

# PUBLIC NOTICE



**US Army Corps of Engineers**

**Permit No. 2016-00912**  
**Issue Date: June 23, 2016**  
**Expiration Date: July 22, 2016**

**Kansas City District**

**30-Day Notice**

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**JOINT PUBLIC NOTICE:** This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Missouri Department of Natural Resources will use the comments to 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 12th Street  
Kansas City, MO 64106-2896

**PROJECT LOCATION** (As shown on the attached drawings): The proposed project, Baltimore Bend Interception Rearing Complex Project, is located on approximately seven miles west of Waverly, Missouri within the banks of the Missouri River extending from about mile 300.1 to 296.5. The project is adjacent to Baltimore Bottoms which is owned by USFWS as part of the Big Muddy National Fish and Wildlife Refuge. See Figures 1 and 2.

**AUTHORITY:** The project would be completed under the authority of the Missouri River Fish and Wildlife Mitigation Project (Mitigation Project) from Water Resource Development Acts (WRDA) of 1986, 1999, and 2007. The proposed action is regulated by the U.S. Army Corps of Engineers under Section 404 of the Clean Water Act (33 USC 1344).

**ACTIVITY** (As shown on the attached drawings): **PROPOSED WORK:** Since 2004, USACE has been taking numerous actions to avoid jeopardy to pallid sturgeon on the lower Missouri River that were included in the recommended and prudent alternative from the 2003 Amendment to the Biological Opinion. These actions have included maintaining a stocking (propagation) program for pallid sturgeon, limited testing of flow modifications, and construction of shallow-water habitat. Shallow-water habitat construction has primarily consisted of notching select BSNP dikes along the river and

constructing side channels across inside bends of the Missouri River in locations where the federal government owned sufficient land to construct such features. To date, there have not been strong indications that pallid sturgeon are successfully recruiting to reproductive age naturally in the lower Missouri River. When the 2003 Amendment to the Biological Opinion was prepared, there was limited scientific knowledge about the ecological needs of pallid sturgeon. Today, knowledge about the ecologic needs of this species is still not complete. However, much has been learned since the 2003 Amendment to the Biological Opinion was prepared. The goal of this project is to determine if increasing interception rearing complexes increases the catch rate of age-0 sturgeon at this location. The objective of the project is to create hydraulic conditions to intercept free-drifting embryos and larval sturgeon from the channel thalweg into the channel margins where water depths are one to three meters and velocities are 0.5 to 0.7 meters per second.

The Recommended Plan would result in an interception ratio of 0.181 and 52.1 acres of foraging habitat when fully developed. It would result in an additional 3.94 average annual interception units of interception rearing complex above the no-action plan. Habitat benefits would be obtained by removing portions of nine rock structures at locations A, B, C, D, E, F, G, H, I and J in Figure 3. Seven existing dikes would be extended in length and raised in height at locations 1, 2, 3, 4, 5, 6, and 7. These modifications were designed to maintain adequate flow to the navigation channel while directing flow to the channel margin to intercept free-drifting embryos and larval sturgeon. Over time, the flow directed towards the channel margin would erode portions of the existing sand bed to increase rearing habitat. It was assumed that this would occur over a four-year period, at which time the project would be considered fully developed. Four years is a reasonable time frame to assume for the project to reach full development from introduction of the planned structures. The rate of development will largely depend on the flows experienced in the years following construction. Four years was assumed a conservative estimate, and full development will likely occur prior to four years. However, although the Missouri River is largely controlled and fixed by the BSNP, the river will change over time and changes are likely to occur after four years as well.

Approximately 10,600 cubic yards of rock, wood piling, sand, and wood or woven willow mattress removed from locations A, B, C, D, E, F, G, H, I and J would be spoiled in areas immediately downstream of the structure, reused for dike extensions, or beneficially placed along existing structures in need of repair on the left bank of the river. Approximately 20,400 cubic yards of rock would be used to extend and raise existing dikes. All construction would take place from a barge (Figure 3).

The sand material excavated from the river bed to construct the dikes would be integrated into the bedload of the Missouri River. Compared to the quantity of bedload material that is typically transported downstream by the Missouri River, the added amount of material would be insignificant. The Missouri River is a sand bed river that naturally transports large quantities of sand as bedload. Species that are native to the river are well suited to this environment.

The proposed action would not result in any negative impacts to any adjacent private property. The proposed action would meet the objectives of increasing interception rearing habitat for hypothesis testing. If this plan were selected for implementation, detailed engineering plans and specifications would be developed that could result in minor modifications to the quantities presented herein. The project may be constructed in phases over several years depending on the availability of funding.

**WETLANDS/AQUATIC HABITAT:** There are no wetlands within the project area. The project site is located within the Missouri River channel.

**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.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by contacting Mr. Rick Morrow, Biologist, U.S Army Corps of Engineers, Kansas City District, ATTN: Environmental Resources Section, 601 East 12th Street, Kansas City, Missouri 64106, by email at [rick.morrow@usace.army.mil](mailto:rick.morrow@usace.army.mil), or by telephone at (816)389-3073. All comments to this public notice should be directed to the above address.

**NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1968, as amended:**  
A draft environmental assessment, titled Baltimore Bend Interception Rearing Complex Project and a Section 404(b)(1) evaluation is available online at:  
<http://www.nwk.usace.army.mil/Media/PublicNotices/PlanningPublicNotices.aspx>

The Corps has made a preliminary determination that the proposed project would not result in any significant impacts to the human environment and therefore the proposed project would support a Finding of No Significant Impact (FONSI). 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 Section 404(b)(1) Evaluation is included as Appendix C in the draft environmental assessment.

**CULTURAL RESOURCES:** An archeological background review of the project area was conducted that included an examination of the National Register of Historic Places on-line (NRHP), the Missouri Department of Natural Resources Archeological Viewer, and pertinent cultural resource reports and shipwreck location maps on file at the Kansas City District.

The Recommended Plan would be expected to have no affect on any cultural

resources. The project will be within the channel of the Missouri River. The Missouri State Historic Preservation Officer concurred with USACE determination that there would be no historic properties affected in a letter dated May 4, 2016. If cultural materials were encountered during project activities, all construction would be halted and the State Historic Preservation Officer would be notified as soon as possible in order to determine the appropriate course of action.

**ENDANGERED SPECIES:** The proposed action would be within the channel of the Missouri River. USACE has determined that the Recommended Plan will have no effect on the federally listed Indiana bat, gray bat, and northern long-eared bat. The Recommended Plan may affect but is not likely to adversely affect pallid sturgeon. Although incidental to the project purpose, any impacts to pallid sturgeon would be beneficial. The USFWS concurred with this determination in an email dated 21 March 2016 (Appendix G). 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.

**FLOODPLAINS:** This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies who believe the described work will adversely impact the floodplain.

**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, esthetics, 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 this 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:** A public meeting is being held on July 13, 2016, from 5:00 p.m. to 7:00 p.m. at 111 E. Kelling Ave. in Waverly, Missouri to provide the public information on the project and to solicit comments. A copy of all public and agency comments received during the public review process will be located in Appendix B of the final environmental assessment.



Figure 1: Baltimore Bend is located near Waverly, Missouri.

