



US Army Corps of Engineers in cooperation with Nebraska Department of Roads

# N-12 Niobrara East & West Project



N-12 Niobrara East & West

## Background and Update

### What is the US Army Corps of Engineers' role on the N-12 Niobrara East and West Project?

Section 404 of the Clean Water Act (1972) authorizes the US Army Corps of Engineers (the Corps) to issue permits for placing fill material into the waters of the United States, including wetlands. This means that if the Nebraska Department of Roads (NDOR) wishes to construct a roadway that will place fill material into wetlands, then NDOR has to obtain a Section 404 permit from the Corps. Most wetlands are a productive and valuable public resource. Unneeded change or damage should be avoided. Wetlands perform roles that are important to the public interest, such as habitat for water and land species; shields from wave action, erosion, or storm damage; storage areas for storm and flood waters; discharge and recharge areas for groundwater; and surface water purification. Placing fill in a single wetland may cause a minor change in one or more of these roles. However, the combined effect of numerous minor changes could result in major damage to the roles that wetlands perform. Therefore, the Corps reviews any project that may impact waters of the United States, including wetlands. The Corps may require that alternatives be considered when impacts are major.

In addition, the Corps must comply with the National Environmental Policy Act of 1969 (NEPA). NEPA is required for federal actions. "Issuing a permit" under Section 404 is considered a federal action. The Corps determined an Environmental Impact Statement (EIS) was needed to evaluate the potential impacts on wetlands and all other impacts on the human and natural environment. This means that the EIS is being written to disclose impacts expected if a Section 404 permit is issued (federal action).

### What is NDOR's role on the N-12 Niobrara East and West Project?

NDOR is the agency that is applying for a Section 404 permit from the Corps to build a road. NDOR will prepare a Section 404 permit application for the project that it wishes to build. NDOR provides the road alignment alternatives that the Corps will analyze in the EIS.

### Why is there a delay in the development of the EIS?

The NEPA process for the N-12 Project began in 2008 when the Corps started the EIS. Part of the EIS process is alternatives screening. NDOR provides the Corps with proposed roadway alternatives that have to meet standard design criteria. Specifically, NDOR's minimum design standards require that State and local roadways have an area from the driving lane free of obstacles, including above bodies of water. N-12 shall have approximately 7.5 feet of clearance above the 100-year flood elevation, and N-14 shall have approximately 7 feet of clearance above the 100-year flood elevation.

In spring 2013, the Corps developed a new floodplain model during a study requested by the Niobrara Public School District. The model included new information from the 2011 flood. The Corps then compared the floodplain elevations developed under the new model to the Parallel Alignment (Alternative A2) as it was currently designed. The Corps found that Alternative A2 no longer meets 100-year flood design criteria, and the other road alternatives may also be impacted. Based on this information, NDOR chose to redesign all of the floodplain alternatives to raise the roadway elevations based on the new floodplain modeling. In addition, NDOR has reevaluated its design engineering for the Bluffs Alignment (Alternative B1). NDOR is redesigning the Bluffs Alignment (Alternative B1) with a wider footprint and drainage methods to reduce the potential for slides and road failures due to the presence of Pierre shale. To view an Alternatives Carried Forward figure, please visit [www.transportation.nebraska.gov/projects/niobrara-N12/index.htm](http://www.transportation.nebraska.gov/projects/niobrara-N12/index.htm).

The redesign of the alternatives will change the cost of each alternative and the impacts on wetlands. The Corps uses cost as a factor to determine what alternatives are practicable. Therefore, a new review of alternatives and their costs will be needed. The Corps will also review each revised alternative for impacts on wetlands and other resources. These impacts will be discussed in the EIS.

### Project Description

Nebraska Highway 12 (N-12) is an east-west two-lane highway in northeastern Nebraska that provides a route for local residents and through traffic. The intent of the Project is to maintain, improve, or replace with a new alignment, as necessary, the existing N-12 roadway east and west of the Village of Niobrara, resulting in a safe and reliable roadway.





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#### Visit the Project Website:

[www.transportation.nebraska.gov/  
projects/niobrara-N12/index.htm](http://www.transportation.nebraska.gov/projects/niobrara-N12/index.htm)

#### Project Team Contacts

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#### When will the EIS be available for public review and comment?

NDOR plans to have the redesign of the alternatives and new costs developed by summer 2014. The Corps will then include the alternatives and impacts in the EIS. A draft of the EIS is planned to be available to the public in spring 2015. The Corps will host a public meeting and request comments from the public.

#### Contacts and Locations for Information

For information on the N-12 Niobrara East and West Project EIS, you can access the project website at <http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska/EISHighway12.aspx> or at <http://www.transportation.nebraska.gov/projects/niobrara-N12/index.htm>.

Please contact Becky Latka with the Corps with any questions on the N-12 Niobrara East and West EIS project at (402) 995-2681, by email at [Rebecca.J.Latka@usace.army.mil](mailto:Rebecca.J.Latka@usace.army.mil), or by mail at:

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