PUBLIC NOTICE

Permit No. NWK-2012-646
Issue Date: August 31, 2012
Expiration Date: September 21, 2012

US Army Corps
of Engineers
Kansas City District

21-Day 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: City of Lenexa, Kansas
12350 West 87th Street Parkway
Lenexa, Kansas 66215

PROJECT LOCATION (As shown on the attached drawings): The project is located in the Northeast quarter of Section 28, Township 12 south, Range 24 east, Johnson County, Kansas. The project site is located southwest of 79th Street and Pflumm Road along Little Mill Creek.
USGS QUAD Lenexa, KS. (Latitude: 38.98279100 and Longitude: -94.74831000)

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

ACTIVITY (As shown on the attached drawings): The proposed work involves constructing 2,200 linear feet (lf) of restored stream flow path of Little Mill Creek (RPW1-1,780 lf) and several small unnamed tributaries to Little Mill Creek (NRPW1-160 lf & NRPW2-260 lf). The proposed work includes adjustment of proper stream length, width, depth and meander pattern, restoring floodplain function and restoring riffle/pool function subject to existing site constraints. Work tasks include:

1) Installing five (5) rock vortex riffle weirs and five (5) pools.

2) Constructing five (5) wetland Best Management Practices; three (3) backwater floodplain systems; and two (2) in-line low flow/ephemeral systems.

3) Protecting existing sanitary sewer by re-constructing three (3) sewer crossing encasements and installing rock to protect exposed sewer line that parallels the new stream flow path.

4) Restoring disturbed stream banks, floodplain and upland areas with native herbaceous seeding, native tree and shrub plantings, rolled erosion control blankets.

5) Relocate the existing park trail.

As a result of the proposed project, Little Mill Creek length will increase by 120 lf and an unnamed tributary to Little Mill Creek (NRPW2) will increase in length by 100 lf. Abandoned flow paths will be reconnected, the existing functional floodplain area of 0.6 acres will be increased to 4.2 acres during bank full/channel forming storm events. New wetland systems, measuring 0.33 acres in area, will provide increased water quality improvement and biotic benefits.

The purpose of the project is to restore stream, floodplain and wetland functions to protect the existing sanitary sewer infrastructure and the park trail system. These features are currently at risk to damage within and adjacent to Little Mill Creek.

Little Mill Creek basin is highly developed with mostly residential and some commercial development in the City of Lenexa. In 2011, a geomorphic evaluation of Little Mill Creek was conducted. It was determined that the historic flow path of Little Mill Creek was more sinuous and effective meander patterns, stream length and floodplain function was lost due to morphologic processes resulting from stream realignments and land use changes. Currently, Little Mill Creek is highly entrenched and produces significant lateral sheer stresses and stream bank erosion. A major headcut nickpoint resulting in a seven (7) foot drop in the streambed elevation is situated within the project area. It has been determined that the headcut is advancing at an average rate of 1-foot per year. As this headcut continues to advance upstream, additional meander pattern, stream length and functional floodplain is anticipated to be lost resulting in additional risk to infrastructure (e.g. sewer, park trails, pedestrian bridges). Also expected, is additional streambank erosion from over-steepened banks, loss of streambed material and impacts to riparian vegetation.

WETLANDS/AQUATIC HABITAT: An estimated 1,670 lf of Little Mill Creek (RPW1) and 160 lf of an ephemeral tributary of Little Mill Creek (NRPW2) will be impacted by the project. Approximately 2,474 cubic yards of insitu soil will be placed into Little Mill Creek (RPW1) and 20 cubic yards of insitu soil will be placed into the ephemeral tributary to Little Mill Creek (NRPW2).

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:

Due to the existing sewer infrastructure being exposed within Little Mill Creek, measures to avoid regulated fills to protect the sewer is not feasible. Options that minimized fills were reviewed. However, installing rock protection within the existing stream alignment has proven to be ineffective in the past and realignment of the sewer would significantly eliminate existing riparian areas situated adjacent to the residential properties. The project, as proposed, effectively accomplishes the purpose and need.

