



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE - KEARNEY
2214 2ND AVENUE
KEARNEY, NEBRASKA 68847-5315

received
4-24-12

<http://www.nwo.usace.army.mil/html/od-rne/nehome.html>

April 18, 2012

Mr. Jerry Kenny
Platte River Recovery Implementation Program
4111 4th Avenue, Suite 6
Kearney, Nebraska 68845

RE: 2011-01023-KEA

Dear Mr. Kenny:

Enclosed is a Department of the Army Permit, Number **2011-01023-KEA**. This project involves introducing up to 50,000 tons of sand/sediment into the Platte River at two locations. Site #1 is located in Sections 10+11, Township 8 North, Range 20 West, Phelps County, Nebraska. Site #2 is located in Sections 3+4+10+11, Township 8 North, Range 19 West, Dawson County, Nebraska.

Please note the special condition(s) on pages 2-4 of the permit.

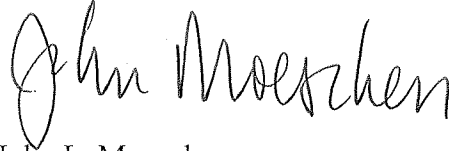
The attached compliance certification form must be signed and returned to this office upon completion of the authorized work. A compliance inspection will be scheduled soon thereafter.

Should you, at any time, become aware that either an endangered and/or threatened species exists within the project area, you must immediately notify this office. In addition, you are responsible for all work accomplished in accordance with the terms and conditions of this permit. If a contractor or other authorized representative will be performing the work authorized by this permit on your behalf, we strongly recommend that they be provided a copy of this letter and the permit so that they are aware of the limitations of the permit. Any activity which fails to comply with all the terms and conditions of the permit will be considered unauthorized and subject to appropriate enforcement action.

The Omaha District, Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please take a moment to complete our Customer Service Survey found on our website at <http://per2.nwp.usace.army.mil/survey.html>. If you do not have Internet access, you may call and request a paper copy of the survey that you can complete and return to us by mail or fax.

If you have any questions regarding this permit, please contact Mrs. Barb Friskopp at the above address or call (308) 234-1403 or e-mail barbara.j.friskopp@usace.army.mil and refer to the above permit number.

Sincerely,

A handwritten signature in black ink, reading "John Moeschen". The signature is written in a cursive style with a large, looped initial "J".

John L. Moeschen
Nebraska State Program Manager

Enclosure

Copy Furnished:

EPA Region VII (Chamberlain)
NDEQ (Garber)

COMPLIANCE CERTIFICATION
WEHRSPANN REGULATORY OFFICE

Permit Number: 2011-01023
County: Phelps/Dawson
Name of Permittee: Platte River Recovery Implementation Program
Date of Issuance: April 18, 2012
Project Manager: Barbara Friskopp

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U. S. Army Corps of Engineers
Nebraska Regulatory Office – Kearney
2214 2nd Avenue
Kearney, NE 68847-5315

Please note that the permitted activity is subject to a compliance inspection by a U. S. Army Corps of Engineers representative. If you fail to comply with permit conditions, the permit may be subject to suspension, modification or revocation.

CERTIFICATION:

I hereby certify that the authorized work was done in accordance with the Nationwide Permit authorization, including any general, regional or activity-specific conditions.

I hereby certify that the implementation of any required compensatory mitigation was completed in accordance with the permit conditions.

(Add the following if the permittee used a bank or in-lieu fee program: I hereby submit documentation that confirms that I have secured the appropriate number and resource type of credits and that the (mitigation bank/in-lieu fee) sponsor has accepted the responsibility for providing the required compensatory mitigation.)

Signature of Permittee

Date

DEPARTMENT OF THE ARMY PERMIT

Permittee: Platte River Recovery Implementation Program

Permit No: NWO-2011-01023-KEA

Issuing Office: Kearney Regulatory Office Omaha District Corps of Engineers

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Location and Waterway:

Platte River

Site #1: Sections 10+11, Township 8 North, Range 20 West, Phelps County, Nebraska

Site #2: Sections 3+4+10+11, Township 8 North, Range 19 West, Dawson County, Nebraska

Project Description:

This activity is a pilot project involving the introduction of sand/sediment into the Platte River.

