

# PUBLIC NOTICE



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

**Permit No. 2011-1671  
Issue Date: June 25, 2012  
Expiration Date: July 25, 2012**

**30-Day Notice**

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This notice is to announce the proposed establishment of the Crimson Ridge Stream Mitigation Bank (Bank). The Kansas City District, Corps of Engineers, Regulatory Branch requests comments from the public and from local, state, and federal resource agencies on the establishment of this Bank. If approved, this compensatory stream mitigation bank will be used to replace lost aquatic resources that result from the issuance of Department of the Army permits for the discharge of dredged or fill material into waters of the United States. A representative from the U. S. Army Corps of Engineers, along with representatives from several state and federal resource agencies, reviewed the restoration plan at the proposed site and determined that the restoration of aquatic resources is feasible at the selected site. If the proposed mitigation bank is approved, construction would be authorized by Nationwide Permit No. 27. The Bank prospectus may be viewed or downloaded at <http://www.nwk.usace.army.mil/regulatory/CurrentPN/2011-1671Prospectus.pdf>. Please review the Bank prospectus and provide comments to: **U.S. Army Corps of Engineers, Kansas City District, ATTN: OD-R, Suite 402, 601 East 12<sup>th</sup> Street, Kansas City, Missouri 64106-2896.**

**BANK SPONSOR:** Habitat Kansas, LLC  
24820 Miller Road  
Harrisonville, Missouri 64701

**PROJECT LOCATION** (As shown on the attached drawings): The proposed Bank is composed of the undeveloped stream corridors within the Crimson Ridge residential development which is generally located north of 47<sup>th</sup> Street near the intersection with Anderson Street in Shawnee, Johnson County, Kansas. The 14.51-acre site is located in the southwest ¼ of Section 34 of Township 11 South, Range 23 East.  
Latitude: 39.047° North, Longitude: 94.848° West (USGS 1:24K QUAD: KS-Edwardsville).

**AUTHORITY:** The discharge of dredged and/or fill material into waters of the United States necessary to complete the restoration project and resulting in this proposed Bank is regulated under Section 404 of the Clean Water Act (33 USC 1344) and would be authorized by Nationwide Permit (NWP) No. 27. The impacted waters of the United States that would be mitigated by the proposed Bank are also regulated under Section 404. The proposed Bank will be evaluated and established (if approved) in accordance with federal regulation titled “Compensatory Mitigation for Losses of Aquatic Resources: Final Rule” (33 CFR Parts 325 and 332, 40 CFR Part 230) issued April 10, 2008 in the Federal Register (pages 19594 to 19705).

**ACTIVITY:** The objectives for the Bank and for the watershed are to restore existing aquatic resources, increase the amount of aquatic and upland habitat, and prevent future aquatic resource impairment. To achieve these goals, the Sponsor proposes to restore 7.36 acres of riparian corridor, enhance 7.15 acres of riparian corridor, restore 5,458 linear feet of intermittent stream channel, and restore 262 feet of ephemeral stream channel.

The riparian corridor will be restored or enhanced by selectively removing invasive species while leaving existing native vegetation and planting native plant species.

The stream channels will be restored or enhanced by removing approximately 400-feet of abandoned sewer pipes and concrete encasements, installing 10 grade-control structures and four areas of bank stabilization within the intermittent and ephemeral stream channels and by armoring seven non-jurisdictional drainage ditches. These activities will result in the discharge of rock in a total of 0.136 acres of stream bed.

**WETLANDS/AQUATIC HABITAT:** The Bank sponsor applied the Kansas Stream Mitigation Guidance (KSMG) to determine the total of potential stream credits that could be generated at the Bank site. The Bank sponsor requests 6,530.94 compensatory stream mitigation credits for the riparian buffer enhancement on the site. In addition, the Bank sponsor requests 29,135.3 compensatory stream mitigation credits in-stream restoration work. The total number of stream credit that may become available for stream mitigation, as proposed by the bank sponsor, is 35,716.24. The Corps of Engineers will apply the KSMG document to determine the number of stream debits that occur from the loss of stream habit at any given Department of the Army permit site that may be mitigated through the proposed Bank.

