

PUBLIC NOTICE



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

**Permit No. NWK-2015-1840
Issue Date: September 4, 2015
Expiration Date: September 25, 2015**

21-Day 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 #110
1102 Broadway
Marysville, Kansas 66508

PROJECT LOCATION (As shown on the attached drawings): The project is located in a tributary to Little Indian Creek in Section 6, Township 1 south, Range 6 east, Marshall County, Kansas. (Latitude: 39.99565 – Longitude: -96.79941 – Quad: Hanover East)

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 18,000 cubic yards of fill material for the construction of an earthen floodwater detention dam. The new watershed impoundment would have a 6.3 acre permanent pool and would fill/inundate 2,788 linear feet of intermittent with pools and ephemeral stream channels. The proposed dam would be 665 feet long, 24.6 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. The purpose as stated by the applicant is to create a multi-purpose dam that provides flood control, sediment retention, water quality improvement, and irrigation potential.

WETLANDS: A wetland delineation completed by the applicant identified a .037 acre emergent wetland within the proposed project site.

AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION:

The proposed mitigation would be creating and preserving existing buffers and excluding livestock from and around stream channels below the impoundment and along tributaries downstream of the dam. The mitigation would be required to meet the Kansas Stream Mitigation Guidelines. 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. A Phase II archaeological survey was conducted of the project area. The findings of the survey resulted in no effect on cultural resources. 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 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.

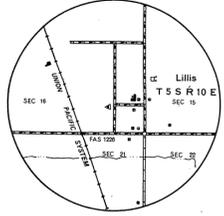
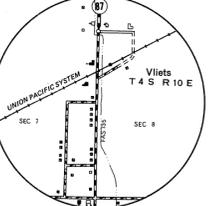
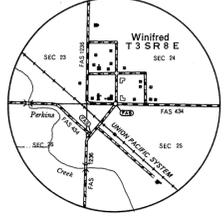
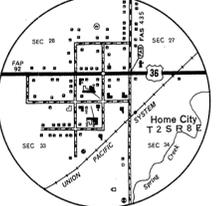
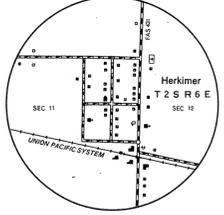
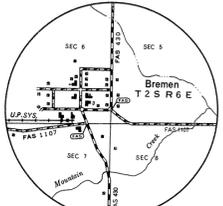
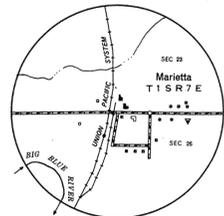
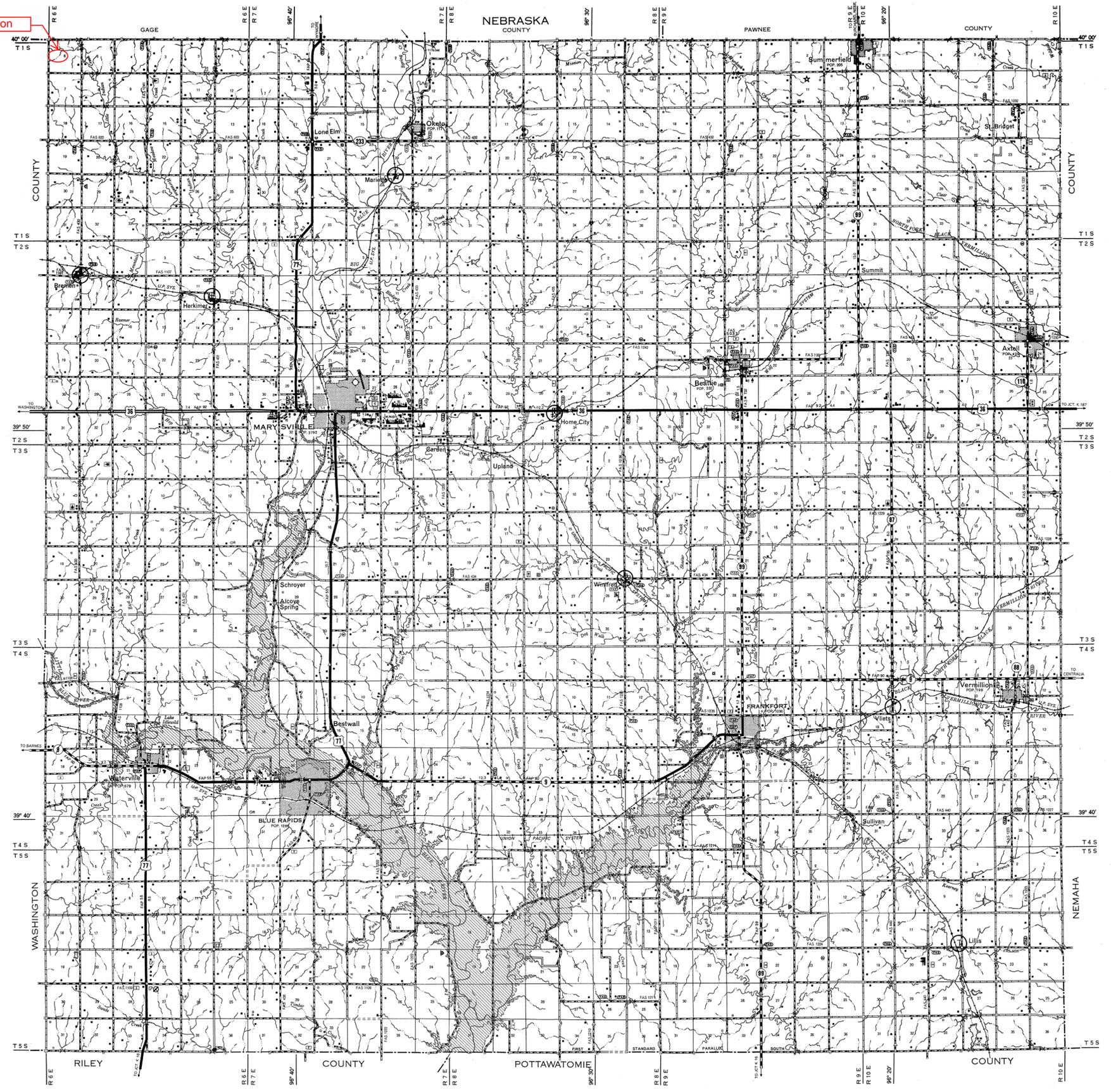
PUBLIC INTEREST REVIEW: The decision to issue a permit will be based on an evaluation of the probable impact including the cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The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

