

## ***Legal Notice Below***

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NOTICE OF INTENT TO CERTIFY  
DEPARTMENT OF ENVIRONMENT AND ENERGY  
DRINKING WATER & GROUNDWATER DIVISION  
LINCOLN, NEBRASKA

In accordance with Section 401 of the federal Clean Water Act (33 U.S.C. Par. 1251 et seq.), certification that Title 117 – Nebraska Surface Water Quality Standards (Nebraska Administrative Code) will not be violated has been applied for to the Nebraska Department of Environment and Energy (NDEE) by the persons listed below for discharges requiring Federal permits or licenses.

The Nebraska Department of Transportation has applied for a Section 404 permit from the U.S. Army Corps of Engineers (USACE) to conduct activities in Waters of the United States. The proposed project requires state Water Quality Certification in accordance with Clean Water Act (CWA) Section 401(a)(1), which states that:

- (1) Any applicant for a Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may result in any discharge into the navigable waters, shall provide the licensing or permitting agency a certification from the State in which the discharge originates or will originate, or, if appropriate, from the interstate water pollution control agency having jurisdiction over the navigable waters at the point where the discharge originates or will originate, that any such discharge will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of this title.

The proposed project would construct a bridge over the Niobrara Scenic River (NSR) for the purpose of replacing the 569-foot Carns State Aid Bridge, which was damaged in the 2019 March flood event. The new bridge would be a 950-foot prestressed concrete girder bridge with a total width of 30 feet 4 inches. The total project length would be approximately 2,275 feet. The project would be located on Carns Avenue, approximately 13 miles northeast of the Village of Bassett in Rock County, NE. The project would be in Section 19, township 32 North, Range 18 West and Section 24, Township 32 North, Range 19 West.

To implement this project, two trenches with buried riprap would be built upstream of the bridge on the south side of the channel for bank protection and reinforcement. The trenches would be covered in topsoil and vegetation. The project would require the temporary installation of the following: a work platform, cofferdams, and an access road. Some work would be required in the waterway. Five new bridge piers would be needed to implement this project and would impact 0.035 acres of stream bed. After the removal of the existing piers, 0.023 acres of stream bed will be restored. The temporary cofferdams and work platform would result in temporary impacts to 1.250 acres of stream bed. Considering the area of restored stream bed, net permanent stream bed loss would be approximately 0.012 acres. Stream mitigation is not anticipated.

Approximately 0.026 acres of wetland would be temporarily impacted due to the construction of temporary access roads. There will be no permanent impacts to wetlands.

In order to evaluate the impacts of these permits on the water resources of the State of Nebraska, NDEE encourages interested citizens to submit favorable or unfavorable written comments. Comments should be limited to the scope of state WQC under Section 401 of the CWA. Persons may comment upon or object to the application, by submitting written comments within 30 days after this publication date of this notice to:

CWA Section 401 Coordinator  
Nebraska Department of Environmental Quality  
245 Fallbrook Blvd, Suite 100  
Lincoln, NE 68521

Persons may also request information about the application, or request copies of documents for inspection, at the same address Monday through Friday during the hours from 8:00 am until 5:00 pm. Please notify NDEE in advance if alternate formats of documents are needed. Our switchboard phone number is 402-471-2186. TDD users please call 711 and ask the relay operator to call us at 402-471-2186.

Persons may request a public hearing. Please submit requests by writing to:

Section 401 Coordinator  
Nebraska Department of Environment and Energy  
245 Fallbrook Blvd, Suite 100  
Lincoln, NE 68521

A request for a hearing must state the nature of the issues to be raised and all arguments and actual grounds supporting such position. Such comments shall be considered prior to making a final decision regarding the request. Copies of all materials are available for inspection and copying at NDEE offices, 245 Fallbrook Blvd, Suite 100, between 8:00 a.m. and 5:00 p.m., weekdays.

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