



**US Army Corps  
of Engineers**

Omaha District

**PUBLIC NOTICE**

**Application No: NE 2005-10057**

**Applicant: Robert Bundy Family Partnership**

**Waterway: N/A**

**Issue Date: May 10, 2006**

**Expiration Date: May 31, 2006**

**21 DAY NOTICE**

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**Reply To:**

**NEBRASKA REGULATORY OFFICE – KEARNEY**

**1430 CENTRAL AVENUE, KEARNEY, NEBRASKA 68847**

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The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is evaluating a mitigation banking proposal from the Robert Bundy Family Partnership. Mitigation banks are used to satisfy compensatory mitigation requirements for permits issued under the authority of Section 404 of the Clean Water Act, which regulates the discharge of dredged or fill material in the nation's waters. The purpose of this notice is to inform interested parties of the proposed mitigation bank and to solicit comments. Participation is encouraged so that the Corps of Engineers is better able to complete a more thorough public interest review. Comments assist the District Engineer to make a reasonable decision based on public interest factors.

**MITIGATION BANKS:** The objective of a mitigation bank is to provide for the replacement of the chemical, physical, and biological functions of wetlands and other aquatic resources, which are lost as a result of impacts authorized under Section 404 of the Clean Water Act. Using appropriate methods, the newly established functions are quantified as mitigation credits which are available for use by the bank sponsor or by other parties to compensate for adverse impacts (i.e., debits). The use of credits may only be authorized for the purposes of complying with Section 404 impacts when adverse impacts are unavoidable. In addition, credits may only be authorized when on-site compensation is either not practicable or use of a mitigation bank is environmentally preferable to on-site compensation. For additional information on mitigation banking, see 60 FR 58605-58614, November 28, 1995.

**PROSPECTUS:** The prospectus is designed to initiate the planning and review process for the Robert Bundy Family Partnership's mitigation bank. Information provided in the prospectus will serve as the basis for establishing a mitigation banking instrument. An executive summary has been attached in lieu of the prospectus. Anyone wishing to see the prospectus may contact Mr. Andy Miller at 402-697-0701. The banking instrument will form a detailed agreement between the bank sponsor and the Corps of Engineers on issues such as accounting procedures, long-term

management, site development, monitoring, remedial actions, financial assurances, performance standards, etc.

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

**BANK SPONSOR:** Robert L. Bundy Family Partnership

**PROJECT LOCATION:** East ½ of the Southwest ¼ of Section 20 and the East ½ of the Northwest ¼ of Section 29, Township 13 North, Range 10 East, Sarpy County, Nebraska

**PROPOSED ACTIVITY:** See executive summary.

**PROJECT PURPOSE:** Develop a public-commercial (general use) wetland mitigation bank to mitigate wetland impacts in the Lower Platte hydrologic unit.

**SPECIAL AQUATIC SITES:** The site has a total of 8.71 acres of palustrine, forested, temporarily flooded wetland and 1.65 acres of palustrine, emergent, seasonally flooded wetland, based on the National Wetland Inventory. A growing season wetland delineation will be performed by the bank sponsor.

**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.

**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 for consideration in formulation of parameters, terms and conditions of an eventual bank. Any comments received will be considered by the Corps of Engineers when working with the applicant and other members of the Mitigation Bank Review Team in drafting a banking instrument.

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, 1430 Central Avenue, Kearney, Nebraska 68847** or send an e-mail to [dwight.k.tillotson@usace.army.mil](mailto:dwight.k.tillotson@usace.army.mil). All comments received will be considered public information; copies of all comments, including names and addresses of commenters, 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 subsequent actions on this application.

**ADDITIONAL INFORMATION:** For additional information, please call **Keith Tillotson at 308-234-1403**.

**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.