Project Location



LEGEND

Legend table with columns for 'ROADS AND ROADWAY FEATURES', 'RAILROADS', 'AIRWAYS AND AIRPORTS', 'NAVIGATION', 'DRAINAGE', 'STRUCTURES', 'BRIDGES FOR LONG RIVER CROSSINGS', 'MISCELLANEOUS STRUCTURES', 'BOUNDARIES', 'CITY AND VILLAGE CENTERS', 'NATURAL FEATURES', 'CONSERVATION AND RECREATION', 'FARM UNITS, DWELLINGS, ETC.', and 'INDUSTRIAL'. Each feature is accompanied by a specific symbol or line style.

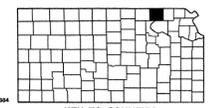
APPLICATION NO. NWK-2015-1840
HORSESHOE CREEK JOINT WATERSHED DISTRICT #110
EARTHEN FLOODWATER DETENTION DAM
TRIBUTARY TO LITTLE INDIAN CREEK
MARSHALL COUNTY, KANSAS
SHEET 1 OF 4
DATED 4 SEPTEMBER 2015

GENERAL HIGHWAY MAP
MARSHALL COUNTY
KANSAS

PREPARED BY THE
KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION PLANNING
IN COOPERATION WITH THE
U. S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

SCALE
0 1 2 3 4 MILES

1986
POLYCONIC PROJECTION



POPULATION - DIVISION OF THE BUDGET 1984
INVENTORY COMPLETED 12-31-86
F. A. AND STATE
SYSTEMS REVISED TO 8-8-87

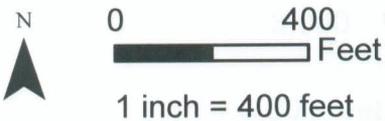
KEY TO COUNTIES
HORIZONTAL CONTROL BASED ON
U. S. COAST AND GEODETIC SURVEY
NET 1983



