sarah Pedrick at the above address, e-mail at sarah.d.pedrick@usace.army.mil, or call (402) 896-0896 and refer to file number NWO-2018-01554-WEH.

Sincerely,

John L. Moeschen
Nebraska State Program Manager

Enclosures
This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION
A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): October 11, 2018
B. DISTRICT OFFICE, FILE NAME, AND NUMBER: Omaha District, NWO-2018-01554-WEH
C. PROJECT LOCATION AND BACKGROUND INFORMATION:
   State: Nebraska  County/parish/borough: Lincoln  City: Maxwell
   Center coordinates of site (lat/long in degree decimal format): Lat. 41.0279 °, Long. -100.5258°
   Universal Transverse Mercator: 14
   Name of nearest waterbody: Platte River
   Name of watershed or Hydrologic Unit Code (HUC): Fremont Slough-Platte River

☐ Check if map/diagram of review area is available upon request.
☒ Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):
   ☑ Office (Desk) Determination. Date: October 11, 2018
   ☒ Field Determination. Date(s): Click here to enter a date.

SECTION II: SUMMARY OF FINDINGS
A. RHA SECTION 10 DETERMINATION OF JURISDICTION.
   There are no “navigable waters of the U.S.” within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area.

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.
   There are no “waters of the U.S.” within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area.

SECTION III: DATA SOURCES.
A. SUPPORTING DATA. Data reviewed for JD (check all that apply) - checked items shall be included in case file and, where checked and requested, appropriately reference sources below:
   ☑ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: Philip Lind
   ☐ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
     ☑ Office concurs with data sheets/delineation report.
     ☒ Office does not concur with data sheets/delineation report.
   ☒ Data sheets prepared by the Corps: Click here to enter text.
   ☑ USGS NHD data.
   ☐ USGS 8 and 12 digit HUC maps.
   ☑ U.S. Geological Survey map(s). Cite scale & quad name: Maxwell, NE NAD83/WGS84, 1:24,000
   ☐ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS Web Soil Survey (WSS)
   ☐ National wetlands inventory map(s). Cite name: USFWS Wetlands and Riparian KMZ
   ☒ State/local wetland inventory map(s): Click here to enter text.
   ☒ FEMA/FIRM maps:
   ☒ 100-year Floodplain Elevation is: Click here to enter text. (National Geodetic Vertical Datum of 1929)
   ☑ Photographs: ☑ Aerial (Name & Date): Google Earth, 1993-2018
     or ☐ Other (Name & Date): P. Lind, 2018
   ☐ Previous determination(s). File no. and date of response letter:
   ☐ Applicable/supporting case law: Click here to enter text.
   ☐ Applicable/supporting scientific literature: Click here to enter text.
   ☐ Other information (please specify):

B. REQUIRED ADDITIONAL COMMENTS TO SUPPORT JD. EXPLAIN RATIONALE FOR DETERMINATION THAT THE REVIEW AREA ONLY INCLUDES DRY LAND: Based on review of resources, including WSS, topo maps, NWI maps, Google Earth kmz layers, and other resources, no potential aquatic resources exist within the project area. There are no aquatic resources or potential aquatic resources in the review area that would warrant the application of a wetland delineation, significant nexus analysis, navigability determination, and/or delineation of the ebb and flow of the tides. There are no features that have lateral limits of jurisdiction (e.g., OHWM). The review area is comprised entirely of dry land.

1 This form is for use only in recording approved JDS involving dry land. It extracts the relevant elements of the longer approved JD form in use since 2007 for aquatic areas and adds no new fields.
NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

<table>
<thead>
<tr>
<th>Applicant: Philip Lind</th>
<th>File Number: 2018-01554-WEH</th>
<th>Date: Oct. 11, 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>Attached is:</td>
<td></td>
<td>See Section below</td>
</tr>
<tr>
<td>INITIAL PROFERRED PERMIT (Standard Permit or Letter of permission)</td>
<td>A</td>
<td></td>
</tr>
<tr>
<td>PROFERRED PERMIT</td>
<td></td>
<td>B</td>
</tr>
<tr>
<td>PERMIT DENIAL</td>
<td></td>
<td>C</td>
</tr>
<tr>
<td>X APPROVED JURIS DICTIONAL DETERMINATION</td>
<td>D</td>
<td></td>
</tr>
<tr>
<td>PRELIMINARY JURIS DICTIONAL DETERMINATION</td>
<td>E</td>
<td></td>
</tr>
</tbody>
</table>

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found in Corps regulations at 33 CFR Part 331, or at [http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgram/Permits/FederalRegulation.aspx](http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgram/Permits/FederalRegulation.aspx)

A: INITIAL PROFERRED PERMIT: You may accept or object to the permit.

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFERRED PERMIT: You may accept or appeal the permit

- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.

- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.

- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.
SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFERRED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

If you only have questions regarding the appeal process you may also contact:
Melinda M. Witgenstein
Regulatory Appeals Review Officer
US Army Corps of Engineers
Northwestern Division
Post Office Box 2870
Portland, OR 97208-2870
Office: (503)808-3888

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.
Maina Gakure  
Really Specialist/Project Manager  
U.S. Department of Veterans Affairs  
Office of Real Property  
Washington, DC 20001  

August 28, 2018

RE: HP# 1808-064-01; Proposed U.S. Department of Veterans Affairs (VA) – National Cemetery Administration (NCA) Land Acquisition Project – Fort McPherson National Cemetery Expansion. Sect 9, T12N, R28W, Lincoln County

Dear Ms. Gakure,

Thank you for submitting the information for the above referenced project for Nebraska State Historic Preservation Office (NeSHPO) review and comment under Section 106 of the National Historic Preservation Act of 1966, as amended in 2014 (Title 54 U.S.C. § 306108 [formerly 16 U.S.C. § 470f]), and its implementing regulations at 36 CFR§800.

According to the information provided along with a check of NeSHPO records, the proposed property to be acquired by the VA and NCA does not contain currently identified cultural resources. However, there are previously identified prehistoric and historic archeological sites identified south of the proposed property boundary. Since, it is unlikely that this project will directly impact prehistoric or historic cultural resources listed on the National Register of Historic Places or eligible for such a listing, a determination of no historic properties affected is appropriate for this undertaking and the project should continue as planned.

