

PUBLIC NOTICE



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

**Permit No. NWK-2012-1050
Issue Date: September 7, 2012
Expiration Date: September 28, 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: Don Walsworth
306 North Kansas Avenue
Marceline, Missouri 64658

PROJECT LOCATION (As shown on the attached drawings): Cut-Off Lake – Approximately 2 ½ miles southwest of Dalton, Missouri, at Cut-Off Lake (a privately owned oxbow of the Missouri River), in Section 27, Township 52 north, Range 19 west, Chariton County, Missouri. [Brunswick East Quadrangle – Latitude: 39.374229 degrees; Longitude: -92.03069 degrees].

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

ACTIVITY (As shown on the attached drawings): Proposed – The applicant proposes to excavate a shallow 2 to 3 acre wetland pool at the upper (north) end of Cut-Off Lake. Approximately 8,000 cubic yards of sediment will be mechanically scraped from the dry lakebed, with portions of the excavated material redeposited onto the lakebed to construct a low-profile berm that will surround the excavated site to create a pool (1½ feet to 2 feet deep) within the lake proper. The low-profile berm will measure approximately 1,100 feet long by 18 feet wide (at base) by 2 feet tall, with 1 foot vertical by 4 foot horizontal side slopes. The remainder of the excavated material will be placed in the following three locations:

- 1) a minimal amount of soil will be redeposited lakeward of the berm to create three (3) small habitat mounds (islands);
- 2) an undefined amount of soil will be placed in an upland site around a small hunting lodge located on a peninsula leading to the proposed project site;
- 3) an undefined amount of soil will be placed on a wetland portion of the peninsula, adjacent to the project sites.

Approximately ½ acre of lakebed will be covered by the footprint of the low-profile berm, with a lesser amount covering emergent wetlands located on the adjacent peninsula. The applicant proposes to initiate the work during dry lakebed conditions and all of the work will occur on the applicant's property.

Note: The applicant received a Department of the Army permit in 1993 (Permit No. 2SB OXR 1 3320) for similar work at this site, however, no work under the permit was ever initiated.

WETLANDS/AQUATIC HABITAT: Cut-Off Lake is an old oxbow located in the Missouri River floodplain. Palmer Creek flows through the oxbow complex from the north and exits the area through the Dalton Cut-Off Water Control Structure at the south end of the system. The system is partially enclosed by federally regulated levees (The Missouri River Levee System) and has been impacted by sedimentation from both natural and man-induced actions. The oxbow is divided into private ownership and used mostly for duck hunting purposes. The entire system can be characterized as a water body that fluctuates between shallow open water to marshland to dry lakebed habitat dependent on seasonal conditions. Some wooded wetlands are located within the wetland complex.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The applicant proposes to complete the project in a manner in which there will be no net loss of wetlands at the site. All excavation will occur during dry lakebed conditions. No excavated sediment will be placed within the oxbow or adjacent emergent wetlands at a height greater than that of the existing surrounding wetlands. Therefore, only a brief temporal loss of wetland habitat will occur prior to the sediment naturally vegetating. The applicant states that the project will be environmentally beneficial because the work will diversify the wetland habitat at the upper end of the oxbow. For these reasons the applicant proposes no compensatory mitigation for this project.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. James Ptacek at the Missouri State Regulatory Office, 221 Bolivar Street, Suite 103, Jefferson City, Missouri 65101 or by calling 816-389-3834 or email to james.a.ptacek@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.