The project impacts on stream resources, were evaluated using the Kansas Stream Mitigation Guidance (KSMG). The Adverse Impact Factors for the project are determined to require 5,906 stream mitigation credits. The KSMG analysis of In-Stream Work/Channel Restoration worksheet identifies a total of 9,997 total stream credits generated by the project. The KSMG worksheet is attached to this notice. Instructions for use of the KSMG are found in the Compensatory Mitigation section of the Kansas City District Regulatory Program website http://www.nwk.usace.army.mil/Missions/RegulatoryBranch/StateofKansas.aspx

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Michael T. McFadden, Regulatory Project Manager, U.S. Army Corps of Engineers at the Kansas City District, Regulatory Branch, 601 East 12th Street, Room 402, Kansas City, Missouri 64106. He may be also contacted by telephone at (816) 389-3432, by FAX at (816) 389-2032, or by email at michael.t.mcfadden@usace.army.mil . All comments to this public notice should be directed to the above address.

STATE AUTHORIZATION: The applicant must apply 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. The State Historic Preservation Officer has already reviewed the project and has indicated that no known properties of concern are present at this site. However, we will evaluate input by the state, 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. The U.S. Fish and Wildlife Service has reviewed the project area and determined that no federally listed species are likely present at this location. 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.

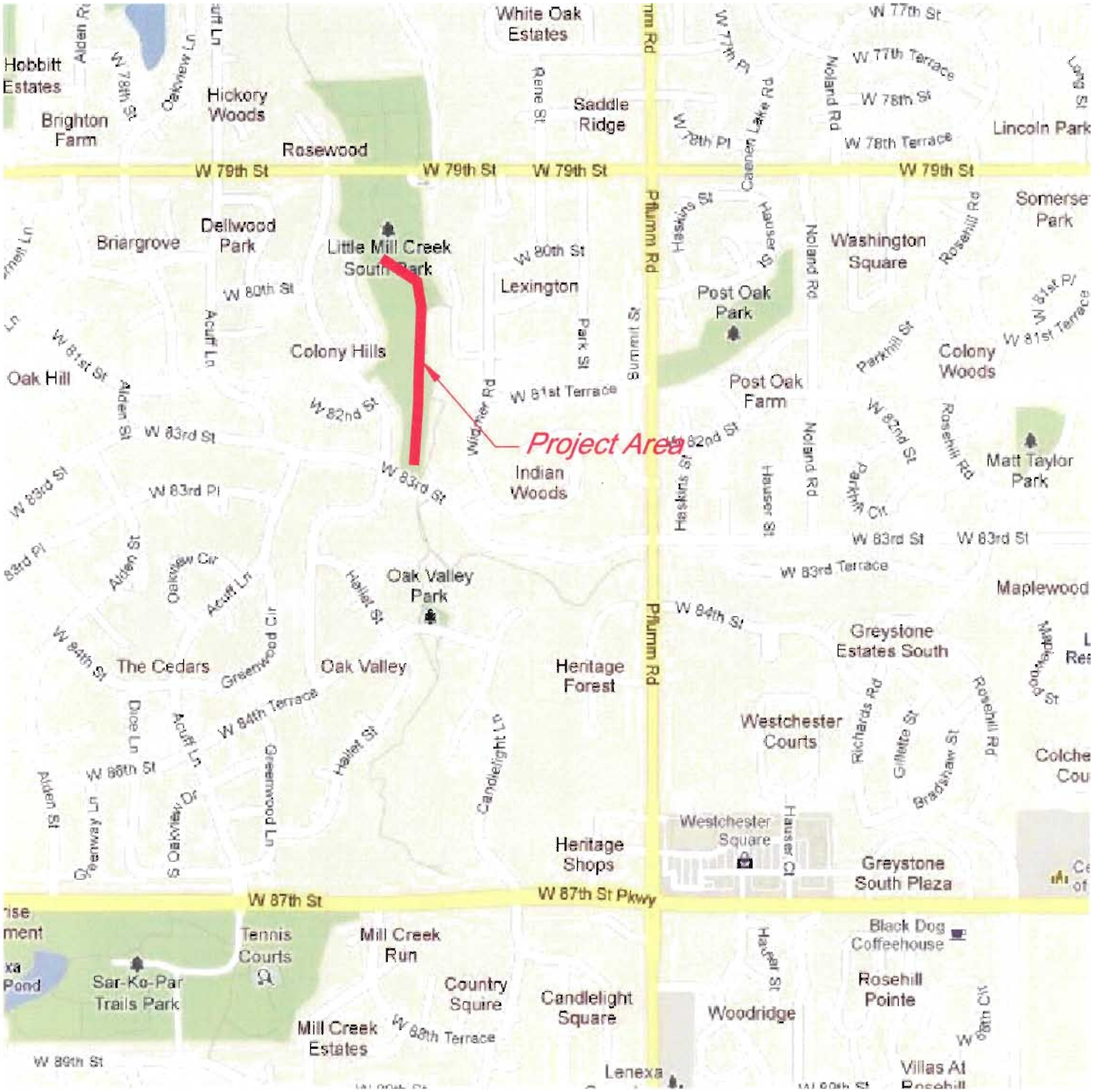
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application 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 3 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.



