
PUBLIC NOTICE



**US Army Corps
of Engineers**

Omaha District

Application No: 2012-02843-WEH
Applicant: Central Valley Ag Cooperative
Waterway: Tributary to Yankton Slough and wetlands
adjacent to Yankton Slough
Issue Date: January 24, 2013
Expiration Date: February 14, 2013

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, 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 incorporates 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: Central Valley Ag Cooperative, 1007 County Road O, Oakland, Nebraska, 68045.

PROJECT LOCATION: This project is located in Section 27, Township 28 North, Range 1 West, in Pierce County, Nebraska (see Figures 1 and 2).

PROJECT DESCRIPTION: This project involves construction of a new grain and agronomy storage and distribution facility on approximately 150 acres, including grain and fertilizer storage buildings, warehouses, a rail loop through the facility and connection to the BNSF rail line (see Figure 3). Grading and construction of the site involves permanent fill impacts to approximately 5.25 acres of PEMA/C wetlands. Of this, 0.92 acres will be filled at Wetland A, and 4.33 acres will be filled at Wetland B. Approximately 269 linear feet of the ephemeral/intermittent channel

will be impacted by the placement of culverts for the rail line. Approximately 181 linear feet of the channel will be impacted due to a channel shift for the rail embankment. Therefore approximately 450 feet of channel will be impacted; however no overall loss of channel length will occur.

PROJECT PURPOSE:

Basic Project Purpose: The basic project purpose as defined by the Corps is the collection, storage, and distribution of grain and agricultural inputs (seed and fertilizer).

Applicant's Project Purpose: The purpose of this project is to provide a local facility to accommodate additional grain and agronomy storage and multi-modal distribution demand in the Highway 81/Highway 20 market area in northeastern Nebraska. The project would allow for expanded marketing and distribution of grain using railroad infrastructure to efficiently transport grains to local, regional and national purchasers, as well as providing access for local grain to coastal ports for international shipment. The project would also provide an agronomy facility to receive agronomy inputs in an efficient manner via rail and truck, store the product onsite, and distribute products to area farmers.

Overall Project Purpose: The overall project purpose as defined by the Corps is the construction of collection, storage, and distribution facilities for grain and agricultural products by truck and rail in a portion of northeast Nebraska generally bounded by the Missouri River to the north, and the Nebraska communities of Dixon, Pierce, and Plainview to the east, south, and west, respectively.

SPECIAL AQUATIC SITES: The proposed project would result in the discharge of permanent fill material into Waters of the U.S., impacting approximately 5.25 acres of floodplain depressional PEMA/C wetlands and approximately 450 linear feet of stream channel.

AVOIDANCE, MINIMIZATION, AND MITIGATION: A list of selection criteria was applied to screen potential sites. Criteria included: adjacency to a mainline railroad track; location within 10 miles from U.S. Highway 81; sufficient acreage to accommodate a rail loop on site; available from willing seller; and adjacency to a paved roadway. According to the applicant, four sites met the above criteria and were further considered. Site 1 was selected as the preferred alternative.

Alternative site layouts at Site 1 were evaluated to minimize impacts. Minimization efforts included spanning the ephemeral drainage wherever possible and designing the rail embankment to a 3:1 side slope.

The applicant proposes to mitigate wetland impacts by enhancing existing wetlands and creating new wetlands on-site. Mitigation for channel impacts was not proposed. 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 Corps' review of the draft, the applicant must prepare a final mitigation plan for Corps approval prior to issuance of the individual permit. The approved final mitigation plan will be incorporated into the individual permit by reference.

CULTURAL RESOURCES: A review of the National Register of Historic Places provided in the application did not identify any sites located within 0.5 mile of the study area. A Phase I Cultural Resources Survey was completed by Cultural Resources Consultants of Hickman, Nebraska. The survey included a literature review and pedestrian survey of the project site. The survey did not identify any sites that would be eligible for inclusion on the National Register of Historic Places. A copy of the Phase I Cultural Resources Survey will be provided to the Nebraska State Historic Preservation Office (SHPO) for their review and concurrence that the project would not impact cultural resources.

The Corps will evaluate input by SHPO and the public relative to this statute in response to this public notice, and we may conduct or require further reconnaissance of the permit area or check for unknown historic properties, if warranted.

ENDANGERED SPECIES: The applicant has initiated coordination with the United States Fish and Wildlife Service (FWS) and Nebraska Game and Parks Commission (NGPC) regarding threatened or endangered species, requesting concurrence that the project will not result in adverse effects to threatened or endangered species. The FWS responded with a response of "No Objection".

Pursuant to the Endangered Species Act, a preliminary determination has been made by the Corps 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, further 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 of Engineers 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.

