



U.S. Army Corps of Engineers - Omaha District

**Finding of No Significant Impact
&
Tiered Environmental Assessment**

**PUBLIC LAW 84-99
REHABILITATION PROGRAM**

Levee Unit R-627 – Grace Street Ditch
Douglas County, Nebraska

December 2014

PROJECT

DATE

Report Documentation Page

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**FINDING OF NO SIGNIFICANT IMPACT
LEVEE UNIT R-627 – GRACE STREET DITCH
BANK EROSION REPAIR PROJECT
OMAHA, DOUGLAS COUNTY, NEBRASKA**

December 2014

In accordance with the National Environmental Policy Act (NEPA) and implementing regulations, a tiered Environmental Assessment (EA) has been prepared to evaluate the effects of the proposed Levee Unit R-627 – Grace Street Ditch Bank Erosion Repair Project. The proposed project involves excavating ditch sediments that resulted from the bank erosion, reshaping the levee bank back to a 2:1 slope, and placing rock rip-rap along approximately 100 feet of the reshaped bank.

Two alternatives were considered: the Build Alternative (**Recommended Alternative**) and the No Action Alternative. Under the Recommended Alternative, the necessary rehabilitation to the Grace Street Ditch will be preformed. The No Action Alternative was considered but not selected because it would not meet the purpose and need, which is to repair the levee to pre-disaster condition in order to provide flood damage reduction.

The environmental consequences of the proposed action on the physical, biological, and cultural resources have been evaluated. The factors that were influential in my review included (a) the proposed project will repair the erosion and allow normal operation of the flood control works; (b) no significant adverse impacts to cultural or historical resources are anticipated to occur; (c) federally endangered and threatened species will not be impacted by the proposed project; (d) all applicable federal and state regulations will be met prior to contract award; and (e) resource agencies and the public have no objections to the proposed action nor are there significant unresolved issues.

In addition, Best Management Practices will be incorporated into the project description to reduced construction-related noise; avoid the spread of noxious weeds; and minimize air quality, water quality, and wildlife-related impacts (as described in Sections 3.1 and 3.5 of the EA).

Based on the disclosure of the impacts contained within the tiered EA, the R-627 – Grace Street Ditch Bank Erosion Repair Project is not a major federal action that would significantly affect the quality of the human environment and, therefore, does not require preparation of an environmental impact statement.

Date

Joel R. Cross
Colonel, Corps of Engineers
District Commander

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Tiered Environmental Assessment

LEVEE UNIT R-627 – GRACE STREET DITCH BANK EROSION REPAIR PROJECT OMAHA, DOUGLAS COUNTY, NEBRASKA

1.0 Introduction

In accordance with the National Environmental Policy Act (NEPA) and implementing regulations, a Programmatic Environmental Assessment (PEA) for the PL 84-99 Rehabilitation Program in the U.S. Army Corps of Engineers, Omaha District (Corps) was finalized on December 27, 2011, and is incorporated by reference herein. This project-specific NEPA review is tiered off of the programmatic document to determine if the proposed levee rehabilitation project meets the description and criteria of the Recommended Plan as described in the PEA.

This assessment meets the requirements of NEPA of 1969, as amended (42 U.S. Code [USC] 4321 et seq.); the President's Council on Environmental Quality (CEQ) Regulations (40 Code of Federal Regulations [CFR] 1500 – 1508) and the U.S. Army Corps of Engineers ER 200-2-2 (33 CFR 230).

During the flood of 2014, turbulent flows at a bend within the Grace Street Ditch caused approximately 60 linear feet of erosion on the left earthen bank. Because the Grace Street Ditch has minimal vegetation and no hard-structure armoring at the bend in the ditch, the outer bank was subjected to scouring.

1.1 Purpose and Need

Purpose: The purpose of the PL 84-99 Emergency Levee Rehabilitation Program is to provide emergency assistance to levee districts and communities (project Sponsors) in the form of levee repair and/or flood damage reduction as directed by Congress (33 U.S.C. 701n). This program is described in detail in ER 500-1-1 (USACE, 2001). The proposed R-627 – Grace Street Ditch bank erosion rehabilitation project is a PL 84-99 project; its purpose is to restore the levee structure to pre-disaster condition.

Need: The project is needed because turbulent flows within the ditch from the 2014 high flows eroded the earthen bank. The eroded bank is on the outside bend of a sharp turn within the ditch where vegetative cover and hard structure is lacking. If left unchecked, the flood control works would no longer function as originally intended, continue to erode, and threaten surrounding infrastructure.

1.2 Project Location

The damaged area is located along the left descending bank of Levee Unit R-627 – Grace Street Ditch. The eroded bank is approximately 1,000 feet west of the intersection of 10th and Grace Streets in downtown Omaha, Douglas County, Nebraska (Figures 1 and 2).

