

PUBLIC NOTICE



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

**Permit No. NWK-2015-192
Issue Date: August 24, 2015
Expiration Date: September 14, 2015**

21-Day Notice

This public notice is issued jointly with the Missouri Department of Natural Resources, Water Pollution Control Program. The Department of Natural Resources 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 Missouri Department of Natural Resources, P.O. Box 176, Jefferson City, Missouri 65102.

APPLICANT: Dale Custom Construction Incorporated
1907 SW Meyer Boulevard
Blue Springs, Missouri 64015

PROJECT LOCATION (As shown on the attached drawings): The project is located in an unnamed tributary of the Missouri River, northeast of N Green Hill Road and NW Parkdale Road, in Section 31, Township 51 north, Range 33 west, in Platte County, Missouri.

USGS QUAD: MO -PARKVILLE ---- Latitude: 39.18601° – Longitude: -94.64274°

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

ACTIVITY (As shown on the attached drawings): **Completed Work:** The applicant has placed fill material into waters of the United States for the creation of a 6-acre private recreational lake to support a dock, canoeing, swimming, and fishing. The work began in October 2014 and was completed in early 2015. The completed work was within an intermittent tributary to the Missouri River. The applicant has graded 830 linear feet (LF) of the intermittent tributary for the inundation of the pond, and has placed 100 LF of fill within the intermittent tributary for the construction of the earthen dam. The purpose of the project, as stated by the applicant, is to provide a maximum linear footprint private recreational lake to support a dock, canoeing, swimming, and fishing.

WETLANDS/AQUATIC HABITAT: The site contains 930 LF of intermittent tributary. No wetlands were identified by using Off-Site Methodology or viewed on two site visits.

APPLICANT'S STATEMENT OF AVOIDANCE, MINIMIZATION, AND COMPENSATORY MITIGATION FOR UNAVOIDABLE IMPACTS TO AQUATIC RESOURCES: "A segment of intermittent tributary (435 LF estimated) upstream from the lake is not inundated with backwater. A segment of intermittent tributary (125 LF estimated) downstream from the dam is not filled. Minimization is achieved through the natural colonization of hydrophytic plant species in shallow margins along the lake littoral edge. For unavoidable impacts to jurisdictional waters, the applicant proposes the creation of in-stream permittee-provided mitigation credit at a site within two miles of the subject site."

ADDITIONAL INFORMATION: Additional information about this application may be obtained by contacting Kailey Jones, U.S. Army Corps of Engineers, Kansas City Regulatory Office, 601 East 12th Street, Room 402, Kansas City, Missouri 64106, telephone 816-389-2123, email kailey.j.jones@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: In compliance with the Endangered Species Act, a preliminary determination has been made that the described work did not affect species designated as threatened or endangered or adversely affect critical habitat. Tree removal began in October 2014 and work in waters of the United States was complete in early 2015. As this time period was mostly during the hibernation period of the federally listed Indiana bat, it is assumed that there were no impacts to the species besides removal of 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.

