



**US Army Corps  
of Engineers**

Omaha District

## **PUBLIC NOTICE**

**Application No: NE 2009-00214-KEA**

**Applicant: City of Lincoln**

**Waterway: Middle Creek wetland**

**Issue Date: August 3, 2009**

**Expiration Date: August 24, 2009**

**21 DAY NOTICE**

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**Reply To:**

**NEBRASKA REGULATORY OFFICE – KEARNEY**

**2214 2ND AVENUE, KEARNEY, NEBRASKA 68847**

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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). NDEQ P. O. Box 98922, Lincoln, Nebraska 68509-8922 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 NDEQ, this public notice will expire 30 days from the above issue date.

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

**APPLICANT:** City of Lincoln, Attn: Roger Figard, 531 Westgate Boulevard, Lincoln, NE 68528-1563; Consultant: Olsson Associates, Attn: Deanna Pulse, 1111 Lincoln Mall, Suite 111, Lincoln, NE 68508

**PROJECT LOCATION:** Southwest ¼ of Section 27, Township 10 North, Range 6 East, Lancaster County, Nebraska.

**PROJECT DESCRIPTION: West A Sanitary Sewer, Hwy. 77 to So. Folsom St.** The applicant proposes to construct 3,250 feet of 15-inch relief sanitary sewer pipeline, which will parallel and connect to an existing 21-inch sanitary sewer pipeline. Construction activity consists of excavating an approximately 8-foot deep trench, soil stockpiling, backfilling, and installation of new sewer pipeline and manholes. The limit of construction is 60 feet wide. The work will temporarily impact 1.6 acres of Category I saline wetlands and 60 feet (0.01 acre) of an ephemeral tributary to Middle Creek. The installation of the manholes will result in approximately 90 square feet of permanent fill. The top 2 feet of saline soils will be separated from soils of lower layers. The soils will be replaced in reverse order when backfilling the trench. Disturbed areas will be planted to an annual grass, and will be allowed to naturally re-establish to saline plant species. Clay dams will be installed at regular intervals along the trench to avoid draining wetlands through a French drain effect.

The project will impact a small portion of a former firing range. Soils in this area will be sampled for lead contamination, and if required, will be disposed at an approved facility.

The applicant has also considered an alternative pipeline route along West A Street from U.S. Highway 77 to South Folsom Street. This alternative was not the preferred alternative for the following reasons: (1) increased impacts to residences and businesses; (2) minimal storage area for equipment and materials; (3) excavated material would have to be hauled away rather than sidecasted; (4) added time and expense; (5) extensive easements and permanent right-of-way for construction and maintenance access; (6) impacts of broken lines to properties and streets; (7) excavate in one section to a depth exceeding waste water standards; (8) potential conflicts with existing waste water lines and other utilities; (9) limited right-of-way.

The applicant considered the following alternative methods: (1) directional boring (doesn't meet need to construct on a precise slope); (2) pipebursting (This would replace the existing 21-inch pipeline with a 27-inch pipeline, requiring open cut areas every 300 feet, at changes in direction, and at manholes. Cost is \$1.4 million vs. \$840,000 for preferred alternative. (3) Micro tunneling (Uses remote boring machine and the jack boring technique to install underground pipes in a single pass. Cost is \$2.2 million vs. \$840,000 for preferred alternative.

**PROJECT PURPOSE:** Provide additional capacity to sewer lines, since the existing sewer lines have reached their capacity.

**SPECIAL AQUATIC SITES:** The site includes a 4.35 acre-Category I saline wetland, with two linear Category IV wetlands abutting on the southwest corner.

**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.

**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, 2214 2nd Avenue, Kearney, Nebraska 68847** or send an e-mail to [dwight.k.tillotson@usace.army.mil](mailto:dwight.k.tillotson@usace.army.mil). 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:** 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.