

PUBLIC NOTICE



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

**Permit No. 2012-822
Issue Date: June 12, 2012
Expiration Date: July 3, 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: Horseshoe Creek Joint Watershed District No.110
470 Elk Road
Bremen, Kansas 66412

PROJECT LOCATION (As shown on the attached drawings): The project is located in a tributary to Horseshoe Creek in Section 34, Township 1 south, Range 6 east, Marshall County, Kansas. (Latitude: 39.92719 – Longitude: -96.74693 – Quad: Herkimer)

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

ACTIVITY (As shown on the attached drawings): **Proposed.** The applicant proposes the placement of approximate 16,750 cubic yards of fill material for the construction of an earthen floodwater detention dam. The new watershed impoundment would have a 3.3 acre permanent pool and would fill/inundate 2,329 linear feet of an intermittent with pools stream channel. The proposed dam would be 700 feet long, 25.7 feet high, have a 3:1 front slope, 2.5:1 back slope and have a 14 foot top width. The dam would have a 30” primary spillway conduit running through the structure with a rock lined stilling basin. An auxiliary spillway would be constructed with a 30’ wide bottom and 3:1 side slopes. The purpose as stated by the applicant is to control flood waters and provide grade stabilization.

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

AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

Mitigation for this site would be established using the Kansas Stream Mitigation Guidelines. The proposed mitigation would include preserving existing buffers and excluding livestock around the impoundment, preserving existing buffers and cattle exclusion along the downstream channel. The downstream buffers and cattle exclusion along the channel below the dam would provide the majority of the proposed mitigation. Additional mitigation options may be considered during the development of the final mitigation plan.

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.

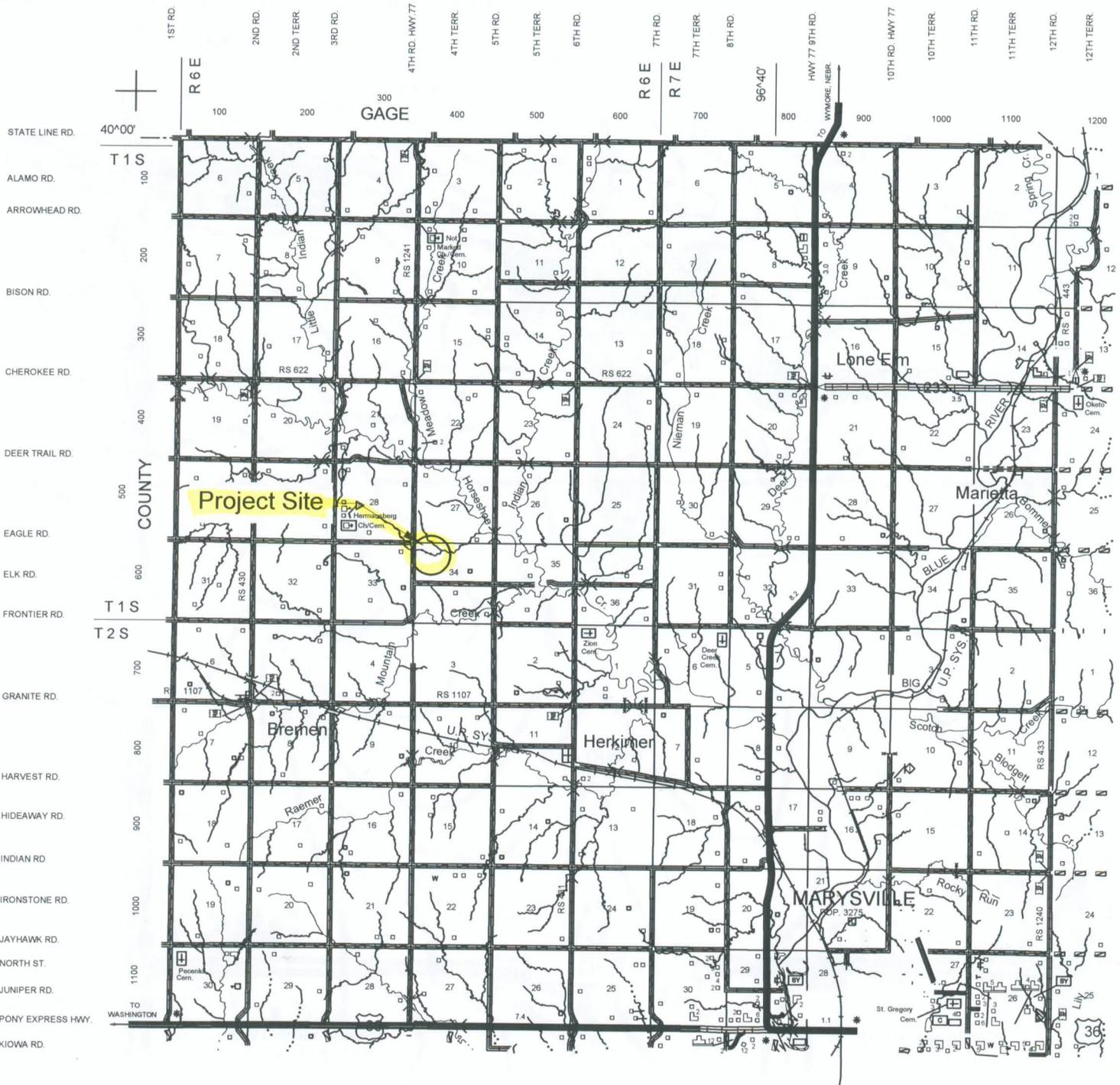
COMMENTS: This notice is provided to outline details of the above-described activity so this District may consider all pertinent comments prior to determining if issuance of a permit would be in the public interest. Any interested party is invited to submit to this office written facts or objections 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.