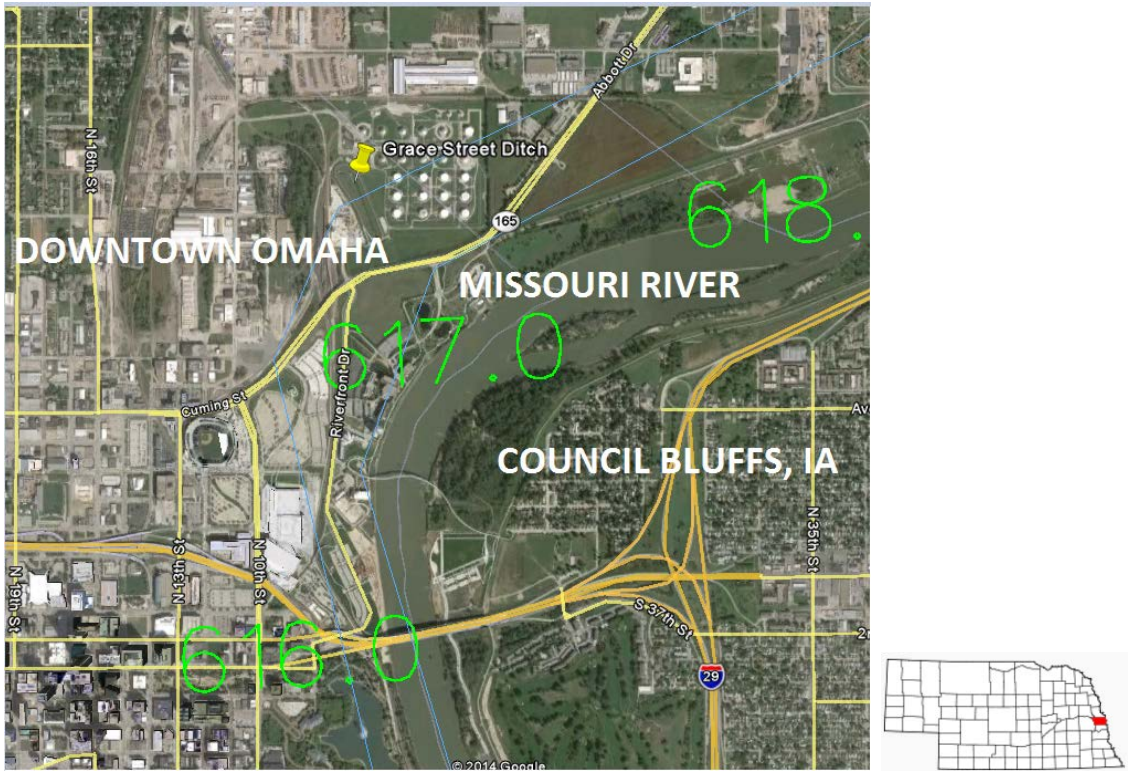


Figure 1. General Location of the Grace Street Ditch, Omaha, Douglas County, Nebraska.



Figure 2. Project Area Showing the Approximate Extent of Proposed Rock Rip-rap Placement (Red Line).

2.0 Alternatives

The PEA examined a full range of alternative actions under the PL 84-99 Rehabilitation Program in order to determine which alternative best met the purpose and need on a programmatic level. The alternatives examined in the PEA are provided in Table 1 for reference.

Table 1. PEA Alternatives

PEA Alternative Actions under PL 84-99 Program	Description of Alternative
Alternative 1 - No Action	<p>No levee repair assistance from the PL 84-99 Program</p> <p>Local Sponsor would repair levee to pre-disaster conditions at full cost</p>
Alternative 2 - Structural Repairs	<p>Repair of damaged non-Federal and Federal levees after high flow events through in-place repairs and/or minor levee setbacks</p> <p>Repairs limited to restoring the same level of flood risk management that existed prior to damages</p>
Alternative 3 - Non-Structural Responses	<p>Flood risk management provided by modifying structures and property to reduce damages during flood events</p> <p>Examples include: relocating structures, buyouts, elevating structures, and providing ring levees</p>
Alternative 4 - Combination of Structural Repairs and Non-Structural Responses	<p>Flexibility to use either structural repairs or non-structural repairs (as described above), or a combination thereof depending on site-specific needs</p>

Non-structural measures were considered at the Grace Street Ditch; however, it was determined that implementation of non-structural measures would be constrained in the damaged area because the local sponsor and present landowners desire to continue existing use of the associated land. The Non-Structural Flood Recovery/Floodplain Management alternative was therefore eliminated from detailed analysis at this location. The alternatives retained for detailed analysis include the No Action Alternative and the Structural Repairs Alternative.

2.1 No Action Alternative

Under the No Action Alternative, the federal action (PL 84-99 assistance) would not occur. Without PL 84-99 assistance, it is anticipated that the local sponsor would repair the eroded bank at the Grace Street Ditch to pre-disaster conditions at its own expense. As indicated in the PEA, it is reasonable to assume the local levee sponsor would choose to repair the levee bank to pre-disaster conditions in the absence of federal assistance due to the high value of protected land and infrastructure located behind the levee.

2.2 Structural Repairs Alternative (Recommended Alternative)

The site-specific determination to use structural responses to rehabilitate the bank at the Grace Street Ditch is consistent with the PEA recommendation. The Structural Repair Alternative involves excavating ditch sediments that were deposited during bank erosion, reshaping the levee bank back to a 2:1 slope, and placing rock rip-rap along approximately 100 feet of the reshaped bank.

3.0 Affected Environment and Environmental Consequences (Impacts)

The PEA provides an impact analysis of a range of environmental resources from a regional/programmatic perspective. This document, tiered from the PEA, provides a more site specific detailed impact analysis to determine if the proposed project would have impacts beyond which were described in the PEA or if additional analysis was necessary to determine compliance with environmental laws and regulations. Water quality, wetlands/waterbodies, migratory birds, threatened and endangered species, and cultural resources are included in this site specific analysis. Other natural resources either do not exist in the project's affected environment or are adequately addressed within the PEA.

