

PUBLIC NOTICE



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

**Permit No. NWK-2015-01382
Issue Date: July 9, 2015
Expiration Date: July 30, 2015**

21-Day Notice

This public notice is issued jointly with the U.S. Environmental Protection Agency, Region 7 (EPA). The EPA 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 Chief, Watershed Planning & Implementation Branch, U.S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219.

APPLICANT: Kickapoo Tribal Nation
1107 Goldfinch Road
Horton, KS 66439

PROJECT LOCATION (As shown on the attached drawings): The project is located on tribal reservation land and within the Delaware River in Section 32, Township 4 South, Range 16 East, in Brown County, Kansas. USGS 7.5 Minute Quad - Horton NW, KS.

(Latitude: 39.656803 - Longitude: -95.640219)

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

ACTIVITY (As shown on the attached drawings): **PROPOSED:** The applicant proposes to perform the following bank stabilization activities: 1) grade approximately 800 linear feet (LF) of river bank to achieve a 1:3 slope; 2) construction of ten bendway weirs along 1450 LF of river bank; and 3) construction of 450 LF of longitudinal peak stone toe protection.

WETLANDS/AQUATIC HABITAT: The project is located within a 1450 LF segment along the east bank of the Delaware River. The riparian corridor is narrow at the upper end where the applicant proposes to grade the bank and expands to over 400 feet wide at the southern end of the project. The forested corridor consists of a mix of willow, mulberry and elm.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: According to the applicant, the removal of large trees (>12 inches diameter at breast height (dbh)) will be kept to a minimum and the re-graded bank will be planted with a mixture of native grasses, trees and shrubs. In addition, the applicant will plant a 1.21 acre riparian buffer adjacent to the project site.

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Justin Hughes, U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12th Street, Kansas City, Missouri, 64106 or by calling 816-389-3211 or via email at justin.w.hughes@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: The project area is within the known range and contains suitable habitat for the northern long-eared bat (*Myotis septentrionalis*). According to the applicant, the total forested area to be cleared for the project is approximately 0.41 acres. If the public interest review results in a favorable permit decision, the following special condition will be included in the permit:

“Please be aware that the threatened northern long-eared bat (*Myotis septentrionalis*) May be present within your project area. To “not adversely affect” the listed species, the permittee shall avoid cutting and clearing trees within the project area during June 1 – July 31. If implementation of the seasonal tree cutting restriction is not possible, summer surveys should be conducted to document the presence or likely absence of the northern long-eared bat within the project area. The survey must be conducted by an approved surveyor and be designed and conducted in coordination with the Endangered Species Coordinator for the U.S. Fish and Wildlife Service, Kansas Ecological Services Field Office. If you anticipate timber clearing either beyond one acre or outside these dates, please contact the Corps of Engineers, Regulatory Branch, for further consultation with the U.S. Fish and Wildlife Service. For more information about the northern long-eared bat, the final listing as threatened, the 4(d) rule and related information, visit the U.S. Fish and Wildlife Service’s website at: www.fws.gov/midwest/endangered/mammals/nleb.”

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 or federal agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application to the Environmental Protection Agency 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 Environmental Protection Agency'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.

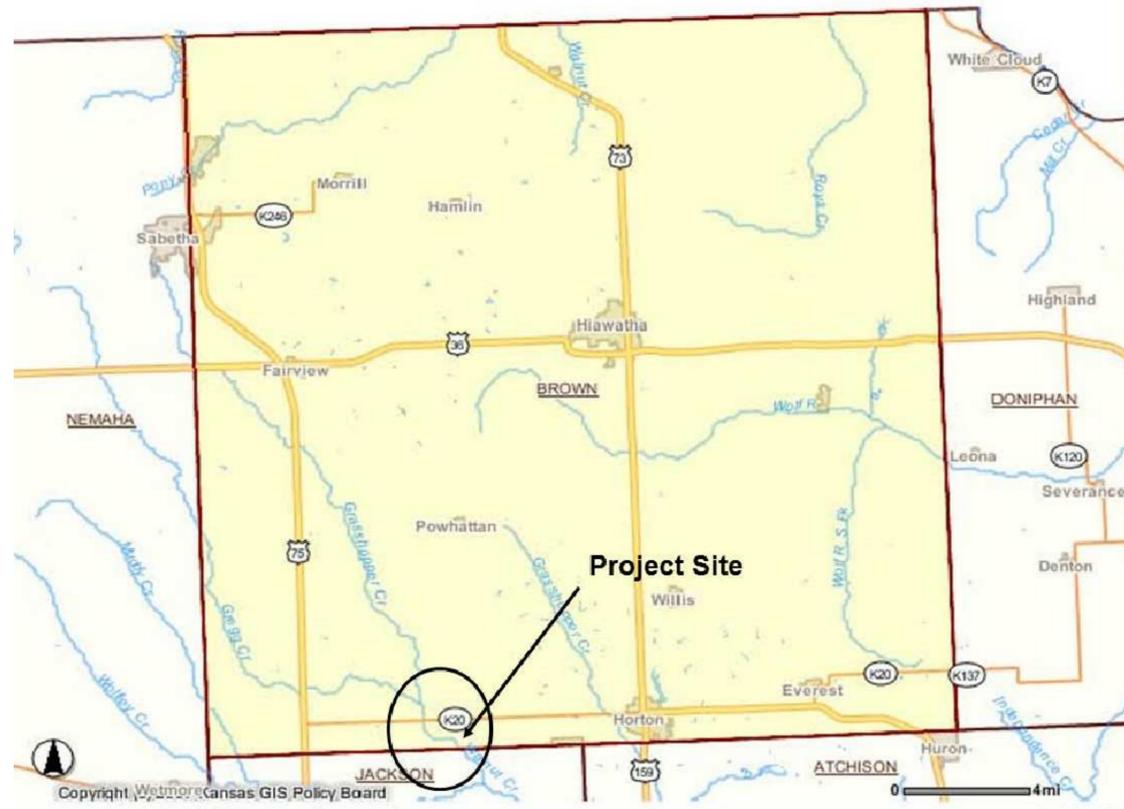
PUBLIC HEARING: Any person may request, in writing, prior to the expiration date of this public notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

