
PUBLIC NOTICE



Application No: 2006-10091-WEH
Applicant: Papio-Missouri Natural Resources District
Waterway: North Branch West Papillion Creek
Issue Date: October 23, 2012
Expiration Date: November 13, 2012

21 DAY NOTICE

Reply To:
NEBRASKA REGULATORY OFFICE – WEHRSPANN
8901 SOUTH 154TH STREET, SUITE 1, OMAHA, NEBRASKA 68138-3621

JOINT PUBLIC NOTICE: This public notice is issued jointly by the U.S. Army Corps of Engineers (Corps), Omaha District, and the Nebraska Department of Environmental Quality (NDEQ), P.O. Box 98922, State House Station, Lincoln, Nebraska 68509. NDEQ will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ hereby incorporate this public notice as its own public notice and procedures by reference thereto. For the purposes of the NDEQ, their public notice will expire 30 days from the issue date shown above.

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344).

APPLICANT: Ms. Lori Laster, Papio-Missouri Natural Resource District, 8901 South 154th Street, Omaha, Nebraska 68138.

PROJECT LOCATION: The project is located in SE ¼ of Section 33, Township 16 North, Range 11 East, Douglas County, Nebraska. The structure is located near 41.308520°N, -96.184302°W.

PROJECT DESCRIPTION: The project would consist of constructing a dam known as “Dam Site 15A.” The structure would be an earthen embankment approximately 1,750 feet in length and about 40 feet above the valley floor. This structure would require 530,000 cubic yards of clean fill material with 1,085 cubic yards below ordinary high water mark. The principal spillway pool area would be 220 acres at the elevation of 1,169 feet. The project would have a water quality basin located northwest of the 180th street realignment. The structure would have 2,050 acre-feet of sediment storage capacity and approximately 3,290 acre-feet of flood storage capacity.

PROJECT PURPOSE:

Basic Project Purpose: The basic project purpose as defined by the Corps is flood control and water based recreation.

Applicant's Project Purpose: The purpose of the project is to improve flood control within West Papillion Creek sub watershed and to provide lake based recreation for the Douglas and Sarpy Counties. Improvement in the flood control of North Branch West Papillion Creek would reduce flood damages and threats to human life for the Omaha metropolitan community. In addition, the proposed project would increase the supply of lake-based recreation activities for residents within Douglas and Sarpy Counties.

Overall Project Purpose: The overall project purpose as defined by the Corps is flood control in the West Papillion Creek Watershed and water based recreation within Douglas and Sarpy Counties, Nebraska.

SPECIAL AQUATIC SITES: A total of 3.5 acres of wetlands (1.7 acres of linear riverine PEMA wetlands and 1.8 acres of linear riverine PFOA wetlands) will be impacted by this project. A total of 930 linear feet of channel will be filled and a total of 17,420 linear feet of stream channel will be inundated.

AVOIDANCE, MINIMIZATION, AND MITIGATION: This project is located in the Big Papillion-Mosquito watershed (10230006). The applicant is considering alternatives that would avoid, minimize, and mitigate impacts to waters of the United States, including wetlands. The avoidance alternatives for the flood control purpose include no-build, conservation measures, wetland storage areas, zoning, floodplain acquisition, conveyance/construction of levees and raising existing bridges, stream restoration, floodplain connectivity, and dry dam. The avoidance alternatives for the water based recreation purpose include new lake construction with a primary stream fed water source, new lake construction with a groundwater source, rehabilitation of existing closed sand and gravel pits, expansion of existing sand and gravel pits, and Missouri River oxbow restoration. The applicant is considering one alternative that minimizes impacts for both purposes which consists of a lower normal pool design elevation.

The applicant is proposing to mitigate the wetland impacts below and above the normal pool elevation of the lake. The mitigation is on-site and is proposed at a 4:1 ratio for being out-of-kind for Nebraska wetland subclass (riverine channel to lacustrine fringe). This would require the applicant to create 6.8 acres of PEMA lacustrine fringe wetlands and 7.2 acres of PFOA lacustrine fringe wetlands.

The applicant is proposing to mitigate the stream impacts through stream channel improvements within the tributaries within the entire Dam Site 15A project area. These areas will be identified based on their existing stream features, a pre-project functional assessment, design details on how the function will be improved, and a predicted post-project functional score. All stream mitigation areas will be protected with minimum 50-foot wide buffer strip.

The applicant will be required to prepare and submit a draft mitigation plan in accordance with the 12 components of the Mitigation Rule 33 CFR part 332.4(c)(2) through (c)(14). After addressing comments provided the applicant must prepare a final mitigation plan, which must be approved by the Corps prior to issuing the individual permit. The approved final mitigation plan will be incorporated into the individual permit by reference.