However, while the NeSHPO has no immediate issue with the acquisition of this property, if in the future any ground disturbing activities are slated to occur within the entire property boundary, this Office requests to be notified beforehand for comment and review.

Be advised that this determination does not necessarily reflect the opinion of Native American Tribes that may have an interest in the area, nor does it to pertain to Traditional Cultural Properties, if they exist in the area.

Please submit this letter to the project’s lead federal agency to fulfill the statutory obligation of Section 106 consultation with the Nebraska State Historic Preservation Office. Should you have any questions regarding this determination, please contact this office by phone (402-471-2609) or email (John.Rissetto@nebraska.gov).

Sincerely,

John Rissetto, Ph.D.  
Preservation Archeologist
LINCOLN COUNTY
CONDITIONAL USE APPLICATION AND INSTRUCTIONS

Prior to submitting a Conditional Use request, the applicant shall complete all the following required documents and submit the documents to the Lincoln County Planning Department at 211 West Third Street, North Platte, Nebraska.

1. The property owner must complete and sign an application provided at the Lincoln County Planning Department at least twenty (20) days prior to the next regularly scheduled County Planning Commission meeting. The attached application will include Form A - General Information, Form B - Justification, Form C - Site Plan, and Form D - List of property owners within 300' of the outer limits of said Conditional Use Permit.

2. At the time of filing said application, the applicant shall provide the names, addresses, and legal descriptions of all owners of any land located within 300' of the outer limits of said area to which the applicant desires a Conditional Use Permit. The 300 foot distance will commence on the opposite side of any public way abutting said area.

3. The applicant must supply the Planning Department with a copy of their deed and a copy of a cadastral map showing the area and a distance of at least 400' surrounding said area.

4. Certificate of Ownership (usually a copy of the owner's deed is sufficient certification of ownership).

5. Filing Fee. $200.00 plus cost of certified mail plus $0.50 per name filing fee made out to the Lincoln County Treasurer.

6. Power of Attorney. Form A must be signed by the title holder or authorized agent. A power of attorney certification must be attached to said form if signed by an authorized agent.

7. The Lincoln County Joint Planning Commission meets the second Tuesday of each month in the Lincoln County Board of Commissioner's Room in the Lincoln County Court House.
FORM A
LINCOLN COUNTY JOINT PLANNING COMMISSION
** CONDITIONAL USE APPLICATION **
Please Type or Print

1. Date________________________

2. Applicant’s Name ________________________________

   Address __________________________________________
   ___________________________ Phone Number ____________

3. Legal Description of property being proposed for a Conditional Use Permit.
   a. Attach Deed
   b. Section ______, Township _______ N, Range _______ W
   c. Lot ______, Block ______, Subdivision _______________________
   d. Address or location of property being considered for Conditional Use ____________

4. Flood Plain: Yes_______ No______

5. Present Zoning ________ School District ________________ Total acres ____________

6. Present use of property ______________________________________

7. Conditional Use for _______________________________________

8. Submit with application adjoining property owners within 300 feet: names, addresses, legal descriptions. Copy of applicant’s deed and cadastral map. (Names of property owners, legal descriptions, addresses, deed and cadastral map can be found at cadastral maps in the Lincoln County Assessor’s office or at the Register of Deeds’ office.)

9. What are adjoining properties actual use, including district zoning.

   North ___________________________ South ____________________

   East ___________________________ West ______________________

Signature of Owner __________________________ Signature of Owner __________________________

Signature of Authorized Agent __________________________
FORM B

LINCOLN COUNTY JOINT PLANNING COMMISSION

JUSTIFICATION

Questions 1 through 7 must be answered completely. On a separate sheet of paper, type out each question and answer.

1. What use is to be made of the area in question?

2. Explain the need for the proposed use in the area.

3. Will it be necessary to build a new structure or structures?

4. Will the proposed use increase traffic in the area? If so, will an increase in traffic be detrimental to the adjoining properties and are existing county roads adequate to carry an increase in traffic? (A signed statement from the Lincoln County Road Superintendent must be submitted as a part of question No. 4).

5. Is the area presently served by a similar type of zone and use?

6. How will surrounding property values be maintained or increased?

7. Explain in detail your intentions for the operation of the proposed Conditional Use Permit. This may include times of operation, maximum number of customers expected at one time, maximum number of vehicles expected at one time, percent of area to be used for retail, wholesale, service, and storage. Will all business activities be conducted inside a building or will part or all of the activities be conducted outside of a building? If so, what provisions will be provided to screen the area? Explain any other details that may help the Planning Commission determine if said Conditional Use Permit should be allowed in said area.
FORM C
LINCOLN COUNTY
SITE PLAN REQUIREMENTS

The following represents the guidelines regarding site plan, landscaping plans and topography plans required for change in Zoning, Conditional Use Permits and Variances.

Landscaping and topography data may be shown on the site plan if a clear and thorough plan can be presented. Otherwise, said data must be shown on separate sheets. The site plan may be drawn by the applicant if a clear and precise plan is submitted for single families, two families and general agricultural uses. For multiple family dwellings, commercial uses, commercial agricultural uses, and industrial uses it will require plans drawn by a qualified engineer, architect or surveyor.

1. Legal description of building property.

2. Date, scale, north point.


4. Exact dimension of the exterior boundaries of the land being built on.

5. Location data (sufficient information to easily identify the specific location of the property to be built on including street names, county road numbers, land sections, etc.)

6. Show exact location and dimensions of all existing streets, county roads, alleys, and easements.

7. Location of nearest utilities (water, sewer, power, gas, etc).

8. Show exact location and dimensions of all proposed and existing buildings.

9. Show exact square footage of each building (existing and proposed).

10. Show exact number of seats in each room (for restaurant or similar use).

11. Show what each building is to be used for (existing and proposed).

12. Show exact location and dimensions of all sidewalks, driveways, etc.

13. Designate type and depth of surfacing on vehicular use areas.

14. Show exact location of access entrances to property from public streets, county roads, alleys, etc.

15. Show exact location and dimensions of access entrances to parking stalls, garages, service entrances, etc.

16. Show exact location and dimensions of each parking stall.

17. Designate handicapped parking stalls with appropriate markings and dimensions.
18. Show the location of all existing buildings, fences, etc. abutting the exterior boundaries of the land being built on, if applicable.