Delaware River Stream Rehabilitation Project

Kickapoo Property Owner

Brown County, Kansas

NE 1/4, SE 1/4 Sec. 32, T4S, R16E

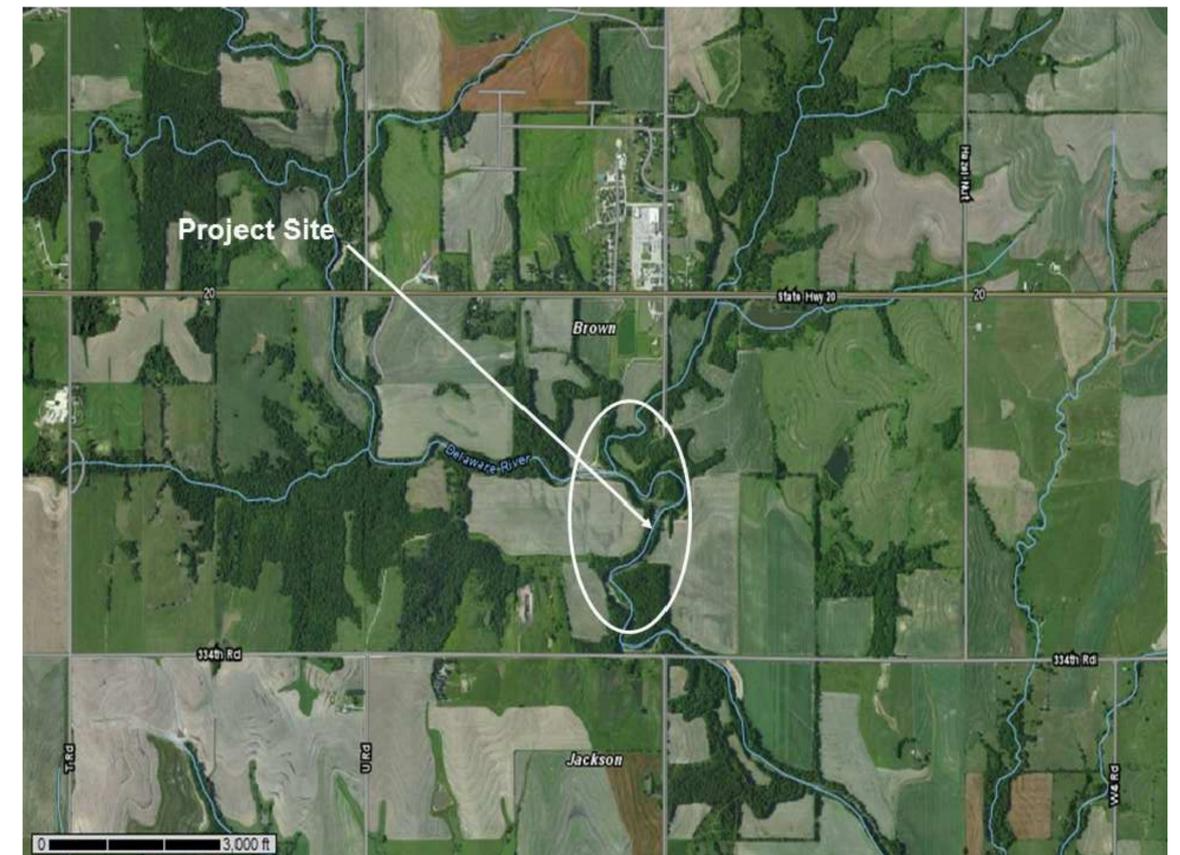


Brown County Map
NTS



Sheet Index

Sheet No.	Sheet Title
1	Cover Sheet
2	Plan Sheet
3	Detail Sheet
4-5	Cross Section Sheet



Site Location Map
NTS

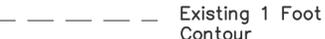
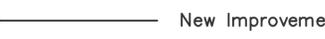
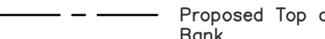


Quantities

Item	Unit	Total
Rock	C.Y.	1039
Rock	Tons	1559
Soil Moving	C.Y.	4735
Bare Root Trees	Each	825
Live Stakes	Each	0
Temp. Seeding	Acres	0.79
Native Grass Seeding	Acres	0.79
Mulching	Acres	0.79

