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# PUBLIC NOTICE



**US Army Corps  
of Engineers**

Omaha District

**Application No: 2007-00796-WEH**

**Applicant: Nebraska Department of Roads**

**Waterway: Big Papillion Creek Tributaries & Wetlands,  
Platte River & Tributaries & Wetlands,  
Missouri River Tributary & Wetlands**

**Issue Date: August 12, 2010**

**Expiration Date: August 26, 2010**

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**15 DAY NOTICE**

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. 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. Tim Weander, 4425 S. 108<sup>th</sup> Street, Omaha, Nebraska 68145.

**PROJECT LOCATION:** This project is located in Sections 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 34, and 35, Township 13 North, Range 13 East, Sarpy County, Nebraska; Sections 1, 2, 3, 11, 12, 13, Township 12 North, Range 13 East, Cass County, Nebraska; and Sections 34, 35, 36, Township 13 North, Range 13 East, Cass County, Nebraska.

**PROJECT DESCRIPTION:** The project consists of reconstructing 6.8 miles of U.S. Highway 75 to a four-lane divided highway from Plattsmouth to Bellevue in Cass and Sarpy counties, Nebraska. The northern terminus of the project is the Fairview Road interchange near Bellevue. The southern terminus of the project is 0.2 miles south of Oak Hill Road/Avenue B in Plattsmouth. The project also includes multiple bridges that would be added or improved (including separate northbound and southbound Platte River bridges) and realignments of county

and frontage roads. The project is proposed to permanently impact 6.40 acres of wetlands. Those impacts include 4.55 acres of riverine floodplain (3.41 acres of PEMA, 1.13 acres of PFOA, and 0.01 acres of PSSA), 1.45 acres of riverine channel (1.08 acres of PEMA, 0.18 acres of PEMC, and 0.23 acres of PFOA), and 0.4 acres of lacustrine fringe (0.4 acres of PEMC). The project is proposed to also impact 2.49 acres of abandoned sand and gravel pits (LUBH or open water). The project proposal included three channel relocations and four locations of substantial fill in waters of the United States (WUS) due to crossings. The total channel impact is 5,679 linear feet. This includes 2,119 linear feet impacted via crossing construction at WUS #4, #10, #12, #13, #15 and #16. This also includes 3,560 linear feet impacted from channelization activities at WUS #7, #8, #15 and #18. WUS #7 and #8 are located within the Fairview road interchange, WUS #15 is located within the Platteview road interchange, and WUS #18 is located near Webster Avenue.

The application and plans for the project can be found at <http://www.transportation.nebraska.gov/environment/corps-eng/75-plattsmouth-bellevue/>. A paper copy of the information found at the website is available upon request.

The project is split into six construction projects consisting of Platteview Road intersection, U.S. 34 Missouri River bridge approach, Fairview Road interchange, Platteview Road interchange, U.S. 75 North of Platte River, Bay Road interchange, and U.S. 75 South of Platte River.

### **Platteview Road Intersection**

The intent of the Platteview Road intersection project is to tie the new U.S. 34 roadway alignment and Missouri River bridge to U.S. 75 with an at-grade intersection that would be used by traffic until the full grade-separated Platteview Road interchange is constructed. This project has elements of the Platteview Road interchange, with some temporary pavement required to create the interim at-grade intersection. The proposed 2 miles of U.S. 75 improvements would begin at the north side of the Platte River and terminate at the existing U.S. 75/Grenoble Drive intersection in Sarpy County. Full reconstruction of U.S. 75 would begin approximately 1 mile north of the Platte River and proceed north to the existing U.S. 75/Platteview Road intersection. The remaining areas on U.S. 75 north and south of the full reconstruction would be milled and overlaid as part of the project. A portion of the proposed relocated Platteview Road (U.S. 34) on the east side of U.S. 75 would be constructed as part of the project. U.S. 34 would begin at the new bridge crossing (Bridge 10) over the BNSF and Union Pacific Railroad (UPRR) and would proceed west approximately 0.25 mile. U.S. 34 would tie into U.S. 75 with an interim at-grade intersection controlled by a traffic signal. The at-grade intersection would be used until the final Platteview Road/U.S. 75 grade-separated diamond interchange is constructed (planned for 2013).

U.S. 75 traffic would be temporarily shifted to the proposed southbound off-ramp and southbound on-ramp during reconstruction of U.S. 75. A portion of the 10<sup>th</sup> Street connector and Miller Road would be constructed to provide access to the existing signalized Plug Road/U.S. 75 intersection. The remaining portion of the 10<sup>th</sup> Street connector that would provide future access to relocated Platteview Road and the future northbound on-ramp would be graded to provide additional fill material for the project. Access to U.S. 75 at existing Platteview Road and Grenoble Drive would be maintained.