**ADDITIONAL INFORMATION:** Additional information about this proposed mitigation banking project may be obtained by contacting Mr. Cody Wheeler, Kansas City District, Regulatory Branch, 601 East 12<sup>th</sup> Street, Kansas City, Missouri 64016, by telephone at 816-389-3739 (FAX 816-389-2032) or by email at [cody.s.wheeler@usace.army.mil](mailto:cody.s.wheeler@usace.army.mil).

**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 and have made a determination that the proposed project will have no effect on historic properties as defined in 36 CFR 800. The Kansas State Historical Society, in a letter dated May 10, 2012, concurred with this determination.

**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. The Kansas Department of Health and Environment (KDHE) certified that activities completed under the authority of NWP No. 27 will not exceed the water quality standards of the state as long as the conditions contained within the certification are followed. The KDHE water quality certification for this NWP can be reviewed at [http://www.nwk.usace.army.mil/regulatory/NWP\\_2012/KS/KSWQC.pdf](http://www.nwk.usace.army.mil/regulatory/NWP_2012/KS/KSWQC.pdf).

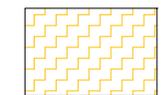
**PUBLIC INTEREST REVIEW:** The decision to approve the proposed compensatory mitigation bank will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and 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 approve or deny the use of the restored resources as a mitigation bank. 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 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 the approval of the mitigation bank 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 approve the compensatory mitigation bank. 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.

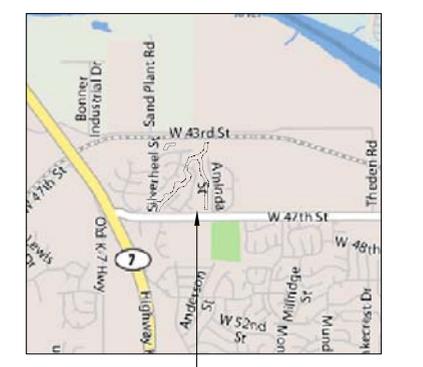
**PUBLIC HEARING:** Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