This section presents the adverse and beneficial environmental effects of the recommended action and the No Action Alternative. This section is organized by resource category, with the effects of alternatives combined under each resource category. Impacts are quantified whenever possible. Qualitative descriptions of impacts are explained by accompanying text where used.

Qualitative definitions/descriptions of impacts as used in this section of the report include:

- Intensity
 - Minor – noticeable impacts to the resources in the project area, but the resource is still mostly functional
 - Moderate – the resource is impaired so that it cannot function normally
 - Major – the resource is severely impaired so that it is no longer functional in the project area
- Duration
 - Short term – temporary effects caused by the construction and/or implementation of the selective alternative
 - Long term – caused by an alternative after the action has been completed and/or after the action is in full and complete operation.

3.1 Water Quality

Water quality sampling in the Grace Street Ditch has not been conducted. The Grace Street Ditch is an approximately 1,000-foot long “day-light” section of the flood control works that receives City of Omaha interior drainage from an underground pipe located at its upstream end and discharges the flow to another underground pipe located at its downstream end. The downstream end of the ditch is gated to prevent debris from entering the downstream pipe. The downstream pipe ultimately outfalls to the Missouri River at approximate River Mile (RM) 617.0. Because the function of the ditch is to assist with interior drainage from the City of Omaha, it can be assumed that water quality within the ditch is diminished. Pollutants such as sand and salt compounds from winter street treatments; oil, antifreeze, and gas spillage from

vehicles and car washes; excess fertilizers and lawn chemicals from urban lawns, parks, golf courses, commercial grounds, schools and colleges; industrial chemicals and petroleum products from spillages and work sites; sediment from construction sites; and deliberate or indiscriminate inputs of garbage and trash likely occur.

Section 303(d) of the Clean Water Act (CWA) requires states to evaluate water quality conditions in designated waterbodies, and list as impaired any waterbodies not meeting water quality standards. As appropriate, states must develop and implement Total Maximum Daily Loads (TMDLs) i.e. pollutant management plans, for water bodies identified as impaired. No pollutant management plan has been developed for this ditch.

Recommended Plan

Impacts to water quality from the Recommended Plan would be minor and short-term. Temporary increases in turbidity would occur within the ditch during construction. **Best Management Practices (BMPs) required by the National Pollutant Discharge Elimination System (NPDES) permit (e.g., silt trapping devices) would be implemented as required to minimize turbidity.**

Unintentional introduction of contaminants to the waterway from construction work and equipment is a potential effect that would be minimized with additional BMPs (using properly cleaned equipment, storing petroleum products in bermed areas out of the watershed, covering stock-piled materials, etc.). The CWA requires preparation and submission of a general storm water permit and preparation of a Storm-water Pollution Prevention Plan (SWPPP) before construction activities can begin. The SWPPP would be based on BMPs. **Following construction, areas disturbed and not otherwise hard-surfaced would be top-soiled and stabilized to minimize erosion.** Thus, there would be no significant impacts to water quality in the Grace Street Ditch from implementation of the Recommended Alternative.

No Action Alternative

Under the No Action Alternative, it is assumed that the eroded bank would be repaired by the City of Omaha. This would result in the potential for minor and short term construction related impacts to water quality due to site runoff and other construction activities - similar to the recommended alternative. Use of BMPs required by the NPDES permit and SWPPP would minimize the potential for contaminants from entering the waterway. As such, no significant impacts to water quality would result from the No Action Alternative.

3.2 Wetlands/Waterbodies

High-resolution (1 meter) aerial photography and a National Wetlands Inventory (NWI) map were used for an offsite determination of potential impacts to wetlands and other waterbodies. The NWI map revealed a 0.19 acre freshwater emergent wetland (seasonally flooded) within a channel that has been dug or otherwise artificially created by man on the opposite bank of where the proposed repair site is located (Figure 3).

