

PUBLIC NOTICE



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

**Permit No. NWK-2015-02387
Issue Date: December 23, 2015
Expiration Date: January 13, 2016**

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: City of Olathe, Kansas
PO Box 768
Olathe, Kansas 66051

PROJECT LOCATION (As shown on the attached drawings): Township 13 South, Range 23 East, Section 25, City of Olathe, Johnson County, Kansas. The site is specifically located at the following coordinates: 38.8965°N Latitude and -94.811°W Longitude, and can be found on the Olathe, Kans. USGS 7.5 minute series topographic quadrangle.

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

ACTIVITY (As shown on the attached drawings): **Proposed Work:** Morphological changes consisting of stream channel grading and widening are proposed along a 1,551-linear-foot section of a tributary to Mill Creek. Other work below the ordinary high water mark involves the placement of riprap in 475 linear feet of the graded section and construction of retaining wall(s) in 575 linear feet of the graded section. The project purpose is to alleviate flooding of adjacent homes and public roadways.

WETLANDS/AQUATIC HABITAT: The activity is located in an unnamed tributary to Mill Creek. (This tributary is labeled on some FEMA floodplain maps as "Mill Creek Tributary O.")

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: In order to achieve the project's purpose, alteration of the existing stream is unavoidable. The design of the project as proposed will minimize impacts to waters of the United States through avoiding long and tall riprap slopes for the entire improvement area. Finally, the project will result in minimal adverse effects, and as such, compensatory mitigation should not be required. The primary factor under the Kansas Stream Mitigation Guidance document that would offset adverse impacts is the removal of two undersized culverts and replacement with span bridges.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Mr. Colin C. Smalley, PG, Regulatory Specialist, at 816-389-3846, or by e-mail at colin.c.smalley@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, with one exception. The project occurs within the range of the northern long-eared bat (*Myotis septentrionalis*). Because the project involves minor tree clearing (the applicant states 0.74 acres of trees will be cleared) and there are no known hibernacula or documented roost trees in or near the project area, the Corps has determined that this project may affect, but is not likely to adversely affect, the northern long-eared bat. 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.

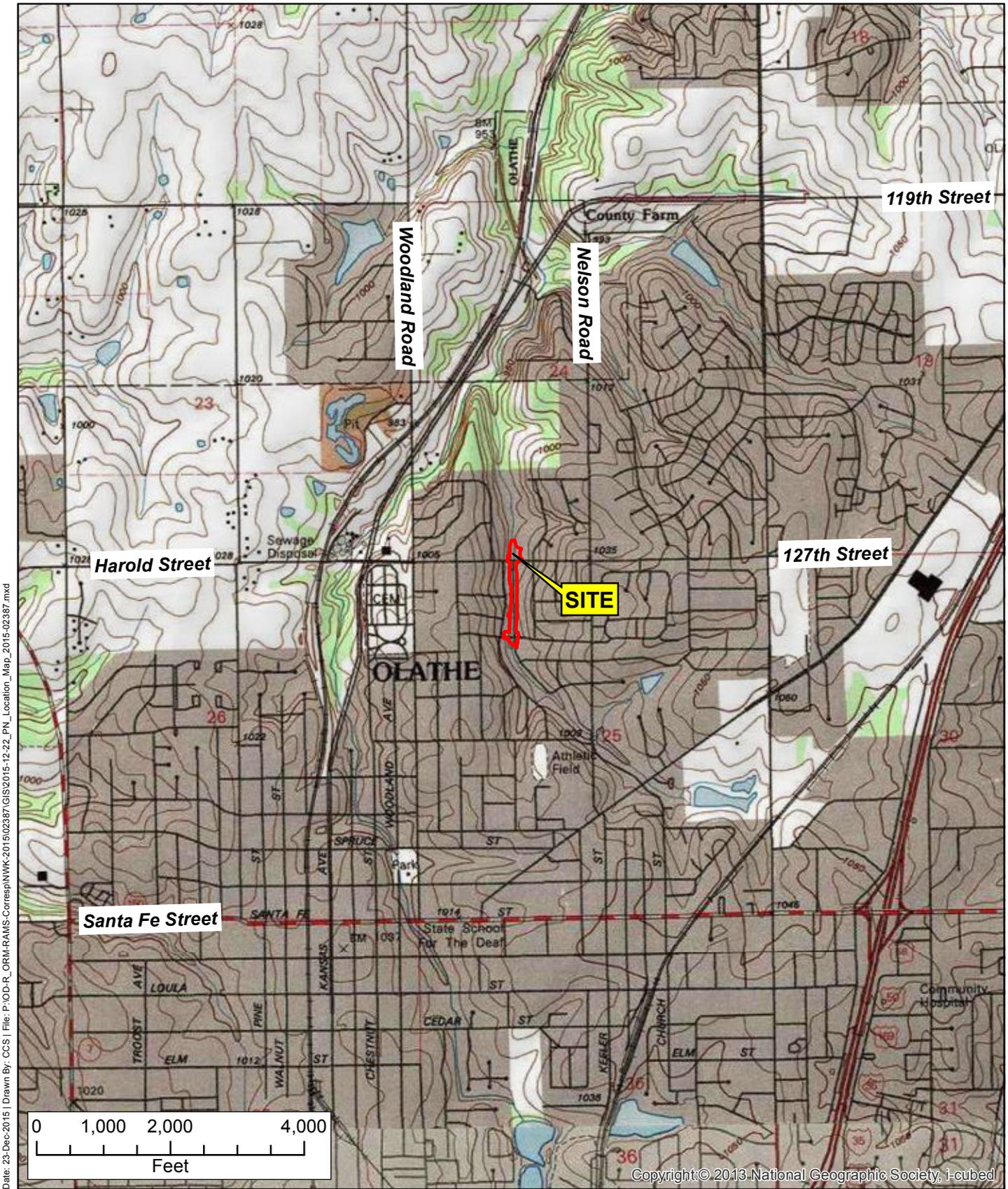
PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The 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.

