

PUBLIC NOTICE



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

**Permit No. 2010-427
Issue Date: July 31, 2012
Expiration Date: August 21, 2012**

21-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: ProEnergy Services
2001 ProEnergy Blvd.
Sedalia, Missouri 65301

PROJECT LOCATION (As shown on the attached drawings): Unnamed tributary of Brushy Creek in Section 32, Township 46 north, Range 21 west, Pettis County, Missouri.
USGS QUADS: SEDALIA WEST, MO and SEDALIA EAST, MO
Latitude: 38.7186 - Longitude: -93.2506

AUTHORITY: Section 404 of the Clean Water Act (33 USC 1344)

ACTIVITY (As shown on the attached drawings): A completed detention basin impacting approximately 340 linear feet of a tributary of Brushy Creek was constructed in 2006 without Corps of Engineers authorization. An earthen berm was constructed with soil excavated from the basin, and a concrete outfall structure exists at the downstream (southern) end of the detention basin. The purpose of the detention basin is to capture rainwater runoff from adjacent commercial development.

WETLANDS/AQUATIC HABITAT: No known wetlands were impacted by the project. Approximately 340 linear feet (0.05 acre) of a jurisdictional, intermittent stream was impacted by the project.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The applicant proposes compensatory mitigation by making a financial contribution to an in lieu fee program for the unavoidable loss of stream habitat.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Jon R. Miller, Missouri State Regulatory Office, 221 Bolivar Street, Suite 103, Jefferson City, Missouri 65101 at telephone number 816-389-3828, or by FAX at 573-634-7960, or via email at jon.r.miller@usace.army.mil. All comments to this public notice should be directed to the above address.

CULTURAL RESOURCES: Kansas City District will comply with the National Historic Preservation Act of 1966 and 36 CFR 800. We have checked the National Register of Historic Places and the Federal Register and no property listed in the Register or proposed for listing is located in the permit area. This is the extent of our knowledge about historic properties in the permit area at this time. However, we will evaluate input by the State Historic Preservation Officer, Tribal Historic Preservation Officers (or Tribe designated representative) and the public in response to this public notice, and we may conduct or require a reconnaissance survey of the permit area to check for unknown historic properties, if warranted.

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. In order to complete our 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 that believe the described work will adversely impact the floodplain.

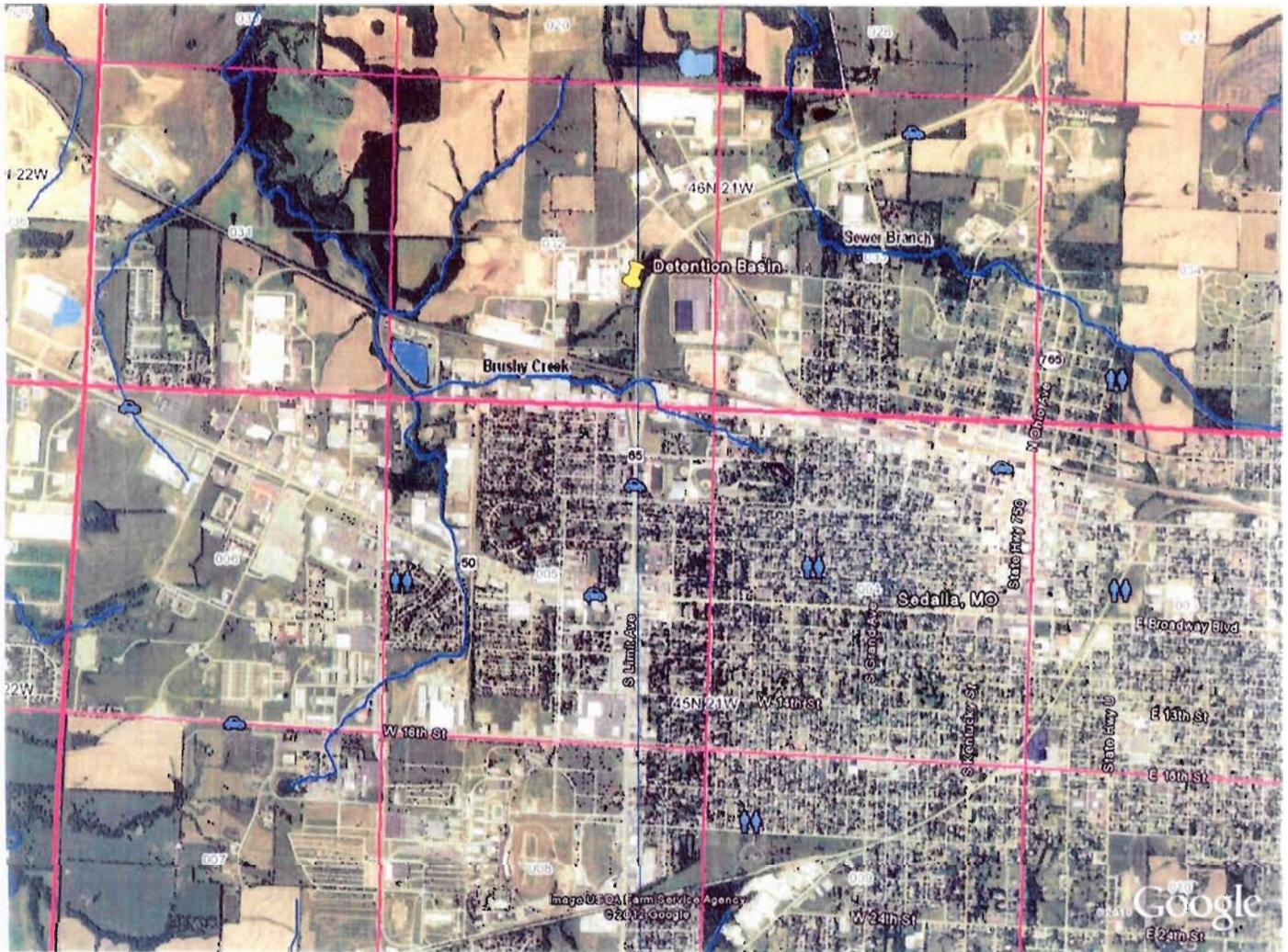
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application 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 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 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 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.



