

# PUBLIC NOTICE



**US Army Corps  
of Engineers  
Kansas City District**

**Permit No.**  
**Issue Date: July 2, 2015**  
**Expiration Date: July 31, 2015**

**30-Day Notice**

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**JOINT PUBLIC NOTICE:** This public notice is issued jointly with the Missouri Department of Natural Resources (MDNR), Water Pollution Control Program. MDNR will use the comments on this notice in deciding whether to grant Section 401 water quality certification. Commenters are requested to furnish a copy of their comments to the Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

**APPLICANT:** U.S. Army Corps of Engineers – Kansas City District  
601 East 12<sup>th</sup> Street  
Kansas City, MO 64106-2896

**PROJECT LOCATION** (As shown on the attached drawings): The proposed Blacksnake Creek Section 205 Flood Risk Management Project is located within the city of Saint Joseph, Missouri (City). The project area is located just east of St. Joseph Avenue and is bounded by Northwest Parkway to the south, the Savannah and Cook Roads intersection to the north and generally bounded by an abandoned railbed to the east (Figures 1 and 2). The approximate center of the project area is located at latitude 39°48'08.52" north, longitude 94°50'29.69" west.

**AUTHORITY:** The project would be completed under the Continuing Authorities Program, Section 205 Authority. Section 205 of the Flood Control Act of 1948, as amended by the Water Resources Development Act of 1986, provides the U.S. Army Corps of Engineers (USACE) the authority to plan, design, and constructs small flood control projects that have not been specifically authorized by Congress. The proposed action is regulated by the USACE under Section 404 of the Clean Water Act (33 USC 1344).

**ACTIVITY** (As shown on the attached drawings): **PROPOSED WORK:** Blacksnake Creek conveys stormwater runoff through a combination of an open, natural channel in the upper reach to an enclosed system at Karnes Road. Daily flow runs through the wastewater treatment plan. With storm events where flow exceeds the treatment plant capacity, the excess flow is discharged into the Missouri River directly via a diversion structure. There have been several major flood events that have caused major damages to developed property.

In 2008, the City submitted a Long Term Control Plan (LTCP) to MDNR that addressed reducing sewer overflows. The LTCP expressed the City's commitment to controlling the amount of sewer overflows and the frequency of overflows that discharge into the Missouri River to comply with the Clean Water Act. This project provides for flood risk management benefits and also has been planned to align with the initiatives identified in the City's LTCP to address sewer system reliability and regulatory requirements.

The Recommended Plan uses natural topography and excavation north of Northwest Parkway to create a detention basin (Figures 2 and 3). The basin would be dry with a low flow channel and would not store water during non-storm events. The Recommended Plan has a construction footprint of 35.6 ac and clears about 13.4 acres of riparian vegetation and 22.2 acres of turf and old field. The maximum excavation depth is estimated at 5 feet to 15 feet. A temporary diversion channel capable of accommodating the Blacksnake Creek base flow will need to be excavated for construction. The diversion channel is anticipated to be located within the construction footprint, the exact location of the diversion channel will be determined in design.

Northwest Parkway forms the southern boundary of the basin and would be the point of overtopping when the capacity of the basin is exceeded. The road will be reconstructed and armored as the primary overflow spillway. During events larger than the rated level of protection, the primary spillway would deliver excess runoff over the top of Northwest Parkway and into a nearby parking lot (Figures 2 and 4). The secondary spillway at the southeast corner of the basin will deliver excess runoff over to the abandoned railroad right-of-way (Figures 2 and 5).

The Maxwell Road Extension crosses near the mid-point of the proposed detention basin and provides access to a single residence on the east side of the basin. The Maxwell Road Extension will be removed and access to the single residence will be via a new access road on the east side of the project area. Two new access roads will be constructed along the east side of the basin. Utilities impacted by construction of the Recommended Plan include sanitary, natural gas, water, electric and communications. Road and utility work is discussed in the Draft Integrated Definite Project Report and Draft Environmental Assessment (DPR/EA) prepared for this project.