LEGEND

Project Area

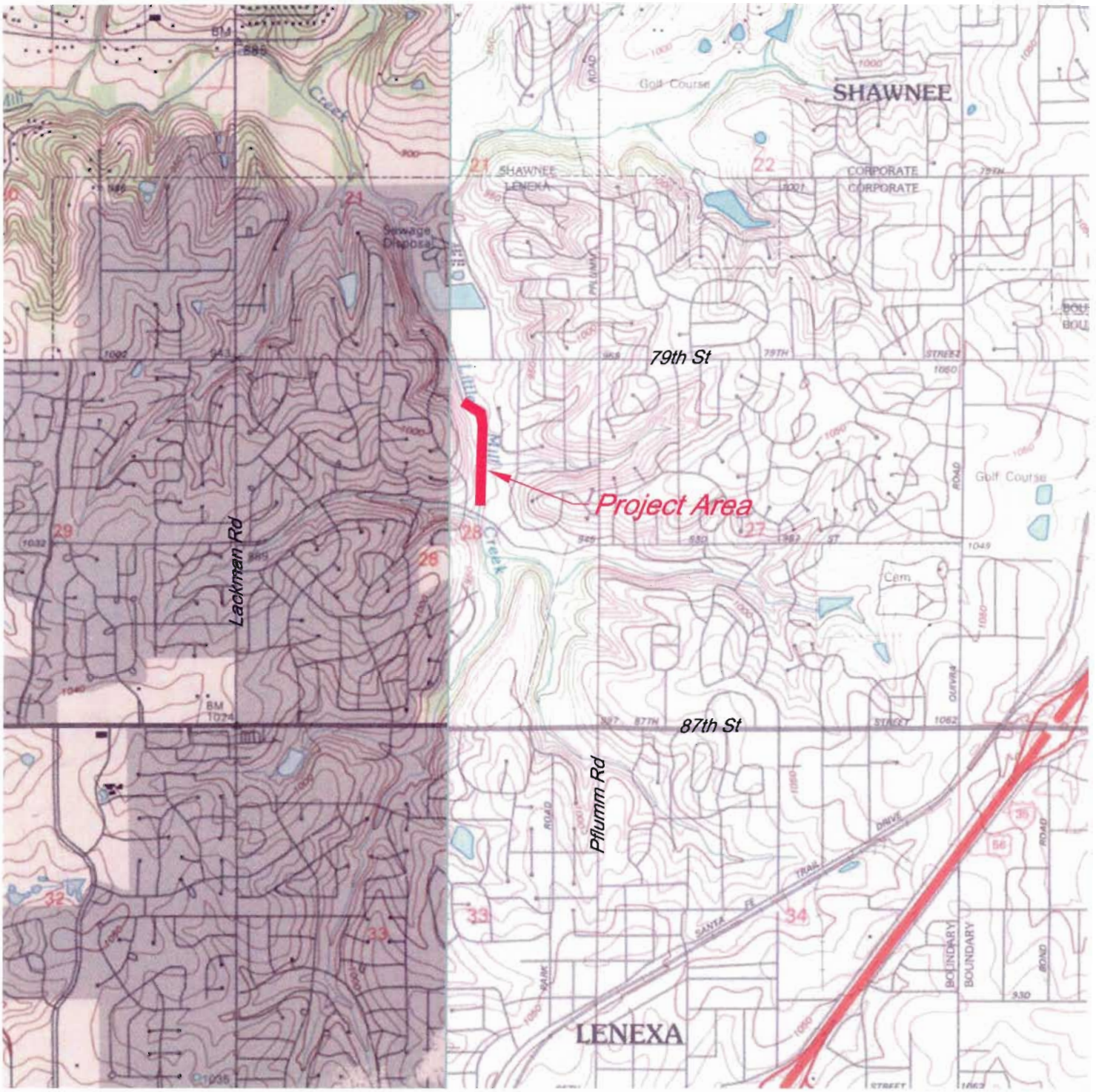
1"=1000'

Source: USGS 7.5 Minute Quadrangle – Lenexa, KS. 1991.

