



**US Army Corps
Of Engineers**
Omaha District

PUBLIC NOTICE

Application Number: NE 88-11457 (140011457)

General Permit 88-04 Amendment #4

Applicant: Papio-Missouri River NRD

Waterway: Big Papillion Creek watershed

Issue Date: January 29, 2009

Expiration Date: February 19, 2009

21-DAY NOTICE

Reply to:
Kearney Regulatory Office
2214 2nd Avenue
Kearney, NE 68847

Re-issuance of General Permit 88-04 for Bank Stabilization

JOINT PUBLIC NOTICE: the U.S. Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ) issue this public notice jointly. The NDEQ PO 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.

In accordance with Title 33 CFR 325.5(c) as published November 13, 1986, in the Federal Register, Volume 51, Number 219, the District Engineer, U.S. Army Corps of Engineers, Omaha District proposes to **re-issue General Permit 88-04**, which is scheduled to expire on August 31, 2009, under Section 404 of the Clean Water Act. Section 404 regulates the discharge of dredged or fill material in the nation's waters.

This permit is in accordance with regulations governing the Corps' 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 aquatic environment. The general permit would result in avoiding unnecessary duplication of regulatory control exercised by other Federal, State or Local agencies provided it has been determined that the environmental consequences of the action are individually and cumulatively minimal [33 CFR 323.2(h)].

If re-issued, this general permit will be subject to reconsideration at any time, but at least every five (5) years.

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

APPLICANT: Papio-Missouri River NRD 8901 South 154th Street Omaha, NE 68138-3621

PROJECT LOCATION: Big Papillion Creek and its tributaries located in the following Sections

Sarpy County:

4 - T13N - R12E

3+10+11+13+14+23+24 - T13N - R13E

19+35 - T13N - R14E

14+23+33+34 - T14N - R11E

13+17+18+20+21+22+25+26+27+33 - T14N - R12E

18+19+27+28+29+30+32+33+34 - T14N - R13E

Douglas County:

1 - T14N - R11E

1+2+12 - T14N - R12E

27+35+36 - T15N - R11E

3+5+6+8+10+14+15+17+20+21+23+24+25+27+28+34+35+36 - T15N - R12E

9+10 - T16N - R11E

31 - T16N - R12E

PROJECT DESCRIPTION: This general permit will authorize the placement of fill material in Big Papillion Creek and its tributaries for the purpose of **bank stabilization**. The methods of construction authorized by this permit are listed at the end of this public notice.

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 US Fish and Wildlife Service and other interested agencies and individuals.

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.

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. Flood plain permits will be required for any work in 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).

The applicant has used this general permit a total of 39 times since it was first issued.

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 **Kearney Regulatory Office 2214 2nd Avenue Kearney, NE 68847-6856** or send an e-mail to **barbara.j.friskopp@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 **Mrs. Barb Friskopp at (308) 234-1403**.

REQUEST TO POSTMATERS: 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 or advertising.