

PUBLIC NOTICE



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

**Permit No. 2016-00334
Issue Date: May 3, 2016
Expiration Date: June 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 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 (Corps)
601 East 12th Street
Kansas City, MO 64106-2896

PROJECT LOCATION (As shown on the attached drawings): Searcys Bend is located in the Missouri River approximately nine miles southwest of Columbia, Missouri (Figure 1). The bend is 10,560-feet long and extends from about Missouri River mile 178.2 to 180.2. The project area is primarily within the banks of the Missouri River. It is adjacent to Tadpole Island which is owned by the Corps and managed by U.S Fish and Wildlife Service (USFWS) as part of the Big Muddy National Fish and Wildlife Refuge. Tadpole Island is created by a side channel that was constructed as a part of the Missouri River Recovery Program (MRRP) shallow water habitat program in 2006. The project is located in UTM Zone 15(N) with approximate coordinates of 545294E and 4306705N.

AUTHORITY: The project would be completed under the authority of MRRP as derived from Water Resource Development Acts of 1986 (Section 601), 1999 (Section 334), and 2007 (Section 3176). This project would fit the description of the reasonable and prudent alternative for pallid sturgeon starting on page 219 of the 2003 Amendment to the Biological Opinion (USFWS, 2003). It is regulated under Section 404 of the Clean Water Act (33 USC 1344).

ACTIVITY (As shown on the attached drawings): The Recommended Plan would result in an interception ratio of 0.37 and 41.6 acres of foraging habitat when fully developed. It would result in an additional 9.1 Average Annual Habitat Units (AAHU) of interception-rearing-complex habitat compared to the No-Action/Future Without-Project Condition.

Habitat benefits would be obtained by removing portions of four rock dike structures at locations

A, B, C, and E in Figure 3. In addition, two new dikes would be constructed at locations 1 and 4. Two existing dikes would be extended in length at locations 2 and 3. Additionally, rock would be added at location 6. 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. Overtime, the flow directed at the channel margin would erode portions of the existing sandbar to increase foraging 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 overtime and changes are likely to occur after four years as well.

Approximately 22,400 cubic yards of rock, wood piling, sand, and wood or woven willow mattress removed from locations A, B, C, and E would be placed along the bank to prevent erosion of Tadpole Island. In order to construct new dikes and extend existing dikes, approximately 14,600 cubic yards of sand would be removed from the footprints of where these structures would be located using an excavator. This would be necessary to provide a stable foundation for the new structures. The excavated sand would be returned to the river. Approximately 7,600 cubic yards of rock would be used to construct the new structures. All construction would take place from a barge.

WETLANDS/AQUATIC HABITAT: Most of the project features will take place within the Missouri River adjacent to Tadpole Island. The project will have features on a sandbar that has accumulated adjacent to Tadpole Island. The removal of portions of four existing rock dike structures, construction of two new rock-dike structures, and the extension of two existing rock-dike structures are designed to divert water from the main river channel into the channel margins and would erode portions of the existing sandbar to create shallow water habitat.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: Steps to minimize impacts would include non-structural BMPs such as: keeping heavy construction equipment out of the waterway whenever possible, protecting construction materials from precipitation/flooding, having spill containment plans for construction equipment, and using materials that are free from contaminants.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. Curtis R. Hoagland, Biologist, U.S Army Corps of Engineers, Kansas City District, ATTN: Environmental Resources Section, Planning Branch, 601 East 12th Street, Kansas City, Missouri 64106, by email at curtis.r.hoagland@usace.army.mil, or by telephone at (816)389-3401. All comments to this public notice should be directed to the above address.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) OF 1968, as amended: The The Corps has prepared an Environmental Assessment and Section 404(b)(1) Evaluation. The

Recommended Alternative described in this Environmental Assessment includes site specific measures that would be used to implement the Selected Alternative. This document 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 significant degradation of the human environment and 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 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 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 in the Environmental Assessment and Section 404(b)(1) Evaluation.

CULTURAL RESOURCES: The Corps will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. An archeological background review of the proposed project area was conducted utilizing the Missouri Department of Natural Resources Archeological Viewer (on-line); shipwreck location maps (Chittenden 1897 and Trail 1858-1965); Lewis and Clark camp site maps, and historic Missouri River channel location maps. The background review found no National Registry of Historic Properties-listed properties, archeological sites, shipwrecks, or Lewis and Clark campsites within the proposed project area.

The Corps provided the State Historic Preservation Officer (SHPO) with a determination of no historic properties affected by the proposed project and in a response letter dated January 27, 2016, the SHPO provided concurrence with the Corps' determination on February 4, 2016, that there would be "no historic properties affected" by the proposed project. In addition, the Corps will take into consideration any information from affiliated Native American tribes or the public on any sites or traditional cultural properties that may be of concern

ENDANGERED SPECIES: This project "may affect but is not likely to adversely affect" pallid sturgeon. Any impacts to pallid sturgeon would be beneficial. The project is expected to promote interception and retention of free drifting embryos and larval sturgeon in areas with sufficient prey for first feeding and for growth through the juvenile life stage. The Recommended Plan would result in an interception ratio of 0.37 and 41.6 acres and foraging habitat when fully developed. It would result in an additional 9.1 AAHUs of interception rearing complex habitat compared to the No-Action/Future Without-Project Condition.

This project would have "no effect" on Indiana bat, northern long-eared bat, or gray bat. The Recommended Plan is not located in the immediate vicinity of any caves and would not impact any trees used by these species. It would also have "no effect" on least tern, piping plover, or rufa red knot. These species may migrate through the region but are not known to utilize the project area. In order to complete our evaluation of this activity, comments are solicited from the USFWS 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 its very nature, this project takes place within the floodplain. It is not anticipated to add additional development in the floodplain. 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 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 may be reasonably 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 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 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 Corps 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 permit. 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 2 of this public notice.

PUBLIC MEETING: A public meeting will be held to provide information and solicit comments on May 24, 2016, from 5:00–7:00 p.m. at the Marshall City Hall, 214 North Lafayette, Marshall, Missouri 65340.



Figure 1. General Vicinity Map



Figure 2, Map depicting the overall Searcys Bend project area



Figure 3. The Recommended plan. Numbers with a + or – in front represent the elevation in feet of the structure compared to the elevation construction reference plane.