Project Location: NE¼ of Section 28, Township 12S, Range 24E

Location Map

APPLICATION NO. NWK-2012-646
CITY OF LENEXA, KANSAS
LITTLE MILL CREEK RESTORATION AND SANITARY SEWER PROTECTION
LITTLE MILL CREEK
JOHNSON COUNTY, KANSAS
SHEET 1 OF 7
DATED 31 AUGUST 2012



LEGEND

Project Area

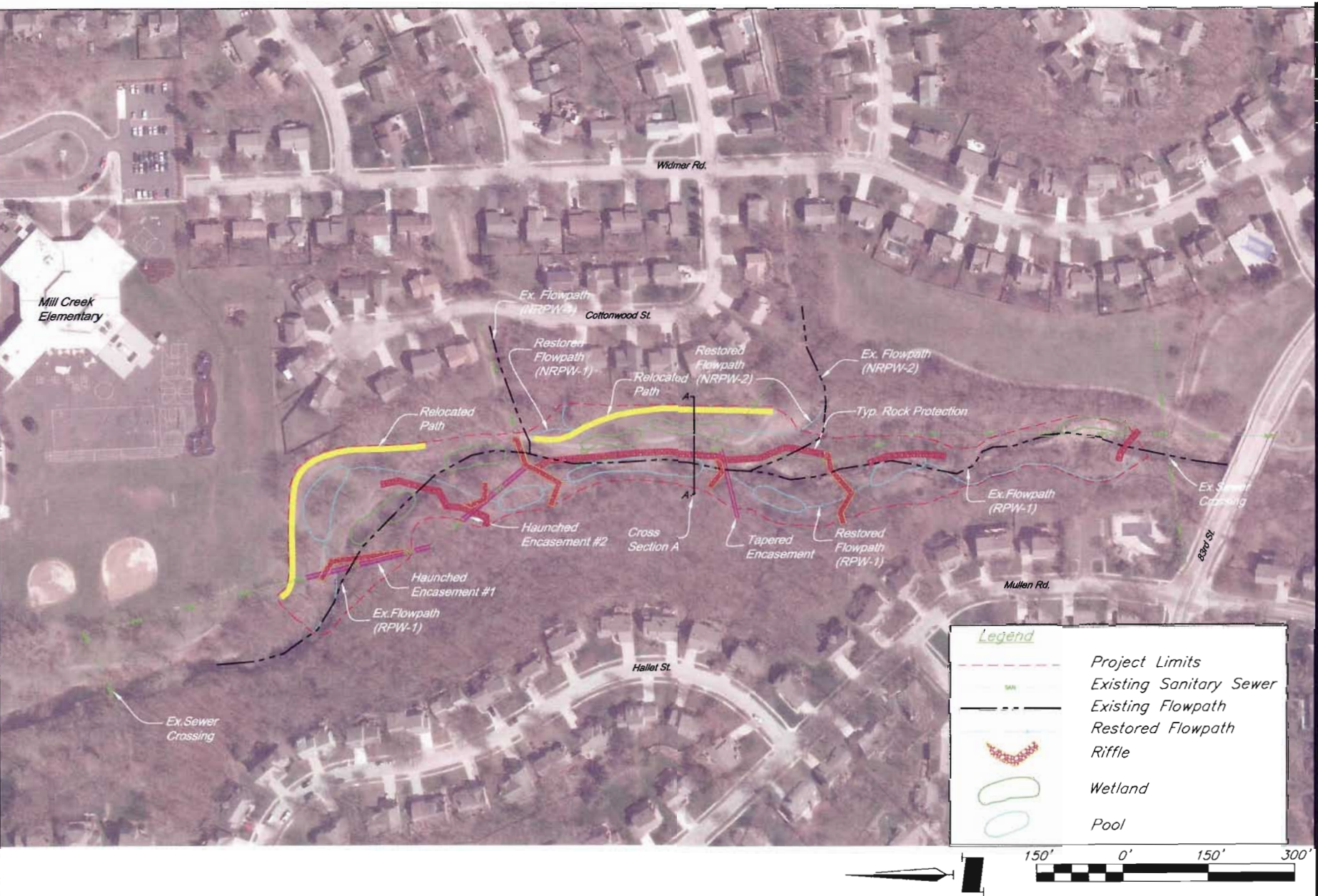
1"=2000'

Source: USGS 7.5 Minute Quadrangle – Lenexa, KS. 1991.