The Recommended Plan (Plan) for this project is economically justified, has the highest net economic benefits of the alternatives considered and is the National Economic Development (NED) Plan. A Letter of Map Amendment (LOMA) would need to be submitted to FEMA to request a revision to the effective floodplain map to show changes to floodplains, floodways, and flood elevations. The project sponsor, the City of St. Joseph, Missouri, would operate and maintain the project.

**WETLANDS and AQUATIC HABITAT:** Based on field work conducted on August 29, 2003, June 19, 2008, June 7, 2013, and September 9, 2014, no wetlands, including wetlands mapped by the national wetlands inventory, were observed within or adjacent to the project area.

Blacksnake Creek and an ephemeral stream are located within the project area. The Creek is generally incised with some concrete lined channel, a low water crossing and culverts. Debris

observed within and adjacent to the Creek minimally includes asphalt, concrete, and miscellaneous trash. Therefore, the Creek aquatic habitat is highly disturbed and limited in regards to viable aquatic habitat. The ephemeral stream is impacted similarly to the Creek, although to a lesser degree.

The USACE Kansas City District Regulatory Branch (OD-R) conducted an impact assessment using the 2013 Missouri Stream Mitigation Method. This assessment is included as Appendix J of the DPR/EA. Based on the stream impact assessment conducted by OD-R, mitigation due to stream impacts would be conducted as part of this project. Mitigation would occur within a stream mitigation bank as close as practicable to the Blacksnake Creek watershed.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:** The proposed project has been designed to incorporate all practicable measures to avoid, minimize, and mitigate unavoidable adverse impacts to aquatic resources while still meeting the project purpose. The proposed project would mitigate for unavoidable adverse impacts to aquatic habitat as stream mitigation would be conducted using a mitigation bank located as close as practicable to the Blacksnake Creek watershed.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by contacting Mr. Richard Skinker, Environmental Resources Specialist, U.S Army Corps of Engineers, Kansas City District, ATTN: Environmental Resources Section, 601 East 12<sup>th</sup> Street, Kansas City, Missouri 64106, by email at richard.a.skinker@usace.army.mil, or by telephone at (816)389-3134. All comments to this public notice should be directed to the above address.

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1969, as amended:** The Corps has made a preliminary determination that the proposed project would result in no significant impacts to the human environment. Therefore, the proposed project would support a Finding of No Significant Impact. The Corps will utilize comments received in response to this Public Notice to complete the evaluation of the project in compliance with the requirements of NEPA, Section 404 of the Clean Water Act, and other Federal, state, and local regulations. The Corps has made a preliminary determination that the proposed project would not be contrary to the public interest and is in compliance with the Section 404(b)(1) Guidelines. The Draft DPR/EA and Section 404(b)(1) Evaluation, included as Appendix J of the DPR/EA, are available online at <http://www.nwk.usace.army.mil/Media/PublicNotices/PlanningPublicNotices.aspx>.

**CULTURAL RESOURCES:** The St. Joseph Park and Parkway System property listed on the National Register of Historic Places is situated within the project area. The Recommended Plan would not adversely affect the property and is not likely to impact any archeological sites.

In compliance with the National Historic Preservation Act, the Corps has coordinated a finding of "no adverse effect" for the proposed project with the Kansas and Missouri State Historic Preservation Officers (SHPOs). Both SHPOs have concurred with this finding. The project is

coordinated with affiliated federally recognized Native American tribes with the posting of this public notice.

**ENDANGERED SPECIES:** No threatened or endangered species are known to occur within or adjacent to the project area. Riparian trees would be removed during excavation of the detention basin. Tree clearing would be scheduled between November 1 and March 31 to avoid adverse impacts to the Indiana bat and northern long-eared bat. Therefore, in accordance with the Endangered Species Act, a preliminary determination has been made that the described work is not likely to adversely affect species designated as threatened or endangered or adversely affect critical habitat. In order to complete an evaluation of this activity, comments are solicited from the U.S. Fish and Wildlife Service and other interested agencies and individuals. As part of this project, trees would be replaced by the construction contractor to mitigate for impacted trees.