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

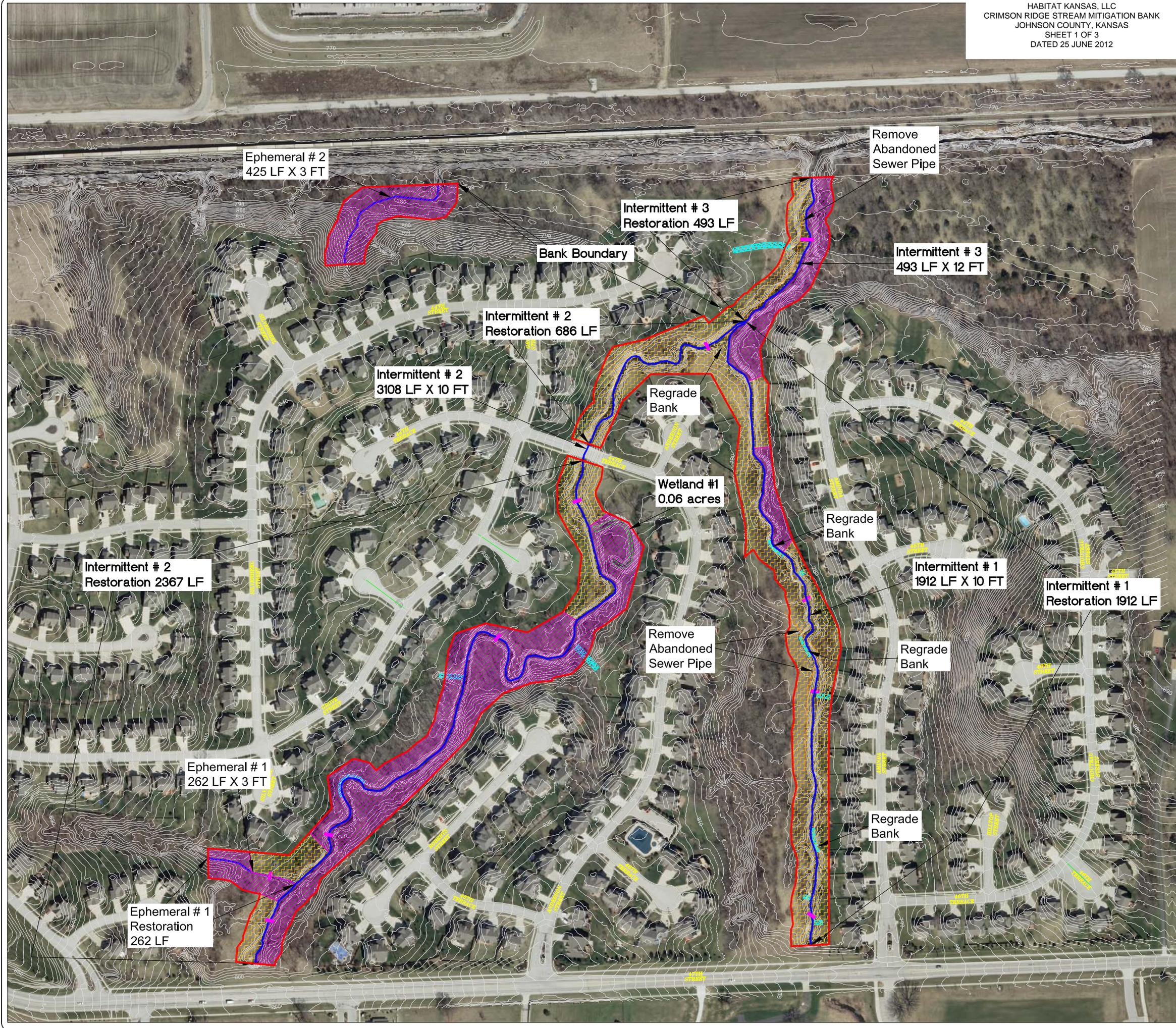
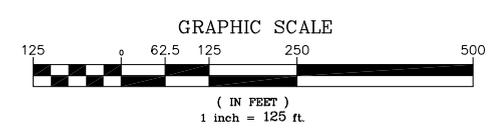
<http://www.nwk.usace.army.mil/regulatory/CurrentPN/currentnotices.htm>

-  Riparian Restoration  
7.36 acres
-  Riparian Enhancement  
7.15 acres

- Proposed In-Stream Improvements
-  Grade Control Structure
  -  Rock Blanket and Bank Grading
  -  Remove Abandoned Sewer Main



Site Location  
 T11S-R23E-S34  
 Shawnee, Johnson County, Kansas  
 14.51 acres



**JURISDICTIONAL ASSESSMENT**

**Wetland 1: 0.06 acres**

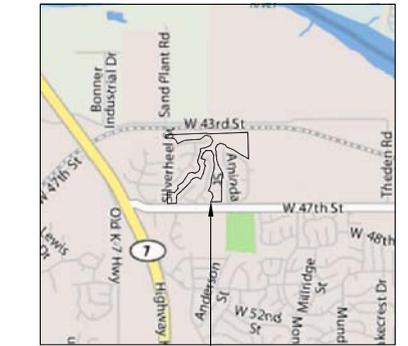
**TOTAL WETLAND AREA: 0.06 ACRES**

**Ephemeral 1: 262 LF, OHWM: 3 FT**  
**Ephemeral 2: 425 LF, OHWM: 3 FT**

**TOTAL EPHEMERAL LENGTH: 687 LF**

**Intermittent 1: 1912 LF, OHWM: 10 FT**  
**Intermittent 2: 3108 LF, OHWM: 10 FT**  
**Intermittent 3: 493 LF, OHWM: 12 FT**

