
PUBLIC NOTICE



**US Army Corps
of Engineers**

Omaha District

Application No: 2010-01298

**Applicant: Mr. Steve Hilbrink, Kinder Morgan Natural
Gas Pipeline Company**

Waterway: Little Blue River

Issue Date: December 7, 2010

Expiration Date: December 28, 2010

21 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE – WEHRSPANN

8901 SOUTH 154TH STREET, SUITE 1, OMAHA, NEBRASKA 68138-3621

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. NDEQ 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 issue date shown above.

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

APPLICANT: Kinder Morgan Natural Gas Pipeline Company, Mr. Steve Hilbrink, 105 East Quail Road, Phillipsburg, Kansas 67661.

PROJECT LOCATION: Southwest $\frac{1}{4}$ of Section 13, Township 1 North, Range 3 East, Jefferson County, Nebraska; $40^{\circ} 2' 55.5212''$, $-97^{\circ} 2' 46.5754''$.

PROJECT DESCRIPTION:

Phase 1:

Phase 1 of this project was issued as a separate Nationwide 12 permit (2010-01298) on October 14, 2010. The purpose of the Phase 1 project was to cover an exposed Amarillo #4 natural gas pipeline. The pipeline was to be supported and covered with fill, and then covered with Submar revetment mats. The southern bank would be cut back to create a more gentle and stable slope. The mats will extend across the river and terminate in close proximity to an existing sandbar. The leading edge of

the mat system is anchored three feet into the riverbed. This system of articulating concrete mattresses will prevent further degradation over the pipeline.

Phase 1 stabilized 75 linear feet of streambank. Phase 1 is included on the Plans1.jpg drawing.

Phase 2:

This solution involves a combination of erosion control structures. Bendway Weirs will be utilized in the bend, upstream of the mat system installed in Phase 1, which covered an exposed natural gas pipeline. The weirs will be installed upstream in order to redirect the high velocity flow that is riding the right-descending bank. This redirection will stop the lateral migration of the bank and prevent the river from flanking the mats that were placed on the bank during Phase 1. The weirs are set up at intervals in the bend of the river. The spacing, length, and angle are dependent on the curvature of the eroding bank. The weir field is oriented to assist in moving the thalweg away from the eroding bank. Over time deposition of sediment can be expected within the weir field. The weirs have been designed to extend a few hundred feet upstream of the Phase 1 mat system in order to capture the curvature of the river and have it transition more to the center of the stream.

Longitudinal Peaked Stone Toe Protection (“LPSTP”) (see attached LPSTP.jpg) will be constructed utilizing the existing windrow revetment installed in a previous project, which covered an exposed natural gas pipeline (Phase 1). This material will be located between weirs and will help to stabilize the bank between the weirs. The upstream end of the LPSTP will key into the bank near the start of the bend and will be gently curved and keyed into the bank at approximately 20-30 degrees to create a smooth transition.

Phase 2 will stabilize approximately 1,220 linear feet of channel.

PROJECT PURPOSE: The project purpose is to protect and maintain cover for four high pressure natural gas pipelines along the pipeline right-of-way in the Little Blue River through the proposed bank stabilization.

SPECIAL AQUATIC SITES: No special aquatic sites will be impacted by this project. The project will impact approximately 1,295 linear feet of R2UBH riverine channel (Phase 1 and 2 combined).

AVOIDANCE, MINIMIZATION, AND MITIGATION: This project is located in the Lower Little Blue (10270207) 8-digit hydrologic unit. The applicant is considering alternatives that would avoid, minimize and mitigate impacts to waters of the United States, including wetlands. The minimum quantity of material necessary to prevent further erosion and exposure of pipelines is being utilized for this project. Pipeline exposure will eventually create a potential pipeline integrity problem. All of the right bank pipeline crossings need protection, and the exposed pipeline is not in compliance with existing pipeline transportation rules. The minimum project length that can be relied upon to provide a viable, well-functioning, long-term project on a major river such as the Little

Blue River, is being executed. The LPSTP and Bendway Weirs work in combination to reduce near-bank velocities and allow for sloping, and the growth of herbaceous vegetation of the mid and upper bank areas (reduced velocity stress on plants) with no rock applied to the mid and upper banks.

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: Pursuant to 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. Fish and Wildlife Service and other interested agencies and individuals.

It must be noted that during a site visit conducted on November 4, 2010, a bald eagle was identified within the project area.

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 154th 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 Ms. Laura Banker at the address shown on page one, or by calling (402) 896-0896. You can also e-mail Ms. Banker at Laura.Banker@usace.army.mil.

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 purpose is provided as background information for your use in formatting news stories. This notice is not a contract for classified display advertising.