

BOARD OF COUNTY COMMISSIONERS
SARPY COUNTY, NEBRASKA

RESOLUTION AUTHORIZING FINDING OF NEPA EXEMPT ACTIVITY FOR
SARGENT PET CARE PRODUCTS

WHEREAS, pursuant to Neb. Rev. Stat. §23-104(6) (Reissue 2007), the County has the power to do all acts in relation to the concerns of the county necessary to the exercise of its corporate powers; and,

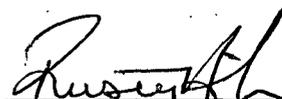
WHEREAS, pursuant to Neb. Rev. Stat. §23-103 (Reissue 2007), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, Sargent Pet Care Products proposes to manufacture pet care products at 10067 South 134th Street and has sought federal assistance requiring a environmental review; and,

WHEREAS, the Metropolitan Area Planning Agency has determined that the proposed activities of Sargent Pet Care Products are exempt for the National Environmental Policy Act of 1969.

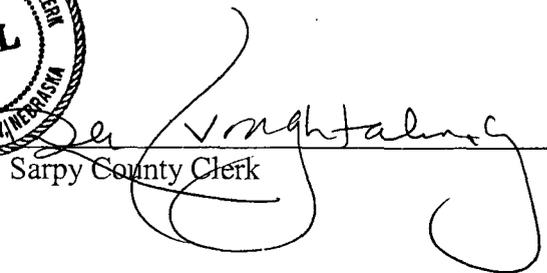
NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS THAT, based upon the recommendations of Jake Hansen of the Metropolitan Area Planning Agency, the Chair and Clerk are hereby authorized to execute on behalf of Sarpy County the attached Finding of Exempt Activity and other associated documents regarding Sargent Pet Care Products.

The above and foregoing Resolution was duly approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on this 18th day of October, 2011.



 Chairman, Sarpy County Board





 Sarpy County Clerk

ENVIRONMENTAL REVIEW RECORD

GRANT NUMBER: 11-ED-004

PROJECT NAME: Sargent Pet Care Manufacturing Facility

DETERMINATION OF LEVEL OF REVIEW

ERR GRANT# 11-ED-004

Project Name: Sargent Pet Care Manufacturing Facility Program Year: 2011

Project Location: 10067 South 134th Street, LaVista, NE 68138

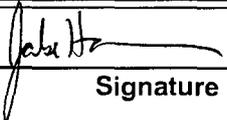
Project Description (*Attach additional descriptive information, as appropriate to the project, including narrative, maps, photographs, site plans, budgets and other information.*):

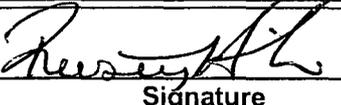
Project description is attached in comment letters. Project maps can be found on following pages.

The subject project has been reviewed pursuant to HUD regulations 24 CFR Part 58, "Environmental Review Procedures for Entities Assuming HUD Environmental Responsibilities," and the following determination with respect to the project is made:

- Exempt** from NEPA review requirements per 24 CFR 58.34(a)(____)
- Categorically Excluded NOT Subject** to §58.5 authorities per 24 CFR 58.35(b)(____)
- Categorically Excluded SUBJECT** to §58.5 authorities per 24 CFR 58.35(a)(1)
(A Statutory Checklist for the §58.5 authorities is attached.)
- An **Environmental Assessment** (EA) is required to be performed. (An Environmental Assessment performed in accordance with subpart E of 24 CFR Part 58 is attached.)
- An **Environmental Impact Statement** (EIS) is required to be performed.

The ERR (see §58.38) must contain all the environmental review documents, public notices and written determinations or environmental findings required by Part 58 as evidence of review, decision making and actions pertaining to a particular project. Include additional information including checklists, studies, analyses and documentation as appropriate.