**TOTAL INTERMITTENT LENGTH: 5513 LF**



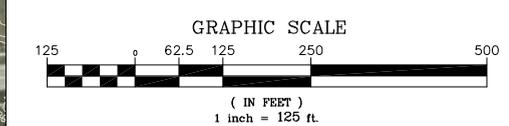
**Site Location**  
 T11S-R23E-S34  
 Shawnee, Johnson County, Kansas  
 40.7 acres

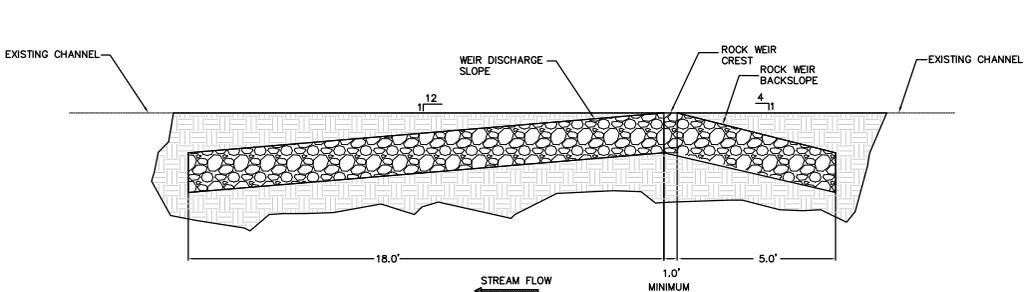
**Proposed In-Stream Improvements**

-  Grade Control Structure
-  Rock Blanket and Bank Grading
-  Remove Abandoned Sewer Main