LOCATION MAP



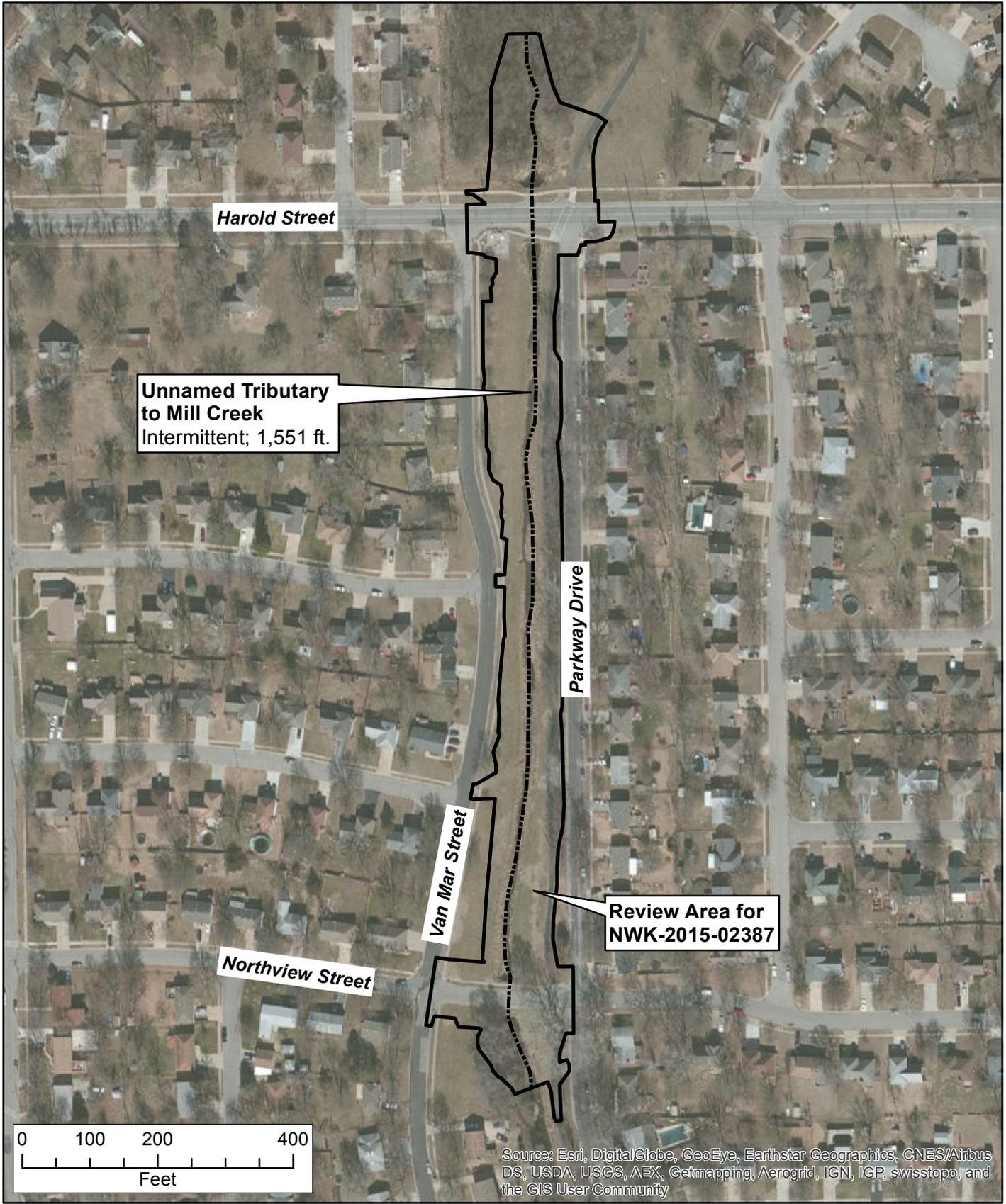
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APPLICATION NO. NWK-2015-02387
CITY OF OLATHE, KANSAS
GRADING AND PLACEMENT OF FILL
JOHNSON COUNTY, KANSAS
SHEET 1 OF 5
DATED 23 DECEMBER 2015