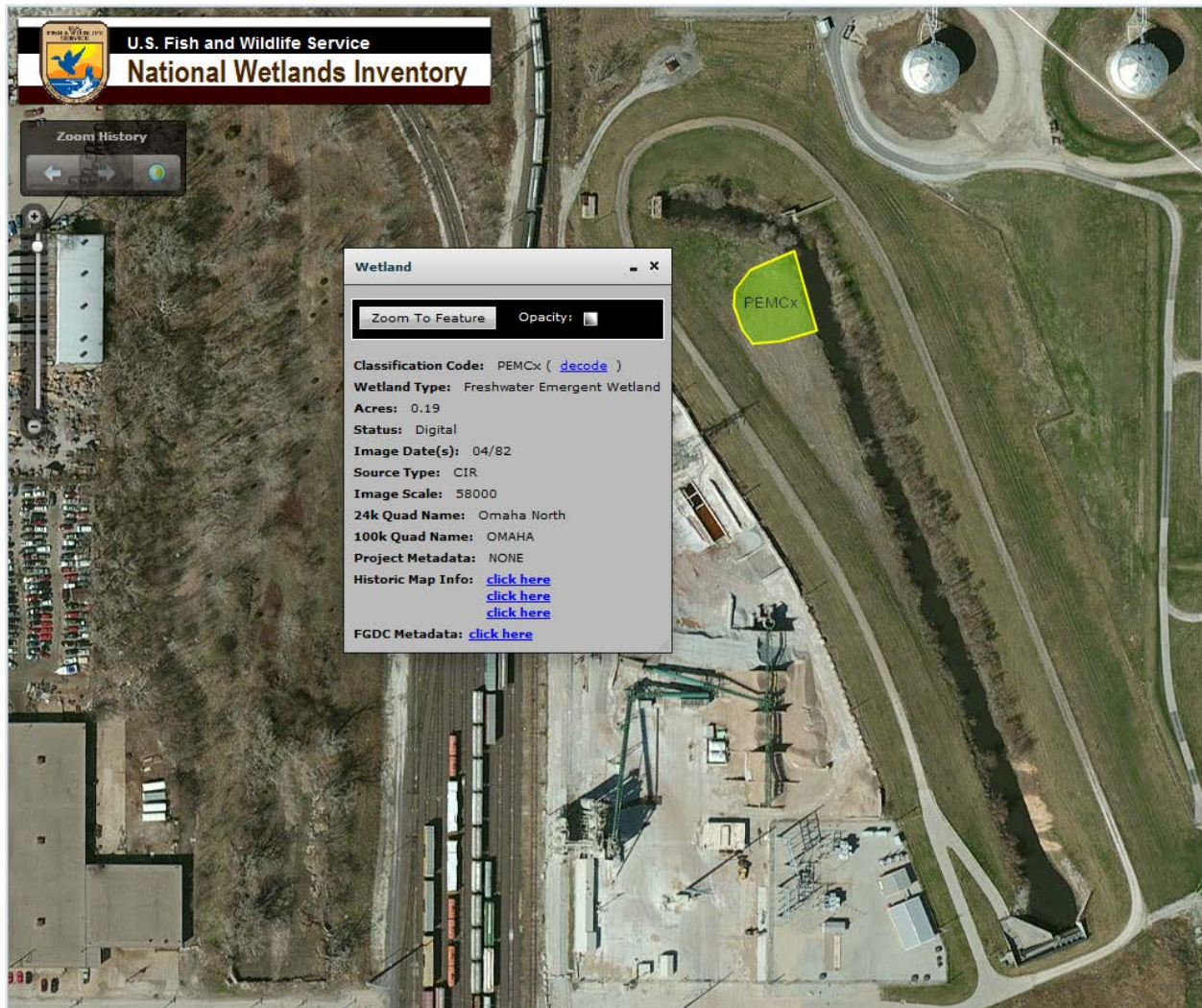


Figure 3. Freshwater Emergent Wetland Located on the Opposite Bank of the Proposed Repair Site.

Recommended Alternative

The Recommended Alternative would remove sediments from the ditch channel that were deposited during the erosion that occurred during the 2014 flood event. This could result in the potential for minor, short-term impacts to wetlands through the incidental fallback of material during excavation activities. Care would be taken to avoid any such impacts. The repair also consists of clearing and grubbing vegetation, reshaping the ditch bank back to a 2:1 slope, and placing rock rip-rap on the newly prepared surface from the toe of the bank towards the top of the slope. The placement of the rock rip-rap would allow a more laminar flow of water within the ditch, tie into the existing channel grades without causing abrupt changes, and occupy a total area of less than one tenth of an acre below the Ordinary High Water Mark. The proposed repairs at the project site are deemed a form of on-going project maintenance conducted in order to keep the feature functioning properly.

Nationwide Permit 3 would authorize the fill for this project. This permit authorizes the repair, rehabilitation, or replacement of any previously authorized, currently serviceable structure, or fills, provided that the structure or fill is not to be put to uses differing from those originally authorized. Coordination with the Omaha District’s Regulatory Office (Regulatory Office) was

conducted to ensure that use of Nationwide Permit 3 was appropriate. The Regulatory Office coordinated with the Nebraska Department of Environmental Quality (NDEQ) during preparation of the Nationwide Permit 3 to ensure compliance with Section 401 of the CWA. Results of that coordination concluded with issuance of a “blanket” Water Quality Certification that was “tied to” the Nationwide Permit 3. As such, the Recommended Alternative would not significantly impact wetlands or Waters of the United States. Please refer to the attachments for the text of Nationwide Permit 3 and a copy of the NDEQ Section 401 Water Quality Certification.

No Action

Under the No Action Alternative, it is assumed that the eroded bank would be repaired by the City of Omaha at its own expense. This would result in the potential for minor and short-term construction related impacts to wetlands – similar to the recommended alternative. The Sponsor would be required to coordinate with the Regulatory Office to obtain proper 404 authorization for the proposed fill, and coordination between the Regulatory Office and the NDEQ would need to be conducted to obtain appropriate Water Quality Certification. It is believed that the City of Omaha would obtain the necessary permits prior to any undertaking. As such, no significant impacts to wetlands or Waters of the United States would result from the No Action Alternative.

