



**US Army Corps
of Engineers**
Omaha District

PUBLIC NOTICE

Application No: NE 03-11265

Applicant: Nebraska Department of Roads (NDOR)

Waterway: Warm Slough

Issue Date: October 29, 2003

Expiration Date: November 19, 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: Nebraska Department of Roads, Attn: Jason Jurgens, P.O. Box 94759, Lincoln, Nebraska 68509-4759

PROJECT LOCATION: The proposed U.S. Highway 30 project begins just east of Stuhr Road in Grand Island and extends east approximately 2.5 miles ending just east of the Hall/Merrick County line. The project is located in Sections 1,11,12, Township 11 North, Range 9 West, Hall County, Nebraska.

PROJECT DESCRIPTION: The applicant, under NDOR Project No. S-30-4 (1027) is proposing to widen the existing 24 foot wide 2-lane roadway with 8 foot turf shoulders to a 63-foot wide, five lane consisting of 2 traffic lanes in each direction and with a center turn lane or left turn bays. There will also be paved 8-foot wide shoulders. All existing concrete box culverts will be replaced. Impacts to Waters of the U.S. are as follows:

Site 1: Culvert and roadway construction will impact 0.08 acres of PEMA wetlands. The existing 6x6x91 foot box culvert will be replaced with a twin 5x4x91 foot box culvert.

Site 2: Culvert and roadway construction will impact 0.02 acres of PEMC wetlands. A twin 8x4x93 foot box culvert will replace the existing 8x7x65 foot box culvert.

Site 3: Roadway construction will impact 0.15 acres of PEMC wetlands.

Site 4: Roadway construction will impact 0.02 acres of PEMA wetlands.

Site 5: Roadway construction will impact 0.02 acres of PEMA wetlands.

Site 6: Culvert and roadway construction will impact 0.26 acres of PEMA wetlands and 0.01 acre of PEMC wetlands. Approximately 556-feet of Warm Slough will be filled and relocated. The existing channel is 4-feet wide, 2-feet deep, with 3:1 side slopes. The proposed channel is 468-feet long, 2-3 feet deep, 10-feet long, with 4:1 to 3:1 side slopes. A 30-foot buffer will be created and maintained in perennial native vegetation from the top of the high bank on the side of the relocated channel away from the highway. On the side slope of the relocated channel next to the road way there will not be a vegetated buffer above the high bank. However, the 3:1 side slope next to the road will be vegetated for a width of 24 to 31 feet.

Site 7: Culvert and roadway construction will impact 0.73 acres of PEMA wetlands and 0.08 acres of PEMC wetlands. The existing twin 12x5x64 foot culvert will be replaced with a triple 8x6x122 foot box culvert. Also the 5x5x34.5 foot box at Capitol Avenue will be replaced with a twin 4x4x49 foot box culvert.

Site 8: Culvert and roadway construction will impact 0.57 acres of PEMA wetlands and 0.24 acres of PEMC wetlands. The existing twin 12x5x61 foot culvert will be replaced with a triple 9x6x129 foot box culvert.

NDOR proposes to mitigate wetland impacts for this project at a 1.5 wetland acres created to 1 wetland acre impacted ratio at their Mormon Island wetland mitigation bank site located in Sections 20 and 21, Township 10 North, Range 9 West, Hall County. The wetland acres in this mitigation bank have not been certified. However, pre-certified wetland credits are available.

PROJECT PURPOSE: To accommodate increasing traffic and provide a safer and more efficient roadway.

SPECIAL AQUATIC SITES: The Nebraska Department of Roads performed the wetland delineation and identified a total of 1.70 acres of PEMA and 0.50 acres PEMC 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.**