**Topography**

The site plan must show the overall grading and drainage course, if applicable.

**Landscaping**

Landscaping shall be installed in accordance with Article XII of Lincoln County's Zoning Regulations (see attached).

**Minimum Parking Standards**

The following are the minimum size parking stalls and aisle width for parking lots.

- Parallel: 
  \[ N = \frac{L}{22}, \quad L = \text{curb length} \]

- 30°: 
  \[ N = \frac{L - 7.8}{17} \]

- 45°: 
  \[ N = \frac{L - 6.7}{9.8} \]

- 60°: 
  \[ N = \frac{L - 6.7}{12} \]

- 90°: 
  \[ N = \frac{L}{8.5} \]

- D = 18', W = 8.5'
- D = 18', W = 24'
- Unit parking depth = 60'
SITE PLAN
SAMPLE SHEET
FOR
RESIDENTIAL AND AGRICULTURAL

ROAD OR STREET NAME

SCALE 1'=

LEGAL DESCRIPTION
LOT, BLOCK AND SUBDIVISION
SECTION TOWNSHIP AND RANGE

DATE ________
ARTICLE XII

LANDSCAPING REQUIREMENTS

12.1 OPEN AREAS, DRAINAGE, NUISANCES

The open, unpaved areas of each property shall be graded to provide for the adequate drainage of all storm water and shall be free of hazards, nuisances or unsanitary conditions.

12.2 ATTRACTIVE APPEARANCE REQUIRED

Open, unpaved areas shall be appropriately landscaped to provide an attractive appearance to enhance the character of the neighborhood.

12.3 VEGETATION

No vegetation shall overhang a public street or sidewalk or obstruct views of pedestrian and vehicular movements.

12.4 DISTRICT BORDERS

Where districts "R-P", "M-P", "C-S", "I-P", "I-1" and "I-2" adjoin any residential district, they shall be appropriately separated by a landscaped area of at least ten feet wide and ten feet high OR a decorative architectural screen of at least six feet high.

12.5 SEPARATION OF PARKING AREAS

Parking areas abutting public walkways or streets shall be appropriately separated by a landscaped area or a decorative architectural screen. The landscaped area or architectural screen shall not exceed four feet in height.
FORM D

LINCOLN COUNTY

List of property owners within 300 feet of property involved.

Please include Street Address, City, State and Zip (North Platte can be abbreviated N.P.)

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<thead>
<tr>
<th>PROPERTY OWNER</th>
<th>LEGAL DESCRIPTION</th>
<th>MAILING ADDRESS</th>
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</table>
GENERAL INSTRUCTIONS FOR COMPLETING CONDITIONAL USE APPLICATION

1. Each item on Forms A and B must be completely answered or the application will not be processed for public hearing. The authority to determine the completeness of an application rests with the Planning Department. Therefore, it is of prime importance to you that all items and questions be completed in full before submission to the Planning Department.

2. Legal description of the property for the Conditional Use Permit. Since this description is advertised in the legal section of the North Platte Telegraph, the description of the lots, blocks and subdivision must be correct and all metes and bounds descriptions must close.

3. Form A must be signed by the title holder or authorized agent of the property proposed for the Conditional Use Permit. If it is signed by the authorized agent, the power of attorney certification must be attached to said form, or other proof to the satisfaction of the Planning Department.

4. Each question on Form B must be answered completely before the application will be processed for public hearing. These questions should be typed and answered to the best of your ability on a separate sheet of paper since the Planning Commission base their decisions on the information available to them.

5. In addition to the information required on Forms A and B, a certificate of ownership is also required.

6. Conditional use applications are considered at public hearings. Consult the Planning Department as to the schedule for the prearranged date, time and meeting place for said hearings.

7. Applications for a conditional use must be accompanied by Filing Fees plus the cost of certified letters plus fifty cents ($.50) per owner that the county is required to notify by certified mail. Due to costs incurred in legal advertising and processing of applications, said Filing Fees shall not be refunded regardless of application approval or disapproval.

8. APPLICANT’S DUTIES – It shall be the sole responsibility of the applicant to justify the need for the requested Conditional Use Permit. The applicant is obligated to present any and all data necessary which will provide the Planning Commission with sufficient material on which they can base a sound and objective decision. The applicant or his representative must be present at the public hearing failure to be present shall constitute sufficient reason to continue the hearing or to deny the request.
ARTICLE VIII

CONDITIONAL USE PERMITS

8.1 Authority to grant Conditional Use Permits:

As provided by Nebraska Statute the Lincoln County Planning and Zoning Commission shall have the exclusive authority to grant conditional use permits.

8.2 Limitations of Authority:

The Planning Commission may only grant those conditional uses that are specifically set out in these regulations.

8.3 Special Requirements:

The Lincoln County Planning and Zoning Commission may require special conditions or requirements to be met by the property owners before a conditional use permit or land use permit is authorized. The issuance of a use permit or land use permit may be made subject to and conditional upon the continued and constant maintenance of the special conditions or requirements required by the Commission during the existence of the conditional use permit. Failure to maintain the special conditions or requirements, when the maintenance is required, acts to terminate the use permit or land use permit.

8.4 Procedure for granting a Conditional Use Permit:

The following procedure shall be followed in applying for and receiving a conditional use permit:

(1) The property owner must complete an application provided by the Planning Director and submit the completed application to the Director’s Office at least twenty (20) days prior to the next regularly schedule meeting.

(2) The application is placed on the agenda of the next Planning and Zoning Commission meeting, subject to appropriate notice.

(3) At the time of filing an application for a conditional use permit, the applicant shall pay a filing fee of two hundred dollars ($200.00) plus the cost of certified letters plus $0.50 per owner the County is required to notify by certified mail to the County Treasurer and shall provide names and addresses of all property owners of any land located within 300 feet of the outer limits of said area to which the applicant desires a conditional use permit. Written notice of the application shall be sent to said property owners at least ten days prior to the meeting.
Notice of hearing on Termination of Conditional Use Permit

Upon receipt of information leading the Lincoln County Planning and Zoning Commission to believe that a failure to maintain conditions or requirements which were prerequisites for a conditional use permit, the Commission shall set a hearing date to determine whether there was a failure to maintain and the conditional use should be declared withdrawn and revoked. At least ten days notice should be sent to the conditional use permittee at the address given on the conditional use application or last known address, and to the surrounding property owners.