LOCATION MAP

APPLICATION NO. NWK-2010-427
PROENERGY SERVICES
COMPLETED DETENTION BASIN
UNNAMED TRIBUTARY OF BRUSHY CREEK
PETTIS COUNTY, MISSOURI
SHEET 1 OF 8
DATED 31 JULY 2012



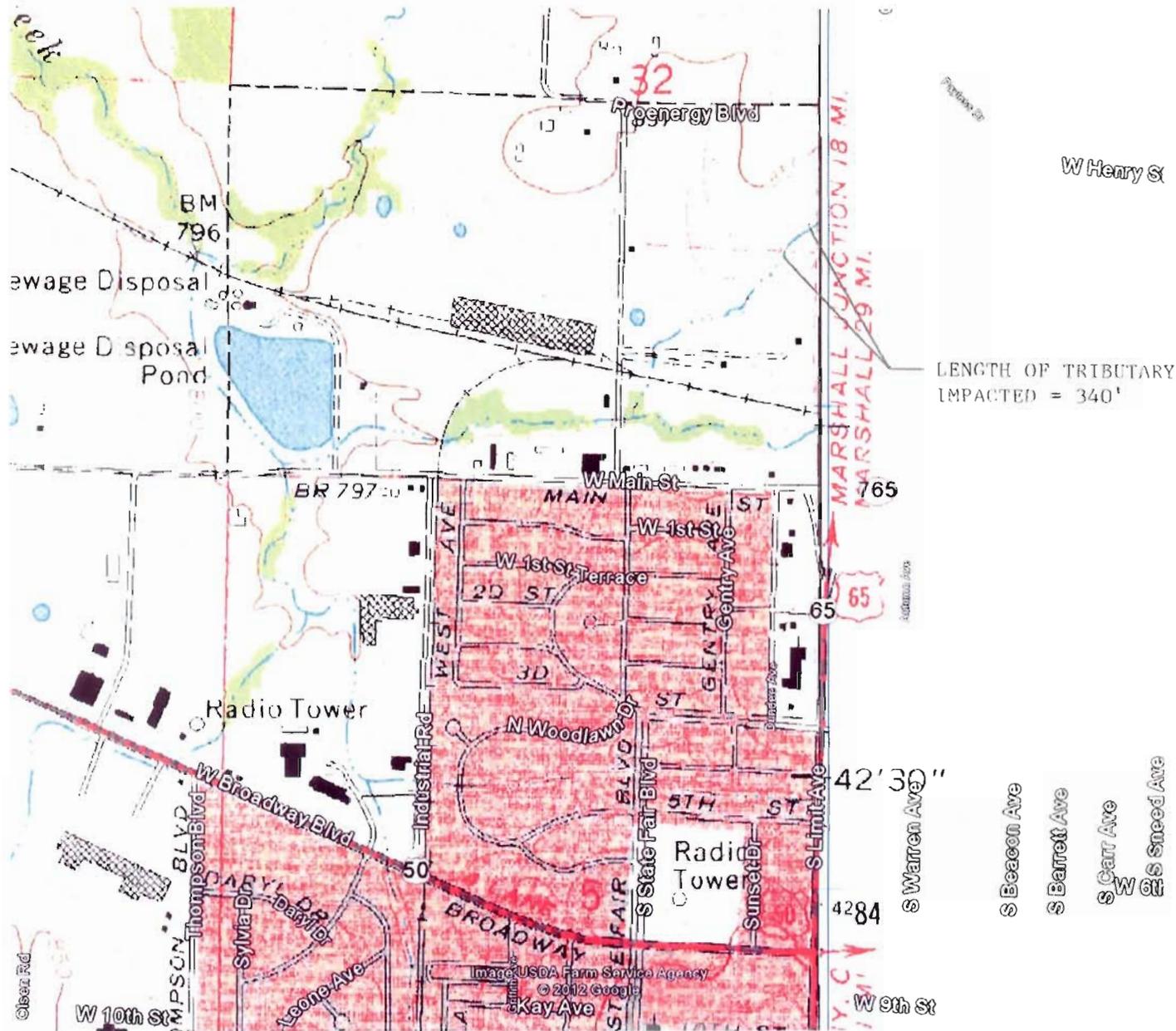
LOCATION MAP

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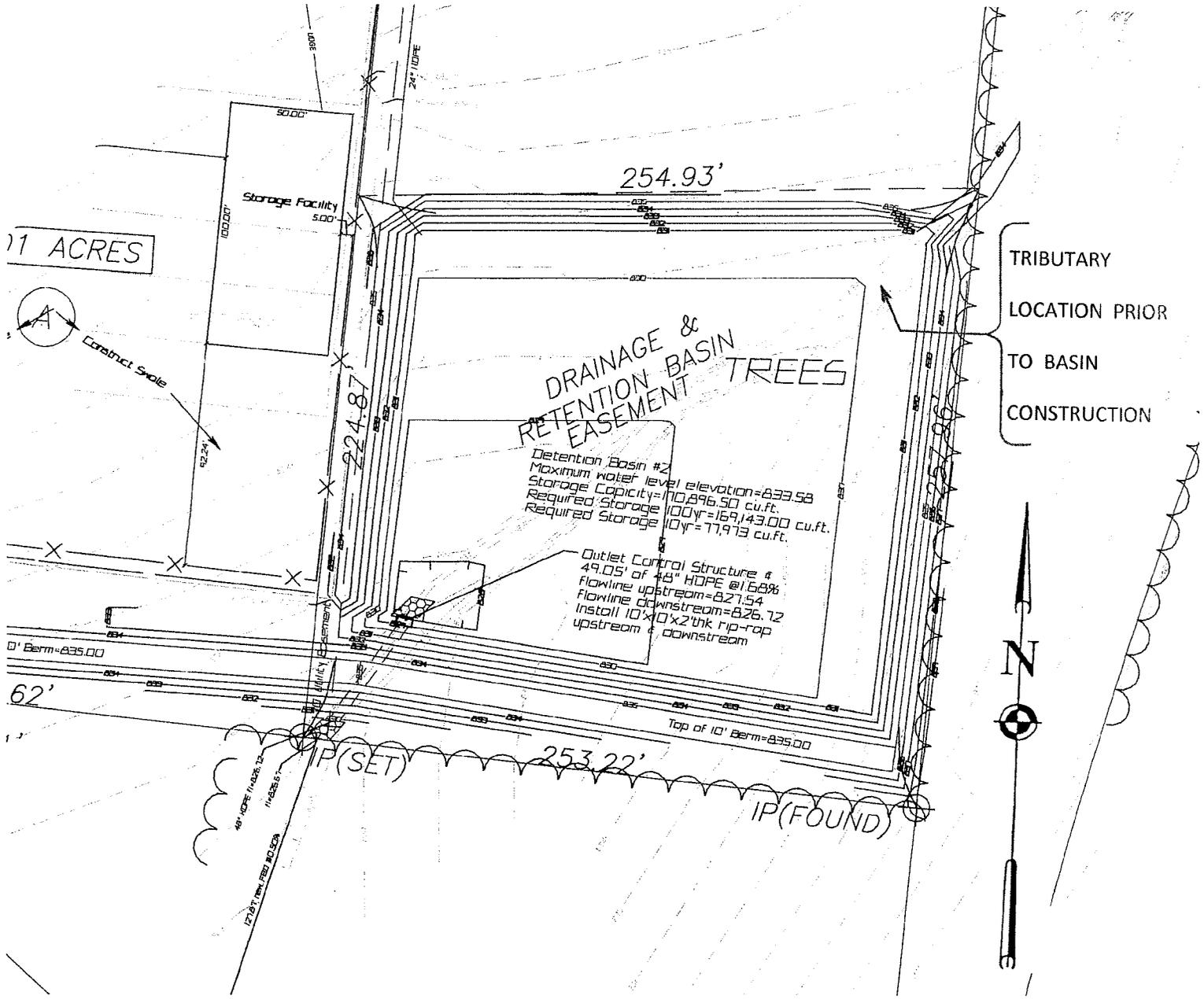


