

Endangered Species Act (CEST and EA)

General requirements	ESA Legislation	Regulations
Section 7 of the Endangered Species Act (ESA) mandates that federal agencies ensure that actions that they authorize, fund, or carry out shall not jeopardize the continued existence of federally listed plants and animals or result in the adverse modification or destruction of designated critical habitat. Where their actions may affect resources protected by the ESA, agencies must consult with the Fish and Wildlife Service and/or the National Marine Fisheries Service (“FWS” and “NMFS” or “the Services”).	The Endangered Species Act of 1973 (16 U.S.C. 1531 <i>et seq.</i>); particularly section 7 (16 USC 1536).	50 CFR Part 402
References		
https://www.hudexchange.info/environmental-review/endangered-species		

1. Does the project involve any activities that have the potential to affect species or habitats?

No, the project will have No Effect due to the nature of the activities involved in the project.
→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

No, the project will have No Effect based on a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office.

Explain your determination:

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination.*

Yes, the activities involved in the project have the potential to affect species and/or habitats. → *Continue to Question 2.*

2. Are federally listed species or designated critical habitats present in the action area?

Obtain a list of protected species from the Services. This information is available on the [FWS Website](#) or you may contact your [local FWS](#) and/or [NMFS](#) offices directly.

No, the project will have No Effect due to the absence of federally listed species and designated critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation may include letters from the Services, species lists from the Services' websites, surveys or other documents and analysis showing that there are no species in the action area.*

Yes, there are federally listed species or designated critical habitats present in the action area. → *Continue to Question 3.*

3. What effects, if any, will your project have on federally listed species or designated critical habitat?

No Effect: Based on the specifics of both the project and any federally listed species in the action area, you have determined that the project will have absolutely no effect on listed species or critical habitat.

→ *Based on the response, the review is in compliance with this section. Continue to the Worksheet Summary below. Provide any documents used to make your determination. Documentation should include a species list and explanation of your conclusion, and may require maps, photographs, and surveys as appropriate.*

May Affect, Not Likely to Adversely Affect: Any effects that the project may have on federally listed species or critical habitats would be beneficial, discountable, or insignificant.

→ *Continue to Question 4, Informal Consultation.*

Likely to Adversely Affect: The project may have negative effects on one or more listed species or critical habitat.

→ *Continue to Question 5, Formal Consultation.*

4. Informal Consultation is required

Section 7 of ESA (16 USC. 1536) mandates consultation to resolve potential impacts to endangered and threatened species and critical habitats. If a HUD-assisted project may affect any federally listed endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

Did the Service(s) concur with the finding that the project is Not Likely to Adversely Affect?

Yes, the Service(s) concurred with the finding.

→ *Based on the response, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) A biological evaluation or equivalent document*
- (2) Concurrence(s) from FWS and/or NMFS*
- (3) Any other documentation of informal consultation*

Exception: If finding was made based on procedures provided by a letter of understanding, memorandum of agreement, programmatic agreement, or checklist provided by local HUD office, provide whatever documentation is mandated by that agreement.

No, the Service(s) did not concur with the finding. → *Continue to Question 5.*

5. Formal consultation is required

Section 7 of ESA (16 USC 1536) mandates consultation to resolve potential impacts to federally listed endangered and threatened species and critical habitats. If a HUD assisted project may affect any endangered or threatened species or critical habitat, then compliance is required with Section 7. See 50 CFR Part 402 Subpart B Consultation Procedures.

→ *Once consultation is complete, the review is in compliance with this section. Continue to Question 6 and provide the following:*

- (1) A biological assessment, evaluation, or equivalent document*
- (2) Biological opinion(s) issued by FWS and/or NMFS*
- (3) Any other documentation of formal consultation*

6. For the project to be brought into compliance with this section, all adverse impacts must be mitigated. Explain in detail the proposed measures that will be implemented to mitigate for the impact or effect, including the timeline for implementation.

Mitigation as follows will be implemented:

No mitigation is necessary.

Explain why mitigation will not be made here:

Worksheet Summary

Compliance Determination

Provide a clear description of your determination and a synopsis of the information that it was based on, such as:

- Map panel numbers and dates
- Names of all consulted parties and relevant consultation dates
- Names of plans or reports and relevant page numbers
- Any additional requirements specific to your region

Request for informal consultation sent to Nebraska Game and Parks Commission May 21, 2020

Response received June 16, 2020. Finding of unlikely to have an adverse impact.

Are formal compliance steps or mitigation required?