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>

Northwest Marshall County, Kansas



Legend

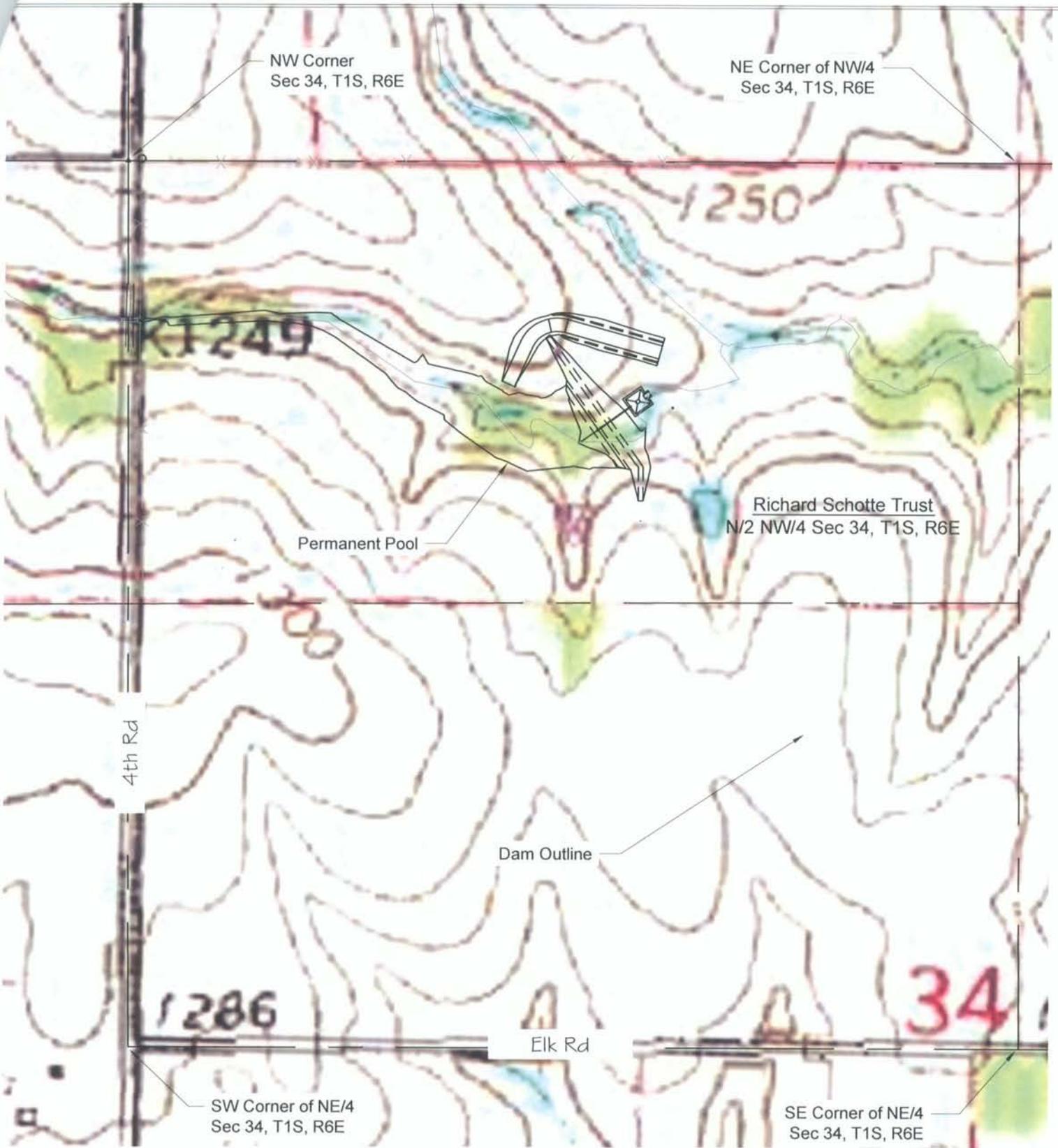
- - - - - Section Line
- - - - - Easement/Right-of-way Line