<u>Jake Hansen</u> Preparer Name	
<u>CD/ED Manager</u> Title	<u>10/4/11</u> Date

<u>Rusty Hike</u> Responsible Entity Certifying Officer	
<u>Board Vice-Chairman</u> Title	<u>10/18/2011</u> Date

STATUTORY CHECKLIST

Use this worksheet only for projects that are **CATEGORICALLY EXCLUDED SUBJECT TO (CEST) Related Federal Statutes and Authorities [24 CFR §58.35(a)]**

GRANTEE: Sarpy County

GRANT#: 11-ED-004

A "Determination of Level of Review" form should be provided as a cover to this checklist.

This checklist is a component of the Environmental Review Record (ERR) [§58.38]. In addition the "Requirements listed at 24 CFR §58.6" form must also be completed. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

24 CFR §58.5 – NEPA-Related Federal Statutes and Authorities

DIRECTIONS – For each authority, check either Box "A" or "B" under "Status."

"A box" The project is in compliance, either because: (1) the nature of the project does not implicate the authority under consideration, or (2) supporting information documents that project compliance has been achieved. In either case, information must be provided as to WHY the authority is not implicated, or HOW compliance is met; OR

"B box" The project requires an additional compliance step or action, including, but not limited to, consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit.

IMPORTANT: Compliance documentation consists of verifiable source documents and/or relevant base data.

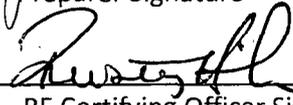
Appropriate documentation must be provided for each law or authority. Documents may be incorporated by reference into the ERR provided that each source document is identified and available for inspection by interested parties. Proprietary material and studies that are not otherwise generally available for public review shall be included in the ERR. Refer to HUD guidance for more information.

Statute, Authority, Executive Order, Regulation, or Policy cited at 24 CFR §58.5	STATUS A B		Compliance Documentation
1. Air Quality [Clean Air Act sections 176(c) & (d), and 40 CFR 6, 51, 93]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NDEQ Consulted September 2, 2011. No response from NDEQ as of October 3, 2011. Sarpy County, NE is not located within an EPA designated nonattainment or maintenance area. (See http://www.epa.gov/oar/oaqps/greenbk/mapnmpoll.html)
2. Airport Hazards (Clear Zones and Accident Potential Zones) [24 CFR 51D]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project is not located within any Airport Clear Zones or Accident Potential Zones. NE Department of Aeronautics concurrence obtained September 7, 2011.
3. Coastal Zone Management [Coastal Zone Management Act sections 307(c) & (d)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No coastal zone management programs are in the states of HUD Region VII, per Nat'l Oceanic & Atmospheric Administration, Office of Ocean and Coastal Resource Management. (http://www.ocrm.nos.noaa.gov/czm/czmsitelist.html) 9/2/2011.
4. Contamination and Toxic Substances [24 CFR 58.5(i)(2)]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NE State Fire Marshal and NDEQ consulted September 2, 2011. Concurrence from NE State Fire Marshal obtained on September 7, 2011. No response obtained from NDEQ as of October 3, 2011.
5. Endangered Species [50 CFR 402]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Letters sent to USFWS & Nebraska Game & Parks Commission September 2, 2011. No comments received from either agency as of October 3, 2011.
6. Environmental Justice [Executive Order 12898]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project will not have any disproportionate effect on LMI neighborhoods. End use of project does not constitute an environmental burden as defined by http://www.epa.gov/compliance/environmentaljustice/index.html . 9/2/2011.