CULTURAL RESOURCES: The Corps, Omaha District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and its current supplements. No property is listed or proposed for listing in the in the project area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and may require a reconnaissance survey of the project area to check for unknown historic or prehistoric properties, if warranted.

ENDANGERED SPECIES: Pursuant to the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete our evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals.

FLOODPLAIN: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision whether to issue the Corps' permit will be based on an evaluation of the probable impacts, including cumulative impacts of the proposed/completed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against their reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the work on the public

interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (40 C.F.R. Part 230).

COMMENTS: The Corps is soliciting comments from the public, Federal, State, and Local agencies and officials, Indian Tribes and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

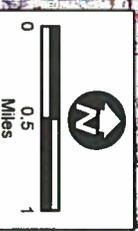
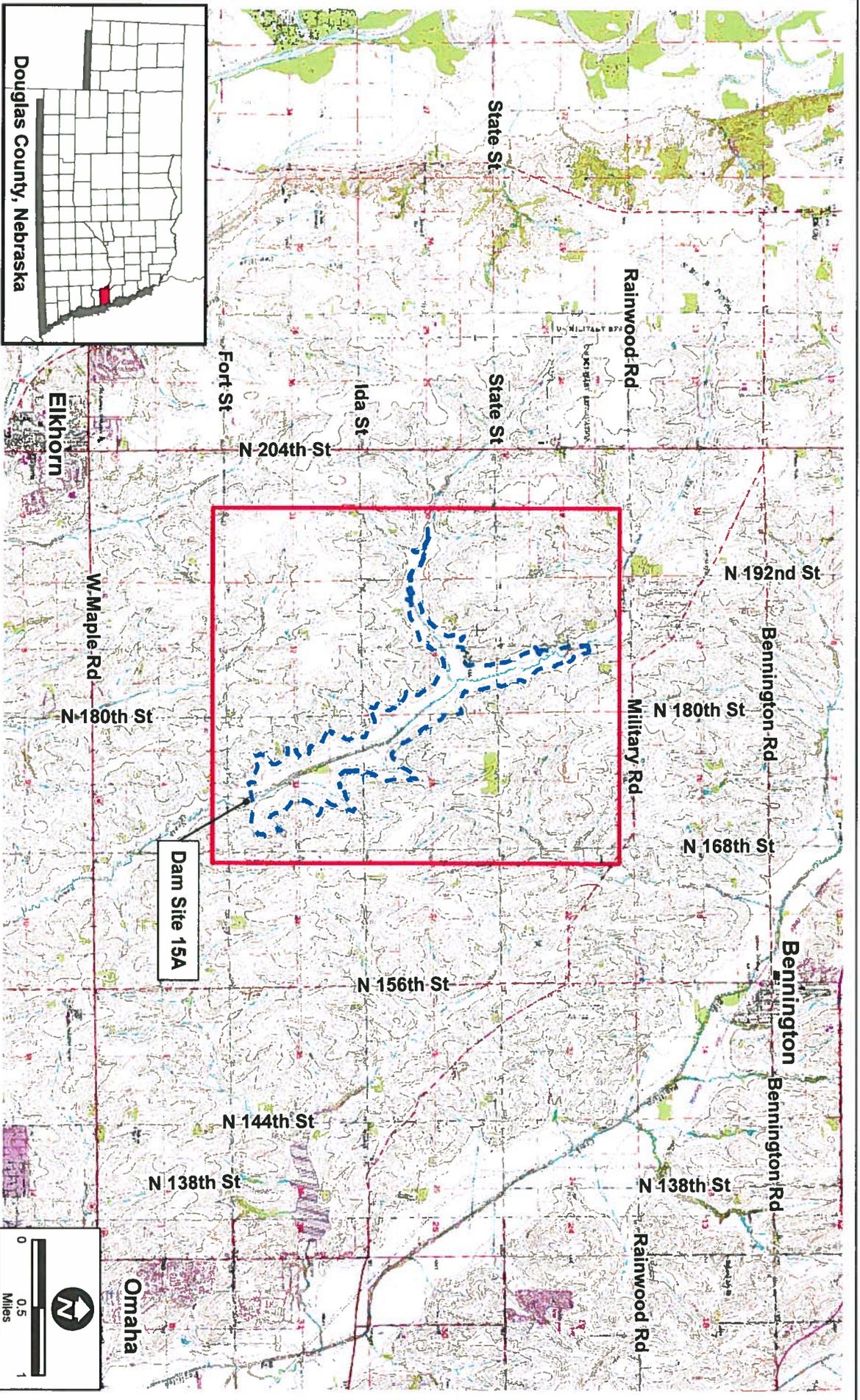
Anyone whose interests may be affected by the proposed/completed work is invited to submit favorable or unfavorable written comments to the Nebraska Regulatory Office – Wehrspann, 8901 South 154th Street, Suite 1, Omaha, NE 68138-3621. The District Engineer is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic system's functional values, cumulative and secondary effects and endangered species. All comments received will be considered public information; copies of all comments, including names and addresses of commentors, may be provided to the applicant unless confidentiality is requested. Comments must be submitted on or before the expiration date (located at the top of the first page) of this notice to be considered in the subsequent actions on this application.