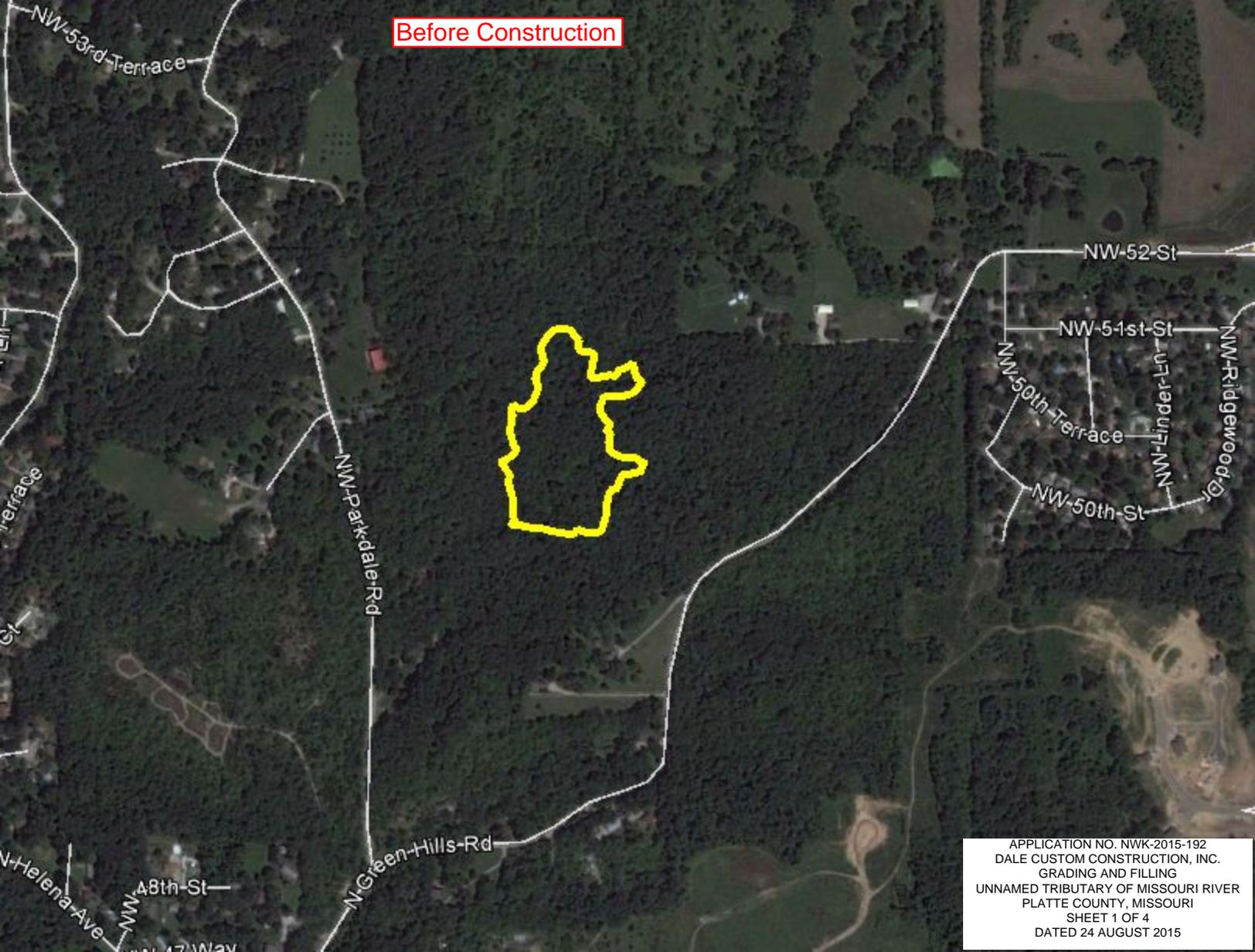
WATER QUALITY CERTIFICATION: Section 401 of the Clean Water Act (33 USC 1341) requires that all discharges of dredged or fill material must be certified by the appropriate state agency as complying with applicable effluent limitations and water quality standards. This public notice serves as an application 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.