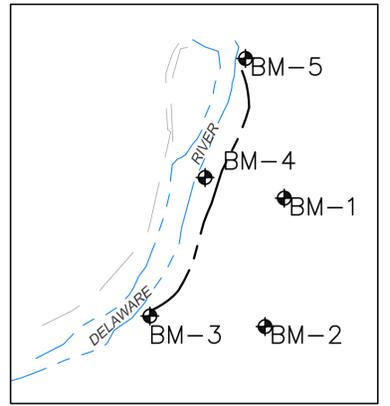
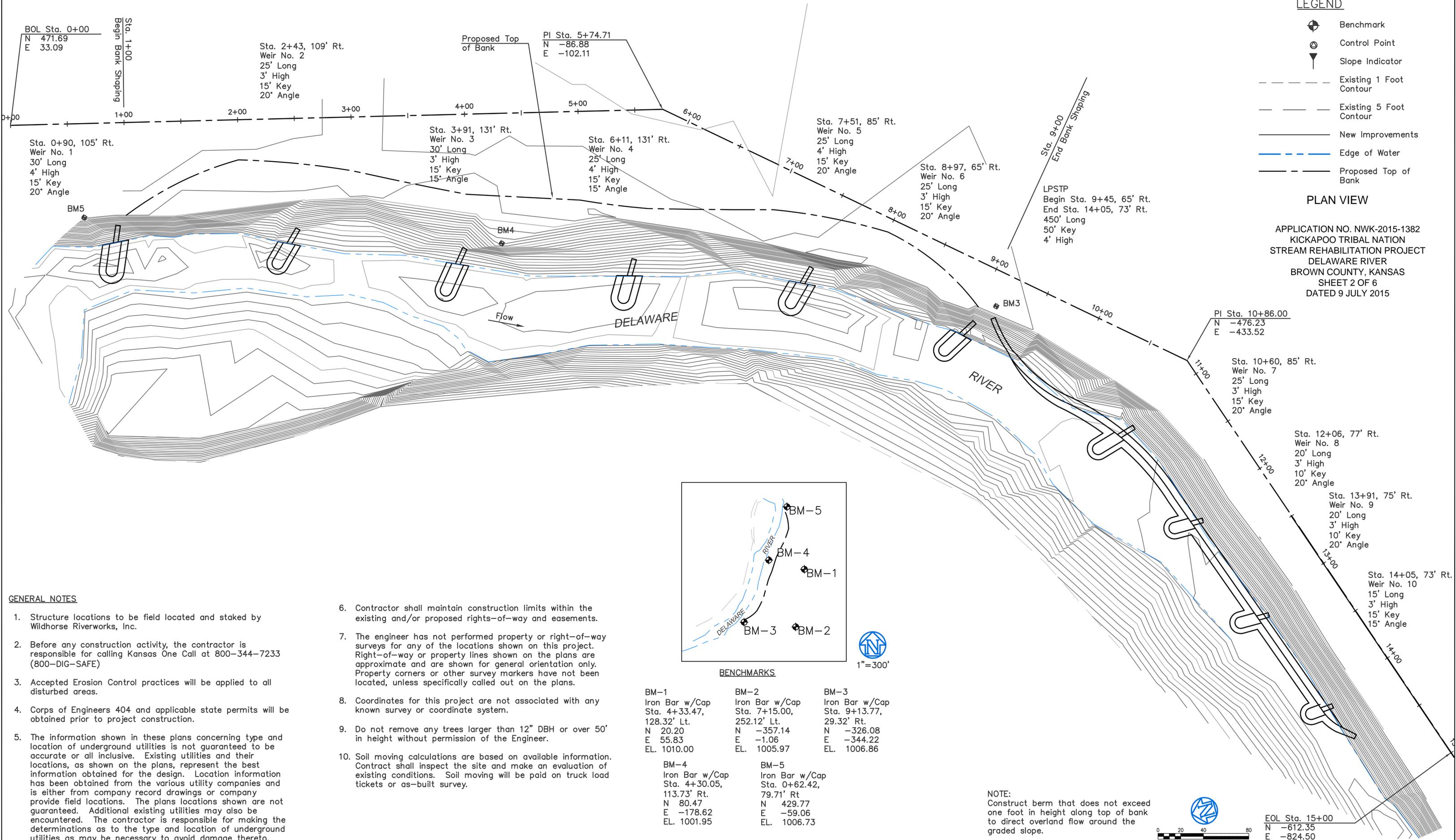
APPLICATION NO. NWK-2015-1382
 KICKAPOO TRIBAL NATION
 STREAM REHABILITATION PROJECT
 DELAWARE RIVER
 BROWN COUNTY, KANSAS
 SHEET 1 OF 6
 DATED 9 JULY 2015

LEGEND

-  Benchmark
-  Control Point
-  Slope Indicator
-  Existing 1 Foot Contour
-  Existing 5 Foot Contour
-  New Improvements
-  Edge of Water
-  Proposed Top of Bank

PLAN VIEW

APPLICATION NO. NWK-2015-1382
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 STREAM REHABILITATION PROJECT
 DELAWARE RIVER
 BROWN COUNTY, KANSAS
 SHEET 2 OF 6
 DATED 9 JULY 2015



BENCHMARKS

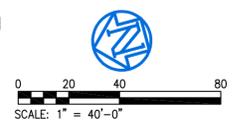
BM-1 Iron Bar w/Cap Sta. 4+33.47, 128.32' Lt. N 20.20 E 55.83 EL. 1010.00	BM-2 Iron Bar w/Cap Sta. 7+15.00, 252.12' Lt. N -357.14 E -1.06 EL. 1005.97	BM-3 Iron Bar w/Cap Sta. 9+13.77, 29.32' Rt. N -326.08 E -344.22 EL. 1006.86
BM-4 Iron Bar w/Cap Sta. 4+30.05, 113.73' Rt. N 80.47 E -178.62 EL. 1001.95	BM-5 Iron Bar w/Cap Sta. 0+62.42, 79.71' Rt. N 429.77 E -59.06 EL. 1006.73	