Yes

No



Urban Development Department
555 South 10th Street Suite 205 Lincoln NE 68508
402-441-7606 lincoln.ne.gov

May 21, 2020

Nebraska Game and Parks Commission
Realty and Environmental Services Division
PO Box 30370
Lincoln, NE 68503-0370

RE: Barrier Removal Program
September 1, 2020 through August 31, 2022
Lincoln, Nebraska

To Whom It May Concern:

The City of Lincoln, Nebraska will be funding the project listed above with Community Development Block Grant entitlement funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of Lincoln has assumed HUD's environmental review responsibilities for the project.

Your review and response is requested regarding any environmental impacts your agency may identify for the above-mentioned proposed project, pursuant to the National Environmental Policy Act. In particular, we would like your comments regarding impact on endangered and migrant species, fish and wildlife.

Exact locations have not been identified as the program is available within the city limits of Lincoln, Nebraska. The proposed actions would include activities associated with the removal of architectural barriers in existing residential housing units. Barriers typically addressed include, but are not limited to, ramps, chair lifts, stair lifts, hand rails, doorway modifications, and bathroom modifications.

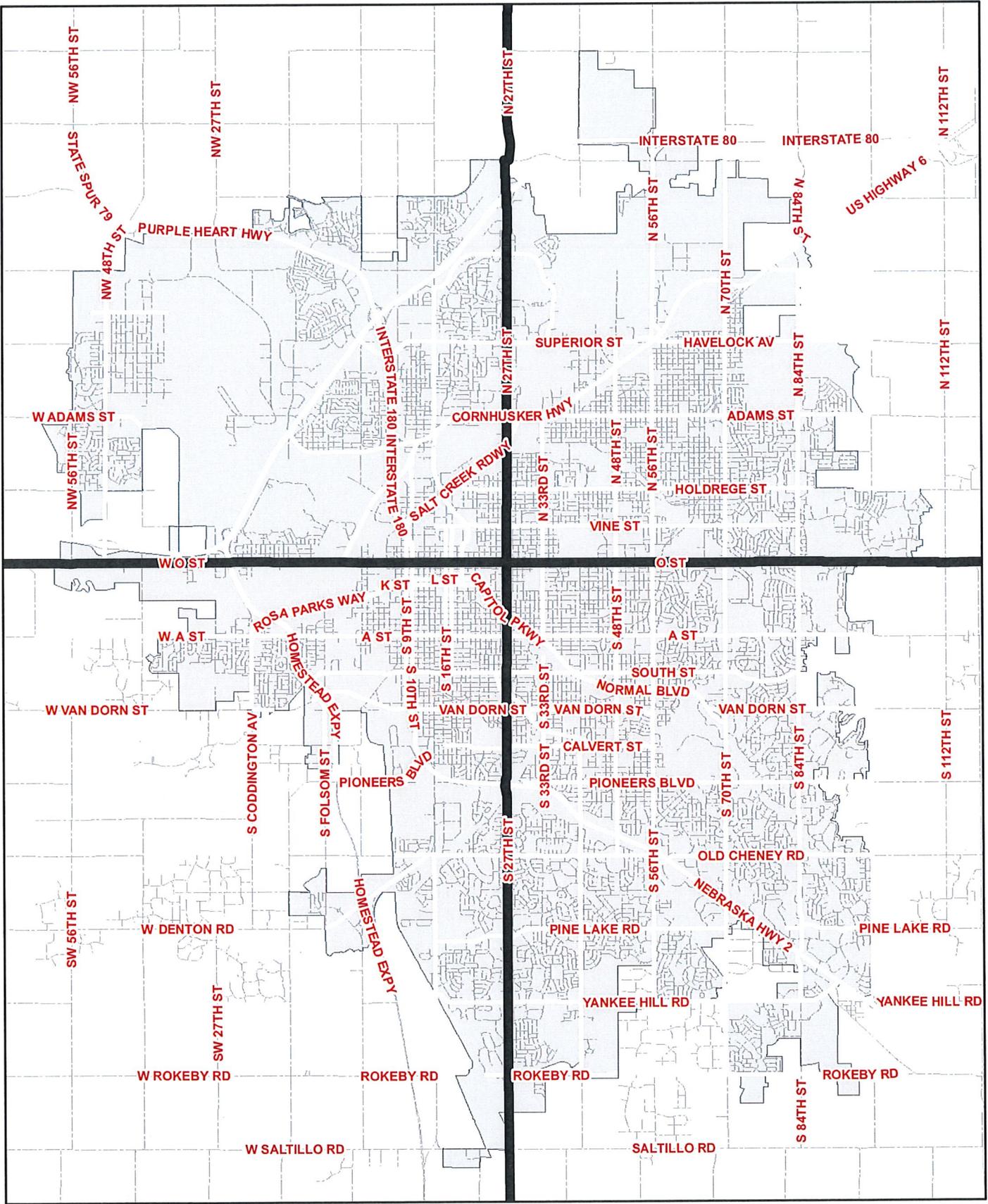
If you have questions or need additional information, please contact Ron Cane at (402) 441-7865 or rcane@lincoln.ne.gov.