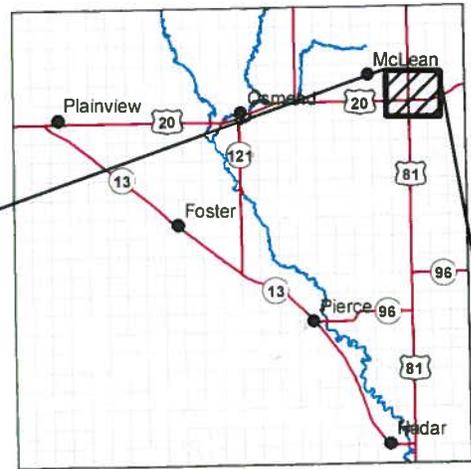
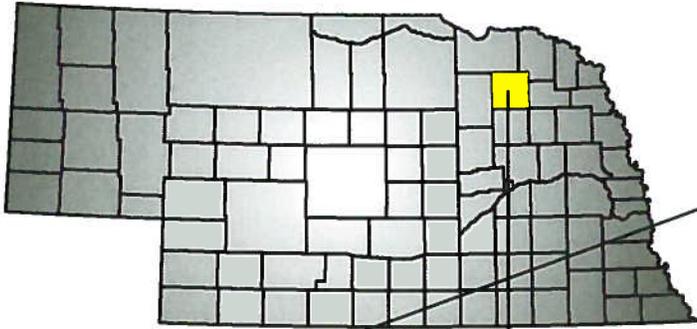
ADDITIONAL INFORMATION: Additional information about this application may be obtained by writing to Dale Vagts at the address shown on page one or by calling him at (402) 896-0896. You can also e-mail him at dale.r.vagts@usace.army.mil.

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

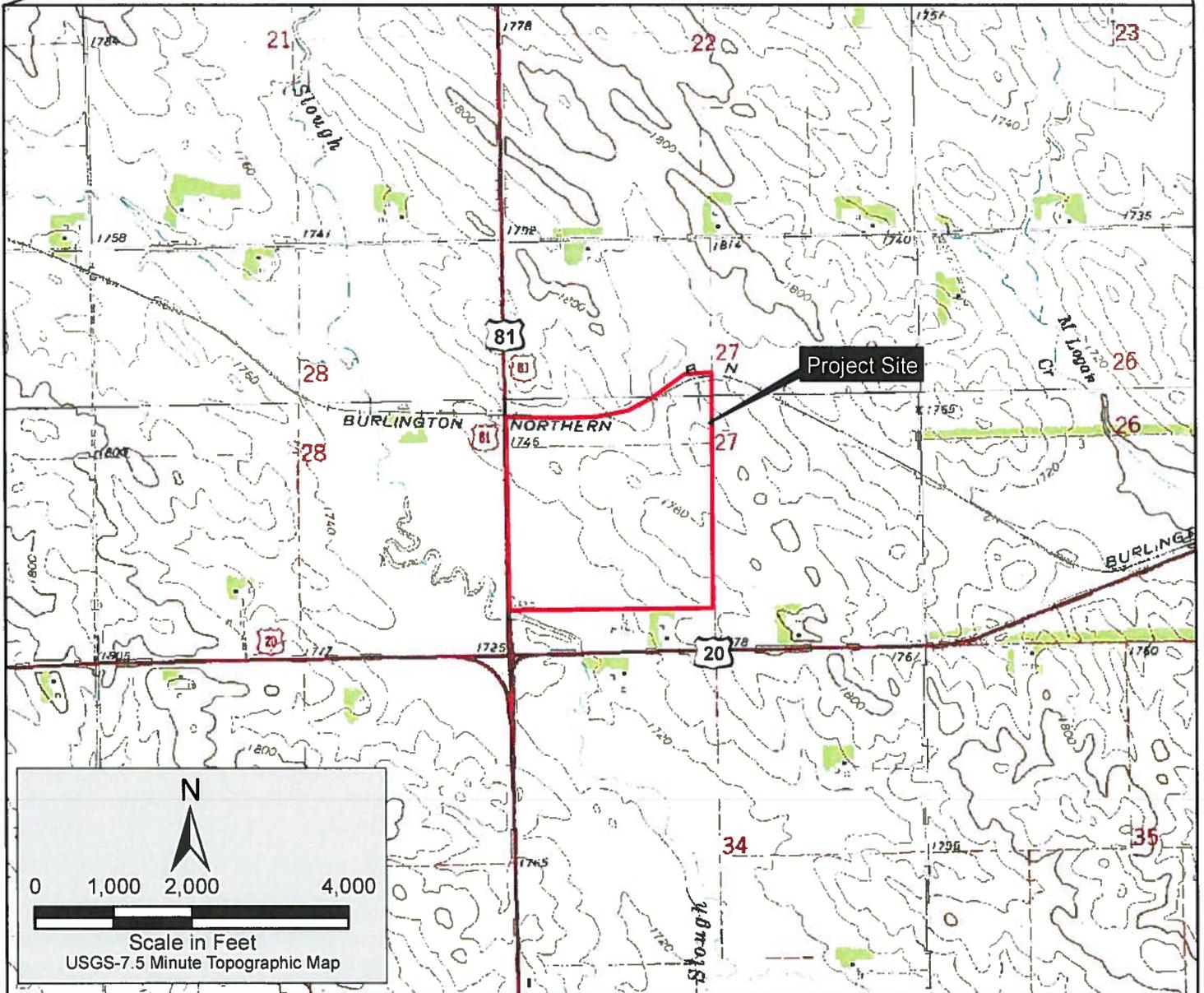
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NEBRASKA