U.S. Army Corps of Engineers
Kansas City District

Date: 23-Dec-2015 | Drawn By: CCS | File: P:\OD-R_ORM-RAIMS-Corresp\NWK-2015\02387\GIS\2015-12-22_P_JD_Map_2015-02387.mxd

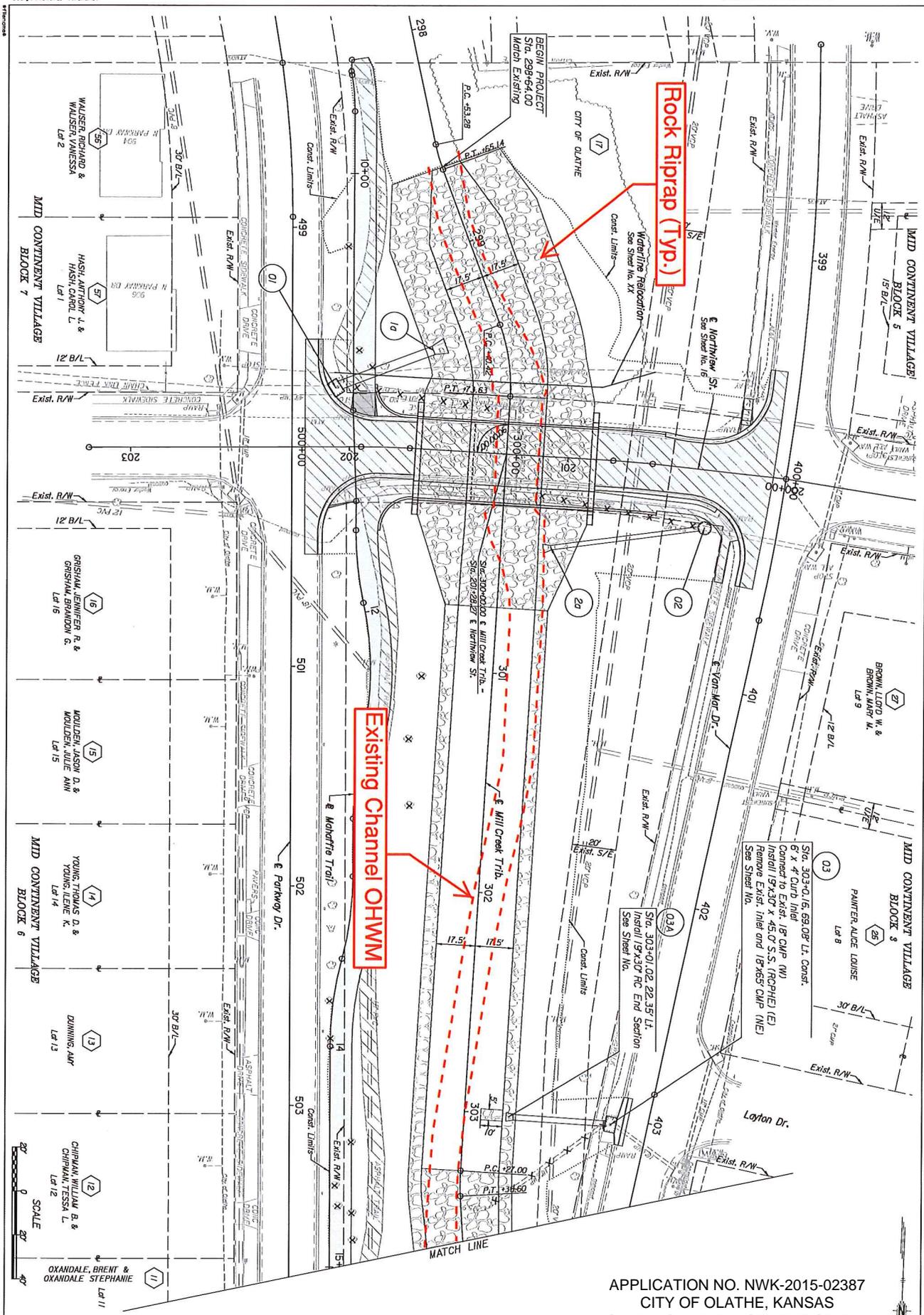


APPLICATION NO. NWK-2015-02387
CITY OF OLATHE, KANSAS
GRADING AND PLACEMENT OF FILL
JOHNSON COUNTY, KANSAS
SHEET 2 OF 5
DATED 23 DECEMBER 2015



U.S. Army Corps of Engineers
Kansas City District

APPROVED	DESIGNED	DETAILED
DESIGN CK.	DETAIL CK.	
QUANTITIES	TRACED	
QUALITY	TRACE CK.	

