

PUBLIC NOTICE



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

**Permit No. 2012-1313
Issue Date: September 13, 2012
Expiration Date: October 4, 2012**

21-Day Notice

JOINT PUBLIC NOTICE: This public notice is issued jointly with the Kansas Department of Health and Environment. The Department of Health and Environment 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 Kansas Department of Health and Environment, Bureau of Water - - Watershed Management Section, 1000 SW Jackson Street, Suite 420, Topeka, Kansas 66612-1367.

APPLICANT: Rock Creek Watershed Joint District No. 45
PO Box 246
Westmoreland, KS 66549

PROJECT LOCATION (As shown on the attached drawings): The project is located in a tributary to Boxelder Creek in Section 29, Township 8 south, Range 10 east, Pottawatomie County, Kansas. (Latitude: 39.32164 – Longitude: -96.32771 – Quad: Louisville)

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

ACTIVITY: Proposed. The applicant proposes the placement of approximate 700 cubic yards of fill material for the construction of an earthen floodwater detention dam. The new watershed impoundment would have a 5.5 acre permanent pool and would fill/inundate 1,214 linear feet of an intermittent with pools stream channel. The proposed dam would be 770 feet long, 30 feet high, have a 3:1 front slope, 2.5:1 back slope and have a 14 foot top width. The purpose as stated by the applicant is to create a multi-purpose dam that provides flood control, sediment retention, water quality improvement, recreational and wildlife benefits and additional water sources to supplement downstream flows.

WETLANDS: A wetland delineation completed by the applicant identified a < .01 acre emergent wetland and depressional wetland within the proposed project site.

AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

The applicant proposes to use on site preservation and buffers for mitigation. The mitigation would include cattle exclusion and buffers on the downstream and upstream of the channel, and a buffer and cattle exclusion around the impoundment. The mitigation would be required to meet the Kansas Stream Mitigation Guidelines.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Lee Wolf, U.S. Army Corps of Engineers, Kanopolis Satellite Office, 107 Riverside Drive, Marquette, Kansas 67464, or by calling 785-546-2130 (FAX 785-453-2050), email: lee.n.wolf@usace.army.mil . All comments to this public notice should be directed to the above address.

STATE AUTHORIZATION: The applicant has applied for a permit from the Kansas Department of Agriculture pursuant to Kansas Statutes Annotated 82a-301 to 305.

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.

