

## ***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 city of David City, NE 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 will be located in Sections 12 and 13, Township 15 North, Range 2 East and Sections 7 and 8, Township 15 North, Range 3 East. The project will transform an existing gravel road to a paved roadway corridor at the Nebraska State highway 15 and Road 37 intersection. The improvements include paving and widening the existing roadway. An overpass will be built over a railroad track along Road 37 to the west of the intersection. The need for this project is based on the increased traffic anticipated from future developments in the area. The project is anticipated to result in 2.38 acres of permanent wetland impacts. The applicant intends to mitigate wetland impacts with in-kind wetland classifications.

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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