Sincerely,

Ronald L. Cane

Ronald L. Cane, Accountant

Attachment



2020 Lincoln NE City Limits Area - As of April 15th 2020

 City Limit
  2018-2023 NRSA
  27th & O St





Urban Development Department
555 South 10th Street Suite 205 Lincoln NE 68508
402-441-7606 lincoln.ne.gov

May 21, 2020

Nebraska Game and Parks Commission
Realty and Environmental Services Division
PO Box 30370
Lincoln, NE 68503-0370

RE: Direct or Deferred Loan Program
September 1, 2020 through August 31, 2022
Lincoln, Nebraska

To Whom It May Concern:

The City of Lincoln, Nebraska will be funding the project listed above with Community Development Block Grant entitlement funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of Lincoln has assumed HUD's environmental review responsibilities for the project.

Your review and response is requested regarding any environmental impacts your agency may identify for the above-mentioned proposed project, pursuant to the National Environmental Policy Act. In particular, we would like your comments regarding impact on endangered and migrant species, fish and wildlife.

Exact locations have not been identified as the program is available within the city limits of Lincoln, Nebraska. The proposed actions would include the rehabilitation of existing single-family residences. Improvements do not necessarily address an immediate threat to health or safety, but often address repairs critical to the continued structural integrity and livability of the home.

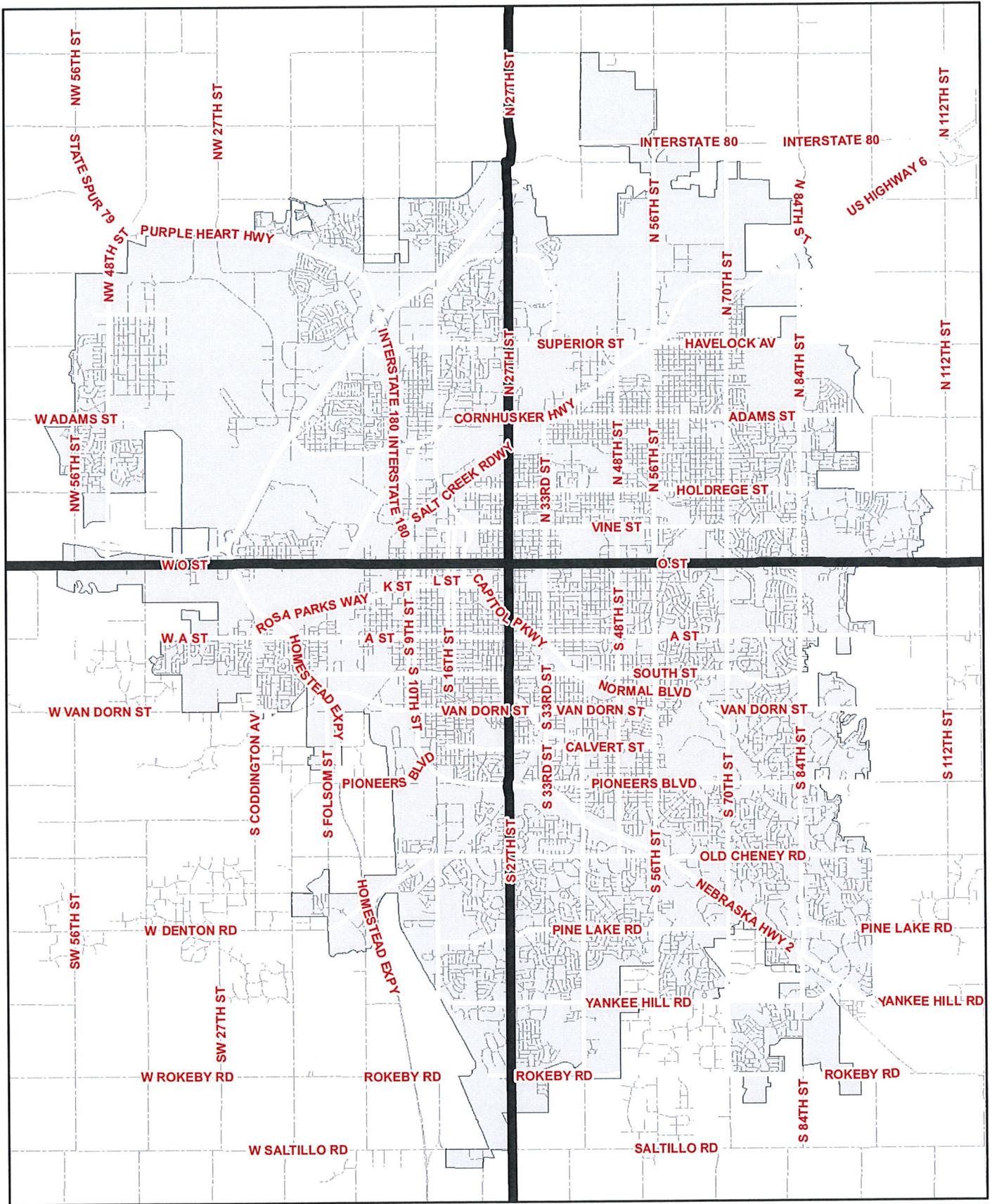
If you have questions or need additional information, please contact Ron Cane at (402) 441-7865 or rcane@lincoln.ne.gov.

