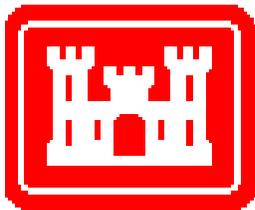


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# PUBLIC NOTICE



**US Army Corps  
Of Engineers**  
Omaha District

**File No: 2004-10258-WEH**  
**Project: Niobrara East & West, S-12-5(1011)**  
**Applicant: Nebraska Department of Roads**  
**Issue Date: July 25, 2008**

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The U.S. Army Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) to analyze the direct, indirect and cumulative effects of a proposed Nebraska State Highway project, Nebraska Highway 12 Niobrara East and West Project by the Nebraska Department of Roads (NDOR). NDOR is responsible for providing a safe, efficient, affordable, environmentally compatible and coordinated statewide transportation system for the movement of people and goods.

Two segments of existing Nebraska Highway 12 (N-12) have experienced flooding and damage due to high water levels associated with the Missouri River. Segment 1 is approximately 6.4 miles long and extends from just east of Verdel, Nebraska, on the west end to 2 miles west of the bridge over the Niobrara River. Segment 2 is approximately 6 miles long and extends from just east of Spruce Avenue in Niobrara, Nebraska, to approximately 1 mile east of Nebraska Spur-54D (see attached figures).

The overall project purpose is to provide a reliable and safe roadway that meets the existing and projected traffic needs for the region. This project purpose will be used to evaluate the full range of alternatives under Section 404 (b)(1) guidelines. The need for the project is based on the following problems and/or concerns caused by the high water levels and flooding: instability of the existing roadway; driver hazard; roadway maintenance countermeasures; and traffic disruption.

**Roadway Stability:** Due to high water levels and overtopping of N-12 in the Study Area, the stability of the roadway is threatened. Gavin's Point Dam on the Missouri River was built in the 1950s near Yankton, South Dakota, creating Lewis and Clark Lake (lake). The lake has caused the water table adjacent to the Missouri River to rise. N-12, which runs parallel to the Missouri River, is affected where it crosses into the Missouri River floodplain east and west of Niobrara, Nebraska. Approximately eight miles of N-12 runs through the floodplain. About half of this length is located to the east and half to the west of Niobrara, in Knox County, Nebraska. The distance between N-12 and the Missouri River bank differs, but some areas are as close as two to three thousand feet. Due to the location of N-12, roadway overtopping and prolonged high water levels are common. Reasons for these conditions are:

- Missouri River Mainstem Releases - System releases from upstream reservoirs as part of the Missouri River mainstem system can provide constant high water levels

and large releases of water can sometimes maintain high water levels for many months.

- **Sedimentation** - The increased silt load coming into the Lake from the Missouri River tributaries (primarily the Niobrara River and Bazile Creek) has caused sedimentation of the Lake. The confluence of the Niobrara River and the Missouri River is just west of Niobrara, Nebraska. The waters slow and sediment is deposited creating a fill area that restricts the channel and raises the bed of the both rivers. This is causing the area of the Lake to increase in dimension as well as raising the water table. This action has also reduced the size (and therefore capacity) of bridge openings.

Overtopping has occurred several times in the Bazile and Ponca Creek areas in the past. Bazile Creek enters the river east of Niobrara, Nebraska where it intersects N-12. Ponca Creek intersects N-12 and enters the river west of Niobrara, Nebraska. Over-topping jeopardizes the integrity of the roadway due to shoulder and embankment damage.

High water levels create conditions of routine and persistent flooding and long-term saturation of the roadway embankment, thus creating roadway shoulder and embankment damage during overtopping events and the potential for roadway embankment erosion during saturation.

**Driver Hazard:** As described above, N-12 in the Study Area is exposed to regular flooding. Roadway flooding is a concern for driver safety as even if the road is marked closed, motorist may choose to drive through flooded roadways. N-12 in this location does not have lighting and the inherent dangers of driving through flooded roadways exist, especially during times of poor visibility.

In 1995, the Corps implemented an interim fix by raising the gradeline of N-12 by several feet on two short highway segments to alleviate the flooding problems. The resultant roadway is narrow that has shoulders of inadequate width and steep sideslopes. Cable guardrail was installed to help protect vehicles from leaving the road and driving into the water. Due to the narrow roadway, the cable guardrail is close to the edge of the driving lane. These conditions create hazards for the traveling public.

**Continuous Roadway Maintenance:** Roadway maintenance has occurred in the past (see above #2 above) to repair roadway damage due to high water levels and/or flooding. Until a solution is implemented, continuous roadway maintenance will be required to repair damage caused by high water levels and/or flooding of the roadway.

