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# PUBLIC NOTICE



**US Army Corps  
of Engineers**

Omaha District

**Application No: 2011-00794-WEH**  
**Applicant: USACE, Omaha District**  
**Waterway: Missouri River**  
**Issue Date: May 18, 2011**  
**Expiration Date: June 9, 2011**

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## 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 and the Iowa Department of Natural Resources, 502 E 9<sup>th</sup> Street, Des Moines, Iowa 56319. They will review the proposed project for state certification in accordance with the provisions of Section 401 of the Clean Water Act. NDEQ and IDNR hereby incorporate this public notice as its own public notice and procedures by reference thereto. For the purposes of the NDEQ and IDNR, 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:** U.S. Army Corps of Engineers, c/o Aaron Quinn, 1616 Capitol Ave., Omaha, Nebraska 68102.

**PROJECT LOCATION:** This project is located in portions of Sections 6, 7, and 8 in Township 21 North, Range 12 East, and the Southeast 1/4 of Section 31 in Township 22 North, Range 12 East, Harrison County, Iowa. The project is located at Missouri River miles 670.7 to 672.8 along the left descending bank.

**PROJECT DESCRIPTION:** The proposed project is a shallow water habitat (SWH) creation project that would be constructed as part of the Missouri River Recovery Program (MRRP). The proposed project consists of a wide excavated zone along the inside of the river bend for a length of approximately 2 miles. The shallow bench excavation zone would include 3 separate 75-100 foot-wide integrated chutes designed to provide depth diversity and also to facilitate construction access. The chutes will be constructed at a depth of 4 to 6 feet below construction reference plane (CRP). The remainder of the wide bench will be excavated from 2 to 5.5 feet below CRP.

The project will also include 50 to 60 structures consisting of riprap and/or large woody debris (LWD). About half of the structures will be located within the existing river section with the remainder located within the excavated bank portion of the channel. Structure location is designed to optimize benefits to aquatic species and maintain the navigation channel.

Approximately 2.5 to 3.0 million cubic yards of material would be excavated using hydraulic dredges over a two to five year construction period. The discharge would likely be spread over two to five years of construction which equates to roughly 1,500,000 to 600,000 cubic yards per year.

Discharge would occur during and throughout the navigation season. The material would be distributed in the main channel among the various stone riprap and LWD structures (to create additional SWH) until the design grade is reached. The remaining material would be discharged into the thalweg of the Missouri River where it would become entrained into the bedload of the river. Monitoring during construction will be included to prohibit elevated amounts of material deposition within the navigation channel and within the Harbor 671 channel (a private access channel located across the river from Deer Island GMA). It is important to note that some sedimentation of these channels occurs naturally and would be expected even in the absence of a project.

This project would initially produce approximately 132 acres of SWH. An additional amount of SWH up to 50 acres is anticipated to form in the adjacent channel as sediment settles from the water column among the riprap and LWD structures. Riprap and LWD structures placed in the adjacent channel would slow the river's current allowing sediment to settle out of the water column, creating more SWH in the adjacent channel.

**PROJECT PURPOSE:** The project purpose is to replace SWH lost by construction and operation of the Bank Stabilization and Navigation Project (BSNP); improving aquatic habitat quality and diversity for pallid sturgeon and other native aquatic species; and maximizing the amount of biologically productive and physically sustainable SWH while maintaining a properly functioning navigation channel. The project will contribute to the number of acres necessary for the Corps to comply with the U.S. Fish and Wildlife Service's 2000 Biological Opinion and 2003 Amended Biological Opinion pursuant to Section 7 of the Endangered Species Act.

**SPECIAL AQUATIC SITES:** 24 acres of PEMA/C riverine floodplain wetlands dominated by Reed Canary Grass (*Phalaris arundinacea*), and 1 acre of PSSA riverine floodplain wetlands dominated by willows (*Salix* spp.) will be excavated by this project. These wetlands are situated on former river sediment that has accreted to the bank due to the BSNP.

**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. In a letter dated June 11, 2010 the State

Historical Society (SHSI) of Iowa indicated that there are not likely to be historic properties affected by the proposed project. 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:** This activity is being performed for compliance with the 2000 Biological Opinion and 2003 Amended Biological Opinion pursuant to Section 7 of the Endangered Species Act. The proposed SWH project at Lower Little Sioux Bend is anticipated to improve habitat found along the Missouri River for pallid sturgeon, and this action, along with other activities currently being planned to create SWH would be expected to have a beneficial cumulative impact on pallid sturgeon populations. This project will contribute to the number of acres necessary for the Corps to comply with the Missouri River Biological Opinion.

**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). A link to the Draft Project Implementation Report (PIR) and Environmental Assessment (EA) is provided on the Missouri River Recovery Program website: [www.moriverrecovery.org](http://www.moriverrecovery.org).

**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.