Sincerely,

A handwritten signature in blue ink that reads "Ronald L. Cane".

Ronald L. Cane, Accountant

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2020 Lincoln NE City Limits Area - As of April 15th 2020

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May 21, 2020

Nebraska Game and Parks Commission
Realty and Environmental Services Division
PO Box 30370
Lincoln, NE 68503-0370

RE: Emergency Repair Loan Program
September 1, 2020 through August 31, 2022
Lincoln, Nebraska

To Whom It May Concern:

The City of Lincoln, Nebraska will be funding the project listed above with Community Development Block Grant entitlement funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of Lincoln has assumed HUD's environmental review responsibilities for the project.

Your review and response is requested regarding any environmental impacts your agency may identify for the above-mentioned proposed project, pursuant to the National Environmental Policy Act. In particular, we would like your comments regarding impact on endangered and migrant species, fish and wildlife.

Exact locations have not been identified as the program is available within the city limits of Lincoln, Nebraska. The proposed actions include rehabilitation to correct housing deficiencies that present an immediate threat to health or life safety. Examples include, but are not limited to, roof repair, furnace/air conditioner, hot water heater replacement, and water/sewer line repair.

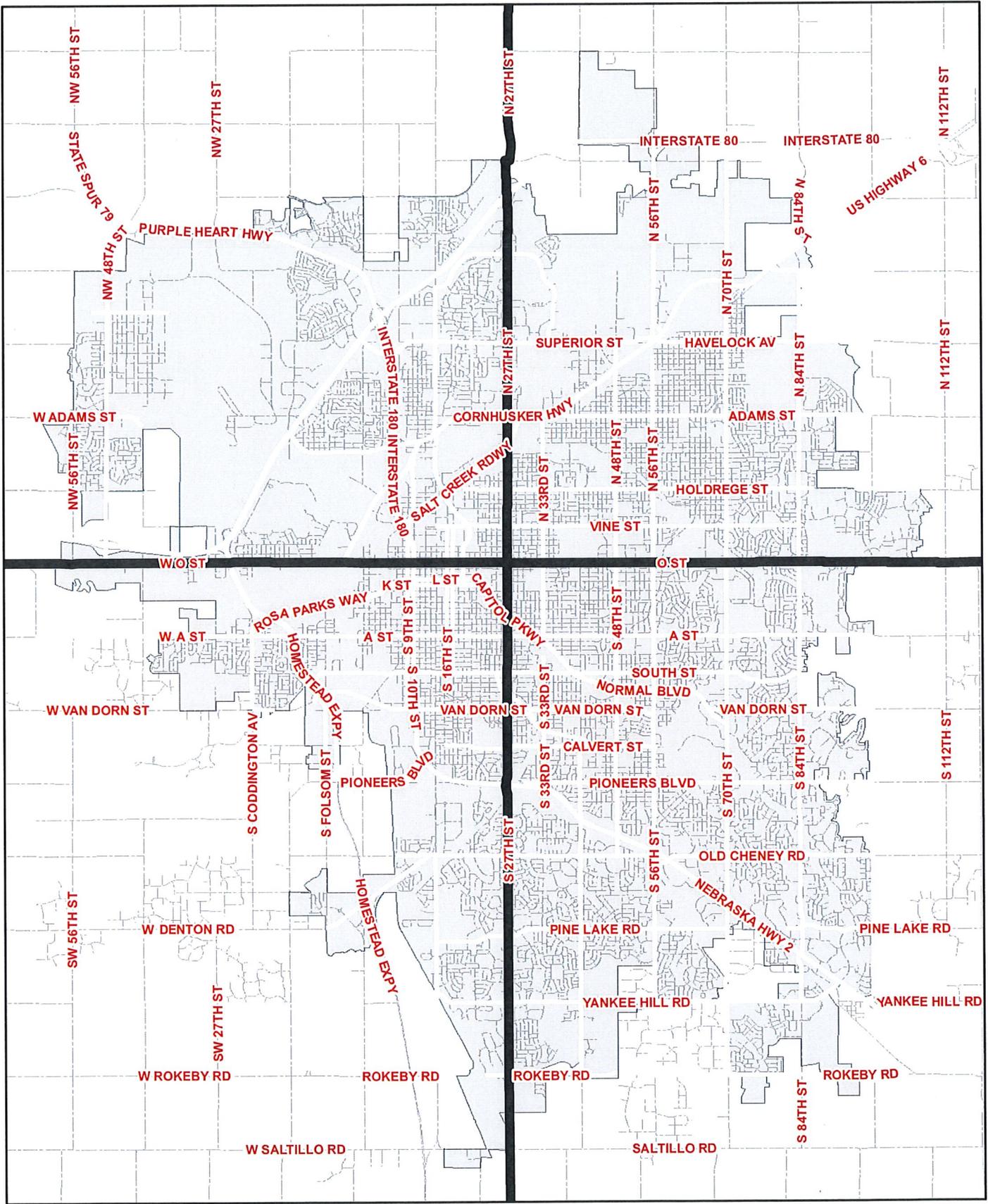
If you have questions or need additional information, please contact Ron Cane at (402) 441-7865 or rcane@lincoln.ne.gov.

