



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: NE 03-10508
Applicant: Rockbrook Village Shopping Center, Inc.
Waterway: Rockbrook Creek
Issue Date: July 3, 2003
Expiration Date: July 24, 2003

21 DAY NOTICE

Reply To:
NEBRASKA REGULATORY OFFICE – OMAHA
8901 South 154th STREET, 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). NDEQ P. O. Box 98922, Lincoln, Nebraska 68509-8922 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 NDEQ, this public notice will expire 30 days from the above issue date.

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

APPLICANT: Rockbrook Village Shopping Center Inc. 2800 South 110th Court, Omaha, Nebraska 68144.

PROJECT LOCATION: Rockbrook Creek from 108th Street to Interstate 680 along the south side of West Center Road. Northeast ¼ of Section 32-Township 15 North-Range 12 East, Douglas County, Nebraska.

PROJECT DESCRIPTION: The purpose of this project is to increase a tract of commercial land known as Rockbrook Village by relocating Rockbrook Creek to the north. The proposed relocation of Rockbrook Creek would allow the applicant to increase the size of the commercial development by 1.5 acres. This would allow the applicant to construct one multi-tenant retail building, similar to those currently in Rockbrook Village, and a separate single tenant retail structure on this parcel. The existing channel has been altered in the past by channelization and the construction of gabion mats. Gravel and silt have since covered the mats and stream channel. The stream banks have become eroded in places and the channel bed has degraded. The existing and proposed channels are both 1,124 feet long. Fringe wetlands occur within and along the channel below ordinary high water. Fringe wetland are anticipated to occur within and along the relocated channel. The existing channel area is 13,900 square feet. The proposed channel area is 15,900 square feet. The existing channel

side slopes average 3.7:1. The proposed channel side slopes average 3.0:1. Approximately 0.02 acres of PEMC wetlands will be impacted that occur adjacent to but above ordinary high water. Approximately 0.2 acres of wetlands will be created as wetland mitigation along the north bank; upstream and downstream of a four-foot high rock drop structure. The banks of the proposed channel will be seeded and maintained with native upland vegetation. Buffer strips of native vegetation along the relocated channel will vary in width from 20 to 45 feet. Water quality features will be incorporated into the overall design of the project. These features include a plaza area with a porous pavement system that will assist in filtering storm water runoff and a 0.08 acre detention pond. The storm water detention pond will collect surface runoff from approximately 1/3 of the total Rockbrook Village. Runoff from other areas of Rockbrook Village will be routed through oil/water/grit separating manholes before entering the creek.

PROJECT PURPOSE: To increase the size of commercial property.

SPECIAL AQUATIC SITES: Jacobson Helgoth Consultants conducted a wetland delineation of the proposed project area and identified total impacts of 0.02 acres of PEMC wetlands above the channel. Approximately 0.2 acres of wetlands will be created to mitigate these wetland impacts.

CULTURAL RESOURCES: No activity which may affect historic properties listed, or eligible for listing, in the National Register of Historic Places is authorized, until the District Engineer has complied with the provisions of 33 CFR Part 325, Appendix C.

ENDANGERED SPECIES: In compliance with 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. Department of Interior, 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 8901 South 154th Street, Suite 1, Omaha, Nebraska 68138-3621 or e-mail at John.L.Moeschen@usace.army.mil. 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 commenter, 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: For additional information, please call **John Moeschen at (402) 896-0896**.