The Platte River Recovery Implementation Program (PRRIP) shall carry out a Sediment Augmentation Pilot Study in the Platte River. The project includes introducing approximately 100,000 tons of sediment into the river. This will include hydraulic placement using sand pumps to release approximately 50,000 tons of sediment at Site #1 and mechanical augmentation using dozers to release approximately 50,000 tons of sediment at Site #2.

Site #1: The existing sand pit will be expanded to the west. Overburden material shall be removed and stockpiled in an upland area. No more than 50,000 tons of dredged sand/sediment shall be introduced into the river via a sand pump/dredge. River flows shall be at least 100 cubic feet per second as the sand/sediment is being introduced into the river.

Site #2: Sand/sediment from three previously defined areas shall be pushed into the Platte River using bulldozers. No more than 50,000 tons of dredged sand/sediment shall be introduced into the river. River flows shall be at least 100 cubic feet per second as the sand/sediment is being introduced into the river. Approximately 3.17 acres of wetland shall be impacted.

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on **April 30, 2014**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.

3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions:

1. After a detailed and careful review of all of the conditions contained in this permit, the Permittee does acknowledge that, although said conditions were required by the Corps of Engineers, nonetheless, the Permittee agreed to those conditions voluntarily to facilitate issuance of the permit and the Permittee will comply fully with all the terms of the permit conditions.
2. The Permittee shall notify the Kearney Regulatory Office when work on the project commences and immediately upon project completion.
3. All areas disturbed by construction shall be revegetated with appropriate perennial, native grasses and forbs and maintained in this condition. *Phalaris arundinacea* (Reed Canary Grass), *Lythrum salicaria* (Purple Loosestrife), *Bromus inermis* (Smooth Brome), *Phragmites, sp.* (Common Reed, River Reed) and *Tamarix, sp.* (Salt Cedar), are *NOT* appropriate choices of vegetation. The disturbed areas shall be reseeded concurrent with the project or immediately upon completion. Revegetation shall be acceptable when ground cover of desirable species reaches 75%. If this seeding cannot be accomplished by September 15 the year of project completion, then an erosion blanket shall be placed on the disturbed areas. The erosion blanket shall remain in place until ground cover of desirable species reaches 75%. If the seeding can be accomplished by September 15, all seeded areas shall be properly mulched to prevent additional erosion.
4. River flows shall be at least 100 cubic feet / second (cfs) at the disposal site when sediment is being placed in the river.
5. Threatened and Endangered Species
 - a. Whooping Crane: To the extent practicable, construction activities should be avoided during the spring and fall migration periods (March 23 through May 10, September 16 through November 16). If the sediment augmentation activities must occur within this time frame, daily riverine surveys shall be taken at sunrise prior to the start of the daily construction. The Permittee shall coordinate with the US Fish & Wildlife Service (Service) on a daily basis to determine if whooping cranes are present in this segment of the Platte River. If a whooping crane is observed within ½ - mile of either disposal site, all activity at that site shall stop pending further consultation with the Service. The survey results shall be provided to the Kearney Regulatory Office.
 - b. If the work must be conducted during the April 15 through August 15 least tern and piping plover nesting time period, nesting surveys shall be conducted one week prior to the sediment augmentation activities and daily thereafter until August 15. The survey shall encompass the riverine

area within ¼ - mile upstream and ¼ - mile downstream of the bridge site. If nesting activity is observed within ¼ - mile of either disposal site, all construction activity shall stop at that site pending further consultation with the Service. The survey results shall be provided to the Kearney Regulatory Office.

6. The Permittee shall obtain a floodplain permit or a letter stating that no permit is required from the Phelps and Dawson County Floodplain authorities.

