

## **MEMORANDUM**

**DATE:** August 16, 2022

**SUBJECT:** Evergreen Place 1<sup>st</sup> Addition Development - Reconnaissance  
Bennet, NE

**FROM:** Delia Garcia, Ph.D.  
Environmental Scientist  
ECAD/Water Branch

**TO:** Evergreen Place 1<sup>st</sup> Addition Enforcement File

On January 23, 2022, we emailed the representative of the Evergreen Place 1<sup>st</sup> Addition development site a prefilng letter and a proposed Administrative Order for Compliance on Consent. After he failed to respond to our email, we sent copies of the prefilng letter and the proposed order by certified mail. The prefilng packet was returned to us. I followed-up with a phone call to inquire about his mailing address and he informed me that he had moved. I confirmed his email and informed him that I would be sending him a copy of the letter we had previously sent. In my transmittal email I asked him to acknowledge that he had received it, but he never replied. Since it had almost been a year since my 404 inspection, we decided that it would be a good idea for me to stop by the development next time I was in Nebraska to see if the site was still active.

On May 17, 2022, while I on my way to conduct an inspection at another site in Nebraska, I stopped by the Evergreen Place 1<sup>st</sup> Addition development site located southeast of the Evergreen Road and Cottonwood Street intersection in the Village of Bennet, Nebraska. I stopped by the development site to see if there was any type of earth moving or construction activities taking place.

I stopped by the site at around 12:50 pm and observed activity at the development site. There were work vehicles and heavy equipment on site, and many individuals. I took three photos from inside the vehicle I was driving. All the photos were taken from Cottonwood Street. The fill in the stream and wetland appeared unchanged. I could see some silt fences had been installed but from my vantage point I was unable to assess their condition or determine if any other stormwater bmps had been installed.

The following photos were taken on May 17, 2022:

Photo DSCN0009.JPG - Stream and wetland just to the right of the telephone pole in photo. Also note the vehicles and heavy equipment towards the right side of photograph.



Photo DSCN0010.JPG – Note all the vehicles and heavy equipment on site.





Photo DSCN0011.JPG – Closer view of bed and banks of stream and wetland that were impacted by developer's unauthorized activities.