Sincerely,

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Ronald L. Cane, Accountant

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2020 Lincoln NE City Limits Area - As of April 15th 2020

 City Limit
  2018-2023 NRSA
  27th & O St





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May 21, 2020

Nebraska Game and Parks Commission
Realty and Environmental Services Division
PO Box 30370
Lincoln, NE 68503-0370

RE: First Time Home Buyer Program
September 1, 2020 through August 31, 2022
Lincoln, Nebraska

To Whom It May Concern:

The City of Lincoln, Nebraska will be funding the project listed above with HOME Investment Partnership funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of Lincoln has assumed HUD's environmental review responsibilities for the project.

Your review and response is requested regarding any environmental impacts your agency may identify for the above-mentioned proposed project, pursuant to the National Environmental Policy Act. In particular, we would like your comments regarding impact on endangered and migrant species, fish and wildlife.

Exact locations have not been identified as the program is available within the city limits of Lincoln, Nebraska. The First Home Program uses HOME funds to assist a home buyer with down payment assistance, closing costs and rehabilitation of existing single-family residences.

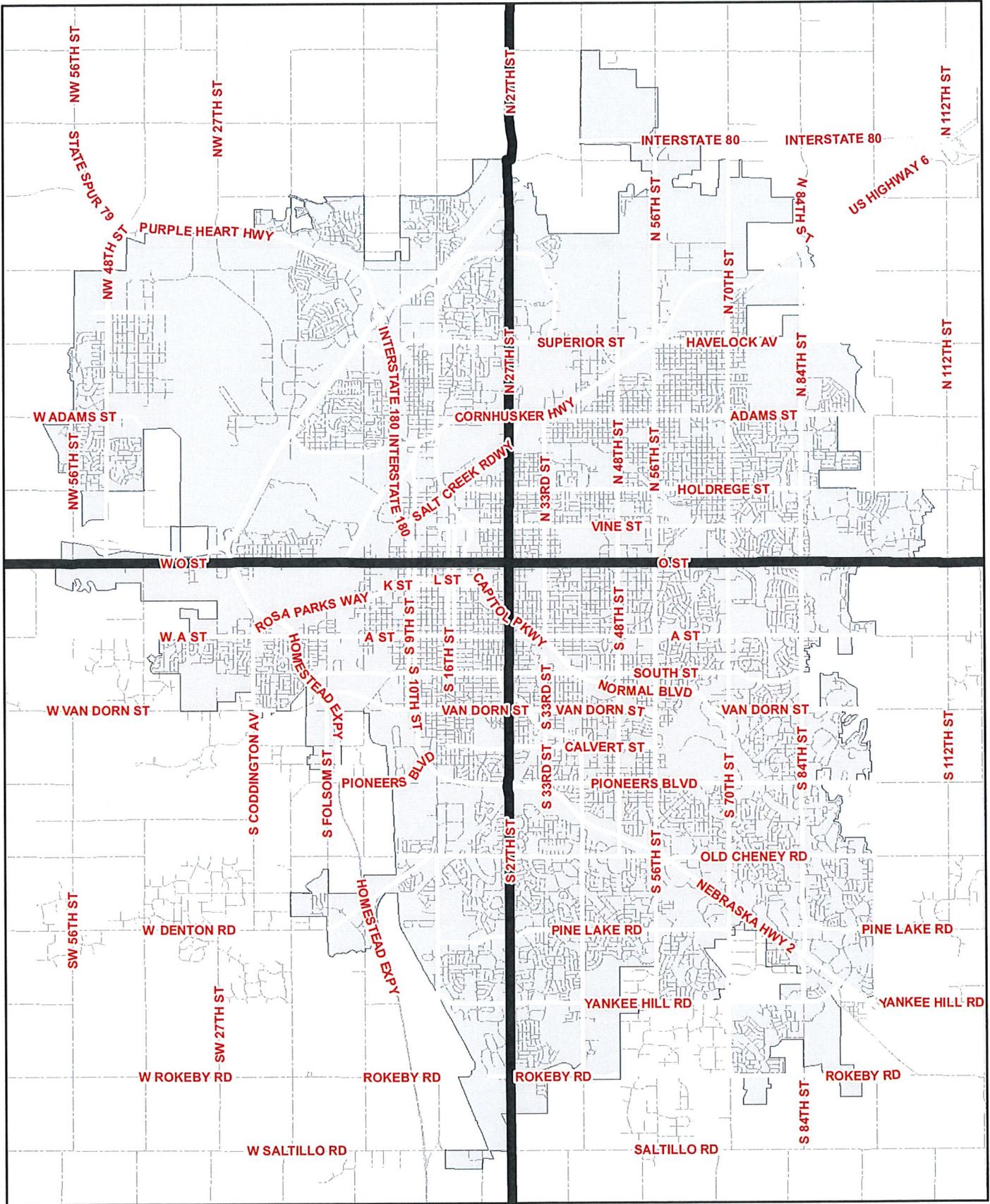
If you have questions or need additional information, please contact Ron Cane at (402) 441-7865 or rcane@lincoln.ne.gov.

