



**US Army Corps
Of Engineers**
Omaha District

PUBLIC NOTICE

Application Number: General Permit 89-01 Amendment #4
NWO-2007-2535-KEA

Applicant: NE Game & Parks Commission

Waterway: Waters of the US owned/operated by
NE Game & Parks Commission

Issue Date: August 23, 2007

Expiration Date: September 13, 2007

21-DAY NOTICE

Reply To:

Kearney Regulatory Office

1430 Central Avenue Kearney, NE 68847

(308) 234-1403

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

RE-ISSUANCE OF GENERAL PERMIT FOR BANK PROTECTION

JOINT PUBLIC NOTICE: This public notice is issued jointly by the US Army Corps of Engineers, Omaha District, and the Nebraska Department of Environmental Quality (NDEQ). 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.

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

APPLICANT: NE Game & Parks Commission 2200 North 33rd Street PO Box 30370 Lincoln, NE 68503-0370

PROJECT LOCATION: Waters of the US in the State of Nebraska that are owned, operated, leased or maintained by the NE Game & Parks Commission. Five areas are excluded: Harold Andersen WMA, Blue Hole WMA, Jack Sinn Memorial WMA, Meridian WMA and Peterson WMA.

PROJECT DESCRIPTION: This General Permit (GP) will authorize the placement of fill material in waters of the US that are minor in nature (i.e., insignificant adverse environmental impacts). Activities that are covered by this GP consist of breakwaters and various types of revetment (see attached drawings). No single and complete project can exceed 1,000 feet. Broken concrete, untreated timber/lumber, wire basket gabions, natural plant material, tire mats and geoweb fabric are to be used as bank protection materials. Topsoil, sand and/or gravel may be used as a back-fill material. River rock (a by-product of gravel mining) may be used as a top covering material of the breakwater structures. If using any riprap other than quarry graded/sized rock riprap, the following regional conditions will apply:

1. All riprap, including broken concrete, must meet the requirements in gradation conditions below and must be chemically acceptable, free of protruding reinforcing steel or wire mesh or other construction debris (i.e., lath, plaster, asphalt, scrap iron, etc.).
2. Any material used shall be reasonably well-graded material to create a dense erosion resistant structure.
3. The material shall range in size from 6 to 36 inches in maximum dimension. The average mean dimension shall be approximately 13 inches and the protection layer thickness shall be 1.0 to 1.5 times the largest rock dimension. Variations to this gradation can be considered on a case by case basis, but must be accompanied by a design analysis that supports the variation.
4. The material shall be angular in shape. No more than 30% of the material shall have the maximum dimension more than 2.5 times the minimum dimension and no material shall have the maximum dimension more than 3.5 times the minimum.
5. For revetments only, the exposed riprap shall be covered from the top of the structure down to the ordinary high water mark (or conservation pool elevation) with a minimum of six inches of soil compacted into the voids of the riprap and immediately seeded with a mix of native grasses, forbs and a cover crop. Soil cover and seeding shall be completed immediately upon completion of construction and maintained in a permanently vegetated condition. The planted vegetation may require maintenance such as reseeding, watering, grazing restrictions, fencing, etc.
6. Encroachment of riprap into the water body shall be kept to a minimum.
7. The top elevation of the riprap shall not exceed the top elevation of the bank.

Breakwater dikes may be constructed in intensively used recreation areas. Breakwaters dikes will be limited to a length of 100 feet, a 15-foot top width, heights varying between three and ten feet and side slopes varying from 1(h) : 1(v) to 3(h) : 1(v).

The following special conditions are being proposed for inclusion in the GP:

1. The District Engineer has the discretion to require an Individual permit on a case-by-case basis for any of the activities authorized herein.
2. The time limit for completing work under this GP (GP 89-01) ends November 30, 2012. If more time is required to complete a project, the permittee shall submit a time extension request at least one month prior to the deadline. Activities that are commenced or under contract to commence by November 30, 2012, shall be granted an additional 12 months from this expiration date to complete the work under the existing authorization.
3. Revetments shall follow the existing bank contours. A 30-foot buffer strip measuring landward from the top bank for the length of the revetment shall be established to native vegetation and maintained in this condition.
4. No activity is authorized under this GP which is likely to jeopardize the continued existence of a threatened or endangered species or a species proposed for such designation, as identified under the Federal Endangered Species Act or which is likely to destroy or adversely modify the critical habitat of such species.

Authorization of an activity under this regional general permit does not authorize the take of a threatened or endangered species as defined under the Federal Endangered Species Act.

5. Appropriate soil erosion and sediment controls shall be used and maintained in effective operating condition during construction and all exposed soil and other fill materials shall be permanently stabilized at the earliest practicable date. Vegetation clearing shall be limited to the minimum required for project construction.
6. Discharges of fill material in spawning areas are not authorized during the spawning season(s).
7. Discharges of fill material in breeding areas of migratory waterfowl are not authorized during the breeding season(s).
8. Discharges of fill material into special aquatic sites, including wetlands, are not authorized.
9. No discharge of dredged or fill material shall occur in the proximity of a public water supply intake.
10. No discharge of dredged or fill material shall consist of unsuitable material (e.g., trash, debris, car bodies, asphalt, etc.) and material discharged shall be free from toxic pollutants in toxic amounts.
11. The permittee shall submit a signed compliance certificate to the appropriate Corps of Engineers field office for each authorization.

PROJECT PURPOSE: The purpose of the GP is to authorize bank protection projects.

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 US 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 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 CFR 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 **Kearney Regulatory Office 1430 Central 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 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 or advertising.