LOCATION MAP

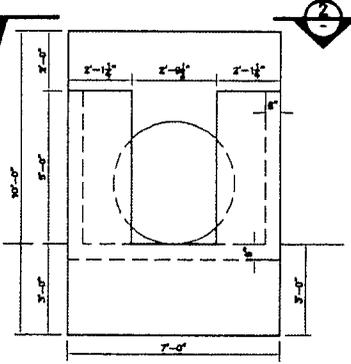
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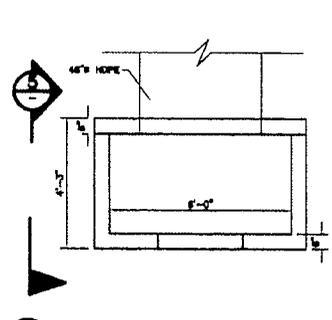
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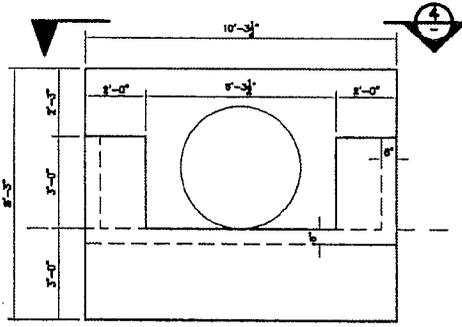
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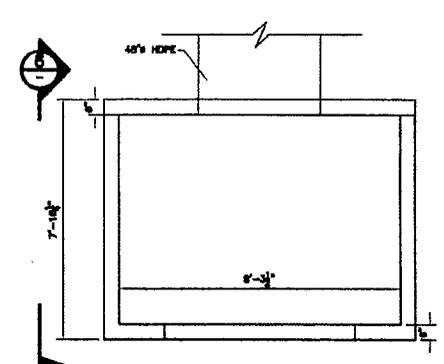
1 ELEVATION: EAST DETENTION BASIN WEIR
SCALE: 1/2" = 1'



2 PLAN: EAST DETENTION BASIN WEIR
SCALE: 1/2" = 1'



3 ELEVATION: WEST DETENTION BASIN WEIR
SCALE: 1/2" = 1'



4 PLAN: WEST DETENTION BASIN WEIR
SCALE: 1/2" = 1'

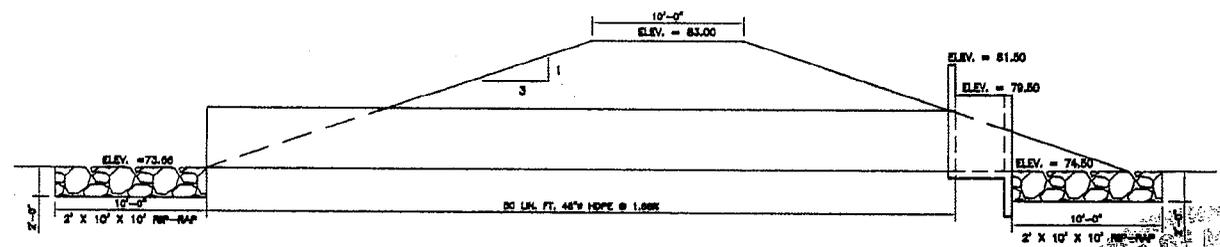
GENERAL NOTES:

