



## PUBLIC NOTICE

**US Army Corps  
of Engineers**

Omaha District

**Application No: NE 2007-1486-KEA**

**Applicant: NE Dept. of Roads**

**Waterway: N/A**

**Issue Date: May 11, 2007**

**Expiration Date: June 1, 2007**

**21 DAY NOTICE**

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**Reply To:**

**NEBRASKA REGULATORY OFFICE – KEARNEY**

**1430 CENTRAL AVENUE, KEARNEY, NEBRASKA 68847**

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The District Engineer, U.S. Army Engineer District, Omaha, Nebraska is evaluating a mitigation banking proposal from the Nebraska Department of Roads. Mitigation banks are used to satisfy compensatory mitigation requirements for permits issued under the authority of Section 404 of the Clean Water Act, which regulates the discharge of dredged or fill material in the nation's waters. The purpose of this notice is to inform interested parties of the proposed mitigation bank and to solicit comments. Participation is encouraged so that the U.S. Army Corps of Engineers is better able to complete a more thorough public interest review. Comments assist the District Engineer to make a reasonable decision based on public interest factors.

**MITIGATION BANKS:** The objective of a mitigation bank is to provide for the replacement of the chemical, physical, and biological functions of wetlands and other aquatic resources, which are lost as a result of impacts authorized under Section 404 of the Clean Water Act. Using appropriate methods, the newly established functions are quantified as mitigation credits which are available for use by the bank sponsor or by other parties to compensate for adverse impacts (i.e., debits). The use of credits may only be authorized for the purposes of complying with Section 404 impacts when adverse impacts are unavoidable. In addition, credits may only be authorized when on-site compensation is either not practicable or use of a mitigation bank is environmentally preferable to on-site compensation. For additional information on mitigation banking, see 60 FR 58605-58614, November 28, 1995.

**PROSPECTUS:** The prospectus is designed to initiate the planning and review process for the Nebraska Department of Roads mitigation bank. Information provided in the prospectus will serve as the basis for establishing an umbrella mitigation banking instrument. The umbrella banking instrument will form a detailed agreement between the bank sponsor and the Corps of Engineers on issues such as accounting procedures, long-term management, site development, monitoring, remedial actions, financial assurances, performance standards, etc. Following approval of an umbrella banking instrument, individual sites will be submitted for approval by the Corps of Engineers, in consultation with the Mitigation Bank Review Team.

**AUTHORITY:** Section 404 of the Clean Water Act (33 USC 1344).

**BANK SPONSOR:** Nebraska Department of Roads, Attn.: Jason Jurgens, P.O. Box 94759, Lincoln, Nebraska 68509-4759

**PROJECT LOCATION:** Not applicable for an umbrella banking instrument. Location will be identified in individual site development plans.

**PROPOSED ACTIVITY:** A detailed description will be included with each individual site development plan.

**PROJECT PURPOSE:** Develop an umbrella-type wetland and stream mitigation bank to assist in mitigating impacts in waters of the United States, including wetlands, caused by highway construction in Nebraska.

**SPECIAL AQUATIC SITES:** Impacts to special aquatic sites (i.e., wetlands) will be identified in each individual site development plan.

**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:** 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.

**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 for consideration in formulation of parameters, terms and conditions of an eventual bank. Any comments received will be considered by the Corps of Engineers when working with the applicant and other members of the Mitigation Bank Review Team in drafting a banking instrument.

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:dwight.k.tillotson@usace.army.mil). All comments received will be considered public information; copies of all comments, including names and addresses of commenters, 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 subsequent actions on this application.

**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.