



**US Army Corps
Of Engineers**
Omaha District

PUBLIC NOTICE

Application Number: NE 04-10102
NE 04-10113

Applicant: National Audubon Society, Rowe Sanctuary
Platte River Whooping Crane Trust

Waterway: Platte River

Issue Date: February 11, 2004

Expiration Date: March 3, 2004

21-DAY NOTICE

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

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:

National Audubon Society, Rowe Sanctuary 44450 Elm Island Road Gibbon, NE 68840
Platte River Whooping Crane Trust Uridil Site 6611 West Whooping Crane Drive Wood River, NE 68883
These are two individual applicants doing work at two separate locations, however, the project descriptions and the purposes are the same, hence this joint public notice.

PROJECT LOCATION:

Rowe Sanctuary: Sections 9+10+15+16, Township 8 North, Range 14 West, Buffalo County, Nebraska
Uridil Site: SE ¼ Section 23, Township 9 North, Range 12 West, Hall County, Nebraska

PROJECT DESCRIPTION:

Rowe Sanctuary site: The proposal includes lowering the elevation of a 9.6-acre stabilized island by bulldozer or scraper to an elevation that will remain above the expected high water level during the least tern and piping plover nesting season (approximately 1,200 cfs) but low enough so that peak spring flows can overtop the

island and begin the process of naturally scouring the island (approximately 3,000 cfs). The island will be lowered by about 2 ½ feet; the material, approximately 38,710 cubic yards, will be spread across the active riverbed so that the sediment can be transported downstream without detrimentally impeding the flow or changing flow patterns.

Uridil site: The proposal includes lowering the elevation of two stabilized islands and a portion of a third island (approximately 3.7 acres, total) by bulldozer or scraper to an elevation that will remain above the expected high water level during the least tern and piping plover nesting season (approximately 1,200 cfs) but low enough so that peak spring flows can overtop the island and begin the process of naturally scouring the island (approximately 3,000 cfs). The islands will be lowered approximately five to seven feet; the material, approximately 35,810 cubic yards, will be spread across the active riverbed so that the sediment can be transported downstream without detrimentally impeding the flow or changing flow patterns.

The US Geological Survey will monitor the volume and fate of the sediment removed from the islands for a minimum of three years. They will establish transects on and near the islands and monitor any change in the cross-section of the channel.

PROJECT PURPOSE: The purpose of the project is to restore and enhance nesting habitat for the least tern and piping plover and restore natural fluvial processes.

SPECIAL AQUATIC SITES: No special aquatic sites will be impacted.

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.