PUBLIC HEARING: Before the expiration date of this notice, anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state the reason(s) for holding a public hearing. If the District Engineer determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by writing to Matt Wray at the address shown on page one or by calling him at (402) 896-0896. You can also e-mail him at matt.t.wray@usace.army.mil.

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page one.

NOTICE TO EDITORS: This notice is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.



DATE

September 2012

FIGURE

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Project Vicinity Map

North Branch West Papillion Creek
Dam Site 15A, Douglas County
404 Permit Application

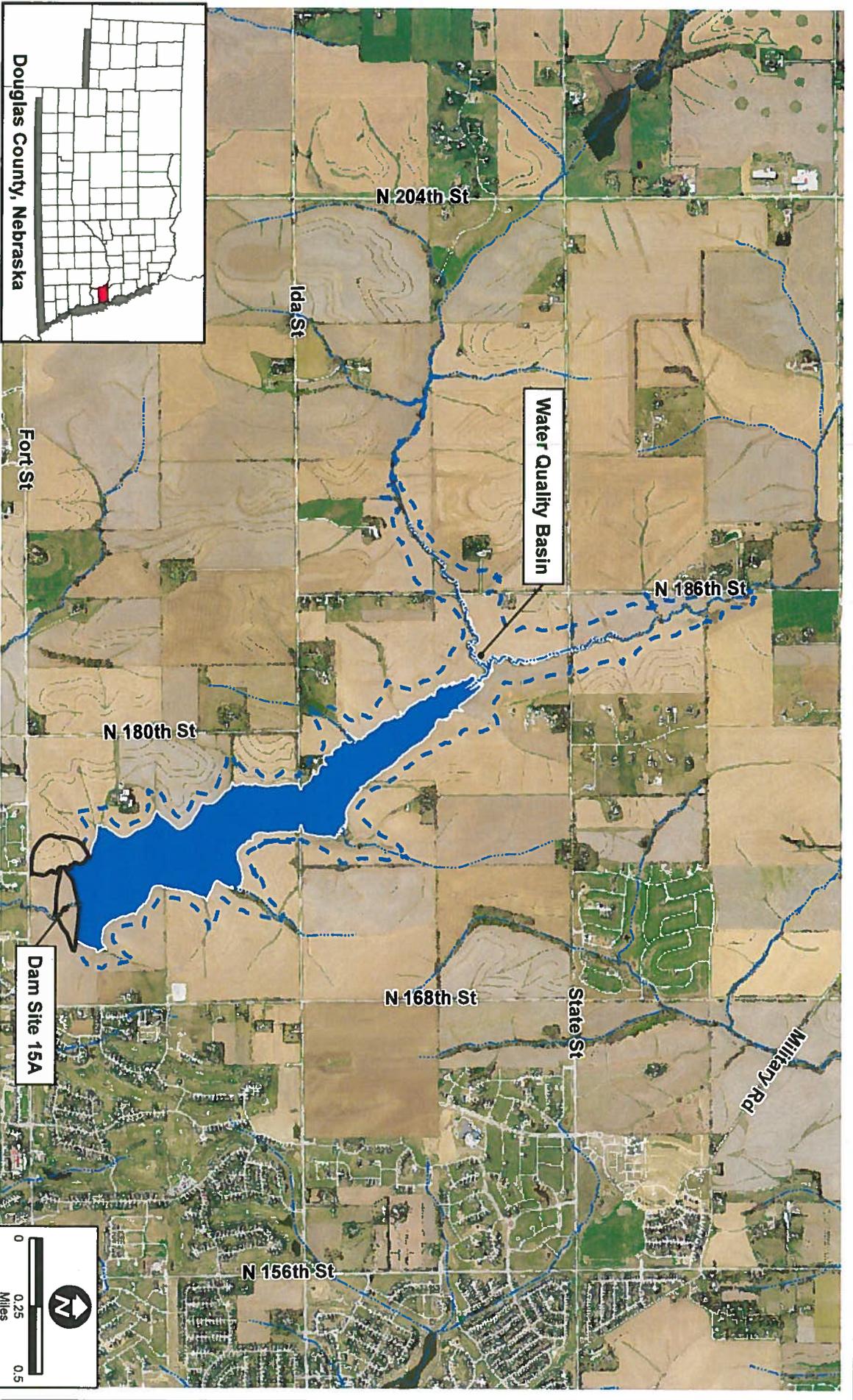


Legend

- Affected Area
- Project Location



Base Map 2001 USDA-NRCS-NCGC Digital Raster Graphic



Legend

- Dam Footprint
- Normal Pool Elev. 1169
- Top of Dam Elev. 1187



Project Site Map

North Branch West Papillion Creek
Dam Site 15A, Douglas County
404 Permit Application