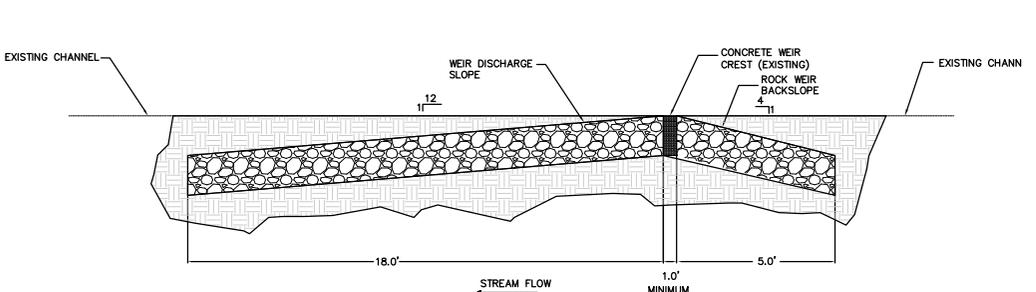
**Utilities**

-  Storm Water
-  Sewer Mains
-  Gas Mains
-  Water Mains

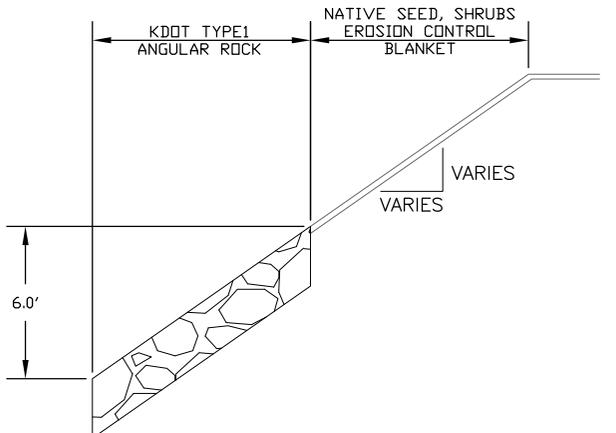




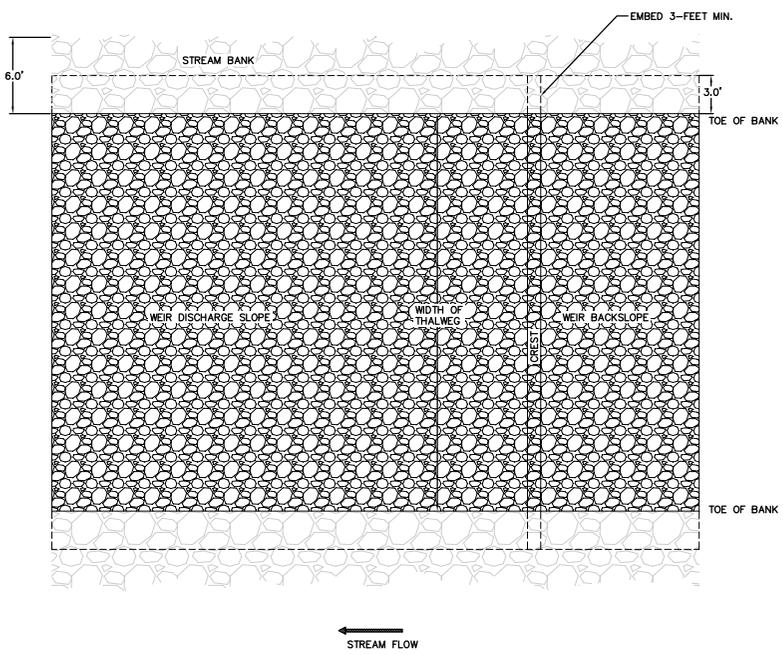
SECTION V-P (PROFILE)  
NEWBURY RIFFLE  
N.T.S.



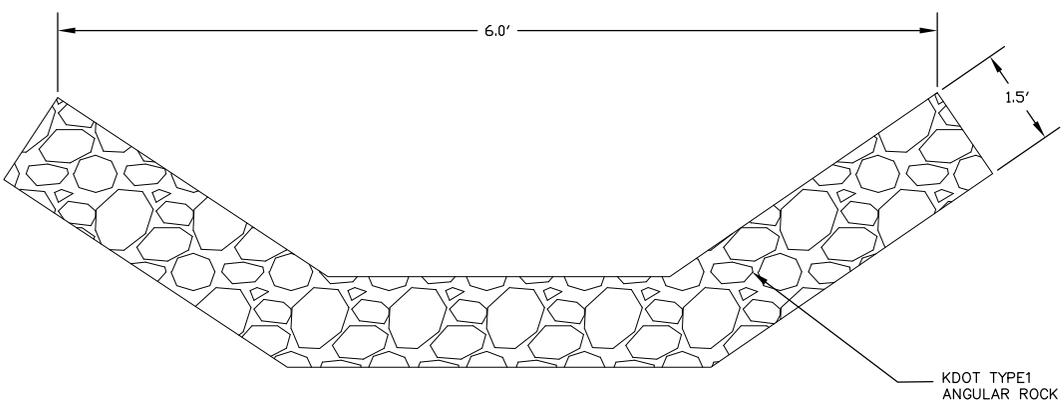
NEWBURY RIFFLE AT CONCRETE-ENCASED  
UTILITY CROSSING  
N.T.S.



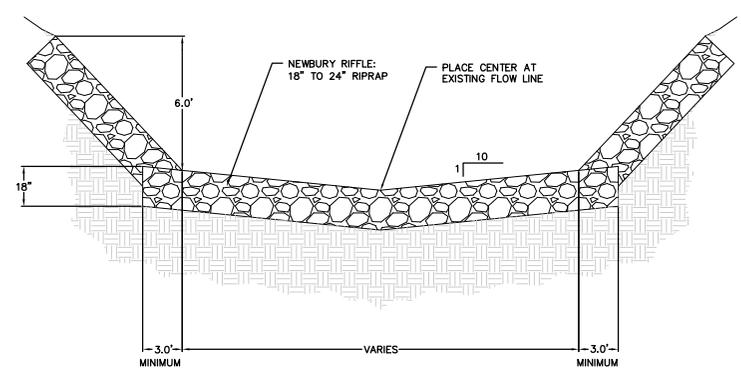
Bank Stabilization Detail  
N.T.S.



TYPICAL DETAIL (PLAN)  
NEWBURY RIFFLE  
N.T.S.



Storm Water Outfall Armoring  
N.T.S.



TYPICAL SECTION V-S  
NEWBURY RIFFLE  
N.T.S.