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# PUBLIC NOTICE



**US Army Corps  
of Engineers**

Omaha District

**Application No: NE 2006-431-WEH**  
**Applicant: Nebraska Department of Roads**  
**Waterway: Wetland and Drainage Ditches of Rawhide Creek**  
**Issue Date: December 7, 2007**  
**Expiration Date: December 27, 2007**

**21 DAY NOTICE**

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

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**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), P.O. Box 98922, State House Station, Lincoln, Nebraska 68509. They will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ hereby incorporate this public notice as its own public notice and procedures by reference thereto. For the purposes of the NDEQ, the 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. Tim Weander, 4425 S. 108<sup>th</sup> Street, Omaha, Nebraska 68145.

**PROJECT LOCATION:** The project is located on Highway 79 (N-79) in Dodge County, and begins in North Bend at reference post (R.P) 42.25 and extends northward approximately 5 miles to R.P 48.51. Grading work begins at R. P. 43.120. The site locations are listed below.

Site #1—S ½ of Section 6, Township 17, North, Range 6 East, Dodge County, Nebraska

Site #2—S ½ of the S ½ of Section 31, Township 18 North, Range 6 East, Dodge County, Nebraska

Site #3—Center of Section 31, Township 18 North, Range 6 East, Dodge County, Nebraska

Site #4—N ½ of the N ½ of Section 31, Township 18 North, Range 6 East, Dodge County, Nebraska

Site #5—N ½ of the S ½ of Section 30, Township 18 North, Range 6 East, Dodge County, Nebraska

Site #6—N ½ of Section 30, Township 18 North, Range 6 East, Dodge County, Nebraska

Site #7—Center of Section 19, Township 18 North, Range 6 East, Dodge County, Nebraska

Site #8—S ½ of the S ½ of Section 18, Township 18 North, Range 6 East, Dodge County, Nebraska

**PROJECT DESCRIPTION:** The project includes the construction of cast in place concrete box culverts, and grading of shoulders on N-79 for roadway widening to a 28 ft top. Four Bridges will be replaced with concrete box culverts. In addition, one box culvert will be extended 16 ft right and 18 ft left and a third barrel added to the south side. Another culvert will be replaced with a larger box culvert. Shoo-flies will be needed during construction of box culverts. Curb ramps will be added in North Bend. The construction of culverts at two locations will have the effect of relocating the drainage channels northward away from county roads. Site specific project descriptions are located below.

Site #1 Sta. 139+86 to 142+70—Existing twin 12 ft X 5 ft X 40 ft concrete box culvert with endwalls will be replaced with a triple 12 ft x 5 ft x 70 ft concrete box culvert with endwalls. Permanent fill placed for roadway and culvert construction will impact approximately 0.15 acres of riverine channel wetlands (0.03 ac. PEMA, 0.06 ac. PEMC and 0.06 ac. PSSA). The impacted wetlands are located in the S ½ of Section 6, Township 17 North, Range 6 East, Dodge County, Nebraska.

Site #1 Sta. 138+06 to 145+41—Construction of a temporary road (shoo-fly) will temporarily impact approximately 0.41 acres of wetland (0.10 ac. PEMA, 0.29 ac. PEMC, and 0.02 ac PSSA). It is anticipated wetlands will re-establish on their own after removal of the shoo-fly and regrading to pre-construction contours. The temporarily impacted wetlands are located in the S ½ of Section 6, Township 17 North, Range 6 East, Dodge County, Nebraska.

Site #2 Sta. 171+30 to 171+59—Existing 25 ft span deck steel girder bridge over the Purcell Ditch with 29 ft roadway will be removed and replaced with triple 12 ft x 8 ft x 70 ft concrete box culvert. Permanent fill for culvert and roadway construction will impact approximately 0.12 acres of riverine channel PEMA wetlands. For safety reasons the Purcell Ditch will need to be relocated slightly northward at the location of the new culvert. The flow line of the channel will be moved approximately 10 ft to 25 ft northward to allow adequate guardrail end treatments to be constructed at the county road intersection. The length of the channel filled is 411.93 linear feet and the relocated channel will be 415.45 linear feet. The dimensions of the channel will be the same, except the width of the channel will be wider as it approaches the box culvert. The impacted wetlands and channel are located in the S ½ of the S ½ of section 31, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #2 Sta. 171+38 to 171+59—Construction of a temporary road (shoo-fly) will impact approximately 0.07 acres of riverine channel PEMA wetlands. It is anticipated wetlands will re-establish on their own after removal of the shoo-fly and regrading to pre-construction contours. The temporarily impacted wetlands are located in the S ½ of the S ½ of Section 31, Township 18 North,

Range 6 East, Dodge County, Nebraska.