APPLICATION NO. 2012-822
 HORSESHOE CREEK JOINT WATERSHED DISTRICT NO. 110
 EARTHEN DAM
 TRIBUTARY TO HORSESHOE CREEK
 MARSHALL COUNTY, KANSAS
 SHEET 1 OF 3
 DATED 12 JUNE 2012

Vicinity Map
 Horseshoe Ck. JWD #110
 Site #28





Legend

- - - - - Section Line
- - - - - Easement/Right-of-way Line

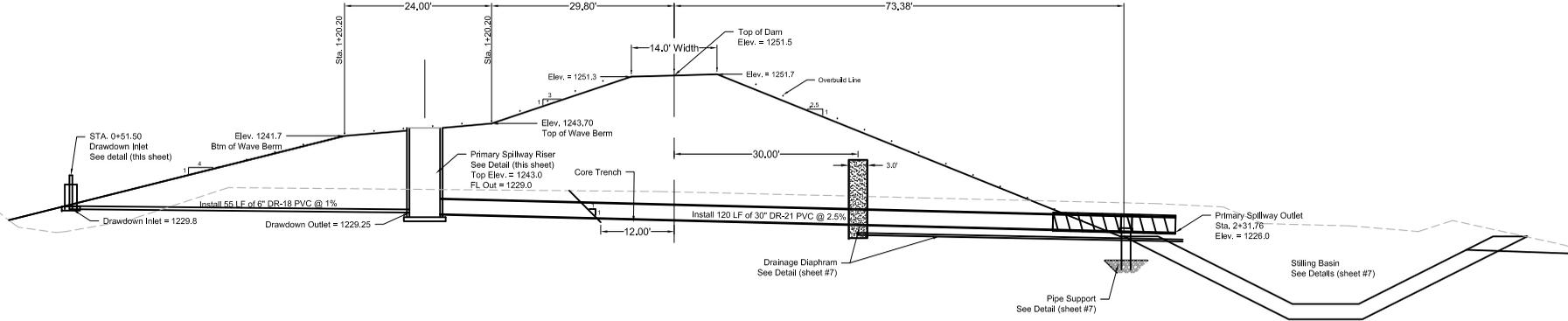


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 HORSESHOE CREEK
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Planview
Horseshoe Ck. JWD #110
Site #28



DAM CROSS SECTION DETAILS



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 SHEET 3 OF 3
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