

PUBLIC NOTICE



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

**Project No. 2016-001-CW
Issue Date: August 3, 2016
Expiration Date: September 2, 2016**

30-Day Notice

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, MO 65102.

APPLICANT: Kansas City District, Corps of Engineers
635 Federal Building
Kansas City, Missouri 64106-2896

PROJECT LOCATION (As shown on the attached drawings): The project area is located at the MoDOT Route MM, Locust Creek Bridge on Locust Creek, just west of Browning in Linn County, Missouri. It is in Section 7 of Township 60 North, Range 20 West. Locust Creek generally flows north to south for several hundred feet upstream and downstream of the bridge, which is situated east to west across the river.

AUTHORITY: Section 14 of the Flood Control Act of 1946 (Public Law 79-526), as amended, and Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings): The U.S. Army Corps of Engineers - Kansas City District, in cooperation with the Missouri Department of Transportation, propose an emergency streambank stabilization project along Locust Creek in Linn County, Missouri. The purpose of the project is to address severely eroding banks along Locust Creek that are threatening to damage and flank the left bridge abutment of the Route MM Bridge and lead to its potential failure. The left bank upstream of the bridge is experiencing erosion because of the migrating bend in Locust Creek. There is limited vegetation on the slope and stream bank sloughing is occurring. The channel of Locust Creek has migrated toward the left bank directing the river flow away from the center of the bridge. High flow events have accelerated the rate of erosion on the left bank and the unstable creek bend is expected to damage the left abutment and potentially flank the bridge in 3 – 4 years. If the river experiences high flow events before the project is constructed, bridge damage and failure is likely.

The plan would consist of Longitudinal Peak Stone Toe Protection (LPSTP) with tiebacks on the left bank in addition to a full slope revetment on the left bridge abutment. The alignment of the LPSTP is set to relocate the left bank into alignment with the existing bridge piers. The LPSTP protects the toe of the slope and allows the upper banks to continue to erode until it stabilizes and vegetation is established. The tiebacks prevent erosion from occurring between the LPSTP and the bank and encourage sediment deposition. The revetment at the bridge abutment will provide additional protection during high flow events. The LPSTP has a total length of 360-ft split into two sections by an incoming tributary starting upstream and extending to the stone slope revetment. The LPSTP will be approximately 5-ft tall with 1.5:1 side slopes. The upstream end of the LPSTP will have a 40-ft buried stone root to prevent flanking of the structure. There will be three tiebacks perpendicular to the LPSTP alignment that run up the bank at a 3:1 slope, each with a 5-ft top width. The first tieback will be 29-ft in length and placed approximately 90-ft upstream of the revetment. The second tieback will be 29-ft in length and placed approximately 90-ft downstream of the stone root. The third tieback will be 44-ft in length and tied into the stone root.

The incoming tributary upstream of the bridge on the left bank, will have rock approximately 3-ft tall with a 3:1 side slope placed along a portion of the banks. The left bank will be lined for approximately 140-ft and the right bank will be lined for approximately 110-ft. The left bridge abutment will be protected by a full slope revetment that extends up to the existing bank height. The revetment will be approximately 250-ft in length with 2:1 side slopes with a minimum thickness of 27-inches. The toe will extend approximately 10-ft into the channel. All the rock used will utilize type A gradation.

Direct project related impacts to waters of the U.S. would result from contouring the existing stream banks and placing clean rock fill along the left bank of Locust Creek. Fill would be placed along approximately 610 linear feet of the river. Contouring the stream banks would result in approximately 975 cubic yards of earthen fill material being placed below the ordinary high water mark. Additionally, about 2,600 cubic yards of clean rock fill with minimal fines would be placed below the ordinary high water mark. These quantities have been increased by 20% from the preliminary design calculations to represent the maximum amount of fill that would be placed below the ordinary high water mark.

WETLANDS/AQUATIC HABITAT: No wetlands would be impacted as a result of this project. The Missouri Stream Mitigation Method (MSMM) is used within Missouri to assess the impacts (debits) and benefits (credits) of projects as part of CWA Section 404 authorizations. This method has been publicly vetted and approved for use by Corps Regulatory Offices within the state of Missouri. Completion of the MSMM worksheets demonstrated that the Recommended Plan would result in an overall net benefit to the environment. The Recommended Plan generated 1,494.5 debits resulting from the addition of armor to the river banks. A total of 2,165.5 credits would be generated by restoring streambank stability along 610 linear feet of Locust Creek. MSMM worksheets have been prepared (Appendix V). A DRAFT Section 404 (b)(1) Evaluation (40 CFR 230) has been prepared (Appendix IV).

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The applicant proposes to minimize impacts to downstream receiving waters by incorporating on-site best management practices. Unavoidable impacts of the project are proposed will be off-set by the total net benefit of the project as referenced above by the MSMM worksheets.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1968, as amended: The Corps has made a preliminary determination that the proposed project would not result in significant degradation of the human environment and therefore the proposed project would support a Finding of No Significant Impact (FONSI). The Corps has prepared a Draft Environmental Assessment (EA) for the project; this draft document may be requested as described below under "Additional Information" and is available for review at the Corps of Engineers office and on line at the Corps' web page at: <http://www.nwk.usace.army.mil/regulatory/CurrentPN/currentnotices.htm>. The Corps will utilize comments received in response to this Public Notice and the Draft EA to complete our evaluation of the project for compliance with the requirements of NEPA, and other Federal, state, and local regulations, including this review for project compliance with the requirements of Section 404 of the Clean Water Act. The Corps has made a preliminary determination that the project as proposed would not be contrary to the public interest and is in compliance with the Section 404(b)(1) Guidelines (Appendix IV of Draft Environmental Assessment).

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, or by telephone at (816) 389-3073. All comments to this public notice should be directed to the above address on or before September 2, 2016.

CULTURAL RESOURCES: The proposed project has been reviewed in compliance with the National Historic Preservation Act of 1966 (Public Law 89-665) including a check of the National Register of Historic Places and supplements thereto. No sites were identified within the project area. A site inspection of the project area confirmed the low potential for archeological sites in the area. The results of the research and survey were coordinated by letter with State Historic Preservation Officer (SHPO). In that letter, the Corps requested concurrence that any proposed work in the project area would have no effect on historical properties and that any work could proceed without any further coordination, unless in the unlikely event that archeological materials were discovered during construction. SHPO concurred with this recommendation.

ENDANGERED SPECIES: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work will not affect species designated as threatened or endangered or adversely affect critical habitat. The U.S. Fish and Wildlife Service concurred with this determination in previous correspondence.

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 that 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 Department of the Army authorization 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 authorization 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 an authorization for this proposal. To make this decision, comments are used to address impacts on endangered species, historic properties, water quality, general environmental effects, and 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 an authorization 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 1 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.

NOTE: This public notice is posted on the Kansas City District Regulatory web page and can be viewed at the following address:

<http://www.nwk.usace.army.mil/Media/Public-Notices/Planning-Public-Notices/>