GENERAL NOTES

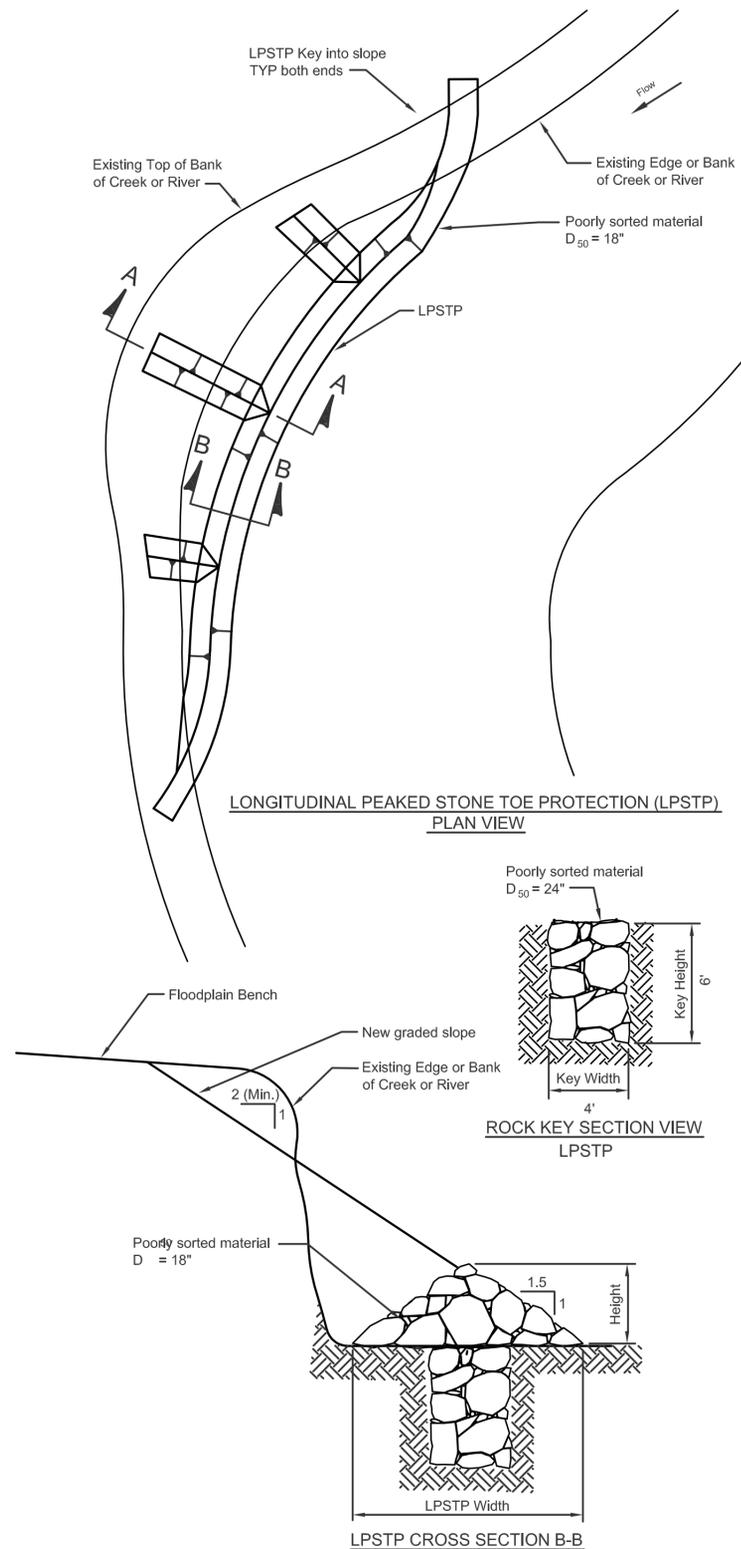
1. Structure locations to be field located and staked by Wildhorse Riverworks, Inc.
2. Before any construction activity, the contractor is responsible for calling Kansas One Call at 800-344-7233 (800-DIG-SAFE)
3. Accepted Erosion Control practices will be applied to all disturbed areas.
4. Corps of Engineers 404 and applicable state permits will be obtained prior to project construction.
5. The information shown in these plans concerning type and location of underground utilities is not guaranteed to be accurate or all inclusive. Existing utilities and their locations, as shown on the plans, represent the best information obtained for the design. Location information has been obtained from the various utility companies and is either from company record drawings or company provide field locations. The plans locations shown are not guaranteed. Additional existing utilities may also be encountered. The contractor is responsible for making the determinations as to the type and location of underground utilities as may be necessary to avoid damage thereto.

6. Contractor shall maintain construction limits within the existing and/or proposed rights-of-way and easements.
7. The engineer has not performed property or right-of-way surveys for any of the locations shown on this project. Right-of-way or property lines shown on the plans are approximate and are shown for general orientation only. Property corners or other survey markers have not been located, unless specifically called out on the plans.
8. Coordinates for this project are not associated with any known survey or coordinate system.
9. Do not remove any trees larger than 12" DBH or over 50' in height without permission of the Engineer.
10. Soil moving calculations are based on available information. Contract shall inspect the site and make an evaluation of existing conditions. Soil moving will be paid on truck load tickets or as-built survey.

NOTE:
 Construct berm that does not exceed one foot in height along top of bank to direct overland flow around the graded slope.