### **Fairview Road Interchange**

The intent of the Fairview Road interchange project is to provide a safer interchange that would carry future traffic volumes efficiently and safely. The improvements would begin approximately 0.75 mile south of the existing Fairview Road intersection with U.S. 75 and proceed north for approximately 1.25 miles on U.S. 75. The improvements would include the following:

- A new diamond interchange would be constructed, with ramps providing access in all directions of travel.
- The existing southbound off-ramp would be used in place.
- A new southbound on-ramp would be constructed and would replace the existing flyover.
- New northbound on- and off-ramps would be constructed.
- Fairview Road would be reconstructed approximately 3,000 feet (ft) east of the interchange.
- Fort Crook Road would be shifted to the east to separate it from the ramp terminals and would tie into its existing location south of the Papillion Creek bridge.
- A new frontage road would provide access along the east side of U.S. 75 to Grenoble Drive.
- Temporary roads would be constructed to maintain traffic during construction.

### **Platteview Road Interchange**

The intent of the Platteview Road interchange project is to replace the at-grade Platteview Road/U.S. 75 intersection with a safer diamond-type interchange. The project would begin approximately 1.25 miles west of the existing intersection and would proceed east for approximately 2 miles, ending just east of the railroad tracks. The improvements include the following:

- A new diamond interchange would be constructed, with ramps providing access in all directions of travel.
- Existing U.S. 75 intersections at Allied Road and 10<sup>th</sup> Street would be removed.
- Allied Road would be constructed along the east side of U.S. 75 and would tie in at Platteview Road.
- 10<sup>th</sup> Street would be extended to the north and would tie in at Platteview Road.
- One railroad bridge would be constructed for Platteview Road.
- One railroad bridge would be constructed for Allied Road.
- Temporary roads would be constructed to maintain traffic during construction.

### **U.S. 75 North of Platte River**

The intent of the U.S. 75 North of the Platte River project is to reconstruct U.S. 75 to the freeway and expressway design standards, extending the Kennedy Freeway south to Bay Road. The project would extend from the south end of the Platteview Road intersection to approximately 0.25 mile north of the existing Platteview Road. In addition, improvements to the existing Platte River bridges would be implemented. The improvements include the following:

- The alignment of U.S. 75 would be reconstructed, widened, and improved.

- The northbound Platte River Bridge would be widened. Additionally, approximately 10,000 cubic yards of material would be excavated from an approximate 800 foot long area centered on the southern bridge abutment and adjacent to the Platte River's south bank. This activity is proposed to offset project impacts to floodplain capacity and facilitate a no-rise situation within the Platte River.
- The southbound Platte River Bridge would be overlaid.
- The northbound lane of U.S. 75 would be extended to just south of the Platte River.
- The Platteview Road bridge over U.S. 75 would be constructed.

### **Bay Road Interchange**

The intent of the Bay Road interchange project is to reconstruct the existing at-grade intersection with U.S. 75 to a safer diamond-type interchange and to remove the at-grade railroad crossings. The project would begin approximately 0.5 mile west of the existing Bay Road/U.S. 75 intersection and proceed southeast for approximately 1.5 miles. The easterly terminus would be at existing Webster Boulevard (see Figure 7, Bay Road Interchange). The improvements include the following:

- A new diamond interchange would be constructed, with ramps providing access in all directions of travel.
- The existing at-grade railroad crossing west of U.S. 75 would be removed.
- A new U.S. 75 bridge over the UPRR tracks would be constructed.
- A new connector road would be provided from 6<sup>th</sup> Street to Bay Road.
- The at-grade UPRR railroad crossings west of U.S. 75 and Susie Drive would be removed.
- Improvements would be made to Susie Drive, Haswell Drive, and Oreapolis Road.
- East Bay Road and Gladys Drive would be reconstructed, and the existing at-grade BNSF railroad crossings would be used in place.
- Temporary roads would be constructed to maintain traffic during construction.

### **U.S. 75 South of Platte River**

The intent of the U.S. 75 South of Platte River project is to reconstruct U.S. 75 to freeway and expressway design standards, extending the Kennedy Freeway south to Bay Road. The project would begin approximately 0.25 mile south of the Oak Hill Road/Avenue B intersection with U.S. 75 and proceed north to just south of the Platte River.

### **Temporary Construction Access**

The project may require temporary construction accommodations below the ordinary high water mark of the Platte River. Specifically, the project may involve the construction of temporary work bridges, and associated access roads, to facilitate northbound Platte River bridge construction. Additionally, temporary coffer dams would be required at the 14 northbound bridge pier locations, to facilitate pier widening.

The temporary work bridges would be independently constructed east of the existing, northbound Platte River bridge. The 550-foot long bridges (approximate) would each facilitate construction access to one half of the bridge construction, as each bridge would span approximately one half

of the Platte River channel, and because only one bridge would be in place at any given time. Additionally, the bridges would be 32-foot wide, and the low steel of the bridges would be constructed at an elevation sufficient to convey expected normal and high flows of the Platte River.