Construct
Detention Dam

Project Area

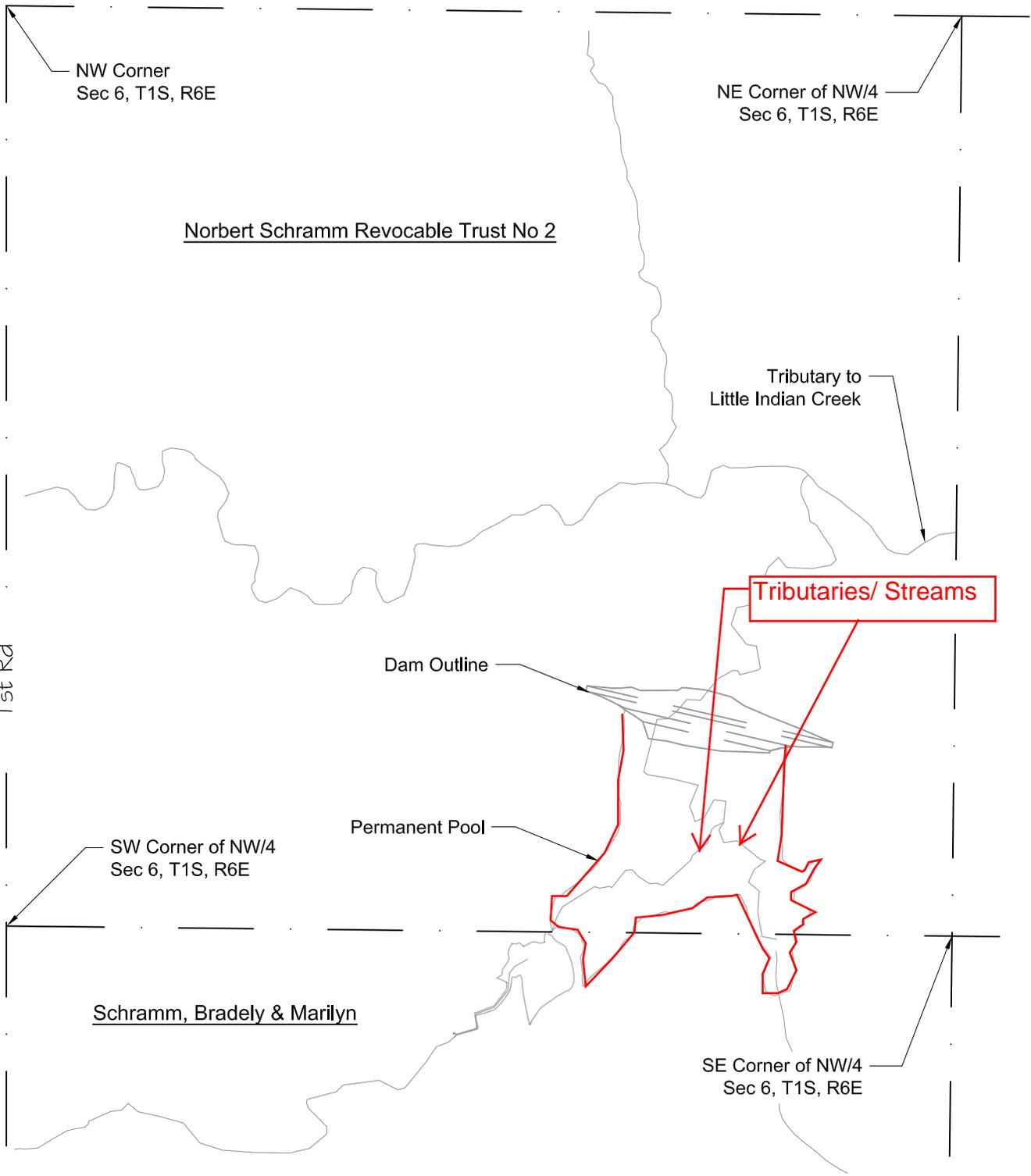
- 4725: Kipson-Sogn complex, 5-30% slopes
- 7868: Nodaway silt loam, channeled, occasionally flooded
- 7684: Wymore silty clay loam, 3-6% slopes, eroded
- 7681: Wymore silty clay loam, 1-3% slopes



Marshall County Soil Survey
 Horseshoe Creek Dam Site 19 Project
 Marshall County, Kansas
 Source: USDA-NRCS Marshall County Soil Survey

Survey Area

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 SHEET 2 OF 4
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Legend

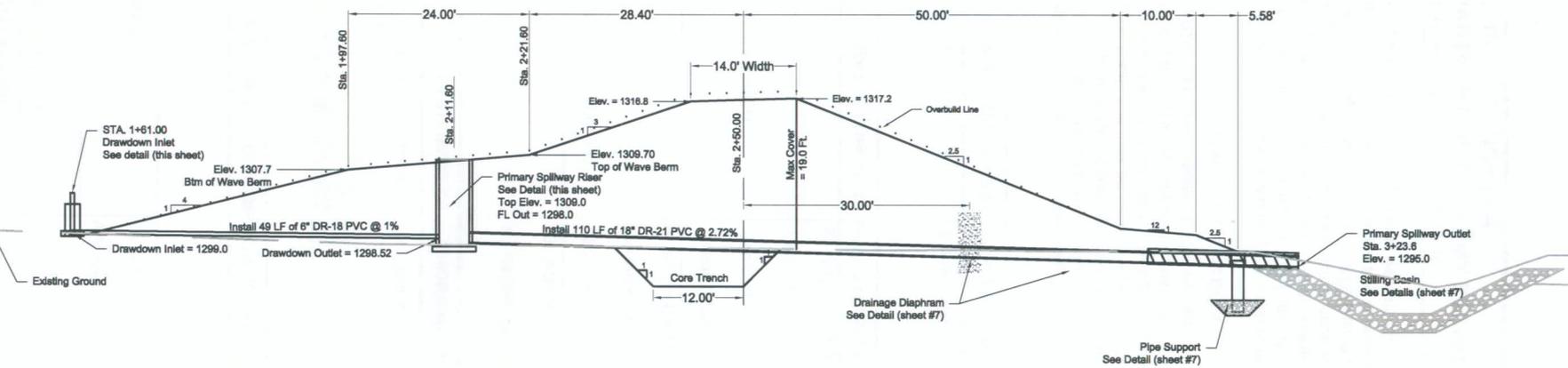
- - - - - Section Line
- - - - - Easement/Right-of-way Line

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 SHEET 3 OF 4
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Planview
 Site #19
 Horseshoe Ck. WJD #110

SCALE

Dam Cross Section



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