



**US Army Corps
of Engineers**

Omaha District

PUBLIC NOTICE

Application No: NE 2003-10196

Applicant: City of North Platte

Waterway: South Platte River

Issue Date: June 27, 2008

Expiration Date: July 18, 2008

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: City of North Platte, Attn: Keith Richardson, 211 West Third Street, North Platte, NE 69101 Agent: Joan Darling, Olsson Associates, 1111 Lincoln Mall, Lincoln, NE 68508

PROJECT LOCATION: Sections 5, 6, 7, 8, 17, 18, Township 13 North, Range 30 West, Lincoln County, Nebraska

PROJECT DESCRIPTION: The applicant is proposing to extend Buffalo Bill Avenue between Leota Street and State Farm Road. The project has gone through the NEPA/404 merge process, starting in 2003. An environmental assessment was prepared and resulted in a Finding of No Significant Impact in September, 2006. The road extension will consist of three lanes and a hike/bike trail. The project will include bridges over the South Platte River and Fremont Slough, an overpass over Interstate 80, the closing of seepage ditches and placement of perforated pipes, and replacement with drainage ditches. Permanent fill for the approximately 900-foot long bridge over the South Platte River will result in permanent fill for three piers, amounting to a total of 75 cubic yards of concrete. No fill is proposed in Fremont Slough. Six spur dikes will be constructed along the right bank of the South Platte River. Total lengths of spur dikes range from 73 feet to 107 feet. Length of spur dikes in the active channel ranges from 27 feet to 87 feet. Each dike will 5 feet wide at the top, with 2(H):1(V) slopes. A core of sand fill for each spur dike will be armored with Type C rock riprap. The spur dikes are needed to protect the South River Road and the new intersection

with Buffalo Bill Avenue. Two temporary causeways for construction of the South Platte River bridge will result in the placement of fill in the 200-foot wide active channel. Each causeway will extend 45 feet from each bank into the channel, leaving 110 feet of channel open in the middle. Three 36-inch diameter culverts will be placed in each of the 45-foot long causeways. Each causeway will be 16 feet wide at the top, 4 feet high, and 32 feet wide at the bottom. The causeways will be constructed of material that will not erode at storm flows. The causeway fill will be armored with NDOR Type A riprap (greater than 6-inch aggregate). At the end of the project, the riprap will be entirely removed to upland sites. Total permanent fill impacts amount to 0.23 acre of river channel and 0.01 acre of palustrine, emergent wetland.

PROJECT PURPOSE: Provide a north-south transportation link between the western and southern parts of the City of North Platte that have grown in size over the past few decades.

SPECIAL AQUATIC SITES: Permanent impacts amounting to 0.01 acre will occur in riverine wetlands for the north bridge pier. Temporary impacts amounting to 0.33 acre will occur in riverine wetlands for the north causeway.

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: Section 7 consultation has taken place between the U.S. Fish and Wildlife Service and the Federal Highway Administration. There are two threatened species (piping plover, western prairie fringed orchid) and four endangered species (interior least tern, whooping crane, pallid sturgeon, American burying beetle). For the least tern, piping plover, whooping crane, western prairie fringed orchid, and pallid sturgeon, no direct or indirect impacts are anticipated. A survey for the American burying beetle was completed in the project area. No beetles were found.

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](mailto:dwright.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.