
PUBLIC NOTICE



**US Army Corps
of Engineers**

Omaha District

Application No: 2002-10528-WEH
Applicant: Nebraska Department of Roads
Waterway: North Channel Platte River & Wetlands
Issue Date: February 23, 2011
Expiration Date: March 15, 2011

21 DAY NOTICE

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

JOINT PUBLIC NOTICE: This public notice is issued jointly by the U.S. Army Corps of Engineers (USACE), Omaha District, and the Nebraska Department of Environmental Quality (NDEQ), P.O. Box 98922, State House Station, Lincoln, Nebraska 68509. NDEQ 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 the NDEQ, 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: Nebraska Department of Roads, Mr. Wesley Walgren, 211 N. Tilden St., PO Box 1488, Grand Island, Nebraska 68802.

PROJECT LOCATION: The proposed new interchange is located at I-80 and Cherry Avenue, approximately 3 miles east of the Second Avenue interchange. The proposed bypass route would eventually be 8.5 miles long and would be offset approximately 200 feet to the west of the existing Cherry Avenue from I-80 to 78th Street, continuing on 78th Street west to the N-10/N-40 junction. Phase I of the proposed project includes the new interchange and a southern portion of the new bypass, ending just beyond Eleventh Street. Phase I of the project is located in Sections 8, 9, 16 and 17, Township 8 North, Range 17 East, Buffalo County, Nebraska.

PROJECT DESCRIPTION: The Kearney East Bypass project will be built in 3 phases, beginning with Phase I, to be constructed in 2011. This Public Notice covers only Phase I construction. Phase I of the project will begin with the interchange and the southern portion of the bypass, from I-80 to 11th Street. Phase II of the project is programmed for 2014 and will be from 11th Street to 56th Street. The remaining portion of the bypass, Phase III, is programmed for 2016.

The new interchange at I-80 and Cherry Avenue would alleviate traffic problems associated with the existing 2nd Avenue interchange and would provide a bypass route for the city. The new bypass route would be constructed as a four-lane, high-speed, access controlled bypass route and includes a connecting road with First Street, Pony Lake Road and Eleventh Street. The pavement depth will be 10" doweled concrete, with surfaced shoulders and a median for the highway. First Street pavement thickness will be 8". Eleventh Street pavement thickness will be 9". Drainage flumes and culvert pipes will be constructed along the Project roadways and ramps to provide proper drainage of the pavement surface and surrounding property. The Project would provide grade-separated crossings of the North Channel of the Platte River, the Union Pacific Railroad (UPRR) tracks, and US 30. Several intersections would be replaced for the Project.

The proposed I-80 and Cherry Avenue interchange would be a tight diamond configuration. All ramps would have the same typical section. No access would be provided to the south, and a barrier would be added to reduce effects of light pollution from headlights on the whooping crane critical habitat that parallels I-80 to the south.

The proposed new Cherry Avenue bridge over I-80 would span the eastbound and westbound lanes and would be supported by a central structure between the lanes. The bridge deck would be constructed of steel girders and/or reinforced concrete girders. The bridge over I-80 is 252' long from end of floor to end of floor and it has a clear roadway width of 44' from face of rail to face of rail. The two on-ramps and two off-ramps would be comprised of one lane and would be approximately 16' wide. From the driver's perspective, they would have a 6' wide shoulder to the left, a 16' wide driving lane, and a 8' wide shoulder on the right. There is another 2' wide earth section outside the right shoulder before the ground slopes down toward the ditch.

The old alignment of Cherry Avenue would be modified to compensate for the new diamond interchange over I-80. From I-80, the alignment would continue north, crossing the North Channel of the Platte River, to Eleventh Street. Most of the north-south alignment would be constructed on agricultural land adjacent to the Cherry Avenue ROW. Moving off the current alignment to the west provides an opportunity to align later stages of the bypass construction at Coal Chute Road (where the current intersection does not line up), provide a greater distance between the new roadway and the Stone School at Coal Chute Road, and allow the school access to remain off Coal Chute Road. Where it bends to connect to Eleventh Street, Cherry Avenue has a 24' wide gravel top with 4' earth shoulders on each side. This same typical section applies to the road that runs along the west and south sides of Pony Lake and to the road that extends east of First Street (also referred to as the Pony Lake Access Road).

The proposed project also includes an extension of First Street, located north of I-80, farther east to intersect the bypass in a better location. First Street would be constructed with a curb and gutter section that is 30' wide (measured from back of curb to back of curb). There is a 3' wide earth shoulder on the back side of the curb and gutter on both sides of the roadway.

A new bridge would be constructed over the North Channel of the Platte River. The existing bridge over the North Channel on existing Cherry Avenue would remain in place. The bridge

would consist of three steel girder spans; two 57'-0" in length and one 61'-0" in length. The bridge over the north channel of the Platte River is 177' long from end of floor to end of floor. It has a clear roadway width of 90'.

As part of the project, a city water line located under portions of the proposed interchange and roadway will be encased in steel to strengthen the pipe under the new roadway. All activities associated with this work will occur within the existing project footprint.

The application and plans for the project can be found at <http://www.nebraskatransportation.org/projects/kearney-east/docs/404.pdf>. A paper copy of the information found at the website is available upon request.

Temporary Bridges

Construction of new bridge structures may require the use of temporary bridges within the north channel of the Platte River. If needed, the bridges will be located within NDOR Right of way, and installed and removed at the contractor's discretion during the construction of the bridge. No embankment or fill material will be placed within the active river channel. Any temporary bridges or fill to be placed in any wetlands or waters of the U.S. will require the permittee to submit detailed sketches to the USACE for review and concurrence.