Pierce County



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PROJECT: 011-2269
DRAWN BY: JM
DATE: December 31, 2012

LOCATION MAP
 Central Valley Ag
 Randolph Construction Design
 Pierce County, Nebraska



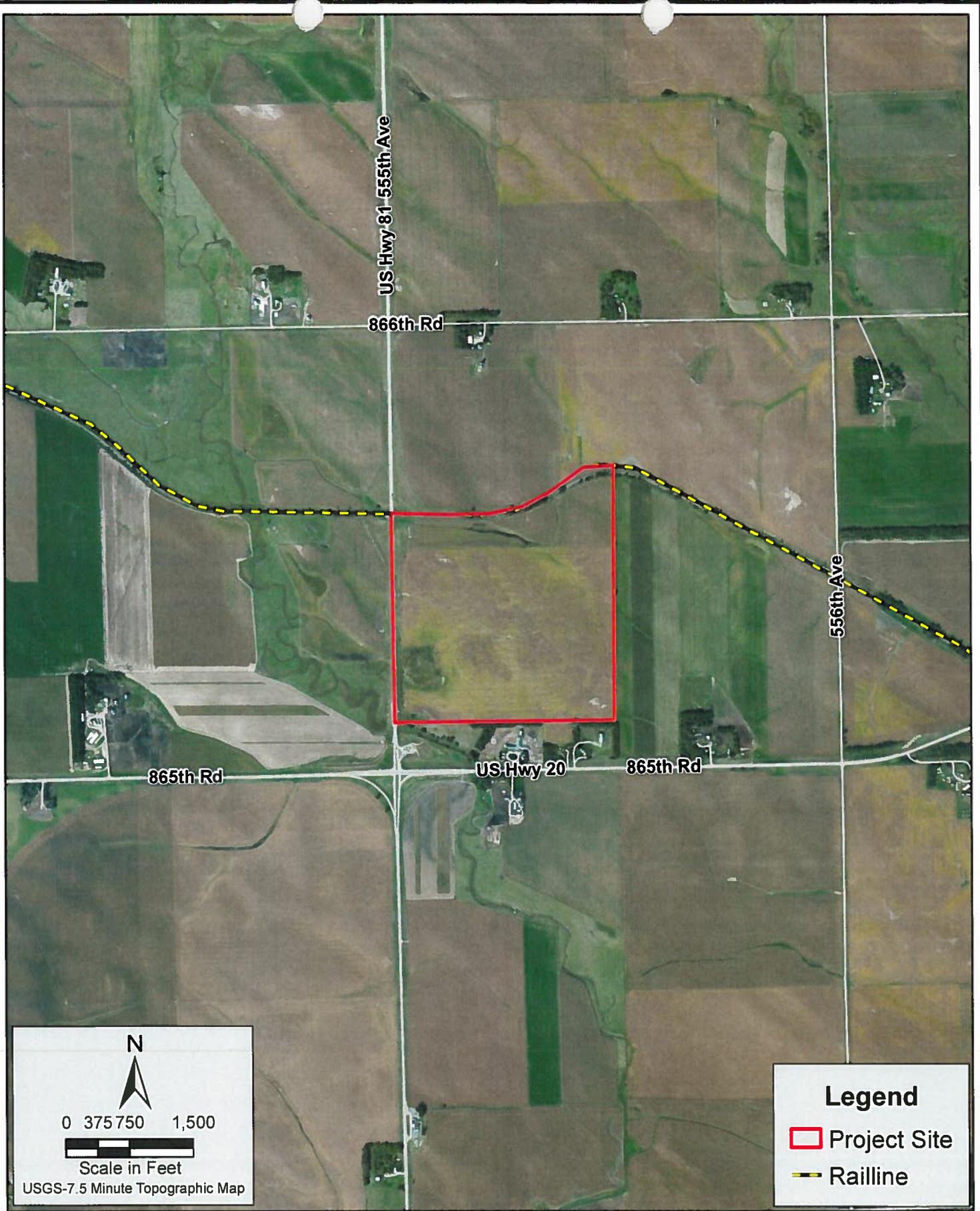
1111 Lincoln Mall, Suite 111
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FIGURE

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Scale in Feet

USGS-7.5 Minute Topographic Map

Legend

Project Site
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PROJECT: 011-2269
DRAWN BY: JM
DATE: December 31, 2012

SITE MAP
 Central Valley Ag
 Randolph Construction Design
 Pierce County, Nebraska

OLSSON
 ASSOCIATES

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 Lincoln, NE 68501-4508

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FIGURE
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