3.3 Migratory Birds

The habitat in the proposed project area consists of regularly-maintained grasses and weeds adjacent to the Grace Street Ditch (Figure 4). Common birds found on site include those adapted to urban environments such as blue jay (*Cyanocitta cristata*), mourning dove (*Zenaidura macroura*), killdeer (*Charadrius vociferus*), cardinal (*Cardinalis cardinalis*), American robin (*Turdus migratorius*), and swallows (*Hirundo spp.*). These species occur either seasonally as migrants or year-round as residents and likely use the grasses when present for resting or feeding on insects.

Raptor species that may occur within or near the project are limited to red-tailed hawks (*Buteo jamaicensis*), Cooper’s hawks (*Accipiter cooperii*), and sharp-shinned hawks (*Accipiter striatus*). These raptors likely use the site primarily for feeding on small birds and field mice. No trees occur within in proposed project area that would support perching or nesting sites for these species.

Federal agencies are subject to the provisions of the Migratory Bird Treaty Act (MBTA - 16 U.S.C. 703-711) which regulates the take of any migratory bird species. Pursuant to the MBTA, assessments are conducted when vegetative areas are proposed to be disturbed during sensitive nesting times (February through July for raptors – April through July for songbirds) to determine if there would be any potential effects to nesting birds.



Figure 4. Vegetation at the Project Site.

Recommended Alternative

Noise from project construction may cause a temporary avoidance of the area by birds found on site. Habitat similar to the proposed project area occurs both upstream and downstream of where work would be conducted. Additionally, a large stand of trees occurs approximately 700 feet to the east of the proposed project area. Any bird species affected by construction noise or commotion could relocate to these areas. Upon completion of construction, species could return to the area to again rest and feed. Because no trees occur on site and the grasses on site are regularly maintained, it is unlikely that any nesting birds would be disturbed by the proposed activity. As such, the Recommended Alternative would not significantly impact migratory birds.

No Action

Under the No Action Alternative, it is assumed that the eroded bank would be repaired by the City of Omaha. Noise and commotion, similar to the recommended alternative, would occur and likely cause avoidance of the area by birds until such time that construction stops. Like the recommended alternative, once construction is completed, birds could return to the area. As such, the No Action Alternative would not significantly impact migratory birds.

3.4 Threatened and Endangered Species (Including Federal and State Listed Species)

Consistent with recommendations contained in the PEA, no site-specific evaluations for endangered or threatened species are currently needed at the proposed repair site because the species listed in Douglas County are not found at the proposed project site.

Pallid sturgeon (*Scaphirhynchus albus*) – Pallid sturgeon are found in large turbid rivers such as the Missouri River and the Mississippi River. Pallid sturgeon are not found in the Grace Street Ditch as it is gated at the downstream end preventing pallid sturgeon entry. No affects to pallid sturgeon would occur as a result of the proposed project.

Interior least tern (*Sterna antillarum athalassos*) and piping plover (*Charadrius melodus*) – These birds nest on sparsely vegetated sandbars in river channels and occasionally along the shoreline of sandpits. No nesting habitat occurs within the Grace Street Ditch and none is found in the Missouri River close to where the ditch outfalls. No affects to interior least tern or piping plover would occur as a result of the proposed project.

Western prairie fringed orchid (*Platanthera praeclara*) – This orchid occurs in mesic to wet unplowed tallgrass prairies. The project site is located in the city of Omaha on a bank with grasses and weeds that are regularly maintained. The orchid does not occur on-site. No affects to orchids would occur as a result of the proposed project.

Recommended Plan

An email prepared by the Corps, dated October 2, 2014, was sent to the U.S. Fish and Wildlife Service (USFWS) and the Nebraska Game and Parks Commission (NGPC). The email described the proposed project, addressed migratory birds, listed the threatened and endangered species that are found in Douglas County, Nebraska, and made a preliminary determination that the proposed project would have No Affect on any of those listed species because habitat for those species does not occur on site where the proposed project would be conducted. An email, dated November 12, 2014, from the NGPC stated that they concurred with the Corps determination that the proposed project would have no effect on state-listed threatened or endangered species or migratory birds, and that they had no objections to the proposed project. No response was received from the USFWS.

No Action Alternative

Under the No Action Alternative, it is assumed that similar repairs to the recommended alternative would be undertaken by the Sponsor. As no threatened or endangered species occur on site, no impacts to listed species would occur from the No Action Alternative.

3.5 Cultural Resources

Recommended Alternative

An email, dated October 2, 2014, was sent to the Corps Omaha District Cultural Resources Specialist to inform them of the proposed project. A return email, dated November 5, 2014, stated that a cultural resource file search revealed no recorded sites, or listed or eligible structures within the Area of Potential Affect (APE) for the repairs. The email further stated that because the work would take place in a previously disturbed area, the proposed project would have No Potential Affect to Historic Properties (see attached).

In the unlikely event of an unanticipated discovery of cultural resources, construction work would be halted immediately and a district archeologist would be notified. The construction work would not be re-initiated until the area is inspected by a staff archeologist and he or she determines it is safe to do so. If he or she determines that the discovery requires further consultation, the appropriate State Historic Preservation Office would be notified.

No Action

Under the No Action Alternative, no potential to affect cultural resources would occur for the same reasons as stated above for the Recommended Alternative.

4.0 Cumulative Impacts

Cumulative impacts from the PL 84-99 Rehabilitation Program were addressed in the PEA and were determined to be non-significant. The PEA cumulative impact assessments include potential cumulative impacts from site-specific projects such as the Grace Street Ditch bank erosion rehabilitation project.