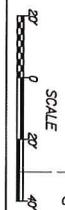


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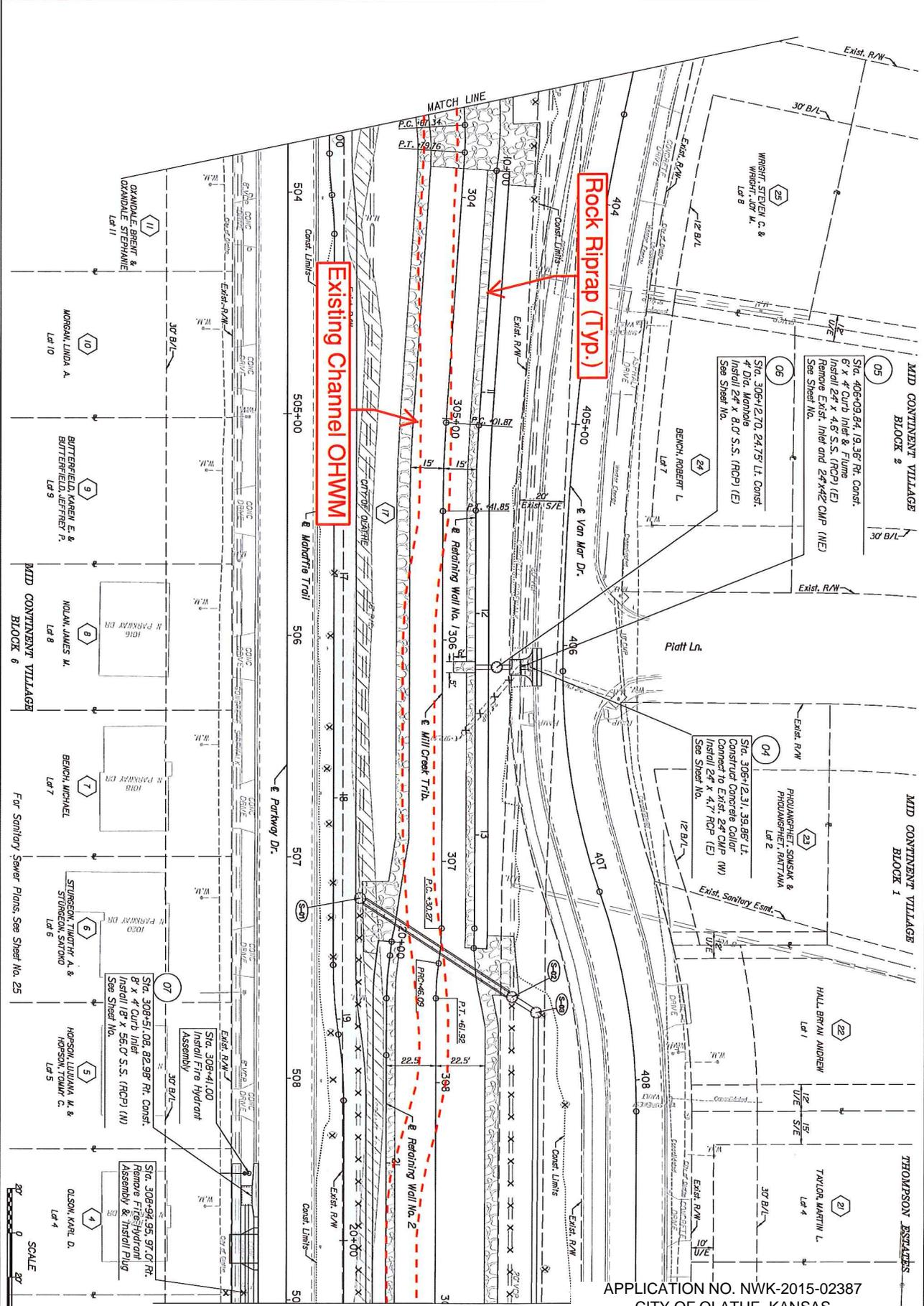
APPLICATION NO. NWK-2015-02387
 CITY OF OLATHE, KANSAS
 GRADING AND PLACEMENT OF FILL
 JOHNSON COUNTY, KANSAS
 SHEET 3 OF 5
 DATED 23 DECEMBER 2015

