
PUBLIC NOTICE



**US Army Corps
of Engineers**

Omaha District

Application No: NE 05-10235
Applicant: NE Dept. of Roads
Waterway: Fremont Slough
Issue Date: March 23, 2005
Expiration Date: April 13, 2005

21 DAY NOTICE

Reply To:
NEBRASKA REGULATORY OFFICE – KEARNEY
1430 CENTRAL AVENUE, KEARNEY, NEBRASKA 68847

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: Southeast ¼ of Section 32 and Southwest ¼ of Section 33, Township 14 North, Range 32 West; Northeast ¼ of Section 5, Township 13 North, Range 32 West, Lincoln County, Nebraska

PROJECT DESCRIPTION: The applicant is proposing to relocate Fremont Slough and an unnamed tributary of Fremont Slough as part of the improvement of the Interstate 80 Hershey interchange. The proposed project, **Hershey South, STPD-S-80-3(1039)**, consists of replacing the I-80/L56C interchange multi-span deck concrete girder bridge and raising the bridge approaches to improve sight distance. The roadway will be reconstructed to 36-foot wide concrete pavement, which includes a 12-foot wide common left turn lane. The roadway will also include 10-foot wide shoulders, of which 8 feet will be concrete. The project also includes culvert construction and extensions. A temporary roadway will be constructed on a shifted alignment 48 feet to the west during construction. The bridge can be constructed in one construction phase. The entrance and exit ramps from I-80 will be removed and reconstructed. The unnamed tributary of Fremont Slough (Site 1) will be shifted to the west in order to widen the roadway and extend the box culvert. This will result in the filling of 0.62 acre of PEMA wetland and 0.03 acre of PEMC wetland. Existing channel amounting to 439 linear feet will be filled and a new 371-foot long channel will be excavated. The

existing channel is 5 feet deep and varies in width from 8 to 18 feet. The new channel will be 20 feet wide and 4 feet deep, with 3(H):1(V) bank slopes. Fremont Slough (Site 2) will be shifted to the south for the same reasons as Site 1, resulting in filling impacts to 0.07 acre of PEMA wetland and 0.19 acre of PEMC wetland. Existing channel amounting to 412 feet will be filled and a new 359-foot long channel will be excavated. The applicant proposes to mitigate wetland losses at the Sutherland Wetland Mitigation Bank.

PROJECT PURPOSE: Replace the existing overpass bridge at the I-80 Hershey interchange. Raise the bridge approaches to correct sight deficiencies on both ends of the bridge.

SPECIAL AQUATIC SITES: The project will result in permanent fill in 0.69 acre of palustrine, emergent, temporarily flooded wetland (PEMA) and 0.22 acre of palustrine, emergent, seasonally flooded wetland (PEMC).

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, 1430 Central Avenue, Kearney, Nebraska 68847** or send an e-mail to dwight.k.tillotson@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 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: 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.