The area where the proposed project would be constructed is located within the downtown area of the City of Omaha and is surrounded by grasses and weeds that are regularly maintained. Any activity in this area would not significantly add to further degradation of the human environment. In fact, construction of the proposed project is considered a form of maintenance that would simply return the flood control works to its pre-damage condition and allow continued use of the infrastructure surrounding the flood control works.

5.0 Coordination and Comment

Coordination was conducted with state and federal resource agencies through the PEA to ensure compliance with all applicable laws, policies, and regulations. Federal and state agency comment letters associated with the PEA are contained within the Corps Planning Section's files and are available upon request.

Coordination with the USFWS and the NGPC occurred as part of this tiered EA to ensure no significant impacts to species of special concern would result from construction of the proposed project. Coordination with the Omaha District Corps of Engineers Cultural Resources Specialist occurred to ensure no significant impacts would occur to cultural resources. The Omaha District's Regulatory Office was consulted to ensure no adverse impacts to wetlands or Waters of the United States would occur. A copy of all correspondence is attached to this EA.

6.0 Compliance with Other Environmental Laws

NWO Programmatic EA

SOP for Selection of Borrow Sites	<u>Compliance</u> Not Applicable
Regulatory Authorization Obtained	Full Compliance
Section 401 State Water Quality Certification	Full Compliance
Section 402 Stormwater NPDES Permit	Full Compliance

Federal Laws and Polices

Archeological Resources Protection Act, 16 U.S.C. 470, et seq.	<u>Compliance</u> Full Compliance
Bald and Golden Eagle Protection Act (16 U.S.C. Sect. 668. 668 note, 668a-66d)	Full Compliance
Clean Air Act, as amended, 42 U.S. C. 7401-7671g, et seq.	Full Compliance

Clean Water Act (Federal Water Pollution Control Act), 33 U.S.C. 1251, et seq.	Full Compliance
Endangered Species Act, 16 U.S.C. 1531, et seq.	Full Compliance
Federal Water Project Recreation Act, 16 U.S.C. 4601-12, et seq.	Full Compliance
Fish and Wildlife Coordination Act, 16 U.S.C. 661, et seq.	Full Compliance
Land and Water Conservation Fund Act, 16 U.S.C. 4601-4, et seq.	Not Applicable
Migratory Bird Treaty Act (16 U.S.C. 703-712: Ch. 128 as amended)	Full Compliance
National Environmental Policy Act, 42 U.S.C. 4321, et seq.	Full Compliance
National Historic Preservation Act of 1966, as amended, 16 U.S.C. 470a, et seq.	Full Compliance
Rivers and Harbors Act, 33 U.S.C. 403, et seq.	Full Compliance
Watershed Protection and Flood Prevention Act, 16 U.S.C. 1001, et seq.	Full Compliance
Farmland Protection Policy Act, 7 U.S.C. 4201, et seq.	Full Compliance
Protection & Enhancement of the Cultural Environment (Executive Order 11593)	Full Compliance
Floodplain Management (Executive Order 11988)	Full Compliance
Protection of Wetlands (Executive Order 11990)	Full Compliance
Environmental Justice (Executive Order 12898)	Full Compliance
Invasive Species (Executive Order 13122)	Full Compliance
Responsibility of Federal Agencies to Protect Migratory Birds (Executive Order 13186)	Full Compliance

The proposed project has been evaluated and determined to be in compliance with the Programmatic Environmental Assessment for Public Law 84-99 Rehabilitation Program dated December 27, 2011.

NOTES: a. Full compliance - Having met all requirements of the statute for the current stage of planning (either preauthorization or post authorization). b. Not applicable - No requirements for the statute requirement.

7.0 Preparer

This EA and FONSI were prepared by Mr. Matthew Vandenberg, Environmental Resources Specialist. The address of the preparer is: U.S. Army Corps of Engineers, Omaha District, 1616 Capitol Avenue, Omaha, Nebraska 68102.

Prepared By: _____ Date: _____
 Matthew D. Vandenberg
 Environmental Resource Specialist

Reviewed By: _____ Date: _____
 Rebecca Bozarth
 Environmental Resources Specialist

Approved By: _____ Date: _____
 Eric Laux
 Acting Chief, Environmental Resources and Nebraska River
 Recovery Program Plan Formulation Section
 Planning Branch

ATTACHMENTS

Summary of Coordination

A. Omaha District Corps of Engineers Cultural Resources Specialist. On October 2, 2014, an email (attached) was sent to the Cultural Resources Specialist of the Corps of Engineers in Omaha, Nebraska requesting review and comment on the proposed project. A return email, dated November 5, 2014, stated that a cultural resource file search revealed no recorded sites, or listed or eligible structures within the Area of Potential Affect (APE) for the repairs. The email further stated that because the work would take place in a previously disturbed area, the proposed project would have No Potential Affect to Historic Properties (see attached).

B. Omaha District Corps of Engineers Regulatory. On October 2, 2014, an email (attached) was sent to the Regulatory Specialist of the Corps of Engineers in Omaha, Nebraska stating that Nationwide Permit 3, Maintenance, would be used to authorize the proposed fill activities in Grace Street Ditch. A return email from Regulatory, dated November 5, 2014, stated that they concurred with the use of Nationwide Permit 3 for the proposed project.