Sincerely,

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Ronald L. Cane, Accountant

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2020 Lincoln NE City Limits Area - As of April 15th 2020

City Limit
 2018-2023 NRSA
 27th & O St





Urban Development Department
555 South 10th Street Suite 205 Lincoln NE 68508
402-441-7606 lincoln.ne.gov

May 21, 2020

Nebraska Game and Parks Commission
Realty and Environmental Services Division
PO Box 30370
Lincoln, NE 68503-0370

RE: Homeless Provider Housing Rehabilitation Program
September 1, 2020 through August 31, 2022
Lincoln, Nebraska

To Whom It May Concern:

The City of Lincoln, Nebraska will be funding the project listed above with Community Development Block Grant entitlement funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of Lincoln has assumed HUD's environmental review responsibilities for the project.

Your review and response is requested regarding any environmental impacts your agency may identify for the above-mentioned proposed project, pursuant to the National Environmental Policy Act. In particular, we would like your comments regarding impact on endangered and migrant species, fish and wildlife.

Exact locations have not been identified as the program is available within the city limits of Lincoln, Nebraska. The proposed actions would include rehabilitation of existing residential units for landlords who choose to house those exiting homelessness should damages occur, and bring lower quality units up to standard for use by those exiting homelessness.

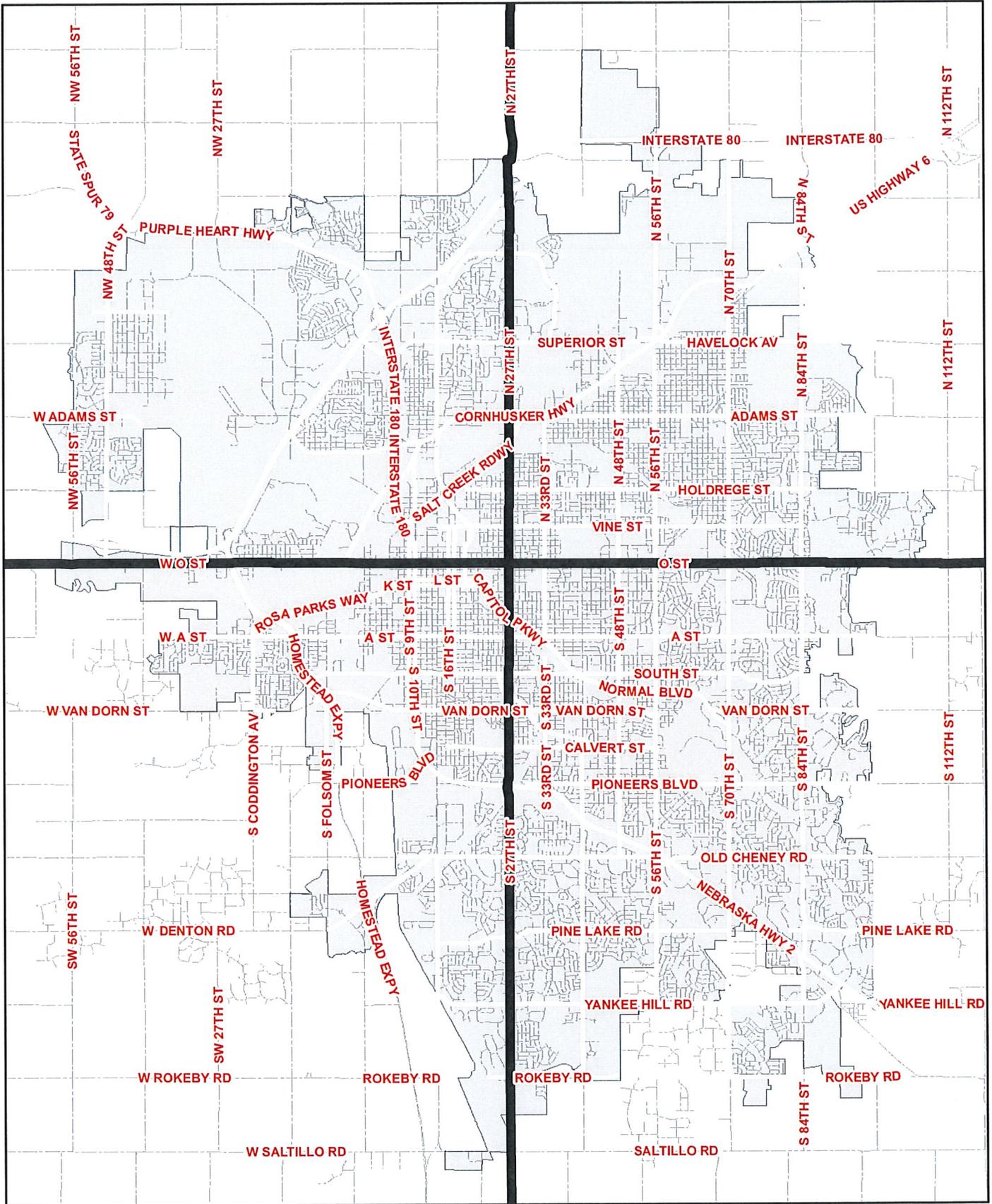
If you have questions or need additional information, please contact Ron Cane at (402) 441-7865 or rcane@lincoln.ne.gov.