**Need for Reliable Roadway:** N-12 is an east-west roadway in northeastern Nebraska that provides a route for local and thru vehicle traffic. N-12 is situated among the northern portions of counties in Nebraska. As there are limited resources in this area which provide for east-west vehicle traffic movement, N-12 provides a vital link of travel for adjacent rural residents and traffic traveling east-west through northeastern Nebraska.

NDOR and Corps have not selected a project alternative but will be exploring a range of alternatives through the National Environmental Policy Act (NEPA) process. Construction of the N-12 project is expected to result in temporary and permanent impacts to jurisdictional waters of the U.S., thereby requiring a Clean Water Act Section 404 permit. Alternatives under consideration include: (1) taking no action; (2) re-construction on existing alignment; (3) providing a new two-lane highway on new alignment; (4) reduce or eliminate the flooding/high water level problem through evaluation of methods to reduce Lewis and Clark Lake elevation through operations and/or maintenance. Additional alternatives will be considered during the NEPA process.

The Corps is utilizing a third-party contractor, HDR Engineering, Inc, to prepare the EIS. The EIS will be prepared according to the Corps' procedures for implementing NEPA and consistent with the Corps' policy to facilitate public understanding and review of agency proposals. A project newsletter has been prepared to distribute to the public in the study area that describes the project, discusses the history of the project, and explains the EIS process. Copies of the newsletter will be available at the public scoping meeting or can be requested by mail. The public scoping meeting will be held on August 28, 2008, from 6:00 p.m. to 8:30 p.m., at the WFLA Conference Center located on Spruce and Park Avenue in, Niobrara, NE.

These scoping meetings will be held to describe the project, the NEPA process, and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments will be accepted at these meetings and until September 28, 2008.

The COE has invited the U.S. Environmental Protection Agency, U.S. Fish and Wildlife Service, Federal Highway Administration, National Park Service, and Knox County to be cooperating agencies in the formulation of the EIS.

**Questions regarding the proposed action, scoping meetings, and the EIS process as well as submission of written comments can be addressed to either:**

**Mr. Matt Wray  
Project Manager  
U.S. Army Corps of Engineers  
Nebraska Regulatory Office - Wehrspann Field Office  
8901 S. 154th Street  
Omaha, NE 68138-3621  
(402) 896-0896  
or**

**Mr. Matthew Pillard**

**Project Manager**  
**HDR Engineering, Inc.**  
**8404 Indian Hills Drive**  
**Omaha, NE 68114**  
**(402) 399-1186**

Public Notices issued by for the state of Nebraska can also be obtained by visiting the Nebraska Regulatory Office web site at:

<https://www.nwo.usace.army.mil/html/od-rne/pn/pn.html>

are contained in Army Regulations 340–21; 32 CFR part 505; or may be obtained from the system manager.

**RECORD SOURCE CATEGORIES:**

From the individual; Army records and reports.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. E8–17035 Filed 7–24–08; 8:45 am]

**BILLING CODE 5001–06–P**

**DEPARTMENT OF DEFENSE**

**Department of the Army**

**Department of the Army; Corps of Engineers**

**Availability of Information Bulletin, for a Replacement Lock, Sault Locks Complex, Sault Sainte Marie, MI**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE), Detroit District, is issuing this notice to announce the availability of an Information Bulletin for a proposed Replacement Lock, Sault Locks Complex, Sault Sainte Marie, MI. This bulletin provides information on the National Environmental Policy Act (NEPA) review of the project that was presented in the Great Lakes Connecting Channels and Harbors Final Interim Feasibility Report and Environmental Impact Statement (EIS), 1986 and a Record of Environmental Consideration, 2000. Based upon the review of current site conditions and project plans, it appears that no new environmental impacts or issues have been identified since the 1986 FEIS and the 2000 Record of Environmental Consideration for the project. The planned construction of a second large lock at Sault Sainte Marie, MI, has been adequately assessed in accordance with NEPA and a Record of Decision (ROD) should be signed to allow construction to begin. The Bulletin is being provided for information and to solicit comments on any changed conditions or anticipated impacts that may effect the decision to sign the ROD.

**DATES:** The Information Bulletin will be available for public review from July 25, 2008 through August 25, 2008. Written comments must be received by September 2, 2008.

**ADDRESSES:** You may request a copy of the Information Bulletin from Ms. Florence Bissell, Environmental Analysis Branch, U.S. Army Corps of

Engineers, Detroit District, 477 Michigan Avenue, P.O. Box 1027, Detroit, MI 48231–1027.

**FOR FURTHER INFORMATION CONTACT:** Ms. Florence Bissell at (313) 226–3510 or at [florence.k.bissell@usace.army.mil](mailto:florence.k.bissell@usace.army.mil). Written comments are to be provided to Ms. Bissell.