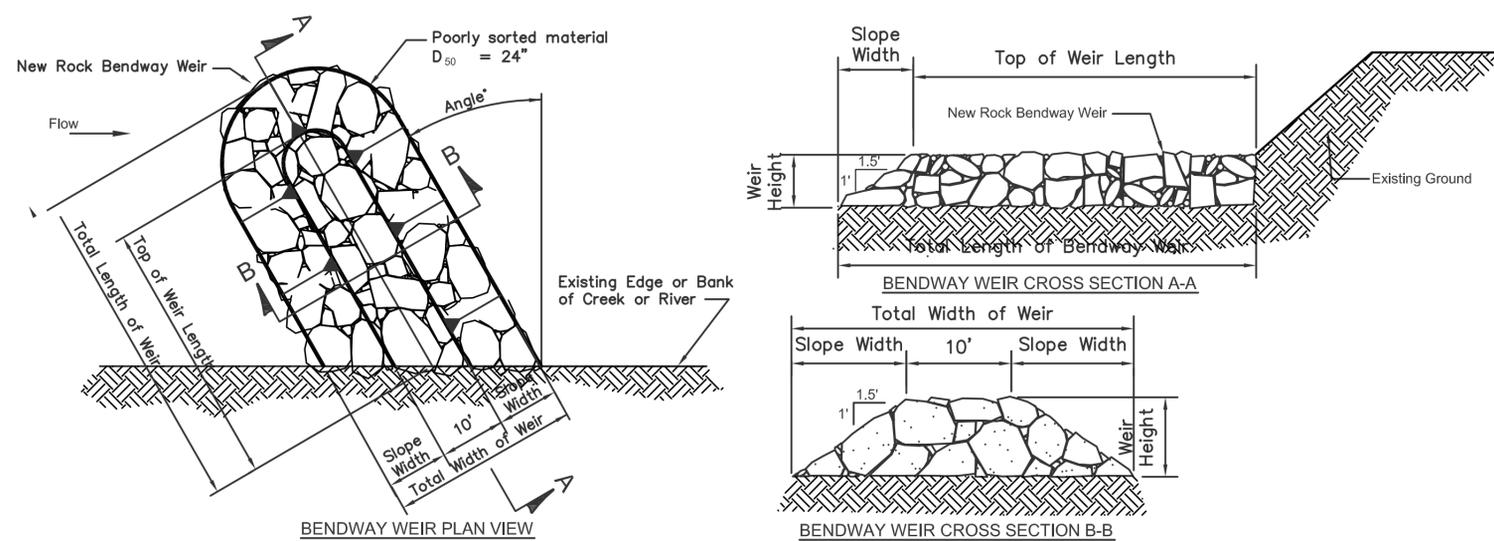


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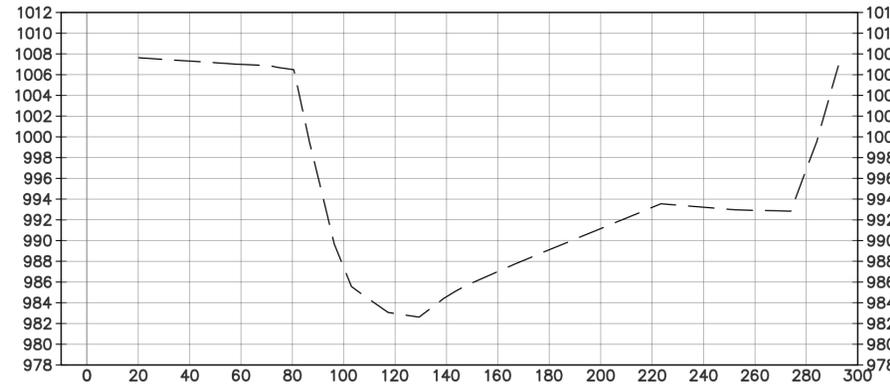
Structure Specification Sheet										Phil Balch, 2002 - revised 3/2006	
Project Name		Stream		County		State		Bank		Height	
Kickapoo Stream Rehabilitation		Delaware River		Brown		Kansas					
								Length		Height	
								800		22	
								Shaped		Total	
								800		1,500	
Structure										Key	
#	Type	Spacing	Angle	Area	Height	Length	Key Length	Yards3	yds3	Tons	Material Specifications
		ft.	(Degrees)	sq. ft.	ft.	ft.	ft.				
1	Weir	100	20	660	4	30	15	71	15	129.0	Poorly Sorted Limestone Rock
2	Weir	100	20	475	3	25	15	33	15	72.0	Poorly Sorted Limestone Rock
3	Weir	100	15	570	3	30	15	49	15	96.0	Poorly Sorted Limestone Rock
4	Weir	100	15	550	4	25	15	59	15	111.0	Poorly Sorted Limestone Rock
5	Weir	100	20	550	4	25	15	59	15	111.0	Poorly Sorted Limestone Rock
6	Weir	165	20	475	3	25	15	41	15	84.0	Poorly Sorted Limestone Rock
1	LPSTP	N/A	N/A	9900	4	450	40	405	40	667.5	Poorly Sorted Limestone Rock
7	Weir	100	20	475	3	25	15	41	15	84.0	Poorly Sorted Limestone Rock
8	Weir	100	20	380	3	20	15	33	15	72.0	Poorly Sorted Limestone Rock
9	Weir	100	20	380	3	20	15	33	15	72.0	Poorly Sorted Limestone Rock
10	Weir		15	285	3	15	15	25	15	60.0	Poorly Sorted Limestone Rock
								Total yds3	1,039	1,559	
Site Information										Quantities List	
Structure Height / ft.		3		Cord Length / ft.		1310		Shot Rock Rock / Cubic Yards		1,039	
Crest Width / ft.		10		Mid Ord / ft.		242		Shot Rock / Tons		1,559	
Finished Slope Grade/H:V		3.00		BkF Elev		996		At Station		9+00	
Schumm Channel Stage		5		Rosgen Classification		C5		Soil moving/ Cubic Yds.		4,735	
Radius of Curvature / ft.		1,007.415		Channel Width / ft.		105.00		Bare Root Trees		825	
Max. Structure Spacing / ft.		223.038		Tortuosity		9.594		Live Stakes		0	
Reg. Structure Spacing / ft.		148.824		Critical Shear Stress		0.327 lbs./sq.ft.		Temporary Seeding / acres		0.79	
Hydraulic Radius / ft.		3.350		Slope = ft./ ft.		0		Native Grass Seeding / acres		0.79	
Cross Sectional Area / sq. ft.		794.2		Wetted Perimeter / ft.		237.1		Mulching / acres		0.79	
Bank Full Discharge / cfs		4,387		Manning's n		0.024		Geo-textile fabric / sq.yds.		0.00	
				Mean Velocity / fps		5.52					
Channel Bank Vegetation - Practice Code 322				Five Year Flood Frequency -				Landowner		Kickapoo Tribal Nation	
Vegetation Type		Quantity		Discharge / cfs		12,770		C/O			
Bare Root Seedlings / ea.		825.00						Address		1107 Goldfinch Road	
Live Stakes / ea.		0.00						City, State Zip		Horton, Kansas 66439	
Seeding / acres		0.79						Phone		785-486-2601	
Mulching - Practice Code 484								Legal		NE 1/4, SE 1/4, Sec. 32, T4S, R16E	
Mulching / acres		0.79						Date		5/22/2015	