7. Monitoring

The monitoring plan submitted on December 28, 2011 is approved and shall be incorporated into this document by reference. Specific information to be reported shall include:

a. Formation of islands/bars: location, size, height

b. Monitoring reports shall be submitted to the Kearney Regulatory Office by December 1, 2012 and December 1, 2013.

See attached plan.

8. Mitigation

The activity carried out at Site #2 will impact approximately 3.17 acres of riverine channel PEMA/C wetland. The final monitoring report must demonstrate that the sediment augmentation study will result in an overall functional gain and a functional gain for target species habitat suitability (channel width, sandbar size, increased shallow water habitat).

9. Testing of Materials

a. At Site #2, the material is in-channel material deposited by the river under existing conditions. This material is between the high banks and no overburden material will be used. This material need not be tested.

b. At Site #1, the material will be obtained by expanding an existing sand pit. The overburden will be stripped prior to pumping and will be stockpiled. Testing of the usable material shall be conducted to verify it does not contain agricultural or petroleum products above the state statutory requirements.

10. The Permittee and/or the Permittee's contractor or any of the employees, subcontractors or other persons working in the performance of a contract or contracts to complete the work authorized herein, shall cease work and report the discovery of any previously unknown historic or archeological remains to the Nebraska Regulatory Office. Notification shall be by telephone or FAX within 24 hours of the discovery and in writing within 48 hours. Work shall not resume until the Permittee is notified by the Nebraska Regulatory Office.

11. Clearing of vegetation shall be limited to that which is absolutely necessary for construction of the project.

12. The Permittee agrees to make every reasonable effort to prosecute the construction or work authorized herein in a manner so as to minimize any adverse impact of the construction or work on fish, wildlife, and natural environmental values.

13. All construction debris shall be disposed of on land in such a manner that it cannot enter a waterway or wetland.

14. The Permittee shall establish and carry out a program for immediate removal of debris during construction in order to prevent the accumulation of unsightly, deleterious and/or potentially polluted materials.

15. Steps shall be taken to prevent materials spilled or stored on site from washing into the wetlands or waterway as a result of cleanup activities, natural runoff, or flooding, and that, during construction, any materials, which are accidentally spilled into these areas, will be retrieved.

16. Care shall be taken to prevent any petroleum products, chemicals, or other deleterious materials from entering the waterway or wetlands.

17. All temporary fill shall be removed in their entirety and the area restored to its preconstruction contours.

18. The Permittee shall be fully responsible for signage, fencing or other precautions necessary to discourage unauthorized access to the project site and promote public safety.

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

() Section 10 of the River and Harbors Act of 1899 (33 U.S.C. 403).

(**X**) Section 404 of the Clean Water Act (33 U.S.C. 1344).

() Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, state, tribal, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
- b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
- c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
- d. Design or construction deficiencies associated with the permitted work.
- e. Damage claims associated with any future modification, suspension, or revocation of this permit.

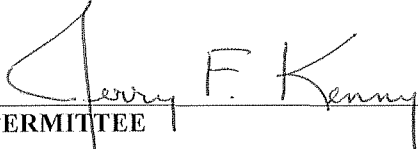
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

- a. You fail to comply with the terms and conditions of this permit.
- b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
- c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

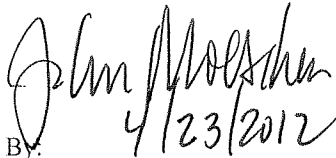
Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit. Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.