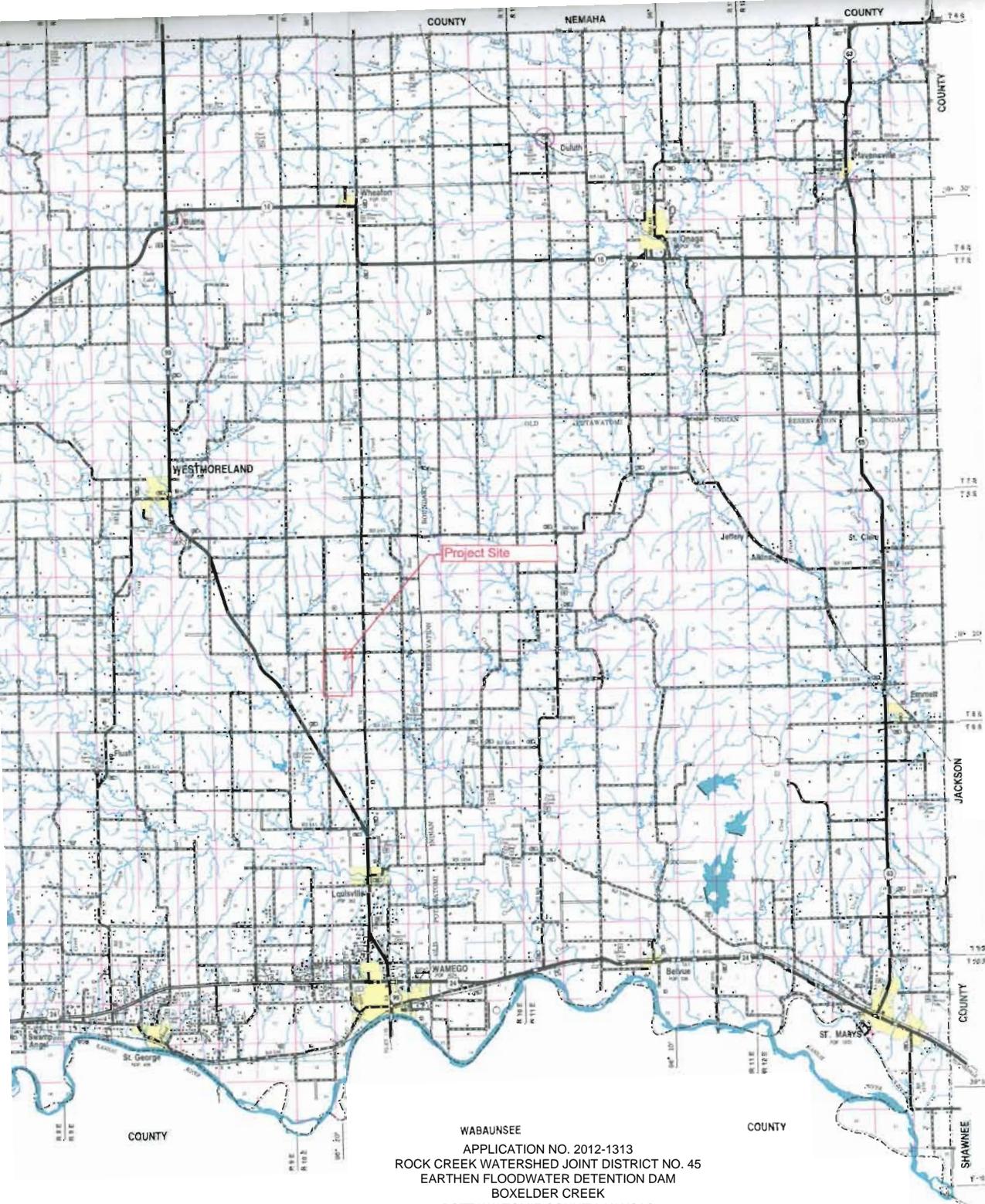
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application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