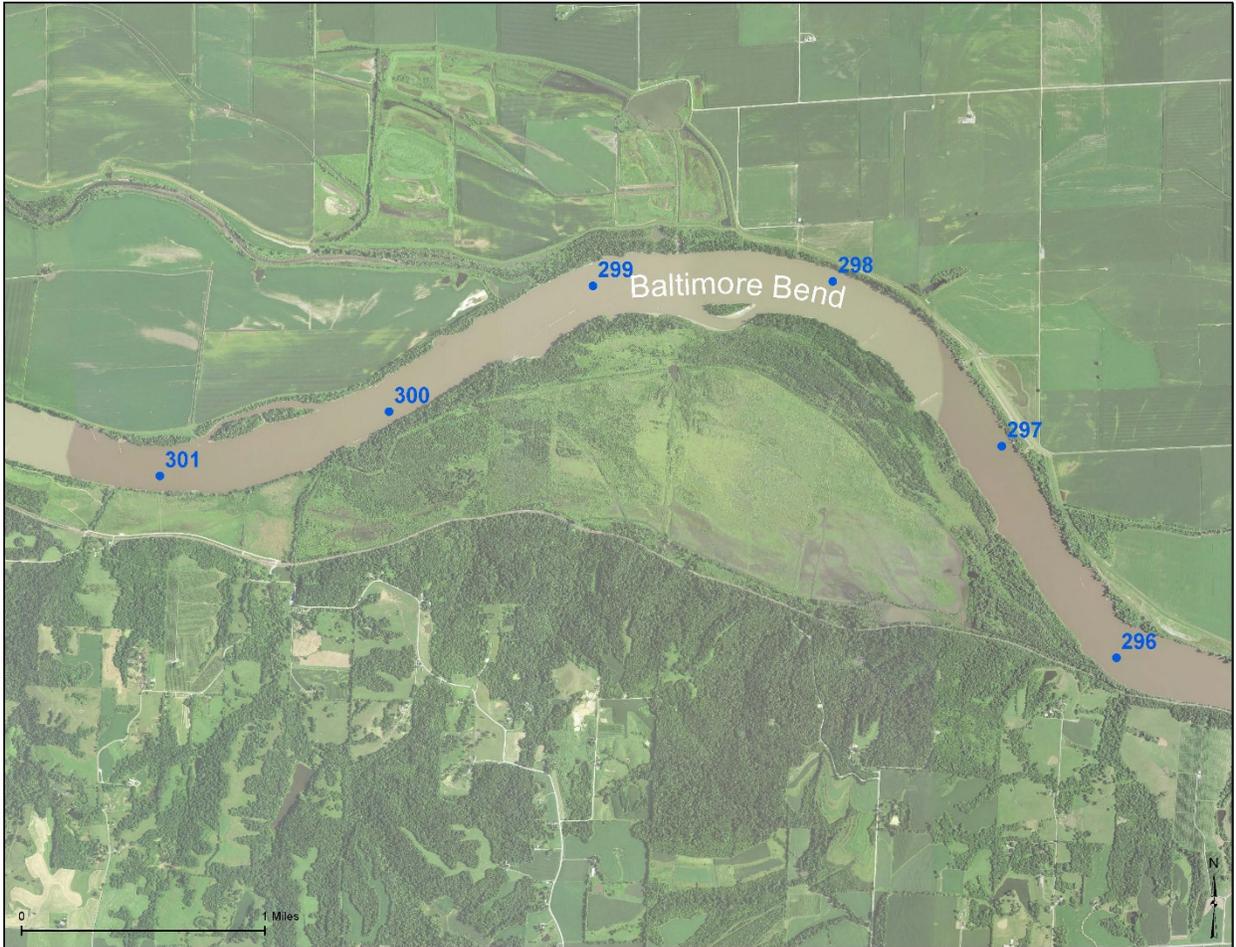


Figure 2: The Baltimore Bend IRC project area is located approximately between Missouri River miles 296 to 301.

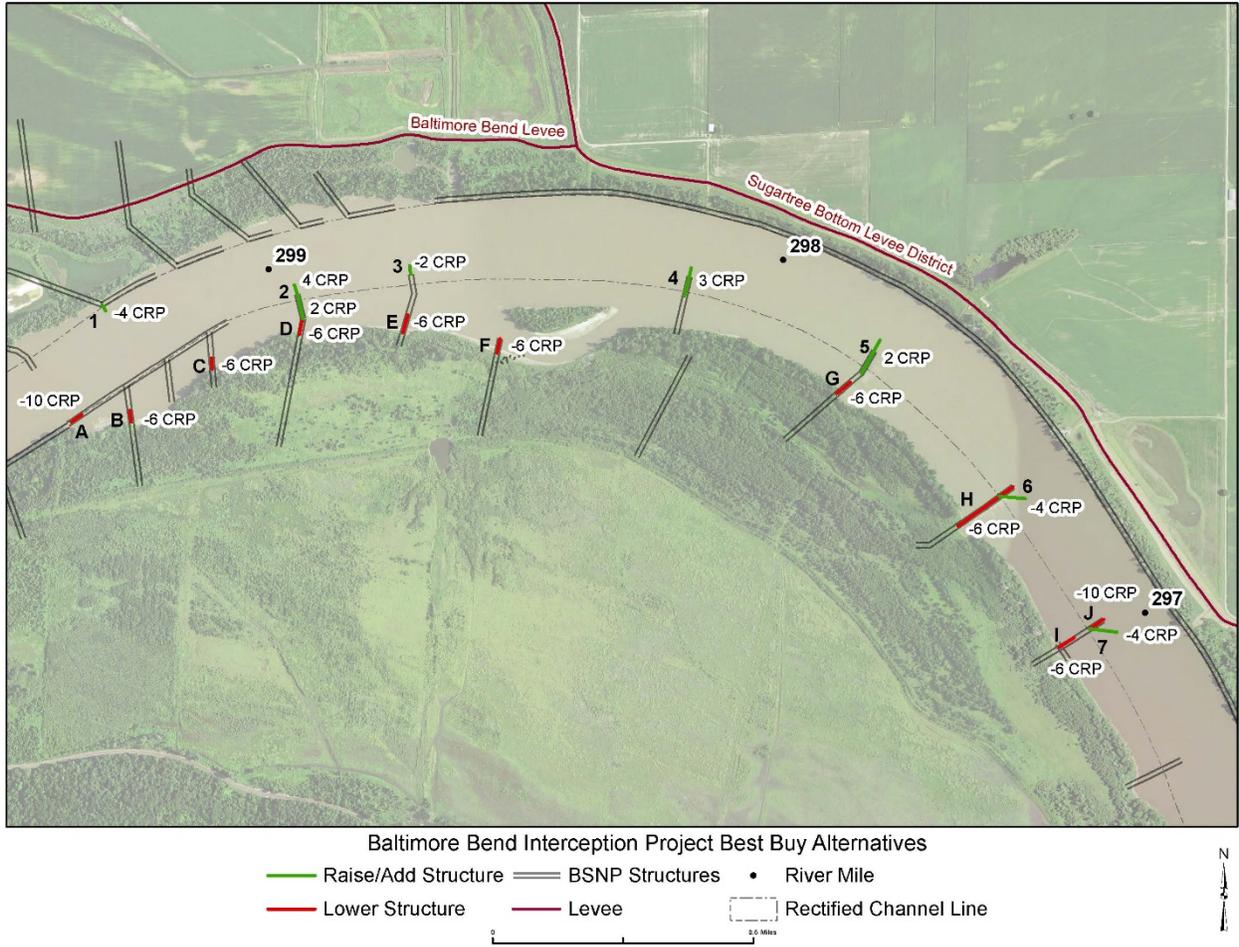


Figure 3: The proposed action to test interception rearing complex.