1. CONCRETE TO HAVE $f_c = 3,000$ PSI COMPRESSIVE STRENGTH.
2. REINFORCING STEEL TO HAVE $f_y = 60,000$ PSI TENSILE STRENGTH.
3. REINFORCING STEEL TO HAVE 2" (MIN.) COVER.
4. REINFORCING STEEL SPACING MAY BE ADJUSTED TO FIT.
5. VERTICAL REINFORCING STEEL TO HAVE "L" SHAPE SEE BELOW.

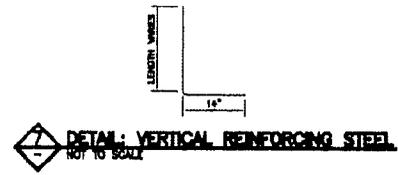


VERTICAL BAR DETAIL

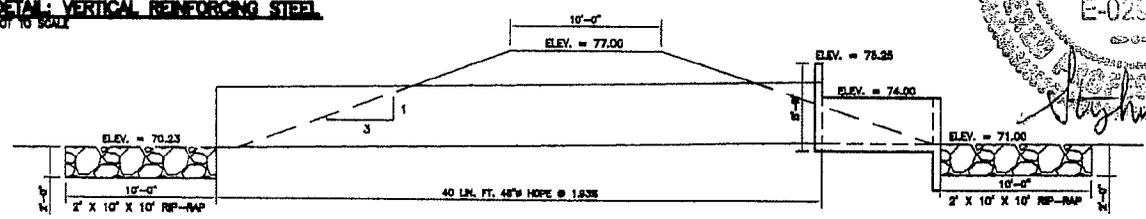
EAST DETENTION BASIN WEIR REINFORCING STEEL				
SECTION	DIRECTION	BAR SIZE	NO. OF BARS	SPACING
TIDE WALL	HORIZONTAL	#5	3	10"
TIDE WALL	VERTICAL	#5	8	12"
SIDE WALL	HORIZONTAL	#5	4	14"
SIDE WALL	VERTICAL	#5	8	9-1/2"
FRONT WALL	HORIZONTAL	#5	4	14"
FRONT WALL	VERTICAL	#5	3	7"
REAR WALL	HORIZONTAL	#5	6	13-1/3"
REAR WALL	VERTICAL	#5	8	10"
FLOOR	TRANSVERSE	#5	6	9-1/2"
FLOOR	LONGITUDINAL	#5	8	10"



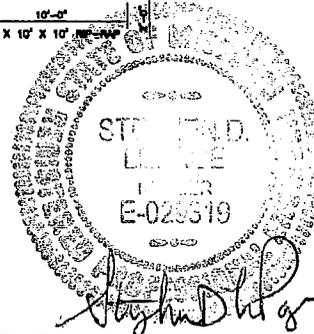
5 SECTION: EAST DETENTION BASIN WEIR
SCALE: 1/4" = 1'



7 DETAIL: VERTICAL REINFORCING STEEL
NOT TO SCALE

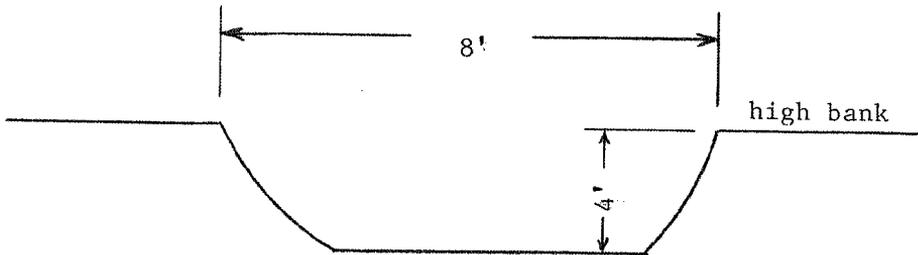


6 SECTION: WEST DETENTION BASIN WEIR
SCALE: 1/4" = 1'



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REFER TO EAST DETENTION BASIN ONLY



TYPICAL CROSS SECTION

TRIBUTARY PRIOR TO BASIN CONSTRUCTION

NOT TO SCALE

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