PROJECT PURPOSE: The applicant's purpose of the project is to improve regional system linkage and enhance modal interrelationships with Kearney Regional Airport, Nebraska Army National Guard, and the industrial area.

The need for the proposed action is based on a combination of factors as follows:

- Provide an alternative route for through-traffic that does not stop in Kearney. The alternative route would supplement Second Avenue as the primary north-south corridor and serve the needs and future traffic demands in Kearney and the surrounding area.
- Connect industrial, new growth areas, and the Kearney Regional Airport to Interstate 80 (I-80) and United States Highway 30 (US 30). This is for employment access, delivery and distribution of goods and services from the industrial area, and direct access for the Army National Guard facility to I-80.

SPECIAL AQUATIC SITES: The North Channel of the Platte River, an irrigation reuse pit and several man-made borrow/sand pit lakes are located within the project area. The proposed project would result in the unavoidable discharge of fill material into wetlands and waters of the U.S. at 4 sites by permanently impacting a total of 1.016 acres of wetlands and 5.052 acres of open water.

- Site 1: Permanent impacts to 0.596 acres of riverine floodplain wetlands (0.368 acres of PEMA, 0.182 acres of PEMC and 0.046 acres of PSSA) and 2.415 acres of open water (PUBFx). The impacted wetlands are located west of Cherry Avenue and north of I-80 in the SE ¼, S ½, Section 8, Township 8 North, Range 15 East, Buffalo County, Nebraska.

- Site 2: Permanent impacts to 0.136 acres of riverine channel wetlands (PEMC). The impacted wetlands are located west of Cherry Avenue and north of I-80 in the SE ¼, S ½, Section 8, Township 8 North, Range 15 East, Buffalo County, Nebraska.
- Site 3: Permanent impacts to 0.284 acres of riverine floodplain wetlands (0.263 acres of PEMA and 0.021 acres of PSSA) and 2.473 acres of open water (PUBFx). The impacted wetlands are located west of Cherry Avenue and north of I-80 in the SE ¼, S ½, Section 8, Township 8 North, Range 15 East, Buffalo County, Nebraska.
- Site 4: Permanent impacts to 0.164 acres of open water (PUBFx). The impacted waters are located west of Cherry Avenue and north of I-80 in the NE ¼, E ½, Section 8, Township 8 North, Range 15 East, Buffalo County, Nebraska.

AVOIDANCE, MINIMIZATION, AND MITIGATION: The Final Environmental Assessment dated September 2010 and a FHWA response letter to the USACE dated December 20, 2010 detail an effort, by the applicant, to avoid and minimize impacts to wetlands and waters of the United States. The applicant investigated the feasibility of total avoidance and/or further impact minimization along the selected build alternative. Avoidance and minimization analysis was performed for twelve alternatives for the project: No build, ITS/TSM/TDM Only, Second Avenue Improvements, Frontage Road Improvements, Avenue M/N, Cherry Avenue, Antelope Avenue, Modified Cherry Avenue, Imperial Avenue, Poole Avenue, N-10, and the West Interchange. A more specific detailed avoidance and minimization analysis was performed on the two alternatives carried forward: Cherry Avenue and Antelope Avenue. The detailed information regarding the avoidance and minimization can be found at <http://www.nebraskatransportation.org/projects/kearney-east/docs/404.pdf>. A paper copy of the information found at the website is available upon request.

Mitigation

The applicant proposes to mitigate wetland impacts resulting from placement of permanent fill for construction of the proposed project at the Mormon Island Wetland Mitigation Bank site. NDOR will debit 1.240 ac. of PEMA/PEMC wetlands from the bank site ledger for this project. A copy of the mitigation plan submitted by the applicant can be found at <http://www.nebraskatransportation.org/projects/kearney-east/docs/404.pdf>. 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. The URS Corporation archeology staff completed a cultural resources survey for the project area and determined that no historic properties or cultural resources would be impacted by the proposed project. The Nebraska State Historical Society (NSHS) concurred with the findings on May 24, 2010.

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 review of State and Federally listed threatened and endangered species was completed by NDOR biologists. The study resulted in a ‘may affect, not likely to adversely affect’ determination for whooping crane, and a ‘no effect’ determination for other

species of concern. Standard conservation conditions for whooping crane have been identified by NDOR and have been approved by the FHWA. Concurrence of these determinations by the Nebraska Game and Parks Commission (NGPC) was received on June 30, 2010. Concurrence of these determinations by the US Fish and Wildlife Service (USFWS) was received on January 28, 2010.

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. Base floodplains (100-year) were identified by NDOR using the Buffalo County countywide floodplain maps and FEMA FIRM maps. The Build Alternative is within the City of Kearney's extraterritorial jurisdiction, and would follow the City of Kearney floodplain management permits and guidelines. Three major waterways in the area were identified and are regulated as having floodways and floodplains. The proposed project would cross existing floodplains in the North Channel of the Platte River north of I-80. Future phases would impact Airport Draw located south of 56th Street; and Glenwood Park Creek, a tributary to Wood River located along 78th Street approximately 0.3 mile east of N-10, but these areas are not part of current proposed Project.

NDOR has filed a floodplain/floodway development permit application with Max Richardson, Floodplain Administrator for the City of Kearney. The project will not result in a rise of the 100 year floodplain. The signed permit will be forwarded to the USACE office upon receipt.

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 154th 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 Phil Rezac at the address shown on page one or by calling him at (402) 896-0896. You can also e-mail him at phil.m.rezac@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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