7. Explosive and Flammable Operations [24 CFR 51C]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NE State Fire Marshal consulted September 2, 2011. Concurrence from NE State Fire Marshal obtained on September 7, 2011.
8. Farmland Protection [7 CFR 658]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	There is no farmland involved in this project, so compliance is not applicable. Concurrence from USDA-NRCS obtained September 6, 2011.
9. Floodplain Management [24 CFR 55, Executive Order 11988]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	FEMA Floodplain Map reviewed September 2, 2011. Project activities will not occur in 100-year floodplain.
10. Historic Preservation [36 CFR 800]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Project will not impact any historic properties. Initial SHPO Consultation sent September 2, 2011. Concurrence from SHPO obtained September 12, 2011.
11. Noise Control [24 CFR 51B]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	No noise sensitive uses proposed in project or near project site. Project activities are not subject to HUD Noise Assessment guidelines. See http://www.hud.gov/offices/cpd/environment/review/noise.cfm
12. Water Quality (Sole Source Aquifers) [40 CFR 149]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NDEQ and Nebraska DNR consulted September 2, 2011. Concurrence from DNR received on September 26, 2011, and no objection received from NDEQ as of October 3, 2011. There are no sole source aquifers in HUD Region VII. See http://www.epa.gov/safewater/sourcewater/pubs/qrg_ssamap_reg7.pdf
13. Wetland Protection [24 CFR 55, Executive Order 11990]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	USGS Wetland map reviewed September 2, 2011. US Army Corps of Engineers consulted initially September 2, 2011. No correspondence received from USACE as of October 3, 2011
14. Wild and Scenic Rivers [36 CFR 297]	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The proposed project will not impact any wild and scenic rivers. See http://www.rivers.gov/wildriverslist.html .

DETERMINATION:

- Box "A" has been checked for all authorities.** The project can convert to Exempt, per §58.34(a)(12), since the project does not require any further compliance measure (e.g. consultation, mitigation, permit, or approval) with respect to any law or authority cited at §58.5. Complete Finding of Exempt Activity and document in writing per §58.34(a)(12) & (b); OR
- Box "B" has been checked for one or more authorities.** The project cannot convert to Exempt since one or more authorities require compliance, including but not limited to consultation with or approval from an oversight agency, performance of a study or analysis, completion of remediation or mitigation measure, or obtaining of license or permit. Complete pertinent compliance requirement(s), publish NOI/RROF, request release of funds (HUD-7015.15), and obtain HUD's Authority to Use Grant Funds (HUD-7015.16) per §§58.70 & 58.71 before committing funds: OR
- The unusual circumstances of this project may result in a significant environmental impact. The project requires preparation of an Environmental Assessment (EA). Prepare the EA according to 24 CFR Part 58 Subpart E.

<u>Jake Hansen</u> Preparer Name	<u></u> Preparer Signature	<u>10/4/11</u> Date
<u>Rusty Hike</u> RE Certifying Officer Name	<u></u> RE Certifying Officer Signature	<u>10/18/2011</u> Date

24 CFR §58.6 – OTHER REQUIREMENTS

Use this worksheet for projects that are EXEMPT, CATEGORICALLY EXCLUDED SUBJECT TO (CEST), and CATEGORICALLY EXCLUDED NOT SUBJECT TO (CENST) Related Federal Statutes and Authorities.

This 58.6 Form is a component of the Environmental Review Record (ERR) [§58.38]. Supplement the ERR, as appropriate, with photographs, site plans, maps, narrative and other information that describe the project.

1. AIRPORT RUNWAY CLEAR ZONES AND CLEAR ZONES NOTIFICATION [24 CFR Part 51.303(a)(3)]

Does the project involve the sale or acquisition of property located within a Civil Airport Runway Clear Zone or a Military Airfield Clear Zone?

No. Cite or attach Source Documentation: Letter from NE Department of Aeronautics dated September 7, 2011 indicates that project is not in Runway Clear Zone or Accident Potential Zone. [Project complies with 24 CFR 51.303(a)(3).]

Yes. Notice must be provided to the buyer. The notice must advise the buyer that the property is in a Runway Clear Zone or Clear Zone, what the implications of such a location are, and that there is a possibility that the property may, at a later date, be acquired by the airport operator. The buyer must sign a statement acknowledging receipt of this information, and a copy of the signed notice must be maintained in the ERR.

2. COASTAL BARRIERS RESOURCES ACT [Coastal Barrier Improvement Act of 1990 (16 USC 3501)]

Is the project located in a coastal barrier resource area?

No. Cite or attach Source Documentation: No CBRA's in Nebraska according to <http://www.fema.gov/nfip/cobra.shtm> [Proceed with project.]

Yes. Federal assistance may not be used in such an area.