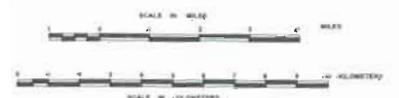


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State Highway	State Highway	Public Railroad	Public Railroad
County Road	County Road	Private Railroad	Private Railroad
Proposed Road	Proposed Road	Abandoned Railroad	Abandoned Railroad
State Road and Streets in Unincorporated Areas	State Road and Streets in Unincorporated Areas	Interlocking	Interlocking
ROAD SYSTEM DESIGNATION		RAILROAD SYSTEM	
State Boundary System	State Boundary System	Class 1	Class 1
County Road System	County Road System	Class 2	Class 2
Private Road System (with Interlocking or Non-Interlocking)	Private Road System (with Interlocking or Non-Interlocking)	Class 3	Class 3
Interstate Highway	Interstate Highway	Class 4	Class 4
U.S. Highway	U.S. Highway	Class 5	Class 5
State Highway System in State Unincorporated Area	State Highway System in State Unincorporated Area	Class 6	Class 6
End of Designated System or Non-Interlocking	End of Designated System or Non-Interlocking	Class 7	Class 7
Non-Interlocking Authority	Non-Interlocking Authority	Class 8	Class 8
Interlocking	Interlocking	Class 9	Class 9
State Highway	State Highway	Class 10	Class 10
County Road	County Road	Class 11	Class 11
Proposed Road	Proposed Road	Class 12	Class 12
State Road and Streets in Unincorporated Areas	State Road and Streets in Unincorporated Areas	Class 13	Class 13
RAILROADS		RAILROADS	
Public Railroad	Public Railroad	Private Railroad	Private Railroad
Abandoned Railroad	Abandoned Railroad	Interlocking	Interlocking
Interlocking	Interlocking	Non-Interlocking	Non-Interlocking
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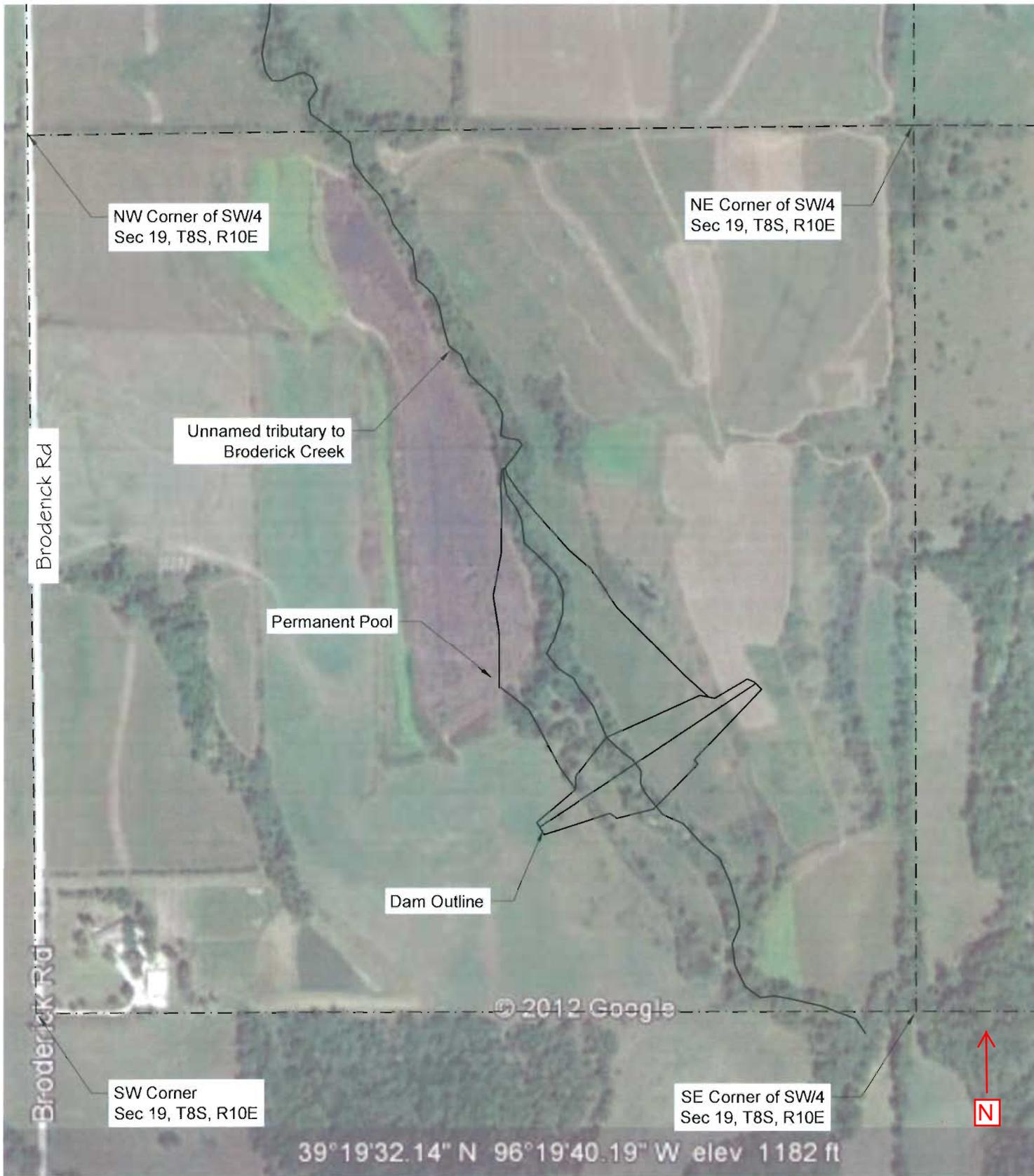
WABAUNSEE COUNTY
 APPLICATION NO. 2012-1313
 ROCK CREEK WATERSHED JOINT DISTRICT NO. 45
 EARTHEN FLOODWATER DETENTION DAM
 BOXELDER CREEK
 POTTAWATOMIE COUNTY, KANSAS
 SHEET 1 OF 3
 DATED 13 SEPTEMBER 2012

