

# PUBLIC NOTICE



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

**Permit No. NWK-2015-1878  
Issue Date: September 29, 2015  
Expiration Date: October 29, 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 on the attached map): The project location for mitigation plan SSTF1008-Dallas County is in Greasy Creek on Engle Road in Section 20, Township 34 north, Range 19 west, Dallas County, Missouri.  
[USGS QUAD Charity -- Latitude: 37.659199 -- Longitude: -93.044758]

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

**ACTIVITY** (As described in the referenced mitigation plan): This notice announces a proposed amendment to the Stream Stewardship Trust Fund (SSTF) In-Lieu Fee (ILF) Instrument. The amendment is for the acceptance of mitigation plan SSTF1008-Dallas County, which describes removing a concrete low-water crossing containing four box culverts and replacing it with a low water span bridge. Comments are requested from the public and from local, state, and Federal resource agencies on the proposed amendment. If approved by the District Engineer, in consultation with the Interagency Review Team (IRT), this amendment will have the potential of creating 15,198.4 stream mitigation credits, minus any partial reduction of credits that would be generated from partial use of Federal funds for the project as required by the 2008 Mitigation Rule. The stream mitigation credits would be available for use in the Ozark/Osage Ecological Drainage Unit (EDU).

The ILF mitigation plan SSTF1008-Dallas County is available for review at:  
<http://www.nwk.usace.army.mil/Media/PublicNotices.aspx>

The objectives for this mitigation plan are to remove a crossing that is acting as a stream impediment for aquatic organism passage, improve public transportation on Engle Road, and provide a demonstration site showing an environmentally preferable stream crossing design. Removal of the crossing will also offer an opportunity for population dispersal upstream from the site by the Federally threatened Niangua Darter, *Etheostoma nianguae*, which inhabits portions of Greasy Creek. The crossing is one of five fish passage barriers identified in the Niangua River watershed. The Sponsor proposes to enter into a 30-year term cooperative agreement with the Dallas County Commission to provide standard maintenance at the crossing.

The 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 the Dallas County Commission and the U.S. Fish & Wildlife Service.

**APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES:** The mitigation plan is proposed under the SSTF ILF Instrument to be used as compensatory mitigation for stream impacts authorized by Department of the Army permits in the Ozark/Osage EDU. The Sponsor will avoid and minimize impacts during removal of the existing low water crossing to the maximum extent practicable through project design. If any adverse effects occur at the site, the Sponsor is required through their instrument to address the issues on a case-by-case basis with best management practices that have been approved by the Corps in consultation with the IRT. No additional compensatory mitigation is proposed for this mitigation plan.

**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, 515 East High Street, Suite 102, Jefferson City, Missouri 65102; telephone No. 816-389-3834; email: [james.a.ptacek@usace.army.mil](mailto: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 in southern Missouri. It contains 12.9 miles within the known range of the Federally threatened Niangua Darter, *Etheostoma nianguae*. The U.S. Fish and Wildlife Service has completed an Intra-Service Section 7 Biological Evaluation of the mitigation plan and finalized a *May Affect but Not Likely to Adversely Affect* determination for the darter under the Endangered Species Act. The Fish & Wildlife Service determination has been conditioned to minimize the direct and local impacts of the crossing removal and new bridge construction to the darter. We are 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:** 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.

APPLICATION NO. 2015-01878  
BY THE MISSOURI  
CONSERVATION HERITAGE  
FOUNDATION  
FOR MITIGATION PLAN  
SSTF1008-DALLAS COUNTY  
ON GREASY CREEK  
IN DALLAS COUNTY,  
MISSOURI

SSTF1008-Dallas Co.

Project Site

Co Rd

Union Home Cem

19  
Creek

20

NIANGUA  
RIVER

Buffalo, Missouri



1.2 Miles

Greasy

K-16 Steelman Rd

Ozark Trail

Engle Sch

29