**FLOODPLAINS:** The proposed work was reviewed for compliance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. Consistent with Executive Order 11988, the Recommended Plan does not increase downstream risk or encourage future development within the floodplain. By this public notice, comments are requested from individuals and agencies regarding floodplain impacts.

**WATER QUALITY CERTIFICATION:** Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the state in which the discharge site is located for certification of the discharge. The discharge must be certified before a Department of the Army permit can be issued. Certification, if issued, expresses the state's opinion that the discharge will not violate applicable water quality standards.

**PUBLIC INTEREST REVIEW:** The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs and, in general, the needs and welfare of the people. The evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency under authority of Section 404(b) of the Clean Water Act (33 USC 1344).

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies

and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COMMENTS:** This notice is provided to outline details of the above described activity so the Kansas City District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections relative to the activity on or before the public notice expiration date. Comments both favorable and unfavorable will be accepted and made a part of the record and will receive full consideration in determining whether it would be in the public interest to issue the Department of the Army authorization. Copies of all comments, including names and addresses of commenters, may be provided to the applicant. Comments should be mailed to the address shown on page 3 of this public notice.

**PUBLIC HEARING:** Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

**PUBLIC MEETINGS:** Public meetings to inform the public and to gain public feedback were conducted April 7, 2005 and October 6, 2014. Public meeting information is located in Section 5 of the DPR/EA, titled Public Involvement and Agency Coordination.