GENERAL HIGHWAY MAP POTTAWATOMIE COUNTY KANSAS

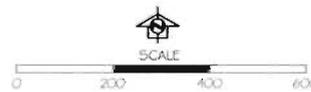
PREPARED BY THE
 KANSAS DEPARTMENT OF TRANSPORTATION
 BUREAU OF TRANSPORTATION PLANNING
 U. S. DEPARTMENT OF TRANSPORTATION
 FEDERAL HIGHWAY ADMINISTRATION



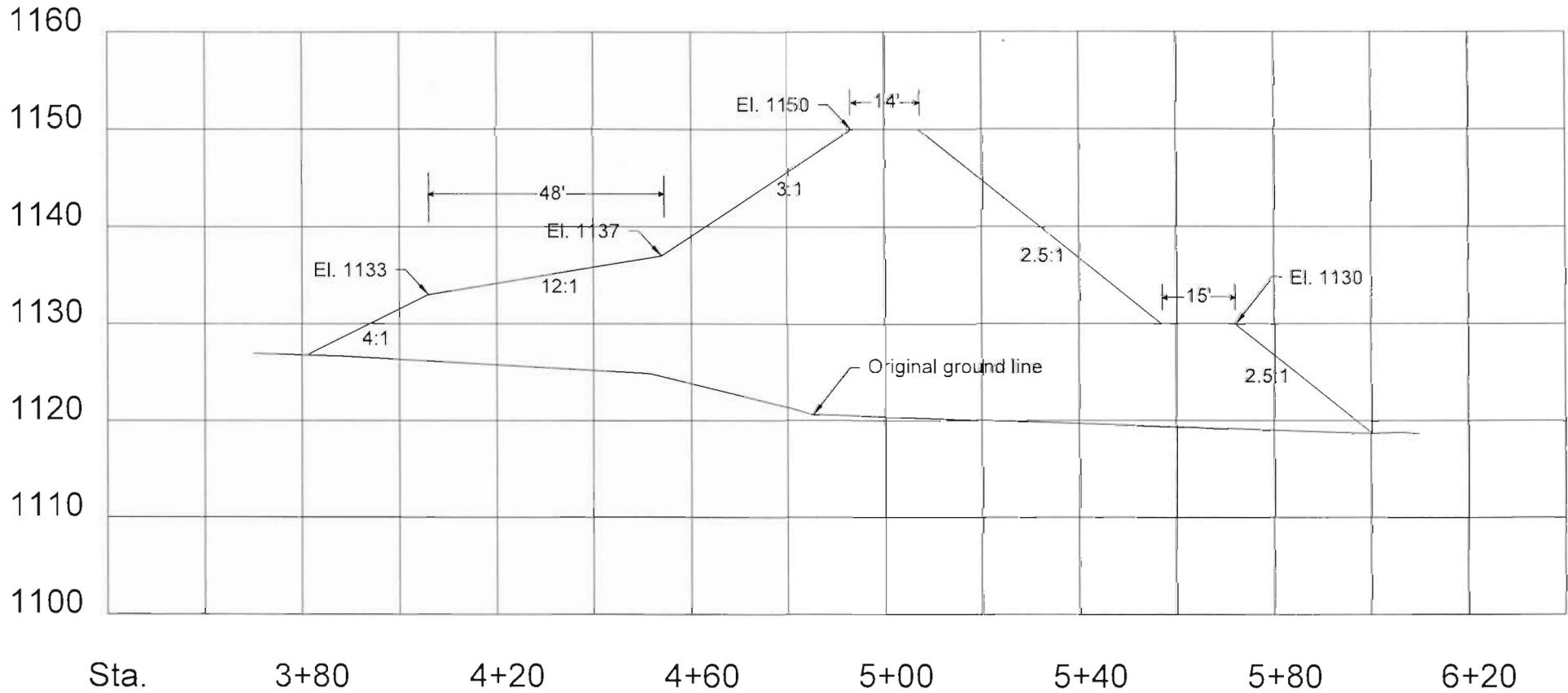
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Plan View
 Site 49A



Rock Creek WJD No. 45 Site 49A - Embankment Cross Section

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