**SUPPLEMENTARY INFORMATION:**

Construction of a replacement lock at the U.S. Army Corps of Engineers Sault Locks Complex on the St. Mary's River, Michigan was proposed following a 1976 resolution of the Senate Public Works Committee to determine the advisability of providing additional lockage facilities. It was recommended that a lock of greater dimensions replace two smaller locks, the Davis and Sabin Locks, which were constructed during World War I. The proposed lock would be capable of handling the Great Lakes System's largest vessels (Class C) which account for more than half of the potential carrying capacity of the Great Lakes fleet and currently are limited to lockage through the Poe Lock. A disruption of the Poe Lock would result in significant national economic consequences therefore a second lock of the Poe Lock dimensions is needed. Congress has provided, in the Water Resources Development Act of 2007 that such a lock be constructed at Federal expense and funding has been appropriated to initiate construction.

Dated: July 18, 2008.

**Les E. Weigum,**

*Chief, Environmental Analysis Branch.*

[FR Doc. E8–17073 Filed 7–24–08; 8:45 am]

**BILLING CODE 3710–GA–P**

**DEPARTMENT OF DEFENSE**

**Department of the Army; Corps of Engineers**

**Intent To Prepare an Environmental Impact Statement for Nebraska; Department of Roads Nebraska Highway 12 Niobrara East and West Project**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps) is preparing an Environmental Impact Statement (EIS) to analyze the direct, indirect and cumulative effects of a proposed Nebraska State Highway project, Nebraska Highway 12 Niobrara East and West Project (project), by the Nebraska Department of Roads (NDOR). The project will provide a safe regional transportation corridor that meets

Nebraska State Highway design standards. The project is needed due to interrupted use, high maintenance, roadway stability issues, driver safety during high water events, and the importance of maintaining Nebraska Highway 12 as a regional transportation corridor. Alternatives under consideration include: (1) Taking no action; (2) re-construction on existing alignment; (3) providing a new two-lane highway on new alignment; (4) reducing or eliminating existing flooding through evaluation of methods to reduce Lewis and Clark Lake elevation through operations and/or maintenance. NDOR and Corps have not selected a project alternative but will be exploring a range of alternatives through the National Environmental Policy Act (NEPA) process. Additional alternatives will be considered during the NEPA process. Construction of the project is expected to result in temporary and permanent impacts to jurisdictional waters of the United States, thereby requiring a Clean Water Act section 404 permit.

The Corps has prepared a scoping document to familiarize other agencies, the public and interested organizations with the preliminary project alternatives and potential environmental issues that may be involved. The scoping document includes a description of the problems that create the need for the project, a preliminary list of project alternatives, and various environmental/resource issues that will be addressed in the EIS. Copies of the scoping document will be available at the public scoping meeting or can be requested by mail. The EIS will be prepared according to the Corps' procedures for implementing the National Environmental Policy Act (NEPA) of 1969, as amended, 42 U.S.C. 4332(2)(c), and consistent with the Corps' policy to facilitate public understanding and review of agency proposals.

**DATES:** A public scoping meeting will be held on August 28, 2008, from 6 p.m. to 8:30 p.m.

**ADDRESSES:** The public scoping meeting will be held at the WFLA Conference Center located on Spruce and Park Avenue in, Niobrara, NE 68760.

**FOR FURTHER INFORMATION CONTACT:** Questions regarding the proposed action and EIS should be addressed to Matt Wray, Project Manager, U.S. Army Corps of Engineers, Nebraska Regulatory Office, Wehrspann Field Office, 8901 S. 154th Street, Omaha, NE 68138–3621 or at (402) 896–0896; [Matt.T.Wray@usace.army.mil](mailto:Matt.T.Wray@usace.army.mil).

**SUPPLEMENTARY INFORMATION:** The Nebraska Department Roads (NDOR) is

responsible for providing a safe, efficient, affordable, environmentally compatible and coordinated statewide transportation system for the movement of people and goods. NDOR has identified two segments of Nebraska Highway 12 that have experienced flooding and damage due to high water levels associated with the Missouri River. Segment 1 is approximately 6.4 miles long and extends from just east of Verdel on the west end to 2 miles west of the bridge over the Niobrara River. Segment 2 is approximately 6 miles long and extends from just east of Spruce Avenue in Niobrara to approximately 1 mile east of S-54D. Problems associated with this portion of Nebraska Highway 12 include high maintenance, driver safety, and disruption in use. The following summarizes the issues that create these problems:

**Roadway Stability:** Due to high water levels and overtopping of Nebraska Highway 12 in the project area, the stability of the roadway is threatened. Gavin's Point Dam on the Missouri River was built in the 1950's near Yankton, South Dakota, creating Lewis and Clark Lake (lake). The lake has caused the water table adjacent to the Missouri River to rise. Nebraska Highway 12, which runs parallel to the Missouri River, is affected where it crosses into the Missouri River floodplain east and west of Niobrara, Nebraska. About eight miles of Nebraska Highway 12 runs through the floodplain. About half of this length is located to the east and half to the west of Niobrara, in Knox County, Nebraska. The distance between Nebraska Highway 12 and the Missouri River bank differs, but some areas are as close as two to three thousand feet. Due to the location of Nebraska Highway 12, the following road related issues are present:

(1) **Roadway inundation:** When high water events occur on the Missouri River, portions of Nebraska Highway 12 are under water. This jeopardizes the integrity of the roadway due to saturation of the roadway bed. This can create roadway sloughing and potential for failure. Bazile Creek enters the river east of Niobrara, NE where it intersects Nebraska Highway 12. During high water events on Bazile Creek, Nebraska Highway 12 becomes flooded. The flooding has occurred numerous times in the past.

(2) **Roadway saturation:** High water levels adjacent to Nebraska Highway 12 are the result of the lake. The lake is a man-made reservoir located behind Gavin's Point dam. The lake has contributed to the rising water table throughout the floodplain where

Nebraska Highway 12 is located. In addition, system releases from upstream reservoirs as part of the Missouri River mainstem system, can provide constant water levels. Additionally, large releases of water can sometimes last for many months causing roadway saturation. The increased silt load coming into the lake from the Missouri River tributaries, primarily the Niobrara River and Bazile Creek also contributes to roadway saturation. The confluence of the Niobrara River and the Missouri River is just west of the town of Niobrara. The water from these tributaries slows as they enter the Missouri River and sediment is deposited creating a fill area that restricts the channel and raises the bed of the river. This causes the area of the lake to increase in dimension as well as raising the water table. High water levels create conditions of long-term saturation of the roadway embankment, thus creating the potential for roadway embankment erosion.

**Driver Safety:** Portion of Nebraska Highway 12 are exposed to regular flooding. Roadway flooding is a concern for driver safety because even if the road is marked closed, motorists may choose to drive through flooded roadways. Nebraska Highway 12 in this location does not have lighting and the inherent dangers of driving through flooded roadways exist. In 1995, the Corps implemented an interim fix by raising the gradeline of Nebraska Highway 12 by several feet on two short highway segments to alleviate the immediate flooding problems. The resultant roadway is narrow with shoulders that are not adequate in width, and steep foreslopes. Cable guardrail was installed to help protect vehicles from running off the road and into the water. Due to the narrow roadway, the cable guardrail is close to the edge of the driving lane.

A public scoping meeting will be held (see **DATES**) to describe why the project is needed, preliminary alternatives, the NEPA compliance process and to solicit input on the issues and alternatives to be evaluated and other related matters. Written comments will also be requested. The Corps has invited the U.S. Environmental Protection Agency, National Park Service, U.S. Fish and Wildlife Service, and Knox County to be cooperating agencies in the formulation of the EIS.

**John L. Moeschen,**

*Nebraska State Program Manager, Regulatory Branch.*

[FR Doc. E8-17077 Filed 7-24-08; 8:45 am]

**BILLING CODE 3710-62-P**

## DEPARTMENT OF DEFENSE

### Department of the Army; Corps of Engineers

#### Notice of Availability of the Draft Supplemental Environmental Impact Statement (DSEIS) for the Nourishment of 25,000 Feet of Beach in Topsail Beach, Pender County, NC

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of availability.

**SUMMARY:** The U.S. Army Corps of Engineers (USACE), Wilmington District, Wilmington Regulatory Field Office has received a request for Department of the Army authorization, pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act, from the Town of Topsail Beach to conduct a one-time interim beach fill project to protect oceanfront development and infrastructure until such time that a federally authorized shore protection project can be implemented. While federal budget priorities have made it difficult to obtain funds for civil works projects in general and beach protection projects in particular, the projected earliest construction date for the federal project is 2012. A Draft General Reevaluation Report—Environmental Impact Statement (GRR-EIS) has been prepared by the USACE and was released for public review and comment in June 2006 (USACE, 2006). Given the current status of the GRR-EIS and the need for Congressional authorization, funding, preparation of plans and specifications, and right-of-way acquisition, the federal project may not be implemented until Fiscal Year 2012, or possibly later. Accordingly, the Town would like to construct an interim project to protect its development and infrastructure during the period between now and the time the federal project is constructed. In order to account for any possible delays in the construction of the federal project, a construction date of 2016 was used in the development of the alternatives and economic analysis for the interim project. This would maintain the baseline conditions described in the Draft GRR and EIS.

**ADDRESSES:** Copies of comments and questions regarding the DSEIS may be addressed to: U.S. Army Corps of Engineers, Wilmington District, Regulatory Division. ATTN: File Number SAW-2006-40848-071, Post Office Box 1890, Wilmington, NC 28402-1890.