DETAILS AND QUANTITIES

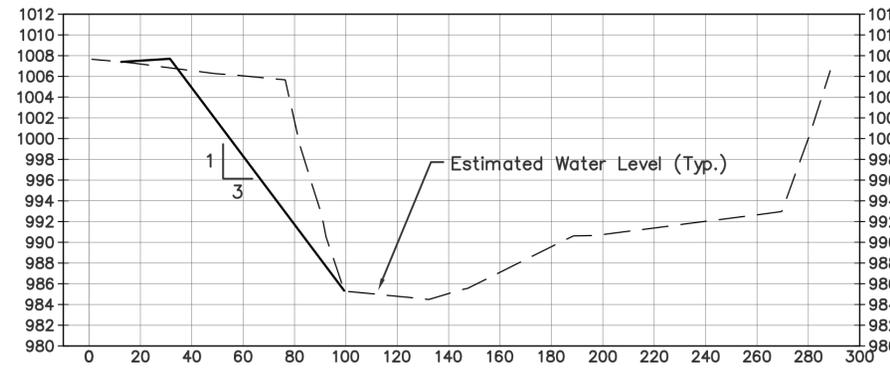


CROSS SECTIONS

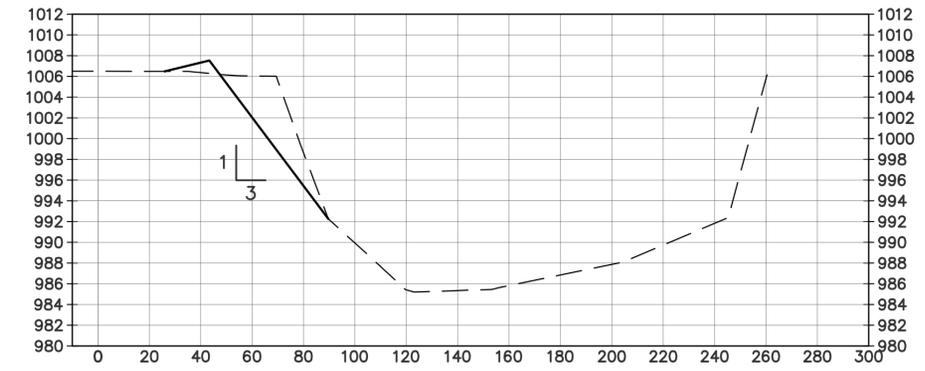
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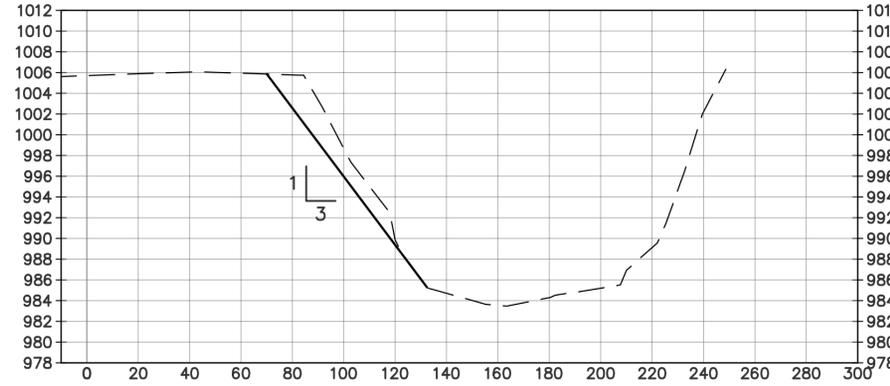
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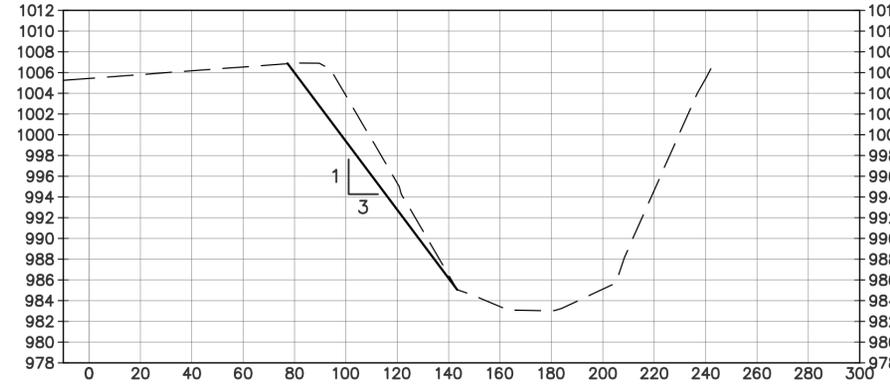
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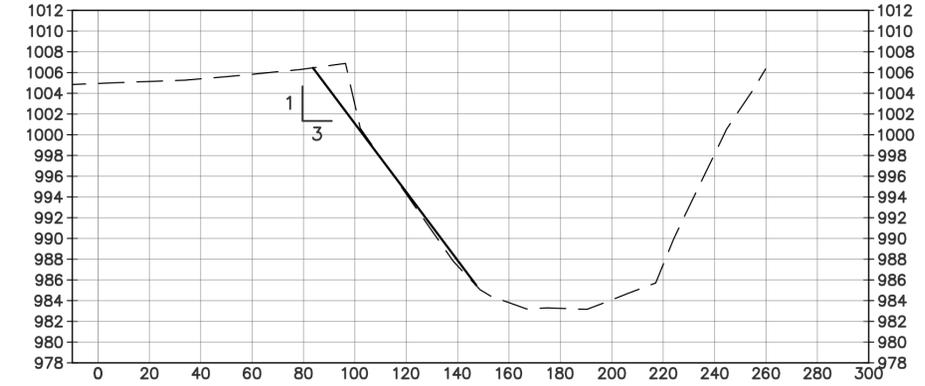
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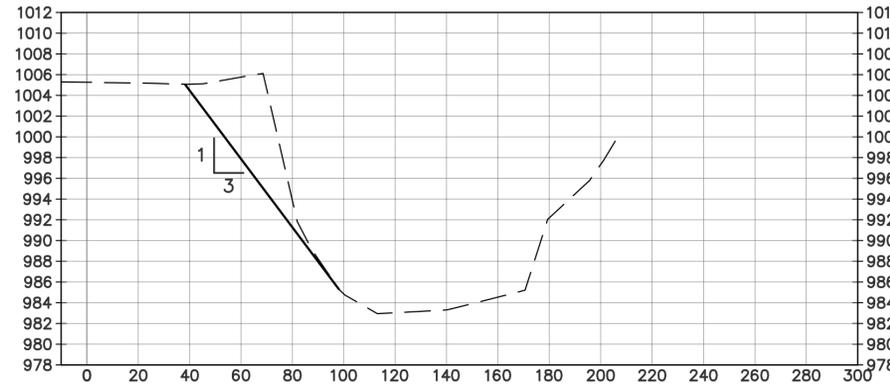