Site #3 Sta. 197+41 to 197+75—Existing 24 ft span concrete deck bridge over the Hamilton Ditch with 27 ft roadway will be replaced with a triple 12 ft x 8 ft x 70 ft concrete box culvert. Permanent fill for culvert and roadway construction will impact approximately 0.0799 acres of riverine channel PEMA ditch wetlands. The impacted wetland is located at the center of Section 31, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #3 Sta. 197+45 to 197+80—Construction of a temporary road (shoo-fly) will impact approximately 0.0514 acres of riverine channel PEMA wetlands. It is anticipated wetlands will re-establish on their own after removal of the shoo-fly and regrading to pre-construction contours. The temporarily impacted wetlands are located near the center of Section 31, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #4 Sta. 223+84 to 223+92—Permanent fill for roadway construction will impact approximately 0.0005 acres of wetlands located within a typical road ditch at a county road intersection. Therefore, since these wetlands have developed within a typical roadway ditch they are not considered jurisdictional. The impacted wetlands are located in the N ½ of the N ½ of Section 31, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #5 Sta. 241+17 to 241+93—Existing 8 ft x 4 ft x 40 ft concrete box culvert associated with Rawhide Creek will be replaced with a twin 8 ft x 4 ft x 75 ft concrete box culvert with 20 degree skew LHB. Permanent fill for culvert and roadway construction will impact approximately 0.0273 acres of riverine channel PEMA wetlands. The impacted wetlands are located in the N ½ of the S ½ of Section 30, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #5 Sta. 240+84 to 241+70—Construction of a temporary road (shoo-fly) will impact approximately 0.418 acres of riverine channel PEMA wetlands. It is anticipated wetlands will re-establish on their own after removal of the shoo-fly and regrading to pre-construction contours. The temporarily impacted wetlands are located in the N ½ of the S 1/1 of Section 30, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #6 Sta. 259+84 to 276+93—Existing 8 ft x 4 ft x 45 ft concrete box culvert will be extended 14 ft left and 14 ft right. Permanent fill for culvert and roadway construction will impact approximately 0.0365 acres of riverine channel PEMA wetlands. The impacted wetlands are allocated in the N ½ of Section 30, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #6 Sta. 275+77 to 277+03—Construction of a temporary road (shoo-fly) will impact approximately 0.0237 acres of riverine channel PEMA wetlands. It is anticipated wetlands will re-establish on their own after removal of the shoo-fly and regrading to pre-construction contours. The temporarily impacted wetlands are located in the N ½ of the N ½ of Section 30, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #7 State 303+54 to 304+88—Existing three span concrete slab bridge with 29 ft roadway will

be replaced with triple 12 ft x 7 ft x 70 ft concrete box culvert. Permanent fill for culvert and roadway construction will impact approximately 0.1227 acres of riverine channel PEMC wetlands. The impacted wetlands are located near the center of Section 19, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #7 Sta. 298+43 to 303+94—Construction of a temporary road (shoo-fly) will impact approximately 0.0125 acres of riverine channel PEMA wetland and 0.1104 acres of riverine channel PEMC wetlands. It is anticipated wetlands will re-establish on their own after removal of the shoo-fly and regrading to pre-construction contours. The temporarily impacted wetlands are located near the center of Section 19, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #8 Sta. 329+98 to 330+51—Existing three span concrete slab bridge over the Fremont County Drain with 27 ft roadway will be replaced with triple 10 ft x 7 ft x 70 ft concrete box culvert. Permanent fill for culvert and roadway construction will impact approximately 0.2068 acres of riverine channel PEMA wetland. For safety reasons the Purcell Ditch will need to be relocated slightly northward at the location of the new culvert. The flow line of the channel will be moved approximately 10 ft to 25 ft northward to allow adequate guardrail end treatments to be constructed at the county road intersection. The length of the channel filled is 370.27 linear feet and the relocated channel will be 378.04 linear feet. The dimensions of the channel will be the same, except the width of the channel will be wider as it approaches the box culvert. The impacted wetlands are located in the S ½ of the S ½ of Section 18, Township 18 North, Range 6 East, Dodge County, Nebraska.

Site #8 Sta. 330+14 to 330+67—Construction of a temporary road (shoo-fly) will impact approximately 0.0545 acres of riverine channel wetlands. It is anticipated wetland will re-establish on their own after removal of the shoo-fly and regrading to pre-construction contours. The temporarily impacted wetlands are located in the S ½ of the S ½ of Section 18, Township 18 North, Range 6 East, Dodge County, Nebraska.

**PROJECT PURPOSE:** The purpose of this project is to improve this segment of N-79 to current safety and design standards by grading, improving culverts, and guardrail.

**SPECIAL AQUATIC SITES:** This project will impact 0.75 acres of wetlands consisting of 0.5050 acres of PEMA riverine channel, 0.1801 acres of PEMC riverine channel, and 0.0598 acres of PSSA riverine channel wetlands. The project will also impact 782.2 linear feet of channel due to channel relocations at site #2 and #8. The applicant is proposing to mitigate the permanent wetland impacts at Tarnov Wetland Mitigation Bank site. The bank is located in the S ½ of the N ½ of Section 19, Township 18 North, Range 1 West, Platte County, Nebraska. The channels will be relocated 10 ft to 25 ft north of the current location and made longer. A 50 foot buffer will be located on the north side of each channel relocation site and no buffer will be located on the south side of each channel relocation site.

**CULTURAL RESOURCES:** The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National

Register of Historic Places and its current supplements and no property listed or proposed for listing in the Register is located in the project area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer and the public in response to this public notice, and may require a reconnaissance survey of the project area to check for unknown historic or prehistoric properties, if warranted.

**ENDANGERED SPECIES:** Pursuant to 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. 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 – Wehrspann, 8901 South 154<sup>th</sup> 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 Matt Wray at the address shown on page one or by calling him at (402) 896-0896. You can also e-mail him at [matt.t.wray@usace.army.mil](mailto:matt.t.wray@usace.army.mil).

**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.