

# PUBLIC NOTICE



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

**Permit No.: NWK-2014-1124  
Issue Date: October 26, 2015  
Expiration Date: November 25, 2015**

**30-Day Notice**

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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.

**BANK SPONSOR:** Swallow Tail, LLC  
24820 Miller Road  
Harrisonville, MO 64701

**PROJECT LOCATION** (As shown in the bank prospectus): The proposed mitigation bank property is located at the confluence of Castile Creek and the Platte River in Sections 24, 25, and 26, Township 55 North, Range 34 West, Buchanan County, Missouri. A portion of the bank property is located north of State Highway 116 and a larger portion of the property is located on the south side of State Highway 116.

Latitude: 39.552889 --- Longitude: -94.667056 (Center point)  
USGS QUADRANGLE - Edgerton

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

**ACTIVITY** (As described in the bank prospectus): The bank sponsor proposes to convert approximately 300 acres of agricultural cropland to the restoration of aquatic habitats. The proposed habitats include the restoration of forest and grassland riparian zones (buffers) along the existing stream channels and restoring meanders to previously straightened channels (ditches) within the cropland area. Additionally, the sponsor proposes to establish wetlands in areas previously cropped and the sponsor proposes to rehabilitate and enhance the existing wetland areas on the property by removing invasive, non-native, species. Additionally, the sponsor will breach the existing flood protection levees in order to allow for flood waters from the Platte River and from Castile Creek to spread across the 300 acre mitigation bank property.

**WETLANDS/AQUATIC HABITAT:** The bank sponsor has identified 33 existing wetland areas on the bank property. These wetland areas total approximately 79 acres of the approximate 300 acre property.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:** The bank sponsor proposes to avoid and minimize the discharge of fill material into existing waters of the United States, including the existing wetlands. Discharges of fill material will be limited to those required to establish sufficient wetland hydrology and will be limited to the construction of low berms, ditch plugs, in-stream grade control/stabilization structures, and if necessary the placement of riprap for bank stabilization.

**ADDITIONAL INFORMATION:** Additional information about this application may be obtained by contacting Mr. Douglas Berka, U.S. Army Corps of Engineers, 601 East 12<sup>th</sup> Street, Kansas City, Missouri 64106, telephone: 816-389-3657 or email at [douglas.r.berka@usace.army.mil](mailto:douglas.r.berka@usace.army.mil). All comments to this public notice should be directed to the above postal or email address.

The complete bank prospectus can be reviewed on the Kansas City District's Regulatory Branch webpage at: <http://www.nwk.usace.army.mil/Media/PublicNotice>. Also available for review on our webpage is an assessment of the current baseline conditions at the proposed bank property.

**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.

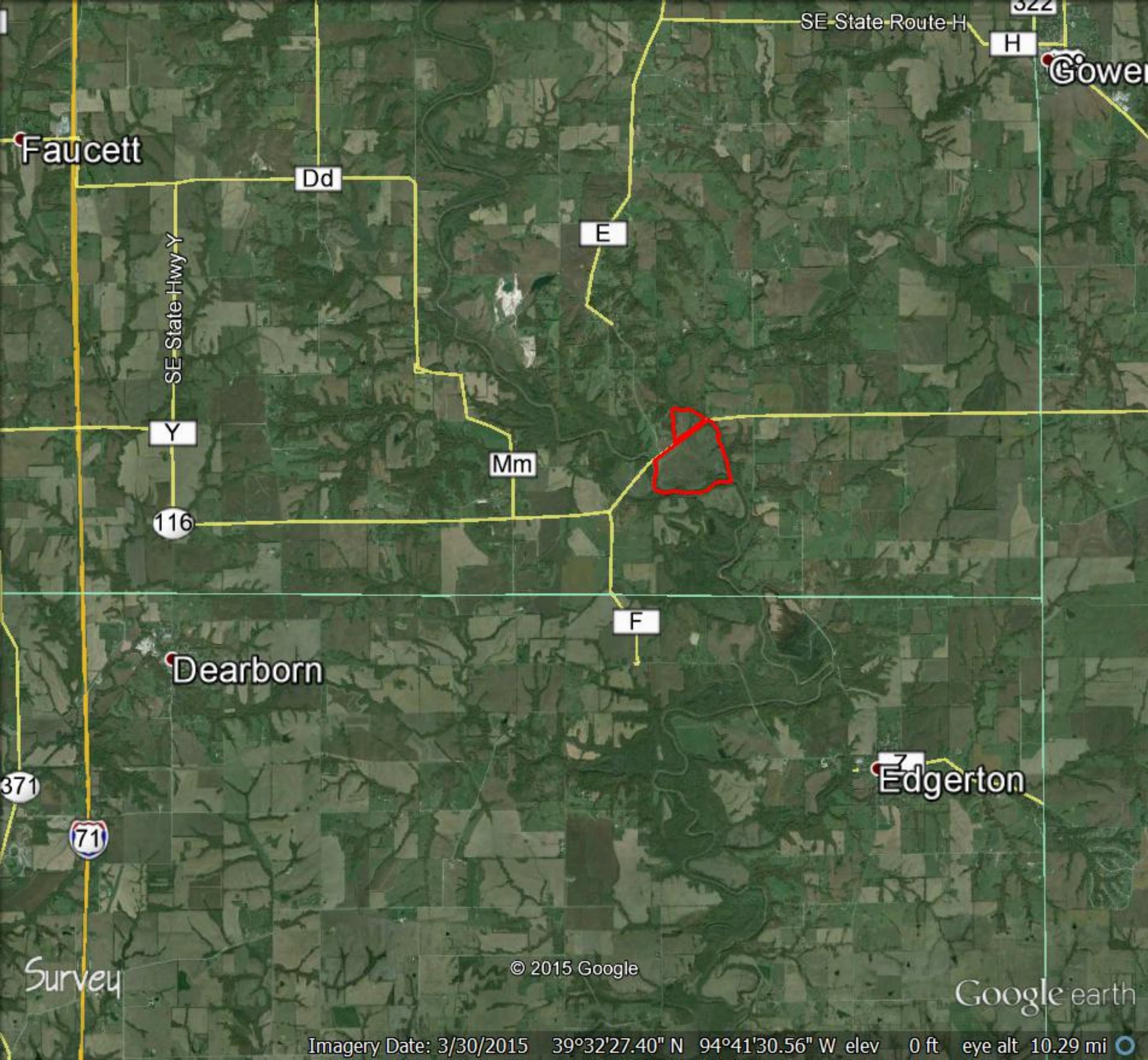
**FLOODPLAINS:** This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies 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 into waters of the United States, including wetlands, must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. The project described in this public notice will be evaluated in order to determine if any proposed discharge of dredged or fill material into a water of the United States meets the conditions described in Nationwide Permit (NWP) No. 27. The Missouri Department of Natural Resources has issued Section 401 Water Quality Certification for all projects authorized by NWP 27 in Missouri. This certification expresses the state's opinion that a discharge of appropriate fill into a water of the United States, including wetlands, 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.



Faucett

SE State Hwy Y

Dd

E

SE State Route H

H

Gower

Y

Mm

F

Dearborn

Edgerton

371

71

Survey

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Google earth

Imagery Date: 3/30/2015 39°32'27.40" N 94°41'30.56" W elev 0 ft eye alt 10.29 mi