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# PUBLIC NOTICE



**US Army Corps  
of Engineers**

Omaha District

**Application No: 2008-00062**

**Applicant: Edward Rose Development Co. LLC**

**Waterway: Unnamed Tributaries to West Papillion  
Creek and West Papillion Creek**

**Issue Date: August 22, 2008**

**Expiration Date: September 11, 2008**

**21 DAY NOTICE**

**<https://www.nwo.usace.army.mil/html/od-rne/nehome.html>**

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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 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:** Mr. Jerry Speedy, Edward Rose Development Co. LLC, 6101 Newport Road, PO Box 3015, Kalamazoo, Michigan 49003.

**AGENT:** Mr. Craig Torstenson, Edward Rose Development Co. LLC, 6101 Newport Road, PO Box 3015, Kalamazoo, Michigan 49003.

**PROJECT LOCATION:** The site is located northwest of the intersection of 192nd Street and Blondo Street in part of the Southeast 1/4 and Southwest 1/4 of Section 7, Township 15 North, Range 11 East, Douglas County Nebraska.

**BACKGROUND:** A Department of the Army Nationwide #39 Authorization (#2003-10796) was issued to Edward Rose Development Co. LLC on December 22, 2003, for 0.03 acres of wetland impact in the Southeast ¼ of Section 7, Township 15 North, Range 11 East, Douglas County, Nebraska. Since the authorization expired before the project was completed, a new Nationwide #39 authorization (#2007-282) was issued on March 16, 2007, for an additional 0.204 acres of wetlands impact for construction of a box culvert. This development is known as **West Hampton Park**

**Phase 1 and 2 Development.** Total compensatory mitigation required for the development was 0.47 acres of wetlands. All work, as well as the required mitigation, under the above authorizations has been completed.

**PROJECT DESCRIPTION:** The applicant now proposes to place fill material and riprap into unnamed tributaries to West Papillion Creek and West Papillion Creek for the construction of two road crossings, a detention basin, discharge pipes from four storm water detention basins, and headcut repairs in conjunction with the proposed **West Hampton Park Phase 3 and 4 Development**. An unnamed tributary to West Papillion Creek (identified as Vegetated Drainage Area A and West Papillion Creek Headcut 1 on attached drawings) is approximately 1,118 feet in length. A total of approximately 678 feet of the drainage will be impacted. Beginning on the north end where the waterway enters the site from the residential subdivision (Winterburn), storm water discharges from an existing 54" diameter reinforced concrete pipe (RCP) to the waterway. The flared end section on the existing pipe will be removed and a manhole will be installed. A 60" diameter x 64' long RCP with a flared end section will be installed as the discharge of the manhole. The waterway will be filled in this area and replaced with a detention basin. This is necessary to make the connection to 202nd Street in the Winterburn Subdivision as required by the City of Omaha Planning Department. The basin will also provide initial storage of the storm water runoff from the residential subdivision. The entire bottom of the basin will be lined with riprap to minimize erosion in the bottom of the basin. The basin will discharge the water to a flared end section and a 60" diameter x 103' long RCP with a flared end section. This pipe will extend under the proposed road crossing (Piney Creek Drive) and discharge into the existing waterway with a flared end and stone riprap plunge pool for energy dissipation. Approximately 255 lineal feet of waterway will be filled in from the end of the Winterburn pipe to the end of the discharge pipe under Piney Creek Drive. The remaining waterway will remain open for approximately 375 lineal feet. At that point the water will be collected in a 60" diameter x 283' long RCP with a flared end section to be discharged into the detention basin (Basin No. 2).

There are four storm water detention basins that will be constructed as part of the project. The basins are identified as Basin No. 1, 2, 3, and 4. The detention basins are designed to reduce the rates of storm water discharge from the site to at or below pre-developed conditions. Three of the basins will discharge directly into West Papillion Creek and one will discharge directly into the unnamed branch of West Papillion Creek of the east side of the site.

Detention Basin No. 1 will discharge to the West Papillion Creek via a 36-inch diameter x 140 feet long corrugated metal pipe (CMP). The last 20 feet of the pipe will be installed at a 0% grade and will be held in place by a pile bent structure. The energy dissipation structure will consist of a riprap plunge basin which will be approximately 20 foot wide x 20 feet long (0.009 acres) using approximately 55 tons of stone riprap.

Detention Basin No. 2 will be installed at the current location of the area identified as West Papillion Creek Headcut 1 on the drawings. Water from the detention basin will be discharged by a 48-inch diameter x 90 feet long CMP to an energy dissipation structure located on the bank of the West Papillion Creek. The last 20 feet of the pipe will be installed at a 0% grade and will be held in place by a pile bent structure. The energy dissipation structure will consist of a riprap plunge basin which

will be approximately 20 foot wide x 20 feet long (0.009 acres) using approximately 55 tons of stone riprap. Approximately 260 lineal feet of the existing 325 lineal feet of the head cut will be filled.

Detention Basin No. 3 will discharge to the West Papillion Creek via a 36-inch diameter x 180 feet long CMP. The last 20 feet of the pipe will be installed at a 0% grade and will be held in place by a pile bent structure. The energy dissipation structure will consist of a riprap plunge basin which will be approximately 20 foot wide x 20 feet long (0.009 acres) using approximately 55 tons of stone riprap.

Detention Basin No. 4 will discharge to the unnamed branch of West Papillion Creek via a 24-inch diameter x 150 feet long CMP. The last 20 feet of the pipe will be installed at a 0% grade and will be held in place by a pile bent structure. The energy dissipation structure will consist of a stone riprap plunge basin which will be approximately 20 foot wide x 20 feet long (0.009 acres) using approximately 55 tons of stone riprap.

There are three locations identified as West Papillion Creek Headcut 2, Headcut 3 and Headcut 4. It is necessary to repair Headcut 2 and Headcut 3 in order to protect the proposed sanitary sewer that will be installed along the West Papillion Creek to serve the new subdivision. Headcut 4 will be repaired in order to prevent further erosion into the subdivision and to protect the proposed detention basin (Basin No. 1) located east of Headcut 4. A portion of the head cut will be filled with compacted soil and the slopes created by the backfill will be stabilized with permanent erosion control blankets. Approximately 48 lineal feet of the 132 feet of Headcut 2 will be filled; 48 lineal feet of the 105 feet of Headcut 3 will be filled; and 50 lineal feet of the 160 feet of Headcut 4 will be filled.

**PROJECT PURPOSE:** The project purpose is to allow for the development of the site as multi-family residential subdivision and the necessary infrastructure (roads, storm and sanitary sewer, water, electrical and natural gas services) to support the development.

**SPECIAL AQUATIC SITES:** No special aquatic sites will be impacted.

**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 Kathy Iske at the address shown on page one or by calling her at (402) 896-0896. You can also e-mail her at [Kathy.L.Iske@usace.army.mil](mailto:Kathy.L.Iske@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.