PERMITTEE _____ DATE 04/16/12

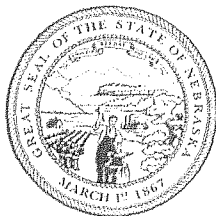
This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

Robert J. Ruch
Colonel, Corps of Engineers
District Commander

DATE 
By: 4/23/2012
John L. Moeschen
Nebraska State Program Manager

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

TRANSFeree _____ DATE



Dave Heineman
Governor

STATE OF NEBRASKA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Michael J. Linder

Director

Suite 400, The Atrium

1200 N Street

P.O. Box 98922

Lincoln, Nebraska 68509-8922

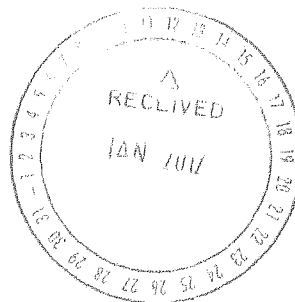
Phone (402) 471-2186

FAX (402) 471-2909

website: www.deq.state.ne.us

January 12, 2012

Dr. Jerry Kenny
Platte River Recovery Implementation Program
4111 4th Avenue, Suite 6
Kearney, NE 68845



RE: State Water Quality Certification for Section 404 Application 2011-01023-KEA, Phelps and Dawson Counties

Dear Dr. Kenny:

We have reviewed the information received regarding the above-referenced application and feel the activity will comply with Section 401 of the Clean Water Act of 1977, as amended by the Water Quality Act of 1987, subject to meeting the following conditions:

Apply for and obtain a variance from Chapters 3 and 4 of the Nebraska Title 117 Surface Water Quality Standards for the activity involving use of a dredge to produce the sand and gravel discharge to the river.

Wetland habitat lost resulting from creating the dredge site shall be mitigated by restoring or creating equivalent in-kind wetland habitat at a minimum ratio of 1.5 restored or created acres for every 1.0 acre of affected area.

This conditional certification does not constitute authorization to conduct your project. It is a statement of compliance with Surface Water Quality Standards only, which is one requirement to gain authorization from the U.S. Army Corps of Engineers in the form of a Section 404 permit.

If the area of disturbance will be greater than 1.0 acre, we remind the applicant that a National Pollution Discharge Elimination System construction stormwater permit may be required under § 402 of the Clean Water Act.

In order for the Director to consider a variance for your project, please submit a letter of request along with the attached *Variance Application*. In your letter to the Director, be sure to include:

- The Army Corps of Engineer's project number;
- A brief description of the project

- A statement of request such as:
"I am requesting a variance, under the Nebraska Environmental Protection Act Statute § 81-1513, from Chapters 3 and 4 of Nebraska Title 117 Surface Water Quality Standards."
- A list addressing all items in the Nebraska Statute that applies to your project (see attached copy of statute). If a particular item does not apply, you should list the item and state, "Does not apply." This way, the NDEQ Director knows you simply didn't overlook the item and
- Address the letter to the Director as follows:
Mike Linder, Director
Nebraska Department of Environmental Quality
P.O. Box 98922, State House Station
Lincoln, NE 68590-8922

If you have any questions, please feel free to call Mary Schroer on my staff, at (402) 471-6988.

Sincerely,



Marty Link
Acting Water Quality Division Administrator

Enclosures

cc: Barb Friskopp, US Army Corps of Engineers
Mike George, US Fish & Wildlife Service
Carrey Grell, Nebraska Game & Parks Commission
Elidora Chamberlain, US Environmental Protection Agency



Platte River Recovery
Implementation Program

Work Areas

Cook Tract / Dyer Property *Site 1*
Sections 10 & 11
Township 8 North, Range 20 West
Dawson & Phelps Counties, Nebraska
Section 404 Application

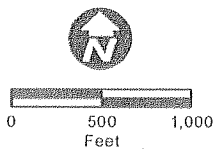
DATE

May 2011

FIGURE





2A

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HDR Aerial Imagery: 2010 NAIP

Legend

-  Platte River Mile
-  Ingress & Egress Route
-  Project Area
-  Work Areas



Platte River Recovery
Implementation Program

Work Areas

Cottonwood Ranch Complex *Side 2*
Sections 3, 4, 9, & 10
Township 8 North, Range 19 West
Dawson County, Nebraska
Section 404 Application