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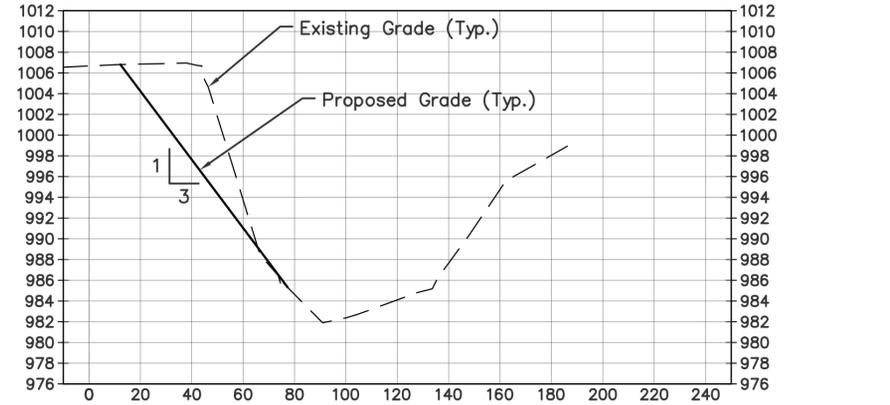
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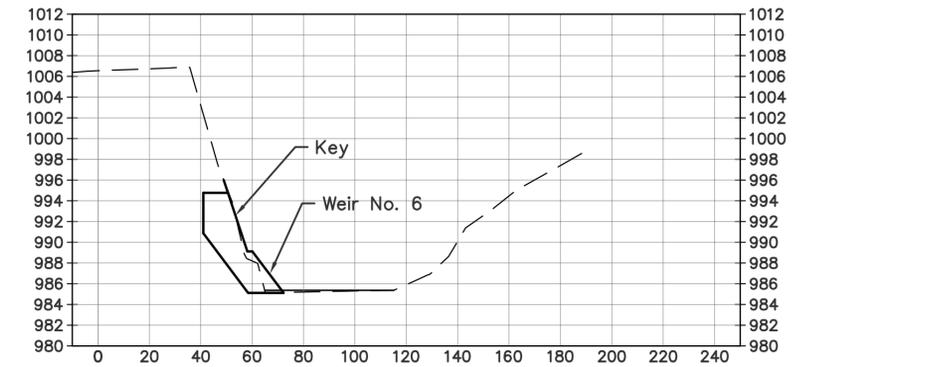
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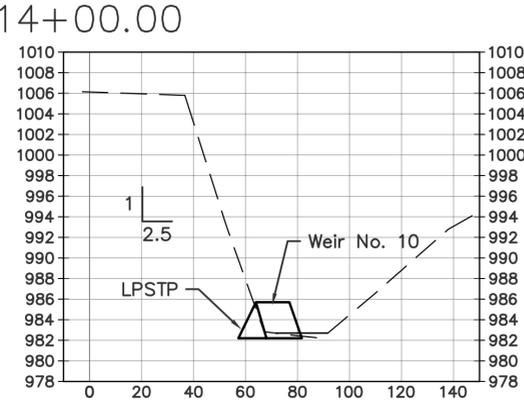
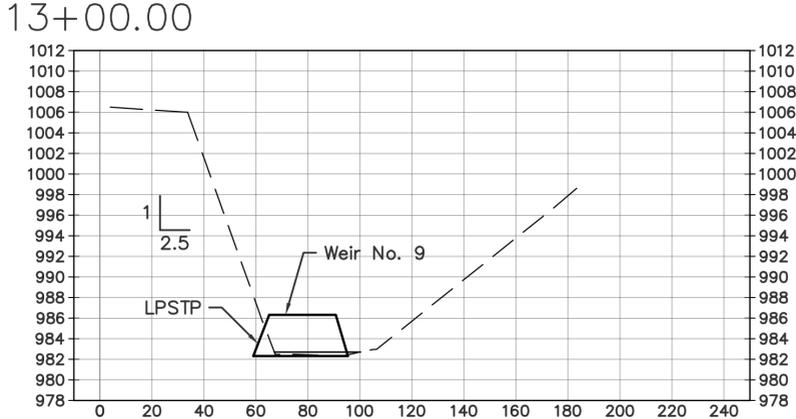
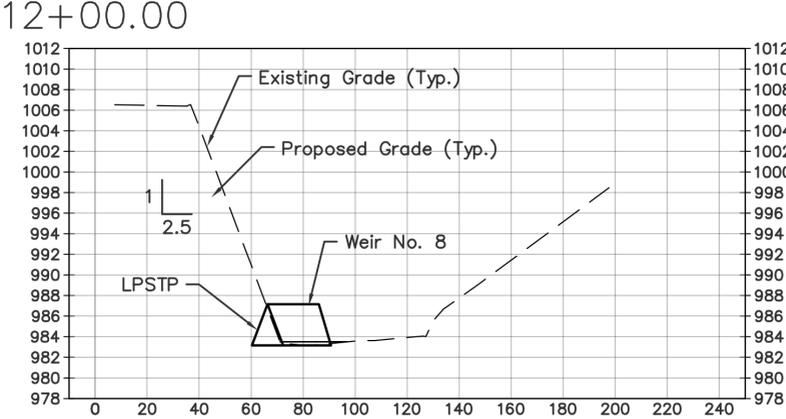
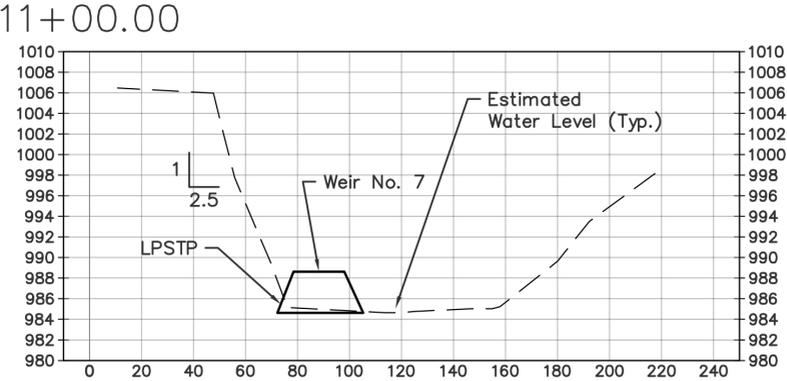
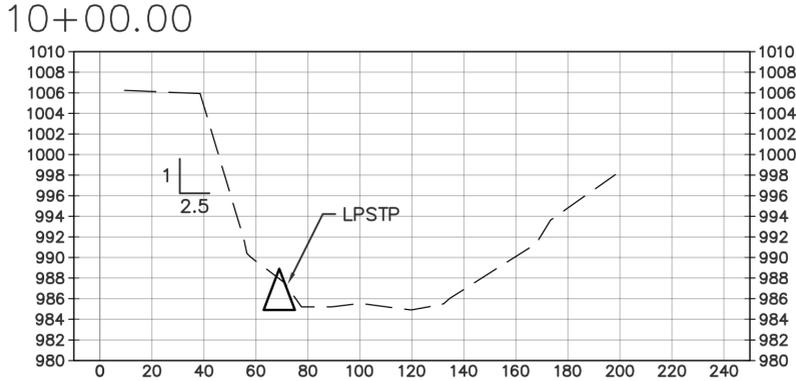
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CROSS SECTIONS



APPLICATION NO. NWK-2015-1382
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 STREAM REHABILITATION PROJECT
 DELAWARE RIVER
 BROWN COUNTY, KANSAS
 SHEET 5 OF 6
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Scale: Vert.: 1"=10'
 Horiz.: 1"=40'

Legend – Kickapoo Delaware Project Site – 1,500 ft.
Bank Shaping & Tree Planting 800 ft. - 
No Bank Shaping 700 ft. - 

Kickapoo Site Phase 4

380 ft

1991

Imagery Date: 9/2/2013 39°39'26.98" N 95°38'26.35" W elev 1002 ft eye alt 2746 ft

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Google earth