Sincerely,

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Ronald L. Cane, Accountant

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2020 Lincoln NE City Limits Area - As of April 15th 2020

City Limit 2018-2023 NRSA 27th & O St





Urban Development Department
555 South 10th Street Suite 205 Lincoln NE 68508
402-441-7606 lincoln.ne.gov

May 21, 2020

Nebraska Game and Parks Commission
Realty and Environmental Services Division
PO Box 30370
Lincoln, NE 68503-0370

RE: Lead-based Paint Hazard Reduction Program
September 1, 2020 through August 31, 2022
Lincoln, Nebraska

To Whom It May Concern:

The City of Lincoln, Nebraska will be funding the project listed above with Community Development Block Grant entitlement funds from the U.S. Department of Housing and Urban Development (HUD). Under HUD regulation 24 CFR 58.4, the City of Lincoln has assumed HUD's environmental review responsibilities for the project.

Your review and response is requested regarding any environmental impacts your agency may identify for the above-mentioned proposed project, pursuant to the National Environmental Policy Act. In particular, we would like your comments regarding impact on endangered and migrant species, fish and wildlife.

Exact locations have not been identified as the program is available within the city limits of Lincoln, Nebraska. The proposed actions would include a portion of the rehabilitation project that is lead-related, such as the additional cost of safe-work practices, hazard reduction, clean-up, clearance, and items required by the contractor to meet the rules.

