

PUBLIC NOTICE



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

**Permit No. NWK-2014-1161
Issue Date: January 14, 2015
Expiration Date: February 13, 2015**

30-Day Notice

APPLICANT/IN-LIEU FEE SPONSOR: Missouri Conservation Heritage Foundation
P.O. Box 366
Jefferson City, Missouri 65102-0366

PROJECT LOCATION (As shown in the referenced mitigation plan): The proposed mitigation plan No. SSTF1004-Dallas County is located along Hays Road at an existing crossing in Greasy Creek in the northeast $\frac{1}{4}$ of Section 6, Township 33 north, Range 19 west, Dallas County, Missouri. The project is within the Ozark/Osage Ecological Drainage Unit (EDU) [USGS QUAD Charity -- Latitude: 37.612448 -- Longitude: -93.067558].

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

ACTIVITY (As described in the referenced mitigation plan): The Missouri Conservation Heritage Foundation (Sponsor) proposes under its Stream Stewardship Trust Fund (SSTF) In-Lieu Fee (ILF) Instrument to establish mitigation plan No. SSTF1004-Dallas County entitled the Hayes Road Low Water Crossing Replacement Project. A draft copy of the mitigation plan has initially been reviewed by the Interagency Review Team (IRT) which is composed of representatives from the U.S. Environmental Protection Agency, the U.S. Fish and Wildlife Service, the Missouri Department of Natural Resources, and the Missouri Department of Conservation.

The mitigation plan consists of initiating construction work on Hays Road in Dallas County to remove a low water crossing in Greasy Creek and replace it with a clear-span bridge. The existing crossing is a vented ford with three concrete box culverts. The crossing blocks passage of aquatic organisms during low flows because the culverts slabs are perched above the streambed. During moderate to high flows the crossing creates currents with high velocity that damage downstream banks. The existing crossing will be demolished and hauled from the site. Once removed a new low water bridge (clear-span design) will be constructed on the same footprint as the existing crossing. The mitigation plan with design drawings is posted at: <http://www.nwk.usace.army.mil/Media/PublicNotices.aspx>. This crossing is one of five crossings that were previously identified as fish passage barriers in the Niangua River watershed. Replacement of the crossing will increase fish passage, improve stream sediment transport, and increase stream stability within this reach. In addition, the new crossing will be used as a demonstration project for the Dallas County Road Department. The Sponsor proposes to enter into a 30-year term cooperative agreement with the county to provide standard maintenance for the project. This proposed agreement would not alleviate the Sponsor from their responsibility

for the long term protection and management of this SSTF-funded project as described in their ILF instrument. The project is partially funded by Dallas County, the U.S. Fish & Wildlife Service, and the Missouri Department of Conservation.

If approved by the Corps, in consultation with the IRT, the project will have a total potential of 11,500 mitigation credits minus a partial reduction of credits that would be generated from use of federal funds for the project as required by the 2008 Mitigation Rule.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: The project is proposed under the Sponsor's ILF instrument as compensatory mitigation for stream impacts authorized by Department of the Army permits. The Sponsor has avoided and minimized impacts to waters of the U.S. to the maximum extent practicable through project design.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. James A. Ptacek, U.S. Army Corps of Engineers, Missouri State Regulatory Office, 221 Bolivar Street, Suite 103, Jefferson City, Missouri 65101, telephone No. 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: Greasy Creek is a major western tributary to the Niangua River. It contains 12.9 miles within the known range of the federally threatened Niangua Darter, *Etheostoma nianguae*. The U.S. Fish and Wildlife Service will serve as the lead federal agency responsible for Endangered Species Act compliance via Section 7 consultation by developing an effects determination as result of the proposed project toward the species and/or any critical habitat. Once the determination is made, it will become part of the decision document. The USACE is also requesting any comments from other interested agencies and individuals.

