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# PUBLIC NOTICE



**US Army Corps  
of Engineers**

Omaha District

**Application No: 2007-02209-WEH**

**Applicant: Midwest First Financial, Inc., Bill Preston**

**Waterway: Un-named tributary to Middle Creek and abutting wetlands.**

**Issue Date: May 5, 2011**

**Expiration Date: May 26, 2011**

**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 (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:** Bill Preston, Midwest First Financial, Inc., 11904 Arbor Street, Suite 200, Omaha, Nebraska 68144.

**AGENT:** Deanna Pulse, Olsson Associates, 1111 Lincoln Mall, Lincoln, Nebraska 68508.

**PROJECT LOCATION:** The project is located in the West ½ of Section 19 and the South ½ of the Southwest ¼ of Section 18, Township 10 North, Range 6 East, Lancaster County, Nebraska.

**PROJECT DESCRIPTION:** The project involves construction of an industrial center, commercial business structures and residential development to support the growing population in the City of Lincoln. The project will also include associated infrastructure such as sewer and water, streets, sidewalks, parking lots, and landscaping. Stormwater detention is also proposed.

**PROJECT PURPOSE:** The purpose of the project is to develop an industrial/commercial/residential area for the City of Lincoln which conforms with the comprehensive plan for this tract of land. This would improve the city's technological infrastructure and promote the recruitment of new companies that can provide a variety of training and employment opportunities. In addition, the project will create a sustainable tax base that can support civil services to the citizens of Lincoln.

**SPECIAL AQUATIC SITES:** A total of 0.22 acre of riverine channel PEMA/PEMC wetland would be impacted by this project. The project will also impact approximately 3,306 linear feet of R4SBF riverine channel.

**AVOIDANCE, MINIMIZATION, AND MITIGATION:** The applicant states as follows:

Due to the requirement for larger industrial/commercial/residential space and the somewhat steep hilly topography, there is no practicable way to avoid impacts to the 3.306 feet of drainage and 0.22 acres of PEMA/C wetlands while providing the appropriate needs of the site development. However, approximately 885 feet of the ephemeral drainage at the southern site boundary will be avoided and will be improved.

After determining that the constraints did not allow for complete avoidance of the ephemeral drainage and wetlands, several site layouts were evaluated in an attempt to minimize impacts on the site.

A study was conducted regarding the potential location of roadways and sewer lines that would complement existing infrastructure and provide additional services to existing and future businesses and residents in this portion of the city. The primary constraints limiting the alignment are the location of the existing businesses immediately on the east and the west and grid-nature of streets in the City.

The applicant is proposing to mitigate channel impacts on-site at a ratio of 1 to 1. Mitigation for wetland impacts is being proposed at the Sampson Wetland Mitigation Bank. The ratio and appropriateness for use of the bank is yet to be determined.

**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 is listed or proposed for listing 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.

**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 Ms. Laura Banker at the address shown on page one, or by calling (402) 896-0896. You can also e-mail Ms. Banker at [Laura.Banker@usace.army.mil](mailto:Laura.Banker@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.