Termination of Conditional Use Permit:

Before the Lincoln County Planning and Zoning Commission can declare a conditional use permit withdrawn and revoked, the Commission must find by the preponderance of the evidence submitted to the Commission that: (1) special conditions or requirements were required to be maintained by the permittee during the existence of the conditional use permit; and (2) the special conditions or requirements have not been maintained as required.

Minimum Standards:

A conditional use permit shall conform to the intent and purpose of Lincoln County’s Zoning Regulations and the following requirements:

1. The proposed conditional use complies with all applicable provisions of these regulations, including intensity of use regulations, yard regulations and use limitations.

2. The proposed conditional use at the specified location will contribute to and promote the welfare and convenience of the public.

3. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.

4. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:

(a) The location, nature and height of buildings, structures, walls, and fences on the site, and

(b) The nature and extent of landscaping and screening on the site.
5. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations, and such areas will be screened from adjoining residential uses and located so as to protect such residential uses from any injurious effect.

6. Adequate utility, drainage, and other such necessary facilities have been or will be provided.

7. Adequate access roads or entrance and exit drives will be provided and shall be so designed to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

8.8 Concentrated Animal Feeding Operations.

Conditional use permits for concentrated animal feeding operations shall comply with those additional requirements set forth in Article XIV.
October 16, 2018

Dave Jordan
Terracon
15080 A Circle
Omaha, NE 68144

RE: Expansion of Fort McPherson National Cemetery, Lincoln County

Dear Mr. Jordan:

Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information for the proposal identified above. This review was requested pursuant to the National Environmental Policy Act (NEPA).

The proposed project will not impact any NGPC State Park, State Recreation Area, or State Wildlife Management Areas, as none are located in the immediate project area.

The project site looks to be located in an area that has been previously disturbed and lacking native vegetation. The information provided states that the project site is currently agricultural cropland and that no grassland, drainages, or wetlands will be disturbed by the project. Therefore, the project does not appear that it would have any major impacts on fish and wildlife resources.

Based on our review of the information provided, aerial photographs, and the Nebraska Natural Heritage database, the project is located within the range of the state-listed endangered whooping crane (Grus americana) and American burying beetle (Nicrophorus americanus), and state-listed threatened river otter (Lontra canadensis). However, the project area lacks suitable habitat for these species. Therefore, the project is not likely to have adverse impacts on state-listed endangered or threatened species.

For an assessment of potential impacts to habitats and species protected under federal wildlife laws, including federally listed, candidate or proposed endangered or threatened species, please contact Eliza Hines (eliza_hines@fws.gov), Nebraska Field Office, U.S. Fish and Wildlife Service, 9325 South Alda Road, Wood River, Nebraska 68883.

Thank you for opportunity to review this proposal. Please contact me if you have any questions regarding these comments at 402-471-5423 or carey.grell@nebraska.gov.

Sincerely,

Carey Grell
Environmental Analyst Supervisor
Planning and Programming Division
October 17, 2018

David Jordan
Project geologist
Terracon
10841 S. Ridgeview Road
Olathe, KS 66061

RE: LWCF 200305(f)(3) Request for Fort McPherson National Cemetery Expansion, Terracon Project Number: 05187118
NO IMPACT

Mr. David Jordan:

I have reviewed the project plans associated with LWCF 200305(f)(3) Request for Fort McPherson National Cemetery Expansion, Terracon Project Number: 05187118. There does not appear to be any properties associated with LWCF Act, 54 U.S.C. 200305(f)(3) (formerly LWCF Section 6(f)(3)), within the vicinity of the project area. No further action is needed to proceed under LWCF Act, 54 U.S.C. 200305(f)(3). Consider this letter as your permission to continue with the project as outlined in the project plan(s).

Please contact me if you need any additional information or you have any further questions regarding this review. Thank you for the opportunity to review this project.

Sincerely,

Schuyler Sampson
Recreation Planner/ASLO
Phone: 402.471.5283
schuyler.sampson@nebraska.gov
Subject: FPPA response for: Fort McPherson National Cemetery Expansion Project

Date: 10/31/2018

ATTENTION: Dave Jordan - Terracon

I have reviewed the project information regarding the Fort McPherson National Cemetery Expansion Project in Lincoln County, Nebraska for which you requested review of impacts to prime and important farmlands as per the Farmland Protection Policy Act (FPPA). This review only covers FPPA concerns and does not include any other environmental concerns such as wetlands or endangered species. For general conservation concerns or questions relating to wetlands under the jurisdiction of the Food Security Act, contact your county Natural Resources Conservation Service office.

The AD-1006 which you submitted to our office shows that your Part VI section assessment point total is 95. The AD-1006 Farmland Conversion Impact Rating form is based on a point system that has 160 points set as the minimum number of “Total Points” that triggers additional in-depth site reviews. The NRCS evaluation portion Part V is on a scale of 0 to 100 points. In the case with this project, the “Total Points” equate to 145. Thus, NRCS has determined that your project was found to be cleared of FPPA significant concerns. We encourage you to continue to be aware of prime and important farmlands in general and the role they play in current and future projects. I am returning the AD-1006 form to you for your records.

Neil Dominy
USDA
State Soil Scientist
402-437-4113
PART I  (To be completed by Federal Agency)

Federal Agency Involved: Dept of Veterans Affairs

Name of Project: Ft McPherson Cemetery Expansion

Proposed Land Use: Cemetery Expansion

Date Of Land Evaluation Request: 10/29/2018

County and State: Lincoln County, Nebraska

PART II  (To be completed by NRCS)

Date Request Received By NRCS: 10/29/2018

Person Completing Form: Dominy

Does the site contain Prime, Unique, Statewide or Local Important Farmland?