**Figure 1: Blacksnake Creek Project Area**

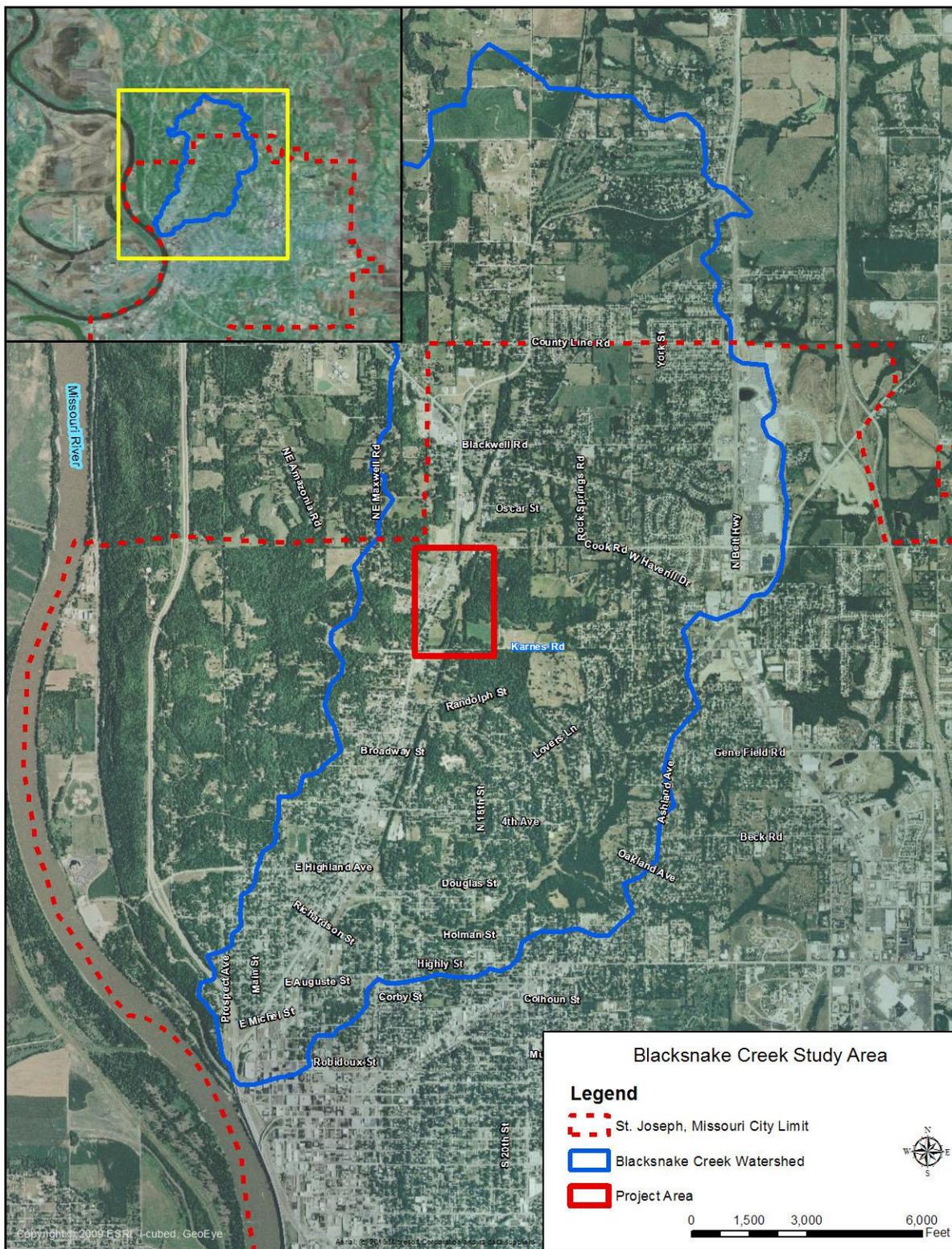