Project Location: NE¼ of Section 28, Township 12S, Range 24E

Topographic Map

APPLICATION NO. NWK-2012-646
CITY OF LENEXA, KANSAS
LITTLE MILL CREEK RESTORATION AND SANITARY SEWER PROTECTION
LITTLE MILL CREEK
JOHNSON COUNTY, KANSAS
SHEET 2 OF 7
DATED 31 AUGUST 2012



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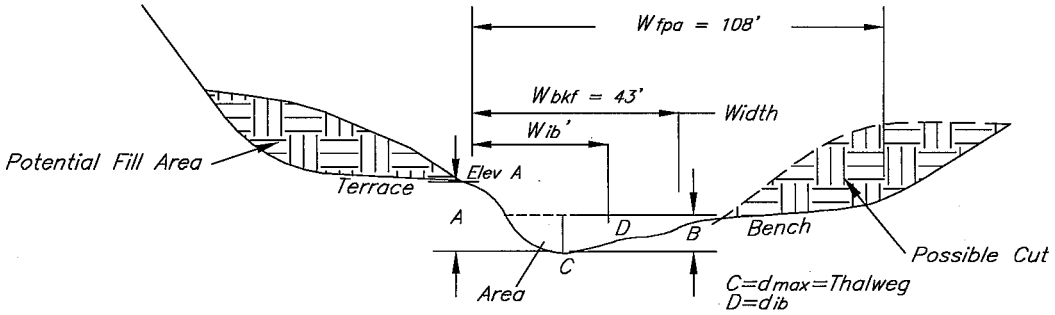
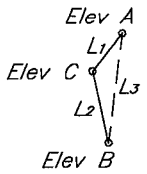
CITY OF LENEXA, KANSAS
LITTLE MILL CREEK RESTORATION AND SANITARY SEWER PROTECTION
LITTLE MILL CREEK
JOHNSON COUNTY, KANSAS
SHEET 3 OF 7
DATED 31 AUGUST 2012