YES  NO

Acres Irrigated: 2.3

Average Farm Size: 1219

Major Crop(s): Corn

Acres: 18

Amount of Farmland As Defined in FPPA:

Acres: 1.3

Name of Land Evaluation System Used: National Commodity Crop Productivity Index

Name of State or Local Site Assessment System: See attachment

Date Land Evaluation Returned by NRCS: 10/31/2018

PART III  (To be completed by Federal Agency)

Alternative Site Rating

Site A Site B Site C Site D

A. Total Acres To Be Converted Directly: 18

B. Total Acres To Be Converted Indirectly: 0

C. Total Acres In Site: 18

PART IV  (To be completed by NRCS)

Land Evaluation Information

A. Total Acres Prime And Unique Farmland: 1.3

B. Total Acres Statewide Important or Local Important Farmland: 0

C. Percentage Of Farmland in County Or Local Govt. Unit To Be Converted: 0%

D. Percentage Of Farmland in Govt. Jurisdiction With Same Or Higher Relative Value: 0%

PART V  (To be completed by NRCS)  Land Evaluation Criterion

Relative Value of Farmland To Be Converted (Scale of 0 to 100 Points)

Maximum Points: 50

PART VI  (To be completed by Federal Agency)  Site Assessment Criteria

(Criteria are explained in 7 CFR 658.5 b. For Corridor project use form NRCS-CPA-106)

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<tr>
<th>Criteria</th>
<th>Maximum Points</th>
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<th>Site B</th>
<th>Site C</th>
<th>Site D</th>
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<td>2. Perimeter In Non-urban Use</td>
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<td>3. Percent Of Site Being Farmed</td>
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<td>4. Protection Provided By State and Local Government</td>
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<td>5. Distance From Urban Built-up Area</td>
<td>(15)</td>
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<td>6. Distance To Urban Support Services</td>
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<td>7. Size Of Present Farm Unit Compared To Average</td>
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<td>8. Creation Of Non-farmable Farmland</td>
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<td>9. Availability Of Farm Support Services</td>
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<td>10. On-Farm Investments</td>
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<tr>
<td>11. Effects Of Conversion On Farm Support Services</td>
<td>(10)</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>12. Compatibility With Existing Agricultural Use</td>
<td>(10)</td>
<td>0</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL SITE ASSESSMENT POINTS</td>
<td>160</td>
<td>95</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

PART VII  (To be completed by Federal Agency)

Relative Value Of Farmland (From Part V): 100

Total Site Assessment (From Part VI above or local site assessment): 160

TOTAL POINTS (Total of above 2 lines): 260

Site Selected: See attachment

Date Of Selection: August 2018

Was A Local Site Assessment Used? YES  NO

Reason For Selection:

The site was selected for continuity with the adjacent Fort McPherson National Cemetery, and was agreeable with the existing property owner.

Name of Federal agency representative completing this form: David Jordan, Terracon Consultants  Date: 10-24-18

Form AD-1006 (03-02)
STEPS IN THE PROCESSING THE FARMLAND AND CONVERSION IMPACT RATING FORM

Step 1 - Federal agencies (or Federally funded projects) involved in proposed projects that may convert farmland, as defined in the Farmland Protection Policy Act (FPPA) to nonagricultural uses, will initially complete Parts I and III of the form. For Corridor type projects, the Federal agency shall use form NRCS-CPA-106 in place of form AD-1006. The Land Evaluation and Site Assessment (LESA) process may also be accessed by visiting the FPPA website, [http://fppa.nrcs.usda.gov/lesa/](http://fppa.nrcs.usda.gov/lesa/).

Step 2 - Originator (Federal Agency) will send one original copy of the form together with appropriate scaled maps indicating location(s) of project site(s), to the Natural Resources Conservation Service (NRCS) local Field Office or USDA Service Center and retain a copy for their files. (NRCS has offices in most counties in the U.S. The USDA Office Information Locator may be found at [http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map](http://offices.usda.gov/scripts/ndISAPI.dll/oip_public/USA_map), or the offices can usually be found in the Phone Book under U.S. Government, Department of Agriculture. A list of field offices is available from the NRCS State Conservationist and State Office in each State.)

Step 3 - NRCS will, within 10 working days after receipt of the completed form, make a determination as to whether the site(s) of the proposed project contains prime, unique, state-wide or local important farmland. (When a site visit or land evaluation system design is needed, NRCS will respond within 30 working days.

Step 4 - For sites where farmland covered by the FPPA will be converted by the proposed project, NRCS will complete Parts II, IV and V of the form.

Step 5 - NRCS will return the original copy of the form to the Federal agency involved in the project, and retain a file copy for NRCS records.

Step 6 - The Federal agency involved in the proposed project will complete Parts VI and VII of the form and return the form with the final selected site to the servicing NRCS office.

Step 7 - The Federal agency providing financial or technical assistance to the proposed project will make a determination as to whether the proposed conversion is consistent with the FPPA.

INSTRUCTIONS FOR COMPLETING THE FARMLAND CONVERSION IMPACT RATING FORM

(For Federal Agency)

**Part I:** When completing the “County and State” questions, list all the local governments that are responsible for local land use controls where site(s) are to be evaluated.

**Part III:** When completing item B (Total Acres To Be Converted Indirectly), include the following:

1. Acres not being directly converted but that would no longer be capable of being farmed after the conversion, because the conversion would restrict access to them or other major change in the ability to use the land for agriculture.
2. Acres planned to receive services from an infrastructure project as indicated in the project justification (e.g. highways, utilities planned build out capacity) that will cause a direct conversion.

**Part VI:** Do not complete Part VI using the standard format if a State or Local site assessment is used. With local and NRCS assistance, use the local Land Evaluation and Site Assessment (LESA).

1. Assign the maximum points for each site assessment criterion as shown in § 658.5(b) of CFR. In cases of corridor-type project such as transportation, power line and flood control, criteria #5 and #6 will not apply and will, be weighted zero, however, criterion #8 will be weighed a maximum of 25 points and criterion #11 a maximum of 25 points.

2. Federal agencies may assign relative weights among the 12 site assessment criteria other than those shown on the FPPA rule after submitting individual agency FPPA policy for review and comment to NRCS. In all cases where other weights are assigned, relative adjustments must be made to maintain the maximum total points at 160. For project sites where the total points equal or exceed 160, consider alternative actions, as appropriate, that could reduce adverse impacts (e.g. Alternative Sites, Modifications or Mitigation).