Base Map: 2001 USDA-NRCS-NCGC Digital Raster Graphic

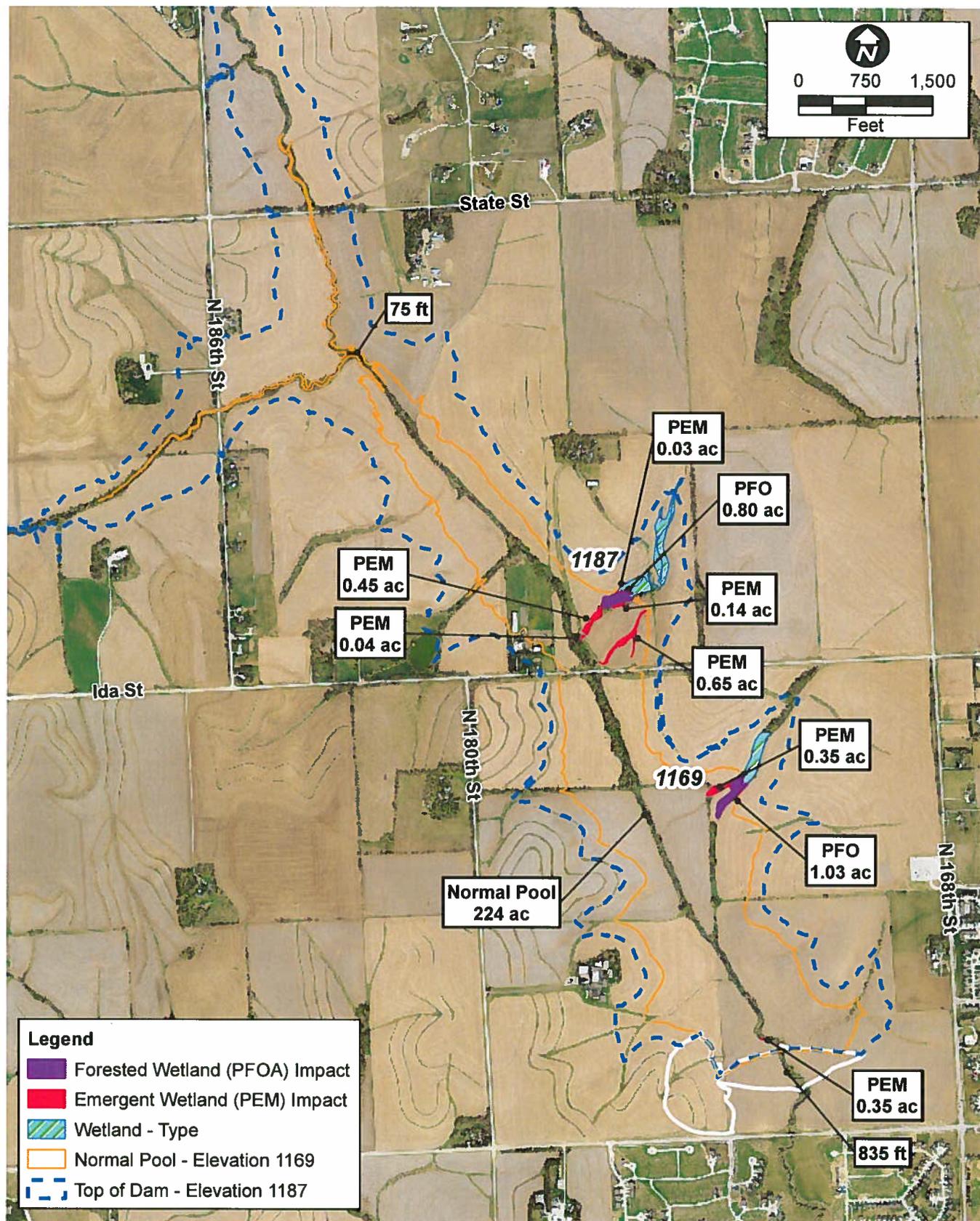
DATE

September 2012

FIGURE

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Legend

- Forested Wetland (PFOA) Impact
- Emergent Wetland (PEM) Impact
- Wetland - Type
- Normal Pool - Elevation 1169
- Top of Dam - Elevation 1187



Wetlands and Waterways Identified in the Dam Site 15A Study Area @1169 Normal Pool
 North Branch West Papillion Creek
 Dam Site 15A, Douglas County
 404 Permit Application

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FIGURE	13