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# PUBLIC NOTICE



**US Army Corps  
of Engineers**

Omaha District

**Application No: 2003-10140-WEH**  
**Applicant: IDOT & NDOR**  
**Waterway: Missouri River & Wetlands**  
**Issue Date: December 4, 2009**  
**Expiration Date: December 24, 2009**

**21 DAY NOTICE**

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

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**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 and the Iowa Department of Natural Resources, 502 E 9<sup>th</sup> Street, Des Moines, Iowa 56319. They will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ and IDNR hereby incorporate this public notice as its own public notice and procedures by reference thereto. For the purposes of the NDEQ and IDNR, 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:** Iowa Department of Transportation, Mr. Jim Rost, 800 Lincoln Way, Ames, Iowa 50010 and Nebraska Department of Roads, Mr. Tim Weander, 4425 S. 108<sup>th</sup> Street, Omaha, Nebraska 68145.

**PROJECT LOCATION:** The project is located in Sections 7, 8, 17, and 18, Township 72 North, Range 43 West, and Sections 2, 11, 12, 13, and 14, Township 72 North, Range 44 West, Mills County Iowa. The project is located in Section 19, and 30, Township 13 North, Range 14 East, and Sections 23 and 24, Township 13 North, Range 13 East, Sarpy County, Nebraska. The bridge crossing the Missouri River is located at river mile 595.9.

**PROJECT DESCRIPTION:** The project begins at the east end of the US-75 interchange with the relocated Platteview Road that is proposed as part of the NDOR US-75 Plattsmouth to Bellevue project. Four lanes will extend eastward from the interchange, with a four-lane bridge across the Union Pacific Railroad and Burlington Northern Santa Fe Railway rail lines. The four lanes will continue east/southeast across the Missouri River. The Missouri River crossing will include a bridge that begins west of the U.S. Army Corps of Engineers (USACE) flood control

levee on the Nebraska bank and will continue across the river to the east side of the USACE flood control levee on the Iowa bank. The bridge layout includes a four-span Nebraska approach, three main spans, and a 10-span Iowa approach. One of the main spans will provide a minimum of 500 feet of horizontal clearance and 52 feet of vertical clearance for the navigation channel in the river. The pier layout for the bridge was developed in coordination with the United States Coast Guard (USCG) to minimize navigation impacts.

East of the Missouri River crossing, the alignment curves to the south and then to the east to the northern US-34 interchange with I-29 (the Glenwood exit). The project includes widening the existing US-34 from a two-lane roadway to a four-lane divided roadway through the existing interchange with I-29 (including replacing the existing diamond interchange with a partial cloverleaf interchange) to connect with the four-lane section of US-34 east of I-29.

This proposed construction will impact 9.08 acres of wetlands (3.32 acres of PEMA/C and 0.89 acres of PFOA in Iowa, 4.87 acres of Riverine Floodplain PEMA/C in Nebraska). Plans for the project can be found at <http://www.iowadot.gov/ole/us34bellevue.asp>. A paper copy of the information found at the website is available upon request.

### **Temporary Construction Access**

Bridge piers 5 and 6 are proposed within the Missouri River channel. To facilitate construction of these piers, temporary construction access will be required in the Missouri River (all other piers will be constructed using conventional construction techniques). Temporary access measures would include an appropriate combination of barges, temporary slips, temporary work pads (located above the ordinary high water mark [OHWM]), and temporary cofferdams. The project does not involve construction of a causeway in the Missouri River. Anticipated accommodations for temporary construction access specific to piers 5 and 6 are as follows:

- Pier 5 – Due to the proximity of pier 5 to the Nebraska bank of the Missouri River all construction activities may be accomplished from the Nebraska bank; however, because barges will already be mobilized at the Project (for construction of pier 6, described below), the selected contractor may work from a barge placed near the Nebraska bank. A temporary cofferdam will also be required to facilitate foundation construction.
- Pier 6 – Barges will be necessary to construct pier 6 and its associated foundation due to its location in the channel. Additionally, a temporary cofferdam will be constructed surrounding pier 6 to facilitate construction.

Additionally, efforts to minimize pier placement in the navigational channel of the Missouri River have resulted in long bridge spans and associated girders. The substantial girder length results in the necessity of the girders to be constructed in segments; therefore, temporary supports (falsework) may be required. These supports would essentially consist of temporary piers necessary to support girder segments prior to final assembly. All falsework will be promptly removed from the Missouri River following final girder assembly. Plans for the

temporary can be found at <http://www.iowadot.gov/ole/us34bellevue.asp>. A paper copy of the information found at the website is available upon request.

**PROJECT PURPOSE:** The purpose of the project is to improve connectivity and fulfill transportation needs of the southern Omaha metropolitan area, including eastern Sarpy County and Bellevue as well as western Mills County by providing a safe and free-flowing connection across the Missouri River from US-75 to I-29.