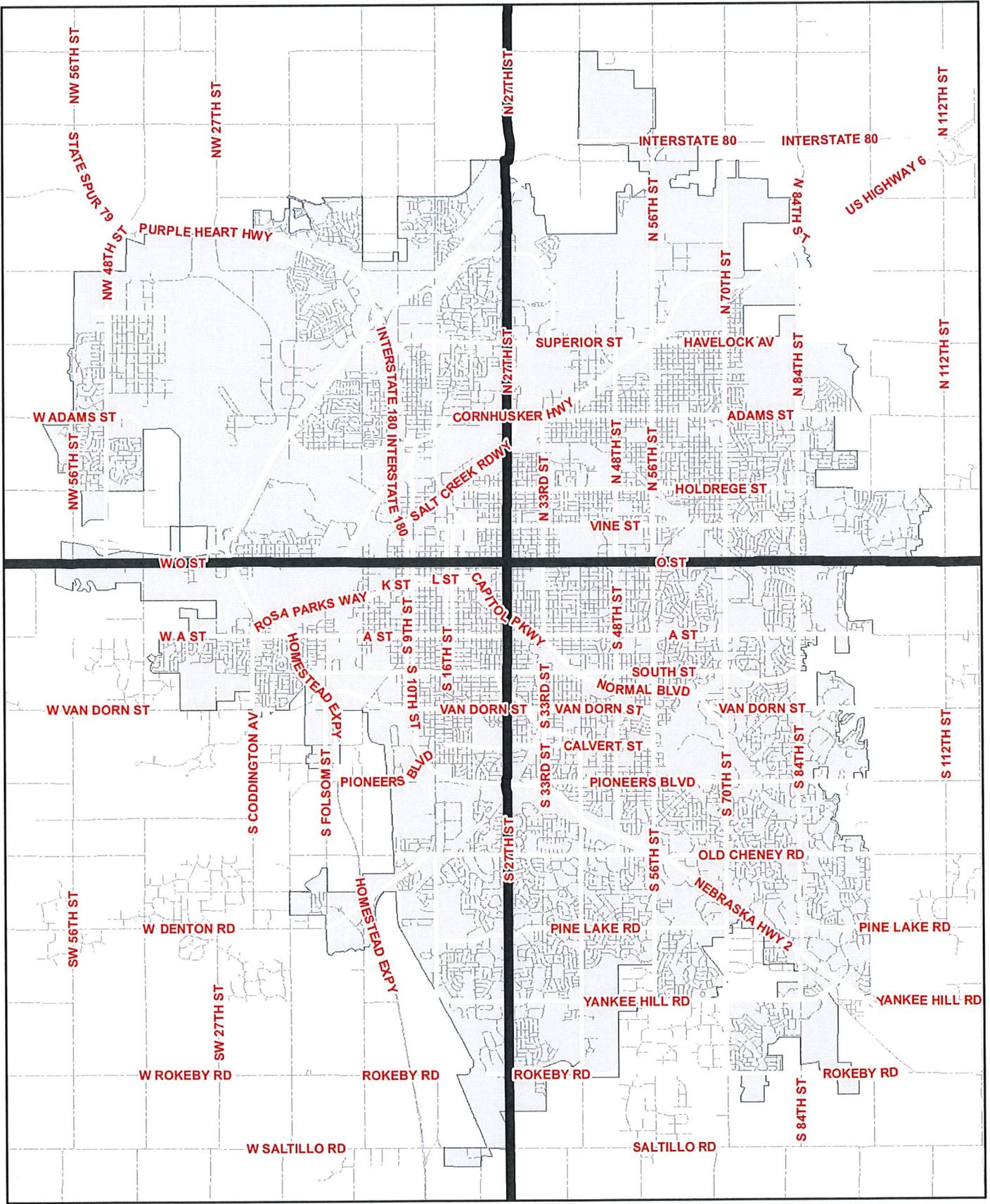
If you have questions or need additional information, please contact Ron Cane at (402) 441-7865 or rcane@lincoln.ne.gov.

Sincerely,

Ronald L. Cane

Ronald L. Cane, Accountant

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2020 Lincoln NE City Limits Area - As of April 15th 2020

City Limit
 2018-2023 NRSA
 27th & O St





2200 N. 33rd St. • P.O. Box 30370 • Lincoln, NE 68503-0370 • Phone: 402-471-0641

June 16, 2020

Ronald Cane
City of Lincoln
Urban Development Department
555 South 10th Street, Suite 205
Lincoln, NE 68508

RE: Lead-based Paint Hazard Reduction Program, First Time Home Buyer Program, Barrier Removal Program, Homeless Provider Housing Rehabilitation Program, Emergency Repair Loan Program, Direct or Deferred Loan Program, City of Lincoln, Lancaster County NE

Dear Mr. Cane:

Please make reference to the letters to you submitted to our office dated May 21, 2020. Nebraska Game and Parks Commission (NGPC) staff members have reviewed the information for the proposals identified above. This review was requested pursuant to the National Environmental Policy Act (NEPA).

Based on our review, we have determined that the projects as described are unlikely to have an adverse impact on resources within our agency's areas of concern, including state-listed threatened and endangered species, fish and wildlife resources and their habitats, or NGPC properties.

If the proposed project is changed or new information regarding endangered or threatened species becomes available, then this determination is no longer valid and further consultation with the Nebraska Game and Parks Commission will be necessary.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Shannon Sjolie", written over a light grey rectangular background.

Shannon Sjolie
Environmental Analyst Supervisor
Planning and Programming Division

TIME OUTDOORS IS TIME WELL SPENT

OutdoorNebraska.org