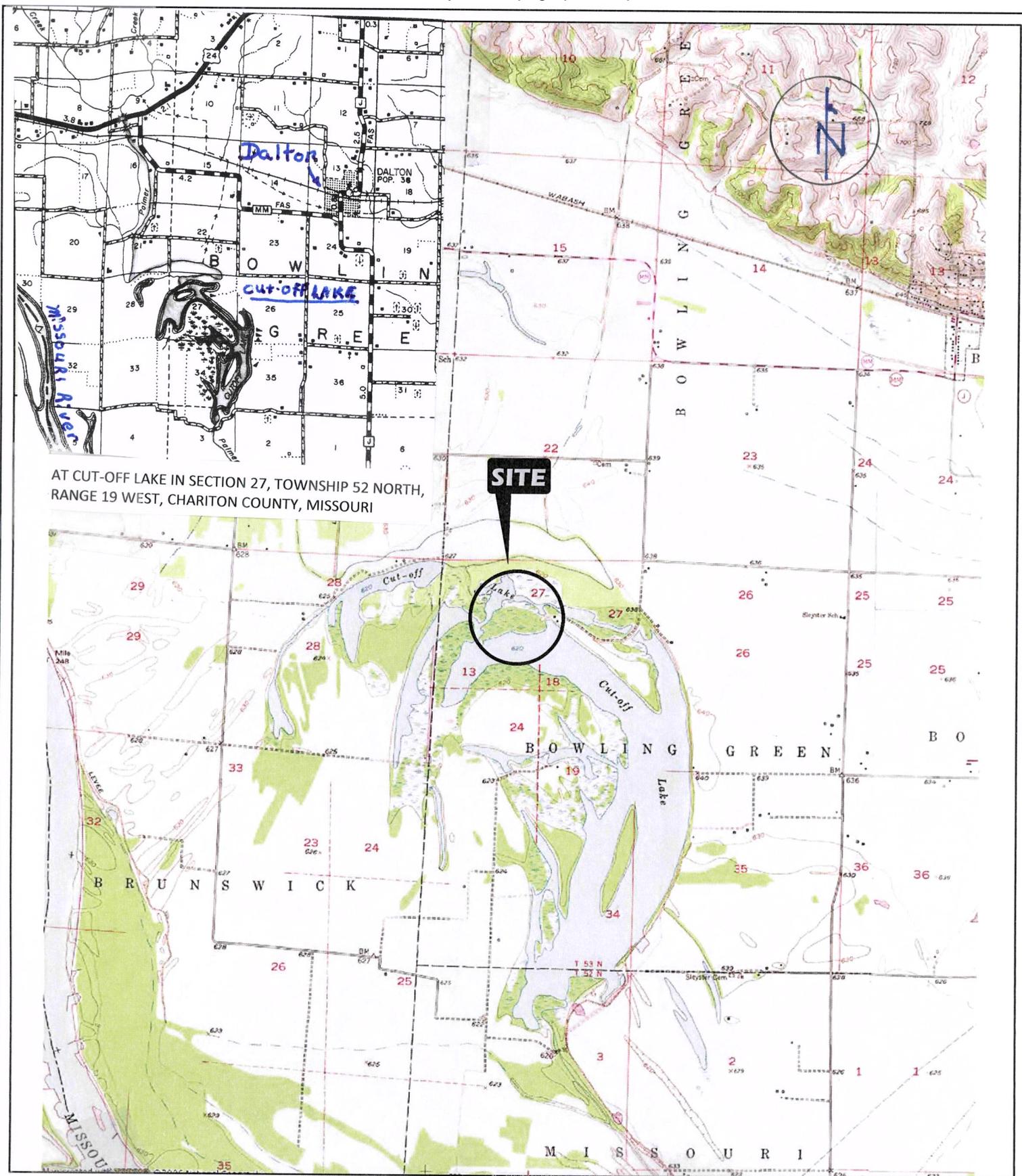
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application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

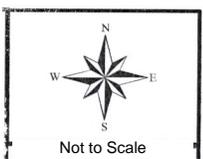
PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

Vicinity and Topographic Map

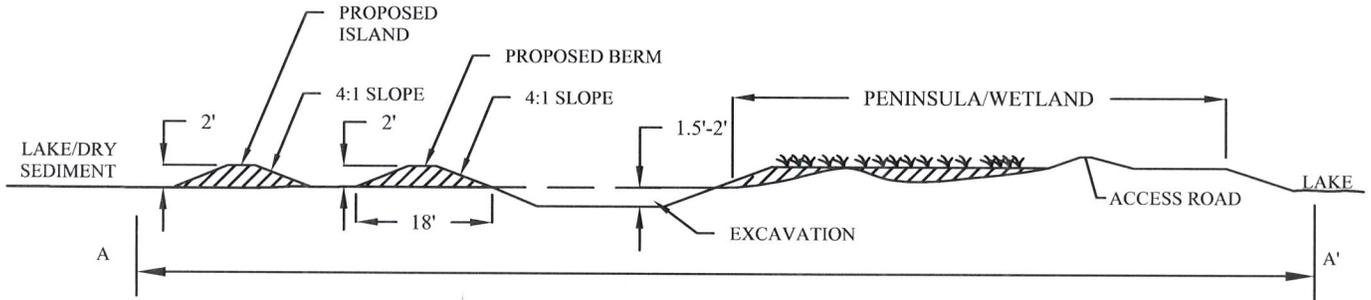


AT CUT-OFF LAKE IN SECTION 27, TOWNSHIP 52 NORTH,
RANGE 19 WEST, CHARITON COUNTY, MISSOURI

APPLICATION NO. NWK-2012-1050
DON WALSWORTH
EXCAVATION AND FILL ACTIVITIES
CUT-OFF LAKE
CHARITON COUNTY, MISSOURI
SHEET 1 OF 2
DATED 7 SEPTEMBER 2012