C. Nebraska Game and Parks Commission. On October 2, 2014, an email (attached) was sent to the NGPC stating that the project would have no affects on special status species or migratory birds. An email, dated November 12, 2014, from the Nebraska Game and Parks Commission stated that they concurred with the Corps determination that the proposed project would have no effect on state-listed threatened or endangered species or migratory birds, and that they had no objections to the proposed project.

D. U.S. Fish and Wildlife Service. On October 2, 2014, an email (attached) was sent to the USFWS, stating that the proposed project would have no affects to threatened or endangered species based on the fact that the species simply do not occur on lands at the project site. Generally, the USFWS does not respond to “no affect” determinations unless they perceive an affect. No response from the USFWS was received.

E. Floodplain. On October 2, 2014, an email (attached) was sent to the Omaha District Corps of Engineer’s Flood Plains Specialist requesting review and comment on the proposed project. On October 3, 2014, a response email (attached) was received from the Flood Plain Specialist stating that when PL 84-99 repairs restore projects to original conditions, no floodplain issues usually arise. The email further stated that Floodplain has no issues with the proposed project.

From: Vandenberg, Matthew D NWO

To: Barnum, Sandra V NWO; Wray, Matt T NWO; "Eliza Hines"; "Albrecht, Frank"; Behm, Randall L NWO

Subject: PL 84-99 Bank Erosion Repair Project

Date: Thursday, October 02, 2014 10:35:00 AM

Attachments: Omaha Tiered EA.docx

Team:

The Corps of Engineers is proposing to repair approximately 60 to 100 feet of a left-descending bank of Grace Street Ditch (Levee Unit R-627) that eroded during the 2014 high flows. The project site is located in downtown Omaha approximately 1,000 feet west of the intersection of 10th and Grace Streets. The proposed project would be constructed under Public Law 84-99. The bank is a 'daylight' section of the interior drainage system of the City of Omaha.

Please refer to the DRAFT Environmental Assessment for locations maps and additional information. The proposed project involves excavating sediments out of the ditch that were deposited during the bank erosion, reshaping the bank at a 2:1 slope, and placing rock rip-rap along the newly shaped bank line.

Construction work is anticipated during the winter months before the high spring flows of 2015. Some clearing and grubbing of vegetation would be performed along the bank prior to construction. No trees would be removed as none occur onsite. Upon construction completion, areas not otherwise hard-surfaced would be seeded with a native vegetation mixture and mulched to prevent erosion.

If any of you require additional information, please do not hesitate to contact me by email or phone.

Thanks

Ms. Sandra Barnum - Are there any special cultural considerations that we should be aware of before conducting the erosion repair?

Mr. Matt Wray - The permanent fill of rock riprap for erosion control is estimated to impact no more than 0.1 acre of waters of the U.S. With this in mind, the Corps proposes use of Nationwide 3, Maintenance, to authorize the fill for this project. Please inform this office if you concur with this assessment.

Ms. Eliza Hines - For the proposed erosion repair, the Corps has determined that the proposed project would have: NO AFFECT on least terns and piping plover as no nesting habitat occurs within the Grace Street Ditch or in the Missouri River located immediately downstream of the proposed project, NO AFFECT on pallid sturgeon as the ditch is gated at the downstream end and would prevent sturgeon from entering the ditch (and habitat in the ditch is greatly diminished), and NO AFFECT on western prairie fringed orchid as the proposed project is adjacent to regularly maintained grasses so it is unlikely that orchids occur in the proposed area. Although no concurrence is required by the USFWS for NO AFFECT determinations, the Corps requests that an acknowledgement of this email be provided to ensure coordination.

Mr. Frank Albrecht - As stated above, the Corps has determined that the proposed project would have no affect on listed species. Additionally, construction work would occur in the winter months when and no trees are proposed for removal, thus, no impacts to migratory birds is anticipated. The existing road would be used as a haul road so no additional construction for haul roads is required. Upon completion of construction, areas not otherwise hard surfaced would be seeded with a native seed mixture and mulched to prevent weedy species from colonizing the site.

Mr. Randall Behm - The proposed project is located in the floodplain and new rock would be placed along the eroded bank. It is believed the project would not cause any significant rise to floodwaters. Do you concur with this assessment.

Matthew D. Vandenberg
Environmental Resources Specialist
Omaha District, US Army Corps of Engineers
1616 Capitol Avenue
Omaha, Nebraska 68102
402/995-2694

From: Barnum, Sandra V NWO
To: Vandenberg, Matthew D NWO
Subject: RE: PL 84-99 Bank Erosion Repair Project (UNCLASSIFIED)
Date: Wednesday, November 05, 2014 7:21:48 AM
Classification: UNCLASSIFIED
Caveats: NONE

Matt,

I have reviewed the information provided for the proposed ditch repair at 10th and Grace Sts., Omaha, NE. A cultural resource files search in the Office of the State Archaeologist's database revealed no recorded sites, or listed or eligible structures within the Area of Potential Effect (APE) for the repairs. As the work will take place within the previously disturbed area, I believe that the project as described will have No Potential to Affect Historic Properties. Recommend project approval. Should the scope of this work change in any way, please contact this office for further review.