General Cross Section
NTS



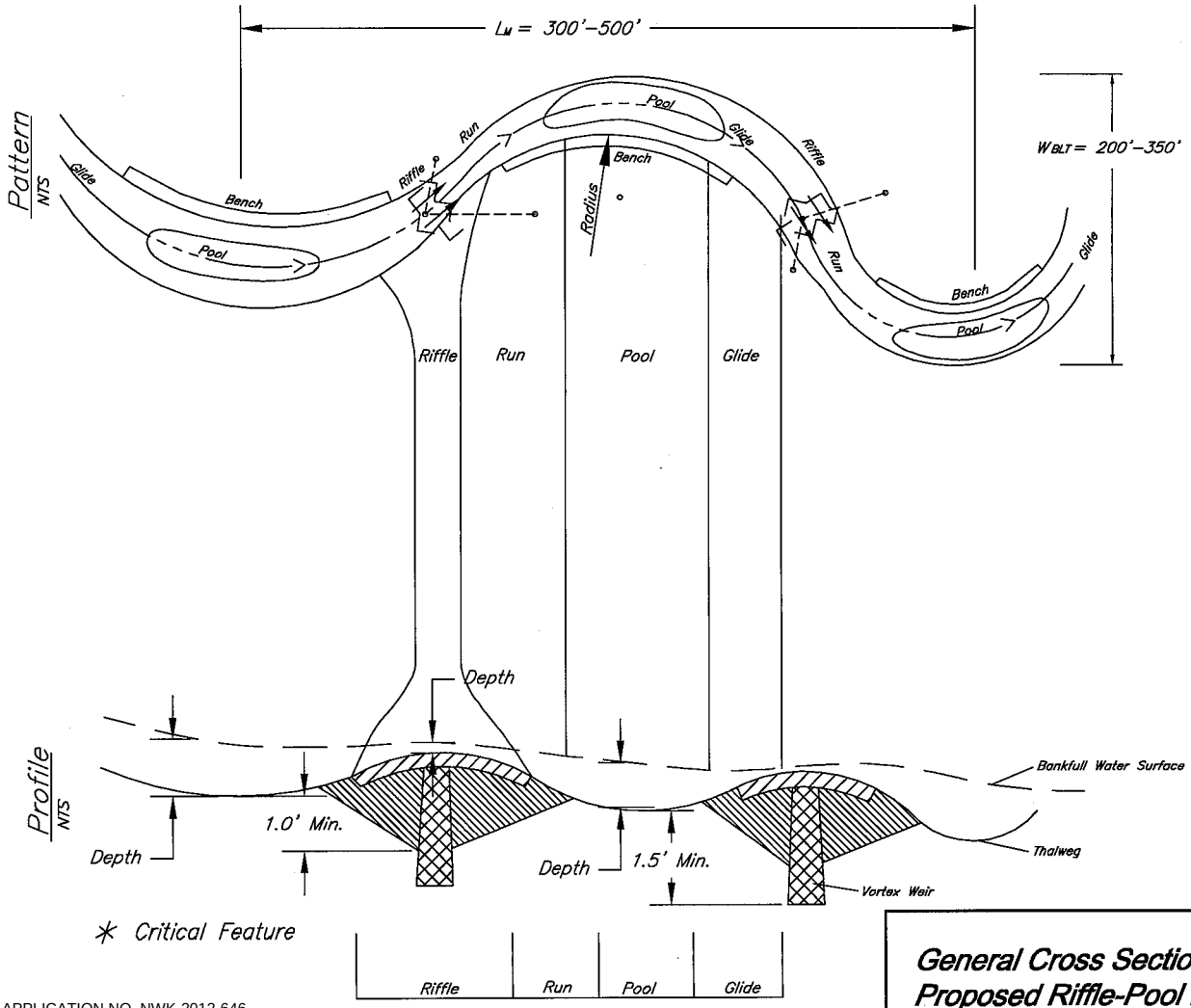
A>B>C *
L1<L2
L1= 1.2x Width
L1+L2= 50' Max
L2= 2x Width
L3= Max Width of Class B Rock

Vortex Wier/Riffle
* Critical Feature

Proposed
Riffle
P Pool
•44.0 Point and Elevation of Stream Facets
Class A Rock
Class B Rock
Class C Rock

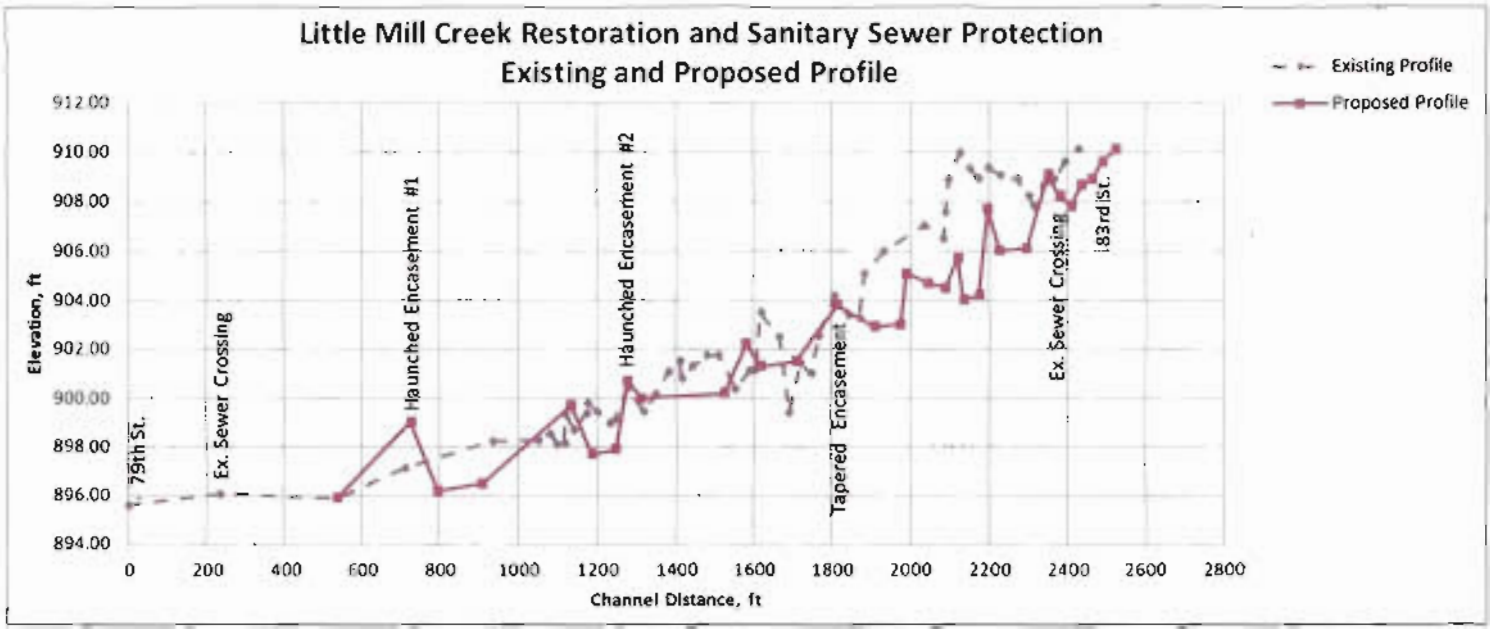
E = 2.5
K = 1.3
dbkf = 2.3'
W/D = 20
Qbkf = 920
Sbkf = 0.005