**Part VII:** In computing the "Total Site Assessment Points" where a State or Local site assessment is used and the total maximum number of points is other than 160, convert the site assessment points to a base of 160.

Example: if the Site Assessment maximum is 200 points, and the alternative Site "A" is rated 180 points:

| Total points assigned Site A | Maximum points possible | = $\frac{180}{200} \times 160 = 144$ points for Site A |

For assistance in completing this form or FPPA process, contact the local NRCS Field Office or USDA Service Center.

NRCS employees, consult the FPPA Manual and/or policy for additional instructions to complete the AD-1006 form.
FWS NE: 2018-362

Ms. Jessica Engelbart
Terracon Consultants, Inc.
15080 A Circle
Omaha, Nebraska 68144

RE: Fort McPherson National Cemetery Expansion Tower near Maxwell, Lincoln County, Nebraska. Terracon Project# 05187118.

Dear Ms. Engelbart:

This responds to your August 23, 2018, request for technical assistance from the U.S. Fish and Wildlife Service (Service). The proposed expansion to the Fort McPherson National Cemetery will be constructed immediately north of the existing cemetery, located south of Maxwell, Nebraska on the west side of Highway 56A in Lincoln County. The Service has responsibility for conservation and management of fish and wildlife resources for the benefit of the American public under the following authorities: 1) Endangered Species Act of 1973 (ESA); 2) Fish and Wildlife Coordination Act; 3) Bald and Golden Eagle Protection Act; and 4) Migratory Bird Treaty Act (MBTA). The National Environmental Policy Act requires compliance with all of these statutes and regulations.

ENDANGERED SPECIES ACT

Based on the information you have provided, it appears unlikely that the proposed cemetery expansion would result in adverse effects to federally protected, threatened or endangered species, or to any critical habitat designated for such species. This conclusion is based on information supplied in your August 23, 2018, letter. The federally listed species in Lincoln County include the endangered American burying beetle (*Nicrophorus americanus*), blowout penstemon (*Penstemon haydenii*), Interior least tern (*Sternula antillarum*) and whooping crane (*Grus americana*), and the threatened piping plover (*Charadrius melodus*), Rufa red knot (*Calidris canutus rufa*), and western prairie fringed orchid (*Platanthera praecipua*). The proposed project area does not contain suitable habitat for the federally species listed in Lincoln County and thus we do not anticipate impacts to to these species during the construction or
operation of the cemetery. Should changes to the proposed project occur or new information regarding fish and wildlife resources become available, further consultation with the Service should be initiated to assess any potential impacts.

All federally listed species under ESA are also State-listed under the Nebraska Nongame and Endangered Species Conservation Act. However, there are also State-listed species that are not federally listed. To determine if the proposed project may affect State-listed species, the Service recommends that the project proponent contact Carey Grell (carey.grell@nebraska.gov) with the Nebraska Game and Parks Commission located at 2200 N. 33rd Street, Lincoln, Nebraska 68503-0370.

**MIGRATORY BIRD TREATY ACT**

Under the MBTA (16 U.S.C 703-712: Ch 128, as amended), construction activities in grassland, roadside, wetland, riparian (stream), shrubland and woodland habitats, and those that occur on bridges or culverts (e.g. which may affect swallow nests on bird girders) that would otherwise result in impacts to migratory birds, eggs, young, and/or active nests should be avoided. The provisions of the MBTA are applicable year-round. In Nebraska, a majority of the migratory bird nesting activity occurs during the period of April 1 to July 15, though some migratory birds do nest outside of the aforementioned nesting season. For example, raptors can be expected to nest in woodland habitats during February 1 to July 15, whereas sedge wrens (*Cistothorus platensis stellaris*) which occur in some wetland habitats normally nest from July 15 to September 10.

The proposed project will be constructed in a hayfield. The Service has minimal concern for projects that will be constructed in agricultural fields or within existing road rights-of-way versus if they were to be located in large intact, native grasslands or wetland complexes. Since the construction of the cemetery expansion will require some vegetation removal, the Service recommends that the project proponent (or contractor) conduct all vegetation (*i.e.*, grassland) clearing associated with construction outside the prime nesting season at a minimum. If this is not possible, we recommend that the project proponent (or contractor) arrange to have a qualified biologist complete a migratory bird nesting survey in impacted areas prior to when vegetation clearing and construction are scheduled to occur. Surveys should be conducted during the nesting season. They should use appropriate and defensible sampling designs and survey methods to assist the proponent in avoiding unnecessary impacts to migratory birds. The Service further recommends that field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) until such time as construction on the proposed project has been completed. The Service requests a copy of the survey be provided to us if possible.

The Service appreciates the opportunity to comment on this project. Should you have any questions regarding these comments, please contact Amanda Ciurej within our office at (308) 382-6468, extension 211 or amanda_ciurej@fws.gov.
Sincerely,

Eliza Hines
Nebraska Field Supervisor

cc: Nebraska Game and Parks Commission; Lincoln, Nebraska (Attn: Carey Grell)
In Reply Refer To: October 15, 2018
Consultation Code: 06E22000-2019-SLI-0008
Event Code: 06E22000-2019-E-00016
Project Name: Fort McPherson National Cemetery Expansion

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 et seq.), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.
A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 et seq.), and projects affecting these species may require development of an eagle conservation plan (http://www.fws.gov/windenergy/eagle_guidance.html). Additionally, wind energy projects should follow the wind energy guidelines (http://www.fws.gov/windenergy/) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm; http://www.towerkill.com; and http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtwow.html.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
- Migratory Birds
- Wetlands
Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Nebraska Ecological Services Field Office
9325 B South Alda Rd.
Wood River, NE 68883-9565
(308) 382-6468
Project Summary

Consultation Code: 06E22000-2019-SLI-0008

Event Code: 06E22000-2019-E-00016

Project Name: Fort McPherson National Cemetery Expansion

Project Type: LAND - ACQUISITION

Project Description: The site includes of approximately 20 acres of agricultural cropland that is in Lincoln County, south of Maxwell, Nebraska. The site is located approximately 1.5 miles south of Interstate I-80 on Highway 56A within Section 9, Township 12 North, Range 28 West and includes latitude-longitude coordinates of 41.0279°, -100.5258°. The Platte River is located approximately 1,900 feet northeast of the site boundary. There no wetlands at this site.

