



**US Army Corps  
Of Engineers**  
Omaha District

# PUBLIC NOTICE

**Application Number:** See Below  
**Applicant:** See Below  
**Waterway:** Cedar River  
**Issue Date:** May 4, 2005  
**Expiration Date:** May 25, 2005

**21-DAY NOTICE**

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**Reply To:**  
**Kearney Regulatory Office**  
**1430 Central Avenue Kearney, NE 68847-6856**  
**(308) 234-1403**

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**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).

**APPLICATION NUMBERS, APPLICANTS:**

05-10139	Joe Thramer	Route 1 Box 180 Spalding, NE 68665	SW 33-21N-11W Wheeler County
05-10103	Village of Spalding	PO Box 268 Spalding, NE 68665	NE 21-20N-9W Greeley County
05-10140	Tim Haggerty	41 C Street O'Neill, NE 68763	NE 34-20N-9W Greeley County
05-10162	Margaret Christensen	1521 North Lafayette Avenue Grand Island, NE 68803	N 2-19N-9W Greeley
05-10104	Richard Martinsen	PO Box 107 Albion, NE 68620	SE 6-19N-8W Boone County
05-10084	James Vanderloop	3784 200 <sup>th</sup> Avenue Cedar Rapids, NE 68627	SE 9-18N-7W Boone County
05-10082	Leo Zywiec	Route 2 Box 13 Fullerton, NE 68638	NW 33-17N-6W Nance County
05-10142	Ron Lesiak	PO Box 61 Fullerton, NE 68638	SW 3-16N-6W Nance County

**PROJECT DESCRIPTION:** The above eight applicants are participating in the Cedar River Stabilization Project sponsored by the Loup Basin RC&D. Each project will be described individually, however, the design of the structures will be the same and will be displayed at the end of this notice. Each project will include a 35-foot vegetative buffer strip along the top bank.

NE 05-10139 Joe Thramer SW¼ Section 33, Township 21 North, Range 11 West, Wheeler County  
 The applicant is proposing to stabilize three sites. The first site is approximately 300 feet long and will be armored with a tree revetment. Sites two and three are both approximately 800 feet long and will be protected by no more than 10 wooden jetties each.

NE 05-10103 Village of Spalding NE¼ Section 29, Township 20 North, Range 9 West, Greeley County

The applicant is proposing to protect approximately 100 feet of stream bank with a rock riprap revetment. They will protect an additionally 40 feet of stream bank with a six-foot high wooden retaining wall. The wall will be installed along the existing stream bank and the area behind the wall will be backfilled with earthen fill material.

NE 05-10140 Tim Haggerty NW¼ Section 34, Township 20 North, Range 9 West, Greeley County

The applicant is proposing to protect 1,200 feet of stream bank at four separate sites with root wad structures. Two to four structures will be constructed at each site.

NE 05-10162 Margaret Christensen NE¼ Section 2, Township 19 North, Range 9 West, Greeley County

The applicant is proposing to protect approximately 400 feet of stream bank at two sites. Two to three tree jetties will be constructed to protect approximately 200 feet of stream bank. Immediately downstream, 200 feet of bank will be protected with a tree revetment.

NE 05-10104 Richard Martinsen SE¼ Section 6, Township 19 North, Range 8 West, Boone County

The applicant is proposing to protect 300 feet of stream bank with four to six tree jetties.

NE 05-10084 James Vanderloop SE¼ Section 9, Township 18 North, Range 7 West, Boone County

The applicant is proposing to protect approximately 300 feet of stream bank with two to four wooden jetties.

NE 05-10082 Leo Zywiec NW¼ Section 33, Township 17 North, Range 6 West, Nance County

The applicant is proposing to protect 1,000 feet of stream bank in two places. Eight to ten wooden jetties or tree jetties will be constructed at each site.

NE 05-10142 Ronald Lesiak SW¼ Section 3, Township 16 North, Range 6 West, Nance County

The applicant is proposing to protect 1,200 feet of stream bank by installing 10-12 tree jetties.

**PROJECT PURPOSE:** The purpose of the projects is to protect land from erosion.

**SPECIAL AQUATIC SITES:** No special aquatic sites will be impacted by the 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](mailto: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.