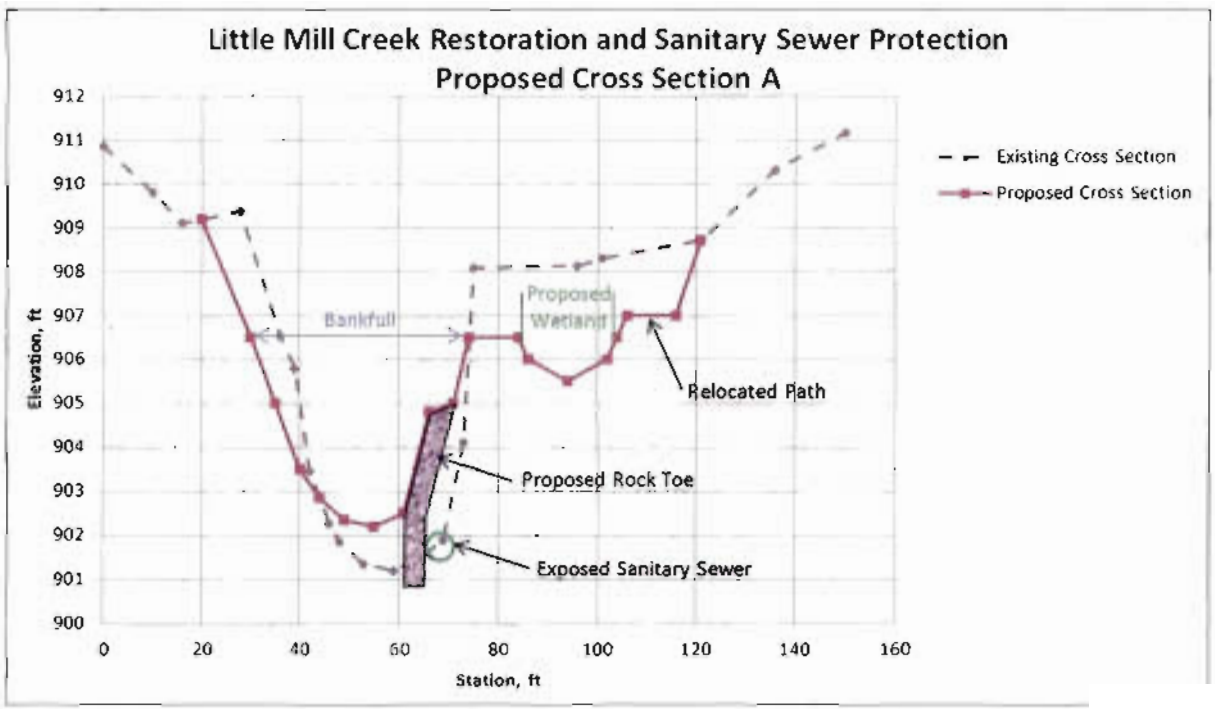
Geomorph Parameters
NTS



General Cross Section and Proposed Riffle-Pool Detail

Not To Scale





APPLICATION NO. NWK-2012-646
CITY OF LENEXA, KANSAS
LITTLE MILL CREEK RESTORATION AND SANITARY SEWER PROTECTION
LITTLE MILL CREEK
JOHNSON COUNTY, KANSAS
SHEET 5 OF 7
DATED 31 AUGUST 2012