Before Construction



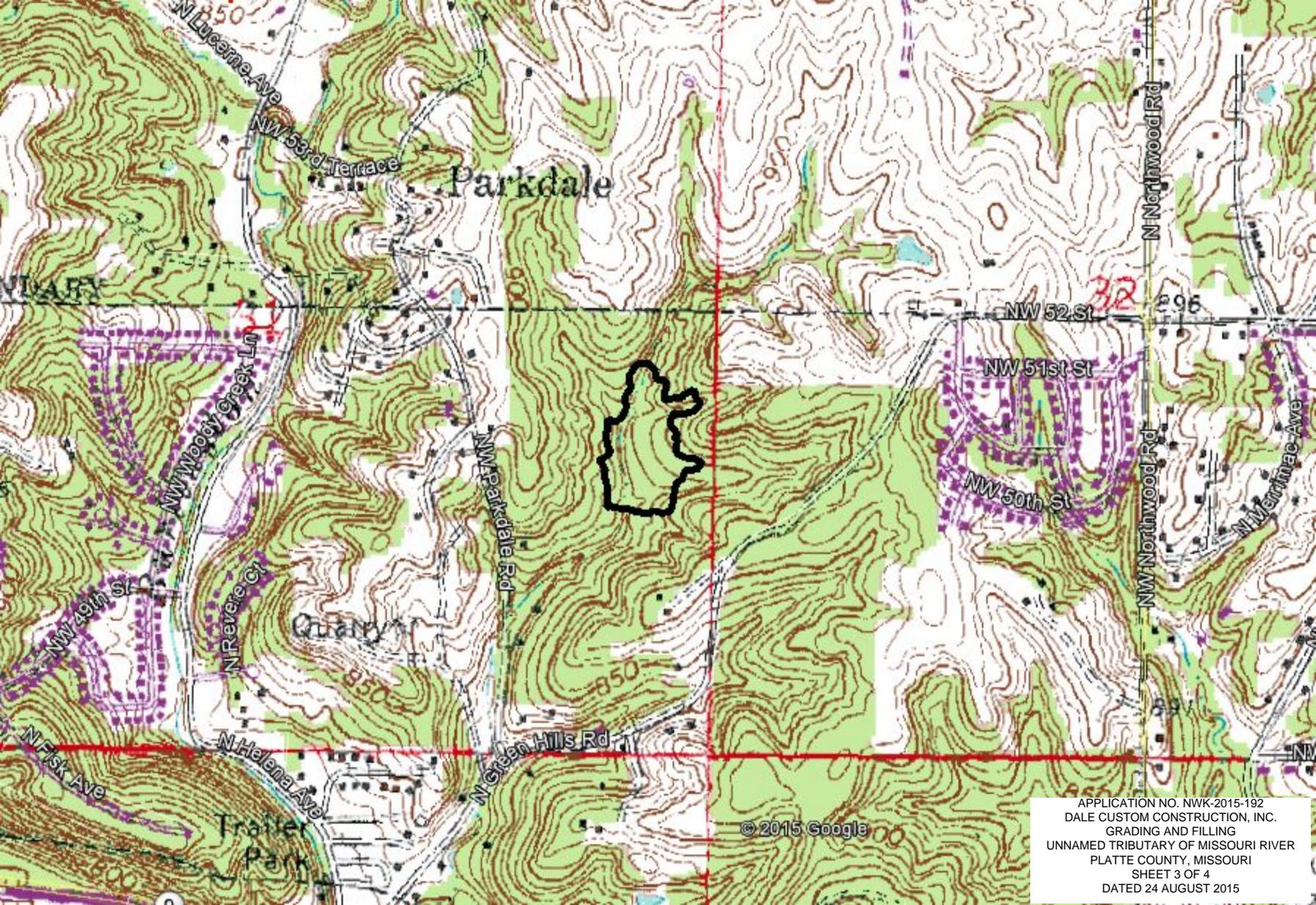
APPLICATION NO. NWK-2015-192
DALE CUSTOM CONSTRUCTION, INC.
GRADING AND FILLING
UNNAMED TRIBUTARY OF MISSOURI RIVER
PLATTE COUNTY, MISSOURI
SHEET 1 OF 4
DATED 24 AUGUST 2015

After Construction



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DALE CUSTOM CONSTRUCTION, INC.
GRADING AND FILLING
UNNAMED TRIBUTARY OF MISSOURI RIVER
PLATTE COUNTY, MISSOURI
SHEET 2 OF 4
DATED 24 AUGUST 2015



Parkdale



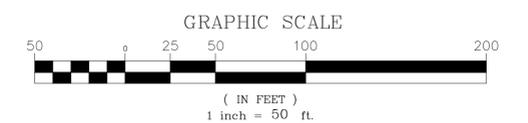
APPLICATION NO. NWK-2015-192
DALE CUSTOM CONSTRUCTION, INC.
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SHEET 3 OF 4
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JURISDICTIONAL IMPACTS



Site Location
T51N-R33W-S31
Platte County, Missouri
6 Acres
Lat. N39.186204
Long. W94.642668



Intermittent #1
Inundation Impact
830 LF X 5 Ft

Intermittent #1
Dam Fill
100 LF X 5 Ft