3. FLOOD DISASTER PROTECTION ACT [Flood Disaster Protection Act of 1973, as amended (42 USC 4001-4128)]

Does the project involve acquisition, construction, or rehabilitation of structures located in a FEMA-identified Special Flood Hazard Area (SFHA)?

No. Cite or attach Source Documentation: FEMA Floodplain Map reviewed September 2, 2011. Map panel number is 3101920065G. [Proceed with project.]

Yes. Cite or attach Source Documentation: _____

Is the community participating in the National Insurance Program (or has less than one year passed since FEMA notification of Special Flood Hazards)?

Yes. Flood Insurance under the National Flood Insurance Program must be obtained. If HUD assistance is provided as a grant, insurance must be maintained for the economic life of the project and in the amount of the total project cost (or up to the maximum allowable coverage, whichever is less). If HUD assistance is provided as a loan, insurance must be maintained for the term of the loan and in the amount of the loan (or up to the maximum allowable coverage, whichever is less). A copy of the flood insurance policy declaration must be kept on file in the ERR.

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

Jake Hansen

Preparer Name

Jake Hansen
Preparer Signature

10/4/11
Date

RUSH Hike

RE Certifying Officer Name

Rush Hike
RE Certifying Officer Signature

10/18/2011
Date

FINDING OF EXEMPT ACTIVITY [24 CFR 58.34(a)]

GRANTEE: Sarpy County

GRANT # 11-ED-004

DIRECTIONS: Certain CDBG, HOME, and NAHTF funded activities, which do not have a physical impact, require a grantee, as defined at 24 CFR Part 58.2, to determine whether the proposed activity is Exempt from the National Environmental Policy Act of 1969 (NEPA), as amended, and not subject to the environmentally-related statutory authorities listed at 24 CFR Parts 58.5.

This form provides a grantee with a format to make this determination. A description of the activity (or project) should be attached to this form and the documentation maintained in the Environmental Review Record (24 CFR Part 58.38). Note that the 24 CFR 58.6 requirements will also need to be completed. Consult HUD's environmental regulation (24 CFR Part 58) as necessary.

Check a single box that best describes or fits the proposed activity. Submit the completed form to your Responsible Entity Certifying Officer for review.

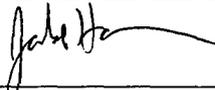
- Environmental and other studies, resource identification and the development of plans and strategies [58.34(a)(1)].
- Information and financial services [58.34(a)(2)].
- Administrative and management activities [58.34(a)(3)].
- Public services that will not have a physical impact or result in any physical changes, including but not limited to services concerned with employment, crime prevention, child care, health, drug abuse, education, counseling, energy conservation and welfare or recreational needs [58.34(a)(4)].
- Inspections and testing of properties for hazards or defects [58.34(a)(5)].
- Purchase of insurance [58.34(a)(6)].
- Purchase of tools [58.34(a)(7)].
- Engineering or design costs [58.34(a)(8)].
- Technical assistance and training [58.34(a)(9)].
- Assistance for temporary or permanent improvements that do not alter environmental conditions and are limited to protection, repair, or restoration activities necessary only to control or arrest the effects from disasters or imminent threats to public safety including those resulting from physical deterioration [58.34(a)(10)].
- Payment of principal or interest on loans made or obligations guaranteed by HUD [58.34(a)(11)].
- Any of the categorical exclusions listed in §58.35(a) provided there are no circumstances which require compliance with any other Federal laws and authorities cited in §58.5 [58.34(a)(12)].

PROJECT DESCRIPTION: Provide a description of all project activities including those activities funded by sources other than CDBG, HOME, or NAHTF: (Attach additional pages as necessary.)

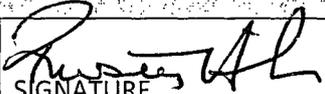
Sargent Pet Care Products is proposing to lease a property located at 10067 South 134th Street for the purpose of manufacturing several pet products, including flea & tick treatments, pet shampoos, and pet toothpaste. Activities for which federal funds would be utilized include installation of machinery and equipment in the facility. The subject site encompasses approximately 9.73 acres and the building to be acquired occupies 131,150 square feet.