Project Name: Little Mill Creek Restoration and Sanitary Sewer Protection **Date:** 20-Apr-12

Adverse Impact Factors for Riverine Systems Worksheet										
Factor	Impact 1	Impact 2	Impact 3	Impact 4	Impact 5	Impact 6	Impact 7	Impact 8	Impact 9	Impact 10
Stream Type Impacted	0.8	0.4								
Stream Status	0.1	0.1								
Exisiting Condition Value	*0.1*	*0.8*								
Formula total	0.08	0.32	0	0	0	0	0	0	0	0
Duration	0.3	0.3								
Activity	1.5	1.5								
Cumulative impact	0.501	0.048	0	0	0	0	0	0	0	0
Sum of Factors = **M**	3.281	2.668	0	0	0	0	0	0	0	0
Linear Feet of Stream Impacted = **LF**	1670	160								
M x LF	5479.27	426.88	0	0	0	0	0	0	0	0

Total Mitigation Credits Required = 5906.15

Adverse Impact Factors Table										
Stream Type	Ephemeral/Intermittent w/o Pools 0.4			Intermittent w/ Pools 0.6			Perennial 0.8			
Stream Status	Tertiary 0.1			Secondary 0.4			Primary 0.8			
Existing Condition	Functionaly Impaired Stream Type x 0.1			Moderately Functional Stream Type x 0.8			Highly Functional Stream Type x 5.0			
Duration	Temporary (<1 yr.) 0.05			Short Term (1-2 yr.) 0.1			Permanent (>2 yr.) 0.3			
Impact Activity	Shade/ Clear 0.05	Utility Crossing 0.15	Below Grade Culvert 0.3	Temporary Inundation Zone 0.4	Armor 0.5	Diversion/ Weir 0.75	Morphologic 1.5	Impound 2	Pipe 2.2	Fill 2.5
Cumulative Impact	0.0003 x total linear feet of stream impacted per reach									

Project Name: Little Mill Creek Restoration and Sanitary Sewer Protection **Date:** 20-Apr-12

In-Stream Work/Channel Restoration or Enhancement and Relocation Worksheet										
Factors	Benefit 1	Benefit 2	Benefit 3	Benefit 4	Benefit 5	Benefit 6	Benefit 7	Benefit 8	Benefit 9	Benefit 10
Stream Type	1	0.2	0.2							
Priority Area	0.05	0.05	0.05							
Existing Condition	0.4	0.05	0.05							
Net Benefit	3.5	2	2							
Control/Site Protection	0.1	0.1	0.1							
Mitigation construction Timing	0	0	0							
Sum Factors (**M**)	5.05	2.4	2.4	0	0	0	0	0	0	0
Stream length in Reach (**LF**)	1780	160	260							
Credits (**C**) = **M** x **LF**	8989	384	624	0	0	0	0	0	0	0
Site Factor (**SF**) pg 19	1	1	1							
Additonal Credits (A) pg 19										
Total Credits Generated (**C x SF**) + **A** =	8989	384	624	0	0	0	0	0	0	0

Total Channel Restoration/Relocation Credits Generated = 9997

In-Stream Work/ Channel Restoration or Enhancement and Relocation Table						
Stream Type	Ephemeral/Intermittent w/o Pools 0.2	Intermittent w/ Pools 0.4	Perennial Stream Avg. Width at OHWM			
			<15' 0.4	15'-30' 0.6	30'-50' 0.8	>50' 1.0
Priority Area	Tertiary 0.05	Secondary 0.2	Primary 0.4			
Existing Condition	Not Applicable 0	Functionally Impaired 0.4	Moderately Functional 0.05			
Net Benefit	Minimal 1.0	Moderate 2.0	Substantial 3.5			
Control/Site Protection	Corps approved site protection without third party grantee 0.1		Corps approved site protection recorded with third party grantee, or transfer of title to a conservancy 0.4			
Mitigation Construction Timing	Schedule 1 0.3	Schedule 2 0.1	Schedule 3 0			