Project Location:
Approximate location of the project can be viewed in Google Maps: https://www.google.com/maps/place/41.028211812428566N100.52590849053873W

Counties: Lincoln, NE
Endangered Species Act Species

There is a total of 7 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

1. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Birds

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Least Tern <em>Sternula antillarum</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>Population: interior pop.</td>
<td></td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: [link]</td>
<td></td>
</tr>
</tbody>
</table>

Piping Plover *Charadrius melodus*  
Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered.  
There is final critical habitat for this species. Your location is outside the critical habitat.  
Species profile: [link]

Whooping Crane *Grus americana*  
Population: Wherever found, except where listed as an experimental population  
There is final critical habitat for this species. Your location is outside the critical habitat.  
Species profile: [link]

Fishes

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pallid Sturgeon <em>Scaphirhynchus albus</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: [link]</td>
<td></td>
</tr>
</tbody>
</table>
Insects

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Burying Beetle <em>Nicrophorus americanus</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>Population: Wherever found, except where listed as an experimental population</td>
<td></td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/66">https://ecos.fws.gov/ecp/species/66</a></td>
<td></td>
</tr>
</tbody>
</table>

Flowering Plants

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Blowout Penstemon <em>Penstemon haydenii</em></td>
<td>Endangered</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/6172">https://ecos.fws.gov/ecp/species/6172</a></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NAME</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Western Prairie Fringed Orchid <em>Platanthera praeclara</em></td>
<td>Threatened</td>
</tr>
<tr>
<td>No critical habitat has been designated for this species.</td>
<td></td>
</tr>
<tr>
<td>Species profile: <a href="https://ecos.fws.gov/ecp/species/1669">https://ecos.fws.gov/ecp/species/1669</a></td>
<td></td>
</tr>
</tbody>
</table>

Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.
Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act\(^1\) and the Bald and Golden Eagle Protection Act\(^2\).

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

2. The Bald and Golden Eagle Protection Act of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the E-bird data mapping tool (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found below.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

<table>
<thead>
<tr>
<th>NAME</th>
<th>BREEDING SEASON</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Bald Eagle</strong> <em>Haliaeetus leucocephalus</em></td>
<td>Breeds Oct 15 to Jul 31</td>
</tr>
<tr>
<td>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</td>
<td></td>
</tr>
<tr>
<td><a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a></td>
<td></td>
</tr>
</tbody>
</table>
**Golden Eagle *Aquila chrysaetos***
This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.
[https://ecos.fws.gov/ecp/species/1680](https://ecos.fws.gov/ecp/species/1680)

**Harris's Sparrow *Zonotrichia querula***
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Lesser Yellowlegs *Tringa flavipes***
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
[https://ecos.fws.gov/ecp/species/9679](https://ecos.fws.gov/ecp/species/9679)

**Long-billed Curlew *Numenius americanus***
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.
[https://ecos.fws.gov/ecp/species/5511](https://ecos.fws.gov/ecp/species/5511)

**Red-headed Woodpecker *Melanerpes erythrocephalus***
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

**Willet *Tringa semipalmata***
This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

<table>
<thead>
<tr>
<th>NAME</th>
<th>BREEDING SEASON</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Golden Eagle <em>Aquila chrysaetos</em></strong></td>
<td>Breeds Jan 1 to Aug 31</td>
</tr>
<tr>
<td>This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities.</td>
<td></td>
</tr>
<tr>
<td><a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a></td>
<td></td>
</tr>
<tr>
<td><strong>Harris's Sparrow <em>Zonotrichia querula</em></strong></td>
<td>Breeds elsewhere</td>
</tr>
<tr>
<td>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</td>
<td></td>
</tr>
<tr>
<td><strong>Lesser Yellowlegs <em>Tringa flavipes</em></strong></td>
<td>Breeds elsewhere</td>
</tr>
<tr>
<td>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</td>
<td></td>
</tr>
<tr>
<td><a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a></td>
<td></td>
</tr>
<tr>
<td><strong>Long-billed Curlew <em>Numenius americanus</em></strong></td>
<td>Breeds Apr 1 to Jul 31</td>
</tr>
<tr>
<td>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</td>
<td></td>
</tr>
<tr>
<td><a href="https://ecos.fws.gov/ecp/species/5511">https://ecos.fws.gov/ecp/species/5511</a></td>
<td></td>
</tr>
<tr>
<td><strong>Red-headed Woodpecker <em>Melanerpes erythrocephalus</em></strong></td>
<td>Breeds May 10 to Sep 10</td>
</tr>
<tr>
<td>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</td>
<td></td>
</tr>
<tr>
<td><a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a></td>
<td></td>
</tr>
<tr>
<td><strong>Willet <em>Tringa semipalmata</em></strong></td>
<td>Breeds Apr 20 to Aug 5</td>
</tr>
<tr>
<td>This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</td>
<td></td>
</tr>
</tbody>
</table>

### Probability Of Presence Summary
The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ “Proper Interpretation and Use of Your Migratory Bird Report” before using or attempting to interpret this report.

### Probability of Presence
Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.
How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

**Breeding Season (●)**
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

**Survey Effort (⊥)**
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

**No Data (—)**
A week is marked as having no data if there were no survey events for that week.

**Survey Timeframe**
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

<table>
<thead>
<tr>
<th>SPECIES</th>
<th>JAN</th>
<th>FEB</th>
<th>MAR</th>
<th>APR</th>
<th>MAY</th>
<th>JUN</th>
<th>JUL</th>
<th>AUG</th>
<th>SEP</th>
<th>OCT</th>
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Additional information can be found using the following links:


**Migratory Birds FAQ**

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

**Nationwide Conservation Measures** describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. **Additional measures** and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS **Birds of Conservation Concern (BCC)** and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the **Avian Knowledge Network (AKN)**. The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as
warranting special attention because they are a BCC species in that area, an eagle (Eagle Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the E-bird Explore Data Tool.