**PROJECT PURPOSE:** The applicant's purpose of the project is to provide a safe, high-capacity highway facility that is compatible with the surrounding communities. The proposed highway would be a segment of the U.S. 75 expressway from Nebraska City to Omaha. When completed, the improved highway would provide for traffic service to the major growth center of Omaha; serve as a direct connection to the Interstate system in this urban center; provide adequate capacity for good traffic service in areas where congestion now occurs; provide the entire corridor area with a safer means of travel than presently exists; and provide convenient access to and from neighboring communities

**SPECIAL AQUATIC SITES:** The proposed project would result in the unavoidable discharge of fill material into Waters of the U.S. by impacting 6.40 acres of wetlands. Those impacts include 4.55 acres of riverine floodplain (3.41 acres of PEMA, 1.13 acres of PFOA, and 0.01 acres of PSSA), 1.45 acres of riverine channel (1.08 acres of PEMA, 0.18 acres of PEMC, and 0.23 acres of PFOA), and 0.4 acres of lacustrine fringe (0.4 acres of PEMC). The project is proposed to also impact 2.49 acres of abandoned sand and gravel pits (LUBH or open water). The project proposal included 3 channel relocations and four locations of substantial fill in waters of the United States (WUS) due to crossings. The total channel impact is 5,679 linear feet. This includes 2,119 linear feet impacted via crossing construction at WUS 4, 10, 12, 13, 15 and 16. This also includes 3,560 linear feet impacted from channelization activities at WUS 7, 8, 15 and 18.

**AVOIDANCE, MINIMIZATION, AND MITIGATION:** The USACE views the Federal Highway Administration as the lead Federal Agency for the proposed project. The Final Supplemental Environmental Impact Statement (SEIS) dated October 26, 2000 and the reevaluation of the SEIS dated July 23, 2010, and the application dated February 9, 2010 details an effort, by the applicant to avoid and minimize impacts to waters of the United States. The applicant investigated the feasibility of total avoidance and/or further impact minimization along the selected build alternative. Specifically, detailed avoidance and minimization analysis was performed for four interchange locations along the project, 6<sup>th</sup> Street Connector, Webster Boulevard/Hasweel Drive, Platteview Road Interchange, and Fairview Road Interchange. The detailed information regarding the avoidance and minimization can be found at <http://www.transportation.nebraska.gov/environment/corps-eng/75-plattsmouth-bellevue/>. A paper copy of the information found at the website is available upon request.

The applicant proposes to offset unavoidable wetland impacts of 6.40 acres of impact through the restoration of PEMA/C wetlands at the proposed Oreapolis Wetland Mitigation Site.

The applicant proposed to offset unavoidable stream impact with the following:

- 1) Impact 885 linear feet of stream (WUS IDs #7&#8)/create 707 linear feet of stream at the Webster Boulevard/Haswell Drive location (Bay Road Interchange);
- 2) Impact 1,438 linear feet of stream (WUS IDs #12, #13 & #15)/create 1,255 linear feet of stream at the Platteview Road Interchange (including Tract 112);
- 3) Impact 2,250 linear feet of stream (WUS ID #18)/create 2,160 linear feet of stream at the Fairview Road Interchange;
- 4) For all unavoidable resource impacts that cannot be mitigated at the exact impact site, the applicant proposes construction of the Oreapolis Wetland Mitigation Site. A total of 1,557 linear feet of stream impacts will be mitigated at the Oreapolis Wetland Mitigation site. This includes 477 linear feet from WUS #4, 178 linear feet from WUS #7 & #8, 424 linear feet from WUS #10, 183 linear feet from WUS #12, #13, and #15, 205 linear feet from WUS #16, and 90 linear feet from WUS #18.

A copy of the mitigation plan submitted by the applicants can be found at <http://www.transportation.nebraska.gov/environment/corps-eng/75-plattsmouth-bellevue/>. 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. Database and field surveys for historic and archaeological resources have been conducted by Federal Highway Administration. No sites on or eligible for listing on the National Register of Historic Places occur within the project. Nebraska SHPO has concurred with this determination during the reevaluation of the SEIS on July 1, 2010. We will evaluate input by SHPO and the public relative to this statute in response to this public notice, and we may conduct or require a reconnaissance of the permit area or check for unknown historic properties, if warranted.

**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. Federal Highway Administration included in the reevaluation of the SEIS dated July 23, 2010 a determination that the proposed project may affect but is not likely to adversely affect federally listed species and/or critical habitat within the limits-of-construction. The U.S. Fish and Wildlife Service concurred with this determination provided that if changes to the proposed project occur or new information regarding federally listed species and/or critical habitat become available, this determination is no longer valid.

**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. The applicant has not applied for a floodplain permit.

**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.

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