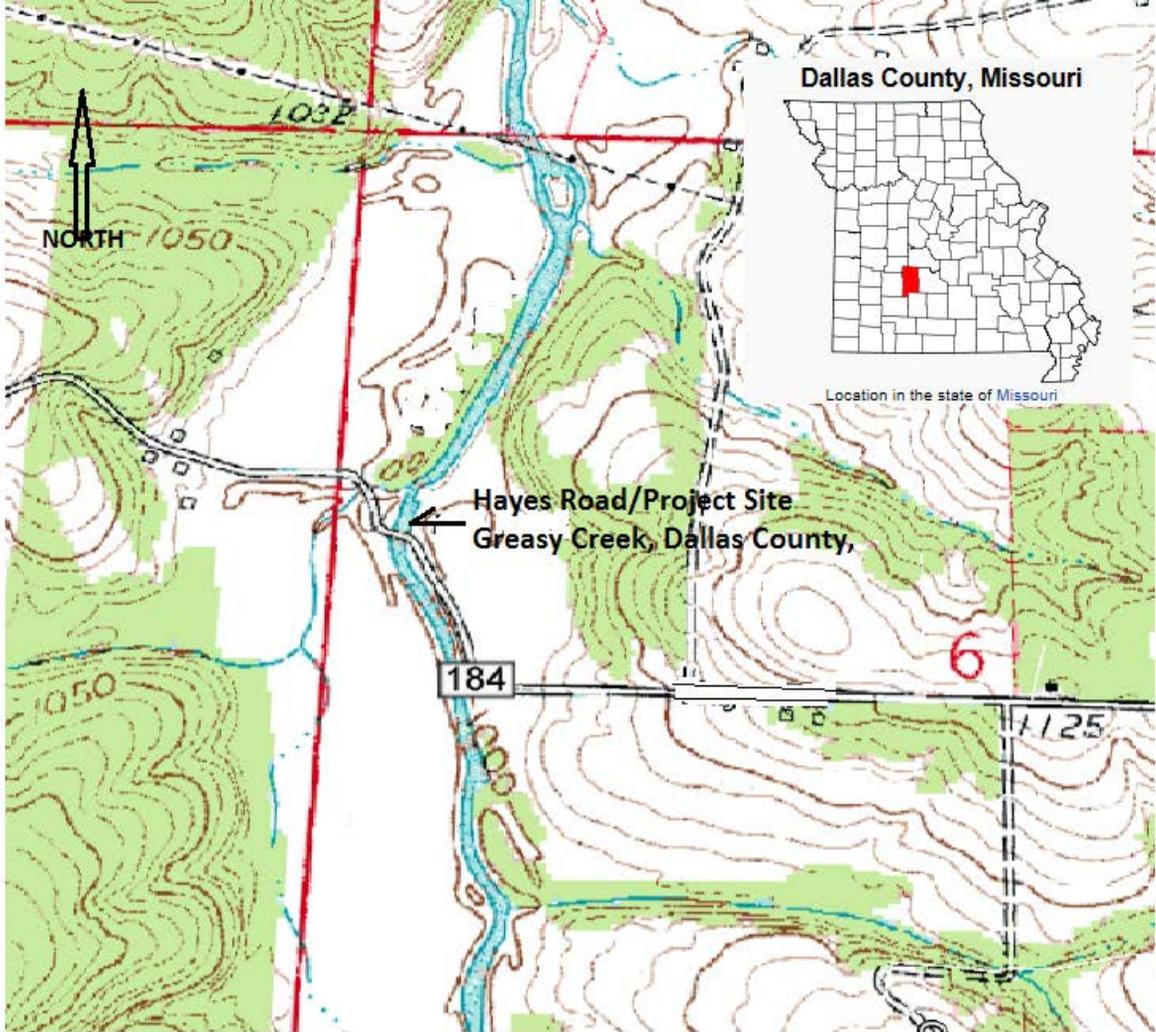
FLOODPLAINS: This activity is being reviewed in accordance with Executive Order 11988, Floodplain Management, which discourages direct or indirect support of floodplain development whenever there is a practicable alternative. By this public notice, comments are requested from individuals and agencies that believe the described work will adversely impact the floodplain.

WATER QUALITY CERTIFICATION: If authorized, this project will meet the conditions of a nationwide permit, which presently has certification under Section 401 of the Clean Water Act (33 USC 1341) in compliance with applicable effluent limitations and water quality standards. Certification expresses the state's opinion that the discharge will not violate applicable water quality standards.

PUBLIC INTEREST REVIEW: The decision to approve the mitigation plan and verify compliance with a nationwide 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 mitigation plan. 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.



Section 6, Township 33 north, Range 19 west

APPLICATION NO. NWK-2014-1161
MISSOURI CONSERVATION HERITAGE FOUNDATION
LOW WATER CROSSING REMOVAL/BRIDGE REPLACEMENT
GREASY CREEK
DALLAS COUNTY, MISSOURI
SHEET 1 OF 1
DATED 14 JANUARY 2015