In accordance with the provisions of 24 CFR 58.34(a), the grantee has determined that the subject CDBG, HOME, or NAHTF-assisted activity (or program) explained above is Exempt from the National Environmental Policy Act of 1969 (NEPA), as amended.

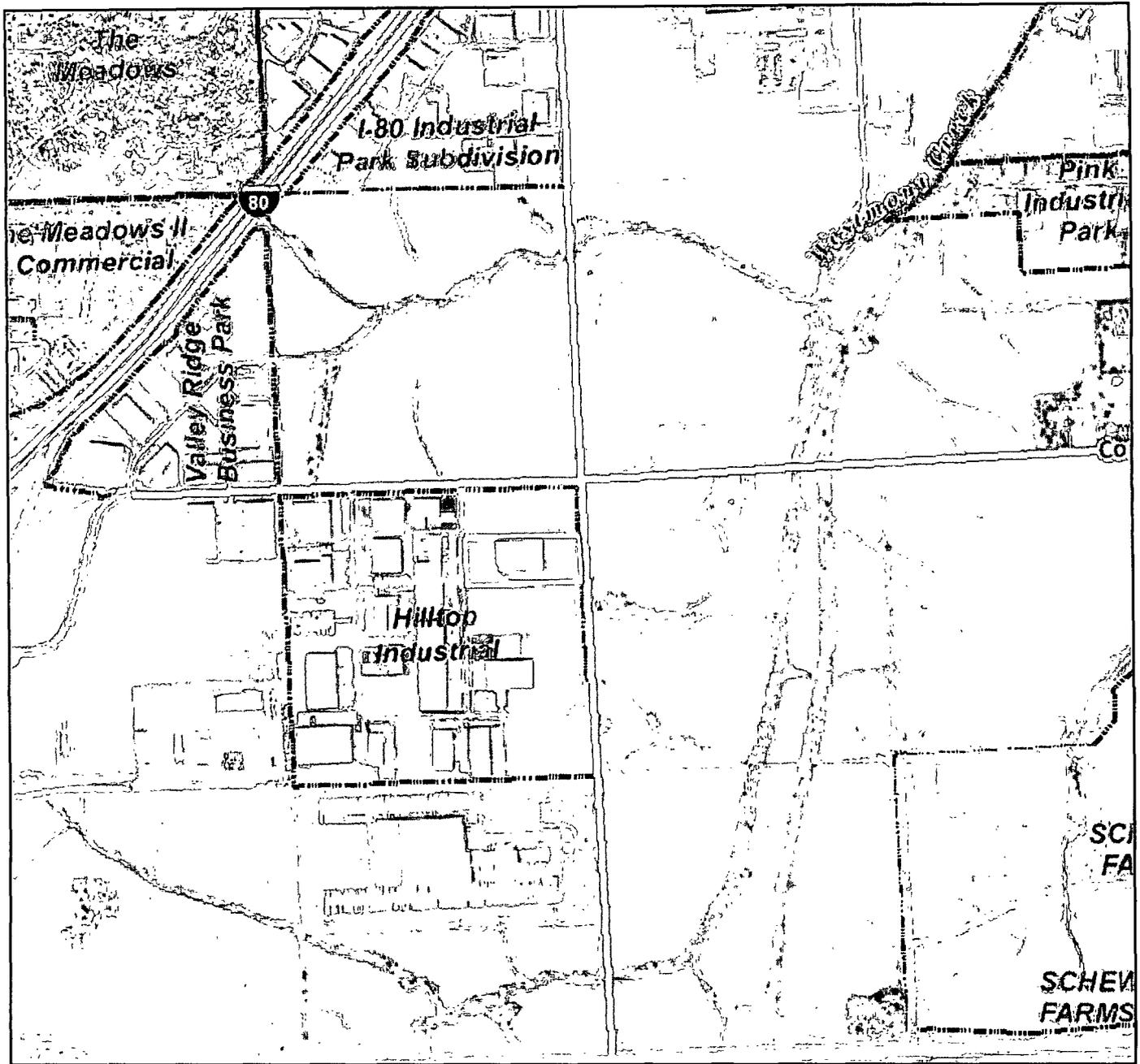
DETERMINATION BY (PREPARER)

