
PUBLIC NOTICE



**US Army Corps
of Engineers**

Omaha District

Application No: 2014-02638-WEH

**Applicant: Papio-Missouri River Natural Resources
District**

**Waterway: Missouri River, Platte River, Big Papillion
Creek, and Wetlands**

Issue Date: March 15, 2018

Expiration Date: April 5, 2018

21 DAY NOTICE

Reply To:

NEBRASKA REGULATORY OFFICE

8901 SOUTH 154TH STREET, SUITE 1, OMAHA, NEBRASKA 68138-3635

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). 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 the NDEQ, their public notice will expire 30 days from the issue date shown above.

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

APPLICANT: Papio-Missouri Natural Resources District, Marlin Petermann, 8901 South 154th Street, Omaha, Nebraska 68138.

PROJECT LOCATION: The project is located in Sections 6, 7, 18, 19, 30 & 31, Range 13 North, Township 14 East, Sections 10, 11, 13, 14, 23, 24, 25, and 26, Range 13 North, Township 13 East, and Section 31, Township 14 North, Range 14 East, all in Sarpy County, Nebraska. This project for R-616-613 starts at 41.136388°, -95.887406° and ends at 41.117795°, -95.937224°. The project for 613 starts at 41.068872°, -95.928305° and ends at 41.113000°, -95.937771°.

PROJECT DESCRIPTION: The Papio-Missouri River Natural Resources District (PMRNRD) proposes to implement modifications to Federal Levee Systems R-616-613 and R-613. The PMRNRD is the local sponsor for maintenance and operation of these segments of the U.S. Army Corps of Engineers (USACE) Federal Levee System. Currently, the R-616-613 and R-613 Federal

Levee Systems do not meet levee design standards set by the Federal Emergency Management Agency (FEMA) accreditation criteria to maintain a Zone X designation on Flood Insurance Rate Maps (FIRMs). The PMRNRD proposes improvements to the R-616-613 and R-613 Federal Levee Systems to bring the levee systems up to current design standards necessary to meet FEMA accreditation criteria. A Draft Environmental Assessment (Draft EA) has been prepared for the project. A detail project description can be found in section 2.6.1 of the Draft EA. The Draft EA contains wetland impact figures and maps identifying the impacts. The Draft EA for the project can be found at the link below.

<http://www.nwo.usace.army.mil/Media/News-Releases/Article/1460654/draft-ea-for-modifications-to-missouri-river-papillion-creek-and-platte-river-f/>

PROJECT PURPOSE: The applicant purpose is to make levee improvements to meet standards for re-certification and FEMA accreditation as set forth in 44 CFR 65.10, and to meet USACE standards to maintain continued eligibility in the PL 84-99 rehabilitation program. More specifically, for levees to be recognized by FEMA as certified, criteria in 44 CFR 65.10 states that levees shall meet current design and flood risk management standards and sound engineering design. Where specific design guidelines are lacking, FEMA suggests that USACE guidelines be followed when demonstrating sound engineering design, specifically closures, embankment protection, embankment and foundation stability, and settlement. Improvements would result in (1) a level of protection comparable to that shown on current FIRMs for the areas behind the levees, and (2) compliance with standards for Section 408 (33 USC 408) alterations of USACE civil works projects (FEMA 2011b, USACE 2014b). Accreditation allows FEMA to indicate on FIRMs that flood protection is provided to the areas behind the levees.

The basic project purpose, as defined by the Corps, is flood risk reduction.

The overall project purpose, as defined by the Corps, is flood risk reduction to meet standards for re-certification and FEMA accreditation and to meet USACE standards to maintain eligibility in the PL 84-99 rehabilitation program for a portion of the federal levee systems R-616-613 and R-613.

SPECIAL AQUATIC SITES: The project would impact a total of 7.013 acres of riverine floodplain wetlands. Those impacts consist of excavating 4.270 acres of PEMA/C and filling 2.687 acre of PEMA/C, 0.022 acres of PEMF, 0.008 acre of PSSA, and 0.026 acres of PFOA wetlands. The delineation for the project was re-evaluated by the applicant in September of 2017 and was submitted to the Nebraska Regulatory Office December of 2017. The total acreage of wetlands delineated in the re-evaluation of the September 2012 delineation decreased from 58.68 total acres of wetland within the study area to 37.15 total acres of wetland within the study area. The re-evaluation of the September 2012 delineation was not field verified by the Nebraska Regulatory Office prior to this public notice and if needed will be verified during the 2018 growing season.

AVOIDANCE, MINIMIZATION, AND MITIGATION: This project is located in the Big Papillion Mosquito 8-digit HUC, 10230006. The applicant did provide avoidance and minimization measures for different alternatives within the Draft EA. Compensatory mitigation will be required for the project and a compensatory mitigation plan is included in the Draft EA in Appendix I. The plan will be reviewed to ensure it meets the requirements of the 2008 Mitigation Rule prior to any permit issuance.

CULTURAL RESOURCES: The Corps of Engineers, Omaha District will comply with the National Historic Preservation Act of 1966, and amendments and the procedures set forth in 33 CFR 325, Appendix C. The Nebraska State Historical Preservation Office (SHPO) concurred that the project area does not contain any recorded historic resources and that the proposed action would have no effect on archaeological, architectural, or historic properties. Additional detailed information is contained in the Draft EA for the project regarding cultural resources. We will evaluate input by the State Historic Preservation Office, Tribes, and the public in response to this public notice, and we may conduct or require a survey of the permit area to check for unknown historic or prehistoric properties, if warranted.

ENDANGERED SPECIES: The following species occur within the project area: Interior least tern, Piping plover, Pallid sturgeon, Northern long-eared bat, and Western prairie fringed orchid. The Draft EA contains a “no effect” determination for Western prairie fringed orchid and a “may effect, not likely to adversely affect” determination for Interior least tern, Piping plover, Pallid sturgeon, and Northern long-eared bat. The U.S. Fish and Wildlife Service concurred with these determinations and proposed conservation measures on April 27, 2017 provided the conservation measures are implemented. Additional detailed information is contained in the Draft EA for the project regarding threatened and endangered species. 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.

FLOODPLAIN: The Omaha District Flood Risk and Floodplain Management Section (FRFM) is responsible for coordinating compliance of Executive Order 11988 for all Section 408 proposals within the District. The 14 August 2017 EO 11988 Compliance Memo prepared by the Omaha District FRFM is attached to the Draft EA and concluded the proposed action is in compliance with EO 11988. Additional detailed information is contained in the Draft EA for the project regarding floodplains and Executive Order 11988. 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. 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. **It is the responsibility of the applicant to contact Nebraska Department of Environmental Quality as**

soon as possible in the permitting process to discuss requirements for certification. Please contact:

CWA Section 401 Coordinator
Water Quality Division, Planning Unit
Nebraska Department of Environmental Quality
1200 'N' Street, Suite 400
Lincoln, NE 68509-8922
Phone: 402.471.2875
Fax: 402.471.2909
E-mail: ndeq.401certification@nebraska.gov

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

commenters, 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 Matt Wray at the address shown on page one or by calling him at (402) 896-0896. You can also e-mail him at matt.t.wray@usace.army.mil.

REQUEST TO POSTMASTERS: Please post this notice conspicuously and continuously until the expiration date specified at the top of page one.

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