DATE	BY	REVISIONS
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X		

MILL CREEK TRIBUTARY
 PLAN
 STA. 298+70 TO STA. 303+60



APPROVED	DATE
DESIGNED	DATE
QUANTITIES	DATE
TRACE	DATE
QUANTITIES	DATE
TRACE	DATE



MILL CREEK TRIBUTARY PLAN
STA. 303+60 TO STA. 309+00

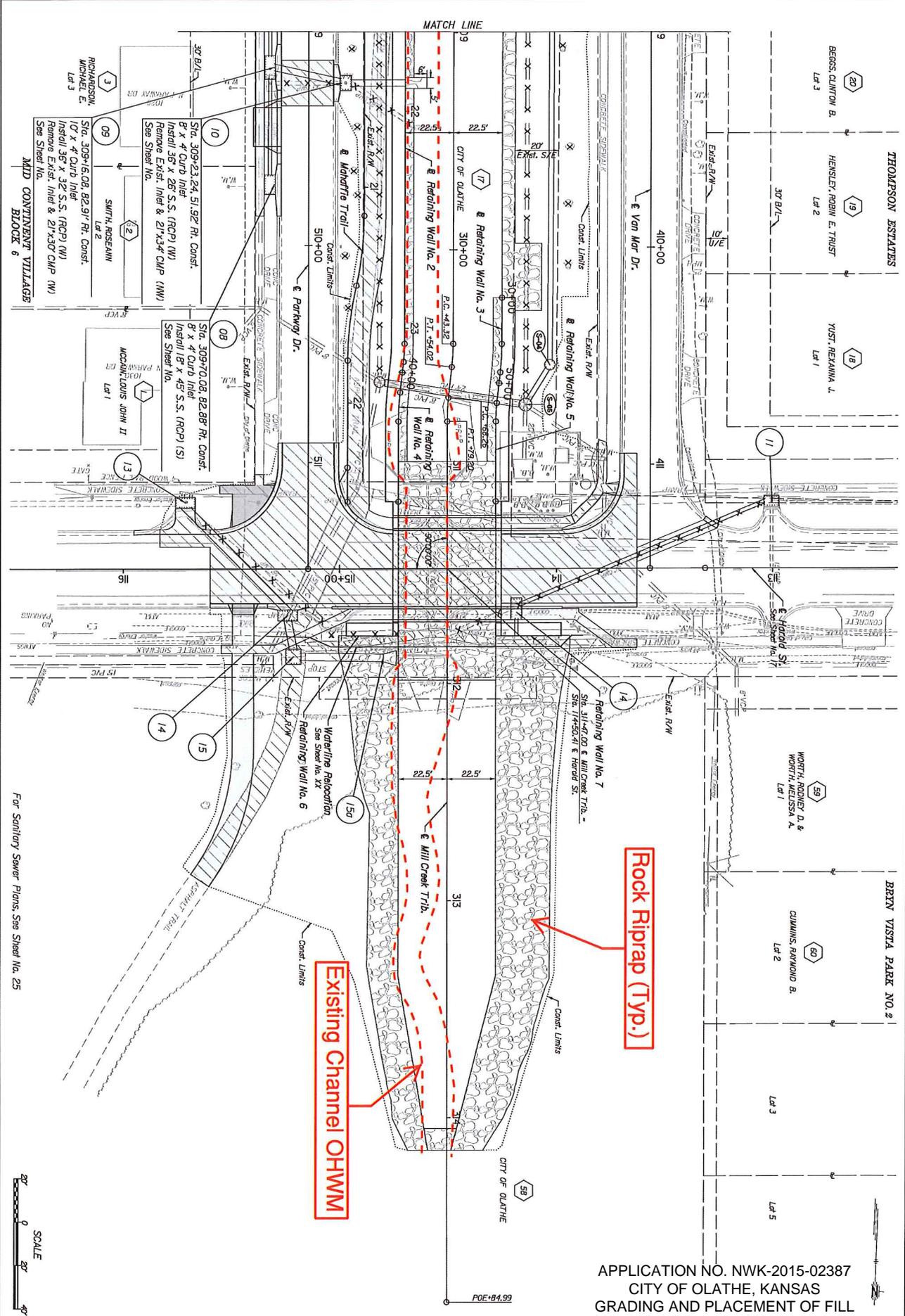
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SCALE

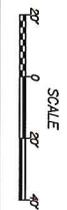
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 CITY OF OLATHE, KANSAS
 GRADING AND PLACEMENT OF FILL
 JOHNSON COUNTY, KANSAS
 SHEET 4 OF 5
 DATED 23 DECEMBER 2015

NO.	DATE	BY	CHECKED
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APPROVED	
DESIGNED	DETAILED
DESIGN CK.	DETAIL CK.
QUANTITIES	PRICES
QUANCE.	TRACE CK.



For Sanitary Sewer Plans, See Sheet No. 25



MILL CREEK TRIBUTARY PLAN
 STA. 309+00 TO STA. 314+01.00

NO.	DATE	REVISIONS
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 CITY OF OLATHE, KANSAS
 GRADING AND PLACEMENT OF FILL
 JOHNSON COUNTY, KANSAS
 SHEET 4 OF 5
 DATED 23 DECEMBER 2015

DATE	
BY	
CHKD	
APP'D	