PRINT NAME Jake Hansen	SIGNATURE 	DATE 10/4/11
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RESPONSIBLE ENTITY CERTIFYING OFFICER

PRINT NAME Rusty Hike	SIGNATURE 	DATE 10/18/2011
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Sarpy County, Nebraska



Parcel ID Number	011355352	Property Type	COMM
Owner Name	PROFESSIONAL VETERINARY PRODUCTS LTD	Improvements Value	\$5,410,245
Mailing Address	10077 S 134TH ST	Land Value	\$1,059,755
City State	OMAHA NE	Total Value	\$6,470,000
Zip Code	68138-3720	Estimated Acres	9.72422562
Property Address	10067 S 134TH ST	Tax District	46051
Legal Description	LOT 3 HILLTOP INDUSTRIAL PARK REPLAT 1 (9.73 AC)	Snow Ordinance	County #3-1-01
Neighborhood Code	WH250		

Disclaimer: This data is for informational purposes only, and should not be substituted for a true titles search, property appraisal, survey, or for zoning district verification. Sarpy County and the Sarpy County GIS Coalition assume no legal responsibility for the information contained in this data.

Map Scale
1 inch = 1317 feet

10/13/2011

Sarpy County Board of Commissioners

1210 GOLDEN GATE DRIVE
PAPILLION, NE 68046-2895
593-4155

www.sarpy.com

ADMINISTRATOR Mark Wayne

DEPUTY ADMINISTRATOR Scott Bovick

FISCAL ADMIN./PURCHASING AGT. Brian Hanson



COMMISSIONERS

Rusty Hike District 1
Jim Thompson District 2
Tom Richards District 3
Jim Nekuda District 4
Jim Warren District 5

MEMO

October 18, 2011

TO: Sarpy County Board of Commissioners

FROM: Scott Bovick, Deputy County Administrator

RE: Resolution to Authorize Chair to sign Environmental Review documents for the Sargent Pet Care Manufacturing Facility CDBG grant project

Sargent Pet Care has applied for a Community Development Block Grant (CDBG) from the Nebraska Department of Economic Development (DED) for funding to manufacture several pet products, including flea & tick treatments, pet shampoos, and pet toothpaste at a facility located at 10067 South 134th Street (see attached map).

While the project will not utilize any of Sarpy County's CDBG funds, because it is located in the County's jurisdiction the County Board Chair must sign off on the environmental review documentation. Jake Hansen from MAPA conducted the environmental review and determined the project is "Exempt" from the National Environmental Policy Act (NEPA) of 1969.

Once the documents are signed Sargent Pet Care will execute their lease and begin outfitting the building.

Please let me know if you have any questions. Thank you.



Scott Bovick, Deputy County Administrator

Cc: Deb Houghtaling
Mark Wayne
Brian Hanson
Jake Hansen
Lisa Haire
Nicole O'Keefe



Office of the County Attorney

Hall of Justice · 1210 Golden Gate Drive · Suite 3147
Papillion, NE 68046-2889
(402) 593-2230 · FAX: (402) 593-4359

L. Kenneth Polikov
Sarpy County Attorney

November 21, 2011

To: County Clerk

RE: Resolution 2011-340 Sargent Pet Care NEPA Exempt

On October 18, 2011 the County Board of Commissioners passed Resolution 2011-340. That resolution required a finding of compliance with certain Federal regulations. A document entitled "Determination of Level of Review" was attached to that resolution, and contained an incorrect reference to the CFR. The document available at the meeting referred to 24 CFR 58.35(a)(5). That reference should be 24 CFR 58.35(a)(2). (Emphasis mine.) After reviewing the regulations, I determined that this was a clerical error and advised the County Clerk that a corrected form could be executed without the necessity of formal action by the County Board.

Michael A. Smith
Deputy County Attorney

Requested
new letter
11/28/11
CV