
PUBLIC NOTICE



**US Army Corps
of Engineers**

Omaha District

Application No: 197926001, General Permit 79-01
Applicant: NE Game & Parks Commission
Waterway: Nebraska Lakes
Issue Date: December 7, 2009
Expiration Date: December 28, 2009

21 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE – KEARNEY
2214 2nd AVENUE, KEARNEY, NEBRASKA 68847

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.

The District Engineer, U.S. Army Corps of Engineers, Omaha District proposes to issue a regional general permit for fish habitat structures to the Nebraska Game and Parks Commission.

This permit is in accordance with regulations governing the Corps of Engineers regulatory program. The regulations provide that the District Engineer may issue a general permit for certain clearly described categories of structures or work requiring Department of the Army permits, which are substantially similar in nature and that cause only minimal adverse individual or cumulative effects on the environment. If adopted, the policies of this proposed general permit will be subject to reconsideration at any time, but at least every five years.

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

APPLICANT: Nebraska Game and Parks Commission, P.O. Box 30370, Lincoln, Nebraska 68503-0370

PROJECT LOCATION: Lakes in the State of Nebraska

BACKGROUND: General Permit 79-01 was initially issued in 1979 and reissued as Amendments 1, 2, 3, 4, 5, and 6 (the current amendment). Amendment 6 expires on March 31, 2010. To date, 155 projects have been authorized; 14 under Amendment 6. No changes from Amendment 6 are proposed in the proposed reauthorization, 197926001.

PROJECT PURPOSE AND SPECIFICATIONS: The purpose is the construction of fish habitat in lakes. The following methods are proposed:

Method I-Automobile tires will be put in sets of two, with the inside tire cabled to the outside tire. The sets will be secured with stainless steel cable or wire.

Method II-Three automobile tires will be assembled to form a triangle and will be fastened together with stainless steel cable or wire. Concrete blocks will be secured to the bundle to prevent floating.

Method III-Woody plants will be tied together in a bundle using 5/16-inch cable or 3/8-inch polyethylene rope.

Method IV-Concrete blocks will be placed in a windrow.

Method V-Wood pallets will be nailed together in various configurations, then secured with metal fence posts, or weighted with concrete blocks to the lake bottom.

Method VI-Plastic barrels (30-50 gallon) will have holes, and concrete blocks will be placed inside. The barrels will be placed in 5 to 8 feet of water and can be removed if needed. This is designed to aid in the spawning of both channel and flathead catfish.

Method VII-Three automobile tires will be fastened together with stainless steel cable or wire in a vertical arrangement by using 2-liter soda bottles for flotation in the top tire and a 28-pound cement cylinder in the bottom tire. Four or five of these units will be arranged together and connected with stainless steel cable or wire through the base tires.

Method VIII-Three automobile tires will be nested within each other and encircled by a fourth tire. The tires will be fastened together with plastic rivets. Sidewalls will be removed from all four tires prior to assembly.

Method IX-Three tractor tires will be arranged to form a triangle, then fastened together with 3/8-inch carriage bolts, 2 flat washers, and nuts. One-half inch holes will be drilled in each tire side wall.

Method X-Automobile tires will be fastened to trees with three 16-penny nails and two 3-inch deck screws with washers. All tires will then be secured with stainless steel cable or wire around the tree trunk. Small branches can be inserted into the tire openings. Tires will be at least 1 foot above the lake bottom and no higher than 1 foot below average annual low water elevation.

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**. 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 commenter, 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.