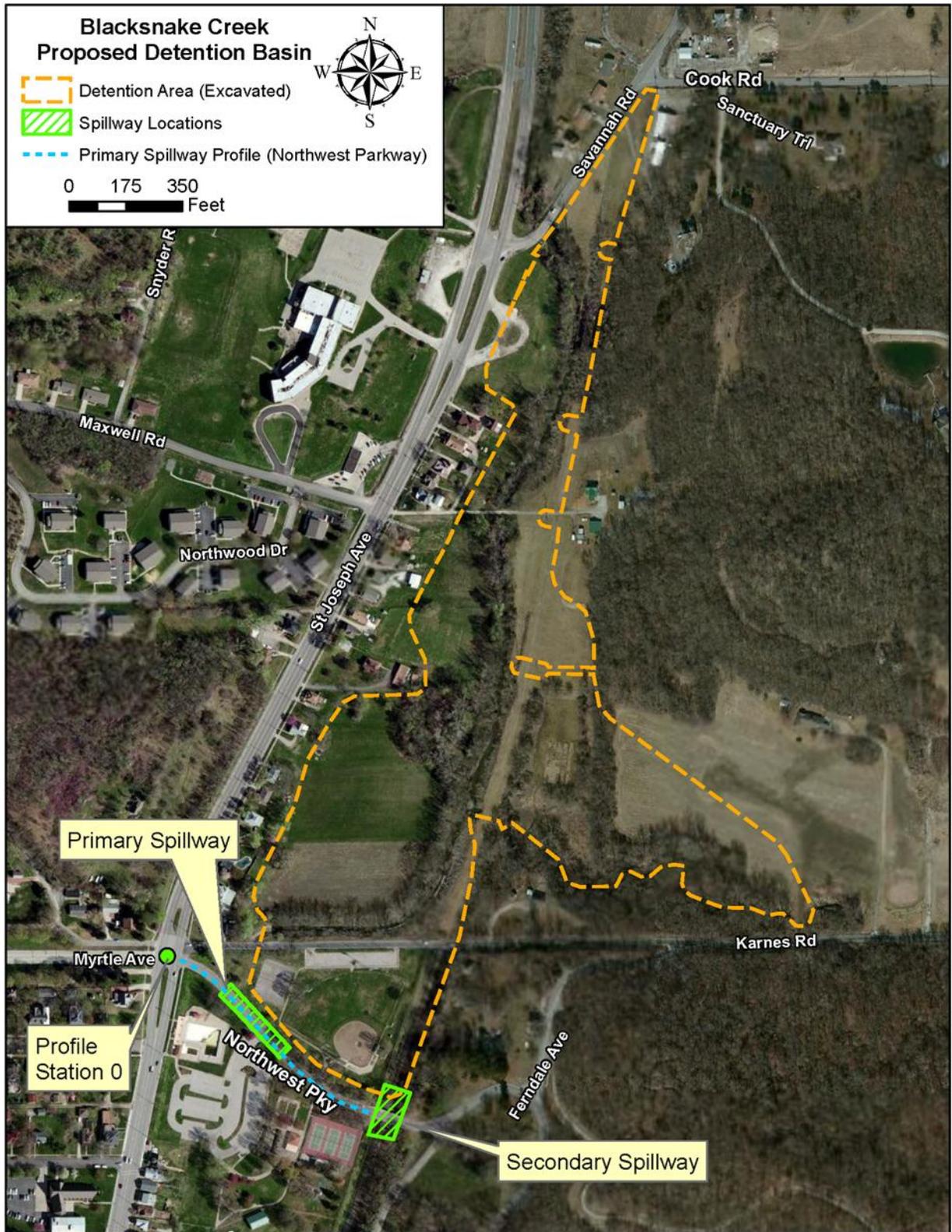
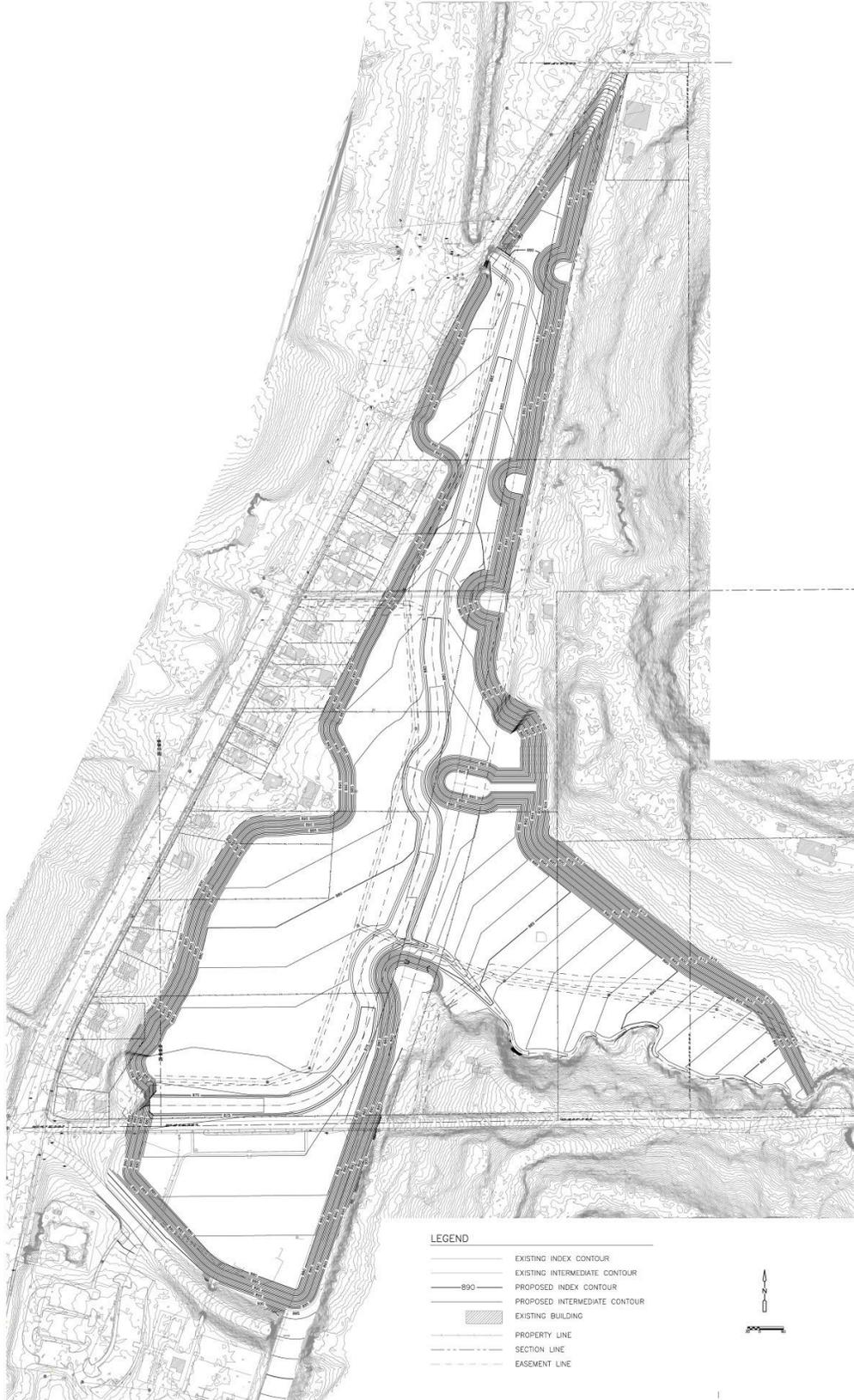