Thanks,
Sandy
Sandra V. Barnum, RPA
District Archeologist
U.S. Army Corps of Engineers
CENWO-PM-AB
1616 Capitol Avenue
Omaha, NE 68102
(402) 995-2674

From: McMahan, Joseph A NWO
To: Vandenberg, Matthew D NWO; Barnum, Sandra V NWO; Eliza Hines; Albrecht, Frank
Subject: RE: PL 84-99 Bank Erosion Repair Project (UNCLASSIFIED)
Date: Wednesday, November 05, 2014 2:40:53 PM
Classification: UNCLASSIFIED
Caveats: NONE

Matt,

As we discussed, it appears the work would comply with Nationwide Permit (NWP) #3-Maintenance.

Thanks,

Joe
Joe McMahan
Chief, Field Support & Analysis Section
Regulatory Branch
U.S. Army Corps of Engineers
Omaha District
1616 Capitol Avenue
Omaha, Ne 68102-9000
(402) 995-2458 Office
(402) 661-0219 Cell

From: Grell, Carey
To: Vandenberg, Matthew D NWO
Subject: [EXTERNAL] FW: PL 84-99 Bank Erosion Repair Project
Date: Wednesday, November 12, 2014 3:49:27 PM

Mr. Vandenberg,

Nebraska Game and Parks Commission staff members have reviewed the information that you sent for the subject project which will involve bank stabilization repairs along the Grace Street ditch in Omaha.

We concur that the project as described will have no effect on state-listed threatened or endangered species. We also concur that impacts to migratory birds will be avoided and minimized. Therefore, we have no objection to the project as proposed. Thanks for the opportunity to comment on this proposal. Please let me know if you have any questions regarding these comments.

Thanks,
Carey
Carey Grell | Environmental Analyst
Planning & Programming Division
Nebraska Game and Parks Commission
Lincoln, NE | 402-471-5423

From: Gorman, Thomas G NWO
To: Vandenberg, Matthew D NWO
Subject: RE: PL 84-99 Bank Erosion Repair Project (UNCLASSIFIED)
Date: Friday, October 03, 2014 12:25:02 PM
Classification: UNCLASSIFIED
Caveats: NONE

When PL84-99 repairs restore a FRM project to the original condition, there are usually no floodplain issues. I don't find any issues with the proposed project.

ENVIRONMENTAL COMPLIANCE GREEN SHEET
Status of Environmental Commitments
(4 Commitments for Inclusion into the Plans and Specifications)

Project Name: PL 84-99 – R-627, Grace Street Ditch Bank Erosion Repair Project.

Location: Douglas County, Nebraska.

Point of Contact: Matthew Vandenberg, Environmental Resources Specialist (402) 995-2694, U.S. Army Corps of Engineers, CENWO-PM-AC, 1616 Capitol Avenue, Omaha, Nebraska 68102. If no response, please contact: Eric Laux, Chief, Planning (402) 995- 2682.

The Environmental Commitments identified below have been extracted from the *Tiered Environmental Assessment Public Law 84-99 Rehabilitation program*, dated December 2014, for the repair of bank erosion along the Grace Street Ditch. These conditions were established in the Tiered EA in order to obtain a Finding of No Significant Impact (FONSI) and must be included in the Plans and Specifications and met during construction. These Environmental Commitments must be implemented to ensure the FONSI remains valid. Please ensure a date and signature from the Point of Contact is obtained for the Environmental Commitments listed below and this form is returned to the Corps of Engineer’s Planning Branch (at address above) upon completion of the commitment.

1. Section 3.1 Water Quality. Best Management Practices (BMP) required by the National Pollutant Discharge Elimination System (NPDES) permit (e.g., silt trapping devices) shall be implemented as required to minimize turbidity.

Unintentional introduction of contaminants to the waterway from construction work is a potential effect that shall be minimized with additional BMPs (using properly cleaned equipment, storing petroleum products in bermed areas out of the watershed, covering stock-piled materials, etc.). Following construction, areas disturbed and not otherwise hard-surfaced shall be top-soiled and stabilized to minimize erosion.

Date & Signature

2. Section 3.5 Cultural Resources. In the unlikely event of an unanticipated discovery of cultural resources, construction work shall be halted immediately and a district archeologist shall be notified. The construction work shall not be re-initiated until the area is inspected by a staff archeologist and he or she determines it is safe to do so. If he or she determines that the discovery requires further consultation, the appropriate State Historic Preservation Office would be notified.

Date & Signature

ENVIRONMENTAL COMPLIANCE GREEN SHEET
Status of Environmental Commitments
(CONTINUED)

Project Name: PL 84-99 – R-627 - Grace Street Ditch Bank Erosion Repair Project.

Location: Douglas County, Nebraska.

3. General Best Management Practices to reduce construction-related impacts on the human environment Extracted from the Programmatic Environmental Assessment. To minimize adverse impacts to the human environment, construction teams shall not idle construction equipment when not immediately needed for construction purposes. This will reduce noise impacts and reduce particulate matter. Additionally, construction teams shall water or mulch stock-piled materials to reduce wind-blown dust and particulates, use silt trapping devices to reduce sediments from entering area rivers and streams, wash construction equipment to prevent the spread of noxious materials, maintain construction equipment to prevent oil and fluid leaks, and store all potential hazardous materials (gasoline, hydraulic fluids, etc.) in upland areas that are confined within berms in order to contain spills and prevent impacts to the surrounding environment.

Date & Signature

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