**SPECIAL AQUATIC SITES:** The proposed project would result in the unavoidable discharge of fill material into Waters of the U.S., including 3.22 acres of PEMA/C and 0.89 acres of PFOA wetland impacts on the Iowa side of the Missouri River and 4.87 acres of riverine floodplain PEMA/C wetland impacts on the Nebraska side of the Missouri River. The project will impact a total of 8.98 acres of wetlands on both sides of the river.

**AVOIDANCE, MINIMIZATION, AND MITIGATION:** The USACE views the Federal Highway Administration as the lead Federal Agency for the proposed project. The Final Environmental Impact Statement (EIS) dated May 18, 2007 details an effort, by the applicant to avoid and minimize impacts to waters of the United States. The applicants avoided and minimized impacts after reviewing the existing and proposed drainage patterns. The applicants determined that the toe ditches could be removed from the grading sections, and that the fill slope could tie directly into the existing ground. Although this design modification does not allow optimal drainage, the applicants propose to implement this modification. The net decrease in wetland impacts resulting from toe ditch removal is 1.34 acres. The applicants were able to identify wetland areas and restrict contractor access, while not compromising constructability. By implementing these access restrictions, 1.10 acres of wetland impacts will be avoided.

The Iowa DOT proposes to offset unavoidable wetland impacts of 4.11 acres (3.22 acres of PEMA/C and 0.89 acres of PFOA) within their area of project administration through the purchase of 6.61 certified wetland mitigation credits from the G. William Coulthard Trust Wetland Mitigation Bank (GWCTWMB) at a mitigation ratio of 1.5 credit purchase per 1.0 acre of emergent wetland impact (1.5:1), and a mitigation ratio of 2.0 credit purchase per 1.0 acre of forested wetland impact (2:1). The GWCTWMB is owned by G. William Coulthard Trust and Acreage and Habitat Services, LLC (Banker), managed by Thien Farm Management, Inc. (Manager), and was authorized by the Rock Island District Corps of Engineers under CEMVR-OD-P-2005-733.

The Bank is located along Young's Ditch in Sections 3 and 4, Township 78 North, Range 45 West, Harrison County, Iowa. Both the Bank and the Project lie in HUC 10230006: Missouri – Little Sioux (102300), Big Papillion – Mosquito (06). Further, the Bank and the Project are both located in the Iowa and Missouri Deep Loess Hills Major Land Resource Area and the Platte/Nishnabotna Ecological Drainage Unit. The bank charter is dated December 2008 and was signed final by the Rock Island Corps of Engineers in February 2009. The Bank lies in very

close proximity to a similar, successful commercial wetland mitigation bank owned by the Banker and administered by the Manager.

NDOR proposes to offset unavoidable wetland impacts of 4.87 acres riverine floodplain PEMA/C impact within their area of project administration through the restoration of PEMA/C wetlands at the proposed Oreapolis Wetland Mitigation Site. A copy of the mitigation plan submitted by the applicants can be found at <http://www.iowadot.gov/ole/us34bellevue.asp>. A paper copy of the information found at the website is available upon request. The mitigation plan must be approved the USACE prior to permit issuance.

**CULTURAL RESOURCES:** The USACE views the Federal Highway Administration as the lead Federal Agency for the proposed project and is responsible to ensure compliance with the National Historic Properties Act of 1966. A concurrence determination is contained with the Final EIS from both the Nebraska and Iowa State Historic Preservation Officer (SHPO). We will evaluate input by SHPO and the public relative to this statue in response to this public notice, and we may conduct or require a reconnaissance of the permit area or check for unknown historic properties, if warranted.

**ENDANGERED SPECIES:** The USACE views the Federal Highway Administration as the lead Federal Agency for the proposed project and is responsible to ensure compliance with the Endangered Species Act. A determination that threatened or endangered species are not likely to be adversely affected by the project is included in the Final EIS on threatened and endangered species known from (or with the likelihood to occur in) Sarpy County, Nebraska and Mills County, Iowa.

**FLOODPLAIN:** The USACE views the Federal Highway Administration as the lead Federal Agency for the proposed project and is responsible to ensure compliance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. In addition to complying with floodplain development criteria for the 100-year flood event, the roadway design will include a water conveyance system to minimize potential impacts associated with flood events exceeding the 100-year frequency. Conservation measures have been developed to mitigate the potential impact of future floodplain development and protect existing habitat. The bridge and roadway would be constructed to avoid degrading the effectiveness of pile dikes and other bank stabilization structures. Construction in the floodway has the potential to increase the Missouri River surface elevation. Hydraulic modeling projects a rise of 0.008 foot. Coordination with USACE has occurred to confirm that this incrementally small rise qualifies as a no-rise condition. No-rise certification for the portions of the Project in the floodway will be submitted as part of the floodplain development permit applications. Hydrologic modeling will continue during design. The Missouri River flow impact, along with scour depths, will also be considered during final bridge design. By this notice, comments are requested from individuals and agencies on the proposed project and impacts to 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 154<sup>th</sup> 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](mailto: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.

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