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

**How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: The Cornell Lab of Ornithology All About Birds Bird Guide, or (if you are unsuccessful in locating the bird of interest there), the Cornell Lab of Ornithology Neotropical Birds guide. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

**What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Eagle Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can
implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

**Details about birds that are potentially affected by offshore projects**
For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

**What if I have eagles on my list?**
If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

**Proper Interpretation and Use of Your Migratory Bird Report**
The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.
Wetlands

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

FRESHWATER EMERGENT WETLAND

- PEM1C
Bob Komardley is the chairman and has been for over two years.

Sent from my iPhone.

On Sep 19, 2018, at 1:30 PM, Gakure, Maina (CFM) <Maina.Gakure@va.gov> wrote:

    Kindly see an electronic copy of consultation letter.
    A hard copy has also been mailed.

Maina Gakure, DBA
Department of Veterans Affairs
Office of Construction & Facilities Management (CFM)
Washington, DC 20420

Email: maina.gakure@va.gov
Phone: (202) 461 6849
Cell: (202) 437 8422

<Apache Tribe of Oklahoma.pdf>
Maina, The Crow Creek Sioux Tribe THPO office has received and reviewed your proposed plan to expand the Fort McPherson National Cemetery by 20 acres, and at the present time we have no further comments on the expansion of the National Cemetery. Our office would like to be notified in the event of an inadvertent discovery of remains and artifacts associated with the find. Thank You for your time. Sincerely, Merle Marks, THPO/CCST.
Subject: FW: Correspondences to Tribes
Attachments: Cheyenne and Arapaho Tribes .pdf

From: Gakure, Maina (CFM)
Sent: Thursday, August 23, 2018 10:30 AM
To: Micah Demery <mdemery@c-a-tribes.org>; mbear@c-a-tribes.org
Subject: RE: Correspondences to Tribes

Thank you, and attached is the letter that I mailed and also emailed a few days ago. As noted, my mailing address is listed at the bottom of the letter as follows.

Sincerely,
Maina Gakure, DBA
Realtor Specialist/Project Manager
U.S. Department of Veterans Affairs
Office of Real Property (003C4E)
Office of Construction & Facilities Management (CFM)
Washington, DC 20001

I will update our records accordingly to include Mr. Bear as the THPO.

Maina Gakure, DBA
Department of Veterans Affairs
Office of Construction & Facilities Management (CFM)
Washington, DC 20420

Email: maina.gakure@va.gov
Phone: (202) 461 6849
Cell: (202) 437 8422

From: Micah Demery [mailto:mdemery@c-a-tribes.org]
Sent: Thursday, August 23, 2018 10:01 AM
To: Gakure, Maina (CFM) <Maina.Gakure@va.gov>
Subject: [EXTERNAL] Correspondences to Tribes

Good Morning,
I am the Research Analyst for the Tribal Historic Preservation Office for the Cheyenne and Arapaho Tribes. I answer all of the correspondences sent to our office for review. It is helpful to have a mailing address on the project information/letters sent to us as we send out official responses by mail. In addition, please update your records to include Max Bear as the current THPO for our Tribe. His e-mail is mbear@c-a-tribes.org.

Thank you,

Micah Looper
THPO Research Analyst
Cheyenne & Arapaho Tribes
405-422-7416
From: Kristina Quaempts <kquaempts@ncthpoo.com>
Sent: Thursday, September 13, 2018 1:59 PM
To: Gakure, Maina (CFM)
Cc: Kristina Quaempts-Sec. 106 Coord./NC THPO
Subject: [EXTERNAL] Proposed Acquisition of parcel of land next to Fort McPherson National Cemetery
Attachments: Dept of Veteran Affairs-CFM-Proposed Acquisition of parcel of land next to Fort McPherson National Cemetery.pdf

Dear Sir/Madam,

Attached is our consultation for review. If you should have any questions, please feel to contact my office. Thank you for consulting our office, we look forward to working with your office on future projects.

Respectfully,

Kristina M. Quaempts
Section 106 Coordinator
kquaempts@ncthpoo.com

NOTICE: NEW Work Schedule- My office is open Tuesday, Wednesday-(8a-5p) and Thursday-(8a-12 noon)

Tribal Historic Preservation Office
Northern Cheyenne Tribe
P.O. Box 128
14 E. Medicinelodge Dr.
Lame Deer, MT 59043
406.477.4838 Main
406.477.8113 Direct
406.477.6388 FAX
www.ncthpoo.com
www.cheyennenation.com
Northern Cheyenne Tribal Historic Preservation

14 E. Medicinelodge Dr. | P.O Box 128 | Lame Deer, MT. 59043
Ph: (406) 477-8113/4838/4839

CONSULTATION REQUEST

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<td>Until Further Notice: On future projects, if possible, please attach a SHPO letter of determination along with a file search, any reports, (Class I, II or III, a minimum of a Class I - i.e., JPEG pictures and maps for better viewing), a legal description-(UTM's, Townships, Address), project-reference name and number, and contact person information. All this will assist in making a faster determination and if needed our office will requests other reports, depending on the project. Thank you for this consideration.</td>
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PREPARED BY:

Section 106 Coordinator
Kristina M. Quamquets

Tribal Historic Preservation Officer
Teanna Limpy

These findings are in compliance and in accordance with 36CFR800.2A4 under the authority of Section 106 and 110 of the NHPA.

DATE
9/13/2018

LITTLEWOLF AND MORNING STAR - Out of Defeat and exile they led us back to Montana and won homeland that we will keep forever.
Good Afternoon,

I am responding to your correspondence letter dated 8/20/18 and received in our office on 9/4/2018. Please send my office and survey reports previously conducted in areas associated with the land acquisition and cemetery. While there may be no immediate concern, my office would still like to review reports to make our own determination on the potential impact this acquisition may have on cultural resources and/or traditional cultural properties that may or may have not been identified in consultation with tribal nations who held ancestral ties to the land associated within what is now Nebraska. You may contact me directly at (460) 477-4839, if you have further questions regarding this request.

Thank You,
Teanna Limpy, THPO
Tribal Historic Preservation Office
Northern Cheyenne Tribe
14 E. Medicine Lodge Drive
P.O. Box 128
Lame Deer, MT 59043
Work: (406) 477-4839/4838
Cell: (406) 850-7691