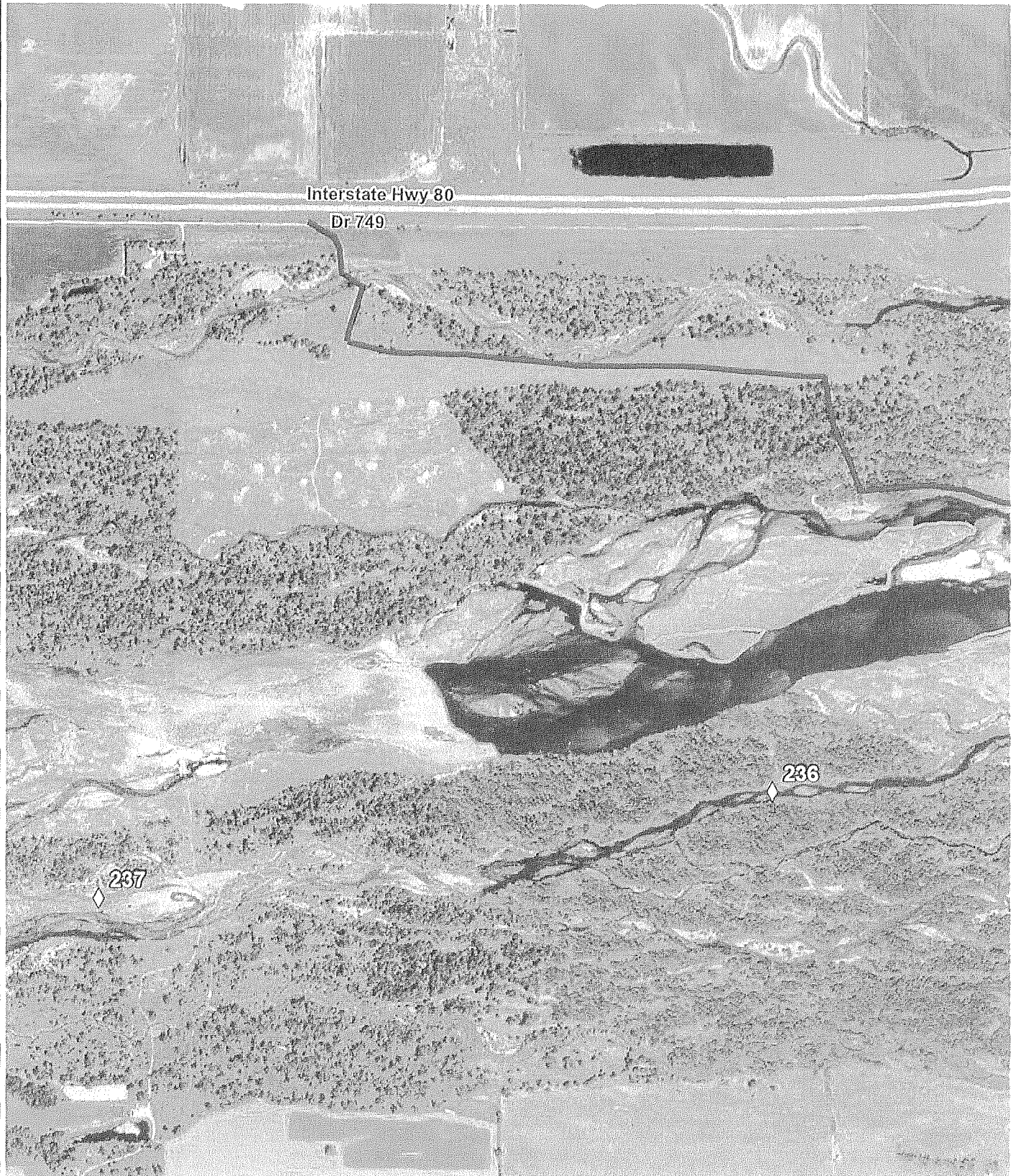
DATE

May 2011

FIGURE

2B

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0 500 1,000
Feet



Aerial Imagery: 2010 NAIP

Legend

-  Platte River Mile
-  Ingress & Egress Route
-  Work Areas