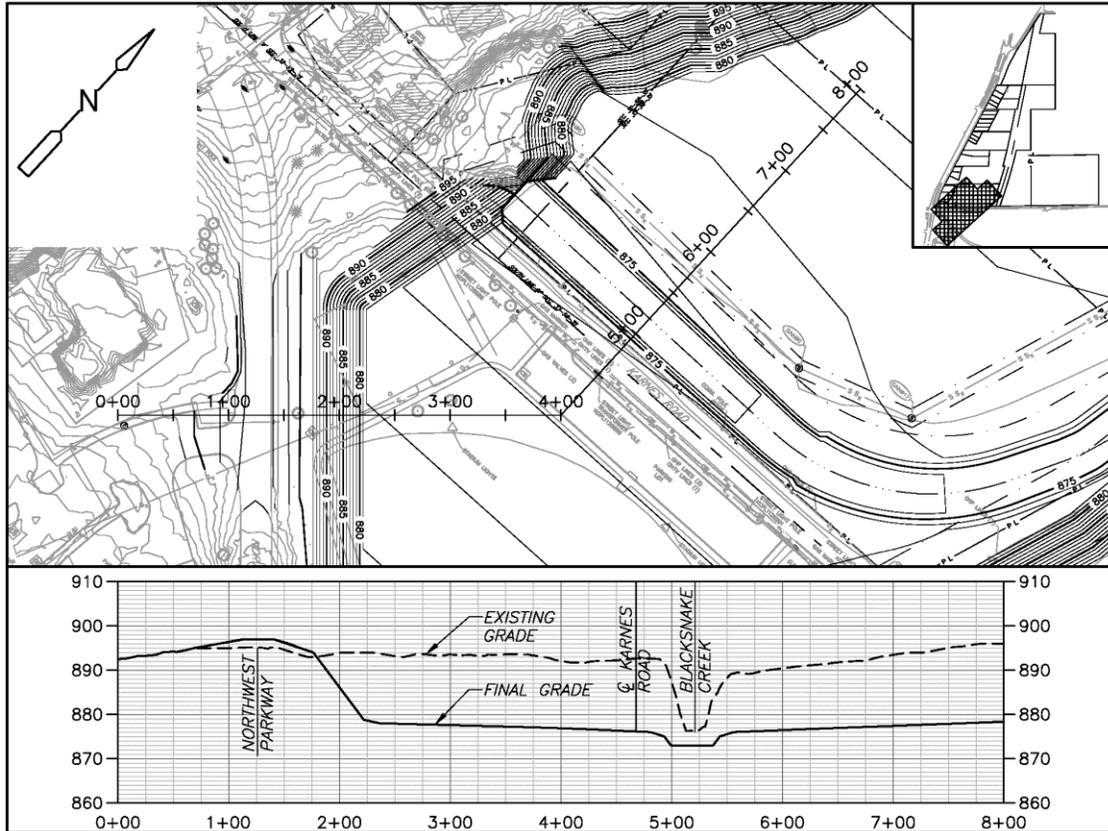
Figure 2: Recommended Plan Detention Basin Footprint



**Figure 3: Preliminary Grading Plan**



**Figure 4: Cross Section through the Primary Spillway**



**Figure 5: Cross Section through the Secondary Spillway**