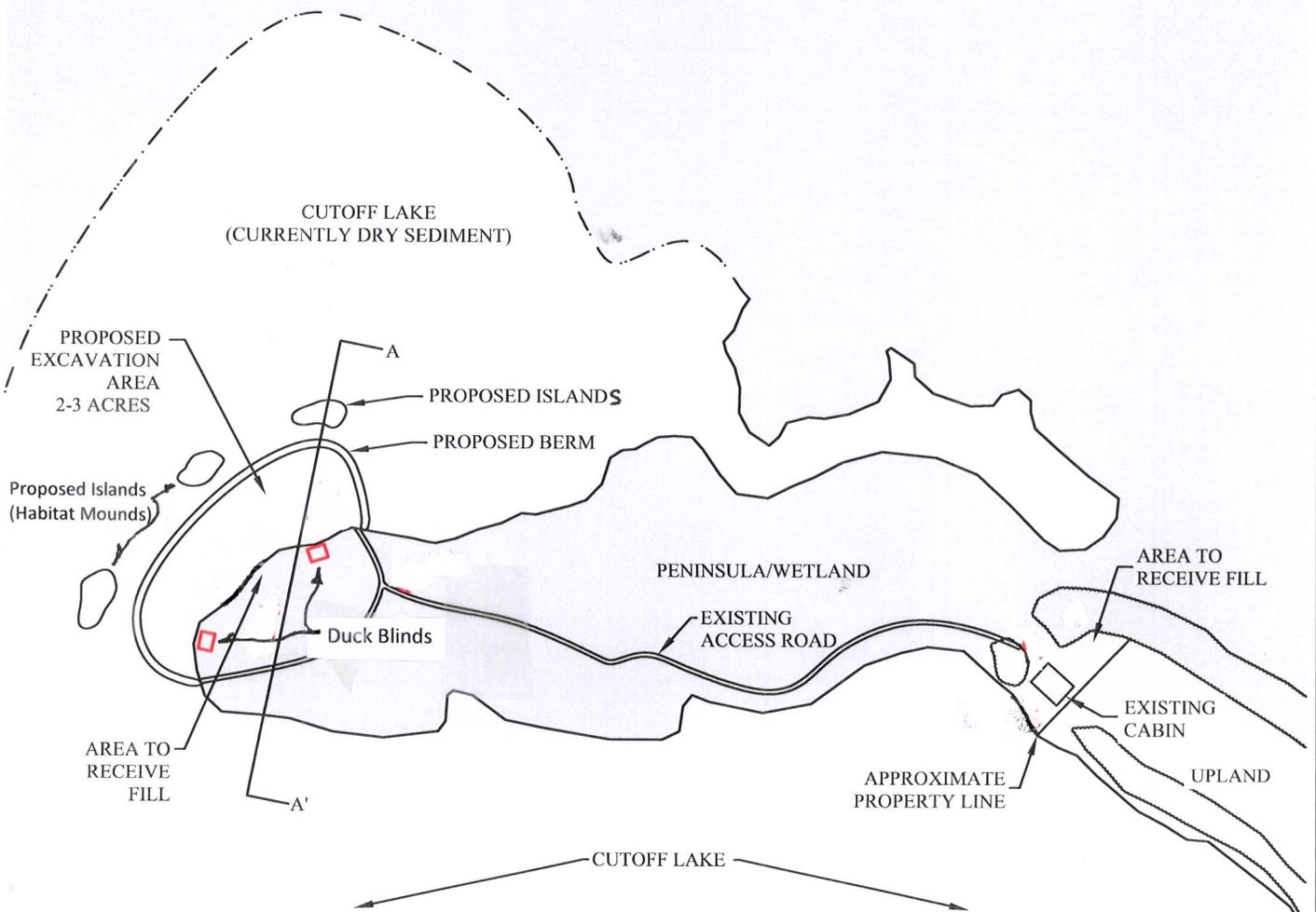


Wetland Delineation and Preliminary Site Plan



 AREA TO RECEIVE FILL

CROSS SECTION



PLAN VIEW

APPLICATION NO. NWK-2012-1050
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